

CHAPTER II

The System of Petitions and Cases, Friendly Settlements, and Precautionary Measures



CHAPTER II: THE SYSTEM OF PETITIONS AND CASES, FRIENDLY SETTLEMENTS, AND PRECAUTIONARY MEASURES

A.	Introduction	63
B.	Petitions and Cases	63
1.	Initial Study or Review.....	64
2.	Admissibility and Merits	65
3.	Archiving.....	83
4.	Portfolio meetings and information for member states.....	96
5.	Hearings on contentious cases	96
6.	Cases in transition.....	96
C.	Advances and challenges on negotiation and implementation of friendly settlements agreements	98
1.	Introduction.....	98
2.	Relevant results on negotiation and implementation of friendly settlement agreements.....	99
3.	Activities carried out to promote friendly settlements in 2023	131
4.	Status of compliance with reports on friendly settlement agreements, approved pursuant to article 49 of the American Convention on Human Rights	134
5.	Good practices in Implementing Friendly Settlement Agreements observed in 2023.....	169
6.	Challenges and setbacks in implementing Friendly Settlement Agreements observed in 2023.....	172
D.	Cases before the Inter-American Court of Human Rights	173
1.	Referral of contentious cases	173
2.	Requests for an advisory opinion.....	242
3.	Submission of written observations in pending cases and cases of supervision of compliance with judgment	242

4.	Appearances and participation in public and private hearings	242
E.	Status of compliance with IACHR recommendations issued in the merits reports published under Article 51 of the American Convention on Human Rights or Article 47 of the IACHR Rules of Procedure	244
1.	The mandate to follow up on the recommendations of the IACHR.....	244
2.	Methodology for following up on recommendations: actions carried out in the year 2023	245
3.	Types of analysis/review	248
4.	Status of compliance with the merits reports published by Article 51 of the ACHR or Article 47 of the rules of procedure of the IACHR.....	249
5.	Activities carried out in the follow-up process in 2023	257
6.	Relevant results.....	258
F.	Precautionary Measures	262
1.	Introduction.....	262
2.	Requests for precautionary measures	263
3.	Follow-up of precautionary measures in force	265
4.	Resolutions adopted.....	276
5.	Provisional Measures.....	308
6.	Dissemination and transparency.....	313
G.	Annual statistics most representative of the Commission’s work.....	316

CHAPTER II

THE SYSTEM OF PETITIONS AND CASES, FRIENDLY SETTLEMENTS, AND PRECAUTIONARY MEASURES

A. Introduction

1. This chapter reflects the work of the Inter-American Commission on Human Rights (“the Commission” or “IACHR”) in 2023 with respect to its system of petitions, cases, friendly settlements, and precautionary measures, as well as its work involving the Inter-American Court of Human Rights. It contains the sections described below.

2. First, Section II describes the work related to the initial review of petitions, the admissibility and merits stages, and the archiving of petitions and cases. This section contains summaries of the most important decisions adopted by the Commission in 2023 in both its admissibility and merits reports. It also discusses the final reports published pursuant to Article 51 of the American Convention on Human Rights (ACHR) and the activities related to the handling of petitions and cases in compliance with the Strategic Plan 2023-2027. It likewise describes the hearings and working meetings held by the IACHR, as well as the active transparency and information measures undertaken with the States. Finally, it indicates the steps taken for referral to the Inter-American Court.

3. Second, Section III describes the Commission’s activities in its friendly settlements mechanism. This section includes an analysis of the state of compliance with the recommendations in approved friendly settlement reports.

4. Third, Section IV describes the Commission’s activities involving the Inter-American Court of Human Rights, noting the cases referred to that tribunal, as well as its written observations on pending cases and supervision of compliance with judgments. Finally, it mentions appearances and participation in public and private hearings.

5. Fourth, Section V deals with the status of compliance with the recommendations issued in the published merits reports, pursuant to Article 47 of its Rules of Procedure and Article 51 of the ACHR.

6. Fifth, Section VI recapitulates the Commission’s activities under its precautionary measures mechanism and its mandate to follow up on provisional measures requested of the Inter-American Court.

7. Finally, Section VII presents the annual statistics that are most representative of the Commission’s work.

B. Petitions and Cases

8. The Inter-American Commission on Human Rights is the only international organ in the region with the capacity to receive and process individual complaints. Through coordination with the Inter-American Court, its recommendations result in binding decisions for the States. These decisions have a transformational impact beyond individual justice. Through the petition and case system, the Commission has facilitated access to justice for victims of the most serious human rights violations, such as forced disappearance, torture, and extrajudicial killings. It has also declared the incompatibility of impunity measures, such as amnesty laws and statutes of limitation in the region. Furthermore, it has limited the jurisdiction of military criminal courts over human rights violations while encouraging the creation of public policies and protection mechanisms for groups in situations of vulnerability and those historically subject to discrimination. Thanks to this system,

standards have been set, and the system has influenced the recognition of new rights, such as the right to prior consultation, reproductive rights, and the right to the truth, a healthy environment, and access to water.

9. The petition and case system is also a unique mechanism for the protection of human rights in the region. By filing a petition with the Inter-American Commission, people whose human rights have been violated can obtain justice and comprehensive reparations. Due to its nature, this system not only benefits the victims in specific cases but has the ability to modify structural situations of human rights violations and have a transformative impact through the IACHR's recommendations, the friendly settlement agreements it approves, and eventually, the judgments handed down by the Inter-American Court. This system has been created as an essential tool for obtaining justice and reparation, fighting impunity, and introducing structural reforms in law, policy, and practice to prevent human rights violations from continuing to occur in the future.

10. Under the terms of Articles 23 to 48 of its Rules of Procedure, proceedings before the Commission are divided into the following stages: initial study or initial review, admissibility, and merits. Under Article 40 of the Rules of Procedure, parties may reach a friendly settlement at any stage of the review of a petition or case, based on respect for human rights. Furthermore, once a merits report is issued in a case, the Commission may decide to publish it, pursuant to Article 47 of the Rules of Procedure and Article 51 of the American Convention, or to refer the case to the Inter-American Court for States under its jurisdiction, as recognized in Article 51 of that treaty. Finally, it should be noted that during the processing of a petition or case, the Commission may decide to archive it under the provisions of Article 42 of its Rules of Procedure.

11. The following is an account of the IACHR's work in 2022 during the procedural stages of initial review, admissibility, and merits, along with information on archiving decisions.

1. Initial Study or Review

12. The Commission evaluates the petitions received in accordance with Articles 26 to 34 of the IACHR Rules of Procedure. Under Article 26 of the Rules of Procedure, the initial review of petitions is conducted by the Executive Secretariat, which is responsible for the examination and initial processing of petitions.

13. In the initial review stage, using a general or prima facie standard, the Commission verifies that the petition meets the same admissibility and jurisdictional requirements that will be verified in the admissibility report (Article 27), the difference being that the initial review is based solely on the information provided by the petitioner, because the State is not yet a participant at this stage, since the petition has not yet been opened to proceeding. Thus, this first review is preliminary to the subsequent admissibility review. Furthermore, Article 26(2) of its Rules of Procedure authorizes the Executive Secretariat to request additional information from petitioners, if necessary, to complete a specific aspect of its petition before making a decision at this first stage.

14. Through Resolution 1/19, the IACHR has established rules providing for the possibility that in cases where a decision has been reached not to allow a petition to proceed, the petitioners may request the Executive Secretariat to reconsider it, as long as they do so under the terms specified in the resolution. The Executive Secretariat prioritizes the initial review of new petitions, periodically granting these requests for reconsideration in chronological order, as resources permit.

15. In 2023, the Commission received 2692 petitions. By year-end, it had evaluated 2375 petitions (88%), resulting in 321 decisions to proceed, 1943 denials, and 111 requests for additional information from petitioners. This means that only 12% of all the petitions evaluated were found to have met the regulatory requirements for proceeding. This rigorous analysis enables the Commission, through its initial evaluation decisions, to safeguard the subsidiary and complementary nature of the Inter-American System, both from a procedural standpoint (when domestic remedies have not been exhausted or the granting of an exception does not apply) and a substantive one (when the acts in question clearly do not constitute a violation of rights recognized in the instruments under its jurisdiction).

16. Furthermore, the IACHR reports significant progress in reducing the backlog in the notification of petitions with a decision to proceed. Thus, the Commission ended 2023 with 664 petitions pending notification, concerning 20 member States of the Organization – 54% fewer than those reported at the end of 2022.¹ This was accomplished through the notification of 959 cases opened pursuant to Article 30 of the Commission’s Rules of Procedure, surpassing the record number reported in 2019, when 733 cases were opened.² The IACHR also decided to archive 170 petitions at this stage, pursuant to Article 42 of that same instrument. Additional information on decisions to archive at this procedural stage will be found under the heading in this chapter devoted to the matter.

17. Chronology was the criterion primarily applied in the notifications under Article 30 of the Rules of Procedure. The prioritization criteria established in Article 29(2) of the Rules of Procedure continued to be applied, identifying one or more criteria in 27.6% (266) of the petitions for which notification was received during the year.

18. These significant achievements are the natural result of strengthening the team's capacity, the launch of the new GAIA System, and the increasingly frequent electronic filing of complaints. The filing of initial complaints using digital media, whether through the Individual Petition System Portal or the e-mail address created for this purpose (CIDHDenuncias@oas.org), substantially reduces the administrative workload associated with the preparation and digitalization of pertinent parts, significantly streamlining their processing.

2. Admissibility and Merits

19. In 2023, pursuant to Articles 30 to 36 of its Rules of Procedure and 44 to 48 of the American Convention, the Commission approved 216 admissibility decisions, 123 of which (57%) were decisions declaring the admissibility of the complaint and 93 (43%) the inadmissibility. In addition to these decisions on admissibility or inadmissibility, 38 admissibility decisions were made in cases where the admissibility review was deferred to the merits phase; these latter are confidential pursuant to Article 44 of the Rules of Procedure and Article 50 of the American Convention.

20. Likewise, pursuant to the provisions in Article 37 of its Rules of Procedure, Article 20 of its Statute, and Article 50 of the American Convention, the Commission adopted 100 merits reports in which it issued a decision on the merits of the case. In them, the Commission examined the international responsibility of the States falling under its jurisdiction and issued, as appropriate, recommendations to provide comprehensive reparation for the violations that had occurred. These reports are confidential, under Article 44 of the Rules of Procedure and Article 50 of the American Convention.

21. Furthermore, in 2023, the Commission continued to implement Resolution 1/16, *On Measures to Reduce the Procedural Backlog* in the petition and case system, adopted on October 18, 2016. Thus, pursuant to Article 36(3) of its Rules of Procedure, it provided notification that it was deferring the treatment of admissibility to the merits stage in the case of 104 petitions in which some of the six requirements listed in that resolution were met. Lack of a response by the State in question during the admissibility stage continued to be the predominant criterion [for this deferral], applied in 95% (99) of these notifications.

a. Admissibility and Inadmissibility Decisions

22. This section contains 216 admissibility decisions, with 123 petitions declared admissible and 93 inadmissible.

¹ The year 2022 ended with 1,446 petitions pending notification. IACHR, 2022 Annual Report, [Chapter II: The System of Petitions and Cases, Friendly Settlements, and Precautionary Measures](#), para. 16.

² IACHR, 2019 Annual Report, [Chapter II: Petitions, Cases, and Precautionary Measures System](#), para. 11.

No.	Name of the Alleged Victim	State	Report No.	Date of Approval	Petition or Case No.	Assigned Case No.
1.	Jair de Jesús Jaramillo Arias	Colombia	1/23	1/14/2023	204-13	15.180
2.	Gustavo Marcelo Fabián Preneste	Argentina	2/23	1/22/2023	1848-14	15.185
3.	Carlos Alfredo Camacho Moro and His Mother	Bolivia	3/23	1/22/2023	1744-14	15.186
4.	Carlos Alberto Murillo Mosquera and Family	Colombia	4/23	2/3/2023	425-08	N/A
5.	Brian Eugene Lepley	United States	5/23	1/20/2023	1093-11	N/A
6.	Adrian Lopez	United States	6/23	2/15/2023	1119-17	N/A
7.	Jose Martín Suazo Sandoval et al.	Honduras	7/23	2/15/2023	1032-14	15.187
8.	David Víctor Aruquipa Pérez and Guido Álvaro Montaña Durán	Bolivia	8/23	2/24/2023	1847-19	15.230
9.	José Gerardo Piamba Castro and Family	Colombia	9/23	2/24/2023	367-13	15.205
10.	Sergio Salas Yáñez	Chile	10/23	2/26/2023	728-09	N/A
11.	Susana Catalina Alfonso de Mach	Argentina	11/23	2/3/2023	703-10	N/A
12.	Jairo Humberto Cubides Zamora and Family	Colombia	12/23	2/26/2023	2033-13	15.208
13.	David Alfoso Torres Velásquez	Colombia	13/23	2/26/2023	1433-13	15.206
14.	Pedro Taborda López et al.	Colombia	14/23	2/26/2023	76-12	N/A
15.	Jorge Enrique Acuña Acevedo and Family	Colombia	15/23	2/26/2023	950-12	15.203
16.	Miriam Esther Verjel	Colombia	16/23	2/26/2023	63-09	15.202
17.	Florentino Paz and Luis Bernardo Montenegro Sánchez	Colombia	17/23	2/26/2023	593-09	N/A
18.	Anderson Alcides Coronado Garzón and Family	Colombia	18/23	2/26/2023	291-13	15.204
19.	Julio César Gatto et al.	Argentina	19/23	2/26/2023	989-15	15.207
20.	Gustavo Núñez Torres	Colombia	20/23	2/26/2023	456-13	15.209
21.	María Gladys Torres Gutiérrez, María del Carmen Carreño Torres and Adrián Alonso Esinal Correa	Colombia	21/23	2/26/2023	1639-12	N/A
22.	Manuel Dificredo Rosero Álvarez and Family	Colombia	22/23	2/26/2023	634-13	15.210
23.	A.A, B.B, and C.C	Colombia	23/23	2/26/2023	1987-12	N/A
24.	Tania Valencia Hernández, David Fernando Ochoa Valencia, and Carlos Mario Ochoa Valencia	Colombia	24/23	2/26/2023	1221-13	N/A
25.	Héctor Manuel Galvis Montoya and Family	Colombia	25/23	2/26/2023	1873-10	N/A
26.	Félix Julián Olivares Valle	Peru	26/23	2/24/2023	1787-10	N/A
27.	Santa Rita Massacre	Colombia	27/23	2/26/2023	1359-07	15.231
28.	Gonzalo Díaz Gaviria et al.	Colombia	28/23	2/26/2023	1371-10	N/A
29.	Jorge Palacios	United States	29/23	2/26/2023	1796-15	N/A
30.	Dante Arnaldo Reyes Marín	Argentina	38/23	3/6/2023	132-14	N/A

31.	Azarías Castro Sánchez et al.	Colombia	39/23	3/6/2023	1169-13	N/A
32.	Edgar Rocha Pedrozo and Family	Colombia	40/23	3/6/2023	1640-13	15.216
33.	Juan Camilo Puerta Marín et al.	Colombia	41/23	3/6/2023	1659-11	15.214
34.	Héctor Fabio Espinal Ramírez et al.	Colombia	42/23	3/6/2023	631-08	N/A
35.	Sandra Milena Moguea Torres and Family	Ecuador	43/23	3/16/2023	443-14	N/A
36.	Ricardo Gangeme and Family	Argentina	44/23	3/16/2023	663-09	15.212
37.	Luis Humberto Gómez Gallo	Colombia	45/23	3/16/2023	1237-11	15.213
38.	Fabio Arango Torres	Colombia	46/23	3/16/2023	297-12	15.215
39.	Members of the Mapuche Community	Chile	47/23	4/13/2023	1880-11	15.235
40.	José Nabor González Ruíz	Mexico	48/23	3/6/2023	1560-09	15.233
41.	Members of the Indigenous Community of San Mateo Texcalyácatl	Mexico	49/23	3/12/2023	1633-11	15.234
42.	The Onondaga Nation	United States	51/23	5/12/2023	624-14	15.250
43.	Antony Miron Bender	Costa Rica	52/23	5/10/2023	1461-07	N/A
44.	Jonathan Chinchilla Jiménez and Moisés Gerardo Vizcayno Porras	Costa Rica	53/23	5/10/2023	353-08	N/A
45.	Luis Fernando Alpizar Navarro	Costa Rica	54/23	5/12/2023	1339-08	N/A
46.	Sigfredo Anahel Hernandez-Palomo and Jose Fernando Hernandez-Palomo	United States	55/23	5/12/2023	620-18	15.251
47.	Arthur Carl Kanev	Costa Rica	56/23	5/12/2023	1487-08	N/A
48.	Todd Aurit	United States	57/23	5/12/2023	284-19	N/A
49.	Efraín Fuentes Molina	Costa Rica	58/23	5/12/2023	85-09	N/A
50.	Rony Javier Rodríguez Flores et al.	Honduras	59/23	5/12/2023	878-11	15.236
51.	Mario Yobanny Mendoza Amador	Honduras	60/23	5/12/2023	2211-12	15.237
52.	Juan Carlos Castro Porras	Costa Rica	61/23	5/10/2023	996-10	N/A
53.	Carlos Alfonso García Ramírez	Colombia	62/23	6/7/2023	1917-12	15.238
54.	Edison José da Costa et al.	Brazil	63/23	6/7/2023	239-11	N/A
55.	César Adrián Monsálvez and Family	Argentina	64/23	6/7/2023	1096-13	15.239
56.	Armando Torres Hernández	Mexico	65/23	6/7/2023	29-11	N/A
57.	María del Carmen Utrilla Estévez	Mexico	66/23	6/7/2023	533-11	N/A
58.	Members of the El Triunfo Community	Guatemala	67/23	5/30/2023	1503-11	15.240
59.	Germán Valenzuela Carabalí et al.	Colombia	68/23	6/7/2023	398-11	15.243
60.	Antonio Jesús María Acuña Díaz and Family	Paraguay	69/23	6/7/2023	1069-12	N/A
61.	National Union of Former Prisoners and Political Exiles of Bolivia	Bolivia	70/23	6/7/2023	1771-14	15.244
62.	Andrés López Tovar	Peru	71/23	6/7/2023	1765-13	15.245
63.	Harold Arley Imbachi Trujillo and Family	Colombia	72/23	6/7/2023	1647-12	N/A
64.	Alejandro Guillermo Duret and Family	Argentina	73/23	6/7/2023	1420-12	N/A

65.	Family of Alejandro Arturo Parada González	Chile	74/23	6/7/2023	204-11	15.242
66.	Family of Jenny del Carmen Barra Rosales	Chile	75/23	6/7/2023	2012-12	15.246
67.	Bridget Allen	United States	77/23	6/7/2023	2528-17	N/A
68.	Oscar Andrés Bedoya Arango et al.	Colombia	78/23	6/7/2023	1376-12	15.247
69.	Márcio José Sabino Pereira and Family	Brazil	79/23	6/7/2023	1388-14	15.248
70.	Arvey Congo Angulo et al.	Colombia	80/23	6/7/2023	173-11	15.241
71.	Alba Teresa Sánchez Vera and Son	Ecuador	81/23	6/4/2023	1088-11	N/A
72.	Alberto Martin Alamillo Quintero	Mexico	82/23	6/4/2023	230-12	15.249
73.	Juan Darío Guevara Gaona et al.	Colombia	84/23	6/7/2023	529-09	N/A
74.	N.C.P.G.	Nicaragua	86/23	6/7/2023	2360-16	N/A
75.	Horley Renfigo Pareja et al.	Mexico	87/23	6/9/2023	1548-11	15.252
76.	Family of Francisco Javier Calderón Nilo	Chile	88/23	6/9/2023	1640-11	15.253
77.	María Marín de Villa et al.	Colombia	89/23	6/26/2023	1090-09	N/A
78.	Jhon Jaime Salazar González and Family	Colombia	90/23	6/9/2023	2542-12	N/A
79.	Freddy Betancourt Hernández	Colombia	91/23	6/9/2023	405-11	15.254
80.	Juan Daniel Amelong	Argentina	92/23	6/9/2023	116-12	N/A
81.	Francisco Salvador Pérez	Mexico	93/23	6/19/2023	193-12	N/A
82.	Víctor Manuel Rodríguez Mejía	Colombia	94/23	6/26/2023	13.148	N/A
83.	María Alicia Cabrera Mejía et al.	Colombia	95/23	6/26/2023	1289-14	N/A
84.	Abelardo Sarmiento Pérez	Colombia	96/23	6/26/2023	1805-12	15.255
85.	José Roberto Salgado, Kátia Rabello and Vinícius Samarane	Brazil	97/23	6/26/2023	522-14	15.256
86.	Jair Jans González Rivera and Family	Colombia	98/23	6/26/2023	1245-11	15.257
87.	Arnedys José Payares Pérez	Colombia	99/23	6/26/2023	1580-12	N/A
88.	Juan Félix Fonseca Villegas	Costa Rica	117/23	7/12/2023	1017-09	N/A
89.	Ángel Santiago Jiménez	Mexico	118/23	7/31/2023	284-13	15.302
90.	Alejandro Cisneros Constantino	Mexico	119/23	7/31/2023	320-13	15.303
91.	José Fabrisiano León and Family	Colombia	120/23	7/20/2023	2550-12	N/A
92.	Geovany Zuñiga	United States	121/23	7/7/2023	2064-17	N/A
93.	Camilo Uribe Valencia	Costa Rica	122/23	8/2/2023	853-10	N/A
94.	Omar Gerardo Hernández Córdoba	Costa Rica	123/23	8/1/2023	1670-10	N/A
95.	Carlos Alberto Alvarado Moya	Costa Rica	124/23	8/1/2023	192-10	N/A
96.	Teodoro Mangel León	Costa Rica	125/23	8/1/2023	20-11	N/A
97.	Luis Ángel Alvarado López	Costa Rica	126/23	8/1/2023	566-11	N/A
98.	María Torcorma Prince Navarro and Family	Colombia	127/23	8/2/2023	1206-12	15.312
99.	Carlos Enrique Salas Salazar	Costa Rica	128/23	8/1/2023	1110-12	N/A
100.	Juan Carlos Sánchez Sánchez	Costa Rica	129/23	8/1/2023	1610-11	N/A

101.	Leidy Consuelo Guzman de Arcila and Family	Colombia	130/23	8/2/2023	1885-12	N/A
102.	Nelson Manuel Briceño Chiriví	Colombia	131/23	8/2/2023	1111-13	15.313
103.	Ciro Uribe Márquez and Lucdovina Sánchez Herrera	Colombia	132/23	8/2/2023	1188-14	N/A
104.	Enrique Aranda Ochoa	Mexico	133/23	7/31/2023	345-13	15.304
105.	Isy Obed Murillo Mencías et al.	Honduras	134/23	8/1/2023	433-13	15.325
106.	Members of the Tzeltal Indigenous Community of San Sebastián Bachajón	Mexico	135/23	7/31/2023	844-13	15.305
107.	Ubeny Escobar Pobre and Family	Colombia	136/23	8/2/2023	2041-13	N/A
108.	Vicente Mariano Hernández Andrade and Family	Chile	137/23	8/2/2023	2426-12	15.314
109.	Víctor Miguel Juárez Alvarado and Family	Peru	138/23	8/2/2023	1293-13	15.326
110.	Luis Illanes Hernández and Family	Chile	139/23	8/2/2023	2408-12	N/A
111.	Miguel Asensio Paredes Soto and Family	Chile	140/23	8/2/2023	2425-12	N/A
112.	Francisco Hernán Ruiz Oyarzún and Family	Chile	141/23	8/2/2023	2394-12	15.315
113.	Family of María Rebeca Espinoza Sepúlveda	Chile	142/23	8/2/2023	403-13	15.316
114.	José Fernando Arteaga Fons	Mexico	143/23	7/31/2023	658-13	15.306
115.	Carlos Rubio Corrales	United States	144/23	8/1/2023	8-15	15.327
116.	Julia de Jesús Sagastume Buezo and Joselyn Cecilia Oliva Sagastume	Guatemala	163/23	8/7/2023	2018-13	N/A
117.	Family of Héctor Ricardo Pincheira Núñez	Chile	164/23	8/20/2023	404-13	15.317
118.	Family of Julio Fernando Tapia Martínez	Chile	165/23	8/20/2023	506-13	15.318
119.	Family of Francisco Baltazar Godoy Román	Chile	166/23	8/20/2023	1162-13	15.319
120.	Ricardo Alberto Grassi	Argentina	167/23	8/20/2023	1904-16	15.311
121.	Sergio Valentín Castillo Diedrich and Family	Chile	168/23	8/20/2023	221-14	15.320
122.	José del Carmen Carrasco y Silva et al.	Chile	169/23	8/20/2023	623-13	N/A
123.	Héctor Quinceno López and Family	Colombia	170/23	8/20/2023	619-13	15.321
124.	Puerto Alvira Massacre	Colombia	171/23	8/20/2023	1006-08	15.322
125.	Judith Marlene Gularte Paredes de Paz and her son/daughter	Guatemala	172/23	8/7/2023	43-14	15.328
126.	Family of Jaime Guzmán Errázuris and Christian Edwards del Río	Argentina	173/23	8/20/2023	118-12	15.323
127.	The Southeast Alaska Indigenous Transboundary Commission	Canada	179/23	8/25/2023	3004-18	15.329
128.	Luz Marina Benito Céspedes et al.	Colombia	184/23	9/23/2023	2299-13	15.347
129.	Q'eqchi's Indigenous Communities of Santa María Cahabón	Guatemala	185/23	9/27/2023	1533-17	15.348
130.	Julio César Robledo Quintero	Colombia	186/23	9/23/2023	1513-13	15.349

131.	José Isabel Morales and Family	Honduras	187/23	9/26/2023	2631-16	15.350
132.	Carlos Manuel Urbina Solera	Costa Rica	188/23	9/26/2023	1497-12	N/A
133.	Gonzalo Santiago Benítez	Argentina	189/23	9/26/2023	1669-10	15.351
134.	Luigi Calzolaio	Peru	222/23	10/10/2023	2300-13	15.396
135.	Gabriela Andrea Jara Gómez	Chile	223/23	10/20/2023	1312-12	15.379
136.	Walter Rafael Rodríguez Soleno	Costa Rica	224/23	10/20/2023	781-10	N/A
137.	Ulises Pellón Romero and Eduardo García Flores	Mexico	225/23	10/20/2023	1727-13	N/A
138.	Omar Lizarazo Guaitero and Family	Colombia	226/23	10/20/2023	468-12	15.363
139.	Mariselma Marques Costa and Family	Brazil	227/23	10/20/2023	56-16	N/A
140.	Renato da Neves et al.	Brazil	228/23	10/20/2023	318-14	N/A
141.	Mario Sartoretto	Costa Rica	229/23	10/20/2023	1000-13	N/A
142.	Luis Humberto Sánchez Morales	Chile	230/23	10/20/2023	1946-13	N/A
143.	Arturo Inayado Morales and Family	Chile	231/23	10/20/2023	2232-13	15.364
144.	Members of the Community of Cujubinzinho Porto Velho	Brazil	232/23	10/20/2023	1329-15	15.365
145.	Martín Ramírez Delgadillo	Mexico	233/23	10/20/2023	1889-13	N/A
146.	Edgar Wilfred Ritfeld	Suriname	234/23	10/11/2023	1040-14	15.366
147.	José Joaquín Mora Bermúdez	Costa Rica	235/23	10/20/2023	1628-13	N/A
148.	Malvinas Veterans and Families	Argentina	236/23	10/22/2023	460-15	15.367
149.	Mehul Choksi	Antigua and Barbuda	237/23	10/20/2023	2066-21	15.368
150.	Lisandro Gonzalez Manjarres and Family	Colombia	238/23	10/20/2023	223-13	N/A
151.	Ernesto Cruz Guevara and Family	Colombia	239/23	10/20/2023	467-12	15.369
152.	César Freyre Morales and Family	Mexico	240/23	10/10/2023	1106-09	15.370
153.	Mauricio Pimiento Barrera	Colombia	241/23	10/10/2023	596-10	15.371
154.	Wolf Gruenberg and Betty Guendler Gruenberg	Brazil	242/23	9/23/2023	1459-12	N/A
155.	Arturo Bargueño Prieto	Mexico	243/23	9/23/2023	1057-13	N/A
156.	Mauri Arza Huerta et al.	Paraguay	244/23	10/7/2023	1607-13	15.372
157.	Nelida Ida Manopella and Guillermo Joaquín Puy	Argentina	245/23	10/7/2023	1359-11	15.374
158.	T.Z.O., L.Z.O. and L.Z.O.	Mexico	246/23	10/7/2023	1585-13	N/A
159.	Members of the El Espino Community	El Salvador	247/23	10/10/2023	786-18	15.375
160.	Nery Geremías Orellana	Honduras	248/23	10/10/2023	1314-17	15.376
161.	Renán Oswaldo Vindel Castellón	Honduras	249/23	10/10/2023	262-17	15.377
162.	Methoni Vernon	Antigua and Barbuda	250/23	10/10/2023	706-21	15.380
163.	Widza Mathurin et al.	United States	251/23	10/10/2023	191-14	15.378
164.	Gina María Gonzalez Domínguez	Honduras	252/23	10/10/2023	1998-17	N/A
165.	Breno Fischberg and Enivaldo Quadrado	Brazil	275/23	10/10/2023	631-11	15.399
166.	Sergio Ramón Rodríguez Orellana	Honduras	276/23	10/31/2023	1923-18	15.381

167.	Júlio César dos Santos et al.	Brazil	277/23	10/31/2023	6-15	15.382
168.	Sonia Jannet Jimenez Rojas Le Jeune	Guatemala	278/23	10/31/2023	962-18	15.383
169.	José Cristian Góes	Brazil	279/23	10/31/2023	825-15	15.384
170.	José Rafael Blanco Umaña	Costa Rica	280/23	10/31/2023	510-10	N/A
171.	Sócrates López Escobar and Francisco Javier Soto Núñez	Mexico	281/23	10/31/2023	1660-13	15.385
172.	I.I.I. and Rodrigo Vacca Ibarguen	Argentina	282/23	10/31/2023	2053-18	15.386
173.	Teodoro Acosta et al.	Honduras	283/23	10/31/2023	2186-18	15.387
174.	Mehul Choksi	Dominica	284/23	10/31/2023	2068-21	15.388
175.	Miguel Ángel Hernández Núñez	Costa Rica	285/23	10/31/2023	123-11	15.389
176.	Residents of the Sitio del Niño Canton and Former Baes Employees	El Salvador	286/23	10/31/2023	2037-14	15.390
177.	Lucio César Nast	Argentina	287/23	10/31/2023	1343-12	N/A
178.	Ricardo Alberto Ramón Lardone	Argentina	288/23	10/31/2023	1905-12	N/A
179.	O.B.P.P., O.B.P.G and Family	Chile	289/23	10/31/2023	1682-13	N/A
180.	Henry Adolfo Montero	Honduras	290/23	11/20/2023	3047-18	N/A
181.	Néstor Niño Lizarazo and Family	Colombia	291/23	11/20/2023	1867-13	15.391
182.	Carlos Enrique Gallone	Argentina	292/23	11/20/2023	1757-12	N/A
183.	Jaime Eduardo Bedoya Arias and Family	Colombia	293/23	11/20/2023	1015-13	15.392
184.	Bonifacio Antonio León Gañan and Family	Colombia	294/23	11/20/2023	968-13	15.393
185.	Marino Escobar Aroca and Family	Colombia	295/23	11/20/2023	1859-13	15.394
186.	Ramón Arcila Hurtado et al.	Colombia	296/23	11/20/2023	1234-13	15.395
187.	Franklin Vargas González	Costa Rica	299/23	12/8/2023	693-11	N/A
188.	Juan Carlos Betancur Tabares	Colombia	301/23	12/8/2023	2044-13	N/A
189.	Martha M. González	Brazil	300/23	12/8/2023	2416-16	15.397
190.	Nahúm Palacios Arteaga and Yorleny Sánchez Rivas	Honduras	302/23	12/7/2023	1207-18	15.398
191.	Francisco Javier Hernández Gómez et al.	El Salvador	331/23	12/18/2023	1206-17	15.406
192.	Eric Elliott	United States	332/23	12/29/2023	2190-16	N/A
193.	Oscar Alberto Bianchi	Argentina	333/23	12/29/2023	928-16	N/A
194.	Julius Jones	United States	334/23	12/29/2023	2029-21	N/A
195.	Adrián Portillo Alcántara et al.	Guatemala	335/23	12/29/2023	2572-17	15.412
196.	José Dirceu de Oliveira e Silva	Brazil	336/23	12/29/2023	721-14	15.407
197.	Eduard Bernal Ballesteros, Gladys Bernal Ballesteros, and María Elvira Ballesteros Cruz	Colombia	337/23	12/29/2023	231-13	15.408
198.	Víctor Hugo Sequeira Castillo	Costa Rica	338/23	12/29/2023	515-08	N/A
199.	Antonio Sandoval Mendoza	Costa Rica	339/23	12/29/2023	267-08	N/A
200.	Yurden Carvajal Cardona and Family	Colombia	340/23	12/29/2023	1947-13	15.409
201.	Jorge Iván Guerrero Murillo and Family	Colombia	341/23	12/29/2023	2032-13	15.410

202.	Juan Daniel Velásquez Gaviria and Family	Colombia	342/23	12/29/2023	1170-14	N/A
203.	Jonathán Molina Carvajal	Costa Rica	343/23	12/29/2023	171-11	N/A
204.	Anthony Harris	United States	344/23	12/29/2023	792-21	15.413
205.	Enrique Gómez Pineda and Family	Colombia	345/23	12/29/2023	1795-13	15.411
206.	Carlos Manuel Escoto Trujillo et al.	Honduras	346/23	12/29/2023	2475-18	15.414
207.	Maximino Milagro de Jesús Gómez Serrano	Guatemala	347/23	12/29/2023	2395-17	15.415
208.	Kelvin Banks et al.	United States	348/23	12/29/2023	821-18	N/A
209.	Consortio del Uruguay S.A. and its Shareholders and Representatives	Uruguay	349/23	12/29/2023	471-13	N/A
210.	Julio César Riascos Prado	Costa Rica	350/23	6/21/2023	1244-09	N/A
211.	Naixing Wu	Costa Rica	351/23	6/26/2023	129-10	N/A
212.	Ofelia Perez Hernández and Ofelia Bolio Perez	Mexico	352/23	12/29/2023	1025-12	N/A
213.	Santos Zapil Poz et al.	Guatemala	353/23	12/16/2023	1249-18	15.416
214.	A. J. C. et al.	Guatemala	354/23	12/29/2023	2416-18	15.417
215.	ADIAJ MST Indigenous Families	Guatemala	355/23	12/29/2023	1701-17	15.418
216.	Einar Henry Melo Gutiérrez, Jhon Fabio Daza Domínguez and Jhon Fabio Daza Domínguez	Colombia	356/23	11/20/2023	465-12	15.419

b. Important decisions

• **Admissibility**

23. Below are summaries of matters declared admissible and currently in the merits stage, based on the gravity of the acts alleged, issues new to the jurisprudence of the Inter-American system, or their relevance in the specific context of the State in question:³

- **Report No. 179/23, P-3004-18, Southeast Alaska Indigenous Transboundary Commission, Canada.**

24. The petitioners are a consortium of 15 tribal communities located in southeast Alaska near the border with British Columbia, Canada. These communities live in and around the transboundary river basins that flow from British Colombia (B.C.) to Alaska. The petitioners consider these basins essential to their well-being, especially as a source of fish. They consider these water basins to be currently at risk of pollution from six hardrock mining sites in B.C. The petitioners claim that these mines are producing and/or will produce enormous amounts of toxic waste, polluting the water basins with highly toxic heavy metals that can result in a steady and significant decline in the fish populations they depend on for their subsistence. The petitioners generally claim that this situation impacts their right to life, the right to the preservation of health and well-being, the right to the benefits of culture, and the right to property. The State, for its part, maintains that none of the mines are likely to pose the risk of pollution that the petitioners claim.

25. On reviewing the admissibility of the petition, the Commission found that the State's legal framework does not extend to the protection of the petitioner's rights, especially since they reside outside

³ All these reports are available at: [OAS: IACHR: Admissibility Reports \(oas.org\)](https://oas.org/).

Canada. The Commission therefore concluded that the petitioners met the requirements for the exception to the requirement of exhausting domestic resources, pursuant to Article 31(2)(a) of its Rules of Procedure.

26. In conclusion, the Commission found that, if proven, the risk of pollution from the mines could represent violations of Articles I (life and personal security), XI (preservation of health and well-being), XIII (benefits of culture), and XXIII (property) of the American Declaration. In this regard, the Commission observed in general that a State is obliged to use all the means at its disposal to prevent activities taking place in its territory or any area under its jurisdiction from causing significant damage to the environment of another State. In the merits stage, this case will give the Commission an opportunity to review the obligation of the State to prevent or repair transboundary environmental damage, particularly when it affects the rights of Indigenous communities.

- **Report No. 47/23, P-1880-11, Members of the Mapuche Community, Chile.**

27. The petitioners claim that the rights of the members of the Mapuche community have been violated by the local government in the city of Temuco, which, by mayoral decree, barred them from selling their goods in the center of town, violating, they allege, their right to prior consultation, as well as ancestral practices, and customs for their economic subsistence. The petitioners maintain that even before Temuco was founded, the members of the Mapuche community were already engaged in commerce in that region and that they have been selling their goods on the streets in the center of town for more than a century. In addition to the right to prior consultation, the petitioners allege violation of the right to life, economic, social, and cultural rights, and various provisions of ILO Convention 169.

28. In its characterization section, the Commission found that the merits review of the case should evaluate whether the international obligation of the State to undertake prior consultation with the members of the Mapuche community extends to situations that arise or have effects outside their ancestral territories, where the center of Temuco is actually located. In this regard, the Commission recognized that “*the commercial activities carried out by indigenous peoples within their ancestral territories are different from those carried out on an itinerant basis; that is, when they move to territories close to their ancestral settlements. [...] Furthermore, the IACHR should also assess the potential harm to the rights of third parties,*” declaring admissible the rights established in Articles 13, 23, 24, and 26 of the American Convention in connection with its articles 1.1 and 2, this being a dispute purely about merits, in which, *prima facie*, violations of procedural rights were not verified.

- **Report No. 354/23, P-2416-18, José Yos González et al., Guatemala.**

29. The alleged victims are a group of some 80 people residing on the southern coast of Guatemala who were the victims of extrajudicial killings, torture, abuse, and forced disappearance because of their membership in unions and/or religious organizations in the region in around the 1970s and 1980s. The petitioners state that after more than 30 years, the remains of the alleged victims have not been located nor have the alleged perpetrators been identified, because the State has not conducted an effective investigation of the events – this, on top of the persecution experienced by the families of the alleged victims, has made it hard for them to report the events, provide evidence, or exert pressure to advance the investigations already opened by the State.

30. The Commission found that, while the petitioners made allegations about events that occurred in the 1970s, a period in which the State of Guatemala was not yet a party to the American Convention, the events described constitute an ongoing violation that still persists and can therefore be analyzed under the Convention. It also found that, if proven in the merits stage, the allegations of extrajudicial killings, forced disappearances, and torture of the alleged victims, as well as other acts against their families, could be characterized as violations of Articles 3 (juridical personality), 4 (life), 5 (humane treatment), 7 (liberty), 8 (fair trial) and 25 (judicial protection), *inter alia*, of the American Convention and other instruments such as the Inter-American Convention to Prevent and Punish Torture and the Convention of Belem do Pará.

- **Report No. 49/23, P-1633-11, Members of the Indigenous Community of San Mateo Texcalyácac, Mexico.**

31. The petition invokes the international responsibility of the Mexican State for violation of the human rights of the members of the communal Indigenous community of San Mateo for failing to consult it before authorizing the project to construct a federal highway that crosses their ancestral territory. The community of Texcalyácac traces its origins back to 1472 and today is an Indigenous community in the state of Mexico residing in the municipalities of Texcalyácac, Almoloya del Río, Tenango del Valle, Joquicingo, and Tianguistengo. This community is characterized by its religious, civic, and political organizations. In the characterization section of the report, based on precedents issued by bodies of the Inter-American System, the Commission recognized that the right to consultation is one of the key elements for the protection of indigenous property rights and includes the positive duty of the States to provide appropriate and effective mechanisms for obtaining free and informed prior consent in keeping with the customs and traditions of Indigenous Peoples before undertaking activities that impact their interests or can affect their rights over their lands, territories, or natural resources. The Commission therefore found that, should the facts be corroborated, they could be characterized as violations of Articles 8 (fair trial), 13 (freedom of thought and expression), 21 (private property), 23 (political rights), and 25 (judicial protection) of the Convention in connection with its Article 1.1, to the detriment of the communal Indigenous community of San Mateo Texcalyácac and its members.

- **Report No. 302/23, P-1207-18, Nahúm Palacios Arteaga and Yorleny Sánchez Rivas, Honduras.**

32. The petitioners allege that journalist Nahúm Palacios Arteaga was murdered due to his media coverage and criticism of the State. Mr. Palacios reported on sensitive social or political issues such as coup d'états and the campesino conflicts in Bajo Aguán. Prior to his murder, he received constant threats from State military personnel; he was also kidnapped and subjected to unlawful detention, where he was ordered not to speak against the State again. Mr. Palacios did not heed these orders, and the threats persisted up to the time of his murder in 2010, when he was attacked by armed subjects who shot him as he was entering his house. When he was shot, the alleged victim was with his pregnant wife, who died days afterward from bullet wounds.

33. The murder was never investigated, and the perpetrators never found. However, his earlier unlawful detention and abuse were investigated, but the only person tried was found not guilty, so the crime went unpunished. The Commission noted the delay and ineffectiveness in the investigations of the crime committed against journalist Nahúm Palacios Arteaga for exercising his freedom of expression in opposition to the coup d'état. The IACHR also noted the extremely complicated situation in Honduras with regard to freedom of expression due to the high levels of violence against journalists and the impunity in the majority of the crimes, and ultimately determined that the petition was admissible under Articles 4, 5, 7, 8, 13, and 25 of the Convention.

- **Report 187/23, P-2631-16, José Isabel Morales, Honduras.**

34. The petitioners stated that José Isabel Morales was part of the Bajo Aguán campesino movement and a leader of the Carney Guadalupe community. In 2008, the State had allotted some land to these campesinos, but the previous owners refused to leave their farms, resulting in confrontations. A member of the Osorto family died during these clashes, and the judicial authorities named Mr. Morales as the perpetrator, but without concrete evidence, violating due process and the presumption of innocence, which sent an intimidating message from the State to all campesinos in Bajo Aguán.

35. After spending seven years in pretrial detention, Mr. Morales was acquitted by the Trial Court in 2016 for lack of evidence. The petitioners further allege that during his time in prison, Mr. Morales was mistreated and did not receive diligent medical care following an accident, causing him to lose the sight in his right eye, among other injuries. The IACHR therefore found that the conditions in which Mr. Morales was deprived of liberty were contrary to the human dignity of the alleged victim. Moreover, the investigations had

been ineffective, since the process had been unduly lengthy, exceeding the limits of pretrial detention and ending with Mr. Morales's acquittal. Finally, the IACHR found the petition admissible under Articles 5, 7, 8, and 25 of the Convention.

- **Report No. 172/23, P-43-14, Judith Marlene Gularte Paredes de Paz and her son/daughter, Guatemala.**

36. The petition reports violations of the rights of Mrs. Gularte, who was six-months pregnant at the time of the events, for her persecution and subsequent forced disappearance during the armed conflict in Guatemala, due to her activism in teaching and her affair with a social leader. The petition maintains that the State failed to protect the alleged victim and to investigate and punish the perpetrators, even though the events occurred in 1981. The admissibility report emphasized that the authorities were aware of her disappearance and that her family even searched for her in hospitals and morgues, sent numerous letters to the Office of the President of the Republic, the Council of State, and the National Police, and that several newspapers reported on her disappearance. Over the years, the family of the alleged victim has continued its search for justice and in 2006 even filed a petition for a writ of habeas corpus on behalf of Mrs. Gularte.

- **Report No. 353/23, P-1249-18. Martín Zapil Poz and family, Guatemala.**

37. The alleged victims are members of the Quiché Indigenous community and reported the violation of their right to property involving lands that had been registered with the Quetzaltenango Property Registry since March 26, 2012. A third party claimed they belonged to him, leading the State to cancel the alleged victims' registration. The State's decision also resulted in a lack of access to water from these lands that the alleged victims depended on. The petitioner claims that the decision was made in a context of inequality, to the detriment of Indigenous communities, and legal uncertainty with regard to land registration, pointing out that there is no specific law that provides legal security and certainty to Indigenous communities relative to the division of their lands.

38. In the admissibility report, the Commission reiterated the need for special protection so that Indigenous Peoples could fully exercise their rights on an equal footing with the rest of the population. Furthermore, it considered the report *Situation of Human Rights in Guatemala: Diversity, Inequality, and Exclusion* of December 31, 2015, which noted that the high level of legal insecurity is one of the main issues affecting property in general, and indigenous property in particular. In addition, Guatemala has a high rate of failure to register land, and areas are not demarcated or delimited. Thus, it concluded that, if corroborated, the facts alleged could be characterized as violations of Articles 8, 21, 25, and 26 in connection with Articles 1.1 and 2 of the American Convention.

- **Report No. 97/23, Petition 522-14, José Roberto Salgado, Kátia Rabello and Vinícius Samarane, Brazil.**

39. In this case, the petitioner denounces the sole trial of José Roberto Salgado, Kátia Rabello, and Vinícius Samarane in the Federal Supreme Court (STF) of Brazil in the context of Criminal Action No. 470, a trial with a very high political profile in that country. This situation sparked controversy, since the STF broadly interpreted its authority to judge crimes committed by politicians to include non-politicians due to their association with the events alleged. The petitioner claims that this process violated the right to a trial in more than one court, stating that the sentences were imposed directly by the STF without the ability to appeal to another court.

40. Concerning the exhaustion of domestic remedies, the petitioner states that the final decisions of the STF with regard to the defendants were handed down between December 17, 2012, and February 27, 2014. During this time, the defendants filed their last motions for clarification and collegial remedies, but the STF denied them. The Brazilian State, however, argues that the questions regarding the STF's authority had been decided earlier on December 6, 2006, when the STF upheld widening the scope of the trial to include political and non-political defendants. The IACHR concluded that the exception to the duty to exhaust domestic

resources in Article 46.2.a) of the American Convention is applicable in this case, noting, in summary, that the situation alleged to violate the victims' conventional rights is a public matter and can be evaluated at any procedural stage and that the defendants did not have an opportunity to appeal to another court. In its analysis characterizing the events described, recalling that it had already issued an opinion about the possible incompatibility of criminal trials for association with the rights and guarantees protected by the American Convention, the IACHR decided to admit the petition for a merits review, as it deemed the facts could constitute violations of Articles 8 (fair trial) and 25 (judicial protection) of the American Convention, all in connection with Articles 1.1 (obligation to respect rights) and 2 (obligation to adopt domestic rights measures). This case offers the Inter-American System an opportunity to reevaluate its standards on trials by association in a single court in a very influential country in the region.

- **Merits**

41. Some of the opinions and advances in inter-American standards developed through the merits reports adopted are described below. The reports on such decisions are confidential once adopted, pursuant to Article 50 of the American Convention and 44 of the IACHR Rules of Procedure. These reports can be published once the Commission decides on referring them to the Inter-American Court for States that have recognized its jurisdiction – that is, their publication must follow the provisions of Article 51 of that same instrument and 47 of the IACHR Rules of Procedure.

- **Right to the investigation of alleged acts of sexual violence against a person with a disability.**

42. In a case of allegations of sexual violence by a relative against a woman with a disability, the Commission developed the standards of due diligence in investigation. In particular, it addressed the obligation of the State to adopt positive measures to investigate with a differentiated approach. The IACHR stressed that judicial proceedings must offer an accessible trial and eliminate communication barriers to ensure the full participation of the person with a disability and, at the same time, include a gender perspective as the matter involved a woman. Furthermore, the Commission emphasized the obligations of the State in conducting the investigation to acknowledge the victim's autonomy as a woman with a disability reporting traumatic events such as sexual violence and abuse.

- **Due diligence in the investigation of cases with indications of the crime of human trafficking.**

43. In a case involving a woman's disappearance, the IACHR reiterated the obligations of the States deriving from the obligation of prevention to guarantee the life, liberty, and physical integrity of the women under their jurisdiction and specified the factors that should be observed in the investigation of a potential human trafficking situation. Thus, the Commission found that search activities must be exhaustive, aimed at effectively preventing the violation of the victim's rights, considering the circumstances and environment. It therefore found that the multiplicity of discriminatory factors that converge in the victim require the State to adopt special measures.

- **Right to privacy and family life and the prohibition of discrimination based on sexual orientation, in light of the inability to marry and/or obtain recognition of a common-law union.**

44. The IACHR solved a case involving a same-sex couple that alleged interference in their private and family life and discrimination based on their sexual orientation, given their inability to marry or obtain recognition of common-law union. This was the first case in which the Commission had to reach a decision on marriage and common-law unions between people of the same sex. Based on the inter-American standards set by the IACHR and the Inter-American Court on the issue of equality and nondiscrimination with regard to sexual orientation, the Commission found that the inability of same-sex couples to access these institutions

implies a difference in treatment motivated by their sexual orientation. The IACHR therefore issued an opinion on the compatibility of this distinction with the American Convention, considering that sexual orientation is a category especially protected in Article 1.1; hence, the review must be rigorous. With this in mind, the Commission analyzed the nonexistence of a legitimate purpose, as well as the factors of appropriateness, need, and proportionality in the case, concluding the incompatibility of this differentiation with the Convention and thus, a violation of the right to equality and nondiscrimination and the right to privacy and family life and family protection.

- **Obligation to have procedures for amending identification data.**

45. In a case concerning the lack of an effective procedure for amending identity information, the Commission explored the obligation of the States to have legal mechanisms for recognizing the gender identity data of people whose identification papers do not match their gender identity. To correct their identity information, the alleged victim requested a name change through a variety of legal mechanisms. In its analysis the Commission verified that the judicial remedies offered did not acknowledge the substance of the request, thus finding them incompatible with the American Convention. Bearing in mind the standards on equality and nondiscrimination, the right to a gender identity, and the procedures for recognizing identity, the Commission found that the State did not guarantee the victims in this case the right to recognition of their gender identity.

- **Forced disappearance of a person in the context of police pursuit.**

46. In a case involving a police action in a neighborhood, the Commission established State responsibility for the forced disappearance of the victim in the context of a pursuit by police officers and for the absence of a search under the argument that the victim had jumped into a river. The IACHR also reiterated the obligation to investigate the forced disappearance of people with due diligence.

- **Right to education and nonviolence against children.**

47. In a case involving the death of two children in a public school and the impunity surrounding it, the Commission developed standards on state obligations with respect to security and nonviolence against children in educational institutions. Specifically, the IACHR established that the States have the enhanced duty to prevent all situations that could lead, through action or omission, to violation of their right to life and physical integrity in an educational institution. Finally, the Commission developed the content of the right to education pursuant to the Convention on the Rights of the Child, Article 26 of the American Convention, and Article 13 of the Protocol of San Salvador, and indicated that the States should take appropriate action to prevent human rights violations during children's education. This implies that they consider the gravity and specific forms that violence takes, such as physical and psychological violence, verbal abuse, and bullying.

- **Rights of street children and adolescents.**

48. In a case involving a massacre of street children and adolescents that were victims of police violence, the IACHR reiterated the standards on the subject recognized in Merits Report on the case of Street Children v. Guatemala (see [Niños de la Calle v. Guatemala](#)) concerning protection of the right to life and physical integrity of this group, as well as its standards governing the use of force on the part of state actors. Furthermore, the Commission reiterated the standards on human rights and poverty recognized in its [Report on Poverty and Human Rights](#) in which it found a situation of structural discrimination, evaluating the case from an intersectional, race, and poverty approach. The Commission therefore recognized the victims' situation of special vulnerability and established enhanced obligations of the State to protect and guarantee the rights of children and adolescents in that situation.

- **Continued forced disappearance, even when the victim's death and the location of the remains are known to judicial authorities.**

49. In a case involving the extrajudicial killing and subsequent concealment of the bodies of two persons by members of the public security forces, in which the remains of one of the victims were identified, exhumed, transferred to a General Cemetery and later cremated without the family's knowledge, the Commission noted that even though the death of a victim of forced disappearance is known to state actors, the disappearance will be understood to continue when subsequent conduct by the authorities implying complicity and concealment of the detention is verified or the family is not informed of the location of the victim's remains despite its efforts to learn the truth. The IACHR therefore underscored that the existence of significant or minor information about the death of the victims does not change the characterization of the acts as forced disappearance.

- **Inter-American standards on cancellation of the juridical personality of a nongovernmental organization.**

50. The Commission issued its opinion in a case involving cancellation of the juridical personality of a nongovernmental organization. Here, it asserted that nongovernmental organizations or civil society organizations are an essential vehicle for the exercise of rights such as the right to free association and freedom of expression. It therefore maintained that restrictions on these rights affect not only the juridical person but the natural persons who make up the organization. It also stressed that, as different international bodies have recognized, a substantial portion of the defense of human rights is carried out by juridical persons. Thus, it determined that human rights defenders in these organizations must enjoy the protection and independence necessary for doing their work. The IACHR therefore found that arbitrary cancellation of the legal personality of a nongovernmental organization as a way to punish its members for their work defending human rights and their criticism of government policies and actions is equivalent to a violation of these rights.

- **Standards on sexual violence against a girl in civil procedures related to the right to a family.**

51. The IACHR for the first time solved a case alleging international responsibility of a State for actions and omissions in judicial proceedings on the custody and visitation schedule for a girl that took place parallel to reports of sexual abuse by her father. The Commission had to determine whether, in the course of these civil proceedings, state authorities had acted in accordance with inter-American standards for the prevention of sexual violence in the face of allegations of a potential case of sexual abuse. Here, the Commission asserted that state obligations to guarantee the rights of girls in the face of sexual violence become effective and are required *mutatis mutandis* during civil proceedings related to the right to a family. The IACHR found that these obligations must certainly be observed in judicial proceedings involving custody, care, visitation schedule or similar matters, especially when justice operators are provided with information that could imply situations entailing the risk of sexual violence against girls.

- **Right to an effective remedy in connection with economic, social, and cultural rights.**

52. In a case involving noncompliance with judicial decisions ordering the readmission of several students to a private school, considering that their matriculation was denied for discriminatory reasons, the Commission referenced the scope and content of the right to an effective remedy for the enforcement of economic, social, and cultural rights, and specifically, the right to education. In this regard, the Commission recalled that one of the immediate obligations of the States to protect economic, social, cultural, and environmental rights is access to appropriate and effective remedies. It therefore noted that access to justice, understood as respect for a fair trial and judicial protection, is instrumental in protecting these rights. It also maintained that the obligation established in Article 25 of the American Convention does not end with the development of an effective remedy that results in a process with the due guarantees but includes the obligation to design and implement mechanisms that guarantee effective execution of the judgments handed

down by the judiciary of each State. It therefore stressed that the right to effective judicial oversight of the right to education in this type of situation implies that the States must in good faith immediately enforce the decisions deriving from domestic remedies without obliging the affected parties to take additional action to enforce compliance and determine criminal, administrative, or other types of responsibility that ultimately gives rise to delays in immediate compliance with the judgment upholding basic rights.

- **Human rights violations due to refusal to recognize the parent-child relationship of the children of same-sex couples.**

53. The Commission heard a case about the refusal to recognize the maternal-child relationship of two children of a same-sex couple, born through assisted reproduction. Given the well-established inter-American standards on equality and nondiscrimination with regard to sexual orientation, the IACHR issued a decision in this case on violation of the right to recognition of legal personality, privacy and family life, family protection, the special protection of children and equality before the law. The IACHR found that the legislative impediment to recognizing the children's parent-child relationship with one of the mothers implied different treatment from that afforded heterosexual couples and their children born through similar assisted reproduction techniques and whose parent-child relationship with both members of the couple was recognized. As determined by the IACHR, the motive behind this different treatment was the sexual orientation [of the couple] and implied a restriction of their rights. Taking this into account, the Commission found that the refusal to recognize such parent-child relationships did not have a legitimate purpose, nor could it be considered an appropriate, necessary, and proportional measure, thus concluding that it was incompatible with the American Convention.

- **Right to life, integrity, and health of newborns in public medical facilities.**

54. In a case involving the death of several neonates in a public health facility, the IACHR issued a decision on the obligation of the State to adopt positive measures to protect their rights. The Commission detailed the measures it should adopt in cases of real risk to the life, integrity, and health of newborns in compliance with the obligation to provide special protection under Article 19 of the Convention. It also developed the standards for quality in the right to health and the obligations of the State to provide facilities with healthy conditions and technical equipment, as well as staff trained to provide the care required by newborns.

c. Published merits reports

55. In 2023, pursuant to Article 47 of its Rules of Procedure and 51 of the American Convention, the Commission decided to publish the following four merits reports:

- [Report No. 83/23](#), Case 14.196, Oswaldo Payá and Harold Cepero (Cuba).
- [Report No. 263/23](#), Case 13.352, Jurijus Kadamovas et al. (United States).
- [Report No. 264/23](#), Case 12.446, Tracy Lee Housel (United States).
- [Report No. 298/23](#), Case 11.464, Alberto Augusto Zalles Cueto (Ecuador).

d. Activities involving petition and case management

56. In 2023, the Commission began work to review the merits portfolio in order to develop a more homogeneous categorization in principal and subsidiary themes, using a pre-established methodology. This work will provide the Executive Secretariat greater predictability with respect to matters in the portfolio, enabling the Commission to employ work methods such as the aggregation of petitions and cases to streamline

their processing and reduce backlog. These efforts will also facilitate more effective application of the prioritization criteria, thereby contributing to the implementation of the current Strategic Plan.

57. As previously reported,⁴ in recent years, the Commission's productivity in the merits stage has increased. As one of the most immediate measures for continuing this progress, the Commission decided that, given the increase in the merits portfolio due to the high number of admissibility decisions adopted during the previous plan, this result should be consolidated by increasing the number of merits decisions to offer a timelier response. The Commission has therefore prioritized the allocation of its resources to decide cases in the merits stage in order to increase the number of final decisions to guarantee justice for the victims of human rights violations. As a result of its efforts to strengthen the merits stage, the Commission has managed to boost its productivity in the preparation of reports at this stage. In 2023, 100 merits reports were approved, translating into a higher number of merits reports recorded in the year. These results show the Executive Secretariat's gradual progress in streamlining processes and the gradual reduction of procedural delays.

58. In 2023, the program for ongoing training in human rights and related topics was launched, consisting of a series of training activities for Executive Secretariat personnel taught by experts to improve and update their knowledge about relevant topics and standards. Also launched was the Newsletter of the Office of the Assistant Executive Secretary of the Petition and Case System, a periodic update on the Secretariat's activities and inter-American standards developed in the approved merits reports and the judgments handed down by the Inter-American Court.

59. Furthermore, with a view to expanding the use of strategies to speed up case processing, the IACHR accumulated two cases on police violence against poor children and adolescents. In deciding on this accumulation, the IACHR considered the fact that the cases involved the same context of violence, similar events occurring on the same day, and the same victims and perpetrators, having also been filed the same day by the same petitioner. The IACHR also considered the fact that accumulation would enable it to guarantee a more thorough analysis of the evidence and result in procedural economy in its review. The resulting accumulation not only facilitated a prompt response to the two situations reported but made it possible to guarantee justice for at least 30 people, including the direct victims and their families, in addition to enabling the Commission to make a more expeditious decision about new standards on the subject and establish far-reaching measures for redress.

60. Moreover, in 2023, the Commission approved 38 reports deferring the treatment of admissibility until the discussion and decision on the merits, in compliance with Resolution 1/16⁵ *On measures to reduce procedural backlog* in the petition and case system, in order to apply Article 36.3 of its Rules of Procedure; this represented 38% of the merits decisions. These measures are based on the need for purposeful steps to reduce the procedural backlog and thus ensure that the passage of time does not prevent the Commission's decisions from having a useful effect, and on the need to act more quickly in serious and urgent cases, as provided for in Article 36.3 b) of the Rules of Procedure.

61. Concerning the use of better technologies to expedite case management, 2023 saw the implementation of GAIA, the new centralized processing system for the Petitions and Cases System and Precautionary Measures. GAIA is a software designed to streamline the Commission's internal procedures, and as all of its subsequent phases develop, offer the parties a better experience accessing the Inter-American Human Rights system.

62. In 2023, the Processing Section began working with the GAIA System, taking advantage of the available operative functions. For example, it was able to transmit duly paginated relevant parts in some early processing of petitions reported to the States. Furthermore, the flow of documentation associated with petitions and cases pending before the IACHR was optimized, reduced from least six levels of review in the

⁴ IACHR, 2022 Annual Report 2022, [The System of Petitions and Cases, Friendly Settlements, and Precautionary Measures](#), Para. 60.

⁵ Available from: [Resolution-1-16-en.pdf \(oas.org\)](#).

former Documents Management System (DMS) to three in the new GAIA System. It should also be noted that in the case of States and petitioners registered with the Individual Petition System Portal or with a verified e-mail on file, the parties are automatically notified of the assorted communications stemming from a petition or case, reducing the margin of error from manual tasks, except for communications notified by e-mail in which the GAIA System determines that the information to be transmitted exceeds the limits of the system's mailbox, in which case human intervention will be required, leaving the appropriate record in the respective file.

63. As expected, gradual implementation of this system had an impact on processing times. Thus, the number of submissions pending transfer between the parties in a file increased, and in the portfolio of pending contentious cases, only matters subject to archiving in the portfolio of cases in the merits stage could be reviewed. In 2024, the same exercise will continue with the portfolio of petitions in the admissibility stage, and, with a more stable GAIA System, periodic maintenance of the portfolio of pending petitions and contentious cases will resume.

64. Furthermore, in accordance with its Strategic Plan, on December 20, 2023, the Commission approved [Resolution 4/23](#) by which it adopted its Prioritization Policy for Petitions and Cases, with the aim of increasing timely access to inter-American justice in the most urgent and serious matters that can represent an impact on the Inter-American System. This policy spells out four general criteria for prioritization: i) *urgent* matters in which serious violations of human rights are alleged, and due to the particular circumstances of the alleged victim, there is imminent danger that the passage of time may cause irreparable harm; ii) matters related to *structural situations or conjunctural problems* that have an impact on the enjoyment of human rights, in which a pronouncement by the IACHR may have the effect of remedying them or promoting legislative changes or changes in state practice to prevent the violation of rights in the same case; iii) matters for developing *the inter-American public order* to broaden inter-American standards on issues that may be relevant to the region or address situations involving the operations or effectiveness of the Inter-American System, and iv) cases involving *serious human rights violations*.

65. In order to conduct a rigorous review of this policy prior to its approval, and with the object of ensuring that the prioritization criteria meet the region's needs, in 2023 the IACHR coordinated the [Cycle of events: reflections and experiences for timely justice in the IACHR](#), consisting of a series of activities, namely: i) a meeting with European Courts, ii) an inaugural forum, iii) specialized panels, iv) consultation with users, v) consultation with civil society, vi) a workshop with staff from the IACHR Executive Secretariat, vii) consultation with experts, and viii) an independent study of comparative experiences.

66. In the meeting with European Courts, held on July 20, two discussion forums were held for staff from the IACHR Executive Secretariat, one of them with the General Court of the European Union (EGC) and the other with the European Court of Human Rights (ECHR). The purpose of these meetings was to gain a broader view of case processing, work methods, and good practices to address the EGC's procedural backlog and discuss the ECHR's prioritization policy in depth. These forums provided an opportunity to learn the commonalities and differences between the European courts and the Commission' operating practices, while learning about the good practices and experiences of these jurisdictional bodies in the processing and prioritization of cases.

67. The forum ["Access to Inter-American Justice."](#)⁶ held on July 21, inaugurated the series of public events with comparative perspectives in the national and international sphere on the situation, challenges, and good practices in access to justice. This activity brought together people from international organizations, national and international jurisdictional bodies, prominent civil society and academic figures, and national entities that are users of the system to share their experience with strategies for reducing procedural backlog and prioritizing cases to achieve timely justice. Participants in the event included the Secretary General of the OAS and representatives of the States to the OAS, distinguished legal figures from national and international organizations, academia, civil society, and the general public. Personnel from the General Court of the European

⁶ Luis Almagro, Secretary General of the OAS, Commissioner Margarette May Macaulay, President of the IACHR, and Tania Reneaum Panszi, Executive Secretary of the IACHR, gave the opening remarks.

Union, the Caribbean Court of Justice, prosecutors from the International Criminal Court, and the European Court of Human Rights were important participants. The panels “Comparative experiences in accessing timely justice”⁷ and “Delivering timely justice to achieve structural impacts”⁸ were held at this event.

68. The specialized panel [Technology Use for Efficient and Timely Justice.](#) held on August 30, brought together legal and technology experts to discuss good practices and solutions that technology offers for the systematization and automation of cases. Participants in this event were experts from the European Commission, a constitutional court, staff from States’ prosecutor’s and ombudsmen’s offices, as well as from innovation and artificial intelligence laboratories in the legal field.⁹ Through this meeting, the Commission learned about technology that would enable it to provide an efficient response in areas such as user interfaces, the automation of forms, the generation of model paragraphs, the systematization of jurisprudence, and, in general, the streamlining of proceedings to guarantee timely administration of justice.

69. During an academic visit by the Commission, on September 28 a regional consultation with civil society organizations was held, entitled [“Prioritization of petitions and cases in the IACHR.”](#) The purpose of this meeting was to obtain input that would enable the Commission, based on the organizations’ technical experience and practice, to develop criteria for prioritizing petitions and cases to achieve timelier justice to meet the needs of the region. The participants included more than 40 people from 20 CSOs in Colombia, El Salvador, Guatemala, Honduras, Mexico, Peru, and Venezuela¹⁰, donors, Executive Secretariat staff, and IACHR commissioners¹¹.

70. In line with the Commission’s activities to obtain input to advance the design of its petition and case prioritization policy, on Tuesday, October 17, 2023, a prioritization workshop was held with the team of the IACHR’s Office of the Assistant Secretary of Petitions and Cases to obtain its impressions and thoughts and learn from its experience about cases or situations that should receive more immediate attention to guarantee timely justice in the IACHR.

⁷ Moderated by Commissioner Roberta Clarke, Second Vice-President of the IACHR. Participating in the panel were Judge José Martín y Pérez de Nanclares of the General Court of the European Union; Judge Jacob Wit of the Caribbean Court of Justice; Meritxell Regue Blasi, Prosecutor of the Appeals Chamber of the International Criminal Court; Simeon Petrovski, Senior Legal Advisor to the Secretariat of the European Court of Human Rights; Martha Lucía Zamora, Director of the National Legal Defense Agency of the State of Colombia, and Jeffrey Apperson, Vice President for International Relations of the National Center for State Courts of the United States.

⁸ Moderated by Commissioner Esmeralda Arosemena, First Vice-President of the IACHR. Participating in the panel were Oscar Parra Vera, Magistrate of the Special Jurisdiction for Peace of Colombia; Ibrahim Salama, Chief of the Human Rights Treaties Branch of the OHCHR; Ana Lorena Delgadillo Pérez, member of the UN Working Group on Enforced or Involuntary Disappearances; Carlos Ayala Corao, Vice President of the International Commission of Jurists, and Angelita Baeyens, Vice President of International Advocacy and Litigation of Robert F. Kennedy Human Rights.

⁹ The welcoming remarks of the event were delivered by Tania Reneaum Panszi, Executive Secretary of the IACHR, and it was moderated by Commissioner Carlos Bernal Pulido. Participating in the panel were Enzo Le Fevre, Head of the Collaborative Solutions Sector in the Data Unit of the Digital Services Department of the European Commission; Ana María Ramos Serrano, Auxiliary Magistrate of the Constitutional Court of Colombia; Julián A. Palumbo, Head of the Innovation and Artificial Intelligence Area of the Public Prosecutor’s Office, Argentina; Alejandro Gómez Raby, Chief Counsel of the Specialized Criminal Defense Unit of the Criminal Public Defender’s Office of Chile; Juan Corvalán, Director of the Innovation and Artificial Intelligence Office of the University of Buenos Aires School of Law; and Lina Ascencio, Coordinator of the Strategy and Leadership Center of the University of Rosario.

¹⁰ Participating organizations from Mexico: Centro de Derechos Humanos Miguel Agustín Pro-Juárez; Comisión Mexicana de Defensa and Promoción de los Derechos Humanos; GIRE, CEMDA, Disability Rights International, FUNDAR, Laboratorio de Litigio Estructural A.C., Nuestro Futuro, and PRODESC; from El Salvador: Instituto de Derechos Humanos de la UCA (IDHUCA) and Cristosal. Of Guatemala: Fundación Myrna Mack and Bufete Jurídico de Derechos Humanos. Of Honduras: Cattrachas; from Colombia: Dejusticia and Ilex Acción Jurídica; from Peru: Coordinadora Nacional de Derechos Humanos (CNDDHH); and from Venezuela: Defiende Venezuela. Regional organizations also participated, among them Centro por la Justicia and el Derecho Internacional (CEJIL) Mesoamérica, and Instituto Internacional sobre Raza, Igualdad, and Derechos Humanos.

¹¹ The participants in this meeting were Commissioner Esmeralda Arosemena de Troitiño, First Vice-President; Commissioner Julissa Mantilla Falcón and Commissioner José Luis Caballero Ochoa, along with Tania Reneaum Panszi, Executive Secretary; María Claudia Pulido, Assistant Executive Secretary for Monitoring, Promotion, and Technical Cooperation in Human Rights; and Jorge Meza Flores, Assistant Executive Secretary for the Petition and Case System.

71. On October 23, an [expert consultation on prioritization criteria](#) was held at Harvard University to review and discuss the main aspects of prioritization criteria in a roundtable with experts to receive their recommendations and feedback.

72. Participants in the consultation were Judge Verónica Gómez of the Inter-American Court of Human Rights; Magistrate Oscar Parra Vera, of the Special Jurisdiction for Peace (JEP) of Colombia; Klaudiusz Ryngielewicz, Head of the Working Methods Committee of the European Court of Human Rights; Meritxell Regue Blasi, Appeals Chamber Prosecutor in the Office of the Prosecutor of the International Criminal Court; Catalina Botero, Co-president of Facebook's Oversight Board and former IACHR Rapporteur for Freedom of Expression; Jesús Orozco, Professor at the National Autonomous University of Mexico (UNAM) and former IACHR Commissioner; James Cavallaro, former IACHR Commissioner; Rodrigo Uprimny Yepes, senior investigator of the Center for the Study of Law, Justice, and Society (DeJusticia); Angelita Baeyens, Vice President of International Advocacy and Litigation of Robert F. Kennedy Human Rights; Viviana Krsticevic, Executive Director of the Center for Justice and International Law (CEJIL); Daniel Cerqueira, Director of the Program on Human Rights and Natural Resources of the Due Process of Law Foundation. Representing the Commission were Commissioner Margarette May Macaulay, President of the IACHR; Commissioner José Luis Caballero Ochoa; Jorge Meza Flores, Assistant Executive Secretary of the IACHR Petition and Case System; María Claudia Pulido, IACHR Assistant Executive Secretary for Monitoring, Promotion, and Technical Cooperation.

73. Also participating was the International Human Rights Clinic of Harvard University Law School, which conducted an independent comparative study of experiences in prioritization. This study reviewed and analyzed the practices and approaches of domestic and international judicial bodies in the prioritization of cases and assessed their relevance to the IACHR.¹² The participants from the Clinic were Anna Crowe, Associate Director and Ángel Cabrera, along with Christopher Hudson Verde, Salomé Van Bunnan, and Elizabeth Shneider, students from the Clinic.

74. Finally, from September to December 2023, the [public questionnaire "Access to Inter-American Justice in the IACHR"](#) was made available to explore for new measures or strategies that the Commission can adopt to make decision-making procedures for petitions and cases more efficient and transparent to boost its productivity and at the same time achieve timelier inter-American justice. Academia, donors, experts, States, national human rights institutions, international organizations, international human rights organizations, civil society organizations, and users in general were invited to participate.¹³ The Commission would like to thank the States of Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, the United States, Mexico, Panama, and Peru for their participation in the questionnaire.

3. Archiving

75. On January 19, 2022, the IACHR adopted Resolution 1/22, *Inactive Petitions Archive*¹⁴, through which 3,357 petitions under initial review with petitioner inactivity for from 3 to more than 10 years were identified; in the vast majority of these matters, the lack of response to a request for additional information by the Commission was noted. Publication of the aforementioned Resolution served as a formal notice to the petitioners and/or alleged victims identified in the petitions listed in its annex, based on Article 42(2) of the Rules of Procedure. Thus, if the IACHR does not receive any expression of interest in continuing to pursue the

¹² To prepare this study, the students evaluated the rules, procedures, and policies of the European Court of Human Rights (ECHR), the International Criminal Court (ICC), and the Special Jurisdiction for Peace (JEP) for the prioritization of cases and conducted interviews with people from these jurisdictional bodies. The students also reviewed the regulations and policies of the International Tribunal for the Law of the Sea (ITLOS), the International Court of Justice (ICJ), the Court of Justice of the European Union (CJEU), the African Court on Human and People's Rights, the International Center for the Settlement of Investment Disputes (ICSID), the World Trade Organization (WTO), the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia, the Caribbean Court of Justice, the Special Tribunal for Lebanon, the Permanent Court of Arbitration, the East African Court of Justice, and the International Labour Organization. However, they determined that the majority of these forums did not have publicly available prioritization policies or mechanisms, and that of those that did have them, the regulations and mechanisms were too vague to draw concrete lessons for the IACHR.

¹³ A total of 56 responses to the questionnaire were received.

¹⁴ Available from: <https://www.oas.org/es/cidh/decisiones/pdf/2022/res-1-22-ES.pdf>.

matter or the reasons for filing the petition no longer exist, the IACHR can proceed to definitively archive it under the aforementioned article. The petitioners were notified of the adoption of Resolution 1/22 through a press release¹⁵ that was distributed through a listserv and IACHR social networks and reported in the 2022 Annual Report.¹⁶

76. Having expired the term indicated in such resolution, petitions in which procedural inactivity persisted were identified. After a rigorous review, on October 31, 2023, the Inter -American Commission on Human Rights adopted Resolution 1/23, *Final Archiving of Inactive Petitions*, whereby it decided to archive the 3,327 inactive petitions listed in the [Annex](#), pursuant to Article 42 of the Rules of Procedure. Notification of the decision on the final archiving of the petitions included in the aforementioned resolution became effective on December 19, 2023, with the publication of [Press Release 302/23](#),¹⁷ which had the degree of dissemination described in the preceding paragraph. The rest of the petitions were processed as appropriate.

77. Concerning the petitions in the initial review stage, as part of its annual portfolio management exercise, the Commission individually reviewed the petitions for which, having previously notified the petitioners of the possibility of their archiving as stipulated in Article 42(1) of those same Rules of Procedure,¹⁸ it had received no response. Therefore, on November 17, 2023, the IACHR decided to definitively archive 170 petitions in the initial review stage.

78. Finally, regarding the matters either in the contentious proceeding or under a friendly settlement negotiation process, the Commission decided to archive 119 petitions or cases, as stipulated in Article 42 of the Rules of Procedure. Except in situations where the petitioner indicated its withdrawal pursuant to Article 41, the IACHR, having received no response, notified to the parties its archiving decision. It should be noted that in 2023, the Commission was only able to review matters in the portfolio of cases in the merits stage that were subject to archiving. In 2024, it will continue the same exercise with the portfolio of petitions in the admissibility stage and, with a more stable GAIA System, will resume the tasks involved in periodically maintaining the portfolio of petitions and contentious cases.

79. It should be recalled that since 2018, the Commission has considered it necessary to confirm interest in proceeding with a case when there has been inactivity on the part of a petitioner for three years; if confirmation is not received, it can proceed to archive it. The Commission has considered the failure of petitioner to submit its comments on the merits, a requirement provided in Article 37(1) of the IACHR Rules of Procedure, a serious indication of lack of interest in the processing of a petition that can result in its archiving under the terms of Article 42(1.b) of that same instrument.

80. Listed below are the petitions and cases that were archived in 2023.

a. Inactive petitions

81. Given its length, the list of archived inactive petitions is found in Annex 1 “Final Archiving of Inactive Petitions” in [Resolution 1/23, Final Archiving of Inactive Petitions](#).

¹⁵ IACHR, Press Release 057/2022: [IACHR Adopts Resolution to Notify Moves to Close Inactive Petitions](#), March 22, 2022.

¹⁶ CIDH, 2022 Annual Report, [Chapter II: The System of Petitions and Cases, Friendly Settlements, and Precautionary Measures](#) Para. 23.

¹⁷ IACHR, Press Release 302/2023: [IACHR Adopts Resolution on Archiving Inactive Petitions in the Initial Review Stage](#), December 19, 2023. Available from: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/302.asp.

¹⁸ With regard to the criterion set in Article 42(1)(b) of the Rules of Procedure, the IACHR considers procedural inactivity of more than two years on the part of the petitioner in petitions under initial review with a decision to proceed to be unjustifiable.

b. Petitions under initial review

N.	País State	Petición Petition	Año Year	Procedural stage
1	Argentina	P-731-16	2016	INITIAL REVIEW
2	Argentina	P-2081-17	2017	INITIAL REVIEW
3	Argentina	P-961-18	2018	INITIAL REVIEW
4	Argentina	P-2575-18	2018	INITIAL REVIEW
5	Argentina	P-1846-19	2019	INITIAL REVIEW
6	Argentina	P-1808-20	2020	INITIAL REVIEW
7	Argentina	P-2196-20	2020	INITIAL REVIEW
8	Bolivia	P-93-16	2016	INITIAL REVIEW
9	Bolivia	P-2157-17	2017	INITIAL REVIEW
10	Bolivia	P-228-18	2018	INITIAL REVIEW
11	Bolivia	P-417-19	2019	INITIAL REVIEW
12	Bolivia	P-434-19	2019	INITIAL REVIEW
13	Bolivia	P-445-19	2019	INITIAL REVIEW
14	Bolivia	P-451-19	2019	INITIAL REVIEW
15	Bolivia	P-456-19	2019	INITIAL REVIEW
16	Bolivia	P-457-19	2019	INITIAL REVIEW
17	Bolivia	P-458-19	2019	INITIAL REVIEW
18	Bolivia	P-460-19	2019	INITIAL REVIEW
19	Bolivia	P-469-19	2019	INITIAL REVIEW
20	Bolivia	P-482-19	2019	INITIAL REVIEW
21	Bolivia	P-2639-19	2019	INITIAL REVIEW
22	Bolivia	P-2821-19	2019	INITIAL REVIEW
23	Bolivia	P-2885-19	2019	INITIAL REVIEW
24	Bolivia	P-3082-19	2019	INITIAL REVIEW
25	Brazil	P-29-04	2004	INITIAL REVIEW
26	Brazil	P-956-18	2018	INITIAL REVIEW
27	Brazil	P-1024-18	2018	INITIAL REVIEW
28	Brazil	P-2156-18	2018	INITIAL REVIEW
29	Brazil	P-2189-18	2018	INITIAL REVIEW
30	Brazil	P-2915-18	2018	INITIAL REVIEW
31	Brazil	P-32-19	2019	INITIAL REVIEW
32	Brazil	P-851-19	2019	INITIAL REVIEW
33	Brazil	P-1002-19	2019	INITIAL REVIEW
34	Brazil	P-1007-19	2019	INITIAL REVIEW

35	Brazil	P-1975-19	2019	INITIAL REVIEW
36	Chile	P-2440-12	2012	INITIAL REVIEW
37	Chile	P-2887-18	2018	INITIAL REVIEW
38	Chile	P-161-19	2019	INITIAL REVIEW
39	Chile	P-1738-19	2019	INITIAL REVIEW
40	Chile	P-1653-20	2020	INITIAL REVIEW
41	Colombia	P-2290-16	2016	INITIAL REVIEW
42	Colombia	P-2513-16	2016	INITIAL REVIEW
43	Colombia	P-2517-16	2016	INITIAL REVIEW
44	Colombia	P-38-17	2017	INITIAL REVIEW
45	Colombia	P-441-17	2017	INITIAL REVIEW
46	Colombia	P-927-17	2017	INITIAL REVIEW
47	Colombia	P-1851-17	2017	INITIAL REVIEW
48	Colombia	P-2575-17	2017	INITIAL REVIEW
49	Colombia	P-854-18	2018	INITIAL REVIEW
50	Colombia	P-1150-18	2018	INITIAL REVIEW
51	Colombia	P-1826-18	2018	INITIAL REVIEW
52	Colombia	P-1924-18	2018	INITIAL REVIEW
53	Colombia	P-2260-18	2018	INITIAL REVIEW
54	Colombia	P-2390-18	2018	INITIAL REVIEW
55	Colombia	P-2419-18	2018	INITIAL REVIEW
56	Colombia	P-2431-18	2018	INITIAL REVIEW
57	Colombia	P-129-19	2019	INITIAL REVIEW
58	Colombia	P-548-19	2019	INITIAL REVIEW
59	Colombia	P-662-19	2019	INITIAL REVIEW
60	Colombia	P-885-19	2019	INITIAL REVIEW
61	Colombia	P-943-19	2019	INITIAL REVIEW
62	Colombia	P-986-19	2019	INITIAL REVIEW
63	Colombia	P-1172-19	2019	INITIAL REVIEW
64	Colombia	P-1202-19	2019	INITIAL REVIEW
65	Colombia	P-1282-19	2019	INITIAL REVIEW
66	Colombia	P-1308-19	2019	INITIAL REVIEW
67	Colombia	P-1414-19	2019	INITIAL REVIEW
68	Colombia	P-1481-19	2019	INITIAL REVIEW
69	Colombia	P-1482-19	2019	INITIAL REVIEW
70	Colombia	P-1483-19	2019	INITIAL REVIEW

71	Colombia	P-1568-19	2019	INITIAL REVIEW
72	Colombia	P-1728-19	2019	INITIAL REVIEW
73	Colombia	P-1837-19	2019	INITIAL REVIEW
74	Costa Rica	P-1964-11	2011	INITIAL REVIEW
75	Costa Rica	P-1652-17	2017	INITIAL REVIEW
76	Costa Rica	P-1241-19	2019	INITIAL REVIEW
77	Cuba	P-1371-15	2015	INITIAL REVIEW
78	Cuba	P-400-16	2016	INITIAL REVIEW
79	Cuba	P-171-19	2019	INITIAL REVIEW
80	Ecuador	P-1888-17	2017	INITIAL REVIEW
81	Ecuador	P-2573-18	2018	INITIAL REVIEW
82	Ecuador	P-783-19	2019	INITIAL REVIEW
83	Ecuador	P-2703-19	2019	INITIAL REVIEW
84	Ecuador	P-2704-19	2019	INITIAL REVIEW
85	Ecuador	P-2705-19	2019	INITIAL REVIEW
86	El Salvador	P-2338-20	2020	INITIAL REVIEW
87	United States	P-2541-16	2016	INITIAL REVIEW
88	United States	P-835-17	2017	INITIAL REVIEW
89	United States	P-668-18	2018	INITIAL REVIEW
90	United States	P-2822-18	2018	INITIAL REVIEW
91	United States	P-1085-19	2019	INITIAL REVIEW
92	United States	P-1739-19	2019	INITIAL REVIEW
93	United States	P-1812-19	2019	INITIAL REVIEW
94	United States	P-2127-19	2019	INITIAL REVIEW
95	Guatemala	P-1453-18	2018	INITIAL REVIEW
96	Guatemala	P-1104-19	2019	INITIAL REVIEW
97	Guatemala	P-1967-20	2020	INITIAL REVIEW
98	Haiti	P-2345-19	2019	INITIAL REVIEW
99	Haiti	P-2618-19	2019	INITIAL REVIEW
100	Honduras	P-2125-18	2018	INITIAL REVIEW
101	Honduras	P-696-19	2019	INITIAL REVIEW
102	Honduras	P-1075-19	2019	INITIAL REVIEW
103	Honduras	P-1701-21	2021	INITIAL REVIEW
104	Mexico	P-27-16	2016	INITIAL REVIEW
105	Mexico	P-2042-16	2016	INITIAL REVIEW
106	Mexico	P-2492-16	2016	INITIAL REVIEW

107	Mexico	P-49-17	2017	INITIAL REVIEW
108	Mexico	P-255-17	2017	INITIAL REVIEW
109	Mexico	P-335-17	2017	INITIAL REVIEW
110	Mexico	P-893-17	2017	INITIAL REVIEW
111	Mexico	P-1071-17	2017	INITIAL REVIEW
112	Mexico	P-1298-17	2017	INITIAL REVIEW
113	Mexico	P-1591-17	2017	INITIAL REVIEW
114	Mexico	P-2147-17	2017	INITIAL REVIEW
115	Mexico	P-2230-17	2017	INITIAL REVIEW
116	Mexico	P-582-18	2018	INITIAL REVIEW
117	Mexico	P-888-18	2018	INITIAL REVIEW
118	Mexico	P-1673-18	2018	INITIAL REVIEW
119	Mexico	P-1881-18	2018	INITIAL REVIEW
120	Mexico	P-2146-18	2018	INITIAL REVIEW
121	Mexico	P-2360-18	2018	INITIAL REVIEW
122	Mexico	P-2607-18	2018	INITIAL REVIEW
123	Mexico	P-2850-18	2018	INITIAL REVIEW
124	Mexico	P-9-19	2019	INITIAL REVIEW
125	Mexico	P-53-19	2019	INITIAL REVIEW
126	Mexico	P-214-19	2019	INITIAL REVIEW
127	Mexico	P-215-19	2019	INITIAL REVIEW
128	Mexico	P-271-19	2019	INITIAL REVIEW
129	Mexico	P-369-19	2019	INITIAL REVIEW
130	Mexico	P-400-19	2019	INITIAL REVIEW
131	Mexico	P-407-19	2019	INITIAL REVIEW
132	Mexico	P-781-19	2019	INITIAL REVIEW
133	Mexico	P-1350-19	2019	INITIAL REVIEW
134	Mexico	P-1404-19	2019	INITIAL REVIEW
135	Mexico	P-1521-19	2019	INITIAL REVIEW
136	Mexico	P-1662-19	2019	INITIAL REVIEW
137	Mexico	P-1783-19	2019	INITIAL REVIEW
138	Mexico	P-2060-19	2019	INITIAL REVIEW
139	Mexico	P-2561-19	2019	INITIAL REVIEW
140	Mexico	P-2740-19	2019	INITIAL REVIEW
141	Mexico	P-338-20	2020	INITIAL REVIEW
142	Mexico	P-1166-20	2020	INITIAL REVIEW

143	Mexico	P-1952-20	2020	INITIAL REVIEW
144	Mexico	P-661-21	2021	INITIAL REVIEW
145	Nicaragua	P-507-19	2019	INITIAL REVIEW
146	Nicaragua	P-1037-19	2019	INITIAL REVIEW
147	Nicaragua	P-1463-19	2019	INITIAL REVIEW
148	Panama	P-580-18	2018	INITIAL REVIEW
149	Panama	P-2516-18	2018	INITIAL REVIEW
150	Panama	P-1203-19	2019	INITIAL REVIEW
151	Paraguay	P-121-08	2008	INITIAL REVIEW
152	Peru	P-178-16	2016	INITIAL REVIEW
153	Peru	P-2478-17	2017	INITIAL REVIEW
154	Peru	P-872-18	2018	INITIAL REVIEW
155	Peru	P-1615-18	2018	INITIAL REVIEW
156	Peru	P-2301-18	2018	INITIAL REVIEW
157	Peru	P-2541-18	2018	INITIAL REVIEW
158	Peru	P-2572-18	2018	INITIAL REVIEW
159	Peru	P-392-19	2019	INITIAL REVIEW
160	Peru	P-583-19	2019	INITIAL REVIEW
161	Peru	P-900-19	2019	INITIAL REVIEW
162	Peru	P-971-19	2019	INITIAL REVIEW
163	Peru	P-1411-19	2019	INITIAL REVIEW
164	Peru	P-1906-19	2019	INITIAL REVIEW
165	Peru	P-2024-19	2019	INITIAL REVIEW
166	Peru	P-2177-19	2019	INITIAL REVIEW
167	Peru	P-2192-19	2019	INITIAL REVIEW
168	Peru	P-2283-19	2019	INITIAL REVIEW
169	Peru	P-2531-19	2019	INITIAL REVIEW
170	Dominican Republic	P-1412-19	2019	INITIAL REVIEW

c. Petitions in admissibility stage and cases in merits stage

#	State	Case No.	Year	Name	Procedural stage
1	Argentina	12.937	2000	Agustina Alonso et al.	Fondo <i>Merits</i>
2	Argentina	13.067	2003	Eduardo Balestena	Fondo <i>Merits</i>
3	Argentina	13.485	2004	Miriam Delia Echave	Fondo <i>Merits</i>

4	Argentina	13.094	2005	Mercedes del Carmen Gutiérrez and other	Fondo Merits
5	Argentina	13.622	2005	Horacio Alberto Senet	Fondo Merits
6	Argentina	14.523	2011	Esteban Braulio Bravo	Fondo Merits
7	Argentina	13.703	2013	Luis Alberto Pinto et al.	Fondo Merits
8	Argentina	14.272	2013	Matías Eduardo Cruz and Family	Fondo Merits
9	Argentina	14.358	2014	Maria Evelina Chillemi	Fondo Merits
10	Argentina	14.359	2014	Nolberto Hernán Céspedes and Family	Fondo Merits
11	Argentina	14.787	2014	Ana María Salas	Fondo Merits
12	Argentina	14.790	2014	Ricardo Mirabile.	Fondo Merits
13	Argentina	14.459	2015	Luka Nahuel Sánchez Flores	Fondo Merits
14	Brazil	12.852	2004	Alejandro Daniel Esteve and Children	Fondo Merits
15	Brazil	13.756	2008	Hindenburgh de Mélo Rocha et al.	Fondo Merits
16	Brazil	14.797	2010	Tania Suely dos Santos Calixto	Fondo Merits
17	Brazil	14.798	2012	Elias Gonçalves de Meura et al.	Fondo Merits
18	Chile	13.427	2004	Lupe Zevallos, Fernando Zevallos and Elizabeth López	Fondo Merits
19	Chile	13.369	2007	Teodosio del Carmen Cifuentes Rebolledo, José Antonio Lagos Améstica, David Valderrama Opazo, José Antonio Lagos Améstica, Luis Ayala Herrera, Teodosio del Carmen Cifuentes Rebolledo, Luis Ayala Herrera	Fondo Merits
20	Chile	13.534	2010	Jorge Palma Donoso	Fondo Merits
21	Chile	14.417	2010	Julio Enrique Gerding Salas	Fondo Merits
22	Chile	14.578	2012	Lorenzo Tercero Álvarez Aguilar, María Soledad Álvarez Soto	Fondo Merits
23	Chile	14.638	2014	Carolina Andrea Llanos Ojeda and son, Luz Adriana Celedón Bulnes and son, Paola Andrea Rivas Mardones, and daughter	Fondo Merits

24	Chile	14.437	2015	Iván Sasha Mendieta	Fondo Merits
25	Chile	14.614	2018	Pamela Alejandra Jiménez	Fondo Merits
26	Chile	14.619	2018	Rafael Leandro Gonzáles Dulanto	Fondo Merits
27	Colombia	13.149	2005	Diana Patricia Sánchez Zapata et al.	Fondo Merits
28	Colombia	13.561	2006	Manolo Martinez	Fondo Merits
29	Colombia	13.566	2006	María Constanza Pulecio Antolínez et al.	Fondo Merits
30	Colombia	14.743	2009	Alberto Velásquez Vélez	Fondo Merits
31	Colombia	14.918	2011	Ferlin Muñoz Granada	Fondo Merits
32	Colombia	14.549	2012	Fredy Ocoro Botero and Family	Fondo Merits
33	Colombia	14.805	2012	Joel de Jesús Bustamante	Fondo Merits
34	Colombia	14.581	2018	Azul Sofia Rodriguez Acevedo	Fondo Merits
35	Costa Rica	13.185	2004	Carlos Adanis Porras	Fondo Merits
36	Costa Rica	13.449	2005	Max Diermissen Solera	Fondo Merits
37	Costa Rica	12.817	2005	William Gómez Vargas and Diario Extra de Costa Rica	Fondo Merits
38	Costa Rica	14.744	2011	Ángel Domingo Ortiz Morales and Edvin Ortiz Torres	Fondo Merits
39	Ecuador	12.913	2005	Eduardo Julián Parrilla Ortiz	Fondo Merits
40	Ecuador	13.442	2006	Association of Miners of Lapangui Conguime	Fondo Merits
41	Ecuador	14.072	2010	Wilson Fernando Bastidas Delgado, Enrique Omar Auria Martínez and Family	Fondo Merits
42	Ecuador	14.783	2011	Carlos Pérez Barriga	Fondo Merits
43	Ecuador	14.315	2015	Luis Alfredo Villacis Maldonado	Fondo Merits
44	El Salvador	14.818	2011	Roque Dalton et al.	Fondo Merits
45	El Salvador	14.868	2016	José Mauricio Rivera et al.	Fondo Merits

46	United States	13.975	2012	Thahe Mohammed Sabar, Sherzad Kamal Khalid, Ali Hussein, Mehoob Ahmad, Said Nabi Siddiqi, and Haji Abdul Rahman	Fondo Merits
47	United States	14.039	2018	Charles Flores	Fondo Merits
48	Guatemala	11.570	1995	Manuel Saquíc Vásquez, Pascual Serech et al., Pascual Serech	Solución Amistosa <i>Friendly Settlement</i>
49	Guatemala	12.731	2006	Pensionados del Banco Nacional de Desarrollo Agrícola (BANDESA)	Fondo Merits
50	Guatemala	14.228	2009	Miguel Angel Crisostomo Cheguen, Jacobo Crisostomo Cheguen et al.	Fondo Merits
51	Guatemala	13.818	2011	Juan Eduardo Morales Álvarez	Fondo Merits
52	Guatemala	13.831	2012	Members of Fundación Grupo de Apoyo Mutuo	Fondo Merits
53	Guatemala	14.229	2012	Clara Herrera and Cruz Herrera	Fondo Merits
54	Guatemala	14.410	2016	Juan Chiroy Sal	Fondo Merits
55	Guatemala	14.466	2016	Patrocinio Ambrocio	Fondo Merits
56	Guatemala	P-4350-02	2022	Jose Luis de León Díaz	Solución Amistosa <i>Friendly Settlement</i>
57	Mexico	13.229	2004	Enrique Rivera Montalvo	Fondo Merits
58	Mexico	14.296	2008	María del Carmen García Cuapantecatl, Mariana Montaña Esquivel, Ricardo Montaña Contreras	Fondo Merits
59	Mexico	13.977	2009	G.V.L.B.	Fondo Merits
60	Mexico	14.044	2009	José Luis Muñoz Santos et al.	Fondo Merits
61	Mexico	14.045	2009	Gustavo Flores Martínez, Luís Arturo Diaz Cedeño	Fondo Merits
62	Mexico	14.215	2009	Gabriel Ulises Valdez Larqué	Fondo Merits
63	Mexico	14.329	2009	José Luis García Zanella	Fondo Merits
64	Mexico	14.713	2009	Gerardo Velazquez Navarrete	Fondo Merits
65	Mexico	14.666	2010	Víctor Manuel Pérez Ibarra	Fondo Merits

66	Mexico	14.079	2010	Marco Antonio Trejo Mendoza and Angel Flores Ramírez	Fondo Merits
67	Mexico	13.507	2011	Hester Suzanne Van Nierop	Fondo Merits
68	Mexico	14.214	2011	María de la Paz Rentería Sánchez	Fondo Merits
69	Mexico	14.230	2012	Federico Escobedo Garduño	Fondo Merits
70	Mexico	14.320	2012	Mixe Community of Jaltepec de Candayoc-Pueblo	Fondo Merits
71	Mexico	14.346	2012	Coordinator of Movimiento Progresista	Fondo Merits
72	Mexico	14.929	2012	Reynaldo Esteban Cárdenas Gonzalez	Fondo Merits
73	Mexico	14.494	2013	Ligia María Beatriz Silva Mendoza and Children	Fondo Merits
74	Mexico	14.935	2013	George Khoury Layon	Fondo Merits
75	Mexico	14.383	2014	Totli Denith García Trejo	Fondo Merits
76	Mexico	14.411	2014	Alejandro Solis Espinoza	Fondo Merits
77	Mexico	14.413	2014	Nallely Denice Valencia Reyes	Fondo Merits
78	Mexico	14.692	2014	Francisco González Santa María	Fondo Merits
79	Mexico	14.470	2015	Daniel Guadalupe Torres Castellanos et al.	Fondo Merits
80	Mexico	14.501	2015	Carlo Alessandro Ricalde Barocio	Fondo Merits
81	Mexico	14.570	2015	Miguel Angel Rivera Diaz, David Ramírez Valenzuela González	Fondo Merits
82	Mexico	14.608	2015	José Antonio Barquet Aragón	Fondo Merits
83	Mexico	14.693	2015	Antonia Jiménez Pérez, Carmen Morales Cruz, Guadalupe Hernández Núñez, Jeronima Gómez Demeza, Lizzeth Beatriz Sánchez Álvarez, Luis Tomás Lazos Monterrosa, Manuel Cruz Gutiérrez, Ricardo López Sánchez, Sandro Cruz López, Sebastián Aguilar Hernández, Sebastián Cruz Sánchez, Petrona Sánchez Pérez	Fondo Merits
84	Mexico	14.734	2015	Jorge Guadalupe Ordaz Lara	Fondo Merits

85	Mexico	14.870	2015	Ivan Castro Garibaldi, Jaime Portillo Araujo	Fondo Merits
86	Mexico	14.871	2015	Raúl Cortés López	Fondo Merits
87	Mexico	14.872	2015	Petrona Sánchez Pérez	Fondo Merits
88	Mexico	14.897	2015	Primitivo Amaya Diaz	Fondo Merits
89	Mexico	15.045	2015	Ángela Martínez	Fondo Merits
90	Mexico	14.567	2016	Armando Ramos, Brenda Rodríguez Sapiens, Francisco Javier Rodríguez Sapiens, Luis Alberto Rodríguez Sapiens, Luis Rodríguez González, Margarita Sapiens Valentin, Mauricia Geovanny Rangel Rodríguez	Fondo Merits
91	Mexico	13.837	2017	Juana Ortiz Gomez and Pobladores de Chenalhó	Fondo Merits
92	Mexico	14.738	2017	Pedro Sergio Jonguitud Barragan	Fondo Merits
93	Mexico	14.654	2018	José Matilde Ramirez Cervantes	Fondo Merits
94	Mexico	14.956	2018	Adrián Garza Torres, Carlos Arturo Pérez Ramírez	Fondo Merits
95	Nicaragua	14.499	2018	Juan Antonio Aguilera Rojas	Fondo Merits
96	Panama	13.252	2006	Gabriel Frias Torres	Fondo Merits
97	Peru	13.057 (Partial archiving of petitions P1295-07; P1296-07; P1401-07; P300-08; P405-08)	1998	Miners with silicosis (Partial archiving with respect to Amador Ore Barrientos, Hermógenes Chávez Puma, Antonio Janampa Acuña, Gumercindo Angulo Arotinco, Emiliano Paucarima Chalco)	Fondo Merits
98	Peru	13.277	2005	Luis Ernesto Álvarez Espinoza	Fondo Merits
99	Peru	13.283	2005	Leonardo Romero Matos	Fondo Merits
100	Peru	13.411	2007	Franklin Nima Curay	Fondo Merits
101	Peru	13.636	2007	Gregorio Cunto Guillen et al.	Fondo Merits
102	Peru	13.387	2008	Williams Mariano Paría Tapia	Fondo Merits

103	Peru	13.876	2008	Eleazar Sinclair Soldevilla Magallanes	Fondo Merits
104	Peru	14.923	2010	Melitón Maquera Ramírez et al.	Fondo Merits
105	Peru	13.784	2011	CVFZ	Fondo Merits
106	Peru	13.865	2011	Víctor Luis Padilla Tejada	Fondo Merits
107	Peru	14.519	2011	Iris Yolanda Quiñones Colchado and Family	Fondo Merits
108	Peru	14.924	2012	David Tuny Dueñas	Fondo Merits
109	Peru	15.064	2015	Florindo Eleuterio Flores Hala	Fondo Merits
110	Suriname	13.891	2013	Urbian Burleson, Jules Goddard, Kenneth Amzink, Errol Harryson	Fondo Merits
111	Venezuela	14.644	2015	Laided Salazar de Zerpa	Fondo Merits
112	Venezuela	14.424	2017	Luis Alfredo Palencia Rivero	Fondo Merits
113	Venezuela	14.425	2018	Lizzie Juliet Ferre Escalona	Fondo Merits
114	Venezuela	14.445	2018	Blanca Teresa Gomez	Fondo Merits
115	Venezuela	14.450	2018	José De Jesús Gámez Bustamante	Fondo Merits
116	Venezuela	14.456	2018	Stefanie Madeline Chávez Martínez	Fondo Merits
117	Venezuela	14.475	2019	Luis Miguel Nuñez Ferrebus	Fondo Merits
118	Venezuela	14.478	2019	Juan Antonio Planchart Márquez	Fondo Merits
119	Venezuela	14.645	2020	Juan José Gámez Maza	Fondo Merits

4. Portfolio meetings and information for member states

82. With a view to guaranteeing access to information on compliance with its mandate and fostering a culture of active transparency with regard to the information under its control, the Deputy Executive Secretariat of Petitions and Cases facilitated information on the status of the portfolios of petitions and cases pending before the IACHR on 18 occasions, involving 14 member states of the Organization of American States (OAS).

83. Thirteen of them consisted of virtual, in-person, and hybrid (virtual and in-person) meetings for an in-depth review of their portfolios, which involved the States of Argentina, The Bahamas, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Panama, and Peru.

84. On the other hand, five requests for information on the status of the portfolio of petitions and cases regarding the States of Argentina, Bolivia, Dominican Republic, and Suriname were satisfactorily fulfilled.

5. Hearings on contentious cases

85. In 2023, the Commission held 10 public hearings on pending cases, pursuant to Article 64 of the Rules of Procedure. In these hearings, the Commission received testimonial or expert evidence and heard the allegations of the parties involved.

86. Some of the hearings were held at the request of a party, while the others were official requests by the Commission, as they were related to cases under review and deliberation, enabling the Commission to obtain more evidence on material aspects of the dispute between the parties, as well as up-to-date information before issuing its decision.

87. The Commission held hearings on the following cases:

- Case 11.888 [Alfredo Acero Aranda et al.](#) (Red la Armada) v. Colombia, March 7, 2023.
- Case 12.781 [Indigenous Peoples of Raposa Serra do Sol](#) v. Brazil, March 8, 2023.
- Case 13.097 [César Javier Magallanes Verón et al.](#) (Deaths in the Magdalena Penitentiary) v. Argentina, March 9, 2023.
- Case 14.293 [Otilia Inés Lux García de Cotí](#) v. Guatemala, July 11, 2023.
- Case 13.955 [Gabriel Alejandro Vasco Toapanta et al.](#) v. Ecuador, July 13, 2023.
- Case 13.599 [Ariel Osvaldo Mollar](#) v. Argentina, July 13, 2023.
- Case 14.736 [37 people with disabilities confined to Casa Esperanza](#) v. Mexico, July 14, 2023.
- Case 14.488 [Jessica Liliana Ramírez Gaviria](#) v. Colombia, November 6, 2023.
- Case 14.543 [Mostafa Seyed Mirmehdi et al.](#) v. United States, November 8, 2023.
- Case 13.717 [Accomarca Massacre](#) v. Peru, November 10, 2023.

6. Cases in transition

88. Article 51.1 of the American Convention states that after the notification of the merits report, issued pursuant to Article 50 of that same instrument, the Commission can refer it to the Inter-American Court

within a period of three months. However, under the requirements of Article 46 of the Rules of Procedure, the Commission can suspend that time limit and extend it for a specific period, as long as the State has shown its willingness and ability to implement the recommendations and expressly and irrevocably accepts the suspension of the time limit. This has provided opportunities for implementing the recommendations issued by the Commission in the merits reports of various cases, where it plays an active role in monitoring the status of compliance with the recommendations. The Commission currently has 81 cases at this stage, which are periodically reviewed for a timely decision on their referral to the Inter-American Court or their publication.

89. As part of the Commission's active role at this stage, there was a substantial increase in the number of working meetings on the cases in transition, which were presided over by the commissioner-rapporteurs of each country. In 2023, the Commission held 34 working meetings with the parties, both -in person and virtually, representing 43% of the cases in the portfolio. The purpose of the meetings was to obtain information on the State's progress in complying with the recommendations issued by the IACHR in Merits Reports and to support the parties in the dialogue on the necessary measures for compliance. The working meetings resulted, among other progress, in the creation of roadmaps for implementation of the recommendations, the preparation of counterproposals to reach agreements on compliance, and timetables indicating the measures that should be taken in the short and medium term. The working meetings also enabled the Commission to evaluate the possibility of continuing to monitor compliance in the transition stage or to refer the case to the contentious jurisdiction of the Inter-American Court.

90. The Commission acknowledges and is grateful for the good will of the States that participated in the working meetings, which were attended by delegations that included officials from the institutions involved in compliance with the recommendations, who provided updated information on the progress made in various measures. It also appreciates the participation of victims and their representatives and the information they provided.

91. The Commission also continued to send written communications at this stage requesting specific information or technical notes to promote compliance with the recommendations, ensuring redress that was comprehensive and therefore compatible with the standards of the Inter-American System. Specifically, the Commission issued four technical notes. In two of them, based on cases decided by the Inter-American Court, it evaluated the proposed pecuniary compensation offered by the State to determine whether it was compatible with the inter-American standards, with the object of facilitating the dialogue between the parties. The Commission also issued a technical note to clear up the situation of possible duplication of some victims included in the Commission's admissibility and merits reports and a recent judgement by the Inter-American Court that enabled the State to know the universe of victims and continue the compliance process. In addition, the Commission issued a note analyzing the state practice of creating an arbitration court to determine the amount of pecuniary compensation based on inter-American standards.

92. With an extension of the time limit stipulated in Article 46 of the Rules of Procedure, the States in question have had to demonstrate their willingness and ability to comply with the recommendations of the respective merits report, so that the Commission can extend the time limit again. In 2023, the Commission adopted 295 decisions evaluating the granting of a new extension, publication, or referral of the case to the Inter-American Court.

93. In 2023, the Commission received information about the progress that some States have made in compliance with the merits reports. Specifically, it recorded 190 measures adopted by the States, including the payment of compensation to victims or negotiations between the parties based on the principle of consensus; progress in domestic judicial proceedings to investigate the human rights violations declared in the report, including the identification and conviction of the perpetrators; progress in identifying the fate or whereabouts of victims who had disappeared; measures for state institutions to provide health services to victims; the provision of housing and signing of compliance agreements with measures for economic compensation, satisfaction, and guarantees of non-repetition. The Commission also favorably viewed the fact that some States had conducted the training recommended in the merits report, including inter alia training on the requirement of consultation and the obtention of free and informed prior consent of Indigenous Peoples,

the prevention of ethnic or racial discrimination in the public sector, and due diligence in the investigation of cases of death, torture, and sexual violence in the context of police actions.

94. Within the framework of this compliance, the Commission sought to actively encourage negotiation and agreements for compliance with the recommendations contained in the merits reports. In 2023, it took note of the signing of nine compliance agreements between the parties to cases in transition and continued to monitor progress in seven agreements signed in previous years. The Commission also attended two official events as an invitee in which the State apologized to the victims and acknowledged international responsibility at this stage.

95. These activities allowed the Commission to make progress in implementing the Strategic Plan, adopting measures to enable the victims of human rights violations to obtain justice through compliance with the decisions of merits reports and the guarantee of comprehensive redress. This implies strengthening the capacity the Office of its Assistant Secretary for Petitions and Cases to manage and address cases in transition and before the Inter-American Court of Human Rights.

C. Advances and challenges on negotiation and implementation of friendly settlements agreements

1. Introduction

96. The Inter-American Commission on Human Rights, presents for the first time an independent chapter dedicated to the work of promoting negotiations and compliance with friendly settlement agreements, as well as for the visibility of the efforts made by the IACHR in the framework of its Strategic Plan 2023-2027, to potentiate the friendly settlement mechanism, as an effective tool for the attention of matters that fall under the system of individual petitions and cases, as well as for obtaining full reparation by victims of human rights violations and to expand the use of the friendly settlement procedure as a strategy to address the procedural backlog.

97. The Commission addresses in this chapter first the relevant results in the negotiation processes and implementation of friendly settlement agreements, including the agreements fully complied with in 2023; the specific advances in the implementation of measures of friendly settlement agreements; the new agreements signed during the year; and the new friendly settlement follow up processes. On the other hand, the activities for the promotion of friendly settlement agreements carried out during the year are addressed, including activities to promote negotiations and compliance with agreements; activities to promote the exchange and dissemination of good practices on the mechanism and the development of tools for access to information for users of the IACHR regarding friendly solutions. Likewise, the compliance status of the friendly settlement reports approved by the Commission is presented in the light of article 49 of the American Convention and the good practices and setbacks observed in 2023 regarding friendly solutions are raised.

98. Lastly, it should be noted that in accordance with the provisions of Article 17.2.a of the Commission's Regulations, the President Commissioner Margaret Macaulay, a Jamaican national, did not participate in the debate or in the conclusions of the reports referring to said country; nor did Commissioner Esmeralda Arosemena de Troitiño, First Vice President, nor Commissioner Roberta Clarke, Second Vice President, nationals of Panama and Barbados, respectively, in matters regarding said countries; nor Commissioners Julissa Mantilla Falcon with respect to Peru; Edgar Stuardo Ralón Orellana, in the affairs of Guatemala, Carlos Bernal in relation to the affairs of Colombia, nor Jose Luis Caballero Ochoa in the affairs of Mexico.

2. Relevant results on negotiation and implementation of friendly settlement agreements

a. Friendly settlement agreements fully implemented in 2023

99. The Commission notes with satisfaction that, in 2023, progress was made in terms of full compliance with nine friendly settlement agreements. In that regard, the Commission approved two friendly settlement agreements this year with a level of full compliance and, therefore, decided to cease its supervision of those agreements. On the other hand, in the context of monitoring friendly settlement agreements approved by the Commission, in 2023 major progress was observed in terms of total compliance with thirteen friendly settlement agreements that were already subject to that monitoring mechanism in the following matters, the details of which can be found in the respective country data sheets with the corresponding findings. Listed below are the matters that reached full compliance this year:

- Case 14.669, Report No. 350/22, Mariano Bejarano, Argentina
- Case 13.869, Report No. 349/22, Silvia Mónica Severini, Argentina
- Case 13.020, Report No. 220/23, Carlos Fraticelli, Argentina
- Case 11.426, Report No. 270/23, Marcela Porco, Bolivia
- Petition 687-11, Report No. 138/18, Gabriela Blas Blas y C.B.B, Chile
- Petition 401-05, Report No. 83/08, Jorge Antonio Barboza Tarazona and others, Colombia
- Petition 108-00, Report No. 38/15, Segovia Antioquia Massacre 1988, Colombia
- Case 12.712, Report No. 235/17, Ruben Darío Arroyave Gallego, Colombia
- Petition 595-09, Report No. 84/20, Jorge Alberto Montes Gallego and Family, Colombia
- Case 13.421, Report No. 333/20, Geminiano Gil Martínez and Family, Colombia
- Petition 1287-19, Report No. 61/22, Roberto Molina Barreto, Zury Mayte Ríos Sosa y MWR, Guatemala
- Case 12.699, Report No. 130/18, Pedro Antonio Centurión, Paraguay
- Petition 1376-19, No. 183/22, Silvia Angelica Flores Mosquera, Uruguay

100. The Commission considers that this progress is very important, and commends the states of Argentina, Bolivia, Chile, Colombia, Guatemala, Paraguay, and Uruguay for advancing in the full implementation of friendly settlement agreements and urges them to continue making use of the mechanism for resolving matters that are pending in the system of individual petitions and cases by having recourse to this non-contentious procedure.

b. Progress toward implementing measures of friendly settlement agreements in 2023

101. The Commission is pleased to observe progress in the implementation of measures in **81** friendly settlement agreements. In addition, it was observed in the Commission's analysis that, in 2023, **13** petitions and cases reached total compliance and **27** cases advanced towards partial compliance.

102. Additionally, the Commission observes that progress was made in implementing **178** measures, attaining total compliance with respect to **112** measures of reparation; partial substantial compliance with respect to **25** measures of reparation; and partial compliance with respect to **41** measures of reparation. Of the **178** measures that saw progress in 2023, **78** are structural and **100** are individual in nature.

103. In this regard, the Commission observes that the countries that registered the highest levels of progress in the implementation of measures were, in the first place, Colombia, with 85 advanced measures in 2023, of which 50 achieved full compliance, 12 achieved partial substantial compliance and 23 achieved partial compliance. Likewise, Argentina made progress in complying with 41 measures (28 with full compliance, 9 with partial substantial compliance, and 4 with partial compliance). Additionally, it was observed that Brazil advanced in 20 measures, 11 with total compliance, 1 at the partial substantial level of compliance

and 8 at the partial level, and Mexico made progress in 13 measures, with full compliance with 10 measures, partial substantial compliance with 1 clause, and partial compliance with 2 clauses.

104. Other States that showed progress in the implementation of friendly settlement agreements were Bolivia, which managed to advance with full compliance with 4 measures; Guatemala and Honduras achieved full compliance with 3 clauses, respectively; Chile, which managed to advance with full compliance with 2 clauses, while Paraguay and Uruguay each achieved full compliance with 1 measure. Likewise, Ecuador and Panama each managed to advance with substantial partial compliance with 1 measure; Finally, Peru managed to advance in 3 measures, 1 with full compliance and 2 with partial compliance.

105. The following is a detail of the specific progress in each case by country in the levels of total, partial substantial, and partial compliance with the clauses of the friendly settlement agreements as of 2023:

PROGRESS REPORT ON THE IMPLEMENTATION OF FRIENDLY SETTLEMENT AGREEMENTS 2023				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
ARGENTINA				
1.	Petition 21/05, Report No. 101/14, Ignacio Cardozo and Others	Individual	Clause II.a. Pecuniary reparation measures: 1. The parties agree to set up an ad hoc Arbitral Tribunal to determine the amount of pecuniary reparations due to the petitioners, in conformity with the rights whose violation has been recognized, and in accordance to the applicable international standards.	Total 2023
2.	Case 12.854, Report No. 36/17, Ricardo Javier Kaplun and family	Individual	Clause I. Measures of pecuniary reparation 1. The parties agree to establish an ad hoc arbitration court that would calculate the amount of pecuniary reparations owed to the petitioners, in conformity with the rights whose violation has been recognized and in line with the international standards that are applicable. [...].	Partial substantial 2023
3.		Structural	Clause III. 1.1. Security matters: - The national state, through the Ministry of Security of the Nation, pledges to: - Promote reforms that ensure that no institutional legal patronage is afforded to the staff of the Federal Security Forces against whom charges have been brought in court for severe human rights violations.	Total 2023
4.	Petition 1256-05, Report No. 305/22, Ivana Rosales	Structural	Clause III. Non-pecuniary reparations measures. 3. Publication and wide dissemination of an informational pamphlet on gender-based violence: Within a year of the publication of the Provincial Decree, the Province of Neuquén commits to printing and disseminating an informational pamphlet with a detailed and clear description of all the resources available (care centers, phone numbers, financial aid, subsidies, legal aid, etc.) available to victims of gender-based violence in the Province, within the framework of the work already carried out by the Interagency Commission established under Laws 2785 and 2786. [...].	Total 2023
5.		Structural	Clause III. Non-pecuniary reparations measures. 4. Training for public officials: The Province shall take the measures necessary to guarantee implementation of “Micaela’s Law” (National Law 27499 and Provincial Law 3201) as a requirement for all persons serving as public officials in the Province (both contractors and permanent personnel). [...].	Partial substantial 2023
6.		Structural	Clause III. Non-pecuniary reparations measures. 5. National Registry of Gender-based Violence: Within one year of the publication of the Provincial Decree, the Province of Neuquén	Total 2023

			commits to participate in the Single Registry of Cases of Violence against Women (RUVCM) and to send periodic and up-to-date information on cases reported in police stations, health services, comprehensive women’s centers/gender offices (or the name the gender institutions use in each location), and judicial instances in all regions, or municipalities of the Province. This process of collecting and sending information must follow the guidelines indicated by the RUVCM.	
7.	Structural		Clause III.1.2. Publicity of the Friendly Settlement Agreement: The Argentine State commits to publicize this agreement within a maximum period of six months from its signature. [...].	Total 2023
8.	Structural		Clause III.2.1. National Action Plan against Gender-Based Violence (2020-2022): The Argentine State commits to continue with implementation of the National Action Plan against Gender-Based Violence (2020-2022) at the federal level. In particular, it will seek to further develop the measures indicated in this Agreement.	Total 2023
9.	Structural		III.2.2. National Program for the Prevention of Gender-Based Violence: The Argentine State commits to continue to implement the National Program for the Prevention of Gender-Based Violence, under the Ministry of Women, Gender, and Diversity of the Nation (MMGyD).	Total 2023
10.	Structural		Clause III.2.3. Promotion and training within the framework of Law 27,499 (“Micaela’s Law”): The Argentine State, through the MMGyD, commits to adopt all the measures that are within its competence to continue with the effective implementation of the Law on Compulsory Training on Gender and Violence against Women (known as “Michaela’s Law”).	Partial substantial 2023
11.	Structural		Clause III.2.4. Implementation and dissemination of the Program of Support for People at Risk of Gender-Based Violence (“Acompañar”): the Argentine State, through the MMGyD, commits to ensuring the implementation and dissemination of the Program of Support for People at Risk of Gender-Based Violence (“Acompañar”), of national scope. [...].	Total 2023
12.	Structural		Clause III.2.5. Interministerial Program for the Comprehensive Approach to Extreme Violence: The Argentine State is committed to continue with the development of actions within the framework of the Interministerial Program for a Comprehensive Approach to Extreme Gender-based Violence, of national scope, headed by the Ministry of Security of the Nation, the Ministry of Justice and Humans Rights of the Nation, and the MMGyD. [...].	Total 2023
13.	Structural		Clause III.2.6. Implementation and Dissemination of the Program for Urgent Support and Immediate Comprehensive Assistance in Cases of Extreme Gender-based Violence [...].	Total 2023
14.	Structural		Clause III.2.7. Strengthening access to justice for people in situations of gender-based violence: The Argentine State commits to taking the necessary measures to ensure access to justice for women and LGBTI+ persons in situations of gender-based violence. In particular, it will seek to strengthen the Attorney Corps for Victims of Gender-based Violence (CAAVVG) created by National Law 27,210, as well as the Acercar Derechos Program (PAD).	Partial substantial 2023
15.	Structural		Clause III.2.8. Training for police and security forces: Through the Ministry of Security of the Nation, the Argentine State commits to guarantee the continuity, frequency and increase of 15% per year of training sessions for the personnel of the federal police and security forces on the “Guidelines for Federal Police and Security Forces for the Investigation of Femicides at the Scene of the Fact”. The State will submit information on the training carried out during	Partial substantial 2023

			2019 to 2021. Additionally, in the framework of a Security Council session, it commits to invite the police forces from different jurisdictions to participate in the training on this guide. [...].	
16.		Structural	Clause III.2.10 Production of strategic and systematized information regarding gender-based violence [...].	Partial substantial 2023
17.		Structural	Clause III.2.12. Dissemination of the documentary “Gotas de Lluvia”: The State, through the National Secretariat for Children, Adolescents and Family (SENAF), commits to acquire the rights to the documentary “Gotas de lluvia” (Raindrops, 2020, Nuevos Aires Producciones, directed by Susana Nieri), to be used as material for the territorial teams of the Secretariat, deployed in the all 24 of the country’s jurisdictions, to address the issue of child sexual abuse. Likewise, the State, through SENAF, commits to carry out workshops aimed at the personnel of provincial child welfare agencies and civil society organizations involved in the subject—mediated by local SENAF officials—on how to properly approach child sexual abuse. Lastly, through SENAF, the State commits to manage the participation of Abril Rosales and Susana Nieri in the activities described above through a video and/or virtual chat in which they will share with the community their personal experience and their work on raising awareness, prevention, and training. To this end, the State shall inform the petitioners of the tentative dates of each workshop at least one month in advance to ensure the participation of Abril Rosales and Susana Nieri in all of them. [...].	Partial substantial 2023
18.	Case 13.869, Report No. 349/22, Silvia Mónica Severini	Individual	1. The parties agree that pecuniary compensation will be granted in accordance with the scheme provided in Law No. 24,043, to which end the entire period during which Mrs. Silvia Mónica Severini remained in forced exile will be considered, in keeping with opinion IF-2022-08499390-APN-SSPYEIDH#MJ. That is, from January 11, 1977, to October 28, 1983.	Total 2023
19.		Individual	3. The State also undertakes to comply with the term of Article 30 of the regulations on Chapter V of Law No. 25,344, as provided in Executive Decree No. 1116/2000.	Total 2023
20.		Individual	1. The parties agree that pecuniary compensation will be granted in accordance with the scheme provided in Law No. 24,043, to which end the entire period during which Mrs. Silvia Mónica Severini remained in forced exile will be considered, in keeping with opinion IF-2022-11155626-APN-NAJIMDDHH#MJ. That is, from August 2, 1976, to October 28, 1983.	Total 2023
21.	Case 14.669, Report No. 350/22 Mariano Bejarano	Individual	3. The State also undertakes to comply with the term of Article 30 of the regulations on Chapter V of Law No. 25,344, as provided in Executive Decree No. 1116/2000.	Total 2023
22.		Individual	4. Once the petitioning party submits to the National Administration of Social Security (ANSES) a true copy of the alleged victim's national identity document and the correctly completed form (PS.6.298) requesting the benefit provided for in Law No. 26.913, and signs the affidavit attached as an annex, the Argentine State undertakes to issue the corresponding resolution within three (3) months.	Total 2023
23.	Case 13.888, Report No. 83/22, Diego Pablo Paredes	Individual	2. The Argentine State undertakes that, within three (3) months as of the publication in the Official Gazette of the Argentine Republic of the Decree of the National Executive Branch approving this agreement, it will issue the ministerial resolution granting the reparation benefit provided established by Law n° 24.043, without additional costs or expenses. The amount of the reparation will be calculated as of the date of the issuance of the aforementioned ministerial resolution.	Total 2023

24.	Case 14.770 Report No. 211/23, Alicia María Jardel	Individual	2. The Argentine State undertakes that, within three (3) months from the publication in the Official Gazette of the Argentine Republic of the Decree of the National Executive Power approving this agreement, a ministerial resolution shall be issued granting the reparation benefit provided for in Law No. 24,043, without additional costs or expenses. The amount of the reparation shall be calculated as of the date of the issuance of such ministerial resolution.	Total 2023
25.	Case 14.781 Report No. 212/23, Luis Carlos Abregú	Individual	2. The Argentine State undertakes that, within three (3) months from the publication in the Official Gazette of the Argentine Republic of the Decree of the National Executive Branch approving this agreement, a ministerial resolution shall be issued granting the reparation benefit provided for in Law No. 24,043, without additional costs or expenses. The amount of the reparation shall be calculated as of the date of the issuance of said ministerial resolution.	Total 2023
26.	Case 14.714 Report No. 215/23, Francisco Samuel Naishtat	Individual	2. The Argentine State undertakes that, within three (3) months from the publication in the Official Gazette of the Argentine Republic of the Decree of the National Executive Power approving this agreement, a ministerial resolution shall be issued granting the reparation benefit provided for in Law No. 24,043, without additional costs or expenses. The amount of the reparation shall be calculated as of the date of the issuance of said ministerial resolution.	Total 2023
27.		Individual	3. Once the petitioner submits to the National Administration of Social Security (ANSES) a valid copy of his national identity document and the form (PS.6.298) requesting the benefit provided for in Law No. 26.913 correctly completed, and signs the affidavit attached as an annex, the Argentine State undertakes to issue the corresponding resolution within three (3) months.	Total 2023
28.	Case 13.804 Report No. 216/23, Carlos Fernando Antonio Ballivian Jiménez	Individual	2. In view of the fact that the representatives have accredited before the IACHR that Mr. Carlos Fernando Antonio Ballivian Giménez in the case is deceased, the reparation provided for in the preceding paragraph of this agreement shall be received by whoever reliably accredits their status as successor/s of the deceased, through the corresponding declaration of heirs issued by the competent judicial authority, and in accordance with the procedural rules applicable in the jurisdiction where the succession proceeding has been processed.	Partial 2023
29.	Case 14.778 Report No. 217/23, Graciela Edit Abecasis	Individual	2. The Argentine State undertakes that, within three (3) months as from the publication of the Decree of the National Executive Branch approving this agreement in the Official Gazette of the Argentine Republic, it will issue a ministerial resolution granting the reparation benefit established by Law No. 24.043, without additional costs or expenses. The amount of the reparation will be calculated as of the date of the issuance of the aforementioned ministerial resolution.	Total 2023
30.	Case 14.536, Report No. 219/23, Eduardo Hugo Molina Zequeira	Individual	2. The Argentine State undertakes that, within three (3) months from the publication in the Official Gazette of the Argentine Republic of the Decree of the National Executive Power approving this agreement, a ministerial resolution shall be issued granting the reparation benefit provided for in Law No. 24,043, without additional costs or expenses. The amount of the reparation shall be calculated as of the date of the issuance of said ministerial resolution.	Total 2023
31.	Case 13.020, Report No. 220/23, Carlos	Individual	I. The friendly settlement process between the petitioner and the Government of the Province of Santa Fe. [...]	Total 2023

	Andrés Fraticelli			
32.	Petition 268-10, Report No. XX/23, María del Carmen Senem de Buzzi	Structural	<p>II.1. Satisfaction measures II.1.1. Publication of the agreement The State, through the Secretariat of Human Rights of the Nation, undertakes to disseminate this agreement within a maximum period of 6 months from the publication in the Official Gazette of the decree of the National Executive Power approving it, in a newspaper of national scope and in the following websites: [...].</p>	Partial 2023
33.		Structural	<p>II.1.2. Act of acknowledgement of international responsibility The State shall carry out a public act of acknowledgement of international responsibility in relation to the facts of the case in which the human rights violations recognized in this agreement and their differential impact in terms of gender shall be referred to. [...] The event will be publicized through social networks of the Secretariat of Human Rights of the Nation and press material will be sent to the media. [...]</p>	Total 2023
34.		Structural	<p>II.2. Non repetition measures II.2.1. Booklet and awareness-raising campaign Booklet: The State, through the National Secretariat for Human Rights, with the participation of the petitioning party, will design a digital booklet that develops in a synthesized, clear and accessible way the rights of users of psycho-social care established in the Argentine regulations, with a gender perspective and making explicit reference to international standards, the obligations of health/mental health teams to provide the respective care, and the differentiated impact on women. [...]</p>	Total 2023
35.		Structural	<p>II.2.2. Presentation of the Adequacy Plans of the public neuropsychiatric hospitals of the Province of Buenos Aires and the adoption of the authorization and supervision standards for the operation of mental health and problematic drug use facilities in the Province of Buenos Aires. [...]</p>	Total 2023
36.		Structural	<p>II.2.3. Training and education in mental health and human rights for the Judicial Branch a) Inclusion of the subject of mental health in the judicial career admission exam. . [...]</p>	Total 2023
37.		Structural	<p>II.2.3. b) Training proposal for magistrates, officials and assistants of the national, federal and provincial jurisdictions on mental health in general and involuntary hospitalization in particular [...]</p>	Partial 2023
38.		Individual	<p>2. Plaque in honor of José Luis D'Andrea Mohr and in reference to Cpl. Hernández The design of both plaques must be made in consensus between the parties and they must be placed within a maximum period of six months after the publication of the decree approving this agreement. [...]</p>	Total 2023
39.	Structural	<p>3. Publicity of the friendly settlement agreement The State shall publish the complete friendly settlement agreement in the Official Gazette and on the website of the Ministry of Justice and Human Rights. It shall also publish a gazette prepared jointly with the petitioning party in a newspaper of national circulation; and shall take all possible steps for the publication of the same gazette in the magazine "Soldados" and in the newspaper "Tiempo Militar". The publication on the web page shall be displayed in a</p>	Partial substantial 2023	

			visible and easily accessible place for the public, and shall be active for a period of not less than one year. [...]	
40.		Structural	4. Publication of works by José Luis D'Andrea Mohr in the Argentine Legal Information System. The State, through the Argentine Legal Information System, will publish the works “El Escuadrón Perdido” and “Memoria Debida”, by Mr. José Luis D'Andrea Mohr, in an electronic version with permanent free access. Likewise, 500 copies of the edition of each book will be printed and distributed to libraries, schools and other educational centers in the country, determined in consensus with the petitioners. [...]	Partial 2023
41.		Structural	III. Creation of a registry of decisions of the Inter-American Human Rights System against Argentina and their dissemination in the Judiciary [...]	Partial substantial 2023
Argentina: Number of measures where progress was achieved: 41 (17 individual, 24 structural) Total compliance: 28 Partial substantial: 9 Partial compliance: 4				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
BOLIVIA				
42.	Case 11.426, Report No. 270/23, Marcela Alejandra Porco	Individual	III. ACKNOWLEDGMENT OF RESPONSIBILITY AS A SATISFACTION MEASURE The Bolivian State recognizes its international responsibility for the violation of Marcela Alejandra Porco's rights to humane treatment, personal liberty, fair trial, privacy and judicial protection, recognized in articles 5.1, 7, 8.1, 11.1 and 25 of the ACHR, all in accordance with the general obligations to respect and guarantee the rights set forth in articles 1.1 and 2 of said international instrument. The recognition of the State's responsibility for the violation of the aforementioned human rights will be embodied in a formal missive addressed to Antonela Grisi and Gaspar Porco, signed by the State Attorney General, in his capacity as legal representative of the State, which will include an apology for the rights violations configured in the Admissibility Report No. 8/08 of March 4, 2008. Said letter shall be submitted in the framework of this international proceeding within a period of three (3) months computable as of the signature of this FSA.	Total 2023
43.		Structural	IV. NON-REPETITION MEASURES 1. Legislative reform In 2019, in the framework of the negotiations of this FSA, previously agreed with the petitioner, a Bill was presented to the Chamber of Deputies to amend Article 295 of the Criminal Code, in accordance with the Inter-American Convention to Prevent and Punish Torture, the recommendations of the Concluding Observations on the Second Report of the Plurinational State of Bolivia, adopted by the Committee against Torture at its 50th Session (A/56/44) and other international instruments related to the prevention of torture, which was subsequently returned with observations to the drafting institutions. [...]	Total 2023
44.		Structural	2. Right to truth, justice and guarantees of non-repetition [...] Therefore, in order to contribute to the non-repetition of the facts related to this case, the State undertakes to issue, through the Ministry of Government, an internal instruction of national scope,	Total 2023

			addressed to the General Directorate of the Penitentiary Regime and the General Command of the Bolivian Police, reminding them that the State is in a special position of guarantor with respect to persons deprived of liberty, and that as such, it assumes specific duties to respect and guarantee the fundamental rights of these persons; In particular, the rights to life and personal integrity, the realization of which is an indispensable condition for the achievement of the essential purposes of the sentence of deprivation of liberty: the reform and social readaptation of convicted persons.[...]	
45.		Individual	V. COMPENSATION The State undertakes to compensate Antonela Grisi, daughter of Marcela Alejandra Porco, for the violations of rights indicated in the Admissibility Report No. 8/08 of March 4, 2008, with a one-time payment of US\$ 12,000 (TWELVE THOUSAND 00/100 AMERICAN DOLLARS), which will be materialized through a Decree and must be made within one (1) year, as of the signature of this FSA. Considering that Antonela Grisi resides in Argentina, the payment will be made through an international bank transfer.	Total 2023
Bolivia: Number of measures where progress was achieved: 4 (2 Individual, 2 Structural) Total compliance: 4 Partial substantial: N/A Partial compliance: N/A				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
BRAZIL				
46.	Case 12.673, Report No. 114/23, José Dutra da Costa	Individual	5. The acknowledgment of international responsibility by the Brazilian State and the apology will take place at a public ceremony to be held in 2011, at the Rural Workers Union of 4 Rondon de Pará, on the occasion of the unveiling of the plaque in honor of the victim, with the presence of federal and state authorities, the petitioners and, if they so wish, the victim's next of kin.	Partial 2023
47.		Structural	6. The Brazilian State, through the Human Rights Secretariat of the Presidency of the Republic, the National Court of Justice, the National Council of Justice and the State of Pará, will promote the publication of the summary of this agreement in the Official Gazette. The State of Pará undertakes to publicize the conclusion of the agreement and the press release will have the consent of the victim's next of kin.	Total 2023
48.		Individual	7. The Brazilian State, through the National Court of Justice, the National Council of Justice (CNJ) and the Court of Justice of the State of Pará, undertakes to follow up and give priority to the progress of the criminal proceedings initiated against those accused of the murder of José Dutra da Costa, which occurred on November 21, 2000.	Partial 2023
49.		Individual	8. The Brazilian State, through the State of Pará, will appoint a team of Civil Police investigators with the urgent task of serving the arrest warrants against defendants Wellingos de Jesus Silva, Igoismar Mariano and Rogério Dias.	Partial 2023
50.		Individual	10. The Brazilian State, in order to compensate the moral and material damages suffered by the victim's next of kin as a consequence of the violations already recognized, will pay the sum of R\$50,000 (fifty thousand reais), of which R\$40,000 (forty thousand reais) will be paid by the State of Pará and R\$10,000 (ten thousand reais) by the Union, represented by the Secretariat of Human Rights of the Presidency of the Republic.	Total 2023

51.	Individual	11. The State of Pará will grant a legal, lifelong, exclusive and non-transferable pension, of a special nature, in the monthly amount of R\$ 765 (seven hundred and sixty-five reais) to the widow of the victim, in accordance with a bill initiated by the Executive Branch to be approved by the Legislative Assembly of the State. The pension readjustment will be made by means of the same index applied to the salary readjustment of basic level state civil servants.	Total 2023
52.	Individual	12. The State of Pará shall guarantee the effective participation of the victim's next of kin in assistance and educational programs and projects, once the pertinent legal requirements have been met. The amounts of compensation covered by this Agreement shall not be taken into account for the purpose of limiting entry or permanence in such programs.	Partial 2023
53.	Structural	14. The Brazilian State, through the Union and the State of Pará, in coordination, will seek partnerships with state and federal agencies to renovate the Union of Rural Workers of Rondon do Pará building and adapt it to a Professional Qualification Center for urban and rural workers.	Partial 2023
54.	Structural	15. The Brazilian State undertakes to promote and improve the Program for the Protection of Human Rights Defenders in the State of Pará, as well as to establish its legal structure and provide it with the necessary resources for its execution.	Total 2023
55.	Structural	16. The Brazilian State, through the Secretariat of Public Security of the State of Pará, undertakes to support the State Coordination of the Program for the Protection of Human Rights Defenders, making available to it the protection measures within its reach.	Total 2023
56.	Structural	17. The Brazilian State, through the Public Defender's Office of the State of Pará, will propose the creation of a working group to study the structural aspects that have led human rights defenders to face a situation of vulnerability. This group will be coordinated by the Public Defender's Office of the State of Pará.	Total 2023
57.	Structural	18. The Brazilian State, through the Public Security Secretariat of the State of Pará, will create a team responsible for the execution of arrest warrants issued in police investigations and criminal actions arising from conflicts in the countryside.	Total 2023
58.	Structural	20. The Brazilian State, through the National Agrarian Audit Office of the Ministry of Agrarian Development, will take steps with the National Institute of Colonization and Agrarian Reform (INCRA) and the Land Institute of Pará to expedite the settlement of the families settled on the Santa Mônica, Bela Vista, Água Branca and Rondônia farms, located in Rondon do Pará.	Partial 2023
59.	Structural	21. The Brazilian government, through the National Agrarian Audit of the Ministry of Agrarian Development, will take steps to complete rural electrification in the Nova Vitória, José Dutra da Costa and Água Branca Settlement Projects, located in Rondon de Pará.	Partial substantial 2023
60.	Structural	23. The Brazilian State, through the Ministry of Agrarian Development, commits to include in the 2011 operating plan of INCRA's Marabá Regional Superintendency (SR-27) the necessary resources to improve infrastructure in the settlements located in the municipality of Rondon do Pará, as well as to provide technical assistance to the settlers.	Partial 2023
61.	Structural	24. The State of Pará shall prioritize the filing of legal actions seeking the recovery of irregularly occupied state public lands, in compliance with current state legislation and taking into account the information and documentation to be delivered by the petitioners to the State, in support of legal actions.	Partial 2023
62.	Structural	25. The Brazilian State, through Iterpa, will implement the Public Land Registry System in the land titles issued by the State of Pará,	Total 2023

			as provided for in Law No. 10,267, of August 28, 2001, governed by Decree No. 4,449, of October 30, 2002.	
63.		Structural	26. The Brazilian State is committed to improving the administrative mechanisms that allow for greater joint action between Incra and Iterpa for land leasing, expropriation, and the creation of settlement projects.	Total 2023
64.		Structural	27. The Brazilian State, through the National Internal Affairs Office (Corregedoria Nacional de Justiça) of the CNJ, is committed to making possible the inclusion of proceedings related to agrarian conflicts in the Projeto Justiça Plena, which monitors socially relevant proceedings, through the indication of the Human Rights Secretariat of the Presidency of the Republic, making the criteria of this Project mandatory.	Total 2023
65.		Structural	28. The Brazilian State, through the Court of Justice of the State of Pará, undertakes to support and improve the work developed by the Commission for the Follow-up of Criminal Actions arising from territorial conflicts.	Total 2023
Brazil: Number of measures where progress was achieved: 20 (5 Individual, 15 Structural) Total compliance: 11 Partial substantial: 1 Partial compliance: 8				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
CHILE				
66.	Petition 687-11, Report No. 138/19, Gabriela Blas Blas and Daughter C.B.B.	Structural	Clause 6. Guarantees of non-repetition. To establish, in the second half of 2016, together with the petitioners, a working group coordinated by the Ministry of Justice and Human Rights to develop a proposal for the formulation of indications for the Law Project that modifies the current Law No. 19.620, which dictates rules on the adoption of minors, with the aim of incorporating the principle of interculturality in the adoption processes. [...].	Total 2023
67.		Structural	Clause 6. Guarantees of non-repetition. Establish, in the second half of 2016, in conjunction with the petitioners, a Working Panel, coordinated by the Ministry of Justice and Human Rights, to develop a series of comments and proposals on a bill to amend current Law No. 19.620, which sets provisions governing the adoption of minors, in order to incorporate the principle of interculturalism into adoption processes. That panel will assess and consult with the competent public agencies regarding the feasibility of submitting the proposal to an indigenous consultation procedure in compliance with ILO Convention 169.	Total 2023
Chile: Number of measures where progress was achieved: 2 (2 structural) Total compliance: 2 Partial substantial: N/A Partial compliance: N/A				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
COLOMBIA				
68.	Petition 401-05, Report No. 83/08 Jorge Antonio	Individual	SECOND: ON MATTERS OF JUSTICE: Within the framework of responsibility for due diligence in carrying out investigations, the State will strengthen and advance efforts and special actions to identify the individuals responsible	Total 2023

	Barbosa Tarazona et al.		for the disappearance and later death of Jorge Antonio Barbosa Tarazona. At the same time, it will use all its technical and scientific tools and knowledge in the effort to locate the victim's remains. When the remains are found and identified, the State will turn them over to the family as soon as possible in order that he may be honored according to their beliefs.	
69.	Case 12.376, Report No. 59/14, Alba Lucía, Rodríguez	Individual	FOURTH: The State agrees to provide medical, psychological, and sexual and reproductive healthcare to Ms. Alba Lucía Rodríguez and her partner, for purposes of evaluating the harm or trauma caused by the events in this case. If the diagnosis of the specialist so determines, the psychological services shall extend to her relatives as they provide support to Alba Lucía in her rehabilitation process. Along these same lines, the State agrees to cover her travel expenses. A comprehensive health rehabilitation and recovery program shall be designed to include free, comprehensive medical services for Alba Lucía and her partner, for the period of time considered appropriate according to the diagnosis of the respective medical and psychological professionals.	Total 2023
70.		Individual	SIXTH: In the event that Alba Lucía decides to pursue employment, the State shall support her through appropriate employment training based in the city of Medellín or in any other municipality in the Department of Antioquia, providing goods or merchandise one time only, or in any other way that contributes effectively to Alba Lucía's ability to rebuild her life.	Total 2023
71.	Petition 108-00, Report No. 38/15, Massacre of Segovia (28 family groups)	Individual	FIFTH: MONETARY REPARATION The State undertakes to enforce Law 288 of 1996, once the instant friendly settlement agreement is approved through the issuing of the Article 49 report under the ACHR, in order to redress any moral or material damages that may be proven to have been suffered by the victims' next of kin, who offer proof of their legitimacy and who have not been compensated through the Administrative Courts.	Total 2023
72.	Petition 577-06, Report No. 82/15, Gloria González, and family	Individual	FOURTH. Comprehensive health care: Comprehensive health care shall be provided to her with a psychosocial and reparative approach, by virtue of the afflictions, which as a consequence of the events of the case, were endured by D, Jennifer Johanna, Luisa Fernanda, Carlos Josué Londoño González (children of Mrs. Gloria González) and Mr. Carlos Enrique Londoño Zapata (spouse of Mrs. Gloria González) (sic). The beneficiaries of this measure shall receive comprehensive health care with a psychosocial and reparative approach, by virtue of the afflictions suffered by them. For this reason, the Ministry of Health and Social Protection shall implement the measures of health rehabilitation consisting of medical, psychological and psychosocial care through the General System of Social Security and the Comprehensive Psychosocial and Health Care Program for Victims of Armed Conflict (PAPSIVI). Adequate, timely and priority treatment shall be ensured for the persons that so require it, after stating their wish for it, and [it shall be provided] for the length of time that may be necessary. [...]	Total 2023
73.		Individual	SIXTH: ADDITION TO THE AGREEMENT. In the area of justice, the State undertakes to continue to move forward in the ongoing criminal proceedings, in order to elucidate the facts and once the decision is handed down as permitted by law, punish those responsible.	Total 2023
74.	Case 12.541, Report No. 67/16, Omar Zuñiga Vásquez and Amira Isabel	Individual	4. Through the care, assistance, and comprehensive reparation for victim's model applied by the Unit for Comprehensive Care and Reparation of Victims, the State commits to assisting the victims in the present case, in order to ensure that they gain access to the reparation and assistance plans, programs, and projects offered by the Colombian State.	Partial substantial 2023

75.	Vásquez de Zuñiga	Individual	7. With respect to Mr. Omar Zuñiga's son, Julio Miguel Zuñiga Villalba, the State commits to making the necessary arrangements for his rehabilitation [...] through specialized entities within the General Social Security Health System.	Partial substantial 2023
76.	Case 11.007, Report No. 68/16, Massacre of Trujillo	Structural	FIFTH: GUARANTEES OF NON-REPETITION: The State, through the Ministry of the Interior, undertakes to continue providing support and technical assistance to the Municipality of Trujillo-Valle in the development, updating, and follow-up of the comprehensive plan for prevention of human rights violations and infringement of international humanitarian law carried out in the Municipality of Trujillo-Valle.	Total 2023
77.	Case 12.712, Report No. 135/17, Rubén Darío Arroyave	Individual	THREE: PECUNIARY REPARATION The State undertakes to enforce Law 288 once this Friendly Settlement Agreement is approved through issuance of the Article 49 report under the American Convention, for the purpose of redressing the non-material damages that may be proven to the relatives of the victim which have not been compensated through the contentious administrative jurisdiction.	Total 2023
78.	Case 12.714, Report No. 136/17, Belen Altavista Massacre	Individual	4. FINANCIAL REPARATION Once this friendly settlement agreement is approved through the adoption of the corresponding report under Article 49 of the American Convention of Human Rights, the State undertakes to enforce Law 288 of 1996 in order to provide reparation for such material and nonpecuniary injuries as may be proven in favor of the groups of victims' relatives that have not received compensation in the administrative jurisdiction.	Total 2023
79.	Case 12.941, Report No. 92/18, Nicolasa, and Family	Individual	4) Reparation measures The Colombian State commits to making reparation to Nicolasa and her family, through the mechanism established by Law 288/96, for any moral and material harm that may be shown to have been done by the violations acknowledged in the present agreement. The beneficiaries of this measure are: Nicolasa, [...] (Mother of Nicolasa), [...] (Father of Nicolasa), [...] (Sister of Nicolasa), [...] (Brother of Nicolasa), [...] (Sister of Nicolasa), [...] (Daughter of Nicolasa), [...] (Son of Nicolasa), [...] (Son of Nicolasa). The entity responsible for executing that reparation measure shall be the National Legal Defense Agency of the State. Prior to the settlement hearing, the National Legal Defense Agency of the State shall hold meetings with the representatives of the victims with a view to holding preliminary talks about the reparation amounts in light of the evidence adduced and the criteria currently applied in Colombian case law.	Total 2023
80.	Case 11.990 A, Report No. 34/19, Oscar Orlando Bueno Bonnet et al.	Structural	FOURTH: GUARANTEES OF NON-REPETITION. b) Workshop to share the outcomes of the mapping exercises with children, adolescents, and institutions.	Partial 2023
81.		Structural	FOURTH: GUARANTEES OF NON-REPETITION. c) Workshop with local institutions and authorities to construct the three phases of the recruitment prevention mechanism.	Partial 2023
82.		Structural	FOURTH: GUARANTEES OF NON-REPETITION. d) Participatory workshop with children and adolescents to identify inputs and components to be built into the new public policy instrument.	Partial 2023
83.		Structural	FOURTH: GUARANTEES OF NON-REPETITION. e) Training the Security Forces to adopt a differential approach when dealing with children.	Partial 2023
84.	Case 11.144, Report No. 109/19, Gerson Jairzinho	Individual	2. Once the friendly settlement agreement has been approved, the National Legal Defense Agency of the State commits to requesting the Office of the Procurator-General of the Nation to establish, within its sphere of competence, the feasibility of bringing an action for reconsideration of: (i) the resolution issued in Proceeding No.	Total 2023

	González Arroyo		261 on June 13, 2003 by the District Attorney's Office assigned to the Specialized Criminal Court Judges of the District, attached to the National Unit for Human Rights and International Humanitarian Law, precluding investigation into Isnardo Alfonso Castellanos Peña, Jorge Muñoz Páez, and German Antonio Gómez Díaz, and (ii) the Judgment handed down on July 1, 2005 by the Specialized District Criminal Court in Sincelejo, Sucre, acquitting Mr. Alcides Medina.	
85.	Case 13.776, Report No. 1/20, German Eduardo Giraldo, and family	Individual	b) Granting of a University Scholarship: Through the Ministry of National Education and ICETEX, the State of Colombia commits to providing financial assistance to Daniel Camilo Giraldo Morales, the son of Mr. German Eduardo Giraldo, with a view to financing his university education and to provide half-yearly living expenses in an amount equivalent to three (3) legally established minimum monthly wages (SMMLV). The beneficiary of the measure must ensure that he remains enrolled in the Institute of Higher Education and attempt to achieve an adequate level of academic performance. The financial assistance shall cover the cost of registering for semesters to be completed under the academic program and a half-yearly maintenance allowance of up to three (3) minimum monthly wages (SMMLV).	Total 2023
86.	Case 12.909, Report No. 22/20, Gerardo Bedoya Borrero	Individual	C) Granting of four University Scholarships. Up to four (4) scholarships, each worth up to \$12,500,000 pesos, shall be awarded to finance pre-graduate studies in Social Communication at the Universidad del Valle. The beneficiaries will need to comply with admission procedures or be current students at the university, and to make sure they achieve acceptable academic results. The winners of the scholarships shall be chosen by Universidad del Valle.	Total 2023
87.		Individual	FOURTH: FINANCIAL COMPENSATION. Once this friendly settlement agreement is approved through the adoption of the corresponding report under Article 49 of the American Convention of Human Rights, the State undertakes to enforce Law 288 of 1996 in order to provide reparation for such material and immaterial injuries as may be proven in favor of the victims' relatives that have not received compensation in the administrative jurisdiction.	Partial substantial 2023
88.	Case 13.370, Report No. 8/20, Luis Horacio Patiño and family	Individual	FOURTH: FINANCIAL COMPENSATION The State commits to applying Law 288 of 1996 once the present Friendly Settlement Agreement is approved by issuance of the report envisaged in Article 49 of the American Convention on Human Rights, its purpose being to provide reparation for such material and immaterial damages as may be proven in favor of the victims' relatives that have not received compensation in the administrative jurisdiction, or, if they have, discounting the amounts recognized for administrative reparation. To that end, recourse shall be had to the criteria and amounts recognized in current Council of State case law.	Partial substantial 2023
89.	Petition 595-09, Report No. 84/20, Jorge Alberto Montes Gallego, and family	Individual	THIRD. FINANCIAL REPARATION. The State commits to applying Law 288 of 1996 once the present Friendly Settlement Agreement is approved by issuance of the report envisaged in Article 49 of the American Convention on Human Rights, its purpose being to provide reparation for such material and immaterial damages as may be proven in favor of the victims' relatives that have not received compensation in the administrative jurisdiction, or, if they have, discounting the amounts recognized for administrative reparation.	Total 2023
90.	Case 13.421, Report No. 333/20, Geminiano	Individual	FOURTH: FINANCIAL REPARATION. The State commits to applying Law 288 of 1996 once the present Friendly Settlement Agreement is approved by issuance of the report envisaged in Article 49 of the American Convention on	Total 2023

	Gil Martinez and family		Human Rights, its purpose being to provide reparation for such material and immaterial damages as may be proven in favor of the victims' relatives that have not received compensation in the administrative jurisdiction, or, if they have, discounting the amounts recognized for administrative reparation. To that end, recourse shall be had to the criteria and amounts recognized in current Council of State case law.	
91.	Case 13.642, Report No. 41/21, Edgar José Sánchez Duarte, and Family	Individual	2) Financial aid: The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad ICETEX, will grant financial assistance to Edgar José Sánchez Fuentes, son of Mr. Edgar José Sánchez Duarte, hereinafter the "beneficiary", who did not benefit from the reparation granted by the contentious administrative jurisdiction, with the aim of financing an academic program of a technical, professional, technological, university or postgraduate level in a Higher Education Institution in Colombia recognized by the Ministry of National Education, in a classroom-base, distance learning or virtual modality.[...]	Total 2023
92.		Structural	b. Publication of the facts. The Colombian State undertakes to publish the report established on Article 49 of the American Convention on Human Rights issued by the Inter-American Commission on Human Rights that approves the friendly settlement agreement, on the National Police website for a period of one year, thus guaranteeing access to the homologation report and court rulings.	Total 2023
93.	Case 13.571, Report 336/21, Carlos Mario Muñoz Gómez	Structural	2) Guarantees of non-repetition. Once the Friendly Settlement Agreement is approved, the case will be included as a study in the training that the Ministry of Defense carries out within the framework of Permanent Directive No. 11 of 2019, related to the "Guidelines for the strengthening of annual extracurricular training plans [sic] for the Public Force on Human Rights and International Humanitarian Law" [sic]	Total 2023
94.		Individual	3) Pecuniary compensation. The State undertakes to apply Law 288 of 1996, once this friendly settlement agreement is approved by issuing the report established on Article 49 of the American Convention on Human Rights. In this sense, in a session of the Judicial Conciliation and Defense Committee of the Ministry of Defense and the National Police, it was decided to offer a comprehensive conciliation proposal, in the following terms: [...]	Partial substantial 2023
95.	Case 13.758, Report 337/21, Franklin Bustamante Restrepo	Individual	SIXTH PART: MEASURES OF COMPENSATION. The State is obliged to initiate the compliance of Law 288 of 1996 "By means of which instruments are established for the compensation of detriment to the victims of human rights violations by virtue of the set forth by certain international human rights bodies", once the present Friendly Settlement Agreement is homologated by means of the issuance of the Report of Article 49 of the American Convention on Human Rights, with the purpose of repairing the detriment caused to the family of the victims as a consequence of the affectations generated by the facts of the present case. [...]	Partial substantial 2023
96.	Case 14.291, Report No. 58/22, Captain N	Individual	i. Reinstate Captain N to the National Army of Colombia: Once this Agreement has been homologated by the IACHR, the administrative procedures to reinstate Captain N shall be initiated by submitting the Agreement to the Ministry of National Defense for its review. Within a one-month (1) period, the Ministry shall submit it to the Personnel Department of the National Army, so that, in the two (2) subsequent months, the latter may prepare a draft resolution and a statement of reasons establishing the rank	Partial substantial 2023

			proposal, considering that Captain N is to be reinstated to the rank he had been dismissed from. [...]	
97.		Individual	Seventh part: compensation measures. The State undertakes to initiate the procedure foreseen in Law No. 288 of 1996, which "establishes instruments to compensate victims of violations of human rights by virtue of what is set forth in some international human rights bodies," once the instant Friendly Settlement Agreement is homologated by means of the issuance of Report on Article 49 of the American Convention on Human Rights, with the purpose of repairing the damages caused on Captain N, his wife [...] and his son [...] as a consequence of the impact of the facts of this case. The National Agency for the Legal Defense of the State shall be the entity in charge of enforcing Law No. 288 of 1996. With regard to compensations, the criteria and amounts to be applied shall be those provided for by the jurisprudence in force of the Council of State.	Total 2023
98.		Structural	Eighth part: guarantees of non-repetition. The Colombian State shall continue fostering programs to create awareness on human rights and sexual and reproductive rights targeted at the organic personnel of the Public Security Forces as a mechanism to fight stigmatization and discrimination towards people with chronic conditions. The IACHR shall receive the work plan within the six (6) months following its homologation of the Agreement. [...]	Partial substantial 2023
99.	Petition535-17, Report No. 59/22, Luis Gerardo Bermudez	Individual	Sixth part: Justice measures: The Office of the Attorney General of the Nation, within the framework of its competencies, will continue to conduct with due diligence the judicial actions which will allow the investigation and the possible identification and individualization of those responsible for the facts. In the development of the above, the Attorney General's Office and the petitioners will hold a meeting every six months to report on the progress made in the area of justice. The semiannual meeting to be held will be convened directly by the Attorney General's Office.	Partial 2023
100.	Petition514-11, Report No. 60/22, Luis Hernando Morera Garzón	Individual	ii. Economic aid: The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad ICETEX, will grant economic aid to Diana Patricia Morera Sánchez, with the aim of financing an academic program at a professional technical, technological, university or postgraduate in a Higher Education Institution in Colombia recognized by the Ministry of National Education, in in-person, distance or virtual mode. [...]	Partial 2023
101.	Case 13.775, Report No. 63/22, Gabriel Angel Gómez Martínez and Family	Individual	Sixth Part: Compensation Measures: The State undertakes to initiate the process of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations by virtue of the provisions of certain international human rights bodies", once this friendly settlement agreement is approved through the issuance of the Report of Article 49 of the American Convention on Human Rights, in order to repair the damages caused to the relatives of the victims as a result of the effects generated by the facts of this case. The National Agency for the Legal Defense of the State will be the entity in charge of the processing of Law 288 of 1996. For the purposes of compensation, the criteria and amounts to be used are those recognized by the current jurisprudence of the State Council.	Partial 2023
102.	Case 13.654, Informe No. 64/22, Juan Simón Cantillo	Individual	Sixth Section: Health and Rehabilitation Measures. The Ministry of Health and Social Protection will implement health rehabilitation measures involving medical, psychological and psychosocial care through the General System of Social Security in Health (SGSSS) and the Psychosocial Care and Comprehensive	Partial 2023

	Raigoza and Family (Colombia)		Health Program for Victims (PAPSIVI). Adequate, timely and priority treatment will be guaranteed to those who require it, after expressing their will, and for as long as necessary. [...]	
103.		Individual	Eight Section: Compensation Measures: The State undertakes to start the process of Law 288 of 1996 “Through which instruments are established for the compensation of damage to the victims of human rights violations by virtue of the provisions of certain international human rights bodies”, once this friendly settlement agreement is homologated through the Report foreseen in Article 49 of the American Convention on Human Rights, with the purpose of repairing the damages caused to the next of kin of the victims as a consequence of the effects generated by the events of the present case. The National Legal Defense Agency of the State will be the entity in charge of following the process of Law 288 of 1996. For purposes of compensation, the criteria and amounts recognized by the current case law of the Council of State.	Partial substantial 2023
104.	Case 14.306, Report No. 65/22, José Ramón Ochoa Salazar, and Family	Individual	ii. Economic Assistance: The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad ICETEX, will grant economic assistance to Alba Graciela Ochoa Salazar, with the aim of financing an academic program at a professional technical, technological, university or postgraduate in a Higher Education Institution in Colombia recognized by the Ministry of National Education, in person, or in at distance or virtual mode[...]	Partial 2023
105.	Case 14.306, Report No. 65/22, José Ramón Ochoa Salazar, and Family	Individual	SIXTH SECTION: COMPENSATION MEASURES. The State undertakes to start the process of Law 288 of 1996 “Through which instruments are established for the compensation of damage to the victims of human rights violations by virtue of the provisions of certain international human rights bodies”, once this friendly settlement agreement is homologated through the Report foreseen in Article 49 of the American Convention on Human Rights, with the purpose of repairing the damages caused to the next of kin of the victims as a consequence of the effects generated by the events of the present case. The National Legal Defense Agency of the State will be the entity in charge of following the process of Law 288 of 1996. For purposes of compensation, the criteria and amounts recognized by the current case law of the Council of State.	Partial 2023
106.	Case 13.436, Report No. 67/22, José Oleaguer Correa Castrillón	Individual	4.1.3. Financial aid. The Colombian State, through the Ministry of National Education and the Colombian Institute of Educational Credit and Technical Studies Abroad (ICETEX), will grant financial aid to Manuela Casas Correa, in order to finance the Civil Engineering program at the University of Medellin in the on-site mode. The financial aid will cover the tuition fees from the fifth (5th) to the tenth (10th) academic semester of the university level program, for a semester value of up to eleven (11) SMMLV and a semester support resource of two (2) SMMLV. [...]	Partial 2023
107.	Case 13.436, Report No. 67/22, José Oleaguer Correa Castrillón	Individual	4.2. Justice measures. The State undertakes to continue to comply with its obligation to investigate, prosecute and punish those responsible for the forced disappearance of Mr. José Oleaguer Correa. This measure is the responsibility of the Office of the Attorney General of the Nation.	Partial 2023
108.	Case 13.436, Report No. 67/22, José Oleaguer Correa Castrillón	Individual	4.3. Pecuniary Reparation. The State undertakes to apply Law 288 of 1996, once this Friendly Settlement Agreement is homologated through the issuance of the Report of Article 49 of the American Convention on Human Rights. The foregoing, with the purpose of repairing the immaterial and material damages which may be proven in favor of the victim's relatives who have not been compensated through the Contentious-Administrative Jurisdiction, discounting, if applicable, the amounts recognized for administrative reparations. For these purposes, the criteria and	Partial substantial 2023

			amounts to be used are those recognized by the current Jurisprudence of the Council of State.	
109.	Petition 1617-12, Report No. 169/22, Domingo José Rivas Coronado	Individual	ii. Presentation of Plaque. At the Act of Acknowledgment of Responsibility, the Colombian State will present the family members with a plaque in memory of Mr. Domingo José Rivas Coronado, which will contain the following caption: "In memory of attorney Domingo José Rivas Coronado (July 23, 1952 - May 14, 1990). The Republic of Colombia exalts his memory as a great jurist who fought for justice even at the sacrifice of his own life [...]"	Total 2023
110.		Structural	iii. Publication of the Article 49 Report: The Colombian State shall publish the pertinent parts of the friendly settlement report once it has been approved by the Inter-American Commission on the web page of the National Agency for the Legal Defense of the State, for a period of six (6) months.	Total 2023
111.		Individual	iv. Granting of educational aids. The Colombian State shall grant educational aid to Yesika Ornela Rivas Ramos and Juan Bautista Segundo Rivas Ramos, in their status of daughter and son of Mr. Domingo José Rivas Coronado. Likewise, an educational aid will be granted to Ingrid Micol Ramos Díaz, in her status of permanent partner of Mr. Domingo José Rivas Coronado. [...]"	Partial 2023
112.		Individual	SIXTH PART: HEALTH AND REHABILITATION MEASURES. The Ministry of Health and Social Protection, in exercise of the powers described in Law Decree 4107 of 2011, shall coordinate health rehabilitation measures consisting of medical, psychological and psychiatric care through the General System of Social Security in Health and its members, which guarantees adequate, timely and priority treatment and for as long as necessary (according to medical criteria), in accordance with the legal provisions on the matter. [...]"	Partial 2023
113.		Individual	SEVENTH PART: JUSTICE MEASURES. The National Agency for the Legal Defense of the State will request the Office of the Attorney General of the Nation to study the feasibility of filing an action for review of the criminal proceeding brought for the events of May 14, 1990, in the city of Montería, Department of Córdoba, in which Mr. Domingo José Rivas Coronado lost his life.	Total 2023
114.		Individual	EIGHTH PART: COMPENSATION MEASURES. The State undertakes to initiate the processing of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to the victims of human rights violations pursuant to the provisions of certain international human rights bodies", once the present friendly settlement agreement is homologated through the issuance of the Report of Article 49 of the American Convention on Human Rights, with the purpose of repairing the damages caused to the relatives of the victims as a consequence of the affectations generated by the facts of the present case. The National Agency for the Legal Defense of the State will be the entity in charge of the processing of Law 288 of 1996.	Partial 2023
115.	Case 14.312, Report No. 170/22, Juan Carlos De La Calle Jiménez y Javier De La Calle Jiménez	Structural	ii. Publication of the Article 49 Report: The Colombian State shall publish the pertinent sections of the friendly settlement report, once it has been approved by the Inter-American Commission, on the web page of the National Agency for the Legal Defense of the State, for a period of six (6) months.	Total 2023
116.	Case 14.312, Report No. 170/22, Juan Carlos De La Calle Jiménez y Javier De La Calle Jiménez	Individual	SIXTH PART: JUSTICE MEASURES The Special Jurisdiction for Peace (JEP), in exercise of its powers and in application of its legal regime, has been conducting the investigation related to the territorial situation based on facts of the conflict which occurred in the Urabá region between 1986 and 2016 in the framework of macro-case 04, which prioritizes the humanitarian situation of the	Total 2023

			municipalities of Turbo, Apartadó, Carepa, Chigorodó, Mutatá, Dabeiba (Antioquia) and El Carmen del Darién, Riosucio, Ungula and Acandí (Chocó).	
117.		Individual	SEVENTH PART: COMPENSATION MEASURES. The State undertakes to initiate the processing of Law 288 of 1996 "Whereby instruments are established for the compensation of damages to victims of human rights violations by virtue of the provisions of certain international human rights bodies", once this friendly settlement agreement is homologated through the Report foreseen in Article 49 of the American Convention on Human Rights, with the purpose of repairing the damages caused to the victims' next of kin as a consequence of the effects generated by the facts of the present case. The National Agency for the Legal Defense of the State shall be the entity in charge of assuming the processing of Law 288 of 1996. For the purposes of compensation, the criteria and amounts recognized by the current jurisprudence of the Council of State will be used.	Partial 2023
118.	Case 14.093, Report No. 285/22, Ernesto Ramírez Berrios	Individual	ii. Granting of educational assistance: The Colombian State will grant educational assistance in favor of the brother of the victim, Mr. Miguel Ángel Ramírez Berrios. In respect for the constitutionally recognized autonomy of the university, the beneficiary of the measure will be responsible for carrying out the relevant procedures to be admitted to the respective institution of higher education of his preference. The beneficiary must comply with the admission requirements established by the respective institutions of higher education (IHE) recognized by the Ministry of National Education, in a post-graduate program. [...]	Total 2023
119.		Individual	iii. Workshops with the Ministry of Housing, City, and Territory: Through the Ministry of Housing, City, and Territory, the Colombian State will promote three (3) workshops with the beneficiaries of the Friendly Settlement Agreement, if so desired, with the purpose of presenting the institutional offer established by the Colombian State for access to housing programs, including the requirements and the form of access to this offer. The implementation of this measure will not imply the granting of family or housing subsidies in cash to the beneficiaries or housing improvements, since the above, will depend on the willingness of the beneficiaries to access any of the programs included in the institutional offer presented, as well as the fulfillment of the corresponding requirements within the deadlines established in each program.	Total 2023
120.		Structural	iv. Publication of Article 49 Report: The Colombian State shall publish the relevant sections of the friendly settlement report, once it is approved by the Inter-American Commission, on the website of the National Agency for Legal Defense of the State, for a period of six (6) months.	Total 2023
121.		Individual	Sixth Part: Health and Rehabilitation Measures: The Ministry of Health and Social Protection, in exercise of the functions described in Decree Law 4107 of 2011, shall coordinate rehabilitation measures, consisting of medical, psychological, and psychiatric care, through the General System of Social Security in Health and its entities, guaranteeing adequate, timely, and priority treatment and for as long as necessary (according to medical criteria), in accordance with legal provisions on the matter. [...]	Total 2023
122.		Individual	Seventh Part: Compensation Measures: The State agrees to initiate the procedure established by the Law 288 of 1996 "Whereby instruments are established to compensate for harm done to the victims of human rights violations by virtue of the provisions of specific human rights organizations," once this	Partial 2023

			friendly settlement agreement is approved through the issuance of the Article 49 Report of the American Convention on Human Rights, for the purpose of repairing the damages caused to the family members of the victims as a result of effects generated by the events in the present case. The National Agency for Legal Defense of the State shall be the entity responsible for undertaking the procedure established by Law 288 of 1996. For purposes of compensation, the criteria and amounts recognized by the current jurisprudence of the Council of State will be applied.	
123.	Case 13.226, Report No. 286/22, Dora Inés Meneses Gómez et al.	Structural	i. Publication of the Article 49 Report: Once it is approved by the Inter-American Commission, the Colombian State will publish the pertinent sections of the friendly settlement report on the websites of the National Legal Defense Agency of the State and the Ministry of National Defense for a period of one year.	Partial substantial 2023
124.		Individual	ii. Economic assistance grant: One (1) economic assistance grant will be provided to Héctor Fabián Ocampo Meneses, to pay for an undergraduate education at an institute of higher learning in Colombia. The grant will cover the enrollment costs of a professional, technical, or university academic program with a cost per semester equivalent to up to 11 monthly minimum wages, along with per-semester stipend of up to 2 monthly minimum wages should the institute of higher learning be located in the municipality where the beneficiary resides or up to 4 monthly minimum wages should the institute of higher learning be located outside the beneficiary's municipality of residence. [...]	Partial 2023
125.		Individual	Seventh Part: Measures of Justice: In exercise of its authorities and in application of its legal regime, the Special Jurisdiction for Peace (SJP) will conduct the investigation into the dynamics of the extrajudicial executions in the framework of macro case 003, "Deaths unlawfully presented as combat casualties by State agents." Additionally, the Office of the Attorney General of the Nation, within the framework of its powers, will continue to pursue with all due diligence the investigative steps necessary to secure the evidence required to establish who else is responsible for the facts that took place.	Partial 2023
126.	Case 13,710, Report No. 109/23, Julián Alberto Toro Ortiz and family	Individual	i. Act of Acknowledgment of Responsibility: The Colombian State will hold an Act of Acknowledgment of Responsibility, which will be carried out virtually with the participation of the petitioners and the victims' relatives. The act shall be performed in accordance with the acknowledgment of responsibility set forth in this Agreement. The National Agency for the Legal Defense of the State shall be responsible for the implementation of this measure of satisfaction.	Total 2023
127.		Individual	PART SIX: JUSTICE SYSTEM MEASURES. The Attorney General's Office, within the framework of its sphere of competence, will continue to carry out with due diligence the judicial actions needed to advance investigation number 76111600024720220000001, to achieve the full establishment of the facts and, the possible identification and individualization of the perpetrators and participants involved. In furtherance of the foregoing, the Attorney General's Office and the petitioners will hold a meeting every six months to report on the progress made in the justice system. The semi-annual meeting to be held will be convened directly by the Attorney General's Office	Partial 2023
128.	Case 14,577, Report No. 110/23,	Structural	i. Act of Acknowledgment of Responsibility: The Colombian State shall hold a Public Act of Acknowledgment of Responsibility, in virtual format, with the participation of the family of Mr.	Total 2023

	Teobaldo Enrique Martínez Fuentes and family		Teobaldo Enrique Martínez Fuentes and the petitioner. The act shall be conducted in accordance with the terms of the acknowledgment of responsibility set out in this Agreement. This measure shall be performed by the National Agency for the Legal Defense of the State.	
129.	Case 13,840, Report No. 111/23, Edwin Hernán Ciro and family	Structural	i. Act of Acknowledgment of Responsibility: The Colombian State will hold a virtual Public Act of Acknowledgment of Responsibility with the participation of the next of kin of Mr. Edwin Hernán Ciro and the petitioner. The act shall consistent with the acknowledgment of responsibility set forth in this Agreement. This measure will be the responsibility of the National Agency for the Legal Defense of the State	Total 2023
130.	Case 14,070, Report No. 112/23, José Omar Torres Barbosa	Structural	i. Act of Acknowledgment of Responsibility: The Colombian State shall virtually carry out a Public Act of Acknowledgment of Responsibility, with the participation of the family members of Mr. José Omar Torres and the petitioner. The ceremony shall be conducted in accordance with the acknowledgment of responsibility indicated in this agreement. The National Agency for Legal Defense of the State will be in charge of this measure.	Total 2023
131.	Petition 1478-12, Report No. 113/23, José Manuel Bello Nieves,	Structural	PART FIVE: MEASURES OF SATISFACTION i. Act of Acknowledgment of Responsibility: The Colombian State will hold a Public Act of Acknowledgment of Responsibility, virtually, with the participation of the relatives of José Manuel Bello Nieves and their petitioner. The act will be carried out in accordance with the acknowledgment of responsibility set forth in this Agreement. The National Agency for the Legal Defense of the State will be in charge of this measure.	Total 2023
132.	Case 13,232, Report No. 115/23, Omar Ernesto Vázquez Agudelo	Individual	FIFTH PART: MEASURES OF SATISFACTION i. Act of Acknowledgment of Responsibility: The Colombian State will carry out a Public Act of Acknowledgement of Responsibility, virtually, with the participation of the family of Mr. Omar Ernesto Vázquez Agudelo. The act shall be carried out in accordance with the acknowledgement of responsibility stated in this Agreement. This measure will be in charge of the National Agency for the Legal Defense of the State.	Total 2023
133.		Structural	SIXTH PART: GUARANTEES OF NON-REPETITION. Through the National Penitentiary School, the staff of the Custody and Surveillance Corps assigned to the Penitentiary and Prison Establishment of Medellín (Bellavista) will be trained in the virtual retraining course designed for the staff of the Custody and Surveillance Corps. This measure will be in charge of INPEC.	Total 2023
134.	Case 14,719, Report No. 116/23, Geovanni Aguirre Soto	Structural	FIFTH PART: SATISFACTION MEASURES i. Act of Acknowledgment of Responsibility: Through the Chief of the Criminal Investigation Section of the Metropolitan Police of Valle de Aburrá, public apologies will be made that include the acknowledgement of the facts and will be broadcasted on the electronic and radio media of the National Police, taking into account the circumstances of time, manner and place in which the facts occurred. The act shall be conducted in accordance with the terms of the acknowledgment of responsibility set forth in this Agreement. The National Police shall be in charge of this measure.	Total 2023
135.	Case 12,908, Report No. 208/23, Jorge Freyter Romero	Structural	FIFTH: SATISFACTION MEASURES. Act of acknowledgement of responsibility: The State shall carry out an act of acknowledgement of responsibility and public apology led by a high-ranking State official, with the participation of public authorities, the victims' family and their representatives. [...]	Total 2023
136.		Individual	(ii) Awarding of educational scholarships: The Colombian State shall grant educational scholarships to the children of Mr. Jorge Adolfo Freyter Romero, namely: Jorge Freyter Franco, Jorge	Partial 2023

			Enrique Freyter-Florián, Vanessa del Carmen Freyter Florián, Sebastián Adolfo Freyter Florián, and Mónica Isabel Freyter Florián. [...]	
137.		Structural	(iv) Human rights workshop: The Colombian State agrees to continue with the human rights and international humanitarian law education programs within the Colombian armed forces. It also commits to include the facts of the instant petition as a topic of study and analysis in extracurricular training events on human rights in the different training schools. Prior to the process of socialization and analysis of the facts, the Ministry of Defense, together with the National Agency for the Legal Defense of the State, will provide a methodological document that incorporates the presentation of the facts, with respect to which the Freyter family and its representatives may make observations, if pertinent.[...].	Total 2023
138.		Individual	SIXTH: HEALTH AND REHABILITATION MEASURES The Ministry of Health and Social Protection shall implement the health rehabilitation measures consisting of medical, psychological and psychosocial care through the General System of Social Security in Health and the Program of Psychosocial Care and Comprehensive Health for Victims (PAPSIVI). Adequate, timely and priority treatment will be guaranteed to those persons who require it, after expressing their will, and for as long as necessary. In providing psychological treatment and psychosocial care, the particular circumstances and needs of each person must be considered, so that they are provided with family and individual treatment, according to what is agreed with each of them and after an individual assessment. [...]	Partial substantial 2023
139.		Individual	SEVENTH: JUSTICE MEASURES The Attorney General's Office, within the framework of its competencies, will continue to carry out with due diligence the judicial actions that allow the boosting of the investigation and the possible identification of other persons responsible for the facts. Follow-up. Follow-up meetings will be held every six months to report on the progress made in the matters regarding justice, with the participation of the petitioners and officials of the Attorney General's Office.	Partial 2023
140.		Individual	2. Instalation of a commemorative monument at the House of Historical Memory of Barranquilla: The monument shall include an image, a biographical text of Mr. Jorge Adolfo Freyter Romero and an audiofile.audio file. [...] The audio file shall be comprised of the speech made by Mr. Jorge Adolfo Freyter Romero at the Association of Retirees of the Universidad del Atlántico (ASOJUA) and testimonies of two of his children narrating his work in historical memory, denouncement and demand for justice. The presentation of the memorial will take place on August 29, 2022 at the House of Historical Memory of Barranquilla where a commemorative event will be held. Likewise, this measure will be accompanied by a media outreach plan led by the National Center of Historical Memory, where the audiovisual and photographic recordings will be taken, as well as a statement of the event. Additionally, as part of this dissemination, interviews with Jorge Freyter-Florián and Jorge Freyter Franco will be recorded for an episode of the series "País con memoria" (Country with memory), which will be broadcast by the Colombian University Radio Network.[...]	Total 2023
141.	Case 13,780, Report No. 209/23,	Structural	FIFTH PART: SATISFACTION MEASURES. I. Act of Acknowledgment of Responsibility: The Colombian State shall conduct an Act of Acknowledgment of Responsibility, which shall	Total 2023

	Hugo Ferney León Londoño		be performed virtually with the participation of the petitioners and the victim's family members. The act shall proceed in accordance with the acknowledgment of responsibility set forth in this Agreement. [...]	
142.		Individual	SIXTH PART: MEASURES OF JUSTICE AND SEARCH The Office of the Attorney General of the Nation, within the scope of its competence, will continue to carry out, with due diligence, the judicial actions that will allow the investigation to move forward and the possible identification and individualization of those responsible for the facts. In development of the foregoing, the Office of the Attorney General of the Nation undertakes to submit a written report every six months to the petitioners on the investigative actions undertaken, as well as their progress.	Partial 2023
143.	Case 14,145, Report No. 210/23, Eleazar Vargas Ardila and Relatives	Individual	FIFTH PART: SATISFACTION MEASURES. I. Act of Acknowledgment of Responsibility: The Colombian State shall carry out an Act of Acknowledgement of Responsibility in a virtual manner and with the participation of the family of Mr. Eleazar Vargas Ardila. The act shall be conducted in accordance with the terms of the acknowledgment of responsibility set forth in this Agreement. This measure will be carried out by the National Agency for the Legal Defense of the State.	Total 2023
144.		Structural	1.1 Act of redress: A Public Act of Acknowledgment of Responsibility shall be held with the active participation of the victim and his representatives. In this act, the State's responsibility will be acknowledged in the terms established in this agreement. The measure will be in charge of the National Agency for the Legal Defense of the State	Total 2023
145.	Case 12,490, Report No. 218/23, Asmeth Yamith Salazar	Structural	1.2 Cycle of online training: Mr. Asmeth Yamith Salazar Palencia will conduct a pre-recorded videoconference of up to one hour's duration, addressed to judicial officers and other actors of the justice sector. This intervention will take place within the cycle of on-line training of Constitutional Law on protective action. The content will be agreed with the "Rodrigo Lara Bonilla" Law School and the Network of Trainers. This satisfaction measure will be in charge of the "Rodrigo Lara Bonilla" Law School.	Total 2023
146.		Individual	2) Justice Measures. The Civil Cassation Chamber of the Supreme Court of Justice will analyze and rule on the merits of the protective action filed by the plaintiff against the order of December 5, 2002, of the Criminal Cassation Chamber of the Supreme Court of Justice, as ordered by the Constitutional Court. From the preliminary study conducted by the National Agency for the Legal Defense of the State, it is concluded that the execution of this clause does not generate liability for the Supreme Court of Justice, for the Magistrates of the time of the facts, nor for those who currently occupy those positions. This measure of justice will be in charge of the Civil Cassation Chamber of the Supreme Court of Justice.	Total 2023
147.	Case 14,003, Report No. 221/23, Maria Regina Ocampo	Structural	FIFTH: SATISFACTION MEASURES. I. Act of Acknowledgment of Responsibility: The Colombian State shall hold a public act of acknowledgment of responsibility, in a virtual format, with the participation of the representatives of the victims. The act shall be conducted in accordance with the terms of the acknowledgment of responsibility set forth in this Agreement. This measure shall be in charge of the National Agency for the Legal Defense of the State.	Total 2023
148.	Case 13,971, Report No. 271/23, Merardo Ivan Vahos Arcila and Familia	Structural	FIFTH: SATISFACTION MEASURES. I. Act of acknowledgment of responsibility. The Colombian State will hold an Act of Acknowledgment of Responsibility, which will be presided over by the Director General of the National Agency for the Legal Defense of the State and will include the participation of the Rapporteur for Colombia - Commissioner Joel Hernández García. All aspects related to the event will be agreed with the representative of the	Total 2023

			victims and the relatives. The act shall be carried out in accordance with the acknowledgement of responsibility indicated in this Agreement. [...]	
149.	Case 14,808, Report No. 272/23, Diego Felipe Becerra Lizarazo and Family	Structural	FIFTH PART: SATISFACTION MEASURES. I. Act of acknowledgement of responsibility. The Colombian State shall carry out an act of Acknowledgment of Public Responsibility, which shall be presided over by the Minister of National Defense or the Director General of the National Police. All aspects related thereto shall be agreed upon with the victims and their representatives. The act shall be carried out in accordance with the acknowledgment of responsibility set forth in this Agreement and shall include, at least, (i) a press conference in which all national media shall be summoned, (ii) public apologies shall be offered for the extrajudicial execution and subsequent alteration of the scene of the crime and (iii) the non-repetition of similar events shall be guaranteed. [...]	Total 2023
150.		Structural	II. Act of remembrance. The Council of Bogotá D.C. undertakes to process and debate the Draft Agreement "Whereby the memory of Diego Felipe Becerra Lizarazo RIP is exalted, and complementary provisions are issued". In the event that the referred project is filed, the Corporation commits itself to re proceed and debate it with the required modifications.	Total 2023
151.	Case 14,906, Report No. 273/23, Eladia Mendez Bautista	Structural	FIFTH PART: SATISFACTION MEASURES. I. Act of acknowledgment of responsibility: On the date of signature of this Friendly Settlement Agreement, the Colombian State, through the National Agency for the Legal Defense of the State, will hold an Acknowledgement of Responsibility Act, which will be presided over by the Director General of the National Agency for the Legal Defense of the State and will be attended by the next of kin of Mr. Luis Alberto León and the Rapporteur for Colombia, Commissioner Joel Hernández García of the Inter-American Commission. [...]	Total 2023
152.	Case 14,887, Report No. 274/23, Blanca Ruth Sanchez de Franco y Familia	Structural	FIFTH: SATISFACTION MEASURES. I. Act of acknowledgement of responsibility. The Colombian State shall carry out a Public Act of Acknowledgement of Responsibility, on May 18, 2023, within the framework of the conversations on amicable solutions in Colombia, with the participation of Mrs. Blanca Ruth Sánchez de Franco and one of her daughters, it shall be presided over by Dr. Martha Lucía Zamora Ávila, General Director of the National Agency of Legal Defense of the State and shall be carried out in accordance with the terms of the acknowledgement of responsibility set forth in this Agreement. [...]	Total 2023
Colombia: Number of measures where progress was achieved: 85 (56 individual, 29 structural) Total compliance: 50 Partial substantial: 12 Partial compliance: 23				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
ECUADOR				
153.	Case 12.631, Report 61/13, Karina Montenegro Et al.	Individual	2. Immediate medical care to Martha Cadena and transfer to a prison house or correctional institution.	Partial substantial 2023
Ecuador: Number of measures where progress was achieved: 1 (individual)				

Total compliance: N/A Partial substantial: 1 Partial compliance: N/A				
GUATEMALA				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
154.	Case 11.197, Report No. 68/03, San Vicente de los Cimientos Community	Individual	Clause 2. The community of Los Cimientos, through the Community Association of Residents of Los Cimientos Xetzununchaj civic association, and the Government, shall identify and negotiate, within sixty days following the settlement of the community, urgent projects to reactivate its productive, economic, and social capacities, [...].	Total 2023
155.	Petition 1287-19, Report No. 61/22, Roberto Molina Barreto, Zury Mayte Ríos Sosa y MWR	Structural	4.2.1. The State of Guatemala undertakes to carry out 02 awareness-raising campaigns through the Presidential Commission for Peace and Human Rights, in order to promote equality in the political participation of women in the political life of the State of Guatemala; being this case and other cases that have been known under the control of conventionality the object of study.	Total 2023
156.		Structural	4.2.2. The State of Guatemala, through the Presidential Commission for Peace and Human Rights, will promote 02 forums with the different private and public educational institutions in order to promote equality in the political participation of women in the political life of the State of Guatemala; in which these cases will also be analyzed and studied.	Total 2023
Guatemala: Number of measures where progress was achieved: 3 (1 individual, 2 structural) Total compliance: 3 Partial substantial: N/A Partial compliance: N/A				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
HONDURAS				
157.	Case 11.562, Report No. 40/21, Dixie Miguel Urbina Rosales	Individual	Clause 5. Physical and psychological rehabilitation measures The State of Honduras undertakes to provide comprehensive medical, psychiatric and psychological care to the families of the victims, free of charge and through its public health institutions when the victims deem it necessary. To this end, the Honduran State undertakes to provide, free of charge and through public health officials, the adequate treatment required by said persons, after a medical evaluation and issuance of the consent of the victim's family members for this purpose. [...]	Partial substantial 2023
158.	Case 11.545, Report No. 204/21, Martha Maria Saire	Individual	Clause Second: Due to the above, the first point of the friendly settlement agreement signed on June 30, 2003 has become abstract. Instead, the parties agree that the State of Honduras will continue to provide care for Martha Saire and guard her with a comprehensive approach, in relation to the standards of the rights of women living with disabilities, self-determination and social integration in the place of care "Fundación Hogar Los Ángeles", where she has resided since August 16, 2017. Likewise, the State undertakes to maintain the necessary personnel assigned to the care of Martha María Saire at the Fundación Hogar Los Ángeles.	Total 2023
159.		Individual	Clause Third: In accordance with the working meeting of May 31, 2019, held before the IACHR, the parties agreed to implement a Comprehensive Care Plan, thus, they had the consultancy of Dr. Hilda Beatriz Miranda Galarza, for which the parties have agreed to create an Accompaniment Committee to follow up on the guidelines and recommendations of the specialist's Results Report,	Partial 2023

			in accordance with the agreement between the parties. Said Committee should focus on the central axes of conducting the updated mental health evaluation; the generation of Martha Saire's capacity development plan according to said evaluation and with a cross-cutting focus on gender and disability; the periodic training of the personnel in charge of the care of Martha Saire and the establishment of a support device, with her participation, to guarantee her autonomy in decision-making in light of the principles of respect for dignity, autonomy, independence, self-determination and social inclusion, the same central axes for monitoring the implementation of the FSA by the IACHR	
<p>Honduras: Number of measures where progress was achieved: 3 (3 individual) Total compliance: 1 Partial substantial: 1 Partial compliance: 1</p>				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
MEXICO				
160.	Petition 1171-09, Report No. 15/16, Ananias Laparra, and Family,	Structural	Clause VIII.2.3. Psychological treatment. Once the agreement is signed, the Human Rights Defense Unit and the Department of Human Rights and Democracy of the Ministry of Foreign Affairs will make the necessary arrangements for the Executive Committee for Victim Assistance to provide psychological treatment to the victims Ananías Laparra Martínez, Rosa Godínez Chávez, Rocío Fulvia Laparra Godínez, and José Ananías Laparra Godínez for as long as necessary at the facilities of the Victim Assistance Center (Centro de Atención a Víctimas y Ofendidos) closest to their domicile or at any other facility of that center that the victims may choose and for as long as they may require. [...].	Total 2023
161.	Petition 1014-06, Report No. 35/19, Antonio Jacinto Lopez	Structural	Clause 3.14. The Ministry of Interior shall make known the guidelines for implementing precautionary and provisional measures issued by national and international bodies through the Official Gazette (<i>Diario Oficial de la Federación</i>). [...].	Total 2023
162.	Petition 735-07, Report No. 110/20, Ismael Mondragon Molina,	Individual	Clausula 3.5 Unveiling of commemorative plaque and bust in the Children's Hospital of the State of Sonora. For the purpose of rendering tribute to the memory of Ismael Mondragon Molina, the "MEXICAN STATE," in particular the health authorities of "THE ENTITY," shall take steps to install a commemorative plaque and bust at Children's Hospital of the state of Sonora, which shall include a commemorative text. [...].	Total 2023
163.		Individual	Clausula IV.1 In health matters. [...] "THE MEXICAN STATE", undertakes to grant each one of "THE VICTIMS" adequate and free medical and psychological care, as well as the medicines found in the national compendium of health supplies, [...].	Partial substantial 2023
164.	Case 13.007, Report No. 61/22, José Alfredo Jiménez Mota and family	Individual	Clause IV.2 Labor reinsertion: "THE MEXICAN STATE" shall establish a link in the public institutions within six (6) months following the signing of this Agreement, to provide guidance on the procedures and requirements for Leticia Jiménez Mota to apply for a teaching position.	Total 2023
165.		Individual	Clausula V.2 "alfredo Jiménez Mota" street in Empalme, Sonora. The Secretariat of Government of Sonora, respecting the constitutional autonomy of the Municipality of Empalme, will take the necessary steps to pave and rename the first street in the East neighborhood of the municipality of Empalme, where the Jiménez Mota family lives, with the full name of the victim "Alfredo Jiménez	Total 2023

			Mota Street" within one (1) year as of the signing of this Agreement.	
166.		Structural	Clause VI.1 Training courses: "THE MEXICAN STATE", through the Attorney General's Office, will continue with the training plan for public servants who, due to their functions, may have direct interaction with cases related to the prevention, investigation, and punishment of crimes against journalists and/or freedom of expression. [...].	Total 2023
167.	Case 11.734, Report No. 213/23, Modesto Patolzin Moicen	Individual	Second. Investigation of the facts. A) To continue with the investigation until the facts are clarified, in order to determine the whereabouts of Prof. Modesto Patolzin Moicen. Said investigation shall continue to comply with the parameters of seriousness, impartiality and effectiveness in force in the Inter-American System for the Protection of Human Rights. B) To submit to criminal proceedings and, in due time, to punish the person responsible for the facts and also those public servants who have incurred in crimes against the administration of justice. C) To enable the realization of new criminological expert studies with the most advanced technological equipment available in foreign institutions, necessary to determine whether the skeletal remains found in Oaxaca belong to the person of Prof. Modesto Patolcin (Sic) Moicen.	Partial 2023
168.		Individual	Third. Protection measures. In response to the concerns of the petitioners and, specifically, of Prof. Liboria Miranda regarding the possibility that her life and humane treatment and that of her children may be threatened as a result of the case, the government undertakes to reinforce the surveillance rounds that it has been conducting on a regular basis, and to continue to allow the use of the cell phones in the possession of the Patolzin family, and, in due time, to address any concerns that may arise on this point.	Total 2023
169.		Individual	Fourth. Financial aid. A) Considering that, in the present case, to date there are no elements to prove the participation of elements of the State in the disappearance of Prof. Modesto Patolzin Moicen, the Government of Oaxaca offers, without this implying an express or tacit recognition of responsibility, as economic support to his family, a lump sum of \$250,000.00 (two hundred and fifty thousand pesos 00/100 m.n.). [...] [...] The Government, through the Ministry of Foreign Affairs, making its willingness to satisfactorily resolve the present matter clear, undertakes to initiate the necessary procedures before the Institute of Social Security Services for State Workers (ISSSSW), so that it may grant the corresponding pension to the relatives of Prof. Patolzin, without this affecting in any way the investigations into the whereabouts of said person.	Total 2023
170.		Structural	Fifth. Support for the initiative of the typification of the crime of forced disappearance of persons in the State of Oaxaca. In order to address the petitioners' proposal to promote the draft reform bill to criminalize forced disappearance in the state of Oaxaca, it was agreed on November 14, 2001, before the IACHR, to hold a meeting in that state in January 2002, with the participation of authorities from the Executive and Legislative Branches, to analyze this matter.	Total 2023

			The Executive of the State of Oaxaca will continue to carry out, within the scope of its legal attributions, actions tending to achieve the typification of the crime of disappearance of persons in the state.	
171.		Individual	<p>Second. Investigation of the facts.</p> <p>A) On the part of the representatives of the federal entity, the investigation must continue in order to determine what happened to Prof. Víctor Pineda Henestrosa. Said investigation shall continue to comply with the parameters of seriousness, impartiality and effectiveness in force in the Inter-American System for the Protection of Human Rights.</p> <p>B) Should the investigation yield sufficient evidence, the representatives of the Federal Entity undertake to submit to criminal proceedings and, if appropriate, to punish the person or persons responsible for the facts and also those public servants who have committed crimes against the administration of justice.</p> <p>C) To enable the realization of new expert criminological studies with more advanced technological equipment available in institutions or laboratories abroad, mainly those necessary to determine whether the skeletal remains found during the investigation belong to the person of Professor Víctor Pineda Henestrosa.</p>	Partial 2023
172.	Case 11.733, Report No. 214/23, Víctor Pineda Henestrosa	Structural	<p>Third. Supports to be provided by "The State"</p> <p>A) Economic support.</p> <p>Considering that in the present case to date there are no legal elements to prove the participation of elements or public servants of "THE STATE" in the disappearance of Professor Víctor Pineda Henestrosa, although the petitioners have held in their complaint that elements of the Mexican Army are probably responsible, the Government of Oaxaca offers, without this implying an express or tacit acknowledgement of responsibility, as economic support to the family of the disappeared Professor, the purchase of construction material, furniture and equipment up to an amount of \$ 250,000. 00 (TWO HUNDRED AND FIFTY THOUSAND PESOS 00/100 M.N.), destined to the popular library called "Víctor Yodo". This library is located in Libertad Street almost on the corner with Insurgentes, Seventh Section in the City of Juchitán de Zaragoza, Oaxaca, according to the designation made by the "PETITIONERS" and specifically to the request formulated in that sense, by Prof. Cándida Santiago Jiménez, in writing dated May 23 and received on May 27 of the current year, in the General Coordination of Human Rights of the Executive Branch, which is constituent part of this Agreement as ANNEX TWO.</p> <p>Said construction material, furniture and equipment will be delivered by "THE STATE" within two months from the date of signature of this Agreement, at the address of the abovementioned library. [...]</p>	Total 2023
<p>Mexico: Number of measures where progress was achieved: 13 (9 individual, 4 structural) Total compliance: 10 Partial substantial: 1 Partial compliance: 2</p>				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
PANAMÁ				
173.	Case 13.017 A, Report No.	Individual	Clause 5.2. Bone DNA analysis: [...] The State undertakes, through the Institute of Legal Medicine and Forensic Sciences, to continue	Partial 2023

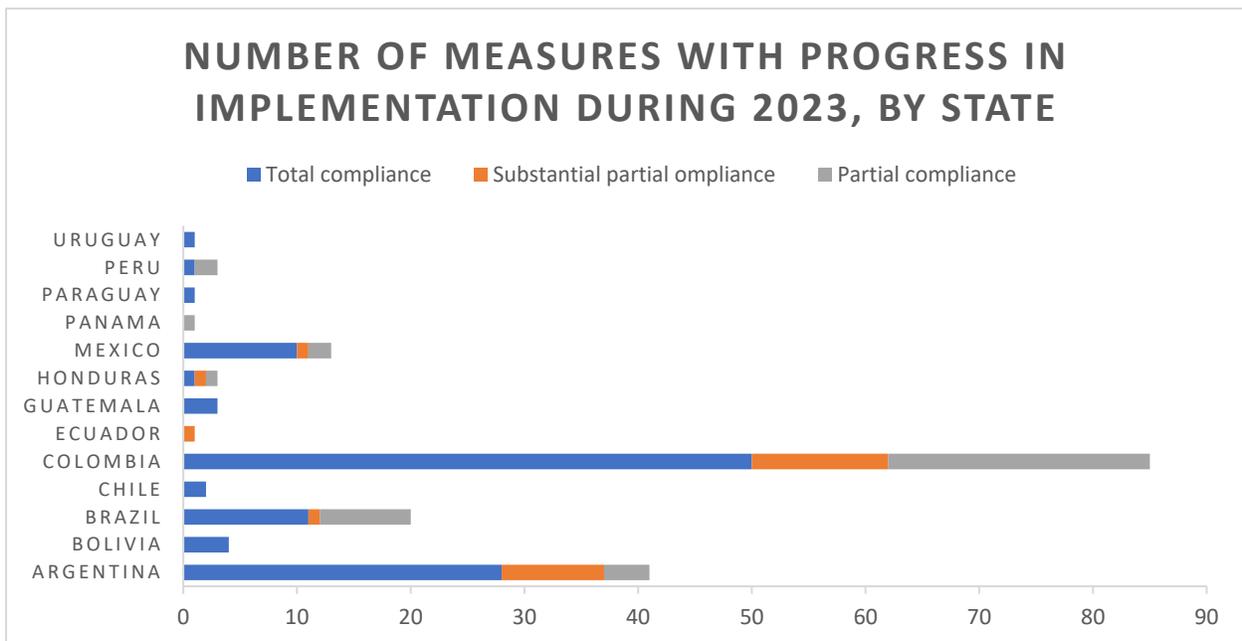
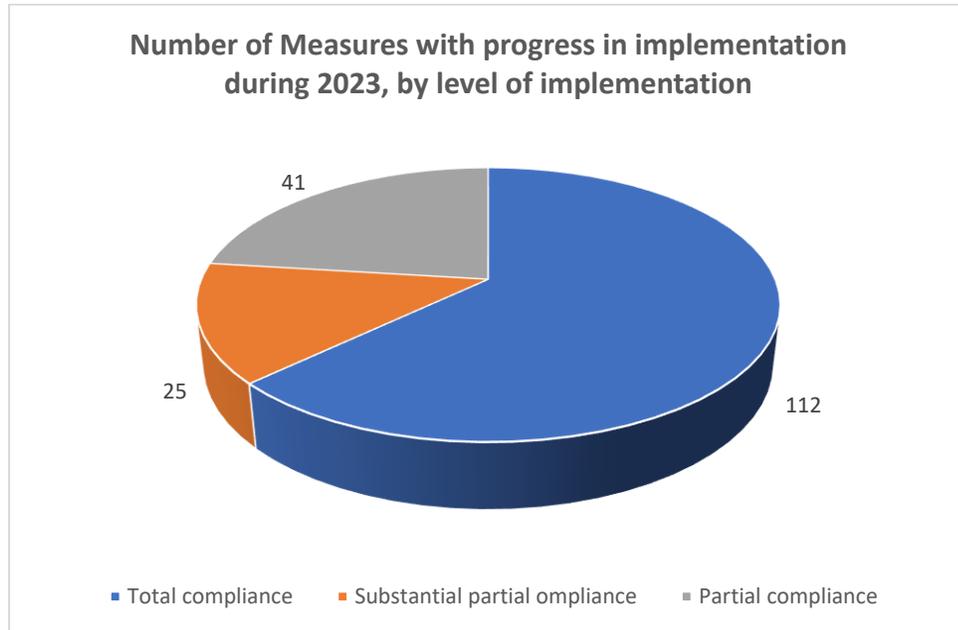
	102/19, Relatives of the victims of the military dictatorship, October 1968 to December 1989		the work of analysis and identification of the skeletal remains in the custody of that institution, to which end the State shall, to the extent possible, provide it with the necessary budget to purchase the inputs and hire the expert personnel to enable it to perform its functions properly. The Institute of Legal Medicine and Forensic Sciences shall adopt decisive measures to make substantive progress, so that within a reasonable time, the skeletal remains of the victims are identified for their families and the medico-legal documents used for civil registration procedures are prepared.	
Panama: Number of measures where progress was achieved: 1 (individual) Total compliance: N/A Partial substantial: N/A Partial compliance: 1				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
PARAGUAY				
174.	Case 12.699, Report 130/18, Pedro Antonio Centurión	Individual	Third clause: Measures for social rehabilitation. The Paraguayan State commits to conveying to Ms. Semprioniana Centurion, the victim's mother, a plot of land selected by the petitioners that is located in Tarumandy Subdivision 8 of the Luque district. This plot of land will be conveyed by the Secretariat for Social Action (SAS). The State also undertakes the commitment to build a house in keeping with the standards proposed by the lead agency on housing issues, the National Housing Secretariat (SENAVITAT), on the plot of land mentioned above.	Total 2023
Paraguay: Number of measures where progress was achieved: 1 (individual) Total compliance: 1 Partial substantial: N/A Partial compliance: N/A				
PERU				
175.	Petition 732-01 et al, Petition 758-01 et al, Reports 20/07 and 71/07, Eulogio Miguel Melgarejo; Hernán Atilio Aguirre Moreno, et al.	Individual	Third clause: Public reparations ceremony: The representative of the Peruvian State pledges to hold a Public Reparations Ceremony for the reinstated judicial officials.	Total 2023 Case Archive 2023
176.	Petition 494-04, Report No. 20/08, Romeo Edgardo Vargas Romero	Individual	Clause 3. Ceremony of public apology: The representative of the Peruvian State undertakes the commitment to hold a ceremony of public apology in favor of the reinstated judges.	Partial 2023
177.	Petition 71-06 et al, Report No. 22/11, Gloria Jose Yequeto Paredes et al.	Individual	Clause three. Ceremony of public apology: The representative of the Peruvian State undertakes the commitment to hold a ceremony of public apology in favor of the reinstated judges.	Partial 2023
Perú: Number of measures where progress was achieved: 3 (individual)				

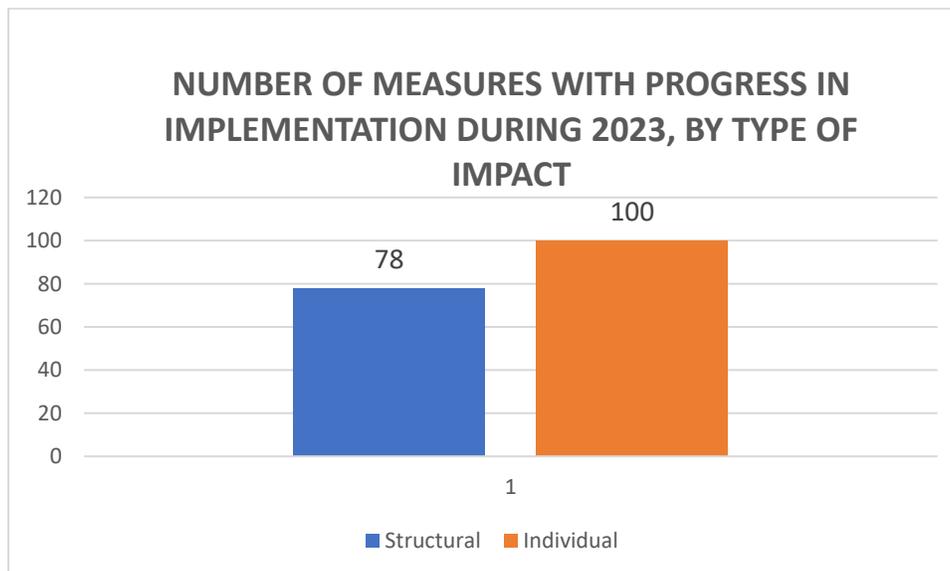
Total compliance: 1				
Partial substantial: N/A				
Partial compliance: 2				
URUGUAY				
178.	Petition 1376-19, Report No. 183/22, Silvia Angelica Flores Mosquera	Individual	CLAUSE THIRD: 2. ii) It is also agreed to deliver a monthly rent of [...]. In all cases, the proof of transfer issued by the remitting bank will be sufficient to accredit the payment. [...].	Total 2023
Uruguay:				
Number of measures where progress was achieved: 1 (individual)				
Total compliance: 1				
Partial substantial: N/A				
Partial compliance: N/A				
Number of measures where progress was achieved			178	
Total number of measures where total compliance was achieved			112	
Total number of measures where partial substantial compliance was achieved			25	
Total number of measures where partial compliance was achieved			41	
Total number of structural measures where progress was achieved			78	
Total number of individual measures where progress was achieved			100	

106. The Commission values the efforts of the states of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guatemala, Honduras, Mexico, Panama, Peru y Uruguay, and welcomes the progress they have made with implementing the clauses in the friendly settlement agreements that contain commitments to victims and their next of kin and on their compliance with the settlement agreements approved by the Inter-American Commission on Human Rights. The Commission reiterates that said compliance is vital for legitimization of the friendly settlement mechanism and for forging trust in the agreements and in the good faith of States wishing to comply with their international commitments. At the same time, the Commission wishes to take this opportunity to urge all States using the friendly settlement mechanism to complete compliance with measures currently being implemented, so that the IACHR can certify total compliance with the friendly settlement agreements and stop monitoring them.

c. Charts on progress with friendly settlement agreements

107. Based on the above, following is a graphic description of progress observed with the implementation of friendly settlement agreements in 2023:





d. New friendly settlement agreements signed

108. In 2023, a total of **19** new friendly settlement agreements were signed. They are listed next, in chronological order by the date they were signed:

No.	Matter	Name	Country	Date of signature [YY-MM-DD]
1	14.768	Juana Belfer	Argentina	2023.02.13
2	14.003	María Regina Ocampo Loaiza y otros	Colombia	2023.03.02
3	13.973	Zoilo de Jesús Rojas Ortiz y familia	Colombia	2023.05.18
4	14.906	Eladia Mendez Bautista	Colombia	2023.05.18
5	13.711	Levis Elcener Centeno Cuero y familia	Colombia	2023.05.18
6	13.071	Merardo Ivan Vahos Arcila y familia	Colombia	2023.05.18
7	14.887	Blanca Ruth Sanchez de Franco y familia	Colombia	2023.05.18
8	14.808	Diego Felipe Becerra Lizarazo	Colombia	2023.05.18
9	14.910	Mirta Araceli Teresita Pravisani, Ines Victoria Cettour, Liza Lais Cettour	Argentina	2023.03.06
10	13.020	Carlos Andrés Fraticelli	Argentina	2023.08.29
11	14.767	Fanny Lea Mijalevich	Argentina	2023.02.07
12	14.073	Zenón Alberto Medina López y Familia	MX	2023.07.18
13	13.892	Denys del Carmen Olivera y familia	Colombia	2023.09.26
14	14.541	José Enrique Caldas y familiares	Colombia	2023.09.21
15	13.974	Claudia Baracaldo y familia	Colombia	2023.10.11
16	P-553-19	M.B.L. y familia	Argentina	2023.10.18

17	14.970	Jorge Julio Lopez	Argentina	2023.10.30
18	13.107	Edgardo José Cicutín	Argentina	2023.11.10
19	15.311	Ricardo Alberto Grassi	Argentina	2023.11.16

109. The Commission commends the states of Argentina, Colombia, and Mexico for their openness to engage with dialogue with the various victims and their representatives to find, together, formulas for making reparation to the victims of human rights violations in the aforementioned matters, taking account of their needs and interests by reaching a friendly settlement.

e. New friendly settlement monitoring processes

110. The Commission announces with satisfaction that, in 2023, **32** reports approving friendly settlements were published, two of which, (Report No. 220/23, in Case 13.020 Carlos Fraticelli of Argentina and Report No. 270/23 in Case 11.426, Marcela Porco of Bolivia) as detailed above, were published with total compliance, thus they will not be subject to supervision by the IACHR. Accordingly, **30** new matters came to be monitored for the first time, in the Annual Report of the IACHR on this occasion. They are listed next, in alphabetical order by the state concerned and chronological order based on the date the Commission's decisions were issued:

Report No.	Petition/Case	Country
85/23	Case 13.888 Diego Pablo Paredes	Argentina
211/23	Case 14.770 Alicia María Jardel	Argentina
212/23	Case 14.781 Luis Carlos Abregu	Argentina
215/23	Case 14.714 Francisco Naishtat	Argentina
216/23	Case 13.804 Carlos Ballivian Jiménez	Argentina
217/23	Case 14.778 Graciela Edit Abecasis	Argentina
219/23	Case 14.536 Eduardo Molina Zequeira	Argentina
266/23	P-268-10 Maria del Carmen Senem de Buzzi	Argentina
267/23	Case 14.769 Claudia and Ana María Kleinman	Argentina
268/23	Case 14.771 Lilia Etcheverry and Family	Argentina
269/23	Case 13.581 José Luis D'Andrea Mohr	Argentina
114/23	Case 12.673 Jose Dutra Da Costa	Brazil
109/23	Case 13.710 Julian Toro Ortiz and Family	Colombia
110/23	Case 14.577 Teobaldo Martínez Fuentes and Family	Colombia
111/23	Case 13.840 Edwin Hernán Ciro and Family	Colombia
112/23	Case 14.070 José Omar Torres	Colombia
113/23	P-1478-12 José Manuel Bello Nieves	Colombia
115/23	Case 13.232 Omar Ernesto Vásquez Agudelo	Colombia
116/23	Case 14.719 Giovanni Aguirre Soto	Colombia

208/23	Case 12.908 Jorge Freytter Romero	Colombia
209/23	Case 13.780 Hugo Ferney León Londoño	Colombia
210/23	Case 14.145 Eleazar Vargas Ardila and Relatives	Colombia
218/23	Case 12.490 Asmeth Yamith Salazar	Colombia
221/23	Case 14.003, Maria Regina Ocampo.	Colombia
271/23	Case 13.971, Merardo Ivan Vahos Arcila and Family	Colombia
272/23	Case 14.808, Diego Felipe Becerra Lizarazo and Family	Colombia
273/23	Case 14.906, Eladia Mendez Bautista.	Colombia
274/23	Case 14.887, Blanca Ruth Sanchez de Franco and Family	Colombia
213/23	Case 11.734 Modesto Patolzin Moicen	Mexico
214/23	Case 11.733 Víctor Pineda Henestrosa	Mexico

111. Consequently, the Commission commends the states of Argentina, Bolivia, Brazil, Colombia, and Mexico and urges them to continue taking actions to comply with those friendly settlement agreements that remain under follow up stage, for the next Annual Report in 2024. For more information on the content of these agreements and the levels of implementation achieved, visit to the [IACHR Friendly Settlement Reports website](#).

3. Activities carried out to promote friendly settlements in 2023

a. Activities to foster the negotiation and implementation of FSAs

112. As regards the line of work that involves actively facilitating the negotiation of and compliance with friendly settlement agreements, in 2023 the Commission held **15** working meetings to foster the negotiation and implementation of friendly settlement agreements in different matters from Argentina, Chile, and Colombia. Moreover, the Commission facilitated **31** technical meetings to foster friendly settlement efforts and/or preparatory meetings over the year, in various matters from Argentina, Bolivia, Chile, Colombia, Guatemala, Mexico, Paraguay and Peru. Accordingly, in 2023 a total of **46** dialogues tables were facilitated with the parties to advance in friendly settlements.

113. Throughout 2023 the Commission held **9** periodic meetings to review the portfolios of negotiation and monitoring of friendly settlements with Argentina (2); Bolivia (1); Chile (1); Colombia (2); Ecuador (1) and Mexico (2).

114. In 2023, the Commission issued **30** press releases on friendly settlements¹⁹ and maintained the practice of making visible the progress in the implementation of friendly settlement agreements in the negotiation phase, as long as both parties agree, due to the confidential nature of the negotiations of friendly settlements before issuing the respective homologation report. The Commission also maintained the practice of publishing press releases when signing and approving friendly settlement agreements and making visible the compliance with the measures in the friendly settlement agreements whose total compliance has been attained during the monitoring phase to encourage the authorities in charge of the execution of those measures to follow through on the commitments assumed by the States in friendly settlement agreements.

¹⁹ In this regard, see Press Releases from the IACHR on Friendly Solutions in 2023. Available at: [OAS :: IACHR :: Friendly Settlement :: Press Releases related to friendly settlements](#).

115. In 2023, the IACHR cleared up **58** matters under the friendly settlement mechanism through **32** homologations, **18** instances of ending negotiations at the request of the parties, **2** matters archived in the negotiation phase²⁰, and **6** matters archived in the monitoring phase due to inactivity, loss of contact with victims or at the request of the petitioner²¹.

116. The Commission also provided technical advice to the parties in **2** matters subjected to the mechanism involving Bolivia, providing information and objective criteria on relevant background of friendly settlement agreements and judgments of the Inter-American Court of Human Rights.

117. The Commission also maintained its practice of highlighting the impacts of the friendly settlement mechanism²², whether those reported by the victims and their representatives, or contributions from the perspective of States on their experiences in those reparation processes, as well through the publication of press articles on the background of emblematic cases involving friendly settlements. In that sense, in 2023 a reportage on *Case 14.808, Diego Felipe Becerra, regarding Colombia* was published²³.

118. Lastly, the Commission participated in **10** ceremonies for signing and/or acknowledgements of responsibility in compliance with various friendly settlement agreements involving Colombia²⁴, including:

No.	Case/ Petition	Name	Country	Date (YY/MM/DD)
1.	14.719	Geovanni Aguirre	Colombia	2023-02-13
2.	12.490	Asmeth Yamith Salazar	Colombia	2023-05-17
3.	14.003	Maria Regina Ocampo	Colombia	2023-05-17
4.	14.906	Eladia Mendez Bautista	Colombia	2023-05-18
5.	13.711	Levis Elcener Centeno Cuero	Colombia	2023-05-18
6.	13.971	Merardo Ivan Vahos Arcila and Family	Colombia	2023-05-18
7.	14.887	Blanca Ruth Sanchez de Franco and Family	Colombia	2023-05-18
8.	13.973	Zoilo de Jesús Rojas Ortiz	Colombia	2023-05-18
9.	14.808	Diego Felipe Becerra Lizarazo and Family (Signature of FSA)	Colombia	2023-05-18
10.	14.808	Diego Felipe Becerra Lizarazo and Family (recognition of responsibility) ²⁵	Colombia	2023-08-31

119. The Commission appreciates and welcomes the good will of the Colombian State in implementing these important measures of redress—in face-to-face, virtual and hybrid modalities—and for disseminating them via various media and networks.

b. Activities to promote the sharing and dissemination of best practices in friendly solutions and to develop tools to facilitate access to information regarding the friendly settlement procedure for users of the Inter-American Human Rights System (IAHRS)

²⁰ Case 11.570, Manuel Saquic Vásquez, Pascual Serech y Otros, Guatemala and Petition-4350-02, José Luis de León Díaz, Guatemala.

²¹ Case 11.312, Report No. 66/03, Manuel Emilio Tec Pop, Guatemala; Case 10.441 A, Report No. 214/20, Silvia Maria Azurdia Utrera and Others, Guatemala; Case 10.441 B, Report No. 215/20, Carlos Humberto Cabrera Rivera, Guatemala; P-732-01, Report No. 20/07, Eulogio Miguel Paz Melgarejo and others, Peru; P-758-01, Report No. 71/07, Hernán Atilio Aguirre Moreno et al., Peru and Case 12.473, Report No. 63/13 Jesús Manuel Naranjo Cárdenas et al., Venezuela.

²² In this regard, see Channel IACHR website. Available at: <https://www.canalcidh.org/en/entrevistas-reportajes>.

²³ In this regard, see Channel IACHR website. Available at: [Diego Felipe | Canal CIDH](#).

²⁴ In this regard, see IACHR Press Release No. 100, [IACHR completes working visit to Colombia](#). Published on May 30, 2023.

²⁵ Commissioner Esmeralda Arosemena de Troitiño, in her capacity as Rapporteur on the Rights of Children and Adolescents, virtually participated in the act of recognition of responsibility through a pre-recorded video.

120. Relating to the IACHR's line of action on the promotion and dissemination of good practices in friendly settlements, it is worth noting that, in 2023, different training activities were carried out, as well as the dissemination of good practices regarding friendly solution.

121. In this regard, from May 15 to 19, 2023, the Commission conducted a work visit to Colombia. During said visit, the Commission carried out, among others, activities to promote awareness, training and share best practices relating to the friendly settlement mechanism.

122. In this framework, on May 17, 2023, a panel discussion titled "*Soluciones amistosas en Colombia: un paso más cerca de las víctimas*"²⁶ [*Friendly Settlements in Colombia – one step closer to the victims in Spanish*] was held to reflect on the friendly settlement mechanism and its transformative impact. The event included the participation of nineteen panelists and moderators, including Commissioner Joel Hernández and the Assistant Executive Secretary for Petitions and Cases, Jorge H. Meza, as well as experts from civil society, state officials and members of academia. Together, they shared their views on the progress and best practices in friendly settlement proceedings, that have made it possible to overcome the challenges that traditionally arise in the negotiation and implementation stages, with the purpose of contributing to the development of new skills in the Colombian State so as to continue optimizing its use of the mechanism. The event was attended by more than 300 people, amongst them high-level public officials and officials from different government agencies, victims of human rights violations and their representatives, members of different non-governmental organizations that use the friendly settlement mechanism, and prominent members of academia.

123. The discussion was an important opportunity to share the transformative impact of the mechanism and the installed institutional capacity that the Colombian State has developed to meet the needs arising from the negotiation and implementation processes of friendly settlements in the country. It served the purpose of expanding the use of the mechanism and positioning it as a tool that allows for the early resolution of matters pending before the Commission's system of individual petitions and cases, while at the same time, satisfying the needs of victims of human rights violations who turn to the Inter-American system of human rights, through access to comprehensive and timely reparations.

124. In addition, on May 19, 2023, the VIII Workshop for Officials on the Procedural Aspects of Friendly Settlements was held with the participation of more than 80 public officials from different state entities in charge of implementing comprehensive reparation measures arising from friendly settlement agreements. The workshop addressed theoretical and practical procedural aspects of the friendly settlement mechanism in light of the relevant regulatory framework, including technical skills to negotiate and the application of the information provided to a specific case, as well as a practical simulation on the steps to follow to reach a friendly settlement. Furthermore, at the workshop, participants discussed issues such as the role of state institutions in friendly settlements and the importance of inter-institutional coordination for the compliance with friendly settlement agreements and had the opportunity to share their experiences in the implementation measures of reparation.

125. On October 11, 2023, the Assistant Executive Secretary for Monitoring, Promotion, Training and Public Policy, Maria Claudia Pulido, participated in the Regional Dialogue Forum for Human Rights in Asia-Pacific, organized by the United Nations in Bangkok, Thailand. At this forum, she shared the lessons learned by the Inter-American Commission on Human Rights on the negotiation and implementation of friendly settlement agreements. The purpose of the forum was to provide an opportunity to reflect on experiences, share success stories and challenges, and reflect on the possible ways forward to strengthen the protection of human rights by identifying replicable strategies for the Asia-Pacific region through regional cooperation in field of human rights.

126. Lastly, on November 28, 2023, a training workshop was held for 34 students within the framework of the course on the Inter-American system and International Strategic Litigation of the

²⁶ The panel discussion *Friendly Settlements in Colombia: a step closer to the victims* can be accessed through the following link: <https://www.youtube.com/watch?v=bA5pc0HBiuE>.

International Institute of Social Responsibility and Human Rights (IRESODH), jointly with the Human Rights Institute of the School of Legal and Social Studies of the Universidad Nacional de la Plata. This workshop was aimed at identifying successes and challenges in the framework of friendly settlements and included concrete examples of friendly settlements with individual and structural impacts, focusing on the different areas of comprehensive reparation. It covered measures of satisfaction, restitution, non-repetition and rehabilitation, and adopted a cross-cutting approach.

4. Status of compliance with reports on friendly settlement agreements, approved pursuant to article 49 of the American Convention on Human Rights

127. In compliance with its conventional and statutory attributes, and in accordance with article 48 of the Rules of Procedure, the IACHR makes the follow-up to its own decisions regarding friendly settlements. This Commission practice began in 2000 and from this moment onwards, information has been requested annually from parties of different petitions and cases to follow-up on friendly settlement reports published in light of article 49 of the American Convention and update the status of compliance of each of the matters under the supervision of the IACHR. Additionally, the IACHR receives information at hearings or working meetings held during the year, and which is also taken into consideration for the analysis of the state of compliance with friendly settlement proceedings as appropriate in each case.

128. For the elaboration of this Chapter, the Commission requested information to the users of the follow up of friendly settlement tool and considered in this report the information submitted by the parties until October 16, 2023. Any information received thereafter did not make it into the Chapter but will be taken into consideration for the 2024 Annual Report. The parties were duly advised of this information in the context of the requests for information for the preparation of this Chapter of the Annual Report. It should also be noted that the Commission took into consideration on exceptional basis information received after the closing date in those cases, where working meetings were held in the framework of the working meeting days as well as during the Period of Sessions that generated subsequent actions carried out based on the work lines developed in those meetings or in those matters in which the parties sent partial information within the term provided and after the period they added complementary or clarifying information.

129. The Inter-American Commission on Human Rights continues to make efforts to communicate more clearly the progress made toward implementing friendly settlement agreements. To that end, the Commission prepared detailed compliance monitoring sheets on each active case, identifying both the individual and structural impacts in each case. In the table listed below the link to the record analysis of compliance with each one of the friendly settlement agreements that are currently under follow up stage can be accessed, and the level of general compliance of each case can be observed along with the percentage of execution of the agreements. This allows the parties to see the level of implementation of the agreement beyond the most categories of compliance, partial and pending. Finally, it should be pointed out that in this opportunity the Commission maintained the categories of analysis of the information supplied by the parties²⁷, as well as

²⁷ Below are the categories of information analysis:

• **Relevant information provided:** the information provided is relevant, updated and extensive on measures adopted related to compliance with at least one of the clauses of the friendly settlement agreement, within the period specified by the IACHR.

• **Information provided that is not relevant:** the information was provided within the period specified by the IACHR but does not refer to the measures adopted regarding compliance with at least one of the clauses of the friendly settlement agreement pending compliance, is outdated, or is repetitive to the information presented in previous years without presenting new information.

• **Information not provided:** information on measures adopted to comply with clauses of the friendly settlement agreement was not provided; The IACHR is expressly informed that the information will not be presented; or extension(s) to provide information were requested and, in the end, the information was not provided.

the categories for the individualized analysis of the clauses of the friendly settlement²⁸ and the categories of the general analysis of the fulfillment of the friendly settlement agreements traditionally used²⁹.

130. In light of the above, the commission observes that the status of compliance with friendly settlement agreements as of December 31, 2023, is as follows:

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE	
1. Case 11.307, Report No. 103/01, María Mericiadri de Morini (Argentina) ³¹	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Argentina that are subject to monitoring	X			100%	Closed	
2. Case 11.804, Report No. 91/03, Juan Angel Greco (Argentina)			X		63%	Active	
3. Case 12.080, Report No. 102/05, Sergio Schiavini and María Teresa Schnack (Argentina)				X		50%	Active
4. Case 12.298, Report No. 81/08, Fernando				X		60%	Closed

²⁸The individual compliance status categories of its friendly settlement agreement clauses are listed below:

- **Total compliance:** a FSA clause in which the State has begun and satisfactorily completed the measure for compliance.
- **Partial Substantial compliance:** a FSA clause in which the State has adopted relevant measures for compliance and has provided evidence thereof, but the Commission finds that the measures for compliance thereof have still not been completed.
- **Partial compliance:** a FSA clause in which the State has adopted some measures for compliance, but it still must adopt additional measures.
- **Compliance pending:** a FSA clause in which the State has not adopted any measure to comply with the measure; or the steps taken have still not produced concrete results; or the measure(s) adopted is/are not relevant to the situation under examination.
- **Non-compliance:** a FSA clause in which, due to the State's conduct, it is not possible for the State to comply, or the State has expressly advised that it will not comply with the measure.

²⁹ The Commission decided to maintain the traditionally used categories of comprehensive examination of petitions and cases, which are:

- **Total compliance:** those cases in which the State has fully complied with all of the FSA clauses published by the IACHR. The Commission considers as complied with all the clauses of the FSA in which the State has started and satisfactorily completed the measures for compliance of all the clauses of the agreement.
- **Partial compliance:** those cases in which the State has partially complied with the FSA clauses published by the IACHR, either by having complied with only one or some of the FSA clauses, or through incomplete compliance with all of the FSA clauses; those cases in which the State has fully complied with all of the FSA clauses published by the IACHR except for one of them, with which it has been unable to comply.
- **Compliance pending:** those cases in which the IACHR considers that there has been no compliance with the FSA clauses published by it, because no steps were taken to that end; or the steps taken have still not produced concrete results; because the State has expressly indicated that it will not comply with the FSA clauses published by the IACHR; or the State has not reported to the IACHR and the Commission has no information from other sources to suggest otherwise.

³⁰ The percentage of compliance was calculated taking into consideration the total number of measures established in each agreement as a 100%, and the number of clauses that have been totally complied with.

³¹ See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 38-40.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
Giovanelli (Argentina) ³²						
5. Case 12.159, Report No. 79/09, Gabriel Egisto Santillan Reigas (Argentina) ³³		X			100%	Closed
6. Case 11.758, Report No. 15/10, Rodolfo Correa Belisle (Argentina) ³⁴		X			100%	Closed
7. Case 11.796, Report No. 16/10, Mario Humberto Gómez Yardez (Argentina) ³⁵		X			100%	Closed
8. Case 12.536, Report No. 17/10, Raquel Natalia Lagunas and Sergio Antonio Sorbellini (Argentina)			X		80%	Active
9. Petition 242-03, Report No. 160/10, Inocencia Luca Pegoraro (Argentina) ³⁶		X			100%	Closed
10. Petition 4554-02, Report No. 161/10, Valerio Castillo Báez (Argentina) ³⁷		X			100%	Closed

³² See IACHR, Annual Report 2019, Chapter II, Section G. Status of compliance with the IACHR recommendations issued in merits reports and the friendly settlement agreements approved by the IACHR. At the petitioner's request, the Commission decided, in accordance with Article 42 and 48 of its Regulations, to cease monitoring compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measures and legislative reforms enshrined in the friendly settlement agreement.

³³ See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf.

³⁴ See IACHR, Annual Report 2015, Chapter III, Section D: Status of Compliance with IACHR Recommendations, para. 114.

³⁵ See IACHR, Annual Report 2011, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 159-164.

³⁶ See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

³⁷ See IACHR, Annual Report 2013, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 165 – 175.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
11. Petition 2829-02, Report No. 11/19, Inocencio Rodríguez (Argentina) ³⁸		X			100%	Closed
12. Case 11.708, Report No. 20/11, Anibal Acosta and L. Hirsch (Argentina) ³⁹		X			100%	Closed
13. Case 11.833, Report No. 21/11, Ricardo Monterisi (Argentina) ⁴⁰		X			100%	Closed
14. Case 12.532, Report No. 84/11, Penitentiaries of Mendoza (Argentina)			X		73%	Active
15. Case 12.306, Report No. 85/11, Juan Carlos de la Torre (Argentina)			X		33%	Active
16. Case 11.670, Report No. 168/11, Menéndez and Caride (Argentina) ⁴¹		X			100%	Closed
17. Case 12.182, Report No. 109/13, Florentino Rojas (Argentina) ⁴²		X			100%	Closed
18. Petition 21-05, Report No. 101/14, Ignacio Cardozo et al. (Argentina)			X		20%	Active

³⁸ See IACHR, Annual Report 2016, Chapter II, Section D: Status of Compliance with Recommendations and Friendly Settlements in individual cases, paras. 194-205.

³⁹ See, IACHR, Annual Report 2014, Chapter II, Section D: States of Compliance with the Recommendations of the IACHR, paras. 173-181.

⁴⁰ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 180-183.

⁴¹ See IACHR, Annual Report 2013, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 225-252.

⁴² See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
19. Case 12.710, Report No. 102/14, Marcos Gilberto Chaves and Sandra Beatriz Chaves (Argentina) ⁴³		X			100%	Closed
20. Case 12.854, Report No. 36/17, Ricardo Javier Kaplun (Argentina)			X		50%	Active
21. Case 13.011, Report No. 197/20, Graciela Ramos Rocha, and family (Argentina) ⁴⁴		X			100%	Closed
22. Petition 245-03, Report No. 39/21, Walter Mauro Yañez (Argentina) ⁴⁵		X			100%	Closed
23. Case 13.595, Report No. 207/21, Amanda Graciela Encaje and Family (Argentina)			X		71%	Active
24. Case 12.289, Report No. 168/2022, Guillermo Santiago Zaldivar (Argentina)			X		50%	Active
25. Petition 1256-05, Report No. 305/22, Ivana Rosales (Argentina)			X		54%	Active
26. Case 13.869, Report No. 349/22, Silvia Mónica Severini (Argentina)		X			100%	Closed 2023

⁴³ See IACHR, Annual Report 2018, Chapter II, Section G. “Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR.”

⁴⁴ See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

⁴⁵ See IACHR, Report No. 39/21, Petition 245-03. Friendly Settlement. Walter Mauro Yañez. Argentina. March 19, 2021.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
27. Case 14.669, Report No. 350/22, Mariano Bejarano (Argentina)		X			100%	Closed 2023
28. Case 13.888, Report No. 85/23, Diego Pablo Paredes, (Argentina)			X		25%	Active
29. Case 14,770, Report No. 211/23, Alicia María Jardel (Argentina)			X		25%	Active
30. Case 14,781, Report No. 212/2023, Luis Carlos Abregu, (Argentina)			X		33%	Active
31. Case 14,714, Report No. 215/23, Francisco Naishtat, (Argentina)			X		50%	Active
32. Case 13,804, Report No. 216/23, Carlos Ballivian Jiménez, (Argentina)				X	0%	Active
33. Case 14,778, Report No. 217/23, Graciela Edit Abecasis, (Argentina)			X		25%	Active
34. Case 14,536, Report No. 219/23, Eduardo Molina Zequeira, (Argentina)			X		25%	Active
35. Case 13,020, Report No. 220/23, Carlos Fraticelli, (Argentina) ⁴⁶		X			100%	Closed 2023

⁴⁶ See IACHR, Report No. 220/23, Case 13.020. Friendly Settlement. Carlos Andrés Fraticelli. Argentina. October 22, 2023.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
36. Petition 268-10, Report No. 266/23, Maria del Carmen Senem de Buzzi, (Argentina)			X		50%	
37. Case 14,769, Report No. 267/23, Claudia and Ana María Kleinman, (Argentina)				X	0%	Active
38. Case 14,771, Report No. 268/23, Lilia Etcheverry and family, (Argentina)				X	0%	Active
39. Case 13,581, Report No. 269/23, José Luis D'Andrea Mohr, (Argentina)			X		25%	Active
40. Case 12.475, Report No. 97/05, Alfredo Díaz Bustos (Bolivia) ⁴⁷		X			100%	Closed
41. Case 12.516, Report No. 98/05, Raúl Zavala Málaga and Jorge Pacheco Rondón (Bolivia) ⁴⁸	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Bolivia that are subject to monitoring	X			100%	Closed
42. Petition 269-05, Report No. 82/07, Miguel Angel Moncada Osorio and James David Rocha Terraza (Bolivia) ⁴⁹		X			100%	Closed
43. Petition 788-06, Report No. 70/07, Víctor Hugo Arce Chávez (Bolivia) ⁵⁰		X			100%	Closed

⁴⁷ See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."

⁴⁸ See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 109-114.

⁴⁹ See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 115-119.

⁵⁰ See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 120-124.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
44. Case 12.350, Report No. 103/14, M.Z. (Bolivia) ⁵¹		X			100%	Closed
45. Case 11,426, Report No. 270/23, Marcela Porco (Bolivia) ⁵²		X			100%	Closed 2023
46. Case 11.289, Report No. 95/03, José Pereira (Brazil)	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Brazil that are subject to monitoring		X		83%	Active
47. Cases 12.426 and 12.427, Report No. 43/06, Raniê Silva Cruz, Eduardo Rocha da Silva and Raimundo Nonato Conceição Filho (Brazil) ⁵³		X			100%	Closed
48. Case 12.674, Report No. 111/20, Marcio Lapoente Da Silveira (Brazil)			X		75%	Active
49. Case 12.277, Report No. 136/21, Fazenda Ubá (Brazil)			X		44%	Active
50. Case 12,673, Report No. 114/23, Jose Dutra Da Costa (Brazil)			X		45%	Active
51. Case 11.715, Report No. 32/02, Juan Manuel Contreras San Martín et al. (Chile) ⁵⁴	Link to monitoring sheets on matters related to reports of	X			100%	Closed

⁵¹ See IACHR, Friendly Settlement Report No. 103-14, Case 12.350, (M.Z. Bolivia), dated November 7, 2014. See IACHR, Annual Report 2015, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 290.

⁵² See IACHR, Report No. 270/23, Case 11.426. Friendly Settlement. [Marcela Alejandra Porco. Bolivia. November 30, 2023.

⁵³ See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 162-175.

⁵⁴ See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 187-190.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
52. Case 12.046, Report No. 33/02, Mónica Carabantes Galleguillos (Chile) ⁵⁵	friendly settlement agreements of Chile that are subject to monitoring	X			100%	Closed
53. Petition 4617/02, Report No. 30/04, Mercedes Julia Huenteao Beroiza et al. (Chile)			X		67%	Active
54. Case 12.337, Report No. 80/09, Marcela Andrea Valdés Díaz (Chile) ⁵⁶		X			100%	Closed
55. Petition 490-03, Report No. 81/09 "X" (Chile) ⁵⁷		X			100%	Closed
56. Case 12.281, Report No. 162/10, Gilda Rosario Pizarro et al. (Chile) ⁵⁸		X			100%	Closed
57. Case 12.195, Report No. 163/10, Mario Alberto Jara Oñate (Chile) ⁵⁹		X			100%	Closed
58. Case 12.232, Report No. 86/11, María Soledad Cisternas (Chile) ⁶⁰		X			100%	Closed
59. Petition 687-11, Report No. 138/19, Gabriela Blas Blas and her daughter C.B.B. (Chile)		X			100%	Closed 2023

⁵⁵ See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 191-194.

⁵⁶ See IACHR, Annual Report 2010, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 298-302.

⁵⁷ See IACHR, Annual Report 2010, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 303-306.

⁵⁸ See IACHR, Annual Report 2011, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 337-345.

⁵⁹ See IACHR, Annual Report 2011, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 346-354.

⁶⁰ See IACHR, Annual Report 2012, Chap II, Section D: Status of Compliance with IACHR Recommendations, paras. 408-412.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
60. Case 12.190; Report No. 37/19, Jose Luis Tapia, and Other Members of the Carabineros (Chile) ⁶¹		X			100%	Closed
61. Case 12.233, Report No. 137/19, Victor Amestica Moreno and Others (Chile) ⁶²		X			100%	Closed
62. Petition 1275-04 A, Report No. 23/20, Juan Luis Rivera Matus (Chile) ⁶³		X			100%	Closed
63. Case 11.141, Report No. 105/05, Massacre of Villatina (Colombia) ⁶⁴	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Colombia that are subject to monitoring	X			100%	Closed
64. Case 10.205, Report No. 53/06, Germán Enrique Guerra Achuri (Colombia) ⁶⁵		X			100%	Closed
65. Petition 477-05, Report No. 82/08 X and relatives (Colombia) ⁶⁶		X			100%	Closed
66. Petition 401-05, Report No. 83/08 Jorge Antonio Barbosa Tarazona <i>et al.</i> (Colombia)		X			100%	Closed 2023

⁶¹ See IACHR, IACHR, Report No. 37/19, Case 12.190. Friendly Settlement. José Luis Tapia and Other Members of the Carabineros. Chile. April 16, 2019.

⁶² See IACHR, Annual Report 2019, Chapter II, Section G. Status of compliance with the IACHR recommendations issued in merits reports and the friendly settlement agreements approved by the IACHR.

⁶³ See IACHR, Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>

⁶⁴ See IACHR, Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>

⁶⁵ See IACHR, Annual Report 2010, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 329-333.

⁶⁶ See IACHR, Annual Report 2010, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 339-344.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
67. Case 12.376, Report No. 59/14, Alba Lucía, Rodríguez (Colombia)			X		57%	Active
68. Case 12.756, Report No. 10/15, Massacre El Aracatazo Bar (Colombia) ⁶⁷		X			100%	Closed
69. Petition 108-00, Report No. 38/15, Massacre of Segovia (28 family groups) (Colombia)		X			100%	Closed 2023
70. Petition 577-06, Report No. 82/15, Gloria González, and family (Colombia)			X		83%	Active
71. Case 11.538, Report No. 43/16, Herson Javier Caro (Colombia) ⁶⁸		X			100%	Closed
72. Case 12.541, Report No. 67/16, Omar Zuñiga Vásquez and Amira Isabel Vásquez de Zuñiga (Colombia)			X		22%	Active
73. Case 11.007, Report No. 68/16, Massacre of Trujillo (Colombia)			X		62%	Active
74. Case 12.712, Report No. 135/17, Rubén Darío Arroyave (Colombia)		X			100%	Closed 2023

⁶⁷ See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap 2_EN.pdf

⁶⁸ See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap 2_EN.pdf

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
75. Case 12.714, Report No. 136/17, Belen Altavista Massacre (Colombia)			X		80%	Active
76. Case 12.941, Report No. 92/18, Nicolasa, and Family (Colombia)			X		28%	Active
77. Petition 799-06, Report No. 93/18, Isidoro León Ramírez, Pompilio De Jesús Cardona Escobar, Luis Fernando Velasquez Londoño and Others (Colombia)			X		33%	Active
78. Case 11.990 A, Report No. 34/19, Oscar Orlando Bueno Bonnet et al. (Colombia)			X		31%	Active
79. Case 11.144, Report No. 109/19, Gerson Jairzinho González Arroyo (Colombia)			X		66%	Active
80. Case 13.776, Report No. 1/20, German Eduardo Giraldo, and family (Colombia)			X		50%	Active
81. Case 13.728, Report No. 21/20, Amira Guzmán Alonso (Colombia) ⁶⁹		X			100%	Closed

⁶⁹ See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
82. Case 12.909, Report No. 22/20, Gerardo Bedoya Borrero (Colombia)			X		70%	Active
83. Case 13.370, Report No. 8/20, Luis Horacio Patiño and family (Colombia)			X		80%	Active
84. Petition 595-09, Report No. 84/20, Jorge Alberto Montes Gallego, and family (Colombia)		X			100%	Closed 2023
85. Case 13.319, Report No. 213/20, William Fernández Becerra, and family (Colombia)			X		27%	Active
86. Case 13.421, Report No. 333/20, Geminiano Gil Martínez and family (Colombia)		X			100%	Closed 2023
87. Case 13.642, Report No. 41/21, Edgar José Sánchez Duarte, and Family			X		50%	Active
88. Case 13.171, Report No. 115/21, Luis Argemiro Gómez Atehortua (Colombia)			X		80%	Active
89. Case 13.571, Report 336/21, Carlos Mario Muñoz Gómez, (Colombia)			X		75%	Active

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
90. Case 13.758, Report 337/21, Franklin Bustamante Restrepo (Colombia)			X		67%	Active
91. Case 14.291, Report No. 58/22, Captain N (Colombia)			X		50%	Active
92. Petition 53-5-17, Report No. 59/22, Luis Gerardo Bermudez (Colombia)			X		50%	Active
93. Petition 51-4-11, Report No. 60/22, Luis Hernando Morera Garzón (Colombia)			X		60%	Active
94. Case 13.775, Report No. 63/22, Gabriel Angel Gómez Martínez and Family (Colombia)			X		67%	Active
95. Case 13.654, Informe No. 64/22, Juan Simón Cantillo Raigoza and Family (Colombia)			X		50%	Active
96. Case 14.306, Report No. 65/22, José Ramón Ochoa Salazar, and Family (Colombia)			X		60%	Active
97. Case 13.964, Report No. 66/22, Darío Gómez Cartagena, and Family (Colombia)			X		67%	Active

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
98. Case 13.436, Report No. 67/22, José Oleaguer Correa Castrillón (Colombia)			X		40%	Active
99. Case 13.125, Report No. 68/22, Ricardo Antonio Elías and Family (Colombia)			X		67%	Active
100. Petition 13 91-15, Report No. 94/22, Mario Antonio Cardona et al. (Colombia)			X		67%	Active
101. Petition 16 17-12, Report No. 169/22, Domingo José Rivas Coronado (Colombia)			X		57%	Active
102. Case 14.312, Report No. 170/22, Juan Carlos De La Calle Jiménez y Javier De La Calle Jiménez (Colombia)			X		75%	Active
103. Case 14.093, Report No. 285/22, Ernesto Ramírez Berrios			X		83%	Active
104. Case 13.226, Report No. 286/22, Dora Inés Meneses Gómez et al. (Colombia)			X		0%	Active
105. Case 13,710, Report No. 109/23, Julián Alberto Toro Ortiz and family, (Colombia)			X		17%	Active

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
106. Case 14,577, Report No. 110/23, Teobaldo Enrique Martínez Fuentes and family, (Colombia)			X		25%	Active
107. Case 13,840, Report No. 111/23, Edwin Hernán Ciro and family, (Colombia)			X		33%	Active
108. Case 14,070, Report No. 112/23, José Omar Torres Barbosa, (Colombia)			X		17%	Active
109. Petition 1478-12, Report No. 113/23, José Manuel Bello Nieves, (Colombia)			X		25%	Active
110. Case 13,232, Report No. 115/23, Omar Ernesto Vázquez Agudelo, (Colombia)			X		50%	Active
111. Case 14,719, Report No. 116/23, Geovanni Aguirre Soto, (Colombia)			X		33%	Active
112. Case 12,908, Report No. 208/23, Jorge Freytter Romero, (Colombia)			X		30%	Active
113. Case 13,780, Report No. 209/23, Hugo Ferney León Londoño, (Colombia)			X		25%	Active

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
114. Case 14,145, Report No. 210/23, Eleazar Vargas Ardila and Relatives, (Colombia)			X		17%	Active
115. Case 12,490, Report No. 218/23, Asmeth Yamith Salazar, (Colombia)			X		60%	Active
116. Case 14,003, Report No. 221/23, Maria Regina Ocampo, (Colombia)			X		25%	Active
117. Case 13,971, Report No. 271/23, Merardo Ivan Vahos Arcila and Familia, (Colombia)			X		25%	Active
118. Case 14,808, Report No. 272/23, Diego Felipe Becerra Lizarazo and Family, (Colombia)			X		25%	Active
119. Case 14,906, Report No. 273/23, Eladia Mendez Bautista, (Colombia)			X		25%	Active
120. Case 14,887, Report No. 274/23, Blanca Ruth Sanchez de Franco y Familia, (Colombia)			X		25%	Active

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE	
121. Case 12.942, Report No. 71/19, Emilia Morales Campos (Costa Rica) ⁷⁰		X			100%	Closed	
122. Case 11.421, Report No. 93/00, Edison Patricio Quishpe Alcivar (Ecuador) ⁷¹	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Ecuador that are subject to monitoring		X		67%	Closed	
123. Case 11.439, Report No. 94/00, Byron Roberto Cañaverl (Ecuador) ⁷²			X		67%	Closed	
124. Case 11.445, Report No. 95/00, Angelo Javier Ruales Paredes (Ecuador) ⁷³		X			100%	Closed	
125. Case 11.466, Report No. 96/00, Manuel Inocencio Lalvay Guzman (Ecuador) ⁷⁴			X		75%	Closed	
126. Case 11.584, Report No. 97/00, Carlos Juela Molina (Ecuador) ⁷⁵				X		67%	Closed

⁷⁰ See IACHR, IACHR, Report No. 71/19, Case 12.942 Friendly Settlement. Emilia Morales Campos. Costa Rica May 15, 2019.

⁷¹ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁷² See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁷³ See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 283-286.

⁷⁴ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁷⁵ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
127. Case 11.783, Report No. 98/00, Marcia Irene Clavijo Tapia, (Ecuador) ⁷⁶			X		67%	Closed
128. Case 11.868, Report No. 99/00, Carlos Santiago, and Pedro Andrés Restrepo Arismendy (Ecuador) ⁷⁷			X		67%	Closed
129. Case 11.991, Report No. 100/00, Kelvin Vicente Torres Cueva (Ecuador) ⁷⁸			X		67%	Closed
130. Case 11.478, Report No. 19/01, Juan Climaco Cuellar et al. (Ecuador)			X		50%	Active
131. Case 11.512, Report No. 20/01, Lida Angela Riera Rodríguez (Ecuador) ⁷⁹			X		50%	Closed

⁷⁶ See IACHR, 2019 Annual Report, Chapter II, Section F. Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁷⁷ See IACHR, Annual Report 2020, Chapter II, Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁷⁸ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁷⁹ See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR." At the request of the petitioner, the Commission decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with the justice measure set forth in the friendly settlement agreement.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
132. Case 11.605, Report No. 21/01, René Gonzalo Cruz Pazmiño (Ecuador) ⁸⁰			X		50%	Closed
133. Case 11.779, Report No. 22/01, José Patricio Reascos (Ecuador) ⁸¹			X		50%	Closed
134. Case 11.441, Report No. 104/01, Rodrigo Elicio Muñoz Arcos et al. (Ecuador) ⁸²			X		50%	Closed
135. Case 11.443, Report No. 105/01, Washington Ayora Rodríguez (Ecuador) ⁸³			X		50%	Closed
136. Case 11.450, Report No. 106/01, Marco Vinicio Almeida Calispa (Ecuador) ⁸⁴			X		50%	Closed

⁸⁰ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁸¹ See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR." At the request of the petitioner, the Commission decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with the justice measure set forth in the friendly settlement agreement.

⁸² See IACHR, 2019 Annual Report, Chapter II, Section G. Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁸³ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁸⁴ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
137. Case 11.542, Report No. 107/01, Angel Reiniero Vega Jiménez (Ecuador) ⁸⁵			X		50%	Closed
138. Case 11.574, Report No. 108/01, Wilberto Samuel Manzano (Ecuador) ⁸⁶			X		50%	Closed
139. Case 11.632, Report No. 109/01, Vidal Segura Hurtado (Ecuador) ⁸⁷			X		50%	Closed
140. Case 12.007, Report No. 110/01, Pompeyo Carlos Andrade Benítez (Ecuador) ⁸⁸			X		50%	Closed
141. Case 11.515, Report No. 63/03, Bolívar Franco Camacho Arboleda (Ecuador) ⁸⁹			X		50%	Closed

⁸⁵ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁸⁶ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁸⁷ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁸⁸ See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

⁸⁹ See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR." At the request of the petitioner, the Commission decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with the justice measure set forth in the friendly settlement agreement.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
142. Case 12.188, Report No. 64/03, Joffre José Valencia Mero, Priscila Fierro, Zoreida Valencia Sánchez, Rocío Valencia Sánchez (Ecuador) ⁹⁰			X		50%	Closed
143. Case 12.394, Report No. 65/03, Joaquín Hernández Alvarado, Marlon Loor Argote and Hugo Lara Pinos (Ecuador) ⁹¹			X		50%	Closed
144. Case 12.205, Report No. 44/06, José René Castro Galarza (Ecuador)			X		50%	Active
145. Case 12.207, Report No. 45/06, Lizandro Ramiro Montero Masache (Ecuador) ⁹²			X		50%	Closed

⁹⁰ See IACHR, Annual Report 2018, Chapter II, Section G. “Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR.” At the request of the petitioner, the Commission decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with the justice measure set forth in the friendly settlement agreement.

⁹¹ See IACHR, Annual Report 2020, Chapter II, Section F, Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf> Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁹² See IACHR, Annual Report 2018, Chapter II, Section G. “Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR.” At the request of the petitioner, the Commission decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with the justice measure set forth in the friendly settlement agreement.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
146. Case 12.238, Report No. 46/06, Myriam Larrea Pintado (Ecuador) ⁹³			X		60%	Closed
147. Case 12.558, Report No. 47/06, Fausto Mendoza Giler and Diogenes Mendoza Bravo (Ecuador) ⁹⁴			X		50%	Closed
148. Petition 533-05, Report No. 122/12, Julio Rubén Robles Eras (Ecuador) ⁹⁵			X		67%	Closed
149. Case 12.631, Report No. 61/13, Karina Montenegro et al. (Ecuador)			X		45%	Active
150. Case 12.957, Report No. 167/18, Luis Bolívar Hernández Peñaherrera (Ecuador) ⁹⁶		X			100%	Closed
151. Case 11.626 A, Report No. 81/20, Fredy Oreste Cañola			X		67%	Closed

⁹³ See IACHR, Annual Report 2020, Chapter II, Section F, Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf> Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁹⁴ See IACHR, Annual Report 2020, Chapter II, Section F, Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁹⁵ See IACHR, Annual Report 2020, Chapter II, Section F, Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁹⁶ See IACHR, Annual Report 2021, Chapter II, Section F, Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
Valencia (Ecuador) ⁹⁷						
152. Case 11.626 B, Report No. 82/20, Luis Enrique Cañola Valencia (Ecuador) ⁹⁸			X		67%	Closed
153. Case 11.626 C, Report No. 83/20, Santo Enrique Cañola González (Ecuador) ⁹⁹			X		67%	Closed
154. Case 11.312, Report No. 66/03, Emilio Tec Pop (Guatemala)			X		67%	Closed 2023
155. Case 11.766, Report No. 67/03, Irma Flaquer (Guatemala)	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Guatemala that are subject to monitoring		X		92%	Active
156. Case 11.197, Report No. 68/03, Community of San Vicente de los Cimientos (Guatemala)			X		71%	Active
157. Case 9.168, Report No. 29/04, Jorge Alberto Rosal Paz (Guatemala)			X		80%	Active
158. Petition 133-04, Report No. 99/05, José Miguel Mérida			X		89%	Closed

⁹⁷ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁹⁸ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

⁹⁹ See IACHR, Annual Report 2020, Chapter II, Section F. Friendly Settlements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided, at the request of the petitioning party, to end monitoring of compliance with the friendly settlement agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
Escobar (Guatemala) ¹⁰⁰						
159. Case 11.422, Report No. 1/12, Mario Alioto López Sánchez (Guatemala) ¹⁰¹		X			100%	Closed
160. Case 12,546, Report No. 30/12, Juan Jacobo Arbenz Guzmán (Guatemala) ¹⁰²			X		88%	Closed
161. Case 12.591, Report No. 123/12, Angelica Jeronimo Juárez (Guatemala) ¹⁰³		X			100%	Closed
162. Petition 279-03, Report No. 39/15. Fredy Rolando Hernández Rodríguez et al. (Guatemala) ¹⁰⁴		X			100%	Closed
163. Case 12.732, Report No. 86/20, Richard Conrad Solórzano Contreras (Guatemala)			X		50%	Active
164. Case 10.441 A, Report No. 214/20, Silvia María Azurdia Utrera and Others (Guatemala)			X		80%	Closed 2023

¹⁰⁰ See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Pursuant to Articles 42 and 48 of its Rules of Procedure, the Commission decided to end monitoring of compliance with the friendly settlement agreement and close the matter. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>

¹⁰¹ See IACHR, Annual Report 2022, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf

¹⁰² See IACHR, Annual Report 2020, Chapter II, Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>

¹⁰³ See IACHR, Annual Report 2013, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 879-885.

¹⁰⁴ See IACHR, Annual Report 2020, Chapter II, Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
165. Case 10.441 B, Report No. 215/20, Carlos Humberto Cabrera Rivera (Guatemala)			X		80%	Closed 2023
166. Case 12.737, Report No. 114/21, Carlos Raúl Morales Catalan (Guatemala)			X		50%	Active
167. Petition 1287-19, Report No. 61/22, Roberto Molina Barreto, Zury Mayte Ríos Sosa and MWR (Guatemala)		X			100%	Closed 2023
168. Case 11.805, Report No. 124/12, Carlos Enrique Jaco (Honduras) ¹⁰⁵	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Honduras that are subject to monitoring	X			100%	Closed
169. Case 12.547, Report No. 62/13, Rigoberto Cacho Reyes (Honduras) ¹⁰⁶		X			100%	Closed
170. Case 12.961 C, Report No. 101/19, Marcial Coello Medina, and Others (Honduras) ¹⁰⁷		X			100%	Closed
171. Case 12.961 D, Report No. 104/19, Jorge Enrique Valladares Argueñal and Others (Honduras) ¹⁰⁸		X			100%	Closed

¹⁰⁵ See IACHR, Friendly Settlement Report No. 124/12, Case 11.805 (Carlos Enrique Jaco), dated November 12, 2012.

¹⁰⁶ See IACHR, Annual Report 2014, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 956-960.

¹⁰⁷ See IACHR, Report No.101/19, Case 12.961 C. Friendly Settlement. Marcial Coello Medina and Others., Honduras. July 13, 2019.

¹⁰⁸ See IACHR, Report No.104/19, Case 12.961 D. Friendly Settlement. Jorge Enrique Valladares Argueñal and Others, Honduras. July 13, 2019.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
172. Case 12.961 A, Report No. 105/19, Bolívar Salgado Welban and Others (Honduras) ¹⁰⁹		X			100%	Closed
173. Case 12.961 F, Report 20/20, Miguel Angel Chinchilla Erazo, and others (Honduras) ¹¹⁰		X			100%	Closed
174. Case 12.891, Report No. 212/20, Adan Guillermo López Lone et al. (Honduras)			X		68%	Active
175. Case 12.972, Report No. 334/20, Marcelo Ramón Aguilera Aguilar (Honduras) ¹¹¹		X			100%	Closed
176. Case 11.562, Report No. 40/21, Dixie Miguel Urbina Rosales (Honduras)			X		50%	Active
177. Case 12.961E, Report No. 42/21, Ecar Fernando Zavala Valladares and Others (Honduras) ¹¹²		X			100%	Closed
178. Case 11.545, Report No. 204/21, Martha María Saire (Honduras)			X		80%	Active

¹⁰⁹ See IACHR, Report No. 105/19, Case 12.961 A. Friendly Settlement. Bolívar Salgado Welban and Others. Honduras. July 28, 2019.

¹¹⁰ See IACHR. Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>

¹¹¹ See IACHR. Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>

¹¹² See IACHR, Report No. 42/21, Case 12.961 E. Friendly Settlement. Ecar Fernando Zavala Valladares, Honduras. March 20, 2021

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
179. Case 12.961J, Report No. 205/21, Faustino Garcia Cárdenas and Other (Honduras) ¹¹³		X			100%	Closed
180. Case 12.960, Report No. 269/21, Ronald Jared Martínez (Honduras) ¹¹⁴		X			100%	Closed
181. Case 12.960 H, Report No. 287/22, Juan González, and others. (Honduras) ¹¹⁵		X			100%	Closed 2022
182. Case 12.960 I, Report No. 288/22, Transito Edgardo Arriaga López and others. (Honduras) ¹¹⁶		X			100%	Closed 2022
183. Case 11.807, Report No. 69/03, José Guadarrama (Mexico) ¹¹⁷		X			100%	Closed
184. Petition 388-01, Report 101/05 Alejandro Ortiz Ramírez (Mexico) ¹¹⁸		X			100%	Closed
185. Petition 161-02, Report No. 21/07, Paulina del Carmen Ramírez Jacinto (Mexico) ¹¹⁹		X			100%	Closed

¹¹³ See IACHR, Report No. 205/21, Case 12.961 J. Friendly Settlement. Faustino Garcia Cárdenas and other. Honduras. Honduras. September 4, 2021.

¹¹⁴ See IACHR, Report No. 269/21, Case 12.960. Friendly Settlement. Ronald Jared Martínez et al. Honduras. October 5, 2021.

¹¹⁵ See IACHR, Report No. 287/22, Case 12.961 H. Friendly Settlement. Juan Gonzalez and Others. Honduras, November 8, 2022.

¹¹⁶ See IACHR, Report No. 288/22, Case 12.961 I. Friendly Settlement. Transito Edgardo Arriaga López and Others. Honduras, November 8, 2022.

¹¹⁷ See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 552-560.

¹¹⁸ See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 561-562.

¹¹⁹ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 833-844.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE	
186. Case 11.822, Report No. 24/09, Reyes Penagos Martínez et al. (Mexico) ¹²⁰	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Mexico that are subject to monitoring	X			100%	Closed	
187. Case 12.642, Report No. 90/10, José Iván Correa Arevalo (Mexico) ¹²¹		X			100%	Closed	
188. Case 12.660, Report No. 91/10, Ricardo Ucán Seca (Mexico) ¹²²		X			100%	Closed	
189. Case 12.623, Report No. 164/10, Luis Rey García (Mexico) ¹²³		X			100%	Closed	
190. Petition 318-05, Report No. 68/12, Geronimo Gomez Lopez (Mexico) ¹²⁴		X			100%	Closed	
191. Case 12.769, Report No. 65/14, Irineo Martínez Torres and Other (Mexico) ¹²⁵		X			100%	Closed	
192. Case 12.813, Report No. 81/15, Blanca Olivia Contreras Vital et al. (Mexico) ¹²⁶		X			100%	Closed	
193. Petition 1171-09, Report No. 15/16, Ananias Laparra,				X		72%	Active

¹²⁰ See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf

¹²¹ See IACHR, *Annual Report 2019*, Chapter II, Section G. Status of compliance with the IACHR recommendations issued in merits reports and the friendly settlement agreements approved by the IACHR.

¹²² See IACHR, *Annual Report 2012*, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 876-881.

¹²³ See IACHR, *Annual Report 2011*, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 982-987.

¹²⁴ See IACHR, Friendly Settlement Report No. 68/12, Petition 318-05, (Geronimo Gómez López vs. Mexico), dated July 17, 2012.

¹²⁵ See IACHR, *Annual Report 2018*, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."

¹²⁶ See IACHR, *Annual Report 2019*, Chapter II, Section G. Status of compliance with the IACHR recommendations issued in merits reports and the friendly settlement agreements approved by the IACHR.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
and relatives (Mexico)						
194. Case 12.847, Report No. 16/16, Vicenta Sanchez Valdivieso (Mexico) ¹²⁷		X			100%	Closed
195. Case 12.627, Report No. 92/17, Maria Nicolasa Garcia Reynoso (Mexico) ¹²⁸		X			100%	Closed
196. Petition 1014-06, Report No. 35/19, Antonio Jacinto Lopez (Mexico)			X		80%	Active
197. Case 13.408, Report No. 43/19, Alberto Patishtán Gómez (Mexico) ¹²⁹		X			100%	Closed
198. Case 12.986, Report No. 106/19, José Antonio Bolaños Juárez (Mexico) ¹³⁰		X			100%	Closed
199. Case 12.915, Report No. 2/20, Angel Díaz Cruz et al. (Mexico) ¹³¹		X			100%	Closed
200. Petition 735-07, Report No. 110/20, Ismael Mondragon Molina (Mexico)			X		81%	Active
201. Case 11.824, Report No. 216/20, Sabino Diaz		X			100%	Closed

¹²⁷ See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>

¹²⁸ See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>

¹²⁹ See IACHR, Report No. 106/19, Case 12.986. Friendly Settlement. José Antonio Bolaños Juárez. Mexico. July 28, 2019.

¹³⁰ See IACHR, Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>

¹³¹ See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE	
Osorio and Rodrigo Gomez Zamorano, (Mexico) ¹³²							
202. Case 12.610, Report No. 208/21, Faustino Jiménez Álvarez (Mexico)			X		88%	Active	
203. Case 13.007, Report No. 171/22, José Alfredo Jiménez Mota, and Family. (Mexico)				X		57%	Active
204. Case 11.734, Report No. 213/23, Modesto Patolzin Moicen, (Mexico)				X		80%	Active
205. Case 11.733, Report No. 214/23, Víctor Pineda Henestrosa, (Mexico)				X		50%	Active
206. Case 12.848, Report No. 42/16, Mrs. N, (Panama) ¹³³	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Panama that are subject to monitoring				100%	Closed	
207. Case 13.017 C, Report No. 91/19, Relatives of Victims of the Military Dictatorship in Panama, October 1968 to December 1989 (Panama)				X		0%	Active
208. Case 13.017 A, Report No. 102/19, Relatives of Victims of the Military Dictatorship in Panama, October				X		0%	Active

¹³² See IACHR. Annual Report 2020. Chapter II. Section F. Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.

¹³³ See IACHR, Report No. 42/16, Case 12,848. Friendly Settlement. Mrs. N. Panama. September 25, 2016.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE	
1968 to December 1989 (Panama)							
209. Case 12.358, Report No. 24/13, Octavio Rubén González Acosta (Paraguay)	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Paraguay that are subject to monitoring		X		86%	Active	
210. Petition 1097-06, Report No. 25/13, Miriam Beatriz Riquelme Ramírez (Paraguay) ¹³⁴		X			100%	Closed	
211. Case 12.699, Report No. 130/18, Pedro Antonio Centurion (Paraguay)		X			100%	Closed 2023	
212. Case 12.374, Report No. 85/20, Jorge Enrique Patiño Palacios (Paraguay) ¹³⁵		X			100%	Closed	
213. Petition 747-05, Report No. 256/20, Y'akã Marangatú Indigenous community of the Mbya People (Paraguay)				X		50%	Active
214. Case 12.330, Report No. 206/21, Marcelino Gómez and Other (Paraguay)				X		94%	Active
215. Case 12.035; Report No. 75/02(bis), Pablo Ignacio		Link to monitoring sheets on matters	X			100%	Closed

¹³⁴ See IACHR, Annual Report 2014, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 1101-1105.

¹³⁵ See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements. Available in: <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap2-en.pdf>.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE	
Livia Robles (Peru) ¹³⁶	related to reports of friendly settlement agreement of Peru that are subject to monitoring						
216. Case 11.149, Report No. 70/03 Augusto Alejandro Zuñiga Paz (Peru) ¹³⁷		X			100%	Closed	
217. Case 12.191, Report No. 71/03, María Mamerita Mestanza (Peru)			X		75%	Active	
218. Case 12.078, Report No. 31/04, Ricardo Semoza Di Carlo (Peru) ¹³⁸		X			100%	Closed	
219. Petition 185-02, Report No. 107/05, Roger Herminio Salas Gamboa (Peru) ¹³⁹		X			100%	Closed	
220. Case 12.033, Report No. 49/06, Romulo Torres Ventocilla (Peru) ¹⁴⁰		X			100%	Closed	
221. Petition 711-01 et al., Report No. 50/06, Miguel Grimaldo Castañeda Sánchez et al.; Petition 33-03 et al., Report No. 109/06, Héctor Nuñez Julia et al. (Peru); Petition 732-01 et al., Report 20/07 Eulogio Miguel				X		75%	Closed 2023

¹³⁶ See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 332-335.

¹³⁷ See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 336 and 337.

¹³⁸ See IACHR, Annual Report 2019, Chapter II, Section G. Status of compliance with the IACHR recommendations issued in merits reports and the friendly settlement agreements approved by the IACHR.

¹³⁹ See IACHR, Annual Report 2013, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 1094 and 1107.

¹⁴⁰ See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 613-616.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
Melgarejo et al. (Peru); Petition 758-01, Report No. 71/07, Hernán Atilio Aguirre Moreno et al. (Peru)						
222. Petition 494-04, Report No. 20/08, Romeo Edgardo Vargas Romero (Peru)			X		75%	Active
223. Petitions 71-06 et al., Report No. 22/11, Gloria José Yaquette Paredes et al. (Peru)			X		80%	Active
224. Case 12.041, Report No. 69/14, M.M. (Peru) ¹⁴¹		X			100%	Closed
225. Petition 288-08, Report No. 6916, Jesús Salvador Ferreyra González (Peru) ¹⁴²		X			100%	Closed
226. Petition 1339-07, Report No. 70/16, Tito Guido Gallegos Gallegos, (Peru) ¹⁴³		X			100%	Closed
227. Case 12.383, Report No. 137/17, Nestor Alejandro Albornoz Eyzaguirre (Peru) ¹⁴⁴		X			100%	Closed
228. Petition 1516-08, Report No. 130/18, Juan		X			100%	Closed

¹⁴¹ See IACHR, Friendly Settlement Report No. 69/14, Case 12.041 (M.M. vs. Peru), dated July 25, 2014.

¹⁴² See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."

¹⁴³ See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."

¹⁴⁴ See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR."

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
Figueroa Acosta (Peru) ¹⁴⁵						
229. Case 12.095, Report No. 3/20, Mariela Barreto (Peru)			X		75%	Active
230. Case 12.174, Report No. 12/31, Israel Geraldo Paredes Acosta (Dominican Republic) ¹⁴⁶	N/A	X			100%	Closed
231. Petition 228-07, Report No. 18/10, Carlos Dogliani (Uruguay) ¹⁴⁷	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Uruguay that are subject to monitoring	X			100%	Closed
232. Petition 1224-07, Report No. 103/19, David Rabinovich (Uruguay) ¹⁴⁸	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Uruguay that are subject to monitoring	X			100%	Closed
233. Petition 1376-19, Report No. 183/22, Silvia Angelica Flores Mosquera (Uruguay)	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Uruguay that are subject to monitoring	X			100%	Closed 2023
234. Case 12.555, Report No. 110/06, Sebastián Echaniz Alcorta and Juan Víctor Galarza Mendiola (Venezuela) ¹⁴⁹	Link to monitoring sheets on matters related to reports of friendly settlement agreements of Uruguay that are subject to monitoring			X	0%	Closed

¹⁴⁵ See IACHR, Annual Report 2020, Chapter II, Section F, Negotiation and Implementation of Friendly Settlement Agreements. Available on: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>.

¹⁴⁶ See IACHR, Friendly Settlement Report No. 31/12, Case 12,174 (Israel Gerardo Paredes Acosta vs. Dominican Republic), dated March 20, 2012.

¹⁴⁷ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 1033-1039.

¹⁴⁸ See IACHR, Report No. 103/19, Petition 1224-07, Friendly Settlement, David Rabinovich, Uruguay, July 16, 2019.

¹⁴⁹ See IACHR, Annual Report 2018, Chapter II, Section G, "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR." The Commission notes the lack of progress in compliance with the friendly settlement agreement since its approval. Therefore, on January 8, 2019, the IACHR decided, in accordance with Articles 42 and 48 of its Rules of Procedure, to conclude its monitoring of compliance with the friendly settlement agreement and to close the matter. The IACHR considers that the State did not comply with any of the measures set forth in the friendly settlement agreement and therefore compliance with it is pending.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE ³⁰	STATUS OF COMPLIANCE
235. Case 11.706, Report No. 32/12, Yanomami Indigenous people of Haximú (Venezuela)	agreements of Venezuela that are subject to monitoring		X		60%	Active
236. Case 12.473, Report No. 63/13, Jesús Manuel Cárdenas et al. (Venezuela)			X		25%	Closed 2023
Total FSAs published = 236						Active matters: 101
Total FSAs in Active Monitoring Phase = 101		Full compliance = 99	Partial compliance = 133	Pending compliance = 4		Closed matters: 135

5. Good practices in Implementing Friendly Settlement Agreements observed in 2023

131. The Commission highlights the good practice adopted by the State of Argentina in identifying a series of cases based on subject matter in the contentious process relating to violations of Articles 8 (right to a fair trial), 24 (equality before the law) and 25 (judicial protection) of the American Convention derived from the events that occurred in the framework of the application of a reparation benefit recognized under Law No. 24.043, to persons who were forced into exile during the civil-military dictatorship that took place in the Argentine Republic between March 24, 1976, and December 10, 1983. Once the cases were identified, the State made bilateral progress in very agile consultation processes with the victims and their representatives, reaching important consensus that allowed the signing of multiple friendly settlement agreements. In the context of these processes, in 2023, Argentina had nine friendly settlement agreements formally approved, which is the highest number in the historical record of the IACHR with respect to the country. Based on the foregoing, the Commission greets the State of Argentina and urges it to continue developing this line of work to address systemic issues in its contentious portfolio.

132. Likewise, the Commission welcomes the initiative of the State of Argentina to create a specific section on the website of the National Secretariat for Human Rights¹⁵⁰ aimed at reporting on the progress made in friendly settlement proceedings. Said section includes both friendly settlement agreements in the negotiation phase that have been signed, and agreements that have already been approved by the Commission. In this regard, the Commission considers that this compilation not only allows for greater visibility of the work carried out by Argentina in friendly settlements, but also contributes to the preservation of the historical memory of the cases and the non-repetition of the events that gave rise to these friendly settlements.

133. The Commission also notes as good practice on the part of the Argentine State the production and dissemination of the documentary short film *La imperdonable alegría. El caso Octavio Romero* which addresses sexual diversity within the security forces.¹⁵¹ The film was produced and disseminated in the context

¹⁵⁰See: Argentina. Secretariat for Human Rights. Friendly settlements. <https://www.argentina.gob.ar/derechoshumanos/compromisos-internacionales-en-derechos-humanos/soluciones-amistosas>.

¹⁵¹ Argentina. Encuentro television channel. *La imperdonable alegría. El caso Octavio Romero*. Available at: [La imperdonable alegría. El caso Octavio Romero - Canal Encuentro - YouTube](#).

of the implementation of the friendly settlement agreement signed in the framework of Case 13.696, filed by Octavio Romero and Gabriel Gersbach, as a symbolic measure that vindicates the memory of the victims and their family, contributes to the creation of a new story based on the acknowledgment of international responsibility by the State, and, at the same time, contributes to the comprehensive reparation of the victims for the violations suffered. In this regard, it should be noted that the Commission has considered that the dissemination of an acknowledgment of responsibility and the recovery of historical memory as measures of reparation achieved by virtue of friendly settlements agreements, constitute another mechanism of redress that can make public the acknowledgment of responsibility by the State and the truth about the facts denounced before the Inter-American system. Therefore, these significant steps taken by the State contribute to the integral reparation of the victims of human rights violations by widely disseminating the international commitments of the State of Argentina and the progress achieved in terms of friendly settlements.¹⁵²

134. On the other hand, the Commission appreciates as a good practice by the State of Bolivia the strengthening of the specialized group of the Office of the Attorney General of Nation responsible for promoting negotiations and implementation of friendly settlement agreements. This has allowed for a verifiable increase in the portfolio of cases under negotiation for friendly settlement agreements. In this regard, the Commission has found that the State is actively advancing by making use of the mediation process facilitated by the technical team of the Executive Secretariat of the IACHR, and of the alternative dispute resolution techniques that, in this framework, have been provided to the State of Bolivia. Said techniques encompassed providing technical assistance for the design of work meetings roadmaps, specialized technical advice and, in general, on the articulation to expedite friendly settlement proceedings.

135. As a result of this work, the parties in the Case 11.426 (Marcela Alejandra Porco)¹⁵³ related to the arbitrary detention of a woman with a mental disability, were able to overcome the challenges that had arisen over 15 years of negotiation. The parties partnered to identify the formulas that made it possible to achieve satisfaction and integral reparation for the deceased victim's family. In this regard, the Commission welcomes the actions taken by the State of Bolivia to build institutional capacities for the use of the friendly settlement mechanism. At the same time, the Commission takes the opportunity to recall the importance of having institutional structures in place for the negotiation and implementation of friendly settlement agreements, since the existence of these resources is a determining factor in achieving inter-institutional coordination necessary to mobilize the State to comply with the obligations undertaken in friendly settlement agreements.¹⁵⁴ It should also be noted that the friendly settlement agreement signed in the Case 11.426 (Marcela Alejandra Porco) is not only the first friendly settlement agreement subject to homologation of the Commission with respect to Bolivia in the last decade, but also the State has achieved total compliance with the commitments assumed. Based on the foregoing, the Commission considers that this is a significant progress and a milestone for the State of Bolivia in terms of friendly settlement agreements. The Commission also urges the State to continue working in an articulated manner in the other cases subject to the mechanism for their resolution by an alternative means.

136. With regard to Colombia, the Commission highlights as a good practice by the State of Colombia the creation of a booklet on the work carried out in the use of the friendly settlement mechanism and its transformative impact, entitled *Soluciones amistosas en Colombia: un mecanismo para la reconciliación* (Friendly settlements in Colombia: a mechanism for reconciliation). The document was conceived with the aim of contributing to raise awareness among state officials who work with victims of human rights violations, so as to foster greater inter-institutional coordination for the realization of their comprehensive reparation. The document was launched in the framework of the VIII Training Workshop for Officials on Procedural Aspects of Friendly Settlements, held by the technical team of the Friendly Settlements and Follow-up Section (SSAS) of

¹⁵² IACHR, *Report on the Impact of the Friendly Settlement Procedure*, Updated Edition OEA/Ser. L/V/II.167 Doc. 31, March 1, 2018. Original: Spanish, 2018, paras. 136 and 167.

¹⁵³ IACHR, Report No. 170/2023, Case 11.426. Friendly Settlement. Marcela Alejandra Porco. Bolivia. November 30, 2023.

¹⁵⁴ IACHR, *Report on the Impact of the Friendly Settlement Procedure*, Updated Edition OEA/Ser. L/V/II.167 Doc. 31, March 1, 2018. Original: Spanish, 2018, paras. 274 to 276.

the Executive Secretariat of the Commission for state officials from different institutions involved in the negotiation and implementation of friendly settlement agreements.

137. The Commission also welcomes as a good practice of the State of Colombia to search for alternative mechanisms for the fulfillment of obligations derived from friendly settlement agreements and the boost of their implementation through the use of digital tools. This good practice was initially observed in the context of the COVID-19 pandemic and has not only remained in place ever since but, due to the lifting of some restrictions introduced during the pandemic, it has been incorporated as a new element of the standard work that has allowed the States to make progress in the implementation of measures contained in friendly settlement agreements. In this regard, the Commission positively highlights the ceremonies for the signing of friendly settlement agreements and/or acknowledgment of responsibility in hybrid format in the following cases: Case 14.719, Giovanni Aguirre; Case 12.490, Asmeth Yamith Salazar; Case 14.003, Maria Regina Ocampo; Case 14.906, Eladia Méndez Bautista; Case 13.711, Levis Elcener Centeno Cuero; Case 13.971, Merardo Iván Vahos Arcila and Family; and Case 14.887, Blanca Ruth Sanchez de Franco and Family. The format used in these ceremonies have allowed a broad participation of the victims, their families and representatives, as well as to a stronger presence of the Commission, through its country rapporteur and technical team, which has enabled for a greater collaboration between the State and the victims in a special context of shortage of material resources.

138. The Commission also noted as a good practice of the State of Colombia the signing of administrative agreements to facilitate the implementation of friendly settlement agreements. In this regard, the Commission learned of two new agreements signed between the Agency for the Legal Defense of the State (ANDJE) and the Office of the Ombudsperson, on the one hand, and another with the Unit for the Search of Disappeared Persons in the Context and as a Result of the Armed Conflict (UBPD).

139. It should be noted that Inter-Administrative Agreement No. 057-2023 aims to promote the participation of the Office of the Ombudsperson in friendly settlement proceedings. Within this framework, three scenarios have been identified in which the Office of the Ombudsperson has been involved in the implementation of friendly settlements. The first scenario covers the cases in which the victims do not have an attorney to represent them in the proceedings that must be carried out to obtain economic compensation within the framework of Law 288 of 1996. In such cases, through this agreement, the ANDJE and the Office of the Ombudsperson have agreed to appoint a free, independent representative to accompany the victims and provide them with advice as required at the different stages of the process established by law. Similarly, through the agreement, the Office of the Ombudsperson has been able to participate in the filing of appeals for the review of judicial decisions in the implementation of this type of justice measures included in friendly settlement agreements. This situation had been previously identified as one of the main challenges to the proper functioning of the friendly settlement mechanism. Finally, a third scenario identified concerns the involvement of the Office of the Ombudsperson in proceedings for the declaration of the presumptive death of disappeared persons, in order for the families to have access to the reparations and benefits established by law.

140. In addition, the UBPD and the ANDJE signed a Memorandum of Understanding, aimed at fostering compliance with friendly settlement agreements in cases related to disappearances. In this regard, the Commission learned that, through said memorandum, work is being done in coordination with the UBPD for the identification and classification of cases under the friendly settlement mechanism for their inclusion in regional search plans and also symbolic delivery of remains when the families of the victims so require.

141. In this respect, the Commission welcomes the steps taken by the State of Colombia to seek synergies that ensure greater interinstitutional coordination. The aforementioned with the aim of complying with international obligations arising from friendly settlement agreements and identifying opportunities for cooperation to overcome the challenges frequently faced at the implementation phase.

142. Furthermore, with regard to the establishment of legislative or other mechanisms to facilitate the implementation of certain reparation measures, the Commission has recognized the enactment of Law 288

of July 5, 1996,¹⁵⁵ as a good practice. Said law was passed in the framework of the friendly settlement agreement signed in the Case 11.007 (Trujillo Massacre) to establish the procedure for the compensation of damages suffered by victims of human rights violations as required by international human rights bodies. In this regard, on this occasion, the Commission notes and recognizes as a good practice that, in the framework of Law 288 of 1996, the ANDJE has hired a team of advisors with expertise in the application of said law. The team of experts aim to study the challenges identified in specific cases and design solutions to expedite the process related to the economic compensation measures set forth in friendly settlement agreements. The aforementioned has allowed faster headway in the payment of the compensation in cases handled by the ANDJE at the implementation phase.

143. Finally, the Commission recognizes as a good practice of the State of Uruguay the issuance of an internal resolution of the Ministry of Economy and Finance, by which it provides and authorizes the granting of a monthly stipend to a victim of human rights violations, as established in a friendly settlement agreement, ensuring the implementation of the measure in the future and until their passing.¹⁵⁶ In this regard, the Commission recalls that the issuance of administrative acts that ensure future compliance with measures of continuing performance constitutes a guarantee for victims of human rights violations. As it not only makes it possible to make the agreed reparation measures effective, but it is also conducive to the development of public policies for the implementation of the decisions of the bodies of the Inter-American human rights system, which allows the negotiation and implementation of these measures to not depend on the political changes that come with each new administration, and to enable swifter and more coordinated progress in cases under the friendly settlement procedure.¹⁵⁷

6. Challenges and setbacks in implementing Friendly Settlement Agreements observed in 2023

144. The Commission has identified the persistent lack of inter-institutional coordination as one of the main challenges in some States in the region. The Commission has noted the lack of consultations that must be held prior to the expression of interest by the State to initiate a friendly settlement process, with the entities that are responsible for the implementation of friendly settlement agreements. The Commission has also noted the lack of efforts by States to design transition mechanisms for outgoing and incoming authorities in the contexts of changes of administration. In this regard, throughout this year, the Commission has received a high number of requests for information from new authorities regarding the original claims of the victims in cases that have been at advanced stages in the negotiation for several years, in order to initiate consultation processes that had already been previously conducted. The Commission has also received a significant number of requests related to the start of new friendly settlement proceedings, which were subsequently withdrawn due to the lack of approval from an authority. This has resulted in an unnecessary drain on the technical and material resources of both the State and the victims of human rights violations, who have placed their trust in the friendly settlement mechanism and were awaiting a resolution within this framework.

145. The Commission regrets the lack of progress in the implementation of the friendly settlement agreement signed in the Case 13.017A (Relatives of Victims of the Military Dictatorship, October 1968-December 1989), despite that four years have elapsed since its approval. In this regard, the Commission once again urges the State of Panama to make efforts to implement these measures, reminding it that, as subjects of international law, States have the obligation to comply with the decisions of the bodies of the Inter-American system.

¹⁵⁵ IACHR, *Report on the Impact of the Friendly Settlement Procedure*. Updated Edition OEA/Ser. L/V/II.167 Doc. 31, March 1, 2018. Original: Spanish, 2018, para. 271.

¹⁵⁶ In this regard, see: IACHR, Monitoring Sheet on Report on Friendly Settlement No. 183/22, Petition 1376-19, Silvia Angelica Flores Mosquera (Uruguay), *2023 Annual Report*.

¹⁵⁷ IACHR, *Report on the Impact of the Friendly Settlement Procedure*. Updated Edition OEA/Ser. L/V/II.167 Doc. 31, March 1, 2018. Original: Spanish, 2018, para. 276.

146. The Commission reiterates that the greatest challenges to moving forward with friendly settlement processes involve some States' lack of willingness to execute the measures of reparation contained in the agreements, particularly the measures related to issues of justice. It is therefore crucial for States to develop mechanisms for independent, impartial, and specialized investigation to enable them to make it a priority to comply with completing the investigations derived from international decisions.

147. The Commission also reiterates that many of the clauses subject to supervision through this monitoring process are too broad and require the parties to hold a mutual dialog and keep minutes or memoranda of understanding to determine the content and definition of what was agreed upon, establishing components for clear measurement and roadmaps for short-term work to complete execution. The Commission makes itself available to users of the friendly settlement mechanisms to facilitate dialogue focused on securing that consensus.

148. Lastly, the Commission reiterates that it is fundamental for States to move forward in establishing administrative, legislative, or other mechanisms to streamline the processes to negotiate and implement friendly settlement agreements and guarantee that the commitments made are fully executed.

D. Cases before the Inter-American Court of Human Rights

149. In 2023, the Commission continued to exercise its conventional and regulatory mandates before the Inter-American Court, which include the following tasks: i) the referral of contentious cases; iii) appearance and participation in public and private hearings; iv) observations on requests by States for advisory opinions; and v) the presentation of written observations on State reports in cases involving the supervision of compliance with judgments.

150. In addition, on September 1, 2022, the Court began to notify its judgments during a public hearing. In the notification of its judgments, the Court reads out the key points and principal facts of the respective ruling. In 2023, the Commission participated in 30 readings of the judgment.

151. The activities and results obtained this year are described below.

1. Referral of contentious cases

152. Pursuant to Article 45 of the Rules of Procedure, the referral of cases to the Inter-American Court is based on the criterion of obtaining justice, which is determined by the state of compliance with the recommendations issued and other criteria indicated in that article,¹⁵⁸ including the position of the petitioner.

153. Pursuant to Article 51 of the American Convention and Article 45 of the Rules of Procedure, the Commission referred 34 cases to the Inter-American Court in 2023, considering their referral necessary for obtaining justice. In these cases, when evaluating the request for additional extensions, the Commission noted that while States had made efforts in some cases, they had not made substantial progress in complying with the recommendations; thus, bearing in mind the need for justice and redress for the victims, it decided to proceed with the referral.

154. The referral of these cases facilitates access to justice for the victims and enables the Court to rule on the responsibility of the States and require the corresponding redress for victims. Moreover, the Court can develop or strengthen its jurisprudence in connection with aspects of inter-American public order brought to its attention by these cases. In addition, the Commission notes that it decided not to refer seven cases to the Inter-American Court and to proceed with their publication, as it found that the need to obtain justice in those cases did not justify the referral to the Inter-American Court under the terms of Article 45 of its Rules of

¹⁵⁸ These complementary criteria are: a. the position of the petitioner; b. the nature and gravity of the violation; c. the need to develop or clarify the system's case law; and d. the future impact of the decision on the legal systems of the Member States.

Procedure and 51.1 of the American Convention, basically because of the substantial progress made in complying with the recommendations of the merits report.

155. The Commission has 60 active cases that the Inter-American Court has accepted. In proceedings before the Court, the Commission participates in all cases referred, pursuant to the American Convention and the Court’s Rules of Procedure. The Commission’s activities include submitting its observations concerning possible preliminary objections and the recognition of responsibility, offering expert evidence when there is a significant impact on inter-American public order, and providing observations orally and in writing about the parties’ allegations, as well as any subsequent evidence that may be submitted. The IACHR also participates in the hearings convened by the Court in certain cases.

156. The referral of cases to the Inter-American Court will give that tribunal the opportunity to rule on the scope of the various rights recognized by the American Convention on Human Rights and the inter-American instruments under its jurisdiction, with an impact that extends beyond the interests of the parties to the litigation to matters of inter-American public order.

157. The matters of public order dealt with in cases referred to the Inter-American Court in 2023 include the following: i) the obligations imposed by the American Convention in cases involving terrorism and treason, including the principle of legality and the obligation of motivation, as well as the obligation to exclude evidence from criminal trials obtained through acts incompatible with international obligations; ii) the duty to diligently investigate potentially unlawful deaths committed by state actors; iii) the state obligations imposed by the American Convention in proceedings involving the revocation of visas; iv) the obligations imposed on the States by international law to guarantee informed consent for medical procedures involving sexual and reproductive rights; v) the obligation to investigate allegations of deadly force by police officers in operations in areas marked by poverty and insecurity; vi) the obligations imposed by international law for the protection of older persons; viii) the measures that the States should adopt to comprehensively address violence in land disputes, pursuant to international human rights law; ix) the international standards applicable to cases of group sexual violence occurring in the context of deprivation of liberty; x) the standards that States should apply to respect and guarantee the right to work in the face of potential arbitrary acts by public officials in the framework of mass lay-offs; xi) the duties imposed on the States by international law to ensure due guarantees in the sentencing of persons deprived of liberty and the application, revocation, or modification of a prison benefit; xii) international standards on union freedom, both in its collective and individual dimension; xiii) State obligations related to the recognition of Indigenous Peoples, procedures for the purchase, sale, and registration of land to private third parties, and xvi) standards for the regulation and use of non-lethal weapons, as well as due diligence in the investigation and punishment of acts of violence and the reporting of human rights violations occurring in this context.

158. The following are the cases referred to the Inter-American Court, including their breakdown by date of referral and country.

Case No.	Name	Country	Date of referral
12.037	Flor de Maria Patricia Andia Neira et al.	PER	January 10, 2023
14.131	Doménico Di Gianluca Sebastiani and Angela Di Gianluca Sebastiani	VEN	March 21, 2023
14.177	Manaure Flores Brothers	VEN	March 29, 2023
12.592	Elías Gattass Sahih	ECU	May 20, 2023
12.672	Guillermo Patricio Lynn	ARG	May 28, 2023
13.752	Celia Edith Ramos Durand and Family	PER	June 3, 2023

13.021	Luiza Melinho	BRA	June 7, 2023
13.199	Felix Humberto Peralta Armijos	ECU	June 9, 2023
13.425	Ernestina Ascensio Rosario and Julia Marcela Suárez Cabrera	MEX	June 11, 2023
12.398	Max Cley Mendes, Marciley Roseval Melo Mendes, and Luís Fábio Coutinho da Silva	BRA	June 16, 2023
12.666-B	César Bravo Garvich et al. (Employees fired by Empresa Nacional de Puertos S.A.)	PER	June 22, 2023
13.514	Members of the Aguán Campesino Movement	HON	July 3, 2023
12.964	Georgina Gamboa García and Family	PER	July 5, 2023
13.198	Community of Salango	ECU	July 7, 2023
12.919	Julio García Romero and Family	ECU	July 9, 2023
11.041	Paulina Ramirez Mejía et al.	PER	July 23, 2023
13.018	Juan Bautista Guevara Rodríguez et al.	VEN	August 15, 2023
14.167	Jesús Rondón Gallardo	VEN	August 22, 2023
13.251	José Ramón Silva Reyes and Children	NIC	August 31, 2023
13.435	Jorge Rojas Riera	VEN	September 7, 2023
13.257	Eduardo Nicolás Cuadra Bravo	PER	September 10, 2023
14.178	Oscar Pérez et al. (Junquito Massacre)	VEN	October 11, 2023
12.564	Alejandro Fiallos Navarro	NIC	October 24, 2023
13.037	José Tomás Tenorio Morales et al. (Ervin Abarca Jiménez Union of Higher Education Professionals of the National University of Engineering)	NIC	October 31, 2023
12.362	Family of Luis Fernando Lalinde	COL	November 6, 2023
12.830	Dianora Maleno	VEN	November 8, 2023

13.658	José María Galdeano Ibáñez	NIC	November 9, 2023
12.614	Garífuna Community of Cayos Cochinos and Its Members	HON	November 16, 2023
14.238	Víctor Alfonso Navarro López	VEN	November 17, 2023
14.047	Jaime Antonio Chavarría Morales and Family	NIC	November 17, 2023
12.295	Jesús Ramiro Zapata	COL	December 16, 2023
14.168	Carlos Enrique Graffe Henríquez	VEN	December 20, 2023
13.309	José Antonio Navarro Hevia	VEN	December 26, 2023
12.853	Lilia Alejandra García Andrade et al.	MEX	December 28, 2023

- **Flor de Maria Patricia Andia Neira et al. v. Peru**

159. This case is about the international responsibility of the Peruvian State for the application of various antiterrorism regulations and policies in criminal proceedings against the alleged victims in the Republic of Peru. Admissibility and Merits Report No. 378/20 covers 17 cases, seven of which include more than one individual petition. In all, the Commission reviewed and issued a decision on 64 individual petitions. The decision to aggregate these cases, pursuant to Article 29.5 of the Commission, was adopted after concluding *prima facie* that the acts alleged by the petitioners were not isolated events but shared certain characteristics with respect to the temporal, spatial, and applicable legal framework, as well as the allegations presented in the cases and the systematic patterns of human rights violations found in the Commission's review. Within this framework, the Commission also conducted an individual review of the existing evidence in each of the petitions to determine whether the specific circumstances of each petitioner constituted violations of their rights.

160. In each case, the Commission found violations of rights such as the right to physical integrity, personal liberty, a fair trial and judicial protection, the protection of honor and dignity, the principle of legality and freedom from ex post facto laws, and equality and nondiscrimination enshrined in Articles 5, 7, 8, 9, 11, 24, and 25 of the American Convention in connection with the obligations established in Articles 1.1 and 2. It also found violations of the obligations established in Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture and Article 7 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women in the cases it so determined.

- **Doménico Di Gianluca Sebastiani and Angela Di Gianluca Sebastiani v. Venezuela**

161. This case is about the international responsibility of the Venezuelan State for violation of the right to a defense, to the detriment of siblings Doménico and Angela Di Gianluca Sebastiani, in the context of criminal proceedings against them, including restrictions on their ability to appoint a defender and review their file and details of the indictment.

162. Mr. Di Gianluca Sebastiani was an entrepreneur in the construction sector – specifically, a shareholder and the director of the Inversiones Blasdon C.A. company, while his sister, Angela Di Gianluca

Sebastiani, served as an advisor to that company and to the Grupo Costeira C.A. company, both in the Venezuelan construction sector. At the time of the events, both of them were living outside Venezuela.

163. In March 2011, the petitioners were reported to the Third Prosecutor's Office of the Public Ministry of Los Teques in connection with a sales contract for a building that would not be completed by the established deadline, as well as for the additional payment demanded by one of the complainants as an adjustment for inflation during the building's construction. The Prosecutor's Office issued an indictment against the petitioners for usury, fraud, and undue qualified appropriation; however, they were not notified and therefore did not receive timely and complete information about the charges against them in the criminal proceedings.

164. On September 14, 2012, during the trial, the Fifth Criminal Court notified the Apprehension Division of the Scientific, Criminal, and Criminalistic Investigation Corps (CICPC), and on November 26, 2012, the International Criminal Police Organization (INTERPOL), to report that on April 6, 2011 an arrest warrant been issued for citizens Doménico Di Gianluca Sebastiani as President of Inversiones Blasdon C.A. and Grupo Costeira C.A., and Angela Di Gianluca Sebastiani, as the alleged administrator of Grupo Costeira C.A.

165. On May 30, 2013, Oswaldo José Domínguez Florido introduced himself in the case as the attorney for Doménico and Angela Di Gianluca Sebastiani and asked to take the respective oath. On June 20, 2013, the Miranda Court of Appeals denied his request, considering that he lacked standing, since the people he represented were not "right with the law," because they had not appeared at the court that had ordered their arrest, without substantiation or prior communication that would have enabled them to exercise their right to a defense.

166. On July 22, 2013, the petitioner filed an appeal with the Criminal Chamber of the Supreme Court of Justice (TSJ) for violation of the right to a defense due to the demand that the accused put themselves right with the law to proceed with administering the oath to their defense attorney so he could access their file. He further stated that the Fifth Criminal Court of Los Teques had issued arrest warrants for the alleged victims without having subpoenaed them or communicated the charges against them. This appeal was declared inadmissible by the Plenary Chamber of the TSJ on October 23, 2013, reiterating the judgment that the defendants could only appoint their defense attorney after appearing before the court that was conducting the criminal investigation against them.

167. In Admissibility and Merits Report No. 406/21, the Commission found that the requirement that the victims appear at trial for their defense to be sworn in and allowed to act constituted a restriction on the ability to appoint a defense attorney and learn the contents of the file and details of the indictment or even the ability to file motions in the name of the person represented. The Commission noted that in some judicial systems, the presence of the defendant is essential for the proper legal advancement of the trial and that, under international law, in some proceedings, the presence of the defendant is necessary. However, it found in this particular case that the restriction was incompatible with the American Convention, since the attorney designated by Doménico and Angela Di Gianluca Sebastiani could not be formally appointed and had no access to their file, preventing him from learning about the evidence against his clients and the evidence for conviction reviewed by the Fifth Criminal Court to issue the warrant for their arrest, as well as the other action taken in the criminal proceedings. This limited their ability to appoint an attorney of their choosing and ensure that he had knowledge of the evidence necessary to properly prepare their defense. In fact, the Commission noted that the Fifth Criminal Court had issued a warrant for the arrest of Doménico and Angela Di Gianluca Sebastiani without having communicated with or heard the alleged victims.

168. The Commission therefore found that the proceedings under review did not provide due procedural guarantees. In particular, it stressed that the failure to communicate the indictment, the refusal to swear in the defense attorney, and the lack of access to the file and other instruments necessary for proper preparation of a defense violated the rights enshrined in Articles 8.2.b, 8.2.c, and 8.2.d of the American Convention. Moreover, it found that the State did not provide effective judicial protection of the rights of

Doménico and Angela Di Gianluca Sebastiani, since the courts had failed to properly review the submissions alleging the aforementioned irregularities.

169. Based on these considerations of fact and law, the Commission concluded that the State of Venezuela had violated the rights enshrined in Articles 8 (fair trial) and 25 (judicial protection) of the American Convention in connection with Article 1.1 of that instrument, to the detriment of Doménico Di Gianluca Sebastiani and Angela Di Gianluca Sebastiani.

170. After filing the case, on May 31, 2023, the victims informed the Court that “for personal reasons,” they had decided to “withdraw the case before the Inter-American Court.” In response to the victims’ request and the Commission’s observations, through a resolution dated August 31, 2023, the Court considered it appropriate to accept the withdrawal, not to proceed with matter, and send the case back to the Commission for it to consider the application of Article 51 of the American Convention on Human Rights.

- **Manaure Flores Brothers v. Venezuela**

171. This case is about the international responsibility of the Venezuelan State for the extrajudicial killing of Israel Benjamín Manaure Flores, Martín Daniel Manaure Flores, Leonel David Manaure Flores, and Leonardo José Manaure Flores, as well as the failure to investigate the events. The case unfolded in the context of extrajudicial killings in the course of public security operations in Venezuela, and specifically, in the state of Aragua.

172. Based on the available information, the Commission found that Ana María Flores Quintero was living with her four sons on the first floor of a residence in the municipality of Mario Briceño Iragorry, in the state of Aragua, as a tenant, and the owner of the residence, Freddy Antonio Omaña Zambrano, was living on the ground floor of that same residence. On the morning of July 23, 2017, Mrs. Flores Quintero went to visit her mother, leaving behind her four sons, Israel Benjamín, aged 16, Martín Daniel, aged 17, Leonel David, aged 19, and Leonardo José, aged 24. A group of agents from the Scientific, Criminal, and Criminalistic Corps (CICPC) entered the residence, arrested Mr. Omaña Zambrano and took him to police headquarters. Afterwards, some of the CICPC officers went up to the first floor of the residence, where they found the Manaure Flores brothers, shooting and killing them.

173. The officers later told the press that the deaths had occurred during a police operation and that the brothers were criminals. That same day, the bodies of the Manaure Flores brothers were taken to the morgue. Mrs. Flores Quintero asserted that her sons had no criminal record and that three of them were studying electricity while the other was working as a masonry assistant.

174. In Admissibility and Merits Report No. 391/21, the Commission found that the events in this case displayed similarities with the context and modus operandi of the extrajudicial killings in the state of Aragua previously examined by the Honorable Court in the cases of the Barrios Family v. Venezuela and the Landaeta Mejías Brothers et al. v. Venezuela, the latter of which was under way in 2017. Within this context, the extrajudicial killings had the following characteristics: i) they occurred during irregular actions by security forces, ii) they particularly affected young men of limited means in poor neighborhoods; iii) their justification was public safety during a warrantless forced entry; iv) they mirrored simulated confrontations in which the victim is killed at the site of the operation; and v) they involved possible tampering with the crime scene or the planting of evidence that could justify the confrontation. These killings occurred in the context of impunity in which they operated, in part because the allegation of a confrontation with the alleged criminals was assumed to be true.

175. The Commission therefore concluded that the Venezuelan State is responsible for the violation of the right to life established in Article 4.1 of the American Convention in connection with Article 1.1 of that instrument, to the detriment of Israel Benjamín Manaure Flores, Martín Daniel Manaure Flores, Leonel David Manaure Flores, and Leonardo José Manaure Flores. Furthermore, considering that Israel Benjamín Manaure Flores and Martín Daniel Manaure Flores were 16 and 17 years old, respectively, at the time of the events, the

Commission observed that the State had failed to comply with its duty to adopt special measures to safeguard their higher interest and concluded that the State had also violated Article 19 of the American Convention in connection with Article 1.1 of that instrument to their detriment.

176. Concerning the investigation of the events, the Commission found that while the Public Ministry of Venezuela had ordered the Twentieth District Prosecutor's Office of the state of Aragua to open an investigation into the case, in which officers from the Caña de Azucar Subdelegation of the CICPC were investigated, it has no information on major developments in the investigation, the logical lines pursued, or even the identification of the possible perpetrators or the punishments imposed.

177. Added to this, when the Admissibility and Merits Report was approved, almost four years had passed since the events without the State clearing up what had happened, identifying the perpetrators, or issuing any formal indictment against the possible perpetrators. The Commission therefore concluded that the State had failed to meet its obligation to conduct an investigation with due diligence within a reasonable time. The Commission considered the fact that this case unfolded in the context of extrajudicial killings in the state of Aragua and was accompanied by the lack of an effective judicial response, making it part of a more general situation of impunity. The Commission found the Venezuelan State responsible for the violation of Articles 8.1 and 25 of the American Convention in connection with Article 1.1 of that same instrument, to the detriment of Ana María Flores Quintero.

178. Finally, the Commission noted that Ana María Flores Quintero has feared for her physical integrity, has had to move due to security concerns, and has experienced profound pain and suffering due to the manner of and circumstances surrounding the death of her four sons. It also found that the State has provided no definitive explanation for the events and has failed to conduct a serious and effective investigation, severely impacting the physical integrity of Mrs. Flores, who, moreover, has been living in a situation of insecurity due to her search for justice. The Commission therefore concluded that the State is responsible for the violation of the right to physical integrity protected by Article 5 of the Convention in connection with Article 1.1, to the detriment of Ana María Flores Quintero.

179. Based on these considerations of fact and law, the Commission concluded that the Venezuelan State is responsible for the violation of Articles 4 (right to life), 5 (physical integrity), 8 (fair trial), 19 (rights of the child), and 25 (judicial protection) of the American Convention in connection with Article 1.1 of that instrument.

- **Elías Gattass Sahih v. Ecuador**

180. This case is about the international responsibility of the State for violation of the rights of Elías Gattass Sahih during an administrative proceeding to revoke his immigrant visa in 2001.

181. On October 15, 2001, Mr. Gattass Sahih, of Lebanese origin, obtained an immigrant visa VI by virtue of his marriage to an Ecuadorian citizen. On July 10, 2001, his wife reported him to the Commission for Women and Children for hostility and intimidation. Her attorney subsequently petitioned the Ministry of Government's Advisory Council on Immigration Policy to revoke his immigrant visa.

182. On November 22, 2001, the Advisory Council on Immigration Policy responded to the petition, based on Articles 7 and 8 section a) of the Alien Act and Article 62 of the act's Rules of Procedure, pursuant to Chapter IV of the Immigration Law, considering that Mr. Gattass Sahih's conduct constituted misconduct and threatened the peace and tranquility of the family. It therefore ordered the revocation of his immigrant visa VI and authorized the Immigration Police to place him under the jurisdiction of the Police Commissioner and commence the deportation process. On December 3, 2001, Mr. Gattass Sahih was apprehended and taken to Provincial Immigration Headquarters in Guayas.

183. Mr. Gattass Sahih was detained until, following a petition for constitutional amparo, the Twentieth Criminal Court of Guayas ordered immediate suspension of the effects of the administrative action,

and as a result, on December 10, 2001, the Secretary of the Guayas General Commissioner's Office ordered his immediate release. Both the Twentieth Criminal Court of Guayas and subsequently, the Third Chamber of the Constitutional Court upheld the decision to revoke the visa. According to the certificate of migration movements, Mr. Gattass Sahih left Ecuador for the United States on December 16, 2001.

184. In Merits Report No. 192/20, the Commission considered whether the procedure revoking this visa complied with the guarantees enshrined in the American Convention. The Commission found that a consequence of the discretionary authority of the Advisory Council on Immigration Policy was the lack of the necessary predictability for Mr. Gattass Sahih to know when his visa could be revoked, so that he did not have any opportunity to learn about the proceedings, make his arguments, or question the reasons that could lead to its revocation. Furthermore, the Commission found that the process had commenced with a petition by his wife that Mr. Gattass Sahih was never notified about or formally sent, whose content he was not advised of. Nor was he informed that the Advisory Council on Immigration Policy was considering the revocation of his visa; he only learned of the decision that concluded this process and commenced the start of the deportation process.

185. The Commission therefore concluded that that the procedure observed no guarantee of due process. Moreover, it did not consider the impact that the decision to revoke Mr. Gattass' visa would have on his rights, bearing in mind his specific circumstances – in particular, that he had lived in Ecuador for years and had a 2-year-old daughter whom he owed maintenance.

186. Furthermore, the Commission found that the appeals he filed with the courts were not effective in halting the aforementioned violations. While an appeals judge initially ordered that the revocation decision's effects be suspended, leading to Mr. Gattass Sahih's release, on January 22, 2002, the Twentieth Criminal Court of Guayas decided to nullify amparo decision, upheld the revocation, and failed to order the protection of any of his rights, as it considered the proceedings conducted by the Ecuadorian authorities compliant with the law. Thus, there was no pronouncement about the reason for the Advisory Council's decision or the guarantees demanded by Mr. Gattass Sahih to be heard in the proceedings and learn the accusations against him that had resulted in the revocation of his visa. This decision was upheld on June 7, 2002, by the Constitutional Court.

187. The Commission found while with the revocation decision, Mr. Gattass Sahih would be subject to a deportation proceeding, which would involve a public hearing, that procedural stage was handled by a different court with a different purpose and was not appropriate for mounting a defense in the visa revocation process.

188. In light of the above, the Commission concluded that the action taken by the Advisory Council did not respect the guarantees that should be observed in this type of proceeding. Moreover, the Commission indicated that there was no consideration of the potential effect of the revocation and eventual expulsion on the victim's rights. The Commission further determined that Mr. Gattass Sahih did not have an effective remedy to protect his rights. It therefore concluded that the State had violated the rights enshrined in Articles 8.1, 22.1, 22.3, 22.6, and 25 of the American Convention in connection with its articles 1 and 2.

189. In addition, the Commission found that Mr. Gattass Sahih's detention was the automatic result of the revocation of his visa, without a particular examination of the case that would weigh the effect on the right to personal liberty against the eventual purposes of the detention measures. The Commission therefore noted that his apprehension ran contrary to Article 7.3 of the Convention. Finally, the Commission stated that the file does not indicate that Mr. Gattass Sahih had been informed of his right to consular assistance as an alien, and therefore found that this was a violation of Article 7.4 of the American Convention with regard to the right to consular assistance in detention, implying violation of his right to a defense contained in Article 8.2 of the Convention.

190. Based on these considerations of fact and law, the Commission concluded that the State of Ecuador had violated the rights enshrined in Articles 7 (personal liberty), 8 (fair trial), 22 (freedom of

movement and residence), and 25 (judicial protection) of the American Convention in connection with Articles 1.1 and 2 that instrument, to the detriment of Elías Gattass Sahih.

- **Guillermo Patricio Lynn v. Argentina**

191. This case is about the international responsibility of the Argentine State for the violation of various rights recognized in the American Convention on Human Rights committed during proceedings in which disciplinary action was taken and the temporary release benefit was revoked for Mr. Guillermo Patricio Lynn, who was serving a sentence in a penitentiary in Buenos Aires Province.

192. On March 26, 1990, Mr. Lynn was sentenced to life in prison for aggravated homicide with premeditation and, at the time of the events in this case, was housed in Unit 19 of the Ezeiza Penal Colony. Since December 17, 1998, Mr. Lynn had enjoyed the temporary release benefit, which he regularly took advantage of until March 26, 2000, when, according to the State and disputed by the petitioners, he returned to the penitentiary drunk.

193. On March 27, 2000, one day after returning to the penitentiary under the temporary release program, Mr. Lynn was notified of a decision to place him in provisional solitary confinement, as it was necessary to maintain order, without expressly indicating the reason for this punishment or the applicable rules. Fifteen minutes after he was notified of the decision, a hearing was held with penitentiary warden, in which Mr. Lynn was unaccompanied by a defense attorney and was unable to present rebuttal evidence, as a consequence of which he was found responsible for having committed a disciplinary infraction and received five days of solitary confinement in a cell as punishment.

194. On March 28, 2000, the Council of the Ezeiza Open Correctional Institute issued a decision “lowering” the bar for Mr. Lynn’s conduct in view of the disciplinary action taken against him; thus, he no longer met the requirements for the temporary release program, and that same day, the penitentiary’s warden issued a decision barring him from receiving this benefit, which was upheld two days later by the Enforcement Judge.

195. In its Merits Report, the Commission observed that the disciplinary proceeding against Mr. Lynn took place extremely quickly and without respecting the minimum due process guarantees – in particular, that Mr. Lynn did not receive detailed prior notification of the hearing and decision sufficiently in advance for him to present rebuttal evidence or have a professional defender. The Commission also pointed out that during the proceedings to revoke the temporary release benefit, Mr. Lynn did not have an opportunity to present arguments in his defense or to be heard by the Council of the Ezeiza Open Correctional Institute or the Enforcement Judge before the decision was made to revoke the benefit.

196. The Commission therefore found that the State had violated the right to be heard, to receive prior and detailed notification of the accusation, to have a defense attorney, and to have adequate time and means to mount a defense, both in the hearing before the warden of the penitentiary and the proceeding before the Enforcement Judge.

197. The Commission further found that the warden and the Enforcement Judge failed to reveal, under the principle of the presumption of innocence, the potentially exculpatory evidence that had emerged during the proceedings and that they failed to gather minimal corroborating evidence. The Commission also noted that the reason for the decisions of both authorities did not meet the standards concerning the presumption of innocence and that there had been an inversion of the burden of proof that was incompatible with that principle – specifically their indication that Mr. Lynn had not provided evidence that would excuse him from the punishment.

198. In addition, the Commission found that the appeals filed to contest the revocation were denied out of hand and in no case were the merits examined. This implied that the arguments in his defense and the requests for due diligence to rebut the evidence supporting the decision to revoke the temporary release

benefit were not considered. As a result, the Commission found that the appeals had been ineffective in obtaining a review of the revocation.

199. Finally, the Commission concluded that Mr. Lynn's setback in the execution of his sentence, in accordance with the purpose of the conviction, as well as the consequent imposition of more stringent deprivation of liberty, were arbitrary and incompatible with the American Convention.

200. Based on these considerations of fact and law, the Commission concluded that the State was responsible for the violation of Articles 5.6 (physical integrity); 7.1 and 7.3 (personal liberty); 8.1, 8.2, 8.2b), 8.2c), 8.2d), and 8.2h) (fair trial) and 25.1 (judicial protection) of the American Convention on Human Rights in connection with the obligation established in Article 1.1 of that instrument.

- **Celia Edith Ramos Durand and Family v. Peru**

201. This case is about the international responsibility of the Republic of Peru for the surgical sterilization of Celia Edith Ramos Durand performed without her consent by the National Program for Reproductive Health and Family Planning (PNSRPF) in 1997, resulting in her death.

202. Celia Edith Ramos Durand was 34 years old and lived in Caserío La Legua, Catacaos in Piura. A PNSRPF health post was opened in the area where Mrs. Ramos Durand lived that promoted surgical contraception. For several weeks, Mrs. Ramos Durand received constant visits from nurse's aides or nurses to convince her to undergo a tubal ligation. On July 3, 1997, Mrs. Ramos Durand had surgical contraception surgery, during which she suffered medical complications and was transferred to the San Miguel clinic in the city of Piura, where she was admitted in a coma. That same day, Ministry of Health medical staff in La Legua sterilized 15 women. Cecelia Ramos died on July 24, 1997.

203. On July 30, 1997, Mrs. Ramos Durand's husband filed a complaint with the Third Provincial Criminal Prosecutor's Office of Piura against the medical staff who had participated in the surgery for serious injuries resulting in death, which was definitively archived on December 17, 1997, because the Assistant Prosecutor considered the matter accidental, as criminal liability had not been demonstrated. In 2002, a congressperson referred the case of the sterilizations performed by the PNSRPF to the Public Ministry's Specialized Prosecutor's Office for Human Rights Offenses, which after seven years, was archived on May 26, 2009, barring criminal action.

204. On October 21, 2011, the national Public Ministry reopened the investigation against former Ministers of Health and other staff on behalf of more than 2,000 victims, and on November 25, de 2013, it was decided to expand the preliminary investigation to Alberto Fujimori, in the understanding that the crimes constituted serious human rights violations connected with crimes against humanity. On December 6, 2016, the Second Supraprovincial Criminal Prosecutor's Office resolved not to formalize the complaint, deciding to definitively archive it because there was a consent sheet signed by the alleged victim that had not been declared invalid or null.

205. As the result of a challenge presented by the victim's representatives, on April 12, 2018, the Third National Superior Criminal Prosecutor's Office of Lima ordered that the complaint against Alberto Fujimori et al. as immediate perpetrators of the serious injuries resulting in death be formalized in the case of five women, Mrs. Ramos Durand among them. When the Merits Report was adopted, the case was before the Temporary Supraprovincial Specialized Criminal Court for Offenses by Organized Crime.

206. In Merits Report No. 287/21, the Commission explored whether by performing sterilization surgery on Mrs. Ramos Durand, the Peruvian State had complied with the following obligations: i) proper regulation and monitoring of the PNSRP; ii) the obtention of free, full, and informed consent; and iii) the existence of proper conditions for performing medical sterilizations.

207. With respect to the regulation and monitoring of the PNSRP, the Commission found it proven that the program had set coverage targets for family planning methods aimed exclusively at women of reproductive age, with greater emphasis on those living in poverty or from Indigenous communities, excluding men from the equation. The Commission found that these targets were based on gender stereotypes about women's role in society and reinforced the stigma that they are a reproductive entity and target for family planning par excellence, affecting the freedom they should have to make decisions about their own bodies. Thus, it concluded that the State had failed in its duty to regulate by implementing measures that discriminated against women in terms of their sexual and reproductive rights.

208. As to obtaining free, full, and informed consent, the Commission found that, due to the context and methods used to implement the PNSRPF, although Mrs. Ramos Durand had signed some document beforehand, it did not meet the requirements and conditions necessary for her to have given her informed consent. The Commission found that PNSRPF staff had visited the victim at her home on numerous occasions, and even though she did not wish to have the surgery, they sought to persuade her, undermining the free nature of the consent. Furthermore, the Commission determined that the consent was not informed, since the staff in charge of the program promoted only tubal ligation without providing information or informing her clearly and equitably about the rest of the contraceptive methods. Added to this, the request for and authorization of care for surgical prevention signed by the victim not only violated the provisions of the then current Handbook of Regulations and Procedures for Voluntary Surgical Contraceptive Activities but was signed less than 48 hours before the operation.

209. With regard to the existence of proper conditions for performing medical sterilizations, the Commission considered it sufficiently substantiated that the medical post where Mrs. Ramos Durand was sterilized did not have the necessary means to safely perform the medical procedure, which meant that it could not properly treat and control the emergency that occurred, causing her to be transferred to another clinic already in a coma due to an overdose of anesthesia. The Commission therefore found that there was medical negligence resulting in the victim's death.

210. The Commission also observed that the purpose of the surgery was the permanent loss of reproductive capacity; hence, the procedure violated Mrs. Ramos Durand's right to freely and independently decide whether to have biological descendants and constituted arbitrary interference in her right to privacy. The Commission pointed out that Mrs. Ramos Durand was a victim of intersectional discrimination due to her gender and economic situation and was subjected to involuntary sterilization, constituting an act of violence against women.

211. With respect to a fair trial and judicial protection, the Commission observed that the investigation into Mrs. Ramos Durand's sterilization and death was archived on three occasions, finding noncompliance with the obligation of the State to conduct investigations with due diligence. In this same vein, the Commission noted that 24 years after the involuntary sterilization of the victim occurred and was reported, the events have not been duly investigated in a reasonable time. This acquires a particular connotation in terms of its effect on access to justice, if the death of Mrs. Ramos Durand is considered to have occurred in during the implementation of the PNSRPF, which was designed, approved, and implemented by the highest level of government as a state policy.

212. Finally, the Commission found that Mrs. Ramos Durand's death directly impacted her family, since her daughters suffered serious emotional damage due to the loss of their mother when they were small, and that the current situation of impunity has affected the members of her family.

213. In sum, the Commission concluded that the State is responsible for the violation of the rights enshrined in Articles 4.1 (right to life), 5 (physical integrity), 8 (fair trial), 11 (privacy and family life), 13 (access to information), 24 (equality before the law), 25 (judicial protection), and 26 (sexual and reproductive health) of the American Convention in connection with Articles 1.1 and 2 of that instrument, as well as Article 7 of the Convention of Belém Do Pará, to the detriment of Celia Edith Ramos Durand. It further concluded that the State violated Article 5.1 (physical integrity), to the detriment of her family.

- **Luiza Melinho v. Brazil**

214. This case is about the international responsibility of the Brazilian State for violations of the rights enshrined in the American Convention with respect to a case on gender affirmation surgery for Mrs. Luiza Melinho.

215. In 1997, Mrs. Melinho began requesting medical care of a different nature at the UNICAMP Hospital, a public facility, where she was found to be suffering from depression and “gender dysphoria” and had made several suicide attempts. On April 8, 1998, Mrs. Melinho underwent an initial gender affirmation intervention at that hospital. After the surgery, the institution’s superintendent issued public statements and indicated that the hospital had already diagnosed six other patients who might undergo the same surgical procedure and that it would perform four such surgeries per year at most. Subsequently, on August 10, 1999, a UNICAMP doctor requested a psychiatric assessment of Mrs. Melinho for her admission to the “gender affirmation” program, stating that she had attempted suicide. On March 12, 2001, Mrs. Melinho was admitted to the UNICAMP Hospital to modify the appearance of her larynx, but the surgery was canceled due to the absence of the anesthetist, which heightened her depression.

216. Within this context, on May 16, 2001, the hospital’s clinical administration advised Mrs. Melinho to transfer to a hospital in another city because UNICAMP was not in a position to perform “surgical correction for transexualism.” However, that hospital did not accept the UNICAMP doctors’ diagnosis and forced Mrs. Melinho to undergo a new medical evaluation and to travel constantly to São Paulo for two years, which represented an extremely high cost for her. In the face of these obstacles and as a consequence of her psychological deterioration, Mrs. Melinho mutilated her genitals.

217. Later, in April 2002, Mrs. Melinho sent an extrajudicial notice to the UNICAMP Hospital to request gender affirmation surgery. The hospital replied that it would not perform the surgery because it lacked the multidisciplinary teams necessary to provide the treatment and it was not accredited to perform it.

218. On November 8, 2002, Mrs. Melinho filed a complaint against UNICAMP for moral damages with a petition for a temporary remedy, in which she alleged that the hospital had created the expectation that it would perform the gender affirmation surgery and that the court should order it to do so or pay for her to have it performed at a private hospital. Mrs. Melinho also requested compensation for the moral damage resulting from the frustration she suffered as a result of the hospital’s refusal. Due to her psychological state and the potential risks that a delay in the proceedings could pose to her health, Mrs. Melinho petitioned for a temporary remedy that would oblige the hospital to perform the surgery immediately or pay for it to be done at a private hospital. The petition was denied on October 14, 2003.

219. In March 2005, Mrs. Melinho reiterated her request for immediate surgery, but the court did not rule on the request. Thus, given her inability to have the surgery at a public hospital, in 2005 Luiza Melinho took out a loan and had the gender affirmation surgery at a private hospital.

220. On February 8, 2006, an unfavorable first instance judgment was handed down, stating *inter alia* that there were no grounds for the court to force the UNICAMP Hospital to perform the alleged victim’s gender affirmation surgery, given the complexity of the procedure and the fact that the hospital had closed the process for the selection of new patients for that type of surgery. Mrs. Melinho appealed this decision to the São Paulo Court of Justice.

221. On August 23, 2007, while her case was still pending, the Regional Federal Court of the Fourth Region handed down a decision of national scope that included gender affirmation surgery among the surgeries that the public health system must provide. Notwithstanding that decision, the São Paulo Court of Justice denied Mrs. Melinho’s appeal on June 9, 2008, upholding the decision of first instance.

222. In Merits Report No. 395/21, the Commission considered whether the State’s refusal to perform Mrs. Melinho’s gender affirmation surgery or to reimburse her for the expenses she incurred were a

violation of the American Convention. In this regard, the Commission noted that the domestic law and jurisprudence of the State of Brazil recognize the right to gender affirmation surgery.

223. The Commission therefore concluded that the State did not guarantee Mrs. Melinho access to health for this procedure under conditions of equality, as demonstrated by the obstacles she faced to obtaining the requested surgery, reflected particularly in the few facilities capable of performing the surgery, their distance from the victim's home, and the delays she experienced in obtaining the surgery. The Commission also found a failure to provide equitable access to health services, which had a specific impact on the victim, bearing in mind her condition of vulnerability. The Commission further found that the judicial delays had had an impact on Mrs. Melinho's privacy and right to independently define her gender identity – all this in violation of the right to health, physical integrity, and privacy in connection with the right to equality and nondiscrimination.

224. With regard to a fair trial and judicial protection, the Commission found that there had been an unjustified delay of five and a half years in processing the case, which delayed the gender affirmation surgery and had a negative impact on the victim's physical and mental health. This was reflected in three suicide attempts and reports describing her depression and anxiety, as well as an incident in which Mrs. Melinho mutilated her scrotal sac. The Commission also noted that none of the remedies provided constituted an effective and adequate response to the victim's request.

225. Based on these findings, the Commission concluded that the Brazilian State is responsible for the violation of the rights enshrined in Articles 5.1 (physical integrity), 8.1 (fair trial), 11 (protection of honor and dignity), 24 (equality before the law), 25.1 (judicial protection), and 26 (economic, social, and cultural rights) of the American Convention in connection with Article 1.1 of that instrument, to the detriment of Luiza Melinho.

- **Félix Humberto Peralta Armijos v. Ecuador**

226. This case is about the international responsibility of the State for violation of the rights of Félix Humberto Peralta Armijos in judicial proceedings related to a request for promotion at the National Fisheries Institute of Ecuador (INP) and for violations in administrative procedures that culminated in his firing.

227. Félix Humberto Peralta Armijos was a career public servant in the INP, who at the time of the events was working as an Administrative Assistant B. On January 31, 1997, he requested a promotion to the post of Human Resources Analyst, which was vacant, and on May 16, 1997, was deemed qualified to hold the position. However, on March 3, 1998, the INP's Director appointed José Johnny García Zambrano to the position through agreement No. 002 and a personnel action issued on March 25, 1998. Mr. Peralta Armijos challenged this appointment before the Grievance Board and sent a petition to set aside the appointment to the Civil Service and Institutional Development Office, which was denied.

228. On September 30, 1999, Mr. Peralta Armijos filed a contentious administrative appeal with the Guayaquil District Court No. 2 for Contentious Administrative Matters to contest the administrative action taken by the INP's Director and set aside the appointment, which was denied on April 4, 2001. On April 16, 2001, he filed a petition for judicial review of that judgment. On May 19, 2003, the Supreme Court of Justice decided to set aside the judgment of first instance, since on May 16, 1997, a favorable decision had been made on Mr. Peralta Armijos' promotion to the position of Human Resource Analyst 3, which should have been formalized by the INP to legally register the personnel action, but the institution's authorities decided to disallow this document and open a competition to appoint someone else as if the position were vacant. The Supreme Court of Justice therefore set aside the administrative action reported because Mr. García Zambrano's appointment had been irregular.

229. On June 30, 2003, the INP set aside the appointment of Mr. García Zambrano as Human Resources Analyst and proceeded to open a new competition for the position. However, on July 14, 2003, the INP named that previously appointed individual Director of Advocacy, which allowed him to participate in the competition and win it again.

230. In response to this situation, Mr. Peralta Armijos filed an appeal for constitutional amparo with the judges of the Guayaquil Civil Court. On October 13, 2003, the Tenth Civil Court of Guayaquil ordered the Director of the National Fisheries Institute to set aside the aforementioned appointment, as the issue had been resolved by the Chamber for Contentious Administrative Matters of the Supreme Court of Justice. This judgment was not executed by the authorities.

231. On February 12, 2004, Mr. Peralta Armijos filed a complaint against the Director of the INP for breach of legal duty for noncompliance with the court decisions of May 19, 2003, and October 13, 2003, ordering that the appointment be set aside, which was dismissed, as the events reported were not considered a criminal offense.

232. On March 11, 2004, Mr. Peralta Armijos petitioned for a writ of habeas data to obtain a certified copy of the tables assigning individual scores in the restructuring of the INP. Considering Mr. Peralta's statements against the Director of the National Fisheries Institute during this process, on December 7, 2004, INP Human Resources management launched an administrative inquiry into Mr. Peralta for making statements that violated the dignity of several INP employees, constituting misconduct under the Organic Civil Service and Administrative Career Law. On January 14, 2005, the Director General of the INP fired him. Mr. Peralta filed a series of motions extending to an appeal. Specifically, he filed a subjective or full jurisdiction appeal with District Court No. 2 for Contentious Administrative Matters, which on February 21, 2007, ruled that his firing had been unlawful and ordered his reinstatement. It indicated, however, that payment of the remuneration requested due to the unlawfulness of his firing was not warranted.

233. In Admissibility and Merits Report No. 177/20, the Commission concluded that the State had failed to comply with the firm decisions issued on May 19, 2003, by the Supreme Court of Justice and October 13, 2003, by the Tenth Civil Court of Guayaquil, constituting a violation of the right to effective judicial protection and compliance with domestic rulings.

234. The Commission further noted that, following the decision to remove him from his position at the INP, Mr. Peralta Armijos filed a petition with District Court 2 for Contentious Administrative Matters, which determined the unlawfulness of his firing and ordered his reinstatement; however, the Court indicated that payment of the remuneration that he had not received because of his unlawful firing was not warranted. The Commission therefore found that an effective judicial remedy should be capable of providing adequate compensation and that this compensation in cases of firing without just cause at a minimum call for payment of an amount to cover the wages and social benefits not received. It therefore concluded that Mr. Peralta Armijos did not have an effective judicial remedy to obtain compensation for his unjustified firing.

235. Based on these considerations of fact and law, the Commission concluded that the State of Ecuador had violated the rights enshrined in Articles 25.1 and 25.2 c) of the American Convention on Human Rights in connection with the obligations established in Article 1.1 of that instrument, to the detriment of Félix Peralta Armijos.

- **Ernestina Ascensio Rosario and Julia Marcela Suárez Cabrera v. Mexico**

236. This case is about the international responsibility of the Mexican State for the rape of Ernestina Ascensio Rosario by army personnel in February 2007 and her subsequent death due to lack of timely medical attention, as well as the impunity surrounding these acts.

237. Ernestina Ascensio Rosario was a poor, 73-year-old monolingual Náhuatl woman living in the community of Tetlalzinga in the municipality of Soledad Atzompa, in the Sierra Zongolica mountains in the state of Veracruz, Mexico. On February 24, 2007, the García operations base of the Army's 63rd Infantry Battalion set up camp for the first time in the community of Tetlalzinga.

238. On February 25, 2007, Martha Inés Ascensio, Mrs. Ernestina's daughter, found her sprawled on the ground roughly 300 meters from the García operations base of the Army's 63rd Infantry Battalion, in

very serious physical condition, with her face planted on the ground, her skirt lifted, and her shawl tied. Members of her family rushed to seek medical attention for her, but it took them some 10 hours to find a health service that could handle the seriousness of her injuries. Mrs. Ernestina managed to tell them, in Náhuatl, that soldiers had tied raped her, tied her up, and covered her mouth. Ms. Ernestina was finally examined in the Río Blanco regional hospital where it was found she needed surgery; however, she died on February 26, 2007, before she could receive adequate medical care. The medical centers they went to did not have Indigenous language interpreters.

239. That same day, the Public Ministry's agency of the Attorney General's Office (PGI) of the state of Veracruz specializing in sex crimes opened investigation 140/2007/AE for acts allegedly constituting the aggravated rape of Mrs. Ascencio Rosario. As part of this process, an autopsy was performed that concluded she had died of head trauma and cervical fracture and luxation. It also found that she had recent vaginal and anal tears produced by an assault and confirmed the existence of semen, which was sent to the laboratory. On February 27, the National Human Rights Commission (CNDH) filed official complaint 2007/901/2/Q related to the case for the alleged violation of her sexual freedom and deprivation of life by the Mexican army. On March 9, 2007, Mrs. Ernestina's body was exhumed.

240. During this investigation, different authorities issued public statements anticipating the conclusions about the events, even though there were no results. On March 29, 2007, the CNDH issued a press release reporting irregularities on the part of the officials in the Veracruz PGI who were in charge of the investigations. On April 30, 2007, two months after the events, the Veracruz PGI, headed by prosecutor Juan Alatríste, ordered those criminal charges not be filed in investigation 140/2007/AE, having concluded that the corporeality of the aggravated rape and murder of Mrs. Ascencio Rosario had not been proven.

241. Parallel to the ministerial investigation, an investigation was launched in the military court in which different efforts were made to determine responsibilities of the personnel deployed to the area. The Office of Military Justice archived the investigation on June 27, 2007. It also participated in the visual inspection and exhumation of Mrs. Ascencio's body conducted as part of the ministerial investigation.

242. On February 9, 2009, exercising her right to public information, attorney Julia Suárez requested information about the case from the Veracruz PGJ. However, after availing herself of several legal mechanisms to obtain access to the information, and with it, reveal the true story about the events, she was given access only to the public version of the ministerial finding.

243. In Merits Report No. 400/21, the Commission found that Mrs. Ascencio Rosario was the victim of rape by members of the Mexican armed forces, constituting torture. Specifically, the Commission noted that the rape involved intentional abuse, resulting in intense physical and mental suffering, and that the situation was especially serious, given the multiple assailants, the advanced age of the victim, and the fact that state actors were involved. Moreover, it found that the goal or purpose was to harm the victim in an intimate aspect such as her sexuality and privacy. The Commission therefore concluded that the Mexican State had violated the right to physical integrity, honor and dignity, and the right of women to live free from violence to the detriment of Ernestina Ascencio Rosario – all this, in noncompliance with the obligations deriving from Articles 5 and 11 of the American Convention in connection with Article 1.1 of that same instrument. Moreover, given the rape and torture of Ernestina Ascencio Rosario, the Mexican State had violated Article 7 of the Convention of Belém Do Pará and Articles 1, 6, and 8 of the UNCAT.

244. The Commission further found that the State had failed to provide adequate medical care for Mrs. Ascencio Rosario prior to her death, making it responsible for the violation of her right to health and life; in particular, it noted that the lack of interpreters in the health services in an area with an indigenous presence also affected access to services without discrimination. It therefore found that the State had violated the rights enshrined in Articles 4 and 26 of the American Convention in connection with Article 1.1 of that instrument.

245. With regard to ministerial investigation 140/2007/AE, the Commission explored whether it had respected the right to a fair trial and judicial protection. First, it determined that the statements of senior

authorities, as well as an investigation biased by stereotypes, prevented an impartial investigation of the events surrounding the death of Ernestina Ascencio. It further noted that the prosecutor had not conducted a diligent investigation and quickly fragmented the body of evidence, limiting the scope of each and every means of proving that a crime had been committed against the victim, without having analyzed and taken the necessary steps to determine what had happened. On top of this, it pointed out that the family had had no opportunity to adequately participate in the investigation.

246. As a result, the Commission concluded that the ministerial decision not to file criminal charges was not the result of a diligent, impartial, much less enhanced, investigation that was the obligation of the Mexican State, bearing in mind that the victim was a woman, Indigenous, and elderly. The Commission found that the ministerial action reveals that there was no intention to conduct a serious, impartial, and effective investigation aimed at finding the truth about the events. Given these circumstances, the Commission concluded that the Mexican State is responsible for the violation of the right to a fair trial and judicial protection, as well as the principle of equality and nondiscrimination, and that since the State did not diligently investigate the sexual violence and torture of victim Ernestina Ascencio, the State violated Articles 7 of the Convention of Belém do Pará and Articles 1, 6, and 8 of the UNCAT.

247. With regard to Julia Marcela Suárez's request for a simple copy of the findings of the ministerial investigation and various reports, the Commission found the refusal to give her full access to all the opinions requested to be unjustified, thus finding that the Mexican State had violated, to the detriment of Julia Marcela Suárez Cabrera and society, the right of access to information enshrined in Article 13.1 of the American Convention in connection with Article 1.1 of that instrument.

248. Finally, the Commission found that the loss of a loved one a context such as the one described in this case, as well as the lack of a full, impartial, and effective investigation, caused her immediate family great suffering, which in itself constitutes an assault on their mental and moral integrity, not to mention the restrictions imposed on the family's ability to participate and file motions in the investigation, causing it to conclude that the State had violated the right to mental and moral integrity enshrined in Article 5.1 of the American Convention in connection with the obligations established in Article 1.1 of that instrument, to the detriment of the family.

249. Based on these findings, the Commission concluded that the Mexican State is responsible for the violation of the right to life, health, physical integrity, honor and dignity, a fair trial, judicial protection, and equality and nondiscrimination enshrined in Articles 4, 5, 8, 11, 24, 25.1, and 26 of the American Convention in connection with the obligations established in Article 1.1 of that same instrument, as well as the duty to prevent and punish violence against women established in Articles 7 of the Convention of Belém do Pará and the duty to prevent and punish torture, established in Articles 1, 6, and 8 of the UNCAT, to the detriment of Ernestina Ascencio Rosario. Furthermore, it concluded that the Mexican State is responsible for the violation of the right of access to public information, established in Article 13 of the American Convention, to the detriment of Julia Marcela Suárez Cabrera; as well as violation of the right of the members of Ernestina Ascencio Rosario's family to physical integrity.

- **Max Cley Mendes, Marciley Roseval Melo Mendes, and Luís Fábio Coutinho da Silva (Chacina do Tapanã) v. Brazil**

250. This case is about the international responsibility of the Brazilian State for the assault and extrajudicial killing of teenagers Max Cley Mendes, Marciley Roseval Melo Mendes, and Luís Fábio Coutinho da Silva, as well as the subsequent impunity surrounding the events.

251. On December 13, 1994, teenagers Max Cley Mendes, Marciley Roseval Melo Mendes, and Luís Fábio Coutinho da Silva were killed during an operation by the military police in the Tapanã neighborhood of Belém, capital of the state of Pará. The petitioner alleged that the deaths occurred during an operation to arrest them for the murder of a corporal in the military police and were recorded as the result of "resistance." Prior to their murder, the teenagers were threatened and assaulted by the police.

252. On December 19, 1994, the military police launched an investigation into the events, which concluded on March 3, 1995, with transmittal of the file to the Commander General of the Military Police, since the events showed evidence of crimes committed by military personnel. The Commander General certified the conclusion of the investigation and sent the documentation to the judge advocate of the State on March 15, 1995. Since the events involved responsibility for intentional crimes against life committed by military personnel, the prosecutor invoked Law 9.299/1996, which provided that in cases of intentional crimes against the life of a civilian, military justice would transmit the documentation to the ordinary courts. On November 12, 1996, the military judge was declared to lack jurisdiction and on December 2, 1996, the documentation was transmitted to the judge of the Icoaraci District Court.

253. On December 18, 1996, the Prosecutor's Office indicted 21 members of the military police for their participation in the operation that resulted in the death of the three teenagers. On September 3, 1997, the prosecutor in charge submitted an amendment to the charges, excluding four of the accused. In August 2018, all the defendants were acquitted by a jury of citizens for lack of sufficient evidence in the case. The Public Ministry did not appeal the acquittals, and the matter was deemed *res judicata* on November 30, 2018, and the records of the proceedings were archived that same day.

254. In its Admissibility and Merits Report, the Commission determined that the State is responsible for the violation of the victims' right to life and physical integrity. Specifically, the Commission did not substantiate that the operation had been carried out in a manner consistent with a standard regulating the use of force, or that the participants had been given any guidelines or instructions prior to launching the operation. The Commission further noted that the assaults and murders had occurred in a context marked by the State's permissiveness toward abuses by police officers. The Commission noted in particular that many cases of police violence at the time of the events were neither investigated nor resulted in punishment. Specifically, the Commission found that the term "acts of resistance" encouraged impunity for this type of case, since the deaths that occurred were described as deaths resulting from "resistance" by the individuals who were injured or died as a result of the use of force. The Commission further found that the State did not substantiate that the use of force met the requirements of absolute necessity and noted inconsistencies in the transcripts of the statements made by the police, as well as contradictions between the versions from the police investigation and the documentation of resistance. The Commission also pointed out that the police had not adhered to the criterion of differentiated and gradual use of deadly force; thus, there was no proportionality. In addition, it found that the circumstances surrounding the victims' deaths involved aspects of torture. Specifically, the Commission noted that before losing their lives, the victims had been threatened and severely beaten by the police, causing them mental and physical suffering intentionally inflicted by the police.

255. The Commission further noted that, since teenagers were involved, the State had a special duty to protect, enhanced by the fact that they were living in a context of insecurity and violence that made them more vulnerable to violations of the right to life and integrity. The Commission therefore concluded that the State had violated the rights of children and adolescents.

256. In its report, the Commission also found that the State is responsible for the violation of the right to a fair trial and judicial protection. With regard to the investigation of the events, the Commission noted first, that the deaths had been recorded as "resistance," a term applied in cases of resistance to an arrest warrant issued by the police. The Commission found that use of this term was not clearly regulated and was limited to noting resistance by the person that was to be arrested, authorizing the use of "necessary measures," and encouraging impunity in cases of killings by police during arrests. Second, the Commission observed that in the first two years, the investigation into the teenagers' deaths was conducted by the military court, even though it lacks the independence and impartiality to hear cases of human rights violations and the events surrounding the victims' arrest and subsequent death involving members of the military police bear no relation to military discipline. The Commission further observed that the regulations in force at the time of the events stated that for the military courts to refer the investigation of a crime against life committed against a civilian to the ordinary courts, an intentional crime must be involved, a requirement contrary to inter-American standards. Moreover, the person who determined whether the case should be referred to the ordinary courts was the military officer himself, who is not the natural judge.

257. Concerning the investigation in the ordinary court, the Commission noted that the failures in management of the crime scene were not considered, including the fact that not even minimal efforts were made to preserve the scene. It further noted that potential lines of investigation had not been explored and that, despite the inconsistencies in the defendants' statements, they were given greater credence than the witness statements that provided details on how the teenagers were arrested, assaulted, and killed. The Commission observed that the greater evidentiary weight given to the statements by the police heavily influenced the fact that the killings were described as the result of resistance.

258. The Commission found that the use of this description to transfer the responsibility from the police officer to the victim and that the investigation by a court lacking independence and impartiality both had an impact, leading to a lack of due diligence and effectiveness in the investigation by the ordinary court. The Commission observed, moreover, that the legal process did not result in criminal sanctions and concluded almost 24 years after the events. The Commission therefore found that the complexity of the events investigated did not justify the unreasonable delay and noted, moreover, that the legal process was marked by lapses in which there was no procedural activity.

259. Finally, the Commission found that the State had violated the physical integrity of the families, given the violent loss of their loved ones and the impunity stemming from the judicial proceedings.

260. Based on these findings, the Commission found that the State is responsible for the violation of the rights protected in Articles 4.1 (life), 5.1, 5.2 (physical integrity), 8.1 (fair trial), 19 (rights of the child), and 25.1 (judicial protection) of the American Convention in connection with Articles 1.1 and 2 of that instrument, as well as noncompliance with the obligations established in Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of the persons indicated in the Merits Report.

- **Cesar Bravo Garvich et al. (Employees Terminated by Empresa Nacional de Puertos S.A.) v. Peru**

261. This case is about the international responsibility of the Peruvian State for the irregular termination of César Bravo Garvich, Ernesto Yovera Álvarez, and Gloria Cahua Ríos from their jobs at Empresa Nacional de Puertos S.A. (ENAPU) in the context of mass lay-offs in the 1990s.

262. In November 1992, Decree Law No. 25582 was published. ENAPU was covered in this legislation as part of the promotion of private investment under Legislative Decree No. 674. This process involved measures for rationalizing staff through the approval and implementation of voluntary staff separation programs, with or without incentives. On January 22, 1996, Directive No. 001-96 ENAPUSA/GRRHH, regulating the Staff Rationalization Program, was approved, stating that ENAPU S.A. would terminate any invited employees who decided not to avail themselves of the voluntary separation program under the procedure established in Article 7, section a) of Decree Law 26120.

263. On January 23, 1996, ENAPU distributed a notice to its staff, including the three victims in this case, that was similar in content to the aforementioned directive, and on January 27, 1996 a notice was published in a newspaper stating that employees invited to resign had five days to do so, after which "action would be taken with the Ministry of Labor to terminate the employment relationship under the law." Gloria Cahua Ríos, César Bravo Garvich, and Ernesto Yovera Álvarez received letters inviting them to dissolve their employment relationship and decided not to avail themselves of the voluntary separation program, resulting in their termination in February 1996.

264. On January 31, 1996, the Fentenapu Federation petitioned for a writ of amparo against ENAPU with the Civil Court of Callao, requesting that the regulations allowing the unconstitutional termination of existing employment contracts with the workers not be applied. It also requested the reinstatement of the individuals who would eventually be laid off in case this threat of violation materialized. On December 6, 1996, the First Civil Court of Callao issued its judgment declaring the petition for a writ of amparo groundless. The

Court held that ENAPU “did not incur a violation or threat of violation of the plaintiff’s constitutional right by implementing the staff rationalization program, and if it had not done so, it what it would have been incurring was noncompliance with the law.” The Federation then filed an appeal, and on March 18, 1997, the Civil Chamber of the Superior Court of Callao upheld the judgment of the First Civil Court of Callao, declaring the petition for the writ of amparo groundless.

265. The Federation filed a special appeal, and on March 3, 1998, the Constitutional Court upheld the ruling of the Civil Chamber and declared the petition for the writ of amparo groundless. The Constitutional Court held that “the respondent, in strict compliance with the procedure established in the (...) legal regulations, issued Directive No. 001-96-ENAPUSA/GRRHH (...) stipulating the guidelines for application of the aforementioned voluntary separation program; thus, it cannot be inferred that it had the alleged intention of threatening or menacing the constitutional rights of the individuals represented by the complainant.”

266. With the installation of the transitional government in 2000, laws were passed, and administrative regulations issued calling for a review of the mass lay-offs, with a view to offering terminated public sector employees the possibility of reclaiming their rights. The creation of Special Review Committees resulted in a finding of arbitrariness in the terminations of thousands of people. In fact, the Ministry of Labor published lists of former public sector employees who were irregularly terminated based on Law No. 27803. Gloria Cahua Ríos, César Bravo Garvich, and Ernesto Yovera Álvarez were on the Second List, whose resolution stated that former employees who were on the list had five business days, beginning March 31, 2003, to opt for any of the benefits regulated in Article 3 of Law No. 27803. According to the parties, between August 2003 and August 2004, Gloria Cahua Ríos, César Bravo Garvich, and Ernesto Yovera Álvarez were hired by ENAPU through a new labor contract.

267. In Merits Report No. 397/20, the Commission examined whether after their termination, the victims had an opportunity to obtain an adequate and effective judicial remedy to contest their termination under the standards of the American Convention. The Commission observed that it had already had an opportunity to issue an opinion on this situation in Merits Report No. 14/15, approved on March 23, 2015, which, given noncompliance with the Commission’s recommendations, the matter was referred to the Inter-American Court. Furthermore, with the realization of the respective process, the Inter-American Court handed down its judgment in *Dismissed Employees of Petroperú et al.* of November 23, 2017.

268. Under the principle of procedural economy and since it was a general issue already resolved by both organs of the Inter-American system, the Commission determined the international responsibility of the State of Peru, referring to the analysis of law and the Articles applied in Merits Report No. 14/15 and the aforementioned judgment of the Court, whereunder “the petitions for a writ of amparo filed by Enapu’s employees [...] with this Court are framed within the context of the independence and impartiality of the Constitutional Court [...], and therefore, the remedy sought by the Enapu employees [...] from that Court did not constitute an effective judicial remedy under the terms of the Convention.” It therefore concluded that the State is responsible for the violation of Articles 8 and 25.1, to the detriment of César Bravo Garvich, Ernesto Yovera Álvarez, and Gloria Cahua Ríos.

269. Finally, the Commission examined whether the State had adopted measures to guarantee adequate protection of the right to work, given the decision to undertake mass lay-offs, as well as whether the victims had had adequate mechanisms to file a complaint about the violation of this right. In this regard, it noted that mass lay-offs are associated with harm to a large number of workers of the same employer, making it necessary to ensure workers’ basic guarantees for the protection of their right to work in these contexts.

270. Concerning this point, the Commission observed that the Peruvian State had recognized the existence of potential irregularities in the procedures for implementing the mass termination decisions adopted in the context of this case, such that it even took domestic steps to protect these labor rights. In its Report, the Commission established that none of these subsequent state measures had been applied to the situation of the alleged victims in this case. The Commission therefore recognized the existence of deficiencies in the mass employee termination procedures, in violation of the alleged victims’ right to work, as well as their

subsequent lack of judicial protection. The violation of the right to work was previously examined by the Honorable Court in the case of *Dismissed Employees of Petroperu et al. v. Peru*.

271. With this in mind, the Commission found that the victims' lack of access to an effective judicial remedy was also a violation of the right to work, as access to justice and effective judicial protection are essential components of that right. Thus, it concluded that the State is responsible for the violation of Article 26 of the American Convention in connection with Article 1.1 of that instrument.

272. Based on the aforementioned considerations, the Commission concluded that the State is responsible for the violation of the rights enshrined in Articles 8 (fair trial), 25 (judicial protection), and 26 (right to work) of the American Convention in connection with the obligations established in Articles 1.1 (obligation to respect rights) of that instrument, to the detriment of Ernesto Yovera Álvarez, Gloria Cahua Ríos, and César Bravo Garvich.

- **Campesino Movements of Aguán v. Honduras**

273. This case is about the international responsibility of the State for various violations of the rights contained in the American Convention, to the detriment of members of the Movimiento Unificado Campesino del Aguán (United Campesino Movement of Aguán) (MUCA), Movimiento Campesino Recuperación Aguán (Campesino Movement for the Recovery of Aguán) (MOCRA), Movimiento Auténtico Reivindicatorio Campesino del Aguán (Authentic Campesino Claimant Movement of Aguán) (MARCA), Movimiento Campesino Refundación Gregorio Chávez (Gregorio Chávez Campesino Refounding Movement) (MCRGC) et al.

274. The victims in this case are members of campesino populations in the Bajo Aguán region of Honduras, who have faced violence and uncertainty in regard to their property and homes as a result of problems related to land ownership.

275. The first Agrarian Reform Act of 1962 in Honduras granted around 23,365 hectares to 84 cooperatives in the Bajo Aguán region. However, following passage of the Agricultural Sector Modernization and Development Act in 1992, different actors in the business sector purchased much of the land granted to the campesinos by the agrarian reform. These sales occurred under irregular conditions, characterized by deceit, harassment, and threats.

276. As a result, in 2001, the members and families of the affected cooperatives formed MUCA, with the object of recovering and reclaiming farms that had been sold in the region. This campesino organization branched out and allied itself with multiple groups, such as MARCA, MCA, MCR, MOCRA, MCRGC, and MCRNA.

277. Between 2006 and 2010, the victims filed three petitions with the region's courts for nullity of the public instruments for the sale of the La Trinidad, El Despertar, and San Isidro farms, alleging irregularities in the sales agreements. The competent courts ruled that there were grounds for the petitions in two of them; however, due to motions filed by the respondent in the judgment execution stage, the registry cancellation orders were rescinded in 2013 and, with that, the complaint of contractual irregularities in the sale of the lands alleged by the campesinos was diluted among the subsequent procedural issues. Moreover, concerning the third petition, while a precautionary embargo had been ordered, there was no information about whether the process had concluded. Consequently, the victims did not have a decision by the courts regarding the legitimacy and legality of the contested sales.

278. The claims filed on land ownership and the aforementioned motions have resulted in an elevated level of violence, putting the people of the region, mainly campesinos and those who support or defend their rights, at high risk. These years have seen an alarming number of deaths, threats, harassment, intimidation, and even disappearances of campesinos defending their territories. As a result, security in the Aguán region has been entrusted to the military authorities, who have conducted a series of military operations in the area, including Operation Thunder, Operation Take Down, and the Xatruch II and III operations.

Furthermore, businesses in the area have hired private security guards, who constantly assault and besiege the campesino population or participate in joint assaults with State security forces.

279. With the object of providing a comprehensive response to this situation, Honduras's National Congress issues decree 161-2011 authorizing a sovereign guarantee for buy-backs of the lands belonging to the La Aurora, La Confianza, Isla I, Isla II, Marañones, La Concepción, and La Lempira farms, which resulted in their acquisition. However, this guarantee could not be covered by the campesino organizations; thus, despite the agreements reached, the organizations could not repay the debt. In the face of the claims related to the land and the lack of certainty about property rights, action was taking by some of the campesino organizations to recover the land, resulting in continued confrontations with private security guards, as well as acts of violence, during which a series of violent evictions occurred.

280. Furthermore, even though the State has taken some steps to investigate deaths and assaults in the area, such as the creation of the Bajo Aguán Violent Deaths Unit (UMVIBA), there has been no effective response to investigate the events reported, with the unit reporting that as of 2017, at least 112 people died by violence during the agrarian conflict.

281. In Admissibility and Merits Report No. 143/21, the Commission found the State of Honduras responsible for the violation of the right to life and integrity of the victims who lost their lives as a result of this conflict. Specifically, it noted that the State has been aware of the risk in the Bajo Aguán region since at least 2010 through the precautionary measure granted by the Commission itself, as the area has been under military and police control. Within this context, the Commission found that while it did not have information to determine that the deaths were the product of direct action by the State, the number of murders and degree of violence over nearly a 10-year period would not have occurred had the State taken effective action. This not only constituted an omission of the obligation to guarantee the victims' rights, but, given the lack of an effective response for years, it has become acquiescence to or at least tolerance of such acts. The Commission therefore found the State of Honduras responsible for the violation of the right to life, to the detriment of the victims identified in its report, whose murder was the result of the aforementioned problem. The Commission further concluded that the right to personal liberty and physical integrity of the people kidnapped or assaulted was violated, as was the right to freedom of expression, due to the murder of a journalist in this context.

282. The Commission also found that the State had violated the right to physical integrity and the prohibition of torture with regard to Carlos Alberto Hernández, who, according to the petitioner, was initially kidnapped by authorities involved in the Xatruch II operation, who beat, threatened, and tied him to a moving truck and then took him to the Sonaguera police station, where he was beaten and sprayed with a hose all night.

283. With regard to the right to personal liberty, the Commission found that a number of people who were members of or associated with the campesino movements had been arrested during protests and evictions and at night after accusing those same authorities and police officers of being responsible for encouraging violence in the agrarian conflict of Bajo Aguán. Thus, the Commission noted that on January 27, 2010, three campesinos were arrested during their eviction from the La Suyapa farm. Furthermore, in 2011, Carlos Alberto Hernández was arrested by participants in the Xatruch II operation, and 13 people from the MCR were arrested during an eviction in the town of Rigos. In addition, in 2012, 34 people were arrested during the eviction conducted by the police and members of the Army's 15th Battalion at the Los Laureles farm, and 25 campesinos were arrested while protesting in front of the Supreme Court of Justice. Furthermore, on August 28, 2017, the police and army carried out an eviction on seven farms in the Aguán region, during which various individuals were arrested. The Commission also noted that the authorities arrested a number of campesino leaders and that these actions were designed to unduly repress people for their demonstration of support for and/or links to the campesino movements. The Commission found that the State had not complied with its obligation to provide information demonstrating that these arrests complied with domestic law and were not arbitrary; thus, they constituted a violation of the right to personal liberty.

284. Concerning the aforementioned events involving the deprivation of life and violation of integrity and personal liberty, the Commission found that while the State had reported on 13 judgments and

31 new cases, it failed to substantiate that the investigations had been conducted diligently and in a reasonable time for the pursuit, capture, trial, and eventual punishment of all the perpetrators, so that the harm to the members of the campesino communities of Bajo Aguán could be fully ascertained. The Commission therefore determined that the State had violated the right to a fair trial and judicial protection. It also found that the lack of a response constituted a violation of the right of the victims' families to physical integrity.

285. In addition, the Commission found that several evictions had been conducted with the support of the Armed Forces and the police in which force was used to remove the victims from lands where they claimed to have their homes. The Commission noted that several of the recovery actions taken by the communities occurred due to the delay in providing an effective response, even though the State had long been aware of the problem.

286. The Commission reviewed the State's response to the nullification of sales along with other State initiatives, such as the guarantee of "buy-backs" of the lands belonging to the farms. In its report, the Commission determined that, to sum it up, the victims did not have an effective remedy that would permit a review of their claims of irregularities in the sale of the farms, nor a solution to the land tenure problems they had been experiencing for years, since they had been subject to violent evictions and the destruction and theft of their belongings and means of subsistence. Consequently, the Commission found that the State had violated the victims' right to physical integrity, as well as their right to a fair trial and judicial protection in relation to their right to property and a home. Moreover, since their property was destroyed during the evictions described in this section, the Commission concluded that the State had violated the right to property, to their detriment.

287. Finally, the Commission concluded that taken together, the acts of violence, murders, and harassment of people in Bajo Aguán have constituted reprisals and intimidation designed to discourage peaceful activities in defense of the human rights of the campesinos living in the area. Given these circumstances, the Commission concluded that the Honduran State is responsible for the violation of the right to physical integrity, freedom of expression, and freedom of association, to the detriment of the members of the campesino movements.

288. In brief, the Commission concluded that the Honduran State is responsible for the violation of the right to life (Article 4), physical integrity (Article 5), personal liberty (Article 7), freedom of expression (Article 13), freedom of association (Article 16) and private property (Article 21) in connection with the obligations established in Article 1.1 of the American Convention. The IACHR further found that the State is responsible for the violation of the right to a fair trial (Article 8.1) and judicial protection (Article 25) under Articles 21, 26, and 1.1 of the American Convention in connection with the obligations established in its articles 1.1 and 2, to the detriment of the campesino communities of the Aguán region.

- **Georgina Gamboa García and Family v. Peru**

289. This case is about the international responsibility of the Republic of Peru for the arrest, torture, and rape of Georgina Gamboa García, a Quechua woman, at the age of 17 by the Peruvian police in 1980 and the lack of due diligence in the investigation and punishment of the acts.

290. The events in this case occurred as part of the widespread systematic torture and sexual violence against women during the armed conflict in Peru, specifically in the Department of Ayacucho.

291. On December 24, 1980, an unidentified group of individuals allegedly members of Sendero Luminoso assaulted the San Agustín de Ayzarca estate in the district of Vilcashuamán and murdered its owner, sparking a series of police actions with the help of personnel from the 48-CGC, or "Sinchis," in the Vilcashuamán, Vischongo, and neighboring districts. In this scenario, on December 25, 1980, state authorities asked area residents to come to the Vilcashuamán police station to give testimony about the events that had occurred at the Ayzarca estate.

292. That day, Georgina Gamboa García, a Quechua woman who was 17 years old at the time, together with her mother and 8-month-old brother went to the police station and were detained, with the civil guards indicating that they would remain there until her father arrived. Her father arrived at the police station on December 28, 1980, and Ms. Gamboa García was released. However, on January 17, 1981, seven members of the civil guard burst into her home, pulled her out by the hair, beat her in front of her seven younger brothers and sisters, and proceeded to arrest her. The night of her arrest, she was taken to a dungeon and there, seven police officers repeatedly tortured and raped her. Two of her assailants threatened to kill her siblings if she reported the sexual abuse she had experienced.

293. On February 2, 1981, Ms. Gamboa García, through her defense attorney, petitioned to be transferred to the Juvenile Court, since she was 17 years old, which required a forensic medical examination to determine her age. The expert medical report of February 11, 1981, certified that the victim exhibited signs of external injuries and an age of 17. The medical report of February 16, 1981, stated that she “had deflowering of the hymen with rupture of the hymen up to its base.”

294. Ms. Gamboa García repeatedly reported to different authorities that she had been gang-raped and said that she was pregnant as a result of the rape. Her daughter, Rebeca Ruth Gamboa, was born on October 19, 1981.

295. As a result of the acts reported, an investigation was launched that was provisionally archived by the Public Ministry on January 6, 1982, arguing that while the crime had been proven, it had been unable to identify the perpetrators. That decision was upheld by the Huamanga Ayacucho Court on January 11, 1982. On March 16, 1983, after ordering an extension of the deadline for a new investigation, the Provincial Investigating Judge requested the Superior Chamber of the Court to expand the case of the aggravated rape of Georgina Gamboa and consider the perpetrators to be the Civil Guard personnel who had participated in her arrest. On December 10, 1985, the Seventh Correctional Court of Lima handed down a judgment acquitting the officers of rape. In its decision, the Court stated that “accusations against police officers, as in this rape and physical abuse case, are nothing more than the well-known reaction of violence against order, of crime versus the law, aimed at undermining the validity of the numerous evidence of responsibility found in these areas.”

296. On November 7, 2005, Ms. Gamboa García filed an appeal with the criminal court against the members of the Civil Guard of Vilcas for crimes against personal liberty and sexual freedom. Based on this complaint, investigation N°146-2006 was opened in the First Supraprovincial Prosecutor’s Office of Ayacucho. On September 7, 2011, the Prosecutor’s Office decided to provisionally archive the investigation, arguing that the investigation’s analysis had been unable to determine the identity of the seven rapists.

297. In Merits Report No. 443/21, the Commission found that the violent beating, threats, confinement, and gang rape of Georgina Gamboa García at the hands of police officers was a serious violation of her right to physical integrity enshrined in Article 5.1 of the American Convention. It also found that the abuse of Georgina Gamboa García at the police stations in Vilcashuamán constituted acts of torture, in violation of the obligations contained in Articles 5.2 and 5.1 of the American Convention, the obligations established in Articles 1 and 6 of the Inter-American Convention to Prevent and Punish Torture, and Article 7 of the Convention of Belém do Pará. In addition, it determined that her gang rape violated essential values and aspects of her privacy, constituted a very serious intrusion into her sexual life, and nullified her right to freely make decisions about whom to have sex with, causing her to completely lose control over her most personal and intimate decisions and most basic bodily functions.

298. The Commission further noted that she was arrested twice, the first time when she and her mother voluntarily went to the police station on December 25, 1980, and the second on January 17, 1981, after the police raided her home. The Commission determined that these arrests did not occur in a situation where she was caught in the act of committing a crime, that the police authorities do not appear to have recorded the first one, and that in the second one, a notice by the Commandant’s Office of the Civil Guard of Vilcashuamán only appears in the file 9 days after the arrest, with no indication of the reasons for the arrest or even the time

it occurred. The Commission therefore found that the arrest was a violation of the right enshrined in Article 7.2 of the American Convention.

299. The Commission also stated that there was no evidence whatsoever to substantiate that on either of the two occasions, the alleged victim had been told why she was being arrested, much less that the charges had been explained in Quechua, the victim's language. The Commission therefore concluded that the State had failed to comply with the Convention's obligation to state the reasons for the arrest, as required by Article 7.4 of the American Convention.

300. The Commission further noted that the victim was an adolescent, for whom the State had an obligation to adopt special protection measures in her higher interests. However, 16 days went by without bringing her before a judge, exceeding the 48 hours from the time of the events stipulated in the constitution in force at the time; thus, she was not speedily brought before a judge who would monitor her detention, in violation of Article 7.5 of the American Convention. The Commission also found that, even though it was known that the victim was a child, she was not brought before the proper supervisory judge and continued to be deprived of liberty; thus, her detention was arbitrary. The Commission therefore concluded that there had been a violation of Articles 7.3 and 19 of the American Convention.

301. In addition, the Commission found that during the police operation, the officers violently raided the victim's home without considering her extreme vulnerability and that of her siblings and did not take special protective steps to keep them from harm. The Commission also noted that neither the victim nor her daughter received specialized medical or psychological care for the trauma stemming from the violent events. The Commission therefore observed that the absence of effective protection measures denotes that the State did not consider their special situation of vulnerability.

302. Because Georgina Gamboa and her daughter Rebeca Ruth were Indigenous females who had experienced extreme violence and triple historic discrimination based on their gender, extreme poverty, and ethnicity, the Commission determined that the Peruvian State had violated Article 19 of the American Convention.

303. As for the right to a fair trial, the Commission found that the first criminal trial in 1985 did not observe the victim's right to a fair trial. In particular, it noted that the investigation was archived as a result of the Public Ministry's failure to exercise due diligence. It also noted that the decision to acquit revictimized Georgina Gamboa, because it minimized the sexual violence perpetrated against her, and the Court's reasoning exposed gender and sociocultural stereotypes about Quechua communities in that Ayacuchan region. It further observed that the court did not order a thorough and detailed medical examination and psychological assessment of the victim by appropriately trained personnel. The Commission likewise found that the doctors who treated her failed to report the signs of torture and rape to any authority.

304. Concerning the second investigation, the Commission stated that no reason had been given for the decision to archive in 2011 and that impunity has continued to reign to this date. The Commission therefore concluded that the State had failed to conduct a proper, exhaustive, and impartial investigation without delay on the context of gender violence evidenced by the events; it had therefore failed to comply with the duty to exercise enhanced due diligence established in Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture, and the duty to investigate the sexual violence experienced by Georgina Gamboa García contained in Article 7 of the Convention of Belém do Pará.

305. Finally, the Commission found that the unlawful arrest of Ms. Gamboa García, as well as the acts of violence committed against her, directly affected her family, as her parents, siblings, and daughter experienced severe emotional harm and social stigmatization; hence, the State is responsible for the violation of her family's right to mental and moral integrity.

306. In brief, the Commission concluded that the State is responsible for the violation of the rights enshrined in Articles 5 (physical integrity), 7 (personal liberty), 8 (fair trial), 11 (privacy and family life), 19

(rights of the child), and 25 (judicial protection) of the American Convention in connection with Article 1.1 of that instrument, and moreover, that it is responsible for the violation of its obligations established in Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture, as well as Article 7 of the Convention of Belém Do Pará, to the detriment of Georgina Gamboa García. Furthermore, it violated Article 5.1, to the detriment of her family, due to the impact of the acts of torture and sexual violence she experienced and the current situation of impunity from the investigations.

- **Salango Community v. Ecuador**

307. This case is about the international responsibility of the Ecuadorian State for failure to protect the ancestral property of the Salango community during the sale of land by the community to a foreign entrepreneur.

308. The Salango community is an ancestral Indigenous People, descended from the Manta Wankavilka People, who possess land inherited from its ancestors in the south of Manabí. Given the lack of legal status recognizing its juridical personality as an Indigenous People, in 1979 it availed itself of the Commune Act, designed to recognize campesino communities, and was established as such. Since 1991, the State has legally recognized the Salango community as the owner of a territory consisting of 2,536 hectares.

309. In 2000, the Special General Assembly of the Salango community, attended by 94 members (less than 50% of the required quorum) decided to sell some of the community's land to a Swiss entrepreneur who had settled near the territories. On July 4, 2001, the aforementioned body requested authorization from the Ministry of Agriculture and Livestock to sell the communal lot. The Ministry therefore asked the State Attorney General whether the constitutional provisions governing the protection of Indigenous Peoples were applicable to the Salango commune. In August 2001, that authority responded that the provisions in question were not applicable, because it did not qualify as an Indigenous People but only a Montubio [coastal mestizo] community.

310. Subsequently, on September 17, 2001, the president of the Assembly requested authorization from the Ministry of Agriculture and Livestock to sell a new lot of land and pressured to proceed with the transaction for the initial lot. Given the delay in the response, on November 15, 2001, the Assembly's officers and the entrepreneur requested application of the concept of administrative silence to record the transaction. On December 17, 2001, the Thirty-sixth Notary of Quito Canton recorded the sales documents due to the administrative silence of ministry authorities. Days later, on December 31, 2002, the First Public Notary of Puerto López Canton made the sale of the aforementioned lands to the Swiss entrepreneur's real estate company part of the public record. That very day, however, the Property Registrar refused to record the deed, considering the divestitures invalid, as the communal lands were barred from sale and should not be transferred.

311. Due to the petitions filed, on April 30, 2002, the Ninth Civil Judge of Manabí ordered the deed recorded in the Property Register. Therefore, on May 3, 2002, the Property Registrar of Puerto López Canton registered the public deed of sale to the Tocuyo S.A company. The company's legal representative later requested the National Roadway Judge to record the roads on the property acquired as private roads, which it did on October 14, 2002.

312. Members of the community who refused to recognize the irregular decisions petitioned for a writ of amparo against the public deed of sale, alleging that their right to community property, habitat, and development as an Indigenous People had been violated. This petition was denied on May 12, 2010, by Manabí's Fifth Supervisory Judge of Criminal Guarantees, and on July 22, 2010, the Second Criminal Chamber of the Manabí Provincial Court of Justice upheld the denial of the petition.

313. In Admissibility and Merits Report No. 447/21, the Commission recapitulated the principal obligations of the States to guarantee the juridical personality and self-determination of Indigenous Peoples, as well as the right to communal ownership of their lands. The Commission found that the lack of adequate

regulations had forced the Salango community to initially register as a commune, even though it should have been protected by the constitutional provisions applicable to all Indigenous Peoples. It further observed that the Attorney General of the State had denied application of the guarantees enshrined in Articles 83 and 84 of the Ecuadorian Constitution, to the detriment of the Salango community, when determining that it did not qualify as an Indigenous People but merely as a Montubio people, a finding reached without a comprehensive review based on the subjective and objective criteria spelled out in Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples. That decision was then used as the courts' main argument in decisions allowing lands belonging to the Salango community to be recorded in the name of a third party.

314. The Commission also found that the First Public Notary of Puerto López Canton and the Ninth Civil Judge of Manabí had automatically applied the legal concept of administrative silence or affirmative ficta to make the Salango community's land available, without verifying that the sale had been made through the community's traditional decision-making processes.

315. The Commission therefore concluded that the failure to protect the community's lands violated Articles 3 and 21 of the American Convention and constituted unequal and unreasonable application of the legal framework in force, since the community should have been protected by the regulations applicable to Indigenous Peoples.

316. The Commission found, moreover, that the State should have ensured that the traditional methods for transferring land rights had been respected and also that the recording of the Salango community's territory in the name of a third party resulted in the privatization of ancestral roads that gave it access to the sea, preventing members of the community from fishing, harvesting shellfish, and diving, among other traditional activities, for their subsistence. The Commission found that this situation violated the cultural rights of the Salango community, along with their right to manage and preserve their lands, as in principle, the protection of nature is compatible with Indigenous Peoples' way of life and can be exercised by them. In this regard, the Commission determined that the rights enshrined in Articles 3, 21, 24, and 26 of the American Convention had been violated.

317. Finally, it found that there had been a violation of the right to judicial protection, as the State had the opportunity at several points to provide an appropriate response based on inter-American standards and to comply with its obligation to guarantee that right. However, in domestic proceedings, the courts described the Salango community's territorial claims as matters of "mere legality," leading the discussion down jurisdictional paths that were inappropriate for discussing the rights in conflict. Moreover, the authorities applied the concept of administrative silence without performing the required analysis for matters involving collective ownership – this, in violation of the rights contained in Articles 8 and 25 of the American Convention.

318. In brief, the Commission concluded that the State is responsible for the violation of Articles 3 (juridical personality), 8.1 (fair trial), 21 (collective ownership), 24 (equality before the law), 25 (judicial protection), and 26 (cultural rights) of the American Convention in connection with Article 1.1 of that instrument, to the detriment of the Salango community.

- **Julio García Romero and Family v. Ecuador**

319. This case is about the international responsibility of the State for the death of photojournalist Julio García Romero on April 19, 2005, while he was participating in a demonstration, as well as the lack of a diligent and effective investigation of the events.

320. The case unfolded in the context of institutional crisis and the excessive use of force in the quelling of protests in 2005.

321. Julio García Romero was a Chilean photojournalist who had emigrated to Ecuador in 1975 to escape the ruling dictatorship his native country at the time. In Ecuador, he worked with Indigenous and campesino communities and nongovernmental organizations. At the time of his death, he was working for the

Fondo Ecuatoriano Populorum Progressivo (Ecuadorian Progressive People's Fund) (FEPP) and a local news agency.

322. On April 19, 2005, a demonstration was held in Quito that Mr. García Romero attended as part of his job as a photojournalist, accompanied by his wife and daughters. The march began at the Pope's Cross at approximately 6:30 p.m. and made its way toward the Government Palace, located in the Plaza Grande. According to the report of the judicial inspector, when it reached La Alameda, the police brutally attacked the demonstrators, launching large quantities of tear gas. According to the report of Ecuador's Truth Commission, Mr. García Romero saw a number of children choking from the tear gas and called out the police for their repression. The police launched more canisters and while Mr. García Romero helped the children he continued taking pictures until he collapsed and died of asphyxiation. The autopsy report stated that the cause of death was "acute pulmonary edema, probable acute respiratory failure."

323. On June 6, 2005, Rosario del Pilar Parra Roldán, Mr. García Romero's companion, filed a criminal complaint regarding the journalist's death. The Attorney General of Ecuador, in turn, launched an official investigation when she learned of the events. On April 4, 2007, the new Attorney General notified the Presiding Judge of the Supreme Court of his decision to drop that inquiry and requested that it be archived, since, in his view, Mr. García Romero's death was not an unintentional homicide, since it had not been established that the accused had acted without foresight or precaution in quelling the public demonstrations. He also found that there was no evidence whatsoever relating the journalist's death to the inhalation of toxic gases. On October 11, 2007, the Presiding Judge of the Supreme Court of Justice acceded to the Attorney General's request and ordered the complaint archived.

324. In Merits Report No. 296/21, the Commission concluded that the State is responsible for the violation of the right to life, since Mr. García Romero's death was the result of the excessive use of force. The Commission found that the use of tear gas against the victim was unlawful, since it did not adhere to the international principles governing the use of force (legality, necessity, and proportionality). It further noted that the operation was not regulated, organized, and controlled with the object of protecting the demonstrators' rights and reducing insofar as possible any risk to their lives.

325. The Commission also found that the lack of a legal framework governing the actions of security forces during mass protests and when and how nonlethal weapons, especially tear gas, are to be used, violates the principal obligations regarding the use of force in its aspect of prevention and safety. It found that the State did not demonstrate that it had planned the strategy and its execution by the operatives with a view to protecting the demonstrators, since it indicated only that the security forces had a generic order to disperse the protest and keep it from advancing. The Commission found that the State is also responsible for the failure to ensure adequate reporting of the use of force.

326. Moreover, since the excessive use of force against Mr. García Romero occurred while the journalist was covering the demonstration and participating in a social protest against the current regime, the Commission concluded that the State had violated his right to freedom of thought and expression and his right to assembly. The Commission therefore found that the State did not identify a legal source that would justify the restriction of public demonstrations and that it had failed to demonstrate that, based on that standard, it had planned, designed, and executed an operational plan for the protest to prevent the use of force, or in the event it was inevitable, to minimize its adverse effects, especially from the use of tear gas and other less-lethal weapons.

327. The Commission also noted that the fact that the weapon employed was not a lethal weapon did not automatically absolve the State of its responsibility and that, while the use of tear gas may be justified if the circumstances of the demonstration so require – for example, if they turn violent against the security forces or third parties, this should be the object of a specific regulation. The Commission further indicated that the State did not demonstrate that the security forces had warned the demonstrators that tear gas would be used against them.

328. With regard to a fair trial and judicial protection, the Commission found that there had not been a criminal or administrative investigation to clear up the facts in dispute. The decision to dismiss the criminal complaint was based on a criterion that implied creating a situation of impunity for state actors to resort to nonlethal weapons in the context of public demonstrations. It also found that the adjudication of responsibility to the victim for having exercised his fundamental rights is based on a flawed interpretation of international human rights standards. Moreover, the State did not demonstrate that it had looked into potential responsibilities in the chain of command. In addition, the Commission noted that the investigation not only failed to yield any concrete results but was interrupted at an early procedural stage. It therefore concluded that the State had violated Articles 8.1 and 25.1, to the detriment of Mr. García Romero's family.

329. Finally, the Commission concluded that the State is responsible for the violation of the right of Mr. García Romero's family to mental and moral integrity due to his death and the subsequent actions and omissions of the authorities with regard to these events. Specifically, the Commission found that the victim's female relatives – in particular, those who became the head of household due to the death of their loved one – have specific needs of a distinct nature, especially financial, psychological, and legal needs that the State should also meet. Thus, the Commission found that the loss of their loved one, as well as the absence of truth and justice, caused his family pain and suffering.

330. Based on these findings, the Commission concluded that the State is responsible for the violation of the rights enshrined in Articles 4 (life), 5.1 (physical integrity), 8.1 (fair trial), 13 (freedom of expression), 15 (assembly), and 25.1 (judicial protection) of the American Convention on Human Rights in connection with the obligations established in Articles 1.1 and 2.

- **Paulina Ramirez Mejía et al. v. Peru**

331. This case is about the international responsibility of the Republic of Peru for the death of five people and the wounding of 22 others by police officers in February 1992.

332. On February 3, 1992, the campesino patrol of the Challhuayaco community in the Department of Ancash arrested Román Gonzáles Leyva and accused him of rustling, or the theft of livestock. Four days later, following a complaint by Mr. Gonzalez's family, police officers entered the community and took him away. Under Law No. 24571, in force at the time of the events, campesino patrols were recognized "as organizations dedicated to the service of the community that contribute to social tranquility, without partisan political ends (...). Their objectives also include the defense of their land, the care of their livestock and other property, cooperating with authorities in the elimination of any crime."

333. On February 8, 1992, several people from the community, including members of the campesino patrols, went to the police station in the town of Chavón, where they found Mr. González. According to the petitioners, the purpose of their request was to have him judged according to the practices of the campesino patrols. However, given the community president's refusal of the invitation by the police to enter the station for a conversation, the police launched tear gas cannisters and fired at the people present. The State, in turn, indicated that several of the people who had gone to the station were carrying "staves and blunt instruments," and some members of the community wrested the gun from a police officer, resulting in the order to use tear gas "to disperse the people from the community." Notwithstanding, there is no dispute that the result of the use of state force resulted in the death of 5 people and the wounding of at least 22 others.

334. On March 3, 1992, the Huari Joint Provincial Prosecutor's Office filed a complaint against six police officers for the events of February 8, a case that was referred to the military police courts. On December 3, 2002, the Superior Council of Justice of Peru's National Police closed the case, deeming that the events had occurred as a consequence of lawful police action. This decision was upheld by the Acting Auditor General of the Supreme Council of Military Justice on March 4, 2003. On April 7 of that year, the Supreme Council of Military Justice issued a judgment upholding the Superior Council's decision, and on August 1, 2003, ordered the case archived.

335. In Admissibility and Merits Report No. 170/21, having declared the case admissible, the Commission explored whether the death of the 5 people and the wounding of at least 22 others were a consequence of the excessive use of deadly force by the police or the result of the legitimate use of force to repel an assault.

336. The Commission observed that the explanation provided by the State was based essentially on the conclusions of the military police court, which does not meet the requirements of independence and impartiality called for by the American Convention to shed light on and impose punishment for events such as those in this case. Moreover, the Commission noted that these findings were based on the version provided by the police officers who had participated in the events, without giving credence to the statements of the civilians involved in the events.

337. The Commission therefore found that the State had not provided a satisfactory explanation for the use of deadly force that was the product of an independent and impartial investigation conducted with due diligence. It also pointed out that the file contained certain information confirming that the use of deadly force was incompatible with international obligations. It also found that, even accepting that rocks or other objects were thrown at the police officers, the evidence suggests that deadly force was not used exclusively to disperse the crowd. The Commission further noted that, according to the statements of the people who were there, due to the shots fired by the police, the community members began to leave. In this regard, preventing their alleged flight cannot be considered justification for the use of deadly force. Therefore, the Commission found that force had been used unnecessarily and disproportionately without a legitimate purpose, concluding that the Peruvian State is responsible for the violation of the victims' right to life and physical integrity.

338. Furthermore, the Commission concluded that in pursuing this case in the military police criminal courts, the State violated the right to a fair trial and judicial protection – specifically, the right to be heard by a proper, independent, and impartial authority, and to an adequate and effective judicial remedy. It therefore pointed out that, since human rights violations are involved – in this case, the right to life and physical integrity – the events cannot be considered offenses possibly committed in the line of duty, and therefore, the investigation should have been conducted in the ordinary courts.

339. Based on the findings of fact and law, the Inter-American Commission concluded that the State is responsible violating Articles 4.1 (right to life), 5.1 (right to physical integrity), 8.1 (right to a fair trial) and 25.1 (right to judicial protection) of the American Convention on Human Rights in connection with the obligations established in its Articles 1.1 and 2, to the detriment of the victims identified in the Admissibility and Merits Report.

- **Juan Bautista Guevara Rodríguez et al. v. Venezuela**

340. This case is about the international responsibility of the Venezuelan State for the unlawful and arbitrary arrest of Juan Bautista Guevara Rodríguez, Rolando Jesús Guevara Pérez, and Otoniel José Guevara Pérez in November 2004 and for acts of torture and lack of a fair trial in the criminal proceedings against them.

341. On November 20, 2004, Juan Bautista Guevara Rodríguez was arrested, and on November 23, 2004, Rolando Jesús Guevara Pérez and Otoniel José Guevara Pérez were arrested. The three arrests were made by individuals identifying themselves as agents of the Directorate of Intelligence and Prevention Services (DISIP), who were driving vehicles for the exclusive use of that police force, carried weapons, and were dressed in official uniforms. At the time of their arrest, the victims were not shown warrants or told why they were being arrested.

342. After their arrest, the victims were taken to an unknown location, where they were tortured for several days while interrogated about the death of Public Ministry prosecutor Danilo Baltazar Anderson, which had occurred on November 18, 2004.

343. The police officers formalized the arrest of Rolando Jesús Guevara Pérez and Otoniel José Guevara Pérez on November 26, 2004, and of Juan Bautista Guevara Rodríguez on November 29, 2004. According to the victims' statements, on those days they were "released" by the agents only to be rearrested immediately afterwards to give their arrests the appearance of legality. Their relatives, Carmen Medina de Guevara, and Jackeline Sandoval de Guevara, filed complaints with the State authorities. The victims also reported their disappearance and torture to the 34th Supervisory Court of First Instance. However, on July 19, 2006, the 126th Prosecutor's Office of the Caracas Metropolitan District ordered the archiving of the case in which the alleged torture was investigated.

344. The criminal proceedings against the victims for homicide was held in the 34th Court of First Instance – this in virtue of Ruling No. 2004-0217 of November 22, 2004, whereby the Judicial Committee of the Supreme Court of Justice (TSJ) gave certain courts the exclusive authority to hear terrorism cases, particularly since prosecutor Danilo Anderson had been "killed in a terrorist attack."

345. On November 29 and 30, 2004, the Court ordered the pretrial detention of the victims and remanded them to the DISIP facility for confinement. This decision was upheld by the 4th Chamber of the Appellate Court of the Criminal Court Circuit of the Caracas Metropolitan District on January 20, 2005.

346. On January 13, 2005, the Public Ministry issued the formal indictment and on May 27, the 20th Trial Court of First Instance of the Criminal Court Circuit of the Caracas Metropolitan Judicial District decided to convene the parties for an oral public trial, which was held from November 10 to 20 of that year.

347. On January 24, 2006, the Court convicted Rolando Jesús Guevara and Otoniel José Guevara Pérez of intentional, premeditated, qualified homicide by means of arson and criminal conspiracy, sentencing them to 27 years and 9 months in prison, and Juan Bautista Guevara Rodríguez for the same crimes and for illegally carrying a weapon of war and firearm, to 30 years in prison. The Court held that the participation of the three defendants had been demonstrated, especially thanks to the testimony of Giovanni José Vásquez de Armas about a meeting in which the victims had confided to him their intention to plant an explosive device in Danilo Baltazar Anderson's car.

348. The victims all appealed their conviction, and on April 25, 2006, the 7th Contingent Court of Appeals of the Criminal Court Circuit of the Caracas Metropolitan District decided to deny their appeals. On October 24 and 25, the victims filed motions for judicial review, which were denied by the TSJ Criminal Review Chamber on August 6, 2007.

349. In Merits Report No. 104/22, the Commission found the State responsible for the violation of the right to personal liberty, noting that the deprivation had been illegal, since the State did not substantiate that it was carried out in compliance with the pertinent legislation in force at the time, requiring a warrant issued by a judge – that is, that the victims had been caught in flagrante delicto. On the contrary, the Commission observed that the victims had been arrested and then "released," only to be rearrested, with the object of giving the appearance of legality to the statements. The Commission therefore found the victim's arrests to be arbitrary, since they were not initially recorded and the victims were taken to an unknown location, where they were tortured for several days and later clandestinely released without being handed an order for their release. The Commission therefore concluded that the State had violated the rights enshrined in Articles 7.1, 7.2, and 7.3 of the American Convention.

350. The Commission also found that the State had violated the right enshrined in Article 7.4 of the American Convention, as the victims were not told the reasons for their arrest, and the right enshrined in Article 7.5 of the Convention, bearing in mind that there is no information that the victims were brought before the proper judicial authority to determine the lawfulness of their arrest and safeguard their personal security.

351. Furthermore, the Commission considered that what had happened to the three victims to be forced disappearance during the period in which their whereabouts were unknown – this, because they were deprived of liberty by state actors, with a refusal [by the authorities] to acknowledge their detention and reveal

their whereabouts. This violated the right to recognition of juridical personality, physical integrity, and personal liberty enshrined in Articles 3, 5, and 7 of the American Convention and Articles I a) and XI of the Inter-American Convention on Forced Disappearance of Persons (IACFDP).

352. Concerning the acts of torture, the Commission noted that the three victims reported that they were taken blindfolded and handcuffed to an unknown location, where they were beaten on different parts of their body, asphyxiated with plastic bags, subjected to electric shocks, threatened that their families would be killed, and kept incommunicado and isolated for days, which coincided with the findings of certain medical reports ordered by the Prosecutor's Office. The Commission therefore concluded that the victims had been tortured by state actors; thus, the State had violated the right to physical integrity enshrined in Article 5 of the American Convention and Articles 1 and 6 of the Inter-American Convention to Prevent and Punish Torture (IACPPT).

353. In addition, the Commission found that despite the multiple complaints filed, a situation of total impunity for forced disappearances and acts of torture reigns to this date; therefore, the State is responsible for the violation of the right to a fair trial and judicial protection and for noncompliance with the obligations established in Article I. b) of the IACFDP and Articles 1, 6, and 8 of the IACPPT.

354. With respect to a fair trial and judicial protection in the criminal trial of the three victims, the Commission determined that first, there was a violation of the right to a defense, enshrined in Article 8 of the American Convention, since they were unable to access all the incriminating evidence included in the indictment and their defense attorney was unable to properly interview the two main witnesses produced by the Public Ministry. Second, the Commission found that there were violations of the principle of the presumption of innocence and noncompliance with the obligation to provide reasons. In particular, the Commission noted that the judgement against the three victims was based solely on the testimony of two witnesses in a context of irregularities, and that the Court did not substantiate the evidence independently and in a reasoned manner to determine their guilt beyond that testimony.

355. Finally, the Commission found that the events in the case had caused pain and suffering, to the detriment of the victims' families; hence, the State had violated the right to mental and moral integrity enshrined in Article 5.1 of the American Convention in connection with the obligations contained in Article 1.1 of that instrument.

356. Based on these findings, the Commission concluded that the Venezuelan State is responsible for the violation of the rights enshrined in Articles 3, 5, 7, 8, and 25 of the American Convention in connection with Article 1.1 of that instrument, to the detriment of Juan Bautista Guevara Rodríguez, Rolando Jesús Guevara Pérez, and Otoniel José Guevara Pérez and their families. The IACHR further concluded that the State is responsible for the violation of Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture; and Articles I a), I b) and XI of the Inter-American Convention on Forced Disappearance of Persons.

- **Jesús Rondón Gallardo v. Venezuela**

357. This case is about the international responsibility of the Venezuelan State for acts of violence, threats, and harassment to the detriment of Jesús Rondón Gallardo, a defender of the human rights of LGBTQ persons, as well as the situation of impunity surrounding the acts.

358. At the time of the events, Mr. Rondón, who identifies as a gay person diagnosed with HIV, was working as a legal advisor to the Association for Life (*Asociación por la Vida - ASOVIDA*), an organization that he headed from 2007 to 2013. He was also an activist and defender of the human rights of people living with HIV and served as coordinator of the Coordinating Office for Human Rights of the Mérida League to Fight HIV/AIDS (*Coordinación de Derechos Humanos de la Liga Merideña de la Lucha contra el HIV/SIDA*).

359. According to several news articles, between May 11 and 12, 2016, Mr. Rondón publicly denounced the lack of access to antiretroviral drugs for 30 people with HIV in Mérida. He also raised alarm

about the lack of formula for the infants of mothers with HIV, as well as the lack of reagents for tests to monitor HIV-positive people. According to another article published on May 13, 2016, the Association for Life held a press conference in which it denounced the lack of antiretroviral drugs for people with HIV.

360. In 2016, after his public denunciations, Mr. Rondón was the target of various acts of violence, harassment, and threats by bikers, who, according to the petitioner, were members of “armed gangs.” As part of this, on May 13 and the ensuing days, he received threatening phone calls in which he was called a “fag” and “AIDS carrier” and was told they were going to kill him for opposing the national government and that “nobody would make a fuss over gays.” On May 14, a group of armed bikers blocked his path and threatened to kill him if he continued to denounce the government. On May 20, he was intercepted by a van; two armed men got out and forced him into the vehicle, punching him in the abdomen, pointing their guns at him, and even putting their guns in his mouth, threatening to kill him. They drove him around for roughly three hours and eventually dropped him at the entrance to Merida, warning him that they would know if he reported them.

361. Days later, on May 23, he was intercepted by armed men on motorcycles who hit him, threw him to the ground, and kicked him in various parts of his body, including his head. The medical report issued after the events diagnosed him with mild head trauma, multiple contusions, and anxiety. In June and July 2016, Mr. Rondón continued to receive threats and be followed by bikers.

362. As a result of the threats and violence against him, on two occasions, May 13 and 14, 2016, Mr. Rondón went to the Scientific and Criminalistic Investigation Corps (CICPC) to report what had happened. However, the staff there refused to take his report and told him that “this had happened because he opposed the Government and denounced it.” On May 23, 2016, Mr. Rondón also went to the Public Ministry’s Victim Support Center to report what had happened, but the staff would not take his report, either, or referred him back to the CICPC.

363. As a result of these events and believing his life was in danger, Mr. Rondón relocated to the United States in July 2016.

364. In Admissibility and Merits Report No. 105/22, the Commission observed that Mr. Rondón had experienced multiple acts of violence, harassment, and threats by armed groups over a three-month period. It therefore determined that he had been at risk, particularly because he was a defender of LGBTQ rights, a gay person, and a person with HIV.

365. The Commission also noted that these events occurred in the context of violence against human rights defenders and the LGBTI population in Venezuela and that Mr. Rondón went to the local authorities to report the events, but they refused to take and record his complaints; thus, it determined that the State was aware that Mr. Rondón was the possible target of new acts of violence. Nevertheless, the Commission had no information to substantiate that the State had taken some action to protect Mr. Rondón; thus, it concluded that Venezuela was noncompliant with its obligation to prevent violation of the right to physical integrity.

366. The Commission further noted that the assaults, threats, and harassment of Mr. Rondón had been reprisals for his public denunciations and that these reprisals had an intimidating and inhibiting effect on the free and full exercise of his freedom of expression, which was unlawfully restricted by such acts of violence. The Commission therefore found that the State had also failed to comply with its obligation to guarantee the right to freedom of expression.

367. The Commission pointed out that during the violence, harassment, and threats, insults were hurled at Mr. Rondón because of his sexual orientation and the fact that he was a person with HIV. However, the State had launched no investigation or developed lines of investigation that would consider the context of violence due to bias against LGBTQ people and people with HIV in Venezuela. The Commission therefore found that the violence, harassment, and threats against Mr. Rondón had also occurred in a clear situation of defenselessness and lack of protection from the violence he experienced because he was gay and had HIV –

characteristics that put him in a situation of vulnerability and discrimination. Thus, it concluded that the State is also responsible for the violation of the right to privacy and the principle of equality and nondiscrimination.

368. On top of this, the Commission found that the State had failed to meet its obligation to investigate the various acts of violence, threats, and harassment against Mr. Rondón using an intersectional approach, exhaust the appropriate lines of investigation, determine what had happened, and assign the respective responsibilities, including for the occasional participation or support of state officials, constituting a violation of the right to a fair trial, equality before the law, and judicial protection.

369. The Commission likewise noted that Mr. Rondón had been forced to leave the country due to the violence, threats, and harassment against him. The Commission found a strong causal link between the lack of an investigation and absence of effective protection measures and his leaving the country, enabling it to attribute responsibility to the State for violation of the right to movement and residence.

370. Finally, the Commission found that the gravity of the acts committed against Mr. Rondón, combined with the absence of an investigation and an adequate and timely judicial response, as well as his exile to another country, has had effects extending beyond the direct victim; hence, the State also violated the right to mental and moral integrity enshrined in Article 5.1 of the Convention, to the detriment of his mother, Maris Gallardo.

371. Based on these findings, the Commission concluded that the Venezuelan State is responsible for the violation of the right to physical integrity, honor and dignity, freedom of expression, movement and residence, equality before the law, a fair trial, and judicial protection enshrined in Articles 5.1, 8.1, 11, 13, 22, 24, and 25.1 of the American Convention in connection with Article 1.1 of that instrument, to the detriment of the individuals identified in the report.

- **José Ramón Silva Reyes and Children v. Nicaragua**

372. This case is about the forced disappearance and torture of José Ramón Silva Reyes by state actors, the inability to obtain justice, and threats against his son, Denis Silva, because of his activities in search of the truth.

373. At the time of the events, José Ramón Silva Reyes was a retired colonel in the Nicaraguan National Guard. With the triumph of the Sandinista Revolution on July 18, 1979, Mr. Silva Reyes, together with other members of his family, went to the embassy of the Republic of Guatemala in Managua on July 20 of that year to request political asylum, remaining there until October 30, 1983. During his asylum, Mr. Silva Reyes requested safe conduct on several occasions, but it was not granted.

374. On October 31, 1983, through a communiqué issued by the Public Relations Department of the then Ministry of the Interior, the Government announced that Mr. Silva Reyes had escaped from the embassy with two other asylum seekers. His family stated that it had launched its own investigation and had sought him in different Central American countries.

375. During his search, Denis Silva stated that in 1985, he had had contact with Álvaro José Baldizon Avilés, then head of the Commission for Special Investigations of the MINT, created to conduct investigations and issue government reports about human rights violations, who told him that his father “was lured out of the Guatemalan embassy by deception” and was “in one of the jails for State Security operations (...) along with other people, subject to multiple acts of physical and psychological torture.”

376. In July 1985, after fleeing Nicaragua and requesting asylum in the United States, Mr. Baldizon Avilés stated that in 1981, the General Directorate for State Security (DGSE), prepared a plan to assassinate a group of Nicaraguans who had sought asylum in the Guatemalan embassy, infiltrating an asylum seeker who invited the others to devise an escape plan, some of whom agreed to do so. According to the statements of Mr. Baldizon Avilés, this group left the embassy by scaling a wall and went to a farmhouse in the mountains near

Managua, where they were captured and murdered by members of the F-1 Department under orders from Lieutenant Raúl Castro Gonzales, head of the department.

377. According to statements by Roberto Escobedo Caicedo, once Mr. Silva Reyes, together with the two other asylum seekers, were handed over to the DGSE, they were taken to a torture and interrogation center in the vicinity of the Tipitapa Model Jail, where they were tortured, executed, and buried in a ditch.

378. On April 14, 2005, the petitioners sent a letter to the then president of the Nicaraguan Center for Human Rights (CENIDH), reporting the disappearance, torture, and execution of Mr. Silva Reyes. This letter was forwarded to the government institutions of that time. The petitioners also sent the Nicaraguan government a copy of the petition filed with the Inter-American system on April 28, 2005. In addition, due to procedural inactivity and the threats stemming from his petition, on July 8, 2013, the petitioner filed a civil complaint with the Federal Court of San Diego, California for the disappearance of his father, which was dismissed on May 27, 2014, for lack of personal jurisdiction.

379. In 2014, the Human Rights Ombudsman issued statements to the media, indicating that it was not pursuing the case for lack of evidence. Added to this, the State pointed out that the statute of limitations for the events reported had already run out, according to the Code of Criminal Procedure in effect at the time of the events and the current Criminal Code.

380. As a result of his search for information on the disappearance of his father in 1990 and the presentation of the information he had compiled to the Standing Human Rights Committee, Denis Silva reported that he had received death threats and reported them to the Criminal Investigations Office (DIC) of the National Police. On June 13, 2017, he reported that he had had to flee Nicaragua due to three months of harassment by the prosecutor's office prior to his departure, indicating that this was in reprisal for his constant public denunciations of the regime of Daniel Ortega.

381. In Admissibility and Merits Report No. 280/22, the Commission found that what had happened to José Ramón Silva Reyes constituted forced disappearance, indicating that it had used circumstantial or presumptive evidence to demonstrate the elements of forced disappearance, including the deprivation of liberty.

382. In this regard, the Commission noted first, that on July 20, 1979, Mr. Silva Reyes went to the embassy of the Republic of Guatemala in Managua requesting political asylum and protection from the Sandinista security forces, remaining there until October 30, 1983, and that since then, his fate or whereabouts have been unknown. Second, the Commission observed that the file contains versions indicating that what happened to Mr. Silva Reyes had been the result of an operation by state actors whose purpose was to detain, torture, and execute him for having been a member of the National Guard during the Somoza regime. It therefore found it to be sufficiently substantiated that Mr. Silva Reyes had been under the control of state actors the last time he was seen. Regarding the third element of forced disappearance, the Commission observed that since Mr. Silva Reyes's disappearance, the State has refused to conduct an investigation into the events, acknowledge his detention, or disclose his fate or whereabouts, making this inactivity a cover-up, even offering another version for which it has presented no support whatsoever.

383. With respect to violation of the right to physical integrity due to acts of torture, the Commission found that, based on the information from several former members of the DGSE, and especially Álvaro José Baldizon Avilés, it can be gathered that Mr. Silva Reyes was subjected to serious acts of physical and mental violence during his arbitrary deprivation of liberty and time in the custody of state actors for the purpose of extracting information from him, and thus, was intentionally subjected to intense physical pain and suffering during his forced disappearance. Hence, the Commission concluded that the State of Nicaragua is responsible for the violation of the right to juridical personality, life, physical integrity, and personal liberty.

384. The IACHR further noted that the State was aware of the events at different times and that, despite the gravity of the information provided and the knowledge that state actors had received through

various communications, the authorities did not mount an *ex officio* investigation without delay as soon as they determined that there were reasonable grounds to suspect that Mr. Silva Reyes had been subjected to forced disappearance. The Commission also found that more than 30 years without a thorough and effective investigation is an excessively long time and therefore violates the guarantee of reasonable time.

385. As to the State's argument about the statute of limitations in this case, the Commission noted that at the time of the events, forced disappearance was not a concept found in the Criminal Code of 1974, and while the term "offenses subject to *ex officio* prosecution" was considered, the statute of limitations for crimes was five years from the commission of the crime. It further noted that, awhile the concept of forced disappearance is currently found under Article 488 of the Criminal Code of the State of Nicaragua, it is a crime subject to a statute of limitations. Thus, since the regulations do not allow for exemptions to the statute of limitations, the Commission found that the State had failed to comply with the obligation to adopt provisions in its domestic law, as required by the American Convention.

386. Added to this, the Commission found that the contextual elements of political persecution and the declarations of a state of emergency by the State of Nicaragua at the time of the acts substantiated by the IACHR enable it to determine that there were no conditions that would have allowed Mr. Silva Reyes and his children to obtain justice. The Commission therefore concluded that the State had not guaranteed the right to due process guarantees and judicial protection and that the State is responsible for the violation of the right to a fair trial and judicial protection.

387. Finally, the Commission indicated that to this day, the disappearance of Mr. Silva Reyes has caused profound pain, suffering, and uncertainty in his family and found that the State had violated the right to physical integrity, to the detriment of José Ramón Silva Reyes's family. With respect to his son, Denis Silva, the Commission also found that the state had violated his right to physical integrity due to the intimidation and threats against him.

388. Based on these findings, the Commission concludes that the State of Nicaragua is responsible for the violation of the right to juridical personality, life, physical integrity, personal liberty, a fair trial, and judicial protection enshrined in Articles 3, 4, 5, 7, 8.1, and 25.1 of the American Convention in connection with Articles 1.1 and 2 of that instrument. It further concludes that the State failed to comply with the obligations contained in Articles 1, 6, and 8 of the IACPPT, once it went into effect, under the aforementioned terms.

- **Jorge Rojas Riera v. Venezuela**

389. This case is about the international responsibility of the Venezuelan State for the unlawful and arbitrary detention and torture of Jorge Rojas Riera, as well as the impunity surrounding the acts.

390. In October 2002, more than a dozen high-ranking military officers who had participated in the coup d'état to overthrow President Hugo Chavez in April of that year gathered at the Plaza Francia de Altamira in Caracas. There, they declared themselves to be engaging in "lawful disobedience" and launched a campaign to demand his resignation. They also declared Plaza Francia, which was considered the meeting place for anti-government demonstrations, to be a "liberated area." The demonstrations at that spot lasted until 2003, the time of the events in question.

391. According to the petitioner, Jorge Rojas Riera was 30 years old and a student. On September 19, 2003, Mr. Rojas was at the Plaza Francia when he was arrested by agents of the Directorate of Intelligence and Prevention Services (DISIP). The petitioner stated that Mr. Rojas said he was participating in the protest when a group of men stopped him and forced him into a vehicle without showing any identification or telling him about the reasons for his detention.

392. Mr. Rojas was taken to a detention center known as the "El Helicoide" run by DISIP. According to the petitioner's report, Mr. Rojas was interrogated at that center about other people who had participated in the protest and was subjected to a series of abuses, such as i) punches; ii) kicks; iii) pistol whipping; iv) hanging

by his hands from a rope; and v) the placement of plastic bags [over his head] to asphyxiate him. Mr. Rojas was examined by a forensic doctor from the Scientific, Criminal, and Criminalistic Investigation Corps (CICPC) on September 22, 2003. This examination revealed injuries to his scalp, which had irregular edematous abrasions in the left parietal region [and] multiple linear abrasions in the right frontal linear region, that he complained of pain in the left lumbar region when moving his torso and tingling in a finger of his left hand.

393. An investigation of Mr. Rojas Riera was opened for unlawfully carrying of a weapon of war, public menacing, and resisting authority. On September 20, 2003, he was brought before the Fiftieth Court of First Instance for Oversight of the Criminal Court Circuit of the Caracas Metropolitan Judicial District. During the hearing, he was granted house arrest, enabling him to leave the detention center. He also asked the judge to look at “his right thigh and back to verify with the naked eye the visible injuries he received at the time of his detention by DISIP personnel.” The Court instructed the Public Ministry to investigate the alleged torture of Mr. Rojas Riera.

394. On October 10, the court overseeing the case issued a pretrial detention order for Mr. Rojas Riera, which remained in force until January 26, 2004. On December 3, 2003, a preliminary hearing was held in which the Court admitted the indictment by the Public Ministry. On August 9, 2004, the Court found Mr. Rojas guilty of unlawfully carrying a weapon of war, public menacing, and resisting authority. The Court sentenced Mr. Rojas to 4 years, 6 months, and 15 days in prison. Both Mr. Rojas’s defense attorney and the Prosecutor’s Office appealed the decision. Both appeals were denied by the Court of Appeals of the Criminal Court Circuit of the Caracas Judicial District.

395. On December 7, 2004, Mr. Rojas’s attorney requested a judicial review of the Court of Appeals’ decision. On May 24, 2005, the Criminal Appeals Chamber of the Supreme Court of Justice overturned the Court of Appeals’ decision, finding that the Court of Appeals had not invoked any of the reasons for declaring the inadmissibility of the appeal. In light of this, it ordered the file transferred to another chamber of the Court of Appeals.

396. On June 30, 2005, Chamber 10 of the Court of Appeals reviewed the appeal and ruled it inadmissible due to the untimeliness of its filing. The file was transferred to the Sixth Enforcement Court of First Instance of the Criminal Court Circuit of the Caracas Metropolitan District, which, on October 19, 2005, ruled that the conviction stood. Bearing in mind that Mr. Rojas had been in pretrial detention, it concluded that he had 4 years, 2 months, and 29 days left on his sentence. Notwithstanding, the Court did not order Mr. Rojas’s confinement, since he could be granted parole.

397. Mr. Rojas applied for conditional suspension of his sentence, which was granted on April 28, 2006, with a three-year parole that would end on April 18, 2009, with the requirement that he periodically report to the Palace of Justice. On June 12, 2009, the Sixth Enforcement Court of First Instance declared an end to Mr. Rojas’s criminal liability and ordered his unconditional release, deeming that Mr. Rojas had complied with the conditions of his parole.

398. With respect to his torture, on September 20, 2003, during the criminal trial of Mr. Rojas, the Fiftieth Oversight Court of the Criminal Court Circuit of Caracas instructed the Public Ministry to investigate the alleged torture. Furthermore, on November 4, 2003, Mr. Rojas’s defense filed a complaint with the Thirty-fourth Prosecutor’s Office of the National Public Ministry with Full Authority, describing the events of September 19, 2003, and requesting an investigation into the crimes committed against Mr. Rojas, namely unlawful deprivation of liberty, kidnapping to cause alarm, and torture. In follow-up to this complaint, the Public Ministry opened a file. Through notices dated March 28 and December 1, 2008, the Public Ministry ordered the investigation archived, a decision upheld on May 31, 2010, by the Nineteenth Supervisory Court of First Instance of the Criminal Court Circuit of the Caracas Metropolitan District.

399. In Admissibility and Merits Report No. 339/22, the Commission noted the State’s argument that Mr. Rojas Riera was armed at the time of his arrest. However, it observed that the State did not substantiate this fact; hence, since he was not caught *in flagrante delicto* and it was undisputed that no warrant had been

issued, the Commission found that the arrest had been unlawful. Furthermore, the IACHR noted that a court had ordered the pretrial detention of Mr. Rojas, which lasted approximately two months, until alternative measures for the deprivation of liberty were issued. In this regard, the Commission found that the State had not submitted any documentation to substantiate sufficient grounds for the decision to deprive Mr. Rojas of liberty in terms of the criteria of purpose, appropriateness, necessity, and proportionality; hence, it found that during the time he was subjected deprivation of liberty, it was arbitrary.

400. With regard to the right to be informed of the reasons for the arrest, the IACHR indicated that the State had submitted no information to corroborate that the state actors had informed Mr. Rojas and noted that the victim had no mechanism at his disposal to contest it. The Commission therefore found that the victim had not been told the reasons for his arrest in keeping with the standards of the American Convention.

401. The Commission also observed that Mr. Rojas Riera's statements were consistent about the acts of violence against him at both the time of his arrest and in the detention center, as indicated in a medical report confirming a number of injuries after his detention, added to which is the context with respect to people held at the El Helicoide detention center. The Commission found all these elements consistent with each other, enabling it to reach the conclusion that Mr. Rojas Riera was tortured during his detention and again once he entered the El Helicoide center. The Commission noted that the various acts described by Mr. Rojas were intentional acts that caused him intense physical and mental suffering, as did the place where he was interrogated to extract information from him. Added to this is the assumption that operates in such cases when victims in state custody exhibit injuries whose origin is not credibly explained by the State. In light of this, the Commission found that the State had violated the right to physical integrity.

402. With regard to the investigation launched after the complaint filed by his defense attorney, the Commission indicated that there is no dispute that the Public Ministry ordered it archived on March 28, 2008. The Commission pointed out that the State did not provide documentation of any type about efforts made by the authorities to establish the facts and determine responsibilities, beyond taking some statements and making some requests to DISIP, which never responded. The Commission therefore found that to this date a situation of impunity has reigned for the torture of Mr. Rojas, and thus, the State is responsible for violating the right to a fair trial and judicial protection.

403. The Commission also noted that Mr. Rojas had been peacefully participating in the protest at Plaza Francia when state actors unlawfully and arbitrarily arrested him, that he had not resisted arrest in any way and on the contrary, had been the victim of a beating during the process. The Commission stated that while, as a participant in the protest, Mr. Rojas Riera was exercising his right to peaceful assembly, that right was unlawfully, unnecessarily, and disproportionately restricted, and it therefore considered the State responsible for violating the right to assembly.

404. Finally, the Commission found that the torture of a loved one in a situation such as the one described in this case, as well as the absence of a thorough and effective investigation, which causes pain and suffering from not knowing the truth, in itself constitutes harm to the mental and moral integrity of Mr. Rojas's family.

405. Based on these considerations, the Commission found the State responsible for the violation of the rights enshrined in Articles 5.1, 5.2, 7.1, 7.2, 7.3, 7.4, 8.1, 15, and 25.1 of the American Convention in connection with Article 1.1 of that instrument, to the detriment of the people identified in the sections of the report. Furthermore, the State is responsible for the violation of Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.

- **Eduardo Nicolás Cuadra Bravo v. Peru**

406. This case is about the international responsibility of the Peruvian State for noncompliance with judgments upholding the right of Eduardo Nicolás Cuadra Bravo to receive a pension under the pension system governed by Decree Law No. 20530, as well as its failure to adopt measures to enforce them.

407. On June 1, 1970, Mr. Cuadra began working at Banco de la Nación (Bank of the Nation) and rendered services contracted under the employment system of Law No. 11377. On December 31, 1971, his contract was rescinded due to a change in the employment system, transferring him to the system of Law 4916 on the Bank.

408. On October 22, 1991, the Bank enrolled Mr. Cuadra in the pension system of Decree Law 20530 through administrative resolution No. 1456-91-EF/92.5150, recognizing 20 years, 5 months, and 28 days of service to the State up to November 29, 1990. On December 30, 1992, through administrative resolution No. 978-92-EF/92.5100, the Bank declared the resolution of October 22, 1991, null and void, considering Mr. Cuadra not to have met the requirements for enrollment in the pension system of Decree Law 20530, based on its Article 14, in keeping with Legislative Decree No. 763, reinstated by Decree Law No. 25456.

409. On October 1, 1993, Mr. Cuadra submitted a request for reconsideration of administrative resolution No. 978, and on June 30, 1994, he resigned from Banco de la Nación. At the time, he had been working as an Assistant Manager. Given the lack of response to his request for reconsideration, on July 27, 1994, Mr. Cuadra filed a petition for a writ of amparo because of the negative administrative silence. On December 30, 1994, the 17th Special Civil Court of Lima declared that he had grounds for his request, indicating that the validity of administrative resolutions “cannot be declared by the very authority that issued them, much less by low-ranking officials, as this constitutes an arbitrary and unreasonable act that violates constitutional rights” and ordered the Bank to grant a severance pension with the statutory interest. On October 3, 1995, the Fifth Civil Chamber of the Superior Court of Justice of Lima countermanded the judgment, a ruling that was upheld by the Chamber for Constitutional and Social Law of the Supreme Court of Justice on September 4, 1997.

410. After a series of challenges that included special motions, petitions for nullity, and appeals, as well as requests to the Ombudsman and a communication to the Presiding Judge of the Constitutional Court, on July 24, 2003, the Sixth Civil Chamber of the Superior Court of Lima declared a second petition for a writ of amparo filed by Mr. Cuadra valid and ordered Banco de la Nación to issue a resolution enrolling Mr. Cuadra in the system of Decree Law No. 20530, crediting him the accrued sums.

411. On September 26, 2003, Mr. Cuadra filed a special appeal with the Constitutional Court contesting that ruling, as it reduced the payment for pensions accrued prior to the 3-year period since the complaint was filed. However, given the state of his health and the need for speedy enforcement of the ruling, on December 10, 2003, he withdrew his appeal.

412. Notwithstanding, the dispute over how the ruling of July 24, 2003, should be executed persisted with regard to determining the appropriate amounts, which on one occasion even involved the Bank issuing a resolution establishing sums that Mr. Cuadra should reimburse for improper payments.

413. In Admissibility and Merits Report No. 75/21, the Commission examined the following matters: (i) the right to effective judicial oversight in the enforcement of judgments; (ii) the guarantee of reasonable time; (iii) the right to social security and physical integrity; and (iv) the right to property.

414. First, the IACHR reiterated that the Peruvian State’s noncompliance with judgments against state entities is part of a general context, referring in particular to the judgments of the Inter-American Court in Peruvian cases involving the capping of pensions for former public employees under Decree Law 20530 in the 1990s. Furthermore, the Commission found Mr. Cuadra’s case to be one more example of this structural problem, exacerbated by a practice whereunder the judicial authorities charged with enforcing these judgments fail to take coercive action to guarantee compliance, and with it, materialization of the right to effective judicial protection. The Commission noted that despite its awareness of this problem, the State has not adopted the general measures necessary to remedy it and prevent its repetition.

415. The Commission also pointed out that the authorities had a duty to pay the pension ordered by the court immediately and with special diligence and celerity, as it involved the right to food and was a substitute for a salary. The Commission observed that between 1994 and 2003, the appeals filed by Mr. Cuadra

were persistently denied by different entities and that since July 2003, once his right to a pension had been recognized through various rulings with different positions on what Mr. Cuadra's pension should consist of, the Bank delayed issuing the administrative resolutions ordered by the courts. The Commission also observed that the domestic courts substantially differed on what the pension should consist of, which in itself implied an obstacle for Mr. Cuadra to obtain effective and timely execution of the judgment. The Commission therefore found that the State is responsible for the violation of the right to effective judicial protection in the enforcement of judgments.

416. Concerning timeliness, the Commission observed that 17 years had passed without executing the judgment of July 2003. Furthermore, the Commission noted that the case pursued by Mr. Cuadra commenced in October 1993 with the request to Banco de la Nación to reconsider the resolution excluding him from the system of Decree Law 20530, a question that had been before the courts since 1994; thus, on the date the report was adopted, 26 years had gone by without an end to the matter. In light of this, the Commission found that the State is responsible for the violation of the right to reasonable time.

417. Concerning the right to social security, the Commission observed that despite the various internal proceedings and the fact that on July 24, 2003, the Sixth Civil Chamber of the Superior Court of Lima had declared the second petition for a writ of amparo valid, ordering the Bank to issue a resolution enrolling Mr. Cuadra in the system of Decree Law No. 20530, Mr. Cuadra's right had not fully materialized, since there was still a dispute over how the judgment should be executed in terms of determining the amounts he should receive. The Commission also noted that Mr. Cuadra was 75 years old when the Admissibility and Merits Report was adopted; thus, the pension was his main source of funds for meeting his basic and elemental needs. The Commission therefore pointed out that violation of the right to social security implies pain, insecurity, and uncertainty about the future of an older person due to the potential lack of economic resources for his subsistence, since the deprivation of an income intrinsically harms the advancement and development of his quality of life and physical integrity. The Commission therefore found that the State is responsible for the violation of the right to social security and physical integrity in connection with judicial protection.

418. Finally, concerning the right to property, the Commission noted that Mr. Cuadra, like the victims in the cases of Five Pensioners, Acevedo Buendía et al. v. Peru ("Dismissed and Retired Employees of the Comptroller's Office ") and Muelle Flores, i) was legally enrolled in the pension system of Decree Law 20530, which was so declared by the courts; ii) was deprived of continuing to receive the benefits of that system; iii) filed judicial appeals for reinstatement; iv) had obtained final judicial rulings in his favor; and v) to date, full execution of the judgment had not taken place due to the internal discussions of their full content. It therefore found that these matters have had an impact on the assets of Mr. Cuadra, who has not fully enjoyed his right to private ownership over the equity effects of his legally recognized pension, understanding them to be the sums not received or received irregularly. Moreover, given the ongoing dispute over the amounts that formed part of Mr. Cuadra's pension assets, the Commission concluded that harm to his assets persisted, creating a situation of uncertainty about the definitive amount of the pension to which Mr. Cuadra is entitled.

419. Based on these considerations, the Inter-American Commission concluded that the State of Peru is responsible for the violation of the right to a fair trial, judicial protection, social security, physical integrity, and private property recognized in Articles 8.1, 25.1, 25.2.c), 26, 5, and 21, respectively, of the American Convention in connection with Articles 1.1 and 2 that instrument, to the detriment of Mr. Cuadra.

- **Oscar Pérez et al. (Junquito Massacre) v. Venezuela**

420. This case is about the international responsibility of the Venezuelan State for the extrajudicial killings of seven victims by state actors in January 2018, as well as for the impunity surrounding those acts.

421. At the time of the events, Oscar Pérez was an active member of the Scientific, Criminal, and Criminalistic Corps (CICPC). On June 27, 2017, Mr. Pérez uploaded a video to his YouTube account criticizing the government of then president Nicolás Maduro and demanding his resignation. Later, Mr. Pérez, together

with the other victims, created the “National Equilibrium Movement,” a group that was critical of the government.

422. In mid-December 2017, the National Equilibrium Movement entered a barracks of the Perez Bolivarian National Guard in San Pedro de Los Altos on the outskirts of Caracas and stole several rifles and pistols. On December 19, 2017, Mr. Pérez published a video of the act on his Twitter account, in which he stated that he had carried out “Operation Genesis,” describing how an operation to recover “the arms of the people for the people” had been carried out and stating that they had obtained them “legitimately under Articles 333 and 350 of the National Constitution.” That day, President Nicolás Maduro issued public statements in response to these acts and declared that “wherever they appear, I have ordered the Armed Forces to deal with these terrorist groups with lead! With lead, man!”

423. On the morning of January 15, 2018, some 500 members of the security forces arrived at a residence in El Junquito, Venezuela’s capital district, where they found the seven victims, Óscar Pérez, Israel Abraham Agostini, Daniel Soto Torres, Abraham Lugo Ramos, Jairo Lugo Ramos, José Díaz Pimentel, and Lisbeth Andreína Ramírez Montilla.

424. As can be seen in the messages published by Mr. Perez on social networks, the day of the events, the victims gave up and expressed their willingness to negotiate their surrender with the security agents that surrounded the house. Nevertheless, the state actors entered the dwelling using heavy weapons and a grenade launcher.

425. Mr. Pérez made several videos during the operation. In one of them, he explained that the state authorities had arrived at the house where they were staying and that they were in negotiations to reach a peaceful solution. In subsequent videos, Mr. Pérez is covered with blood, saying that the authorities were shooting and said they were going to kill them, despite their attempts to surrender. In another video Mr. Pérez can be seen pleading with the agents not to shoot. All the victims lost their lives during the operation.

426. Mr. Pérez’s death certificate indicates the cause of death as “severe head trauma from a gunshot to the head.” The death certificate of Lisbeth Andreína Ramírez Mantilla indicates the cause of death as “subdural hemorrhage, cranial fracture from a gunshot to the head.” Photos of the bodies of Mr. Pérez and the other victims were published in the El Mundo daily, which stated that the photos showed head injuries and demonstrated that the victims had been executed by a “coup de grace” to the head.

427. The State did not allow the victims’ families to hold a funeral according to their customs and only permitted a monitored burial in which they were unable to hold a vigil over the bodies, select the burial site, or dress them.

428. On January 16, 2018, the then Minister of the People’s Power for Domestic Affairs, Justice, and Peace announced in a press conference that “Operation Gedeón” had dismantled a terrorist group in an armed confrontation at a house in the El Junquito district. He stated that an attempt had been made to negotiate a peaceful solution, but the victims had launched a ferocious armed confrontation that resulted in the deaths of two officers and injured another eight. The Minister explained that they had respected the principles of the gradual use of force and followed the international protocols for neutralizing the group of attackers, which resulted in “the unfortunate outcome of seven dead terrorists.”

429. That same day, President Nicolás Maduro declared publicly that “17 days after giving the order, mission accomplished. My acknowledgments to the strategic commander of the operation, Minister Reverol, the special forces of the Guard, the Navy, the Army, the Bolivarian National Police.”

430. Following these events, the families were subjected to raids, threats, harassment, and intimidation by state actors due to their family connection with the victims and the authorities’ stigmatization of them. In addition, the Commission had no information substantiating that an investigation had been opened, a finding also documented by the United Nations Office of the High Commissioner for Human Rights.

431. In Admissibility and Merits Report No. 272/22, the Commission found that the use of deadly force was incompatible with the international obligations of the State. First, it determined that the State had not followed the principle of absolute necessity, since it submitted no documentation substantiating that the victims had put up any type of resistance with firearms, nor that there had been a risk of their fleeing. Second, it found that the State had not employed less harmful measures than the use of deadly force. In particular, it noted that the state actors were shooting for extended periods while the victims had already announced their surrender and that the State had deployed an operation involving some 500 agents, including military forces equipped with weapons of war to take down a group of seven people in a residence.

432. The Commission further observed that the seven victims died as a result of a shot to the head and that, as the petitioner indicates, there is no evidence of an armed confrontation; on the contrary, the victims appear to have been captured alive and later shot in the head. The Commission also took note of the statements by state actors about what had happened.

433. The Commission therefore noted that the victims had been cornered with the certainty that they would be killed or wounded, awaiting the entry of the state actors and then witnessed the execution of their companions. The Commission concluded that the State did not demonstrate that it had used legitimate, necessary, and proportional deadly force and that, on the contrary, it had engaged in the extrajudicial killing of seven people when they had already been neutralized. Thus, the Commission declared that, considering the suffering prior to their deaths, the State is responsible for the violation of physical integrity, to the detriment of the seven victims.

434. Concerning a fair trial and judicial protection, the Commission indicated that the State had not submitted any documentation to substantiate that it had opened an investigation into the death of the victims and that, in addition to the lack of investigation, i) the residence where the killings occurred was demolished; ii) the victims' clothing was not preserved; and iii) the autopsy photos had been removed. Moreover, a military officer had been assigned to safeguard the evidence who was not a qualified, independent, and impartial authority for performing this type of duty, given that serious human rights violations were involved.

435. The Commission therefore found that a situation of impunity for the events in the case has reigned to this date and that the State has failed to comply with its obligation to guarantee a proper investigation to identify and punish all those responsible.

436. Finally, the Commission found that the death of a person in a context like the one described in this case, as well as the absence of a thorough and effective investigation, which causes pain and suffering from not knowing the truth, in itself constitutes harm to the mental and moral integrity of the families of the seven victims. Moreover, the victims' families did not have access to their burials, were prevented from saying goodbye to their loved ones, were unable to hold a vigil over them or select a funeral home, burial place, and their clothing. The Commission therefore found that the State had violated the right to physical integrity and freedom of conscience and religion, to the detriment of their families.

437. Based on these findings, the Commission concluded that the Venezuelan State is responsible for the violation of the right to life (Article 4.1), physical integrity (Article 5.1), a fair trial (Article 8.1), freedom of conscience and religion (Article 12) and judicial protection (Article 25.1) in connection with Article 1.1 of that same instrument, to the detriment of the individuals identified in each section of the report.

- **Alejandro Fiallos Navarro v. Nicaragua**

438. This case is about the deprivation of liberty of Alejandro Fiallos Navarro, as well as the lack of a fair trial in the criminal case against him.

439. Mr. Fiallos Navarro had held several public offices during the administration of former president Enrique Bolaños Geyer, was the candidate of a political coalition called the Alliance for the Republic

(Alianza por la República – APRE) for mayor of Managua in the November 7, 2004, elections, and was secretary of the Managua Municipal Council.

440. On July 20, 2004, María Teresa Mairena Rayo filed a criminal complaint against Mr. Fiallos Navarro and four others for alleged abuse of authority and threats. The complainant had been hired for one year as Coordinator of the Procurement Unit of the Nicaraguan Institute for Municipal Development (INIFOM), where Mr. Fiallos was serving as executive president. In her complaint, Mrs. Mairenas Rayo stated that she was forced by one of the institution’s senior officials to falsify the legality of five competitions for contracts with private companies that had already been signed without complying with the provisions of the State Hiring Act and, due to her refusal, she was told that her contract would be rescinded due to “orders from top management.”

441. The complaint was filed with the Second Local Criminal Court of Managua. On July 23, 2004, the judge opened a case file and on July 28, received Mr. Fiallos’s statement declaring his innocence. On August 16, 2004, the defense applied to have the judge recused, claiming that he had vacated evidence even though it was against the law. On August 16, 2004, one hour before handing down a judgment, the judge of the Second Local Criminal Court stated, “there are no grounds for pursuing this remedy,” because “the case was in the judgment phase.”

442. On August 16, 2004, that Court convicted four of the five defendants, including the victim, for abuse of authority, conditioned threats, and extortion, sentencing Mr. Fiallos to 45 days of uncommutable arrest and imposing a series of fines and absolute disqualification for one year. On August 17, Mr. Fiallos Navarro, accompanied by his attorney, went to the Court to expand on his statement declaring his innocence, and while he was in chambers, was arrested without having learned of his conviction, since he had not been notified and therefore had not had an opportunity to file the respective appeal.

443. On August 17, 2004, minutes after being notified of the conviction, Alejandro Fiallos’s defense attorney petitioned the judge of the Second Local Criminal Court to release him on bail and revoke the warrant for his apprehension, since the ruling was not final and did not have the force of *res judicata*. However, the judge did not decide on the petition and escalated it to the First District Criminal Court of Managua, even though Article 109 of the Code of Criminal Procedure stated that the judge of first instance was the one who handled bail requests.

444. Furthermore, on August 18, 2004, Mr. Fiallos Navarro’s defense appealed the conviction by the court of first instance and filed a motion to produce the defendant, or habeas corpus. The motion alleged that his detention was unlawful, since it did not meet the requirements of Article 495 of the Code of Criminal Procedure, as summary proceedings cannot execute sentences if they are not final. This motion was denied by Criminal Chamber No. 2 of the Court of Appeals, which stated that “the defendant had been before a proper authority,” there had been a ruling, and a writ of amparo against judicial rulings in matters within its competence was inappropriate.

445. On August 24, 2004, the First District Criminal Court of Managua accepted a monetary surety and ordered a notice to be issued to the Directorate of Immigration and Nationality to void the order preventing Mr. Fiallos from leaving the country. That same day, the victim was released after eight days. On November 26, that same Court upheld the ruling of first instance with regard to the victim, sentencing him to 45 days of detention and a fine of 100 cordobas for conditioned threats, absolute disqualification, and a fine of 100 cordobas for abuse of authority. It also revoked his bail and ordered that he be prevented from leaving the country. Therefore, on November 29, a warrant for his apprehension and a ban on leaving Nicaragua were issued.

446. On December 23, 2004, Mr. Fiallos Navarro’s defense filed a motion to suspend execution of the sentence or conditional conviction for both the 45 days of detention and the absolute disqualification. He also requested that the ban on leaving the country be vacated so that the victim could go to his office and return from the United States, where he was at the time. That same day, the Judge of the First District Criminal Court

for Sentence Execution and Penitentiary Supervision rescinded the travel ban and warrant for his apprehension, and on December 24, 2004, Mr. Fiallos Navarro returned to Nicaragua.

447. On February 28 and March 15, 2005, public hearings were held during the proceedings on the suspension of sentence execution. On March 29, 2005, the presiding judge of the First Court granted the conditional conviction for the detention sentence but not for the absolute disqualification, as she deemed that the conditional conviction applied only to the deprivation of liberty and not the disqualification. Both the Assistant Prosecutor of Managua and Mr. Fiallos's defense attorney appealed the decision.

448. On June 10, 2005, Criminal Chamber No. 1 of the Managua Court of Appeals rescinded the decision of the Managua Court of Appeals and declared admissible the petition for conditional conviction with respect to the sentence of absolute disqualification. On September 5, 2005, the judge of the First District Criminal Court for Sentence Execution and Penitentiary Supervision established a probationary period of a year and a half for the absolute disqualification.

449. In Merits Report No. 281/22, the Commission found that Mr. Fiallos Navarro's arrest had been unlawful. The Commission pointed out that the judge had ordered his arrest even though the conviction of first instance had not been finalized because Mr. Fiallos Navarro had not been notified and before giving the defense an opportunity to appeal the decision by the legal deadline in violation of the requirements of the law and domestic procedures. The Commission also noted that, while Mr. Fiallos's defense petitioned the judge of first instance to accept a personal guarantee as the competent judge of first instance, in keeping with domestic regulations, he did not respond to the petition and decided to escalate it to the senior judge, who, after eight days, accepted the surety and ordered his release. That is, due to that decision and the delay in processing the petitions, the victim was unlawfully detained for eight days.

450. The Commission found, moreover, that while the concept of habeas corpus formally existed, it was ineffective in this case, as it did not legally guarantee the possibility of petitioning for habeas corpus to counter the ruling of the Second Local Court. In particular, the Commission pointed out that even though under Protection Law No. 49, a petition for habeas corpus could be filed against any authority, the Court of Appeals denied the petition, because "the defendant had been before the proper authority." Furthermore, the Commission noted that his release depended on a request for a personal guarantee, the purpose of which is not to determine the legality of a detention, thus violating the principle of the effectiveness of the remedy on the legality of a detention, a matter that should be resolved effectively and without delay.

451. The Commission therefore found the State responsible for the violation of the right not to be unlawfully deprived of liberty and to challenge the legality of detention.

452. Concerning a fair trial and judicial protection, the Commission noted first, that the State had acknowledged a series of irregularities during the criminal proceedings that had resulted in certain legal effects, such as violation of the right to a defense, of the principle of the presumption of innocence, and of due process guarantees.

453. Second, the Commission observed that the convictions of first and second instance lacked sufficient grounds for ignoring the principle of the presumption of innocence. The Commission noted in particular that the ruling of second instance did not remedy the lack of grounds for the judgment appealed but, on the contrary, followed the same line of argument without considering the arguments of the defense concerning the evidence analyzed, the absence of arguments on determining criminal liability, and the guilt of the victim.

454. The IACHR found that the conviction gave significant weight to the statements of three witnesses for the complainant that had not witnessed the events and had no direct knowledge of them and therefore had limited evidentiary value without other corroborating evidence. The Commission therefore found that while the conviction established the facts and referred to the content of the offenses, the judge did

not sufficiently substantiate the link between the conduct imputed to the victim and the provision on which the decision was based.

455. Moreover, the Commission observed that the victim not only received a sentence that deprived him of his liberty but the additional penalty of absolute disqualification, which consisted of deprivation of employment, electoral, and social security rights. The Commission indicated that since the degree of harm to the political rights of the disqualified person is especially intense, the courts should state the reasons why the gravity and nature of the crime merited the imposition of this sentence and consider the proportionality of the punishment, which did not occur. The Commission found that while in this case, the disqualification sentence was regulated in the Criminal Code and was imposed through a final conviction by a competent judge in a criminal proceeding, the process did not respect the right to a fair trial enshrined in Article 8 of the American Convention, especially the obligation to provide reasons.

456. In light of the above, the Commission concluded that the State had violated the right to have well-founded decisions, the principle of the presumption of innocence, political rights, and the right to have adequate and effective remedies.

457. Based on these findings, the Commission concluded that the State of Nicaragua is responsible for the violation of the right to personal liberty, a fair trial, political rights, and judicial protection enshrined in Articles 7.1, 7.2, 7.6, 8.1, 8.2, 23, and 25.1 of the American Convention in connection with the obligations established in Article 1.1 of that instrument, to the detriment of Alejandro Fiallos Navarro.

- **José Tomás Tenorio Morales et al. (Ervin Abarca Jiménez Union of Higher Education Professionals of the National School of Engineering) v. Nicaragua**

458. This case is about the violation of the right to freedom of association, trade union liberty, collective bargaining, a fair trial, and judicial protection, to the detriment of members of the Ervin Abarca Jiménez Union of Higher Education Professionals.

459. The Ervin Abarca Jiménez Union of Higher Education Professionals of the National School of Engineering (UNI) was created on February 17, 1993, and adopted its statutes on February 26 of that year. The union is a democratic chartered body comprised of teaching professionals with administrative duties and has wide-ranging objectives, including representing members in their dealings with domestic and international authorities, entering into collective bargaining agreements, and fighting to improve the working conditions of its members.

460. The union has a board of directors elected for one year, in keeping with the union's statutes, and internal regulations, was made up of union officials elected by the membership, who it represented them in their dealings with the employer and various collegiate bodies of UNI, a public university. That is, the board of directors played a key role in representing its members' interests at the university.

461. On December 18, 2001, the board of directors, headed by Julio Noel Canales, requested the Comptroller General of the Republic to conduct special audits based on the alleged irregular management of funds from the university budget provided by the Nicaraguan State and irregularities and anomalies in the hiring and procurement carried out by university authorities.

462. In February 2002, the union requested that the Ministry of Labor's Directorate of Collective Bargaining and Conciliation negotiate a new collective bargaining agreement. On July 25, 2002, the board of directors, as the union's authorized representative, requested the Directorate of Union Associations to extend its term to continue the ongoing negotiations on the collective bargaining agreement. On July 30, the Director of Union Associations determined that she could not grant the extension. since only the Special General Assembly with a 60% vote of all union members could grant an extension of the organization's term.

463. The union appealed this decision; however, the Director of Union Associations denied the appeal, since the communication of July 30 was not a resolution but merely a preparatory measure indicating the legal procedure to follow; thus, it was inappropriate to file any appeal. This was confirmed by the Inspector General of Labor on August 14, 2002.

464. On August 16, 2002, Mr. Canales filed a new request for an extension. On August 21, 2002, the Directorate of Union Associations dismissed the extension request, which Mr. Canales appealed to the higher administrative body, and on September 3, 2002, the Office of the Inspector General of Labor voided the Directorate of Union Association's decision and ordered an extension of the legitimacy of the board of directors headed by Julio Noel Canales for the period September 5, 2002, to March 4, 2003. The Directorate executed the order on September 11, 2002, leaving the board of directors legally authorized to act in the name of the union during the negotiations on the collective bargaining agreement.

465. At the same time, on September 27, a special assembly was convened that elected a new, parallel board of directors, chaired by Silvio Araica. In other words, as of September 2002, two boards of directors claimed to represent the union. According to the petitioner, the university's rector was behind the convening of these people, who held positions of trust, were office and department heads, and had been required to participate in the process that elected the "parallel" board of directors.

466. The senior authorities of the university, such as the rector and secretary general, refused to recognize Mr. Canales's board of directors and accredit it with the university's collegiate bodies after the extension was granted, even though the secretary general had sent Julio Canales a letter informing him that as of that date, based on the extension granted, his registration as chairman of the board was valid and the fact that on October 22, 2002, the Office of the Inspector General of Labor clarified that the only board of directors registered was the one chaired by Julio Noel Canales. In addition, both authorities stopped attending the sessions to negotiate the collective bargaining agreement and retained the members' dues. The university authorities' refusal occurred under the pretext that there was a group of dissatisfied members and a parallel board of directors, and there was a judicial order in this regard.

467. On October 23, 2002, Julio Noel Canales filed a petition for a writ of amparo with Civil Chamber 2 of the Managua Court of Appeals against the actions of the university's rector for violating various domestic and international standards, among them the constitutional right to union liberty and those derived from the ILO conventions. The petition for the writ of amparo claimed that behind the refusal to recognize the board of directors were the personal interests of the rector, who had an animus against that board of directors because it had reported alleged acts of corruption at the university, so he was financing a group of former members to remove the board that Canales represented. The petition for amparo was admitted on November 25, 2002; however, on May 13, 2003, it was declared null and void by the Constitutional Chamber of the Supreme Court of Justice, because the petitioner had not submitted his comments in a timely manner.

468. For its part, on September 30, 2002, the parallel board of directors, represented by Silvio Araica, requested the Directorate of Union Associations to register him. On October 8, 2002, via ruling No. 002-02, the Directorate denied his request for registration, because the requirements for electoral processes established in the union's statutes had not been met. This ruling was not appealed to the Office of the Inspector General of Labor; however, Silvio Araica filed a petition with the Labor Court to nullify the board of directors on October 9, 2002.

469. On June 10, 2015, the Constitutional Chamber of the Supreme Court handed down judgment No. 353 in response to the petition for a writ of amparo filed by Mr. Araica. The decision of the Constitutional Chamber denied the petition for a writ of amparo and determined that the only and exclusively competent entity for resolving the issue of registering or denying registration of the changes in boards of directors was the Directorate of Union Associations, or if any other, the Office of the Inspector General, as the higher administrative body. The Chamber therefore found that in registering the board of directors headed by Julio Canales, the Directorate acted in accordance with its legal authority. While this decision was favorable to the

members of the union, the State did not guarantee its execution. In particular, the Ministry of Labor did not comply [with the order] to register the board of directors despite the existence of a judgment obliging it to.

470. Furthermore, due to the dispute over the legitimacy of the boards of directors, the union members' dues were retained by the university authorities via the Second Court and later, the Supreme Court, until at least September 2002.

471. On August 25, 2005, the First District Civil Court handed down a judgement concluding that the decisions of the Office of the Inspector General were binding without recourse, thus expressly recognizing the legitimacy of the representation of the board of directors headed by Julio Canales, ruling that the sums intended for the union that had been held back be handed over to it. However, following an appeal by Silvio Araica, on January 16, 2007, the Labor Chamber declared the decision of the First Civil Court null and void. None of the judgments in favor of the union ordering all dues to be handed over to the board of directors were executed, compromising the union's financial capacity to operate.

472. In Merits Report No. 334/22, the Commission examined whether the State, through its administrative and judicial authorities, had guaranteed union rights and the members' right to association, and whether they had been afforded effective judicial protection.

473. The Commission found that the failure of university authorities to recognize the board of directors headed by Julio Canales, despite the extension of its mandate; the court orders requiring suspension of the board's registration; the failure of the Directorate of Union Associations to execute the decision by the Office of the Inspector General of Labor ordering that the board of directors be entered in the registry; the subsequent administrative delays; the unjustified delays in the courts; the failure to execute domestic judgments; and the retention of dues, preventing their delivery to the union, deprived the organization's members of their ability to fully exercise their right to freedom of association and union liberty, preventing their representatives, moreover, from defending their interests, especially through collective bargaining, and with the collegiate bodies of the university.

474. Moreover, the failure to register the board of directors went beyond violation of the [members'] right to freely elect their representatives in its individual dimension (the right to be elected), but also affected the sphere of collective rights, as it deprived union workers of their right to representation by freely elected leaders.

475. The Commission therefore found that all of the above de facto prevented the members of the Ervin Abarca Jiménez Union of Higher Education Professionals from exercising their right to freedom of association and union liberty for more than 20 years, with the State failing to guarantee their rights by complying with the administrative and court decisions issued in their favor.

476. Based on the findings of fact and law contained in this report, the IACHR concluded that the State of Nicaragua is responsible for the violation of the right to freedom of association, union liberty, collective bargaining, a fair trial, and judicial protection enshrined in Articles 8.1, 16.1, 25.1 and 25.2.c), and 26 of the American Convention in connection with Article 1.1 of that instrument, as well as Article 8.1.a) of the Protocol of San Salvador, to the detriment of the union members mentioned in the report.

- **Family of Luis Fernando Lalinde Lalinde v. Colombia**

477. This case is about the international responsibility of the Colombian State for violations of the right to a fair trial and judicial protection due to the impunity surrounding the detention and subsequent death of Luis Fernando Lalinde at the hands of public actors in 1984, to the detriment of his family.

478. At the time of the events, Luis Fernando Lalinde was a student at the University of Antioquia and a militant in the Colombian Communist Party. His family consisted of his mother, Fabiola Lalinde de Lalinde, his brothers, Jorge Iván and Mauricio, and his sister, Adriana Lalinde Lalinde. Mr. Lalinde was arrested

on October 3, 1984, in the Verdún neighborhood of the municipality of El Jardín in Antioquia by members of the Ayachucho Infantry Battalion. The arrest was made with the help of a hooded individual, who allegedly was a guerilla collaborating with the Army. According to the testimony of several neighborhood residents, Mr. Lalinde was arrested, tortured, and taken away in an army truck to an unknown destination. Mr. Lalinde was killed by Army personnel, and his remains were buried in a location unidentified to this day.

479. These events sparked an investigation in both the military and ordinary courts. On December 15, 1984, an investigation was opened by the Investigating Criminal Judge of Andes in the Department of Antioquia. On July 19, 1985, the Delegated Prosecutor's Office for the Armed Forces decided to archive the case because it had no evidence at the time that the acts in the case investigated were committed by the National Army.

480. Through a notice in October 1985, the Delegated Prosecutor for the Armed Forces reported that efforts had been made to ascertain whether Mr. Lalinde had been captured by units of the Armed Forces and to determine his whereabouts, indicating that the conclusion had been reached that at no time had that individual been captured by Armed Forces personnel, and there was a question as to whether the alleged guerilla, alias "Jacinto," who had "died in a confrontation" with a military patrol on October 4, 1984, was Mr. Lalinde. The Prosecutor added that the competent authorities had exhumed the body of "Jacinto" in an effort to corroborate whether it was Mr. Lalinde, but "due to the absence of ridges on his fingertips, it was impossible." Fabiola Lalinde was not allowed to participate in the exhumation ordered by the military criminal court.

481. On June 29, 1990, the Third Investigating Criminal Court issued a resolution stating that it could confirm that "Jacinto" and Mr. Lalinde were one and the same person, thus referring the case to the military courts. The proceedings in the military criminal court involved taking statements from military personnel to confirm the link between Mr. Lalinde and "Jacinto."

482. In 1992, Investigating Military Criminal Judge 121 ordered a series of exhumation efforts in different areas where the events had occurred, and skeletal remains were found. However, DNA tests yielded no match with Mr. Lalinde. A test was later performed in the United States, which concluded that the remains were indeed those of Mr. Lalinde. Thus, in 1996, 69 bones identified as belonging to Mr. Lalinde were returned to Fabiola Lalinde.

483. Initially linked to the death of Mr. Lalinde were Captain Jairo Enrique Piñeros Segura and Second Lieutenant Samuel Jaime Soto. However, on March 19, 1993, the 121st Investigating Military Criminal Court refrained from ordering measures to secure these individuals, and in October 1996 and March 1998 resolutions were issued to halt the proceedings. The decision to halt the proceedings in the military criminal court was upheld on April 6, 1999 through a ruling by the Military Superior Court. Criminal Prosecutor II of Bogotá challenged the ruling and requested that the investigation be transferred to the ordinary courts. This request was denied, and in 2012 an appeal for review was filed with the Supreme Court of Justice, which issued a ruling in 2014 ordering the military authorities to transfer the file to the Office of the Attorney General of the Nation.

484. En 2015, the investigation was assigned to Prosecutor's Office 120 of the Specialized Directorate of National Prosecutor's Offices for Human Rights and International Humanitarian Law, and that same year, an order was issued to run tests with a view to moving the investigation forward, requesting an update of biographical information, the birth certificates and ID cards of the army personnel who had participated in the events and the records of the disciplinary investigation of Captain Jairo Enrique Piñeros Segura and Second Lieutenant Samuel Jaime Soto. According to the petitioner's report, the investigation had not advanced, and no one had been brought to trial. Added to this was the fact that while other military personnel had been involved in the events, no steps had been taken to involve them in the proceedings.

485. Mrs. Lalinde also filed a complaint with the contentious administrative court due to a decision on September 11, 1996, in which the Committee of Ministers denied her request for compensation for Mr. Lalinde's detention and death. As a result of this complaint, two resolutions were issued, one on November 21,

2000, and the other on June 14, 2016, ordering payment for moral damages and emerging damages and lost income due to Mr. Lalinde's death.

486. In Merits Report No. 292/21, the Commission observed that, while in the wake of the events, investigations were opened in both the ordinary and military courts, the latter conducted virtually all the initial inquiries and in 1990, the entire investigation was transferred to the military criminal courts. With regard to the military courts, the Commission noted that, since human rights violations and, specifically, violations of the right to life and physical integrity were involved, the acts could not in any way be considered offenses committed in the line of duty and that the investigation should therefore have been conducted in the ordinary courts. The Commission therefore concluded that by involving the military criminal courts, the Colombian State violated the right to a fair trial and judicial protection – specifically, the right to an appropriate, independent, and impartial authority, as well as to an adequate and effective judicial remedy.

487. With regard to due diligence in the investigation, the Commission observed that it was not stated in the file that the authorities had preserved the location where Mr. Lalinde was buried, so that blood and hair samples or other evidence could be collected and preserved, and the area could be searched for footprints or tire tracks that could serve as clues or evidence of what had happened. It further noted that all the proceedings in the military criminal court had been focused on denying that Mr. Lalinde had been the victim in the events and insisting that the person who was killed was a guerilla with the alias “Jacinto.” Added to this is the fact that his mother, Fabiola Lalinde, who could have identified her son, was not permitted to participate in the exhumation procedures, constituting a serious obstacle in the initial investigations.

488. The Commission also noted that the military authorities had refrained from issuing orders to secure two state actors involved, since the victim had been “taken down” in a confrontation, and despite the multiple demands of Mr. Lalinde's family, the military authorities confirmed in April 1999 that the matter should be closed since no responsibility had been established in the case, without making any effort to evaluate any other type of evidence. The Commission likewise noted that after the investigation in the military courts had been closed, there was procedural inactivity for more than a decade until the case was opened in the ordinary courts, remaining open with no one tried. The Commission therefore found that the State had failed to meet its obligation to guarantee a proper investigation to identify and, where possible, punish all those responsible for the detention, torture, and ultimate death of Luis Fernando Lalinde.

489. In addition, the Commission noted that more than 37 years had passed since the events, and that the investigation remained open to this day, constituting a violation of the right to a fair trial, to the detriment of Mr. Lalinde's family.

490. Finally, the Commission found that the loss of a loved one in a context such as the one described in this case, as well as the absence of a thorough and effective investigation, which causes pain and suffering from not knowing the truth, in itself constitutes harm to the mental and moral integrity of Mr. Lalinde's family. The Commission noted, moreover, that as a result of the legal action taken by Mrs. Lalinde, she and her family had been subject to a series of reprisals – related in particular to a false accusation of drug trafficking. The Commission therefore found that the State had violated the sacred right to mental and moral integrity, to the detriment of Luis Fernando Lalinde's family.

491. Based on these findings, the Commission concluded that the Colombian State is responsible for the violation of the right to physical integrity (Article 5.1), a fair trial (Article 8.1) and judicial protection (Article 25.1) enshrined in the American Convention in connection with Article 1.1 of that instrument, to the detriment of Fabiola Lalinde de Lalinde, Jorge Iván Lalinde Lalinde, Mauricio Lalinde Lalinde, and Adriana Lalinde Lalinde.

- **Dianora Maleno v. Venezuela**

492. This case is about the international responsibility of the Bolivarian Republic of Venezuela for violations of the right to a fair trial and judicial protection in the criminal case against Dianora Maleno, as well as her subjection to inhuman conditions of detention and rape while she was deprived of liberty.

493. On October 18, 2001, Mrs. Maleno was arrested for the alleged crime of qualified homicide in the death of her young daughter. As a result, a criminal investigation was opened for the crime of intentional homicide, established for in the Criminal Code of Venezuela. On October 22, 2001, an oral hearing was held in which Mrs. Maleno's public defender requested the Court to order a forensic psychiatric assessment and not deprive the victim of liberty so she could be sent to a hospital. However, the Court did not order the psychiatric assessment and imposed pretrial detention, ordering Mrs. Maleno to be transferred and confined to the Internado Anzoátegui facility. This pretrial detention decision was not appealed by the victim's public defender.

494. On November 11, 2001, the Prosecutor's Office indicted Mrs. Maleno for the crime of filicide. On March 12, 2002, a preliminary hearing was held in which the public defender requested a review of the current pretrial measure, arguing that Mrs. Maleno had health issues, and urged the Court, if it did not grant this request, to have the victim transferred to another police detention center, as her physical integrity was in danger at the Lecharías Police Detention Center, where she was currently housed. Through a decision that day, the Fourth Court denied the request for dismissal and ordered the commencement of the trial phase. The Court also decided to continue her pretrial detention, arguing that "as of this date, the motives and circumstances that provided the grounds for it remain unchanged" and that Mrs. Maleno would continue to be confined to the Lecharías Police Detention Center. The Fourth Court did not rule on the victim's repeated request for a forensic psychiatric assessment. With the opening of the oral public trial, the case was sent to the Trial Court of First Instance of the Anzoátegui court circuit.

495. On November 6, 2003, the First Court replaced the pretrial detention measure with an alternative precautionary measure so that the victim could continue the trial at liberty. On June 15, 2007, there was an oral hearing in which the First Court corroborated the fact that a forensic psychiatric assessment had not been performed. On that occasion, Mrs. Maleno stated that she did not have the means to have it performed. In this regard, the petitioner stated that in any case, performing the test would be inappropriate, since it should have been requested by the Public Ministry during the investigation and not by the First Court during the oral public phase of the trial.

496. The criminal proceedings against Mrs. Maleno that began in October 2001 were inactive until at least November 2007, without a judgment of first instance to that date.

497. The Internado Anzoátegui facility where the victim was confined was marked by overcrowding and deficient infrastructure, as well as the failure to effectively separate the inmates by sex and/or gender, since male inmates could freely cross over to the women's annex of the facility. Specifically, the women confined to the Internado Anzoátegui facility were at serious risk due to their sex and gender, which included a system of sexual violence in which female inmates were subjected by their male peers to sexual servitude, forced prostitution, and similar abuses. It was in this context that on January 6, 2002, Mrs. Maleno was raped by five male inmates who had entered the women's annex of the Internado Anzoátegui and threatening her with a revolver, raped her for two hours. On January 7, 2002, the victim told the warden of the Internado Anzoátegui about her rape and identified the five perpetrators. Based on that information, the warden of the correctional facility conveyed that information to the Prosecutor and Execution Judge so a criminal investigation could be opened.

498. Due to these reports, the decision was made to transfer 29 female inmates to other detention centers where their physical integrity could be guaranteed. Nineteen inmates in the trial phase, including Mrs. Maleno, were transferred to the Lecharías Police Detention Center. On that occasion, no specialized physical or psychological care was offered to the victim, nor tests to rule out sexually transmitted diseases or HIV.

499. On January 9, 2002, Mrs. Maleno was transferred to the Lecharías Police Detention Center along with 18 other female inmates, [where they were confined] in two dungeons that housed men and were at maximum capacity. As this was a center for provisional detentions of 48 hours, the available areas for confinement were inadequate and not meant to house people detained for extended periods. Mrs. Maleno remained at the Police Detention Center under pretrial detention until November 6, 2003.

500. With regard to the criminal proceedings launched as a result of the rape report, on February 8, 2002, the Second Prosecutor issued an order to the Barcelona Criminal and Criminalistic Investigation Corps to open an investigation, putting the case in the investigation phase. On February 22, 2002, the physician representing the Office of Forensic Medicine issued a report remitting the results of the forensic medical examination to the Prosecutor for Enforcement and Judgment, indicating that there was evidence of severe injury. The criminal rape investigation was still in the preliminary phase.

501. Based on the information provided by the Office of Forensic Medicine, on April 4, 2002, the Prosecutor for Enforcement and Judgment asked the Senior Prosecutor to open a criminal investigation into Mrs. Maleno for the “crime of falsely claiming a punishable act,” although there is no information as to whether that investigation was ultimately opened.

502. Furthermore, on July 1, 2002, the petitioner filed a petition for a writ of amparo in representation of the victim, alleging violation of her right to due process; a life free from violence; physical, mental, and moral integrity; equality and nondiscrimination; the presumption of innocence; and health, requesting immediate suspension of the criminal proceedings for qualified homicide and a psychological and psychiatric assessment to determine her ability to stand trial. However, on October 2, 2002, the Court of Appeals denied the petition for a writ of amparo, considering, among other things, that the petitioner had ordinary procedural means at his disposal.

503. In Merits Report No. 283/22, the Commission found that the pretrial detention of Mrs. Maleno was arbitrary, lasted an unreasonable time, and had purposes that were not procedural but punitive. Specifically, it noted that the authorities had not acted or reached a decision based on the valid requirements for pretrial detention and were unclear about the grounds for it, considering the particular case of the victim, even though the defense had requested that pretrial detention be avoided, given Mrs. Maleno’s mental health status. Moreover, the courts had occasion to review the measure but decided to retain it without considering that her initial mental state would be exacerbated by the sequelae of having been raped during her confinement in the Internado Anzoátegui and the risk to which she was exposed in the Police Detention Center. The Commission therefore found the State responsible for the violation of the right to personal liberty.

504. With regard to a fair trial during the criminal case against her, the Commission noted that even though more than 20 years had been invested in it, the case not only remained open, but there had not even been a judgment of first instance. The Commission also noted that despite repeated requests, Mrs. Maleno was not given a psychiatric assessment to determine her fitness to stand trial and to contextualize the circumstances in which the qualified homicide was committed. The Commission likewise found that Mrs. Maleno’s public defender had been unable, with the means at his disposal, to effectively protect her procedural guarantees and prevent the violation of her rights, noting his failure to appeal court decisions that had made her criminal prosecution and pretrial detention possible. The Commission therefore found the State responsible for violating her right to a fair trial.

505. With regard to the conditions of detention to which the victim was subject in the two centers where she was confined, the Commission found that they did not allow her to receive humane treatment commensurate with her dignity, but instead particularly heightened her suffering throughout the time she was deprived of liberty. The Commission observed that the interaction between the deplorable prison conditions offered by the State and Mrs. Maleno’s special situation of vulnerability gave rise to mistreatment that crossed the threshold of cruel, inhuman, and degrading treatment, and that even though the State was aware of this situation, it did not take steps or conduct an investigation aimed at protecting the victim’s rights. In fact, although Mrs. Maleno’s legal counsel filed a petition for a writ of amparo, it was neither adequate nor effective

in addressing the situation. The Commission therefore found the State responsible for the violation of the right to physical integrity, a fair trial, and judicial protection.

506. Furthermore, the Commission concluded that the gang rape of the victim met the definition of torture, bearing in mind the seriousness and intensity of this act, as well as the fact that its purpose was to intimidate her and subject her to a power dynamic created by the inmates of the Internado Anzoátegui. The Commission also indicated that while the rape was committed by private parties, the State did not comply with its obligation to prevent it, since even though it was aware of the real and present danger and was in a reasonable position to prevent the assault from taking place, it took no steps to guarantee her protection. Added to this, the State did not comply with its obligation to investigate, since the action taken in the course of the investigation has been insufficient, untimely, or simply absent to this day. The Commission therefore found that the Venezuelan State is responsible for the violation of the right to physical integrity, a fair trial, privacy, and judicial protection.

507. Based on the findings of fact and law, the Commission concluded that the Venezuelan State is responsible for the violation of Articles 5.1, 5.2, and 5.4 (physical integrity), 7.3 and 7.5 (personal liberty), 8.1 and 8.2 (fair trial), 11 (privacy), 24 (equality before the law), and 25.1 (judicial protection) of the American Convention on Human Rights in connection with the obligations established in Article 1.1 of that instrument; Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture; and Article 7, section b of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará).

- **José María Galdeano Ibáñez v. Nicaragua**

508. This case is about the lack of guarantees and due judicial protection with respect to the criminal investigation of the events of January 4, 2009, in the city of Granada, to the detriment of José María Galdeano Ibáñez.

509. Mr. Galdeano Ibáñez is a Spanish citizen. On January 4, 2009, he was physically injured by Mark Anthony Andrews, a U.S. citizen, outside the Oasis Hotel where he was lodged during his visit to Granada.

510. That day, an officer from the National Police received Mr. Galdeano Ibáñez's report about what had happened, leading to the opening of prosecution file No. 009-0911. At 12:20 p.m. on January 4, the National Police arrested Mark Anthony Andrews in the vicinity of the Granada market. That same day, a noncommissioned officer from the Legal Aid Department of the National Police submitted a police report to the Granada Public Ministry indicating the legal work that had been done; receipt of the report; interview of Fabiola Patricia Morales Enrique, a witness to the events; a request for a forensic medical report; and a request for a police record on the individual under investigation.

511. On January 5, 2009, Mr. Galdeano Ibáñez underwent a medical examination by Granada medical examiner Dr. Mario Hernández, who stated that the patient presented with "edema and ecchymosis on the left side of the face [...]. The lower left eyelid is also edematous and ecchymotic. On the right angle of the lip (right labial commissure)." The examination also indicated that the injuries were the product of blows that will leave permanent scars on his face, which are visible and not life-threatening.

512. On January 6, 2009, the National Police issued an order for the release of Mark Anthony Andrews, who had been detained for causing injuries. The order stated the reason as "compliance with the constitutional term." On January 9, 2009, the head of investigations of the National Police's Legal Aid Department reported that Mark Anthony had not presented himself to the Granada medical examiner and therefore, the medical examination that was ordered was not performed.

513. The State indicated that the Public Ministry had decided not to take criminal action, as it did not have a sound and determinative evidentiary basis and sufficient evidence for conviction, without providing evidence of a written decision and motivated by the Public Ministry, where these matters are reviewed.

514. On January 8, 2009, the petitioner filed a complaint with the Public Ministry and the Granada National Police but received no response to these complaints. On January 12, 2009, the petitioner sent a letter to the President of Nicaragua describing the events and mentioning his report to the National Police. However, he again received no response.

515. On April 22 and July 15, 2009, the petitioner requested assistance from the embassies of Spain in Peru and Paraguay, respectively, to prevent impunity for these acts. The petitioner received a response to these communications on February 9, 2010, in which the Subdirector General for the Protection of Spaniards Abroad informed him that it had made inquiries with the local authorities of Granada in Nicaragua and told the petitioner that (a) the Public Ministry had not filed charges against the alleged assailant, and (b) had given him 20 days to file the accusation himself. In this same vein, the embassy stated that (c) when crimes in which the victim or alleged assailant is a foreigner or non-resident of Nicaragua, the Public Ministry is very unlikely to issue an indictment, and that (d) there is a perception that in cases where the victim is not a resident, the police do not pursue investigations.

516. In its Admissibility and Merits Report No. 338/22, the Commission considered whether the State's actions in this case had adhered to due process under the American Convention.

517. First, the Commission found that the State had refrained from specifically stating the reasons why the Public Ministry had considered the matter and decided that there was insufficient evidence to pursue a criminal case and therefore did not remit the duly reasoned decision to the Attorney General's Office. That decision was the grounds for the decision to refrain from pursuing a criminal case and report the efforts it had made prior to reaching that decision.

518. Second, the Commission pointed out that in this case, the action taken by the Public Ministry did not comply with the minimum international standards for an investigation that adheres to the principles of due process and a fair trial. The Commission also noted that the petitioner received no response to the complaint filed with the National Police and Public Ministry and was not notified of any action stemming from these complaints or the criminal investigation or receive a response to his letter to the President requesting that the matter be cleared up and there be no impunity for these acts. In this regard, the Commission recalled that one way of violating Article 25.1 of the Convention is for the authorities not to respond about the merits of allegations because they did not conduct an investigation with due diligence that would have enabled them to determine whether a crime affecting a right had been committed and judicial protection provided.

519. Furthermore, given the State's argument that Article 564 of Law No. 641 Criminal Code of the Republic of Nicaragua states that victims of less serious crimes can directly file the criminal complaint without the need to exhaust administrative remedies, the Commission observed that that same law states that "[i]n this case, the National Police and the Public Ministry shall provide facilities to the victim or his representative to formulate the accusation," which the State did not prove had occurred in this case. In this regard, the Commission recalled that the State has an obligation to investigate with due diligence, and when appropriate, punish those responsible for violating people's human rights, which in this case was the right to physical integrity, especially because it was the alleged victim who filed the complaint activating this state obligation.

520. In sum, the Commission observed that in this case, no decision had been made or reasons given why the Public Ministry did not decide to pursue a criminal case or take all the action necessary to ascertain what had happened, added to which it did not report on the processing of the petitioner's complaints. In light of this, the Commission found that the State had not provided sufficient judicial guarantees to determine the truth about what happened and investigate, identify, try, and if appropriate, punish those responsible.

521. Based on these findings, the Commission concluded that the State of Nicaragua is responsible for the violation of the right to the guarantees and judicial protection enshrined in Articles 8.1 and 25.1 of the American Convention in connection with Article 1.1 of that instrument, to the detriment of José María Galdeano Ibáñez.

- **Garífuna Community of Cayos Cochinos and its Members v. Honduras**

522. This case is about the international responsibility of the Honduran State for violation of the right of the Garífuna community of Cayos Cochinos and its members to communal property, as well as the lack of adequate and effective remedies to resolve the situation.

523. The Garífuna community of Cayos Cochinos lies in an archipelago of the Municipality of Roatán, Department of Islas de la Bahía, some 20 km off the Caribbean coast of Honduras. The Cayos Cochinos archipelago has been part of the functional habitat of the Garífuna People since they arrived in Honduras 207 years ago. The residents of Cayos Cochinos community have lived in the Timon, Bolaños, and Chachahuate keys and the sector of Cayo Mayor known as the East End since the middle of the last century. Fishing among the coral reefs has been a source of food and income for the community and its members, who have engaged in this activity artisanally for several decades, and in fishing for escama, lobster, and conch – foods that they have stated are directly related to their religious rituals.

524. La Garífuna community in the East End, Bolaños, and Chachahuate keys have been calling for the recognition and titling of their traditional lands and territories since the second decade of the 20th century, and in December 2000 submitted requests to the National Agrarian Institute (INA) to issue deeds to the property. On January 24, 2002, INA issued three deeds of full ownership to the communities, which were to be recorded in the Islas de la Bahía Property Register. However, the Register denied the communities' application for registration, explaining that INA lacked the authority to turn over urban land. Given this refusal, INA and the communities filed a complaint with the La Ceiba Court of Appeals, and in September 2002, the La Ceiba Court of Appeals upheld the denial of registration. In response to that decision, the communities and INA petitioned for a writ of amparo.

525. On June 8, 2005, the Supreme Court of Justice vacated the decision of the Court of Appeals and ordered that the communities' deeds be recorded. The deeds of Cayo Chachahuate and Cayo East End were recorded on December 19, 2006, and that of the community of Cayo Bolaños, on May 31, 2007.

526. On November 24, 1993, the State issued Executive Agreement No. 1928-93 declaring the Cayos Cochinos archipelago a protected area. The agreement stated that its objective was "to ensure measures to conserve, protect, and restore the ecosystem" and it imposed "a minimum five-year ban (...) on all human activity involving the harvesting of marine life, birds, plants, animals, and coral species within a radius of 5,000 nautical miles of the archipelago," stating that the "Armed Forces of Honduras will provide assistance, surveillance, and police control in the coastal area, waters, and territory of the Cayos Cochinos archipelago."

527. Later, on July 30, 2003, the State issued Legislative Decree No. 114-2003 declaring the Cayos Cochinos archipelago a Natural Marine Monument, to be administered by the Cayos Cochinos Foundation, the National Institute for Forest Conservation and Development, Protected Areas, and Wildlife, and the Municipality of Roatán. The State did not conduct a free and informed prior consultation to obtain the Community's consent before declaring the archipelago a natural area and later, a Natural Marine Monument, and the Boards of the Garífuna communities of Chachahuate, Bolaños, and East End are not responsible for its administration, since it was entrusted to the aforementioned public and private entities.

528. The institutions involved in the administration of the Natural Marine Monument prepared plans to manage the archipelago in 2004, 2008, and 2014 in whose drafting the members of the Garífuna community of Cayos Cochinos did not participate. According to those plans, it was recognized that the Cayos Cochinos archipelago was facing a high degree of threats, including tourism and fishing pressure, the dumping of sediment and chemicals from the coast, oil exploration and drilling near coastal areas, the widespread presence of lionfish, deforestation, agriculture, and urban development. The petitioner also reported that in 2015, the State had passed the Fisheries Act without prior consultation of the Garífuna communities of Honduras and which, through the institutions charged with administering the Natural Marine Monument, has allowed more visitors to enter the area than it can handle without affecting the ecological balance and has even allowed television shows to be filmed there.

529. With the archipelago's designation as a Protected Area, the State ordered a ban on hook and line fishing in the archipelago, a measure that was later amended to allow artisanal hook and line fishing and prohibit the harvesting of crustaceans. There was no prior consultation about these measures. According to the petitioner, there is a "lack of buoys delimiting the fishing areas (...) a situation that for artisanal fishermen – who do not have a GPS – can lead in an infraction of the management plan." Members of the community, especially fishermen, were harassed and assaulted by the military personnel that entered the area due to the restrictions on fishing; [such acts] included the confiscation of dugouts, the disappearance of a Garífuna fisherman and the abandonment of people on the high seas, and permanent injuries to a Garífuna man shot by these officers. Even though they reported these acts to the Prosecutor's Office for Ethnic Affairs, the Commission had no information that would allow it to conclude that there had been an investigation into the acts reported.

530. In Merits Report No. 394/20, the Commission concluded that declaring part of the community's territory a protected natural area and later, a Natural Marine Monument, and restricting fishing without considering the community's situation and traditional subsistence practices, on top of the negative impact of tourism and the filming of television shows in the area, adversely impacted the use and enjoyment of the communal property and resources of the Garífuna community of Cayos Cochinos. Hence, the State had failed to comply with its international obligations, violating the right of that community to self-determination, since it: i) failed to guarantee the right to free and informed prior consultation; ii) did not conduct proper environmental and social assessments; iii) adversely affected the ownership and peaceful enjoyment of community lands and resources; iv) did not ensure the preparation of impact studies with a human rights focus or the enjoyment of reasonable benefits by the community, given the economic activities that affect it; and v) to this day has not passed legislation that comports with international standards.

531. In particular, the Commission stressed that full effectiveness of the right to self-determination is closely related to Indigenous Peoples' exercise of other specific rights that guarantee their existence as peoples, central among them the administration and use of their lands, territories, and natural resources, which for Indigenous Peoples are a source of their cultural identity, knowledge, livelihoods, and spirituality. In this regard, the Commission observed that the restrictions on different areas of their own territory and artisanal fishing; business activities linked with tourism; the intrusion of the general public in their territories; and the filming of television shows without considering the community's conditions and traditional subsistence practices have drastically affected the communities' full enjoyment of their territorial rights, their traditional livelihoods, their culture, and the way they organize and function according to their ancestral customs, creating fear, anxiety, and insecurity.

532. The Commission therefore declared that the State is responsible for the violation of the right to collective property and free and informed prior consultation, as well as the cultural rights of the Garífuna community of Cayos Cochinos and its members.

533. The Commission further determined that the six and seven years it took to obtain the titling and registration of the property was an unreasonable time and that the actions in the proceedings exemplified unreasonable delay, lack of diligence, and a lack of interest by state officials in guaranteeing the rights of the Garífuna community of Cayos Cochinos, violating their right to judicial guarantees and judicial protection.

534. Finally, the Commission found that the delay in recording the deeds to the property, as well as the creation and continued existence of the Natural Marine Monument, restricted the peaceful use of the community's lands and territories, creating fear, anxiety, and insecurity. The Commission also noted the threats, harassment, and acts of violence against members of the community by state and private actors because of its opposition to the creation and functioning of the natural protected area and subsequent Natural Marine Monument, which were reported to the proper authorities and have neither been investigated nor have the persons responsible been identified. The Commission determined that had the State conducted an effective investigation from the time of the initial complaints, it could have devised measures to protect the physical integrity of the communities' members that were consistent with the specific sources of risk and pressure. The

Commission therefore found that the effects of the state actions and omissions with respect to the community's collective property had resulted in violation of the mental and moral integrity of its members.

535. Based on these findings, the Commission concluded that the Honduran State is responsible for the violation of the rights enshrined in Articles 5.1 (physical integrity), 8.1 (judicial guarantees), 13.1 (freedom of thought and expression), 21.1 (collective property), 23.1 (right to participate in government), 25.1 (judicial protection), and 26 (cultural rights) of the American Convention on Human Rights in connection with the obligations established in Articles 1.1 and 2 of that treaty, to the detriment of the members of the Garífuna community of Cayos Cochinos.

- **Víctor Alfonso Navarro López v. Venezuela**

536. This case is about the international responsibility of the Venezuelan State for forced entry, unlawful and arbitrary detention, and acts of violence by state actors, to the detriment of human rights defender Víctor Alfonso Navarro López.

537. At the time of the events, Mr. Navarro López was 22 years old and was finishing his social communication studies at Monte Ávila University. Mr. Navarro López was a human rights defender, who since the age of 15 had volunteered with the nongovernmental organization Fundación Embajadores Comunitarios (Community Ambassadors Foundation) and worked in a project, Corazón Valiente (Brave Heart) that promoted human rights and better living conditions for street people.

538. On January 23, 2018, a criminal case was opened against people who had allegedly participated in disorderly conduct, resistance to authority, and the incitement of hate in the Capital District's Libertador Municipality. The authorities concluded that these people had been involved in the Corazón Valiente project. During this process, a report was filed by state actors that called Fundación Embajadores Comunitarios (...) an organization whose aim is to train young Venezuelans in leadership and recruitment techniques – this with the goal of “recruiting low-income youth to breed violence in the country.” This report recommended “surveilling the members of the Corazón Valiente foundation to document and identify its members to neutralize them.”

539. On January 24, 2018, at around 5 a.m., agents of the Bolivarian National Intelligence Service (SEBIN) entered Mr. Navarro López's home in Caracas without a warrant. Inside the house, the agents took pictures, seized personal objects, and pummeled, kicked, and pointed guns at him and then forced him into an official vehicle. Mr. Navarro's family did not know his whereabouts until the night of the day he was detained. The “Con el Mazo Dando” television show of then Deputy Diosdado Cabello ran a picture of Mr. Navarro López, whom the host said had been captured, under the chyron “Corazon Valiente Terrorist Cell.”

540. On January 26, 2018, the first appearance hearing was held for Mr. Navarro López and nine other defendants. The private attorney that Mr. Navarro had appointed was not in the courtroom when the hearing began, arriving 30 minutes late, causing the court to appoint a public defender against Mrs. Navarro Lopez's will. During the hearing, the judge preliminarily named the offenses as public incitement and unlawful association and agreed to a precautionary measure consisting of periodic appearances at the Criminal Court Circuit's Office of Appearances, a ban on leaving the country, and the presentation of two guarantors. He also ordered the respective release order to be issued, which was communicated through a letter to the Commissioner General of SEBIN. The public defender that had been assigned filed no motion with respect to the indictment and precautionary measure imposed.

541. Mr. Navarro stated that he was taken to the El Helicoide detention center, where he was interrogated by the then Commissioner-Director of SEBIN and was beaten and threatened by the state actors to extract information from him about the project. During his detention, Mr. Navarro López was held in a punishment cell called “Preventive I,” which he shared with 16 other people in a space of approximately 3.5 by 2.5 meters, which had no ventilation, beds, natural lighting, or running water; thus, in order to defecate or urinate, inmates had to use empty food containers, which were removed by the jailors every three days. Even

though, due to the deplorable sanitation conditions, Mr. Navarro suffered from various ailments, such as fever, diarrhea, vomiting, influenza, and a cough, he did not receive medical care. Mr. Navarro stated that jail personnel entered the cells armed and masked, threatened the inmates with death, mocked them, and meted out various types of abuse. On one occasion, [Mr. Navarro] was taken at night to a torture cell called “El Bañito” (the Little Bath) with four “dangerous” inmates. Mr. Navarro’s family maintained that he was barred from receiving visitors, both family members and his attorney.

542. On February 16, 2018, the presiding judge sent a notice about the defendant to the guarantor verification service. According to the petitioners, after the hearing, all the conditions for Mr. Navarro’s release had been met, but due to omissions and irregularities, it did not happen. Mr. Navarro was released on June 2, 2018. The preliminary hearing in his criminal trial was postponed 10 times, and because of his fear that the national government would unlawfully and arbitrarily rearrest him, on May 3, 2019, he crossed the border into Colombia. On May 10, 2019, he entered Argentina, where the National Commission for Refugees granted him refugee status.

543. Since January 25, 2018, Mr. Navarro’s family has filed complaints with various authorities, including one with the Senior Prosecutor of the District Court of the Caracas Metropolitan District regarding his disappearance, as well as briefs with the Ombudsman’s Office, the Public Ministry’s Human Rights Office, and the 126th Prosecutor’s Office of the Caracas Metropolitan District on his arbitrary detention, conditions of detention, and violations of the right to a defense. The Commission had no information as to whether there had been a response to the complaints.

544. In its Admissibility and Merits Report No. 340/22, the Commission observed that during the criminal proceedings, justified the forced entry and detention of Mr. Navarros had been justified using Article 196.2 of the Organic Code of Criminal Procedure (COPP), which stated that any forced entry must be carried out with a warrant and in the presence of witnesses, except when i) it was necessary to prevent the perpetuation or continuity of a crime; or ii) involved people whose apprehension was sought. However, the Commission pointed out that the forced entry [of the residence] and arrest of Mr. Navarro were carried out without a warrant and in the absence of the conditions for waiving the requirement stipulated in the Code. It further noted that there was no documentation of any type to substantiate that he was caught in the act to justify his arrest, bearing in mind that the alleged crime that Mr. Navarro had been involved in had taken place a day earlier.

545. In addition, the Commission observed that the court that reviewed the legality of Mr. Navarro’s detention limited itself to stating that since the agents who had participated in the arrest claimed to have applied the exceptions stipulated in the COPP, it had been lawful, without effectively reviewing how these exceptions had been applied in the specific case. The Commission also noted that at the time of the events in this case, a series of actions had been taken criminalizing human rights defenders, including unlawful and arbitrary detention similar to that of Mr. Navarro López. Hence, the Commission deemed the detention and forced entry unlawful.

546. Added to this, the Commission concluded that Mr. Navarro López’s deprivation of liberty was arbitrary, because on January 26, 2018, the judge presiding over the criminal trial had decreed an alternative to detention under certain conditions, and although those conditions were met in early February 2018, [Mr. Navarro] continued to be detained until June 2, 2018, the State having provided to documentation to justify his detention between February and June 2018. The Commission also found that the state actors had not told the victim why he was being arrested in compliance with the standards set in the American Convention. Based on these considerations, the Commission found that the State had violated his right to personal liberty due to the unlawfulness and arbitrariness of his detention, as well as the failure to tell the victim why he was being arrested, and also that it had violated his right to protect his home.

547. The Commission also reviewed the conditions of Mr. Navarro López’s detention in El Helicoide, which included overcrowding and prolonged and coercive solitary confinement, as well as a series of assaults by state actors, and found them to constitute acts of torture and cruel, inhuman, and degrading

treatment. In particular, the Commission considered the acute physical and mental suffering, the deliberate actions of the state actors, and the fact that they were committed to intimidate and interrogate him about the activities of the organization he belonged to. The Commission therefore found the State responsible for the violation of physical integrity.

548. The Commission further noted that Mr. Navarro's family reported to various authorities their inability to visit him and the various harm he had been subject to during his detention. However, the State did not report having conducted an investigation to determine what had happened and assign the respective responsibilities. Given the lack of an investigation, the Commission concluded that the State had violated the right to judicial guarantees and judicial protection, as well as the obligation to investigate acts of torture.

549. The Commission likewise found that Mr. Navarro Lopez's inability to have his attorney present during the preliminary hearing had been a violation of his right to be assisted by a defense attorney of his choosing and to communicate freely and privately with him. The Commission further observed that the court had assigned a defense attorney to Mr. Navarro during the hearing and that his actions had been ineffective, noting that the victim had not met with him beforehand, and that in response to the court's decision to continue with the investigation and rule Mr. Navarro's detention lawful, the attorney had filed no appeal to contest it. The attorney also failed to file defense motions to inquire about the harm caused to Mr. Navarro, to request hearings, or to submit new evidence. The Commission therefore found that Mr. Navarro's public defender was not effective and on the contrary, compromised his right to a defense.

550. In addition, the Commission found that the harm suffered by Mr. Navarro was connected with his work as a human rights defender and that it was inflicted to stigmatize, intimidate, and prevent him from continuing to pursue this activity. Specifically, the Commission observed that a deputy in the National Assembly broadcast Mr. Navarro's picture during a television show, claiming that he was part of a terrorist cell; thus, it concluded that the State is responsible for the violation of the right to the protection of honor and dignity and the presumption of innocence.

551. Added to this, the Commission noted that Mr. Navarro had to leave the country due to the violence and harassment against him and because of his fear of being rearrested due to his work as a human rights defender, and it determined that the lack of an investigation and the absence of effective protective measures had a sufficiently solid causal relationship with his leaving the country to attribute responsibility to the State for this act. The Commission therefore concluded that the State is responsible for the violation of the right to movement and residence.

552. Finally, the Commission found that the fact that the family of Víctor Alfonso, who was 22 years old at the time of his arrest, did not know his whereabouts for almost 24 hours, learned of his deprivation of liberty through a television show that called him a terrorist, and was subsequently unable to contact him in itself constituted a violation of the mental and moral integrity of the victim's family. Hence, the Commission concluded that the State had violated the right of mental and moral integrity, to the detriment of his family.

553. Based on the findings of fact and law, the Inter-American Commission concluded that the State is responsible for the violation of the rights enshrined in Articles 5.1 and 5.2 (physical integrity), 7.2, 7.3, 7.4 (personal liberty), 8.1, 8.2 (fair trial), 11 (honor and dignity), 22.1 (freedom of movement and residence), and 25.1 (judicial protection) of the American Convention in connection with Article 1.1 of that instrument, to the detriment of the people identified in different sections of the report. The State is also responsible for the violation of Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.

- **Jaime Antonio Chavarría Morales and Family v. Nicaragua**

554. This case is about the international responsibility of the Nicaraguan State for violating the rights enshrined in the American Convention on Human Rights through assaults on physical integrity and the inability to obtain justice, to the detriment of Jaime Antonio Chavarría Morales and his family, in the context of the obstruction of data verification during the municipal electoral process of November 2008.

555. At the time of the events, Jaime Antonio Chavarría Morales was 57 years old, living in the city of Managua in the Department of Managua, working as an economist, and was running for the office of council member as the candidate of the Liberal Constitutional Party Alliance (PLC).

556. On July 26 and 27, 2008, the citizenship verification process for the municipal elections of November 9 that year was under way. According to the petitioner, on instructions from the Supreme Electoral Council (CSE), Citizenship Verification Centers should normally be set up where citizens exercised their right to vote, and if no more people were waiting to be verified, they should close at 5:00 p.m. On July 27, 2008, Mr. Chavarría was serving as the Electoral Verification Auditor for District Four for the PLC Alliance at the Josefa Toledo de Aguerrí school. That day, Mr. Chavarría received a call from the Auditor of the Polling Center, also a PLC member, informing him that the members of the Verification Center's oversight committee were going to close it at 4:00 p.m. on instructions from the higher-ups.

557. As a result of this conversation, Mr. Chavarría, as Electoral Verification Auditor, went to check on this and confirmed that the Center's Coordinator, along with the Verification Officer and the Change of Address Officer had closed the facility, as it was 4:00 p.m. and that around 50 people had yet to be verified. These officers had taken the verification suitcase and altered the Center's closure record to read 4:45 p.m., leading Mr. Chavarría to formally challenge them, both verbally and in writing. However, they refused to receive and address the complaint, arguing that they were following orders from their superiors in the CSE.

558. As Mr. Chavarría, accompanied by his children and son-in-law, was leaving the Verification Center, the Auditor from the Sandinista Front Verification Center, together with other Sandinista officials, seized the statistical report provided to them as the Alianza PLC and ordered a group of 40 to 50 people armed with machetes, knives, pipes, and other types of weapons, who identified themselves as members of the Citizen Power Council (CPC), to kill Mr. Chavarría and the family members who accompanied him. These events took place in the presence of the National Police, who did nothing to stop them.

559. According to the medical reports provided in the file, as a result of this assault, Mr. Chavarría was left with two fractured ribs and injuries to his head, abdomen, chest, back, and other areas. His daughter, Cindy Alicia Chavarría Alonso, had hematomas on the upper right side of her lip, ecchymosis on the left side of her face, a hematoma on the outer side of her right leg, and ecchymosis in her right leg. Jeffer Joaquín Chavarría Alonso had an open wound, bruising on his neck, chest, shoulder blade, lumbar region, and left forearm; while his son, Jaime Antonio Chavarría Alonso, lost consciousness the day of the events and was taken to a hospital with a grade 1 head injury, closed chest trauma, frontal injury, multiple blows to the body, and a fractured left metacarpal and left hand, among other injuries.

560. Due to the Verification Center's closure before the time set by the CSE, Mr. Chavarría submitted an oral and written report to the authorities of the Verification Center and the Electoral Verification Roadmap, and later, on August 14, 2008, went to the Municipal Electoral Council to report both the acts of violence and the lack of an institutional response. However, the officials refused to receive the reports. In light of this refusal, on August 18, 2008, Mr. Chavarría went to the Departmental Electoral Council (CED) and on August 26, 2008, filed a new complaint with the CSE, and simultaneously, with the Electoral Review Board; however, he received no response to the complaints.

561. In addition to the electoral complaints, Mr. Chavarría filed a complaint with the National Police, who took the statements of the victims and six witnesses. Between July 29 and 31, 2008, the victims underwent a forensic medical examination by the Institute of Forensic Medicine. On November 11, 2009, the Public Ministry opened a criminal case against three individuals as the alleged perpetrators of the crimes of inflicting serious injury and threatening Mr. Chavarría and the other members of his family. The indictment was issued in the Eighth District Criminal Trial Court of Managua.

562. On January 27, 2010, the Judge in the case dismissed the indictment, stating that it did not specify the individual participation of the alleged perpetrators. The next day, therefore, the Public Ministry amended the criminal indictment, which again was dismissed because the circumstances surrounding the

events were not indicated. On July 27, 2010, the Public Ministry once again amended the indictment; however, during the hearing of October 21, 2010, the Judge again decided to dismiss it – this time, because new evidence had not been provided nor had the corrections ordered been made. The Public Ministry stopped pursuing the appeal, and on May 4, 2016, the Judiciary decided to archive the case. The victims were not notified of any of the rulings.

563. On November 11, 2009, Mr. Chavarría and several members of his family filed two additional complaints – the first, against six individuals whom they identified as the Sandinista leaders behind the acts of violence, and the second, against five prosecutors for abuse of authority or functions, dereliction of duty, and failing to prosecute crimes. The judge of first instance canceled the hearing [on the first complaint], arguing that they had been unable to find the addresses of the alleged perpetrators, and [the hearing on] the second because the Judge considered it inadmissible. The victims were not notified of the two judges' rulings.

564. At the same time, Mr. Chavarría filed several complaints about the Public Ministry's failure to take action and the lack of a response, including one on July 28, 2009, with the Office of the Prosecutor General of the Republic and another on September 8, 2014, with the Human Rights Ombudsman, but did not report receiving a response.

565. Because of the electoral and criminal complaints filed about the closure of the Verification Center and the events of July 27, 2008, Mr. Chavarría and his family reported they had been subject to intimidation and threats, including verbal and physical assaults, which intensified with the notification of the petition to the IACHR. Specifically, on July 2, 2014, Mr. Chavarría reported to the National Police that his grandson had been beaten up that day by members of a Sandinista youth group and the Citizen Power Council. As a consequence of police harassment and threats by persons unknown, in May 2014, Mr. Chavarría's son, Jaime Antonio Chavarría Alonso, had to flee Nicaragua seeking refuge in the United States and leave his family behind. However, state officials took no action to investigate the events reported or take steps to prevent such acts.

566. In Admissibility and Merits Report No. 337/22, the Commission found that the State had failed to meet its obligation to adopt necessary and effective measures to provide protection against assaults on the physical integrity of Mr. Chavarría Morales and his family. Specifically, it noted that the State did not intervene to halt the violence against the victims by the group of 40 to 50 armed individuals. The Commission further indicated that the lack of police action in this case had a significant influence on the course of the events and that it could reasonably be expected that proper and effective exercise of its responsibilities would have prevented, or at least minimized, the harm done. The Commission therefore found the State responsible for the violation of the right to physical integrity.

567. The Commission also found that the State had not guaranteed the right to judicial guarantees and judicial protection. With respect to the electoral complaints, the Commission noted that despite the complaint that Mr. Chavarría filed with the CEM as Electoral Verification Auditor about the closure of the Verification Center, it was not accepted, while the CED and CSE authorities neither launched an investigation nor made any statement. The Commission pointed out that while these avenues were the right ones, under Article 2 of the Rules of Procedure for the processing of petitions, complaints, and reports of violations of electoral ethics during the 2008 electoral campaign, they were ineffective. The Commission also noted that, despite the fact that more than 14 years had passed since the events reported, the victims have not received a response, finding that the lack of a thorough and effective investigation to this day has been excessive and thus, a violation of the right to a judicial guarantees and judicial protection.

568. With respect to the criminal complaints, first, the Commission considered the lack of due diligence in conducting the criminal proceedings. With regard to the action of the Public Ministry, the Commission noted that since the last hearing in which the criminal motion was denied, the Ministry had taken no other effective action to proceed with and advance the investigation; specifically, it did not take statements from the National Police officers that were present where the events took place or make any effort to identify all the participants, which does not comport with the obligation of due diligence in pursuing the investigation

and criminal case under the Inter-American standards. Moreover, the Commission noted the inactivity of the authorities and their failure to respond and that the courts did not handle the case in a way that would have kept undue delays and obstacles from resulting in impunity.

569. Second, the Commission found that the delays in the present case had resulted in the more than 14 years that had passed to date since the events without a thorough and effective investigation, which is excessive and therefore a violation of the guarantee of reasonable time. The Commission also noted that neither the Prosecutor's Office nor the judges involved in the criminal case had notified the victims of the reported events as part of the procedure for their participation during the hearing or to ensure they had an opportunity to file any motions they considered pertinent prior to the judicial ruling.

570. The Commission therefore found that the State had violated the guarantees of due process, and judicial protection with respect to the electoral complaints and the criminal courts.

571. Finally, with regard to the violation of physical integrity, the Commission observed that Mr. Chavarría and his family were subjected to numerous acts of violence and threats, which intensified due to the authorities' inaction in addressing the complaints filed with the bodies charged with investigating the acts and administering justice. Specifically, the Commission stated that it is of particular concern that among the violence and threats to the family, children were involved, contravening the obligation of the State to respect and protect the integrity of all people under their jurisdiction and in an enhanced manner when children are involved. Furthermore, the Commission pointed out that the threats and violence caused Jaime Antonio Chavarría Alonso to uproot himself and take refuge in the United States in May 2014, distancing him from his family, especially his two children, both minors. The Commission therefore found the State responsible for the violation of family protection, to the detriment of the family, consisting of Jaime Antonio Chavarría Alonso, his wife, and children, and specifically in connection with Article 19 of that same Convention, to the detriment of Grace Alejandra Chavarría Moreno and Jaime Antonio Chavarría Moreno, who were minors at the time of the events.

572. Based on the findings of fact and law in this report, the Commission concluded that the State of Nicaragua is responsible for the violation of Article 5.1 of the Convention in connection with its article 1.1, to the detriment of Jaime Antonio Chavarría Morales and his family. It is likewise responsible for the violation of the right to judicial guarantees and judicial protection enshrined in Articles 8.1 and 25.1 of the American Convention in connection with Article 1.1, to the detriment of Jaime Antonio Chavarría Morales and his children. In addition, the IACHR concluded that Nicaragua is responsible for the violation of Article 5 of the American Convention in connection with Articles 1.1 and 19 of that instrument, to the detriment of the children of the Chavarría family who were minors at the time of the events, namely: Jaime Antonio Chavarría Moreno, Grace Alejandra Chavarría Moreno, Astrid Belén Chavarría Munguía, Camila Monserrat Matos Chavarría, Jeffer Isaac Chavarría Munguía, Fergie Chavarría Silva, and Alicia Margarita Chavarría Silva. The IACHR likewise concluded that Nicaragua is responsible for the violation of Article 17.1 of the Convention in connection with Article 1.1 of that instrument, to the detriment of the family consisting of Jaime Antonio Chavarría Alonso, his wife, and children, and especially in connection with Article 19 of that same Convention, to the detriment of Grace Alejandra Chavarría Moreno and Jaime Antonio Chavarría Moreno.

- **Jesús Ramiro Zapata v. Colombia**

573. This case is about the international responsibility of the Colombian State for the murder of human rights defender Jesús Ramiro Zapata on May 3, 2000, in the Municipality of Segovia, Department of Antioquia.

574. The events in the case unfolded in a general context of political violence resulting from the armed conflict in Colombia, whose influence extended to the Municipality of Segovia. Mr. Zapata was a teacher and human rights defender who served on the Human Rights Committee of Segovia and CODEHSEL at the time that members of this type of organization were considered "domestic enemies," a doctrine introduced in the context of the fight against subversives and executed by military and paramilitary personnel. As part of his

work as a defender, [Mr. Zapata] denounced the collaboration between the State's security forces and paramilitary personnel in the Segovia massacres of 1988 and 1996.

575. Because of his work as a human rights defender, Mr. Zapata was the victim of harassment, stalking, and criminalization, which included the opening of multiple prosecutions against him for alleged ties with subversive elements and his alleged participation in criminal activities. Mr. Zapata was also the object of intelligence investigations in which he was categorically labeled a member of militias and subversive groups and an ideologue and extremist. It was also alleged that his work as a human rights defender was merely a front.

576. Among other threats and harassment, in 1996 Mr. Zapata's home was raided, as allegedly there was information that he was hiding explosives in the house. On July 17, 1996, he was arrested without a warrant, and a case against him was opened for falsifying documents based on the sole argument that his photo did not match his actual appearance. The day after that, a woman on the street identifying herself as Local Prosecutor 245 of Medellín told Mr. Zapata that he was under arrest again, since he was considered dangerous, resulting in his spending five hours in custody. On March 5, 1997, he noticed the presence of suspicious armed individuals in the vicinity of the school where he taught.

577. During the second half of 1997, Mr. Zapata moved to Medellín to safeguard his life and [physical] integrity. However, he found himself in dire financial straits, which obliged him to return to Segovia around the first quarter of 1998 to resume working at an educational institution. In 1998, the Commission granted the victim precautionary measures due to the risk he faced. Mr. Zapata was murdered on May 3, 2000, by persons identified as members of the United Self-defense of Colombia (Autodefensas Unidas de Colombia).

578. Before his body was found, Mr. Zapata's nephew, Adrián Alberto, went to the command center to report that he had information that his uncle had been murdered and that he knew where he lay, asking them to examine the body, to which the inspector replied, "I told him to go get it and the Prosecutor's Office would perform the autopsy at the hospital in the morning." Following her instructions, Mr. Zapata's nephew went to the site of the events, recovered his uncle's body, and took it to the hospital. The file states that on May 4, 2000, the Unit Delegated to the Circuit Criminal Court received the *notitia criminis*, ordered office staff to deploy, and commence the preliminary investigation. According to the autopsy report, the examination was performed in the morgue at the San Juan de Dios Hospital in Segovia, indicating that the orientation and position of the body were artificial. The autopsy report also detailed a series of gunshot wounds.

579. In the ensuing years, a series of investigative actions were taken without leading to a trial of the perpetrators. In response to requests for new efforts and new evidence, on March 19, 2019, Prosecutor's Office 69 attached to the Special Unit for Human Rights Violations issued a resolution to open an investigation.

580. In Merits Report No. 299/20 on the death of Mr. Zapata, the Commission found that while the case file contains no information on his behavior from the time he returned to Segovia to the day of his death to determine whether he had notified the authorities that he was at risk, it can be concluded that, given the standards governing the obligation of prevention, the situation in Segovia, and his work as a human rights defender, not to mention the precautionary measures he was granted, the State should have known that he was in real and imminent danger and should have taken the necessary steps to protect him. The Commission noted that notwithstanding, the last official communication about Mr. Zapata's security situation was from May 12, 1998. The Commission therefore found that the State did not substantiate having taken steps that could reasonably have been expected to protect the victim from the risk he was facing, which is inconsistent with its obligation to prevent violations of the right to life; thus, the Commission found the State responsible.

581. The Commission also found that Mr. Zapata had been a victim of judicial harassment and that the repertoire of hostile acts he had endured in the 1990s until his return to Segovia in 1998 in the Colombian context of the era, and specifically in Segovia, was designed to obstruct his work in the defense of human rights, affecting his membership in his organizations and their operations, causing fear and suffering and leading to

his forced displacement. The Commission therefore concluded that the State had violated his right to integrity, honor and dignity, freedom of expression, freedom of association, and freedom of movement.

582. With regard to the right to a fair trial and judicial protection, the Commission found first, that the State had failed to meet its obligation of due diligence in preserving the crime scene – this, because when his nephew reported the crime, the authorities told him to recover his uncle’s body. The Commission stated that this was an extremely serious matter, since handling the body contaminated the crime scene, compromising any evidence that could have contributed to the identification of the perpetrators of the crime and their connections.

583. Moreover, it found the absence of clear principal line of investigation aimed at determining whether Mr. Zapata’s death was related to his work as a human rights defender, which would have been consistent with his work as such. The Commission also noted with concern that one of the witnesses who materially inculpated several paramilitary personnel in Mr. Zapata’s death and indicated some connections with state security agents died in an assault after giving his statement. The Commission further noted that the various investigations containing false statements and an intelligence report that were used to obstruct the victim’s work as a human rights defender were not included in the investigation. In addition, the Commission pointed out that the investigation commenced the day after Mr. Zapata’s death and has continued to this day, meaning that the previous investigation had been ongoing for 19 years. In light of this, the Commission concluded that the State had violated the right to a fair trial and judicial protection, and that the investigation had not been concluded in a reasonable time.

584. Finally, the Commission found that the loss of their loved one in circumstances such as those described, as well as the absence of truth and justice and the delay in the investigations, exposed Mr. Zapata’s family to constant suffering, risk, and pain in violation of its right to mental and moral integrity.

585. Based on these findings, the Commission concluded that the Colombian State is responsible for the violation of the rights enshrined in Articles 4.1, 5.1, 8.1, 11.1, 13.1, 16.1, 22.1, and 25.1 of the American Convention on Human Rights in connection with the obligations established in its article 1.1.

- **Carlos Enrique Graffe Henríquez v. Venezuela**

586. This case is about the international responsibility of the Bolivarian Republic of Venezuela for the unlawful and arbitrary detention and damage to the health of human rights defender Carlos Enrique Graffe Henríquez, as well as violations of the right to a fair trial and judicial protection in his prosecution.

587. At the time of the events, Mr. Graffe was a Venezuela civilian, human rights defender, and political activist. In 2007, he participated in the Venezuelan Student Movement, and in 2008 founded the ASOESFUERZO association, with the object of defending the right to private enterprise, free enterprise, economic freedoms, and private property, and Fundación Futuro Presente (Future Now Foundation). He later founded Un Mundo sin Mordaza (A World without Gags), dedicated to the defense of freedom of expression and the reporting of human rights violations in Venezuela.

588. On June 7, 2017, on the “Con el Mazo Dando” (Strike with thy rod) television show, Diosdado Cabello, then a deputy in the National Assembly, called Mr. Graffe a “terrorist,” responsible for certain acts of violence in the La Isabelica neighborhood of Valencia. According to the petitioner, Diosdado Cabello said that the victim “deserved operation Tún-Tún,” which means “the search for and arbitrary arrest of dissidents who oppose the National Government.”

589. According to the complaint filed with the Ombudsman by his father, Oswaldo Graffe, on July 13, 2017, Carlos Graffe was walking down the street in the city of Valencia after a doctor’s appointment when he was stopped by state security personnel. These agents were not dressed in service uniforms, did not have any official identification or a warrant for his arrest, or find him *in flagrante delicto*. Mr. Graffe’s family heard about his arrest through a video of the event published on social networks. At 7:01 p.m., the official

Twitter account of the Carabobo Police announced that Mr. Graffe had been arrested “with C4 explosives, detonating cord, and rockets with nails attached with adhesive tape,” which, according to the petitioner, was false.

590. The next day, the victim spoke with his father and told him that he was being detained and was not allowed to mention where. An investigation of Mr. Graffe was launched in the military criminal court for the alleged commission of the military offenses of i) incitement of rebellion and ii) theft of military equipment, and he was placed under the jurisdiction of the Control Court of the Military Criminal Court Circuit of the state of Carabobo. On July 15, 2017, the hearing before the military criminal court ended at midnight, and it was decided to place him in pretrial detention at the Ramo Verde National Center for Military Criminal Defendants (CENAPROMIL).

591. According to the petitioner’s allegations, Mr. Graff’s legal defense was not initially given access to the trial dossier so that he could exercise his right to a defense, despite repeated requests, including a petition for a writ of amparo, which were never heeded by the authorities. The legal defense also filed briefs with the Fifteenth Military Prosecutor and the Sixth Military Judge of the Criminal Court Circuit of the state of Carabobo, asserting that the arrest had been unlawful and requested that efforts be made to clear up what had happened. In addition, the legal defense stressed to the Delegated Ombudswoman of the state of Carabobo that the military criminal courts were not the proper venue for trying Mr. Graffe.

592. Mr. Graffe was held in CENAPROMIL for four months. On November 15, 2017, he was granted a precautionary measure substituting pretrial detention with house arrest, remaining in the custody of the Carabobo State Police by order of the Military Court. On December 28, the Military Court granted a precautionary measure for his release, pursuant to Article 250 of the Organic Criminal Trial Code. Under this provision, Mr. Graffe was required to appear before the Court every 15 days to sign the respective appearance book and was barred from leaving the country. On February 15, 2021, the victim’s procedural status remained the same.

593. For at least 15 days from the time he entered CENAPROMIL, Mr. Graffe was kept in isolation and was not allowed visits from his family. Furthermore, he was isolated for 18 days in a punishment cell known as “El Tigrito,” [The jaguar cub] which, i) is 4 by 3 meters squared; ii) has no natural light; iii) has no ventilation; and iv) has no bed or sanitation. Furthermore, during the first six days of his isolation, he was kept in overcrowded conditions, having to share the cell with 11 other detainees, and in the next 12 days, the conditions worsened, as he had to share the cell with 13 people.

594. With regard to Mr. Graff’s health, his father reported that two months prior to his son’s detention, he had had kidney surgery and was in the recovery process and that he also suffered from “renal colic, predominantly on the left side” and “repeated urinary tract infections,” for which he needed medical care and kidney surgery. However, from the moment of his arrest, Mr. Graffe received no medical care, despite multiple requests.

595. On July 28, 2017, Mr. Graffe’s father filed a petition requesting the Ombudsman’s intercession with the judicial and prison authorities to enable the victim to have the needed surgery, provide him with the necessary medical care, and allow his family to visit him, but he received no response.

596. In Admissibility and Merits Report No. 341/22, the Commission observed that there is no dispute as to whether at the time of the arrests: i) there was a warrant; or ii) he was caught *in flagrante delicto* and that while the Carabobo Police reported having taken weapons from Mr. Graffe, there is no evidence to substantiate that. The Commission also found Mr. Graff’s detention similar to other cases involving the criminalization of human rights defenders at the time. The Commission therefore found the detention unlawful.

597. In addition, the Commission noted that Mr. Graffe’s pretrial detention had been ordered by a military court, which lacked jurisdiction, and that the State had provided no evidence of the existence of any act that would provide sufficient grounds for his deprivation of liberty in terms of its purpose, appropriateness,

necessity and proportionality. It therefore found that during the time that Mr. Graffe was deprived of liberty, it was arbitrary. Finally, the Commission found that the victim was not told the reasons for his arrest in keeping with the standards of the American Convention and that, since he was brought before a military court, he was not brought without delay before a competent judicial authority to determine the lawfulness [of his detention] and safeguard his personal security.

598. With respect to the right to physical integrity and health, the Commission noted that during his detention, Mr. Graffe was subjected to isolation for 18 days, having no contact with his family, was housed in a small cell without ventilation, natural light, beds, or adequate sanitation, and that he had to share that cell with 13 additional people. Furthermore, Mr. Graffe required constant medical monitoring and care due to the surgery he had undergone prior to his detention, and the total lack of medical attention during the period of his detention left him with health issues that continue to this day. Added to this is the absolute failure of the Venezuelan State to provide an explanation for Mr. Graffe's lack of medical attention, diagnosis, and treatment while he was in its custody. The Commission therefore found that, given the situation endured by Mr. Graff during his detention, the State is responsible for the violation of his right to physical integrity and health and that what happened to Mr. Graffe constituted cruel, inhuman, or degrading treatment.

599. The Commission took note that the allegations about the conditions of detention and lack of medical care were reported to various authorities without prompting in any investigation in this regard, resulting in a violation of the right to a fair trial and judicial protection, and revealing a lack of effective measures to prevent and punish torture.

600. The Commission also observed that the Mr. Graffe's prosecution began in the military criminal courts and remained open, added to which were the allegations of i) a lack of access by Mr. Graff's legal defense to the dossier; ii) a failure to carry out multiple tasks; and iii) the authorities' refusal to receive and process multiple petitions. In particular, the Commission noted that the provisions of the Organic Code of Military Justice applied to the case allow for trying civilians in the military courts, which runs contrary to the American Convention. It therefore concluded that the State violated the right to a fair trial and judicial protection – specifically, the right to an appropriate, independent, and impartial court and to adequate and effective judicial remedies.

601. The Commission also observed that the abuse endured by Mr. Graffe was connected with his work in defense of human rights and that its purpose was to stigmatize and intimidate him and prevent him from continuing these activities. In this regard, the Commission noted that the case in the military courts remains open to this day and that various state actors have told him to keep “a low profile” to avoid new acts against him, therefore concluding that the State is responsible for the violation of the right to the protection of honor and dignity and freedom of expression.

602. Finally, the Commission found that cruel, inhuman, or degrading acts or treatment of a loved one in a situation such as that described in this case, as well as the absence of a thorough and effective investigation, which causes pain and suffering due to not knowing the truth, in itself constitutes a violation of the mental and moral integrity of Mr. Graff's family.

603. Based on the findings of fact and law, the Inter-American Commission concluded that the State is responsible for the violation of the right to physical integrity, personal liberty, a fair trial, honor and dignity, freedom of expression, judicial protection, and health enshrined in Articles 5.1, 5.2, 7.1, 7.2, 7.3, 7.4, 7.5, 8.1, 11, 13, 25.1, and 26 of the American Convention in connection with Articles 1.1 and 2 of that instrument, to the detriment of the people identified in sections of this report. The State is likewise responsible for the violation of Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.

- **José Antonio Navarro Hevia v. Venezuela**

604. This case is about the international responsibility of the Venezuelan State for the violation of various rights enshrined in the American Convention on Human Rights, to the detriment of José Antonio

Navarro Hevia, as a result of reprimands and his subsequent firing from his civil service job in the Ministry of Defense in reprisal for his reporting irregularities and corruption in the Ministry.

605. Mr. Navarro Hevia had worked as a career employee in the Ministry of Defense of the Bolivarian Republic of Venezuela from 1978 to 2001. Since joining the Ministry, he had received six promotions, reaching the grade of Professional Analyst III in December 1993. Mr. Navarro Hevia was fired from his job as a result of a series of written and verbal reprimands, regulated in Article 59, Section 5 and Article 60, Section 7 of the Administrative Careers Act, pursuant to Article 104 of the Rules of Procedure of the Administrative Careers Act.

606. On July 29, 1999, the Head of the Office's Disbursement Division informed Mr. Navarro Hevia that he had been barred from a competition for a promotion due to the written reprimand from November 4, 1998, in his personnel file. The grounds for this reprimand were "violation of the regular organ by sending a communication to another agency without proper authorization." On August 2, 1999, the victim filed an appeal to the Sector Director General of Personnel for reconsideration and requested revocation and annulment of the results of the merits competition held in July 1999 and the written reprimand.

607. On January 11, 2000, an administrative inquiry was opened against Mr. Navarro Hevia, based on the reason for dismissal established in Article 62, Section 2 of the Administrative Careers Act, referring to "an act that harms the good name or interests of the respective agency of the Republic," as a consequence of his sending a message to the Ministry of Labor reporting alleged acts of corruption in the Ministry of Defense.

608. In 2000, Mr. Navarro Hevia received at least five reprimands, both verbal and written, dated March 14, April 13, April 14, May 30, and August 9. Except for the reprimand of April 13, 2000, which was verbal, the others were based on Article 60 de Administrative Careers Act, which states that a cause for reprimand is "Any other faults or circumstances not punished with a verbal reprimand or suspension without pay or dismissal."

609. The written reprimand of March 14, 2000, in particular was issued due to the victim's failure to attend the ceremony to install the new Sector General of Personnel that was to be held at the Ministry of Defense on February 14, 2000, attendance at which was compulsory. On March 23, 2000, columnist Enrique Rondón Nieto published an article in the *El Mundo* daily, titled "*Al diablo los méritos*" (To the devil his due), expressly alluding to alleged irregularities and corruption in the Ministry of Defense, based on Mr. Navarro Hevia's complaints. Later, on April 6, 2000, another column was published identifying Mr. Navarro Hevia as the whistleblower referenced two weeks earlier in the aforementioned daily. According to the column, the civil servant reiterated "his report of administrative corruption and the ethical, moral, and professional collapse of the General Directorate [...]."

610. On March 27, 2000, a pamphlet about the articles in *El Mundo* was circulated in the Ministry of Defense, threatening reprisals against the individual who had made the statements that gave rise to the columns. While the victim had reported the facts to the authorities, the State provided no information to substantiate that it had conducted the pertinent investigations. On April 7, 2000, Mr. Navarro Hevia was summoned by the Legal Counsel's Office of the Sector General Directorate of Personnel of the Ministry of Defense to appear that day "to give an informational statement about the publication of the April 5 and 6 articles in *El Mundo*."

611. On May 26, 2000, the Minister of Defense disciplined the petitioner based on Articles 58 Section 3 of the Administrative Careers Act and 107 of the General Rules of Procedure of the Administrative Careers Act. He was therefore suspended with pay for 60 business days while the administrative inquiries were ongoing, pursuant to Article 62 of the Organic Law of the National Armed Forces and Articles 6 and 58 Section 3 of the Administrative Careers Act and 107 of the latter's General Rules of Procedure.

612. On March 21, 2000, the Minister of Defense issued Resolution DG-10867 firing Mr. Navarro Hevia from his position as Personnel Analyst III for having received three written reprimands in the course of one year, based on Article 62, Section 1 of the Administrative Careers Act.

613. As of October 2000, the monthly payment the petitioner had been receiving from the treasury of the Sector General Directorate of the Ministry of Defense since January 1, 1999, was halted. Faced with this situation, Mr. Navarro Hevia filed an appeal for reconsideration on November 30, 2000, but received no response. On April 2, 2001, the petitioner escalated his communication to the Minister of Defense, requesting payment of the monies owed him by the Ministry as an employee. On July 22, 2003, he was given a check in the amount of Bs. 22,745.247.50. However, the victim indicated that he disagreed with amount liquidated, since he believed that the State should meet the employment commitments associated with “payment for forcible work cessation, untaken vacations and vacation bonus, year-end bonus differentials, wage differentials, and lost compensation, interests on arrears, and monetary adjustments to these categories.”

614. Due to the aforementioned actions, the petitioner advanced two internal procedures. In the first one, the petitioner filed an administrative motion for annulment, together with a motion for constitutional amparo, with the object of having the reprimands rescinded and nullified, among other things. This motion was dismissed by the Administrative Careers Court on January 10, 2001. On May 3, 2001, the First Court for Contentious Administrative Matters upheld the ruling. On August 20, 2003, the First Superior Court of Transition for Contentious Administrative Matters of the Capital Region ruled the complaint inadmissible. Subsequently, with the motion for appeal of the decision of first instance, on September 23, 2010, the First Administrative Court for Contentious Administrative Matters decided to rescind the judgment appealed and partially admitted the complaint. Later on, the victim requested the Constitutional Chamber of the Supreme Court of Justice to conduct a constitutional review of the ruling of the First Court for Contentious Administrative Matters. On November 19, 2013, the Supreme Court of Justice denied the request.

615. With regard to the second case, on August 13, 2001, Mr. Navarro Hevia filed a contentious administrative appeal for nullity of the administrative acts associated with the disciplinary inquiry and the decision to fire him. On October 29, 2001, the Trial Court for Administrative Careers admitted the administrative appeal for nullity. On March 18, 2004, the Second Superior Court of Transition denied the appeal for nullity. The final decision on this appeal was handed down on November 9, 2010, by the Second Court for Contentious Administrative Matters, which decided to deny it. The petitioner noted that several of his appeals, as well as communications sent to different state authorities, went unanswered, as in the case of a hierarchical appeal to the President of the Republic submitted on August 26, 1999, and reiterated in writing on January 5, 2000.

616. In Admissibility and Merits Report No. 362/22, the Commission observed first, that the provision applied to Mr. Navarro Hevia – namely, Article 60 Section 7 of the aforementioned act is broad and does not allow the individuals to whom it is applied to appeal in accordance with the precept, creating legal uncertainty and the possibility of arbitrariness. It also observed it does not derive from the arguments of the State that the conduct consisting of “violating the regular organ” had been described in the act as a reason for a reprimand applicable to civilians working in the Ministry of Defense. Moreover, the Commission noted that while the courts were aware of this issue, in their decisions they ruled that the allegation in question was inadmissible. In light of this, the Commission found that the State had violated the principle of legality.

617. With regard to the principles of independence and impartiality, the Commission noted the existence of various irregularities – specifically, in administrative procedures – that enable it to substantiate a violation of the principles of impartiality and independence. In particular, the Commission observed that at the time of the events, it was acknowledged that the context in Venezuela was marked by the persecution of dissident government employees and that Mr. Navarro Hevia had openly and publicly criticized the government and filed complaints about alleged corruption in the Ministry of Defense that were repeated in the media. The Commission further noted that the victim’s complaints included accusations against the Sector Director of Personnel and that the officials who issued the reprimands and opened the administrative inquiry were the Head of the Legal Office of the Ministry of Defense and the Sector Director of Personnel. The IACHR

therefore concluded that the State of Venezuela did not guarantee access to independent and impartial authorities in administrative proceedings, a situation that was even more serious as these actions stemmed from the petitioner's filing of complaints about alleged acts of corruption.

618. With regard to reasonable time, the Commission observed with respect to the two files that it had taken at least nine years for the administration to issue a final decision; thus, after reviewing the evidence, it concluded that the time it took the administration to issue a final decision on the cases advanced by the victim was unreasonable, as was its silence in response to the appeals, which to date have not been answered by the State. The Commission therefore concluded that the State is responsible for the violation of the right to a fair trial and judicial protection.

619. Moreover, since the victim was reprimanded for sending communications seeking access to information and report corruption, the Commission found that this assumes a restriction of rights. The Commission noted that a provision regulating the victim's employee relationship with the Ministry of Defense was used to limit his right as a citizen to approach the authorities and file petitions and concluded that in this specific case, application of the provision in question constituted an unlawful restriction of the victim's right to freedom of expression, since it was not clearly established in the act. The Commission pointed out that this provision was used as the grounds for punishing Mr. Navarro Hevia for having gone to the authorities to request information and report matters of public interest protected by the right to freedom of expression, and it stated that this type of restriction discourages public debate and democratic monitoring of public administration, preventing society from learning about discussions and opinions on matters of public interest.

620. Finally, the IACHR noted that as a consequence of the reprimands, Mr. Navarro Hevia was unfairly deprived of his employment and lacked effective remedies to rectify the situation; thus, the State is responsible for the violation of the right to work.

621. Based on the findings of fact and law, the Inter-American Commission concluded that the State is responsible for the violation of the rights recognized in Articles 8.1 (fair trial), 9 (principle of legality), 13 (freedom of thought and expression), 25 (judicial protection), and 26 (right to work) in connection with the obligations established in Articles 1.1 and 2 of the ACHR, to the detriment of José Antonio Navarro Hevia.

- **Lilia Alejandra García Andrade et al. v. Mexico**

622. This case is about the international responsibility of the Mexican State for the disappearance and subsequent discovery of the lifeless body of Lilia Alejandra García Andrade in 2001 in the context of violence against women in Ciudad Juárez, state of Chihuahua, and for the lack of due diligence in the investigation.

623. Lilia Alejandra García Andrade was 17 years old when she disappeared on February 3, 2001, after leaving work in Ciudad Juárez. She had been living with Ricardo Barreto Aranda for approximately one year and had two children with him. After her separation from Mr. Barreto Aranda, she lived with her mother, Norma Esther Andrade.

624. That day, Mrs. Andrade filed a missing person's report with the Prosecutor's Office, but officials told her that they had to wait 72 hours before launching the investigation and to "look for her with her children's father." The petitioner indicated that only two officers were available in the disappearances section.

625. On February 21, 2001, the body of the young García Andrade woman was found lying on a bedspread in an empty field between Avenida Tecnológico and Avenida Ejército Nacional in Ciudad Juárez, that same day, preliminary investigations were launched for the crime of homicide and rape. The next day, the Forensic Service Technical Office determined that the death had occurred approximately 48 to 56 hours earlier. On March 6, 2001, the findings of the crime scene investigator, autopsy, and series of photographs taken by an officer from the Public Ministry assigned to the Special Prosecutor's Office were received, which concluded that

the Ms. García Andrade had died a violent death by manual strangulation with signs of homicide following a sexual assault.

626. According to a report of the Special Prosecutor's Office for the Investigation of Women's Murders dated April 6, 2001, several lines of investigation were followed, including the one involving the White Thunderbird, following up on one of the first statements by a witness who claimed to have seen a vehicle from his home on February 19 in which a naked girl was being beaten in the car, and another on former "lovers of the deceased." In August of that year, the Forensic Services Office received the DNA report on the semen taken from Lilia Alejandra's body, produced by the Attorney General's Office for Justice of the state of State de Guanajuato to aid the investigation, indicating 7 of 14 genetic markers of the likely perpetrator of the crime. Years later, the investigations focused on examinations of the victim's body and the genetic profile of the semen found in other femicide cases.

627. In November 2009, in the interests of resuming the investigation, a forensic genetic report was issued that used scrapings from Lilia Alejandra nails to identify a potential assailant whom she may have struggled with prior to her death, yielding a partial genetic profile of an unknown woman.

628. On June 5, 2010, the state Prosecutor's Office found a match between Lilia Alejandra's assailant and four women, as the haplotypes in each of the cases genetically matched the profile of an unknown male. The Prosecutor's Office agreed to conduct an investigation in light of the new common genetic profile.

629. On June 8, 2010, in its expert forensic genetics report, the General Procurator's Office for Justice of the state of Chihuahua indicated that the assailant in the aforementioned cases was a male relative of Enrique Castañeda Ogaz, an officer in the Public Ministry. In 2017, the Prosecutor's office sent a request to the FBI for information about one of the members of the Castañeda Ogaz family, which was declined by the authorities because it did not meet the minimum legal requirements. On May 7, 2018, Mexican State claimed to be studying the file on Lilia Alejandra from a new perspective, considering the homicides in Ciudad Juárez in different time periods.

630. Furthermore, according to the petitioner, from 2002 to 2012, there was a series of threats, physical assaults, robberies, harassment, and other hostility against people involved in the investigation of Ms. García Andrade's murder, including Norma Esther Andrade, some of which were reported to the proper authorities and others that were not because they were handled by staff in the Attorney General's Office for Justice of Chihuahua and allegedly other state actors.

631. In Merits Report No. 266/21, the Commission found that the State had not acted in keeping with its obligations derived from the duty to guarantee the life, liberty, and physical integrity of people under its jurisdiction in a proven context of violence against women.

632. The Commission emphasized that the State was aware of the risk, since the events of the disappearance had occurred in the proven context of violence against women in Ciudad Juárez and that, from the time Lilia disappeared, it was mandatory to conclude that there was real risk and that she could be the victim of the multiple serious acts of violence against women her age that were occurring in the city. The Commission found that the State had not taken the reasonable steps it should have to prevent that risk from materializing. In particular, the Commission observed that from February 14 to 21, 2001, the authorities made little effort to search for her and look into what had happened and that they did not take the report seriously, since when Norma Andrade reported her daughter's disappearance, they failed to take immediate action. The Commission found that these omissions demonstrate a discriminatory bias against women, downplaying the reports of her disappearance because of prejudices that assumed she had run off voluntarily, revealing a disregard for her, evidenced in the absence of effective action to discover her whereabouts.

633. The Commission also noted that several characteristics converged in Ms. García Andrade that could make her vulnerable: her gender, her age, and her socioeconomic status. Thus, the search should have been exhaustive to effectively prevent a violation of her rights, given the circumstances and context. However,

the State failed to act with strict due diligence and did not consider the risks associated with her status as an adolescent and female worker and her economic situation.

634. With regard to the obligation to prevent sexual violence as a form of torture, the Commission noted that in this case, the sexual violence was directly related to the victim's disappearance and that the continuum of violence that led to her death constituted a form of discrimination that especially targets women. The IACHR observed that the case reviewed involved torture and that, while the failure to shed light on the death and determine who was responsible does not enable it to know specifically what happened, sexual violence is a paradigmatic form of violence against women. The Commission also found that the absence of diligent search efforts in the context of sexual violence against women in Ciudad Juárez constitutes negligence and a failure to act on the part of the authorities that made the torture from sexual violence possible.

635. The Commission therefore concluded that the State is responsible for the violation of the Articles on life, physical integrity, personal liberty, rights of the child, and equality before the law, given the absence of effective measures to prevent the torture and sexual violence to which the victim was subjected.

636. With regard to the investigation of her disappearance, the Commission noted that it should be looked at from the standpoint of the inter-American standards of strict due diligence stemming from the enhanced obligation of the State to investigate reports of women's disappearances, as well as the violent deaths of women.

637. The Commission observed that the search efforts were neither effective nor immediate, as offices in the disappearances section were not adequately staffed and they had to wait 72 hours, even though an adolescent was involved. It further noted that once the Public Ministry was notified of the death, its efforts were not exhaustive, and the initial investigative efforts only began at the urging of Lilia Alejandra's mother. The Commission also observed that there is no substantive information from 2004 to 2007 on progress in the investigation and there is a proven absence of diligence on the part of the authorities since it took nine years to perform the genetic tests to investigate the case. Likewise, the Commission did not find a plan to examine the context and group of assailants, or to locate the assailant identified in the reports, even though there were real indications of his identity. The Commission also noted the lack of an investigation with a gender approach in this specific case.

638. With regard to the multiple attacks alleged by Norma Andrade, the Commission had no information on progress in the investigations that would ensure access to justice in safety. The Commission noted that it is women and mothers who often search for their missing daughters and that the authorities should protect them to prevent such attacks and investigate each and every report they file, since impunity for such attacks is an obstacle to effective access to justice in all the cases involved. With regard to reasonable time, the Commission did not find the case to be very complicated and pointed out that more than 20 years had gone by without identifying the perpetrators. In conclusion, the Commission found that the State has violated the right to a fair trial, judicial protection, and equality.

639. Furthermore, the Commission stressed that given the well-known context of violence against women and girls in Ciudad Juárez, as well as the measures imposed by the I/A Court HR in the Cotton Field case, this case reveals the persistence of problems with the mechanisms of justice in providing an effective response to reports of the forced disappearance of women. The Commission emphasized that in this specific case, the actions of individuals have resulted in State responsibility for not yet adopting the necessary measures to guarantee the right of women to live free from violence.

640. Finally, the Commission considered it proven that Norma Andrade's right to physical integrity has been violated as a result of her daughter's disappearance and her persistent efforts to advance the investigation in the midst of threats and harassment. The Commission likewise considered the children victims whose right to physical integrity had been violated. The Commission underscored the importance of assessing the impact of women's disappearance on their families, especially their children, as well as on the mothers of the missing persons, who must take on the role of both grandmother and mother. The Commission therefore

observed that the disappearance of Lilia Alejandra had a particular impact on those family members and their right to family protection.

641. Based on these considerations of fact and law, the Commission concluded that the State of Mexico is responsible for the violation of the right to life (Article 4), physical integrity (Article 5), personal liberty (Article 7), and equality (Article 24) of the American Convention in connection with Articles 1.1 (obligation to respect rights) and 2 (obligation to adopt domestic rights provisions) of that instrument, as well as the obligations of States to prevent violence against women (Article 7) in the Convention of Belém do Pará, to the detriment of Lilia Alejandra García Andrade. The Commission also found the State responsible for the violation of Articles 1, 6, and 8 of the IACPT, to the detriment of Lilia Alejandra García Andrade.

642. The Commission further concluded that the State is responsible for the violation of the right to physical integrity (Article 5), a fair trial (Article 8), family protection (Article 17) and judicial protection (Article 25) in connection with Articles 1.1 (obligation to respect rights) and 2 (obligation to adopt domestic rights provisions) of the American Convention, as well as the obligation to punish and eradicate violence against women (Article 7 of the Convention of Belém do Pará), to the detriment of Norma Andrade and the children of Lilia Alejandra García Andrade.

2. Requests for an advisory opinion

643. In 2023, the Commission made no requests to the Inter-American Court on Human Rights for an advisory opinion.

644. On August 21, 2023, the Commission sent the Court its observations on the Request for Advisory Opinion on “The activities of private companies engaged in the firearms industry and their effects in human rights,” presented by the United Mexican States. The request was aimed at analyzing the effects of the activities private gun dealers on the human right to life and physical integrity. On November 28 and 29, the Commission participated in a public hearing on this request during the 163rd Regular Session of the Inter-American Court.

645. On November 7, 2023, the Commission sent the Court its observations on the Request for an Advisory Opinion on “The content and scope of care as a human right and its interrelationship with other rights,” presented by the Argentine Republic. The request was about the scope and content of the right to care and its relationship with other rights recognized by the American Convention, as well as the measures that the States should adopt to achieve their materialization from a human rights perspective.

646. On December 18, the Commission sent the Court its observations on the Request for an Advisory Opinion on the “Climate Emergency and Human Rights,” submitted by the Republic of Chile and the Republic of Colombia. The request referred to the impact of the climate emergency on people’s human rights and the obligations of the States in this matter.

3. Submission of written observations in pending cases and cases of supervision of compliance with judgment

647. In 2023, the IACHR presented 238 written observations to the Inter-American Court on pending active cases and cases of supervision of compliance with judgment, pursuant to Article 69 of the Inter-American Court’s Rules of Procedure.

4. Appearances and participation in public and private hearings

648. The Commission participated in 50 hearings, 24 of which were related to pending contentious cases, 25 to supervision of compliance with judgment, and 1 to a request for an advisory opinion. In 2023, the Commission continued its tendency to participate in a higher number of hearings on pending contentious cases, reaching 52 in 2022, a significantly greater increase than in previous years: 2021 (17); 2020 (10); 2019 (18);

2018 (9) – this, a reasonable result of the increase in the number of cases sent to its jurisdiction in recent years. These hearings were:

a. Public hearings on pending contentious cases

No.	Case	State	Date	Period of Sessions
1	López Sosa	Paraguay	January 27	155
2	Guzmán Medina	Colombia	January 31	155
3	Vega González et al.	Chile	February 1	155
4	Rama and Kriol Peoples, Monkey Point Community, and Black Indigenous Creole Community of Bluefields and its members	Nicaragua	February 2	155
5	Nuñez Naranjo et al.	Ecuador	February 3	155
6	Cajahuanca Vásquez	Peru	February 6	155
7	Gutiérrez Navas et al.	Honduras	February 7	155
8	Airton Honorato et al.	Brazil	February 8-9	155
9	Viteri Ungaretti et al.	Ecuador	March 20	156
10	Rodríguez Pacheco and other	Venezuela	March 21	156
11	Beatriz et al.	El Salvador	March 22-23	156
12	Indigenous U'wa Peoples and their members	Colombia	April 25-26	157
13	Bendezú Tuncar	Peru	April 21	157
14	Quilombola Communities of Alcântara	Brazil	April 26-27	157
15	Córdoba and other	Paraguay	April 28	157
16	Arboleda Gómez	Colombia	May 19	158
17	González Méndez et al.	Mexico	June 21	159
18	Member of the United Union of ECASA – SUTECASA Employees	Peru	June 27-28	159
19	Dos Santos Nascimento and other	Brazil	June 28-29	159
20	Yangali Iparraguirre	Peru	August 31	160
21	Huilcamán Paillama et al.	Chile	October 10	162
22	Pérez Lucas et al.	Guatemala	October 11	162
23	Leite de Souza et al.	Brazil	October 12	162
24	Cuéllar Sandoval	El Salvador	November 22	163

b. Private hearings on contentious cases under supervision

No.	Case	State	Date	Period of Sessions
1	Five Pensioners	Peru	January 31	155
2	Gómez Paquiyauri	Peru	January 31	155

No.	Case	State	Date	Period of Sessions
3	Rojas Marín	Peru	January 31	155
4	López Lone	Honduras	February 1	155
5	López Lone	Honduras	March 1	-
6	Radilla Pacheco	Mexico	March 13	156
7	García and Family	Mexico	March 13	156
8	Maldonado Vargas	Chile	April 24	157
9	Poblete Vilches ¹⁵⁹	Chile	April 25	157
10	Sawhoyamaxa	Paraguay	May 11	-
11	Yakye Axa and Xákmok Kásek	Paraguay	May 11	-
12	Sawhoyamaxa	Paraguay	July 26	-
13	Yakye Axa and Xákmok Kásek	Paraguay	July 26	-
14	Heliodoro Portugal	Panama	August 24	160
15	Fernández Ortega	Mexico	September 8	161
16	Rosendo Cantú	Mexico	September 8	161
17	Alvarado Espinoza	Mexico	November 24	161
18	Ituango Massacres	Colombia	October 9	162
19	Isaza Uribe et al.	Colombia	October 9	162
20	Vereda La Esperanza	Colombia	October 9	162
21	Displaced Afrodescendent Communities of the Cacarica River Basin	Colombia	October 13	162
22	Bedoya Lima and other	Colombia	October 13	162
23	Favela Nova Brasília	Brazil	October 26	-
24	Herzog	Brazil	October 27	-
25	Employees of the San Antonio de Jesús Pyrotechnic Factory and their Families	Brazil	October 27	-

c. Public hearings on requests for an advisory opinion

No.	Topic	Requester	Date	Period of Sessions
1	The activities of private companies engaged in the firearms industry and their effects in human rights,	Mexico	November 28 and 29	163

E. Status of compliance with IACHR recommendations issued in the merits reports published under Article 51 of the American Convention on Human Rights or Article 47 of the IACHR Rules of Procedure

1. The mandate to follow up on the recommendations of the IACHR

649. Full compliance with the decisions of the IACHR is essential to ensure the full enjoyment of human rights in the OAS member states and to strengthen the Inter-American system. For this reason, this section includes an analysis of the status of compliance with the decisions contained in the merits reports

¹⁵⁹ The IACHR participated in the visit by the I/A Court H.R. to Sótero del Río Hospital on April 24, 2023.

published by the IACHR since 2001 and, in addition, concerning those published before that year, for which one of the parties has requested activation of the follow-up of its recommendations.¹⁶⁰

650. On several occasions, the OAS General Assembly has encouraged member states to follow up on compliance with the Commission's recommendations. For example, Resolution AG/RES 1701 (XXX-O/2000) urged States to make their best efforts to implement the recommendations of the IACHR per the principle of good faith (operative paragraph 5.d). The OAS General Assembly spoke similarly in resolution AG/RES. 2672 (XLI-O/11), Observations and Recommendations on the Annual Report of the Inter-American Commission on Human Rights (operative paragraph 3.b).

651. Likewise, the Commission considers that the effectiveness of the ISHR rests mainly on compliance with the decisions of its organs, which include orders, recommendations, and agreements regarding comprehensive reparations for victims of human rights violations, both in the judgments of the Inter-American Court and in the merits, reports issued by the IACHR. Thus, the will of the States is fundamental to comply with the objectives of the American Convention and the American Declaration of the Rights and Duties of Man in the application of the principle of *pacta sunt servanda*, which establishes that the States must comply in good faith with the obligations assumed in treaties.¹⁶¹

652. The American Convention on Human Rights (Article 41) and the Statute of the Commission (Article 18) empower the IACHR to request information from member states, prepare such reports, and make such recommendations as it considers advisable. Specifically, Article 48 of the Rules of Procedure of CIDH reads as follows:

Follow-up

1. Once the Commission has published a report on a friendly settlement or on the merits in which it has made recommendations, it may adopt the follow-up measures it deems appropriate, such as requesting information from the parties and holding hearings to verify compliance with friendly settlement agreements and its recommendations.
2. The Commission shall report on progress in complying with those agreements and recommendations as it deems appropriate.

2. Methodology for following up on recommendations: actions carried out in the year 2023

653. In compliance with its conventional and statutory powers, and by the resolutions above and Article 48 of its Rules of Procedure, the IACHR requests information from the States regarding compliance with the recommendations included in the merits reports published under Article 51 of the ACHR and Article 47 of the Commission's Rules of Procedure. This practice began in 2001, and since then, on an annual basis, the Commission requests information from the parties of the cases with published merits reports to follow up on its decisions and update the compliance status of each case. The IACHR also receives information on compliance with recommendations in hearings or working meetings held during the year. Based on all the information collected, the Commission analyzes compliance status with the recommendations in each case.

654. The Commission has strengthened and consolidated its methodologies for collecting, systematizing, and analyzing the information considered in the follow-up of its recommendations to optimize the development of this process and thus identify and draw attention to the individual and structural results of

¹⁶⁰ The IACHR ex officio follows up on the recommendations of the merits reports that have been published since 2001. With respect to the merits reports that published prior to that year, the IACHR follows up and prepares a file when one of the parties explicitly requests the activation of this mandate.

¹⁶¹ Vienna Convention on the Law of Treaties, United Nations. Doc. /CONF.39/27 (1969), Article 26: "*Pacta sunt servanda*". *Every treaty in force is binding upon the parties to it and must be performed by them in good faith.*

compliance with its decisions. These advances have been achieved within the framework of the Special Program for Follow-up on Recommendations (Program 21) of the IACHR Strategic Plan 2017-2021 and Programs 8 and 9 of the IACHR Strategic Plan 2023-2027 on strengthening follow-up on recommendations and Inter-American Recommendations Monitoring System (Inter-American SIMORE) and on multilevel dialogue and working agenda with States, respectively.

655. To update the information contained in this chapter, since August 2023 onwards, the IACHR has requested the parties to cases with published merits reports subject to follow-up to submit, within one month, information relevant to the implementation of the recommendations. To this end, the IACHR has sent requests for information with specific questions regarding the recommendations in each case that have not been declared fully compliant. These questions were prepared per the latest level of compliance established by the Commission to obtain relevant information on progress and areas of opportunity, considering the particularities of each case. In this regard, since 2021, the IACHR has begun to develop these specific questions in each request for information to guide the States involved and to ask the representatives of the victims to provide relevant, updated, and valuable information to analyze compliance with each recommendation.

656. When each request for information was sent, the IACHR gave the parties one month to respond on the progress made and challenges encountered in complying with the recommendations. Although, in principle, that deadline was considered to be the deadline for receiving the inputs for the preparation of this chapter, the IACHR considered information received after that date in the following situations: in cases in which, after that date, working meetings were held that led to additional actions agreed upon by the parties; when the IACHR granted extensions requested by any of the parties; when the petitioning party or the State sent complementary information to that provided on time, or in cases in which internal administrative situations allowed for processing information received after the closing date, considering the time limits set for the approval of this chapter. The information not included in this chapter's preparation will be analyzed in the 2024 Annual Report of the IACHR.

657. Following the monitoring model and methodology proposed in 2018, the Commission includes in this chapter:

- (i) A summary of the follow-up activities carried out in 2024 concerning the published reports on the merits, which have included enhanced follow-up on some cases;
- (ii) A table of the cases in the follow-up stage of recommendations that includes information sheets for each case and that, since 2018, includes with more specificity the progress and challenges identified in 2023 concerning each of the recommendations subject to follow-up. In this regard, for 2023, the Commission simplified the design and structure of the monitoring sheets to present the information in a more accessible and practical manner;
- (iii) a comprehensive presentation of the progress that, by 2023, the IACHR identifies in terms of compliance with all the recommendations issued in the published merits reports, which include the compliance clauses of compliance agreements for those cases in which it is applicable. To present the results in terms of follow-up and compliance with recommendations, the IACHR highlights the relevant results concerning recommendations and cases based on the categories of full, substantial partial, and partial compliance, which are described in the General Guidelines on the Follow-up on Decisions and Recommendations, published in 2019 (General Guidelines for Follow-up).¹⁶²

658. Likewise, for the year 2023, in the exercise of its mandate to follow up on recommendations, the IACHR identified that, during the follow-up of published merits reports, the lack of response to requests for information from the victims or their representatives, especially for prolonged periods, is a serious obstacle to

¹⁶² IACHR, [General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II.173 Doc. 177, September 30, 2019.

the development of this stage. In particular, the IACHR has identified that this lack of response prevents the Commission from knowing the current status of implementation of the recommendations and, therefore, of the reparation measures; it delays the follow-up procedures of the cases as a whole, considering that the number of published merits reports that enter the follow-up stage increases over time; it also interrupts the optimization of the follow-up of recommendations, preventing the strengthening of this mandate in cases where the victim or his representation has a clear interest in the follow-up.

659. In this context and to optimize the follow-up of the recommendations, the IACHR analyzed the number of merits reports published with annual follow-ups in which the victim or his representation had not provided relevant information in response to the requests for information sent for the last 2 and 3 annual reports. According to this analysis, out of 128 cases that, by 2022, had a published merits report with follow-up included in the IACHR annual report, in 19 cases, the victims' representatives did not provide information in the two years before June 30, 2023,¹⁶³ and in 45 cases they did not provide information in the three previous years.

660. Considering the above, the Commission seeks to optimize the follow-up of the recommendations of published merits reports, as well as to strengthen the follow-up methodologies, by focusing its efforts and institutional capacities on cases with active follow-ups in which the victims' representatives have responded to the Commission's requests and show a clear interest in the follow-up by providing clear, comprehensive, and updated information that allows for an adequate evaluation of the levels of compliance with the recommendations.

661. Considering that archiving is a procedural option that Articles 41 and 42.1 of the IACHR Rules of Procedure provide for petitions and cases with files in the process when the petitioning party withdraws in writing or when its unjustified procedural inactivity constitutes a serious indication of disinterest in the processing of its petition,¹⁶⁴ the Commission made an analysis of the cases with merits reports published in the follow-up stage where there has been procedural inactivity of the victims' representation for at least two years before June 30, 2023.

662. Based on this analysis, the Commission determined that in 2023, it would continue to follow up on 66 files involving published merits reports, on which it had received information from the victims' representatives in the previous two years. Regarding the files in which the victims' representatives had not provided information to the Commission in the two years before June 30, 2023 (corresponding to 19 files), the IACHR has deactivated their follow-up without including the file corresponding to 2023. In these cases, the Commission also calls on the parties to communicate, within three months of the publication of this annual report, whether they are interested in the case continuing with active follow-up, in which case they should provide updated information on compliance. The 19 cases for which follow-up has been deactivated are as follows:

- Case 12.440, Wallace de Almeida, regarding Brazil.
- Case 12.713, José Rusbel Lara and others, concerning Colombia.
- Cases 11.575, 12.333, and 12.341, Clarence Allen Jackey et al.; Miguel Ángel Flores, James Wilson Chambers, concerning the United States.
- Case 12.430, Roberto Moreno Ramos, concerning the United States.
- Case 12.534, Andrea Mortlock, concerning the United States.
- Case 12.626, Jessica Lenahan (Gonzales), concerning the United States.
- Case 11.331, Cesar Fierro, concerning the United States.
- Case 11.193, Shaka Sankofa, concerning the United States.
- Case 12.477, Lorenzo Enrique Copello Castillo and others, concerning Cuba.

¹⁶³ This cut-off date was determined considering that, according to the General Monitoring Guidelines, requests for information for the annual report are sent between July and August of each year.

¹⁶⁴ IACHR, [Rules of Procedure of the IACHR](#), 2009.

- Case 11.992, Dayra María Levoyer Jiménez, with respect to Ecuador.
- Case 11.607, Víctor Hugo Maciel, concerning Paraguay.
- Case 12.269, Dexter Lendore, concerning Trinidad and Tobago.
- Case 12.158, Benedict Jacob, concerning Grenada.
- Case 11.765, Paul Lallion, concerning Grenada.
- Case 12.028, Donnason Knights, concerning Grenada.
- Case 12.504, Daniel and Kornel Vaux, concerning Guyana.
- Case 12.417, Whitley Myrie, concerning Jamaica.
- Cases 11.826, 11.843, 11.846, and 11.847, Leroy Lamey, Kevin Mykoo, Milton Montique, and Dalton Daley, concerning Jamaica.
- Case 12.347, Dave Sewell, concerning Jamaica.

663. In addition, the IACHR also identified cases where the time without the victims' representatives having responded to the Commission's requests for information was three years or more prior to June 30, 2023. In these cases (which amounted to 45 files), the IACHR has decided to send a written communication to the parties to the case, alerting them of the possibility of archiving and granting them one month to submit updated information on compliance with the recommendations.

664. Finally, since its creation in 2018, the IACHR's Recommendations and Impact Follow-up Section (SSRI) has taken on the analysis of the merits reports published based on Article 51 of the ACHR or 47 of the Commission's rules of procedure. This has allowed the IACHR to conduct a more specialized follow-up on the matters under its responsibility. The progress made in complying with the recommendations issued in the reports on the merits is described below, separately and in detail. This description allows users to identify the status of each issue more clearly and quickly, the actions taken in each case, their individual and structural impacts, and the challenges and issues in which it is still necessary to continue to take action to achieve their full implementation.

3. Types of analysis/review

665. To provide the parties with objective information on the type of analysis carried out in each case, the Commission published the following General Follow-up Guidelines,¹⁶⁵ a technical instrument that contains types of review of the information provided in the follow-up processes. These categories allow the Commission to make a more detailed analysis of the available information and allow the parties to know whether the information submitted is relevant and timely for the IACHR to analyze compliance with the recommendations of the published merits reports. In this regard, the following are the categories of information analysis that were defined in the General Follow-up Guidelines and that have been applied to the updating of this chapter:

- **Relevant information provided:** when the information provided is relevant, updated, and comprehensive on measures adopted regarding compliance with at least one of the recommendations issued and within the timeframe specified by the IACHR.
- **Information provided is not relevant:** when the information was provided within the deadline specified by the IACHR but does not refer to the measures adopted regarding compliance with at least one of the recommendations pending compliance, is outdated, or repeats the information presented in previous years without presenting new information.
- **Information not provided:** when the information on measures adopted to comply with the recommendations issued was not provided; the IACHR is expressly informed that the

¹⁶⁵ IACHR, [General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II.173 Doc. 177, September 30, 2019.

information will not be submitted; or extension(s) were requested to provide information and, in the end, the information was not provided.

666. On the other hand, through its 2019 General Guidelines on Follow-up,¹⁶⁶ the Commission decided to expand the categories of analysis of its recommendations to draw attention to the States' efforts to comply with them and classify each recommendation's compliance status. In this regard, the Commission approved the following types of individual analysis of recommendations:

- **Full compliance:** a recommendation in which the State has initiated and satisfactorily concluded its compliance measures.
- **Substantial partial compliance:** that recommendation in which the State has adopted relevant measures for compliance with it and has provided evidence of these, but regarding which the Commission considers that the measures for compliance have not been completed.
- **Partial compliance:** a recommendation in which the State has taken some steps towards compliance, but additional measures are still required.
- **Pending compliance:** a recommendation in which the State has not adopted any measures to comply with the recommendation, the steps taken have not yet produced concrete results, or the measures adopted do not match the situation under review.
- **Non-compliance:** a recommendation that, due to the conduct of the State, it was impossible to comply with or that the State has explicitly indicated it will not comply with.

4. **Status of compliance with the merits reports published by Article 51 of the ACHR or Article 47 of the rules of procedure of the IACHR**

667. Under the goals established in Program 8 of the 2023-2027 Strategic Plan on strengthening the follow-up of recommendations, the IACHR made efforts to disclose and provide more accessible information on progress with implementing the merits reports it has published based on Article 51 of the ACHR or Article 47 of its Rules of Procedure. In this regard, the Committee updated individual follow-up files with the information received in each case throughout the year, including its analysis of the compliance status with each recommendation that has not yet been declared fully complied with. In this way, the IACHR analyzed each recommendation of the published merits reports and identified the compliance measures developed, the individual and structural results achieved, and the challenges that remain, according to the information submitted by the parties concerning each case.

668. In addition to the follow-up actions taken by the IACHR in 2023 concerning the cases included in its annual reports, it also continued with the implementation of a reinforced follow-up strategy for the 159 merits reports included in paragraphs c and d of the Joint Press Release P-1193-CA, which the Commission and the State of Peru signed.¹⁶⁷ To promote this follow-up strategy, the IACHR updated a file prepared in 2021 to facilitate and strengthen the joint follow-up work that the Peruvian State and the petitioning party have done. Unlike the follow-up sheets for the other cases included in this report, the sheet for the cases in this Joint Press Release does not establish levels of compliance with the recommendations in these cases. Its purpose is to provide the process with a mechanism for systematizing information that centralizes and draws attention to the State's compliance efforts and allows for unified information based on the reports provided by the parties and considering the large number of cases under follow-up.

¹⁶⁶ IACHR, [General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II.173 Doc. 177, September 30, 2019.

¹⁶⁷ Joint Press Release P-1193-CA was issued on February 22, 2001, during the 110th Regular Session of the Inter-American Commission on Human Rights (IACHR).

669. It is worth mentioning that, before preparing the file on the cases referred to in Joint Press Release 1193, this chapter included the follow-up of three cases with reports published since 2001 involving the State of Peru.¹⁶⁸ Considering that these three cases are part of the cases in paragraphs c and d of the Press Release, for methodological reasons, the follow-up will be performed together with the other cases in the Press Release and included in the corresponding file.

670. In addition, in 2023, the IACHR continued a reinforced follow-up strategy for case 12.051 of Maria da Penha concerning Brazil. Thus, considering the structural impact of this case on domestic violence in the region, the Commission developed this reinforced follow-up to the recommendations of the case through periodic working meetings that led to a compliance agreement and rapprochement between the parties.

671. Finally, the IACHR recalls that, concerning cases with merits reports that were published before 2001, it is necessary that one of the parties expressly request the activation of the follow-up of the case. Following a request from the victim's representative in Case No. 9.961, José María García Portillo, regarding Guatemala, the IACHR first included the follow-up of its recommendations through a file included in this chapter.

672. The following is a list of the published reports on the merits, grouped by state. This table provides direct access to a link containing the follow-up sheet prepared by the IACHR for each case in 2023. Thus, the follow-up status of the reports on the merits published as of December 31, 2023, is as follows:

CASE	Link to file	In process of determining level of compliance	Full compliance	Substantial partial compliance	Partial compliance	Pending compliance	Follow-up status
Case 11.732, Report No. 83/09, Horacio Aníbal Schillizzi (Argentina) ¹⁶⁹					X		Closed
Case 12.324; Report No. 66/ 12 Luis Godoy (Argentina)	Hyperlink				X		Open
Case 12.632, Report No. 43/15, Adriana Beatriz Gallo, Ana María Careaga, and Silvia Maluf De Christin (Argentina)	Hyperlink				X		Open
Case 12.721, Report 460/21, Ángel Pedro Falanga (Argentina)	Hyperlink				X		Open
Case 12.681, Report 268/21, Marcos Alejandro Martín (Argentina)			X				Closed ¹⁷⁰
Cases 12.067, 12.068, and 12.086, Report No. 48/01, Michael Edwards, Omar Hall, Brian Schroeter, and Jeronimo Bowleg (Bahamas)					X		Under study for archiving
Case 12.265, Report No. 78/07 Chad Roger Goodman (Bahamas)					X		Under study for archiving
Case 12.513, Report No. 79/07 Prince Pinder (Bahamas)					X		Under study for archiving
Case 12.231, Report No. 12/14, Peter Cash (Bahamas)					X		Under study for archiving
Case 12.071, Report 459/21, Cuban and Haitian nationals detained at Carmichael Road	Hyperlink					X	Open

¹⁶⁸ Case 11.031, Report No. 111/00, Pedro Pablo López González and others (Peru); Cases 10.247 and others, Report No. 101/01, Luis Miguel Pasache Vidal and others (Peru); Case 11.099, Report No. 112/00, Yone Cruz Ocalio (Peru).

¹⁶⁹ In its 2018 Annual Report, the IACHR informed the OAS General Assembly that the IACHR communicated to the parties its decision based on Article 48 of its Rules of Procedure to cease follow-up of compliance with the merits report and, therefore, to close the case. IACHR, Annual Report 2018, Chapter IV, [Follow-up to Report N 83/09. Case of Horacio Aníbal Schillizzi](#), par. 7.

¹⁷⁰ This case entered the follow-up phase for the first time in 2022, during which the IACHR also determined that all recommendations were fully complied with by the State of Argentina and ordered it to be closed.

CASE	Link to file	In process of determining level of compliance	Full compliance	Substantial partial compliance	Partial compliance	Pending compliance	Follow-up status
Detention Center and deported (Bahamas)							
Case 12.053, Report No. 40/04, Mayan Community of the Toledo District (Belize)	Hyperlink				X		Open
Case 12.051, Report No. 54/01, Maria da Penha Maia Fernandes (Brazil)	Hyperlink				X		Open
Cases 11.286, 11.406, 11.407, 11.412, 11.413, 11.415, 11.416, and 11.417, Report No. 55/01, Aluísio Cavalcante and others (Brazil)					X		Under study for archiving
Case 11.517, Report No. 23/02, Diniz Bento da Silva (Brazil)	Hyperlink				X		Open
Case 10.301, Report No. 40/03, Parque São Lucas (Brazil)	Hyperlink				X		Open
Case 11.556, Report 32/04, Corumbiara (Brazil)	Hyperlink				X		Open
Case 11.634, No. 33/04, Jailton Neri da Fonseca (Brazil)	Hyperlink				X		Open
Case 12.001, Report No. 66/06, Simone André Diniz (Brazil)	Hyperlink				X		Open
Case 12.019, Report No. 35/08 Antonio Ferreira Braga (Brazil)	Hyperlink				X		Open
Case 12.310, Report No. 25/09 Sebastião Camargo Filho (Brazil)	Hyperlink				X		Open
Case 12.440, Report No. 26/09 Wallace de Almeida (Brazil)					X		Inactive
Case 12.308, Report No. 37/10, Manoel Leal de Oliveira (Brazil)	Hyperlink				X		Open
Case 12.213, Report No. 7/16, Aristeu Guida da Silva and family members (Brazil)	Hyperlink				X		Open
Case 12.332, Report No. 31/20, Margarida Maria Alves and family members (Brazil)					X		Under study for archiving
Case 12.586, Report No. 78/11, John Doe (Canada)					X		Under study for archiving
Case 11.661, Report No. 8/16, Manickavasagam Suresh (Canada)					X		Under study for archiving
Case 11.771, Report No. 61/01, Samuel Alfonso Catalán Lincoleo (Chile)	Hyperlink				X		Open
Case 11.725, Report No. 139/99, Carmelo Soria Espinoza (Chile)	Hyperlink				X		Open
Case 12.142, Report No. 90/05, Alejandra Marcela Matus Acuña et al (Chile) ¹⁷¹			X				Closed
Case 12.469, Report No. 56/10, Margarita Barbería Miranda (Chile)	Hyperlink				X		Open
Case 12.799, Report No. 48/16, Miguel Ángel Millar Silva and others (Radio Estrella del Mar de Melinka) (Chile)	Hyperlink				X		Open

¹⁷¹ IACHR, 2008 Annual Report, Chapter III. [Section D: Status of Compliance with the Recommendations of the IACHR](#), paras. 216-224.

CASE	Link to file	In process of determining level of compliance	Full compliance	Substantial partial compliance	Partial compliance	Pending compliance	Follow-up status
Case 12.880, Report 458/21, Edmundo Alex Lemun Saavedra et al (Chile)	Hyperlink				X		Open
Case 11.654, Report No. 62/01, Rófrío Massacre (Colombia)					X		Under study for archiving
Case 11.710, Report No. 63/01, Carlos Manuel Prada González and Evelio Antonio Bolaño Castro (Colombia)					X		Under study for archiving
Case 11.712, Report No. 64/01, Leonel de Jesús Isaza Echeverry (Colombia)	Hyperlink				X		Open
Case 12.009, Report No. 43/08, Leydi Dayan Sanchez (Colombia) ¹⁷²			X				Closed
Case 12.448, Report No. 44/08, Sergio Emilio Cadena Antolinez (Colombia) ¹⁷³			X				Closed
Case 10.916, Report No. 79/11, James Zapata Valencia, and José Heriberto Ramírez (Colombia)	Hyperlink				X		Open
Case 12.414, Report No. 101/17, Alcides Torres Arias, Ángel David Quintero et al (Colombia)					X		Under study for archiving
Case 10.455, Report No. 45/17, Valentín Basto Calderón et al (Colombia)	Hyperlink				X		Open
Case 12.713, Report No. 35/17, José Rusbel Lara and others (Colombia)					X		Inactive
Case 11.656, Report No. 122/18, Marta Lucía Álvarez Giraldo (Colombia)	Hyperlink				X		Open
Case 11.726, Report No. 96/ 19, Norberto Javier Restrepo, (Colombia)	Hyperlink				X		Open
Case 12.780, Report No. 25/20, Carlos Arturo Betancourt Estrada and others (Colombia)					X		Under study for archiving
Case 12.476, Report No. 67/06, Oscar Elías Biscet and others (Cuba)	Hyperlink				X		Open
Case 12.477, Report No. 68/06, Lorenzo Enrique Copello Castillo and others (Cuba)						X	Inactive
Case 12.127, Report No. 27/18, Vladimiro Roca Antunez et al (Cuba)						X	Under study for archiving
Case 13.639, Report 297/21, Yoani María Sánchez Cordero (Cuba)	Hyperlink					X	Open
Case 11.992, Report No. 66/01, Dayra María Levoyer Jiménez (Ecuador)					X		Inactive

¹⁷² IACHR, 2016 Annual Report, Chapter II. [Section D: Status of compliance with the recommendations and friendly settlements in individual cases](#), paras. 602-614.

¹⁷³ IACHR, 2009 Annual Report, Chapter III. [Section D: Status of Compliance with the Recommendations of the IACHR](#), paras. 274-280.

CASE	Link to file	In process of determining level of compliance	Full compliance	Substantial partial compliance	Partial compliance	Pending compliance	Follow-up status
Case 12.487, Report No. 36/08, Rafael Ignacio Cuesta Caputi (Ecuador)	Hyperlink				X		Open
Case 12.525, Report No. 84/09, Nelson Iván Serano Sáenz (Ecuador)					X		Under study for archiving
Case 12.393, Report No. 44/17, James Judge (Ecuador) ¹⁷⁴			X				Closed
Case 11.624, Report No. 92/19, Jorge Darwin and family (Ecuador)					X		Under study for archiving
Case 11.444, Report 457/21, Amparo Constante Merizalde (Ecuador)	Hyperlink				X		Open
Case 12.931, Report 328/21, Daría Olinda Puertocarrero Hurtado (Ecuador)			X				Closed ¹⁷⁵
Case 12.249, Report No. 27/09, Jorge Odir Miranda Cortez and others (El Salvador)					X		Under study for archiving
Case 9.903, Report No. 51/01, Rafael Ferrer Mazorra et al. (United States)					X		Under study for archiving
Case 12.243, Report No. 52/01, Juan Raúl Garza (United States)						X	Under study for archiving
Case 11.753, Report No. 52/02, Ramón Martínez Villarreal (United States)	Hyperlink				X		Open
Case 12.285, Report No. 62/02, Michael Domingues (United States) ¹⁷⁶			X				Closed
Case 11.140, Report No. 75/02, Mary and Carrie Dann (United States)	Hyperlink					X	Open
Case 11.193, Report No. 97/03, Shaka Sankofa (United States)					X		Inactive
Case 11.204, Report No. 98/03, Statehood Solidarity Committee (United States)	Hyperlink					X	Open
Case 11.331, Report No. 99/03, Cesar Fierro (United States)					X		Inactive
Case 12.240, Report No. 100/03, Douglas Christopher Thomas (United States)					X		Under study for archiving
Case 12.412, Report No. 101/03, Napoleón Beazley (United States)					X		Under study for archiving
Case 12.430, Report No. 1/05, Roberto Moreno Ramos (United States)					X		Inactive
Case 12.439, Report No. 25/05, Toronto Markkey Patterson (United States)					X		Under study for archiving
Case 12.421, Report No. 91/05, Javier Suarez Medina (United States)					X		Under study for archiving

¹⁷⁴ IACHR, [Case 12.393, Report No. 44/17, James Judge \(Ecuador\)](#), paras. 115-116.

¹⁷⁵ This case entered the follow-up phase for the first time in 2022, during which the IACHR also determined that the recommendations were fully complied with by the State of Ecuador and ordered the case closed.

¹⁷⁶ IACHR, 2005 Annual Report, [Chapter III. Section D: Status of Compliance with the Recommendations of the IACHR](#), paras. 185-186.

CASE	Link to file	In process of determining level of compliance	Full compliance	Substantial partial compliance	Partial compliance	Pending compliance	Follow-up status
Case 12.534, Report No. 63/08, Andrea Mortlock (United States)					X		Inactive
Case 12.644, Report No. 90/09, Medellín, Ramírez Cárdenas and Leal García (United States)					X		Under study for archiving
Cases 12.561, 12.562, Report No. 81/, Wayne Smith, Hugo Armendariz et al. (United States)	Hyperlink				X		Open
Case 12.626, Report No. 80/11, Jessica Lenahan (Gonzales) (United States)					X		Inactive
Case 12.776, Report No. 81/11, Jeffrey Timothy Landrigan (United States)						X	Under study for archiving
Case 11.575, 12.333, and 12.341, Report No. 52/13, Clarence Allen Lackey et al; Miguel Ángel Flores, James Wilson Chambers (United States)						X	Inactive
Case 12,864, Report No. 53/13, Iván Teleguz (United States)	Hyperlink				X		Open
Case 12.422, Report No. 13/14, Abu-Ali Abdur' Rahman (United States)					X		Under study for archiving
Case 12.873, Report No. 44/14, Edgar Tamayo Arias (United States)					X		Under study for archiving
Case 12.833, Report No. 11/15, Felix Rocha Diaz (United States)	Hyperlink				X		Open
Case 12.831, Report No. 78/15, Kevin Cooper (United States)	Hyperlink				X		Open
Case 12.994, Report N° 79/15, Bernardo Aban Tercero (United States)					X		Under study for archiving
Case 12.834, Report No. 50/16, Undocumented workers (United States)						X	Under study for archiving
Case 12.254, Report No. 24/17, Víctor Hugo Saldaño (United States)	Hyperlink					X	Open
Case 10.573, Merits Report No. 121/18, José Isabel Salas Galindo et al (United States)	Hyperlink					X	Open
Case 12.958, Report on Merits No. 71/18, Russell Bucklew (United States)						X	Under study for archiving
Case 13.570, Report on Merits No. 211/20, Lezmond C. Mitchell (United States)	Hyperlink					X	Open
Case 13.361, Merits Report No. 210/20, Julius Omar Robinson (United States)	Hyperlink					X	Open
Case 13.356, Merits Report N° 200/20, Nelson Iván Serrano Sáenz (United States)	Hyperlink				X		Open
Case 12.865, Report on Merits No. 29/20, Djamel Ameziane (United States)	Hyperlink					X	Open
Case 12.719, Merits Report No. 28/20, Orlando Cordia Hall (United States)	Hyperlink					X	Open

CASE	Link to file	In process of determining level of compliance	Full compliance	Substantial partial compliance	Partial compliance	Pending compliance	Follow-up status
Case 12.754, Merits Report No. 27/20, Nvwtohiyada Idehesdi Sequoyah (United States)						X	Under study for archiving
Case 12.545, Merits Report No. 26/20, Isamu Carlos Shibayama, Kenichi Javier Shibayama, Takeshi Jorge Shibayama (United States)	Hyperlink					X	Open
Case 12.505, Report 462/21, Marlin Gray (United States)	Hyperlink					X	Open
Case 13.394, Report 461/21, Pete Carl Rogovich (United States)	Hyperlink					X	Open
Case 13.829, Report 456/21, Ramiro Ibarra Rubi (United States)	Hyperlink					X	Open
Case 12.832, 455/21, Gregory Thompson (United States)	Hyperlink					X	Open
Case 13.339, Report 453/21, Manuel Valle (United States)	Hyperlink					X	Open
Case 13.478, Report 451/21, José Trinidad Loza Ventura (United States)	Hyperlink					X	Open
Case 12,871, Report 333/21, Virgilio Maldonado Rodríguez (United States)	Hyperlink					X	Open
Case 12.028, Report No. 47/01, Donnason Knights (Grenada)					X		Inactive
Case 11.765, Report No. 55/02, Paul Lallion (Grenada)					X		Inactive
Case 12,158, Report No. 56/02 Benedict Jacob (Grenada)					X		Inactive
Case 9.961, Report No. José María García Portillo (Guatemala) [TRANSLATOR: falta numero de informe?]	Hyperlink					X	Open
Case 11.625, Report No. 4/01, María Eugenia Morales de Sierra (Guatemala)	Hyperlink				X		Open
Case 9.207, Report No. 58/01, Oscar Manuel Gramajo López (Guatemala)					X		Under study for archiving
Case 10.626 Remigio Domingo Morales and Rafael Sánchez; Case 10.627 Pedro Tau Cac; Case 11.198(A) José María Ixcaya Pixtay and others; Case 10.799 Catalino Chochoy and others; Case 10.751 Juan Galicia Hernández and others, and Case 10.901 Antulio Delgado, Report No. 59/01, Remigio Domingo Morales and others (Guatemala)					X		Under study for archiving
Case 9.111, Report No. 60/01, Ileana del Rosario Solares Castillo et al (Guatemala)	Hyperlink				X		Open
Case 11.382, Report No. 57/02, Finca "La Exacta" (Guatemala)					X		Under study for archiving
Case 10.855, Report N° 100/05, Pedro García Chuc (Guatemala)					X		Under study for archiving
Case 11.171, Report No. 69/06, Tomas Lares Cipriano (Guatemala)					X		Under study for archiving

CASE	Link to file	In process of determining level of compliance	Full compliance	Substantial partial compliance	Partial compliance	Pending compliance	Follow-up status
Case 11.658, Report No. 80/07, Martín Pelicó Coxic (Guatemala)					X		Under study for archiving
Case 12.264, Report No. 1/06, Franz Britton (Guyana)						X	Under study for archiving
Case 12.504, Report 81/07 Daniel and Kornel Vaux (Guyana)					X		Inactive
Case 11.335, Report No. 78/02, Guy Malary (Haiti)						X	Under study for archiving
Cases 11.826, 11.843, 11.846 and 11.847, Report No. 49/01, Leroy Lamey, Kevin Mykoo, Milton Montique, and Dalton Daley (Jamaica)					X		Inactive
Case 12.069, Report No. 50/01, Damion Thomas (Jamaica)					X		Under study for archiving
Case 12.183, Report No. 127/01, Joseph Thomas (Jamaica)					X		Under study for archiving
Case 12.275, Report No. 58/02, Denton Aitken (Jamaica)					X		Under study for archiving
Case 12.347, Report No. 76/02, Dave Sewell (Jamaica)					X		Inactive
Case 12.417, Report No. 41/04, Whitley Myrie (Jamaica)					X		Inactive
Case 12.418, Report No. 92/05, Michael Gayle (Jamaica)					X		Under study for archiving
Case 12.447, Report No. 61/06, Derrick Tracey (Jamaica)					X		Under study for archiving
Case 13,095, Report 401/20, T.B. and S.H. (Jamaica)	Hyperlink					X	Open
Case 13.367, Report No. 400/20, Gareth Henry and Simone Carline Edwards (Jamaica)	Hyperlink					X	Open
Case 11.565, Report No. 53/01, González Pérez Sisters (Mexico)	Hyperlink				X		Open
Case 12.130, Report No. 2/06, Miguel Orlando Muñoz Guzmán (Mexico)	Hyperlink					X	Open
Case 12.228, Report No. 117/09, Alfonso Martín del Campo Dodd (Mexico)	Hyperlink				X		Open
Case 12.551, Report No. 51/13, Paloma Angélica Escobar Ledezma et al (Mexico)	Hyperlink				X		Open
Case 12.689, Report No. 80/15, J.S.C.H and M.G.S (Mexico) ¹⁷⁷			X				Closed
Case 11.564, Report No. 51/16, Gilberto Jiménez Hernández "La Grandeza" (Mexico)	Hyperlink				X		Open
Case 11.430, Report 43/96, José Francisco Gallardo Rodríguez (Mexico) ¹⁷⁸	Hyperlink				X		Open
Case 11.740, Report 130/99, Víctor Manuel Oropeza (Mexico) ¹⁷⁹	Hyperlink					X	Open

¹⁷⁷ IACHR, 2016 Annual Report, Chapter II. [Section D: Status of compliance with the recommendations and friendly settlements in individual cases](#), paras. 1685-1708.

¹⁷⁸ The report on the merits of this case was published before 2001, which is why its follow-up through a follow-up form was activated at the request of a party.

¹⁷⁹ The report on the merits of this case was published before 2001, which is why its follow-up through a follow-up form was activated at the request of a party.

CASE	Link to file	In process of determining level of compliance	Full compliance	Substantial partial compliance	Partial compliance	Pending compliance	Follow-up status
Case 11.381, Report No. 100/01, Milton García Fajardo (Nicaragua)					X		Under study for archiving
Case 11.506, Report No. 77/02, Waldemar Geronimo Pinheiro and Jose Victor Dos Santos (Paraguay)					X		Under study for archiving
Case 11.607, Report No. 85/09, Víctor Hugo Maciel (Paraguay)					X		Inactive
Case 12.431, Report N° 121/10, Carlos Alberto Majoli (Paraguay) ¹⁸⁰			X				Closed
Case 11.800, Report No. 110/00, César Cabrejos Bernuy (Peru) ¹⁸¹			X				Closed
Cases referred to in Joint Press Release P-1193-CA, February 22, 2021 (Peru)	Hyperlink	X ¹⁸²					Open
Case 12.269, Report No. 28/09, Dexter Lendore (Trinidad and Tobago)						X	Inactive
Case 11.500, Report No. 124/06, Tomás Eduardo Cirio (Uruguay) ¹⁸³			X				Closed
Case 12.553, Report No. 86/09, Jorge, José, and Dante Peirano Basso (Uruguay)	Hyperlink				X		Open
Total: 140							

5. Activities carried out in the follow-up process in 2023

673. About the follow-up of individual cases provided for in Article 48 of the IACHR Rules of Procedure, during 2023, the Commission focused on increasing the number of follow-up actions carried out throughout the year to build consensual routes for compliance with recommendations and to reestablish or maintain contact with States, victims' representatives, and victims of cases in which the IACHR had not received information in recent years. The IACHR also contacted the petitioning party in the cases during the year to actively follow up on them.

674. The reinforced strategies for cases with structural implications were continued through close monitoring of the implementation of recommendations, including: 138 cases of Joint Press Release 1193 regarding Peru, related to the period of violence in the 1980s and 1990s. In line with the strategy, periodic meetings have been held, each on a different thematic angle (reparations and justice). During 2023, meetings were held on February 20, June 12, and October 13. In Case No. 12.051, Maria Da Penha, regarding domestic violence against Brazil, the IACHR held two working meetings on February 27 and May 16, 2023, which allowed for the continuation of a strategy to guide a compliance agreement between the parties. The last of these

¹⁸⁰ IACHR, 2012 Annual Report, Chapter III, [Section D: Status of Compliance with the Recommendations of the IACHR](#), paras. 904-908.

¹⁸¹ IACHR, 2010 Annual Report, Chapter III, [Section D: Status of Compliance with the Recommendations of the IACHR](#), paras. 928-935.

¹⁸² This is the only set of cases that, for methodological purposes, appears with the classification *in the process of determining the level of compliance*. This is because the 2021 and 2022 monitoring form for the Joint Press Release does not yet establish compliance levels; rather, it is an effort to systematize monitoring information as a step prior to determining compliance levels.

¹⁸³ IACHR, 2010 Annual Report, [Chapter III. Section D: Status of Compliance with the Recommendations of the IACHR](#), paras. 1020-1027.

meetings was held in person during the IACHR's visit to Brazil. Likewise, meetings have been held with the State of Argentina in its capacity as Amicus Curiae in case 12.254 Víctor Saldaño concerning the United States.

675. In addition to the working meetings in the framework of these reinforced strategies, the IACHR also held three additional working meetings regarding Case No. 11.712 concerning Leonel de Jesús Isaza Echeverry et al. concerning Colombia (held on April 21, 2023, in virtual modality); Case No. 12.053 regarding the Maya Indigenous Communities and their members concerning Belize (held on November 9, 2023, at the Commission's headquarters in Washington D.C.) in the framework of the 188th Session), and Case No. 9.961 regarding José María García Portillo concerning Guatemala (held on July 5, 2023, in virtual modality).

676. In addition, throughout 2023, the Commission held many bilateral face-to-face and videoconference meetings with petitioners, victims, and state representatives regarding different cases. In addition, the Commission held six meetings to review the follow-up portfolio of recommendations with the States of Argentina, Chile, Colombia, Mexico, Peru, and Belize.

677. Based on the implementation of the requests for information to the parties in each case, working meetings, bilateral and portfolio meetings, and the transfer and remission of information between the parties, in 2023, the IACHR carried out compliance monitoring in 100% of the cases with merits report derived from Art. 51 of the ACHR or Art. 47 of its regulations have been published since 2001, for which the victims' representation sent information at least two years before June 30, 2023.

6. Relevant results

a. Progress in 2023 on the implementation of recommendations from published reports on the merits

678. Progress in complying with the recommendations issued by the IACHR has been significant thanks to this mandate's momentum on the Commission's work agenda, particularly within the framework of Program 8 of the 2023-2027 Strategic Plan. Likewise, the IACHR recognizes the valuable impulse and commitment that both the States and the victims and their representatives have shown in the follow-up processes, which has led to the achievement of favorable results in levels of compliance. As regards those levels, the following table shows the progress in the implementation of the whole set of reports on the merits published that have been subject to follow-up for each year.¹⁸⁴

Categories	Number of cases						Percentage of Compliance					
	2018	2019	2020	2021	2022	2023	2018	2019	2020	2021	2022	2023
Full compliance	9	9	9	9	11	0	8.3%	8%	7.8%	7.3%	7.9%	0%
Partial compliance	82	85	88	91	95	41	75.2%	75.2%	76.6%	74%	68.3%	64%
Pending Compliance	18	19	18	23	33	23	16.5%	16.8%	15.6%	18.7%	23.7%	36%
Total	109	113	115	123	139¹⁸⁵	64¹⁸⁶	100%	100%	100%	100%	100%	100%

¹⁸⁴ It is important to note that, during 2023, no compliance analysis was performed with respect to the cases in which deactivation and archiving was appropriate; therefore, of the 139 cases under follow-up during the year 2022, only 66 cases were subject to follow-up in 2023.

¹⁸⁵ For this year, the table included in the 2022 Annual Report, with respect to the follow-up sheets of the published reports on the merits, comprises a total of 140 cases. This table shows a total of 139 cases, not 140, because it excludes one in Joint Press Release P-1193-CA (Peru). In this regard, it should be reiterated that this press release was not considered in this table since the IACHR has not yet determined levels of compliance with the reports contained in the press release.

¹⁸⁶ The table included earlier in this chapter with respect to the follow-up sheets of the published reports on the merits includes a total of 65 cases under active follow-up for the year 2023. This table shows a total of 64 cases, not 65, because it excludes the case file of

679. The IACHR is aware that compliance with the recommendations and clauses of the compliance agreements results from a complex process that involves solid and constant interaction among the users of the IAHRs. For this reason, the Commission reaffirms its commitment to adopt all types of measures within its reach to promote constant and effective compliance with the decisions issued for the benefit of greater enforcement and safeguarding of human rights in the region. These increases in the levels of compliance with the recommendations and the clauses of the compliance agreements that the parties adopt are explained below.

680. According to the information that the Commission obtained and analyzed in 2023, it was possible to determine some progress in implementing 12 recommendations of published reports on the merits and six clauses of compliance agreements. These figures have emerged due to a methodological strengthening of the Commission's compliance analyses.

681. Based on its monitoring in 2023, the IACHR ascertained compliance with eight reparation measures, substantial partial compliance with six reparation measures, and partial compliance with four reparation measures. Of the 18 measures in which progress was recorded in 2023, 12 are individual, and six are structural. The IACHR welcomes the progress in compliance with these measures during 2023.

682. By 2023, the 64¹⁸⁷ reports on the merits published considering Article 51 of the ACHR or Article 47 of the Commission's Rules of Procedure during active follow-up of recommendations comprised 287 recommendations and 93 compliance agreement clauses (the latter signed by the parties in connection with follow-up to published reports on the merits). Likewise, of the total 380 decisions (including recommendations and compliance agreement clauses), 186 show some degree of progress in their implementation (81 with total compliance, 27 with substantial partial compliance, 78 with partial compliance), 190 are pending compliance, and four recommendations still have non-compliance status.

683. The following is a breakdown of the progress that the IACHR identified in 2023 to determine total compliance with eight reparation measures (which include both recommendations and clauses of compliance agreements).

Case	Scope of the compliance measure	Recommendation or clause of the compliance agreement	Results reported	Level of compliance in 2023
Chile				
Case 12.880, Edmundo Alex Lemun Saavedra et al	Individual	Recommendation 2	The State reported that by judgment dated November 5, 2022, handed down by the non-disqualified chamber of the Oral Criminal Trial Court of Angol, Mr. Treuer Heysen was sentenced to seven years of rigorous imprisonment to the minimum degree, as the perpetrator of the crime of simple homicide. This sentence shall be served effectively, and the three years and three hundred and fifty-eight days that he was deprived of liberty shall be counted as part of the sentence.	Total

Joint Press Release P-1193-CA (Peru). In this regard, it should be reiterated that this Press Release was not considered in this table since the IACHR has not yet determined levels of compliance with the reports contained in this file.

¹⁸⁷ The case of the Press Release with respect to Peru is excluded since the grouping of multiple cases does not allow for a determination of levels of compliance.

Case 12.880, Edmundo Alex Lemun Saavedra et al	Individual	Clause A of the Compliance Agreement	Legislative initiative that "Amends the Code of Military Justice, to exclude the military jurisdiction from hearing cases of common crimes committed by military personnel, and hand that function over to the ordinary justice system," Bulletin 12.519-022. The legislative initiative was introduced on April 2, 2019; it was approved in the Chamber of Deputies on October 14, 2020; and on January 4, 2023, with cross-cutting support, the Chamber approved the bill, allowing it to advance to the second constitutional procedure before the Senate.	Total
Case 12.880, Edmundo Alex Lemun Saavedra et al	Structural	Clause B of the Compliance Agreement	Training sessions in the Araucaña Public Order Control Zone.	Total
Colombia				
Case 11.726, Norberto Javier Restrepo	Individual	Recommendation 1	The State informed that on September 8, 2022, the Administrative Court of Cundinamarca, Third Section, Subsection B, delivered the judicial deposit in favor of Mr. Wbeimar de Jesús Restrepo as heir to his mother, Mrs. Maria Lucila Restrepo Posada.	Total
Guatemala				
Case 11.625, María Eugenia Morales de Sierra	Structural	Clause H	In the face of Clause H , the State informed that the Department responsible for caring for victim has immediate care services for survivors of violence against women and has 59 offices around the country. The police personnel of this institution continuously disseminate information regarding how to access the institution and the services it provides. The State also indicated that the Department for the Investigation of Violence against Women, of the Specialized Criminal Investigation Division, maintains links with various care centers for women and girls who are victims of violence. It also noted that through the Law against Femicide and other Forms of Violence, the National Policy for the Promotion and Integral Development of Women, and the National Strategy for the Prevention of Violence and Crime 2017-2027, it has adopted measures for preventing, dealing with, punishing, and eradicating violence against women. In addition, the State indicated that as a result of international cooperation programs with the United States, it has been able to conduct a series of training courses for public officials and security agents on the prevention of violence against women at the national level.	Total
Case 11.625, Ileana del Rosario Solares Castillo et al	Individual	Clause on the construction of a wall in the USAC plaza referring to Ileana del Rosario Solares Castillo	On October 30, 2020, a monument was unveiled in the Central Campus Plaza or Plaza de los Mártires of the USAC University bearing the names of Ileana del Rosario Solares del Castillo, among other students, professors, and administrative workers disappeared and murdered during the armed conflict in Guatemala.	Total
Mexico				

Case 12.228, Alfonso Martin del Campo Dodd	Individual	Clause 2.4 of the Compliance Agreement	On December 30, 2022, the indemnity payment was made. The payment of this amount was made by the Ministry of the Interior and the Executive Commission for Attention to Victims (Comisión Ejecutiva de Atención a Víctimas). In accordance with the agreements and deadlines established to comply with Clause IV.4 of the Agreement, it was reported that on February 21, 2023, the Executive Commissioner for Attention to Victims issued a subsidiary compensation resolution in the respective administrative file. In addition, it was reported that the amount that it was decided to grant in favor of Alfonso Martín del Campo Dodd and Diego Martín del Campo Martínez, was that corresponding to the share covered by budget of this institution.	Total
Case 12.228, Alfonso Martin del Campo Dodd	Individual	Clause 2.7 of the Compliance Agreement	The State informed that, on December 30, 2022, the indemnity payment was made.	Total

684. The Commission appreciates the efforts of the States of Chile, Colombia, Guatemala, and Mexico to determine full compliance with specific reparations measures, including recommendations issued in published merits reports and clauses of compliance agreements, and welcomes the progress made in implementing those decisions. The Commission reiterates that such compliance is crucial to provide legitimacy to the Inter-American Human Rights System and to build trust and compliance with the principle of good faith as the basis for the fulfillment of States' international obligations. At the same time, the Commission takes this opportunity to urge all OAS member states to comply with the recommendations issued in the merits reports published by the IACHR considering Article 51 of the ACHR so that full compliance with them can be assessed and to move towards the cessation of oversight of such matters.

b. Cases with no information submitted in 2023

685. The IACHR records the 15 cases in which no information was received from any of the parties as of the closing date of this report:

- Case 12.324, Rubén Luis Godoy (Argentina)
- Case 13.639, Yoani María Sánchez Cordero (Cuba)
- Case 12.505, Marlin Gray (United States)
- Case 12.864, Ivan Teleguz (United States)
- Case 11.204, Statehood Solidarity Committee (United States)
- Case 12.831, Kevin Cooper (United States)
- Case 12.871, Virgilio Maldonado Rodriguez (United States)
- Case 12.719, Orlando Cordia Hall (United States)
- Case 13.478, José Trinidad Loza Ventura (United States)
- Case 13.339, Manuel Valle (United States)
- Case 13.394, Pete Carl Rogovich (United States)
- Case 12.832, Gregory Thompson (United States)
- Case 12.833, Felix Rocha Diaz (United States)
- Case 13.361, Julius Omar Robinson (United States)
- Case 12.545, Isamu Carlos Shibayama, Kenichi Javier Shibayama, and Takeshi Jorge Shibayama (United States)

686. The IACHR urges the parties to submit updated information on the actions taken by the State to comply with the recommendations issued by the Commission in these cases.

c. New processes for follow-up of published reports on the merits

687. The Commission announces that 3 cases were entered for the first time in the follow-up stage of recommendations through the Annual Report of the IACHR in 2023 (Article 48 of the Rules of Procedure):

- Case 14.196, [Report No. 463/23](#), Oswaldo Payá and Harold Cepero (Cuba)
- Case 12.446, [Report No. 264/23](#), Tracy Lee Housel
- Case 13.352, [Report No. 263/23](#), Jurijus Kadamovas et al

688. Likewise, although in 2023, Merits Report No. 298/23 (Case 11.464, Alberto Augusto Zalles Cueto, regarding Ecuador) was published, it is not included in the follow-up portfolio, considering that the report above recorded full compliance with its recommendations.

689. The IACHR thanks the parties for the information provided in the framework of the follow-up of the recommendations until publication in 2023 and announces that it will continue to improve its follow-up processes to strengthen compliance with the recommendations established in its merits reports (art. 51).

F. Precautionary Measures

1. Introduction

690. Precautionary measures in the inter-American human rights system are a protection mechanism of the Inter-American Commission on Human Rights (IACHR), through which it requests a State to protect one or more persons who are in a serious and urgent situation of suffering irreparable harm. Any person or organization may file a request for precautionary measures on behalf of a person or group of persons, identified or identifiable, who are at risk.

691. The precautionary measures mechanism has more than four decades of history in the inter-American system and has served as an effective tool to protect the fundamental rights of the inhabitants of the States under the jurisdiction of the Inter-American Commission. The power of the IACHR to request the adoption of urgent actions or to issue precautionary measures reflects a common practice in international human rights law. In the particular context of the region, it has operated as an effective instrument of protection and prevention in the face of possible serious and irreparable harm to persons or groups of persons facing situations presenting an imminent risk.

692. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States ("OAS"), based on Article 41(b) of the American Convention on Human Rights ("American Convention") and Article 18(b) of the IACHR Statute. Furthermore, the mechanism of precautionary measures is described in Article 25 of the Rules of Procedure, according to which the Commission grants precautionary measures in situations that are serious and urgent, where they are necessary to prevent irreparable harm. For purposes of making a decision, and in accordance with Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. "irreparable harm" refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

693. The nature and purpose of the precautionary measures granted by the Inter-American Commission are different from those available in domestic jurisdictions. Precautionary measures fulfill two functions related to the protection of fundamental rights enshrined in the norms of the inter-American system. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.¹⁸⁸ With respect to the precautionary aspect, the measures may be intended to prevent the execution of judicial, administrative or other measures, when it is alleged that their execution could render ineffective an eventual decision of the IACHR on an individual petition. These measures aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. An example of this can be seen in those situations in which the IACHR has urged the State to suspend the application of the death penalty, in order to allow the Commission to analyze later in the petition or case the reported violations alleged by the applicants in relation to the applicable instruments.

694. With regard to the protective aspect, the measures seek to avoid irreparable harm and thus preserve the exercise of human rights. These considerations have led to the issuance of precautionary measures in a wide range of situations, particularly in order to avoid irreparable harm to the life and personal integrity of the beneficiary(ies). To this end, the IACHR must assess the problem raised, the effectiveness of the State’s actions in the situation described and how vulnerable the persons for whom measures are requested would be left if the measures are not adopted.¹⁸⁹ For example, issues related to disappearances, access to medical treatment, situations of threats, harassment and persecution, even in connection with the work or affiliation of the beneficiary, among many other situations.

695. The IACHR Rules of Procedure indicate that the granting of such measures and their adoption by the State shall not constitute a prejudgment regarding the violation of the rights protected in the American Convention on Human Rights and/or other applicable instruments. Moreover, the IACHR would like to emphasize that, in accordance with Article 25(6) of its Rules of Procedure, the analysis of a request for precautionary measures is carried out taking into account the context, the particularities of each specific situation, and the nature of the risk and the harm sought to be avoided.

696. Precautionary measures have been invoked to protect thousands of individuals or groups of individuals at risk. In 2023 these groups included indigenous peoples, trade union leaders, journalists, persons deprived of their liberty, missing persons, human and environmental rights defenders, Afro-descendants, persons condemned to death penalty, as well as children and women at particular risk.

2. Requests for precautionary measures

697. During 2023, the Commission received 1133 new requests for precautionary measures, managing to maintain a legal evaluation of 92.93% of them per year. Similarly, in 2023, the IACHR continued to advance in the review of the requests for precautionary measures pending a final decision based on chronological criteria. In this sense, the processing was concluded, taking a final decision, of all the precautionary measures registered prior to 2020, including that year, as well as 99.74% of the requests

¹⁸⁸ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16.

¹⁸⁹ See in this regard: I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. Matter of the Criminal Institute of Plácido de Sá Carvalho. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

registered in 2021, taking into account that the IACHR decided to continue analyzing three requests of that year.

698. In April 2023, the IACHR began the implementation of a new system for information management and processing of precautionary measures, known as GAIA, which modernizes the processing of requests for precautionary measures, as well as the follow-up of existing measures. The new system was in stabilization until November 2023, which had an impact on the registration of requests and communications, as well as on the sending of letters and transfers between parties, affecting the work productivity expected for the year 2023.¹ It is expected that in the coming years the system will be able to help speed up the flow of communications and file management, to continue strengthening the analysis of requests for precautionary measures until they reach a final decision from the IACHR. In this regard, the Commission has been taking steps to improve the GAIA system and has taken additional measures to mitigate the challenges identified. At the end of the year 2023, the IACHR notes the stability of the GAIA system, with the overcoming of the main challenges initially observed.

699. In 2023, the IACHR continued implementing [Resolution 3/2018 “Strengthening of the processing of requests for precautionary measures”](#), which allowed strengthening the methodology for the initial study of the requests received, recalling that they continue to be diagnosed¹⁹⁰ timely and classified according to the information available on their respective urgency. This allows the IACHR to prioritize the requests in which greater elements of urgency are identified, in accordance with Article 25 of the Rules of Procedure, favoring more expeditious decision-making with respect to matters, that present greater indications of imminent risk.

700. In this same sense, by means of the referred Resolution 3/2018, it became more agile the processing of matters or claims that, historically and consistently, the Commission has considered that they are not susceptible to be analyzed through the mechanism of precautionary measures, since they would imply an analysis of the merits of the matter that is better suited to the petition and case system. In addition, the application of Resolution 3/2018 allowed the Commission, in certain situations, to deactivate requests for precautionary measures in which no response was received from the applicants during established deadlines.¹⁹¹

701. In 2023, the IACHR granted and/or extended 52 precautionary measures through 51 resolutions, for the protection of more than 13,040 identifiable individuals and groups.

702. Of the requests for precautionary measures under analysis this year, the IACHR granted or extended an average of 4.58%.¹⁹² Of the precautionary measures granted or extended, 67.3% were granted in less than 90 days after their registration. **Such a figure reflects a significant point of attention to the timeliness of the granting of precautionary measures by the IACHR compared to recent years**, in which a large part of the grants are processed - including consultations with the requesting party and the State - and notified in less than three months of their registration. In 2020, 63.8% of granted measures were processed in less than 3 months, compared to 34.9% in 2021 and 48% in 2022. In specific cases, where the imminence of the risk does not admit delay, the IACHR grants precautionary measures in even shorter periods of time. One case involving serious death threats was processed and the granting of precautionary measures was notified in less than 48 hours.

¹⁹⁰ The initial diagnosis evaluates what the matter is about and assesses its degree of urgency, allowing the Commission to prioritize situations presenting a greater risk. This diagnosis is different from the legal evaluation of the matter, which refers to the technical analysis of whether a request meets the procedural requirements for the granting of a precautionary measure.

¹⁹¹ The Commission recalls that a new request for precautionary measures may be filed.

¹⁹² This value includes the evaluations of the extension of precautionary measures, which, since they represent a form of granting, are reported together with the other grants. Details on extensions are discussed in the “Follow-up of precautionary measures in force”.

703. In addition, it should be noted that in 2023, the IACHR deliberated on 966 consultations related to precautionary measures.

3. Follow-up of precautionary measures in force

704. In 2023, the Commission continued with the implementation of [Resolution 2/2020 - "Strengthening of the Monitoring of Precautionary Measures in Force"](#), with a view to protecting the rights of beneficiaries. Similarly, the Commission continued its commitment to States, beneficiaries and their representatives to strengthen the monitoring of precautionary measures in force, as well as to promote transparency, predictability and legal certainty of decisions. Resolution 2/2020 also provides for the possibility that the IACHR may issue Follow-up Resolutions on current matters that merit a pronouncement on its part to promote their implementation, as well as the possibility of holding working meetings outside the Periods of Sessions and conducting on-site visits to enable a closer approach with the beneficiary(ies) and their representatives and State authorities, to learn directly about the status of implementation of the measures and to assess the current situation presenting a risk.

705. In light of the foregoing, and in order to continue improving the monitoring of the measures in force, the Executive Secretariat adopted a working methodology that allows the IACHR to periodically evaluate the precautionary measures in force, both on the adequacy and effectiveness of the protection measures adopted by the States, as well as on the persistence of the procedural requirements. In this way, it is expected that the Commission will be able to focus on those matters that, due to the existence of the risk in the terms of Article 25, require its due attention, adopting at the same time the Lifting Resolutions in the matters it so decides.¹⁹³ It should be recalled that the IACHR has assigned, since 2020, specialized personnel on a full-time basis to follow up on the measures in force, making up the [Special Group that monitors precautionary measures in force](#).

706. As a result of the actions taken in favor of the follow-up of precautionary measures in force, **in 2023 the Commission was able to guarantee at least one supervisory action in 100% of the precautionary measures in force.**¹⁹⁴ This achievement shows a change in the supervision model for measures in force, initiated in 2020, which allows for more regular monitoring of the implementation of precautionary measures, as well as the updating of information to the IACHR in a more timely manner, particularly in precautionary measures in which the IACHR continues to receive updated information regarding the continuity of threatening events. In this vein, **the IACHR also managed to ensure that the reports sent by the parties in 100% of its portfolio of precautionary measures in force are transferred at least once a year.**

707. In 2023, the IACHR continued its strategy of conducting **on-site visits** to follow up on precautionary measures in force, carrying out four visits:

- From **April 24 to 28, 2023, the IACHR conducted an on-site visit to Honduras.** On that occasion, the Commission had the opportunity to hold an in-person working meeting on April 22, 2023, regarding PM 1084-21 - Glenda Carolina Ayala Mejía and her immediate family in Honduras, visited La Esperanza and met with members of COPINH and other civil society organizations, and received information on PM 112-16 - Members of COPINH, relatives of Berta Cáceres, in Honduras.¹⁹⁵ In addition, in the framework of this visit, the Commission received information on the increase in violence and criminalization against *campesino* communities defending land, territory and the environment in Bajo Aguán.¹⁹⁶ In this regard,

¹⁹³ IACHR, [Press Release 201/20](#) - The IACHR reports on the implementation of Resolution 2/2020 on Strengthening the Monitoring of Precautionary Measures in Force, of August 17, 2020.

¹⁹⁴ The IACHR has not been able to take action in 7 precautionary measures in force in which the representation has not kept its communication data up to date. Likewise, the IACHR has not taken additional actions in measures in force in which there is a resolution to lift the measure in process.

¹⁹⁵ IACHR, [Preliminary observations. On-site visit to Honduras](#). April 24-28, 2023, para. 44.

¹⁹⁶ *Ibid*, para. 16.

the IACHR recalls that since 2014 precautionary measures were adopted in favor of several members of *campesino* communities in Bajo Aguán, which was extended in 2016.¹⁹⁷

- From **May 15 to 19, 2023**, the Inter-American Commission conducted a **working visit to Brazil** to monitor nine precautionary measures in force by conducting face-to-face working meetings and two others by an on-site visit to the beneficiaries in the place where they are.¹⁹⁸ In Rio de Janeiro, the IACHR visited two prisons protected by PM 888-19 - Persons Deprived of Liberty in the Jorge Santana Public Prison and Persons Deprived of Liberty in the Alfredo Tranjan Penitentiary, where it was able to interview the beneficiaries in private. Given what it observed in the prisons, the IACHR called on the State to reinforce compliance with the precautionary measures, including by reevaluating the compatibility of the deprivation of liberty with the individual situation of risk to the life and personal integrity of the beneficiaries with disabilities or with particular health needs in light of applicable international standards, in accordance with Resolution 53/22 (Alfredo Tranjan Penitentiary). The Commission also visited an indigenous community in the Araribóia Indigenous Land, in the State of Maranhão (PM 754-20 - Members of the Guajajara and Awá Indigenous Peoples of the Araribóia Indigenous Land). On this occasion, the IACHR held a bilateral meeting directly with the beneficiaries and their representatives.¹⁹⁹ The IACHR called on the State to urgently address the situation of lack of protection faced by the Guajajara and Awá, reinforcing security actions in the territory, underlining the important role of the indigenous guards in the defense of the right to life, territory and cosmovision.

The on-site working meetings included the following precautionary measures:

- PM 818-04 - Indigenous Peoples Ingaricó, Macuxi, Patamona, Taurepang and Wapixana (Raposa Serra do Sol Indigenous Land)
 - PM 60-15 - Adolescents in the São Miguel Educational Center, Dom Bosco Educational Center, Patativa do Assaré Educational Center in the state of Ceará.
 - PM 458-19 - Members of the Guyraroká community of the Guaraní Kaiowá Indigenous Community
 - PM 938-22 - Members of the Quilombola Boa Hora III/Marmorana Territory, located in the rural area of Alto Alegre do Maranhão
 - PM 1211-19 - Quilombo Rio dos Macacos Community Remainers
 - PM 767-18 - Monica Tereza Azeredo Benicio
 - PM 1358-18 - Joana D'Arc Mendes
 - PM 1489-18 - André Luiz Moreira da Silva
 - PM 408-22 Benny Briolly Rosa da Silva Santos and Marcos Paulo Pereira Costa, Matheus Pereira Costa and Ariela do Nascimento Marinho.
- The IACHR conducted a **visit to Mexico on September 25 and 26, 2023**, to hold meetings in connection with PM 409-14 - Students from the “Raúl Isidro Burgos” rural school, on the occasion of the ninth anniversary of the disappearance of the 43 students from Ayotzinapa. On July 31, 2023, the Interdisciplinary Group of Independent Experts (GIEI) concluded its work and delivered, on August 3, 2023, its last report. During its visit, the IACHR took the opportunity to reiterate “its unwavering commitment and support to the victims and their families in their search for truth, justice and reparation; and will continue to deploy its

¹⁹⁷ IACHR. [Resolution 11/2014](#). Precautionary Measure No. 50-14. Peasant leaders of Bajo Aguán with respect to Honduras. May 8, 2014; IACHR. [Resolution 60/2016](#). Precautionary Measure No. 50-14. Members of members, leaders and women leaders of the Bajo Aguán region with respect to Honduras. December 6, 2016.

¹⁹⁸ IACHR. [Press Release 110/23](#). IACHR concludes follow-up visit to Brazil on precautionary measures. June 2, 2023.

¹⁹⁹ IACHR. [Video of the Precautionary Measures Follow-up Visit to Brazil](#). June 7, 2023.

conventional mandates, to monitor the progress of the investigations and compliance with precautionary measure 409-14.”²⁰⁰

In addition, the Commission positively recognized the development and implementation of a new institutional model to reorient the work on the Ayotzinapa case, recalled the installation of the Presidential Commission for Truth and Access to Justice in the Ayotzinapa case (COVAJ), the creation of the Special Investigation and Litigation Unit for the Ayotzinapa case (UEILCA), as well as the State’s openness to international scrutiny through the installation of a MESA team in Mexican territory, and the reactivation of the GIEI. The IACHR also positively valued the reactivation of the field searches, the genetic identification of two students and the arrest warrants issued with scope beyond the municipality and the state, directed against judicial and military officials, among other persons.

- On **December 11, 2023**, the IACHR participated in the ceremony of **installation of the Joint Working Group regarding PM 449-22 in favor of Bruno Araújo, Dom Phillips and members of UNIVAJA in Brazil**. The installation event was attended by high-level State authorities, representatives of civil society organizations, beneficiaries, and relatives of Bruno Araújo and Dom Phillips. On that occasion, the IACHR emphasized that it will continue to follow up on the precautionary measures and the situation of the indigenous peoples and communicators in the Vale do Javari in accordance with its competence derived from the American Convention and other human rights instruments applicable and binding for Brazil. Moreover, the Commission, as part of the Joint Working Group, will continue to closely monitor that the eleven beneficiaries of UNIVAJA have concrete, adequate and efficient protection measures implemented in their favor, in order to allow them to enjoy their rights and continue their work as human and environmental rights defenders.

708. Similarly, the strategy to strengthen the follow-up of precautionary measures in force has allowed the IACHR to exchange 2,854 follow-up communications to States and representatives, requesting specific information to monitor the implementation of such measures. The IACHR has also held bilateral meetings, working meetings and public hearings. In 2023, there was a significant increase in the number of bilateral meetings held with any of the parties, with 107 meetings held in relation to 111 precautionary measures. In 2022, 75 bilateral meetings were held with respect to 80 precautionary measures. Likewise, in 2023, 62 working meetings were held with respect to 59 precautionary measures and three public hearings²⁰¹ with respect to 31 precautionary measures. Moreover, in 2023, the number of working meetings held outside the Sessions increased, with 12 in 2022 and 32 in 2023. This shows the IACHR efforts to implement Resolution 2/2020, bringing the parties closer together. In addition, the IACHR held 10 portfolio meetings with the States of Argentina, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Panama, and Peru.

186 th Period of Sessions			
Working Meetings			
No	PM	Beneficiaries	State
1	772-17	Residents of the Campamento Digno por los Rios y por la Vida Consumers of the Mezapa River	Honduras
2	50-14	<i>Campesino</i> leaders of Bajo Aguán	Honduras
3	869-21	Antônio Martins Alves	Brazil

²⁰⁰ IACHR. [Press Release 226/23](#). IACHR: nine years after the disappearance of the 43 students of Ayotzinapa, Mexico must persist in clarifying the truth. 26 September 2023.

²⁰¹ IACHR. [Hearings on Precautionary Measures](#).

4	517-22	Members of the Guapoy's community of the Guarani Kaiowá Indigenous People	Brazil
5	382-10	Comunidades tradicionais da bacia do rio Xingu, Pará - Belo Monte	Brazil
6	449-22	Bruno Araújo Pereira, Dom Phillips and 11 UNIVAJA members	Brazil
7	454-18	Marbeli Vivani Gonzalez López and relatives of Yaneth González López	Mexico
8	370-12	334 patients at Federico Mora Hospital	Guatemala
9	362-02	Oscar Gutiérrez Olvera <i>et al.</i>	Mexico
10	887-19	Families of the Nueva Austria del Sira Community	Peru
11	576-21	José Domingo Pérez Gómez and his family	Peru
12	180-01	Adolfo Domicó <i>et al.</i>	Colombia
13	70-99	Members of CAVIDA (Communities of Cacarica)	Colombia
14	210-17	Members of the Political and Social Movement <i>Marcha Patriótica</i> (Patriotic March)	Colombia
15	306-21	N.V.E.	Colombia
16	140-14	Afro-descendant communities, leaders of Jiguamiandó, Curvaradó, Pedeguita and Mancilla	Colombia

187th Period of Sessions

Working Meetings

No	PM	Beneficiaries	State
17	120-16	Residents of the Cuninico Community and San Pedro Community	Peru
18	395-18	Siona of the Resguardos of Gonzaya and Po Piyuya	Colombia
19	731-18	Migrant children affected by the "Zero Tolerance" policy	United States of America
20	517-22	Members of the Guapoy's community of the Guarani Kaiowá Indigenous People	Brazil
21	128-00	Alirio Uribe Muñoz and Members of the Corporación Colectivo de Abogados	Colombia
22	682-18	Erika Lorena Aifán	Guatemala
23	425-22	Afro-descendant families from farming communities of the Saint Ann region	Jamaica
24	661-16	Ramón Cadena Rámila	Guatemala

25	306-20	Poqomchi' Mayan indigenous families from the communities of Washington and Dos Fuentes in the department of Purulhá, Baja Verapaz	Guatemala
26	393-15	Persons deprived of liberty in Punta Coco transitional detention center	Panama
27	892-22	Pascuala López López and her immediate family	Mexico
28	1100-20	Six migrant children and adolescents	Trinidad and Tobago
29	408-13	Recognized Movement Leaders	Dominican Republic
30	37-15	Persons deprived of liberty in 21 Police Stations and Persons deprived of liberty in Police Stations of the judicial department of La Matanza	Argentina
31	41-22	Hedme Fátima Castro Vargas and her family unit	Honduras
32	399-09	15 Radio Progreso employees	Honduras

188° Period of sessions

Working meetings

No	PM	Beneficiaries	State
33	335-02	Persons with HIV	Honduras
34	115-11	Communicators of “La Voz de Zacate Grande”	Honduras
35	51-15	Wayúu Indigenous People settled in the Department of La Guajira	Colombia
36	532-23	David Estiven Fernández Soler	Colombia
37	903-22	David Mayorga Osorio and José Luis Moreno Álvarez	Colombia
38	888-19	Persons Deprived of Liberty at the Jorge Santana Public Jail and at the Alfredo Tranjan Penitentiary	Brazil
39	61-23	Members of the Pataxó Indigenous People located in the Comexatibá and Barra Velha Indigenous Lands	Brazil
40	754-20	Members of the Guajajara and Awá Indigenous Peoples of the Araribóia Indigenous Land	Brazil
41	43-23	Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia	México
42	492-23	(1) Juan Carlos Soni Bulos, (2) Luis Edgardo Charnichart Ortega, (3) Evanibaldo Lárraga Galván, (4) Luis Enrique Biú González, (5) Alejandra Larraga Soni, (6) Erik Alejandro Soni Sánchez, (7) Irma Soni Bulos, (8) Oscar Enrique Soni Bulos, (9) Miguel Ángel Soni Bulos, (10) Alejandrino Soni Bulos, (11) Omar Soni Bulos, (12) Jesús Josué Soni Cortés, (13) Jose de Jesús Nava Soni, and (14) María del Carmen Balderas López	México

Working Meetings outside the POS

No	PM	Beneficiaries	State	Date
43	74-22	Richard Eugene Glossip	United States of America	17/01/2023

44	457-13	Members of the Association for a Better Life (APUVIMEH)	Honduras	26/01/2023
45	42-23	Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia	Mexico	04/04/2023
46	1084-21	Glenda Carolina Ayala Mejía and her family nucleus	Honduras	22/04/2023
47	649-20	Leyner Palacios Asprilla and his immediate family	Colombia	11/05/2023
48	319-09	League of Displaced Women	Colombia	12/05/2023
49	42-14	Nydia Erika Bautista Foundation and others	Colombia	12/05/2023
50	261-22	A.A.V.B. and his family nucleus	Colombia	12/05/2023
51	818-04	Ingaricó, Macuxi, Patamona, Taurepang e Wapixana Indigenous Peoples	Brazil	15/05/2023
52	458-19	Members of the Guyraroká community of the Guarani Kaiowá Indigenous People.	Brazil	15/05/2023
53	938-22	Members of the Quilombola Territory Boa Hora III/Marmorana	Brazil	16/05/2023
54	1211-19	Remanescentes do Quilombo Community Rio dos Macacos	Brazil	16/05/2023
55	60-15	Adolescents deprived of liberty in socio-educational centers of male internment in the state of Ceará.	Brazil	16/05/2023
56	767-18	Monica Tereza Azeredo Benicio	Brazil	17/05/2023
57	1358-18	Joana D'Arc Mendes	Brazil	17/05/2023
58	1489-18	Andre Luiz Moreira da Silva	Brazil	17/05/2023
59	408-22	Benny Briolly Rosa da Silva Santos and members of his work team	Brazil	17/05/2023
60	1262-18	Jean Wyllys de Matos Santos and family	Brazil	01/06/2023
61	674-17	Augusto Jordán Rodas Andrade and family nucleus	Guatemala	20/06/2023
62	449-22	Bruno Araújo Pereira, Dom Phillips and 11 UNIVAJA members	Brazil	31/07/2023

709. The public hearings allow the parties to dialogue directly with the plenary of the IACHR and present progress in the implementation of the precautionary measures, challenges identified and other relevant information.

186th Period of Sessions			
Public Hearings			
No	PM	Beneficiaries	State
1	798-17, 862-18, 1132-18, 1302-18, 83-19, 115-19, 178-19, 289-19, 751-19, 918-19, 258-20, 317-20, 450-20, 456-20, 496-20, 698-20, 978-20, 333-21, 637-22, 54-22	Beneficiaries deprived of liberty	Venezuela

188° Period de Sessions			
Public Hearings			
No	PM	Beneficiaries	State
2	484-11, 264-13, 307-19, 306-19, 1068-20, 1101-20, 46-22, 193-22, 768-21, 30-21	Beneficiaries deprived of liberty	Cuba
3	409-14	43 students missing or unaccounted for	Mexico

710. In 2023, the IACHR also created a Joint Working Group on the implementation of the precautionary measures in favor of Bruno Araújo, Dom Phillips and members of UNIVAJA in Brazil. The Joint Working Group is carried out in the framework of the follow-up process to the implementation of Precautionary Measure 449-22, as well as [Follow-up and Extension Resolution 59/22](#), of October 27, 2022, and aims to contribute to the full compliance with the precautionary measures, ensuring a space for articulation and complementarity between the national levels and the Inter-American Commission on Human Rights. The Working Table is composed of three structuring axes of action, namely: the operation of a National Articulation and Coordination Group; follow-up and monitoring actions of the IACHR; sessions of the Joint Working Table.²⁰² The Working Group includes a Plan of Action created by the parties and approved by the IACHR through Follow-up Resolution 76/23.²⁰³ The Group has an expected duration of two years.

711. It should be noted that the granting of precautionary measures is intrinsically temporary in nature. For this reason, and under Article 25(9) of its Rules of Procedure, the IACHR periodically evaluates, ex officio or at the request of a party, the precautionary measures in force in order to maintain, modify or lift them. In this regard, in 2023, the Commission issued 43 resolutions in relation to 43 precautionary measures in force (see details of each Resolution *infra*). In addition, the IACHR evaluated two requests for extension of precautionary measures in which it decided not to extend them.

Resolutions			
PM-56-07	Lift	Cástulo Benavides and other members of the Foro Laboral Obrero Campesino (FLOC)	Mexico
PM-80-09	Lift	Ronald John	Trinidad and Tobago
PM-127-07	Lift	José Emery Álvarez Patiño and others	Colombia
PM-552-20	Follow-up	María de los Ángeles Matienzo and Kirenia Yalit Núñez Pérez	Cuba
PM-1127-19	Lift	Nadia Alejandra Cruz Tarifa and Nelson Cox Mayorga	Bolivia
PM-18-09	Lift	Paul Pierre	United States of America
PM-141-14	Lift	Manuel Escalona Sanchez, Wilfredo Matos Gutierrez and Ortello Abrahante Bacalla	Bahamas
PM-131-09	Lift	Blanca Mesina Nevárez, Silvia Vázquez Camacho and their families	Mexico
PM-451-14	Lift	Norma Madero Jiménez and others	Mexico

²⁰² IACHR. [Press Release 179/23](#). Brazil: IACHR reports the creation of the Joint Working Group on the implementation of the precautionary measures in favor of Bruno Araújo, Dom Phillips and members of UNIVAJA. August 11, 2023

²⁰³ IACHR. [Press Release 286/23](#). IACHR welcomes installation of the Working Group for the precautionary measures of Bruno Araújo, Dom Phillips and UNIVAJA regarding Brazil. December 11, 2023.

PM-253-14	Lift	Héctor Orlando Martínez Montaña and his immediate family	Honduras
PM-23-20	Lift	Men and women deprived of liberty at the Cabimas Detention and Preventive Detention Center (Retén de Cabimas)	Venezuela
PM-109-07	Lift	Marcos Bonifacio Castillo	Honduras
PM-170-18	Lift	Óscar Álvarez Rubio	El Salvador
PM-972-18	Follow-up and Partial Lift	Semma Julissa Villanueva Barahona et al.	Honduras
PM-383-10	Lift	John Jairo Palacios	Colombia
PM-139-09	Lift	Martha Lucía Giraldo Villano <i>et al.</i>	Colombia
PM-422-11	Lift	Cledy Lorena Caal Cumes	Guatemala
PM-1033-18	Lift	Bismarck de Jesús Martínez Sánchez	Nicaragua
PM-148-08	Lift	J. R. P. and his family nucleus	Guatemala
PM-374-17	Lift	V.S.S.F. et al.	Honduras
PM-293-15	Lift	Rony Alejandro Fortín Pineda and his immediate family	Honduras
PM-235-05	Lift	Triunfo de la Cruz Garifuna Community	Honduras
PM-265-19	Lift	Carla Valpeoz	Peru
PM-646-23	Extension and Follow-up	Christian Gustavo Zurita Ron, Verónica Alexandra Sarauz Peñaranda <i>et al.</i>	Ecuador
PM-576-21	Extension and Follow-up	José Domingo Pérez and his family unit	Peru
PM-440-16	Lift	Zaheer Seepersad	Trinidad and Tobago
PM-654-03	Lift	Amílcar Méndez and his family unit	Guatemala
PM 705-16	Lift	Esteban Hermelindo Cux Choc et al.	Guatemala
PM-917-17	Lift	Douglas Arquímides Meléndez Ruiz	El Salvador
PM-152-11	Lift	Members of the migrant shelter “Frontera Digna”	Mexico
PM-221-09	Lift	María Stella Jara Gutiérrez	Colombia
PM-449-22	Follow-up	Bruno Araújo, Dom Phillips and identified members of the “União dos Povos Indígenas do Vale de Javari” -UNIVAJA	Brazil
PM-188-05	Lift	Members of the Madreselva Collective	Guatemala
PM-402-09	Lift	Doris Berrío Palomino et al.	Colombia
PM-125-09	Follow-up	María Corina Machado Parisca	Venezuela
PM-141-10	Lift	X and her two children	Colombia
PM-416-13	Follow-up, Extension and Lift	Tolupan indigenous members of the <i>Movimiento Amplio por la Justicia y la Dignidad</i>	Honduras
PM-201-18	Lift	Raffaele Russo, Antonio Russo, and Vincenzo Cimmino	Mexico
PM-445-14	Lift	Dubán Celiano Díaz Cristancho	Colombia
PM-147-15	Lift	Donatilo Jiménez Euceda and his family unit	Honduras
PM-304-15	Lift	San Juan Garifuna Community	Honduras
PM-1188-18	Lift	Adolescent D.	Paraguay

PM-330-11	Lift	José Reynaldo Cruz Palma	Honduras
-----------	------	--------------------------	----------

712. Follow-up Resolutions are a practice that the IACHR decided to consolidate through [Resolution 2/2020](#). They present an opportunity for the Commission to evaluate the implementation and mitigation measures adopted by the State and to delve into the particular aspects of each case, taking into account the criteria established in the aforementioned Resolution 2/2020. In 2023, the Commission issued 7 follow-up resolutions, which are detailed below:

- [Resolution No. 9/23](#) - PM 552-20 - María de los Ángeles Matienzo Puerto and Kirenía Yalit Núñez Pérez regarding Cuba, February 26, 2023.

The Inter-American Commission on Human Rights (IACHR) decides to issue this follow-up resolution on precautionary measures in the terms of Article 25 of its Rules of Procedure. The Commission regrets the lack of State response regarding the measures adopted to implement these precautionary measures. In view of the information available and evaluated as a whole, the Commission makes an urgent appeal to the Cuban State to adopt prompt and immediate measures for the implementation of the precautionary measures considering that the risk factors remain in force under Article 25 of the Rules of Procedure.

- [Resolution No. 32/23](#) - PM-972-18 - Semma Julissa Villanueva Barahona *et al.* regarding Honduras. June 12, 2023.

On June 12, 2023, the Inter-American Commission on Human Rights (IACHR) decided to issue this resolution to follow up and partially lift precautionary measures pursuant to the terms of Article 25 of its Rules of Procedure. The IACHR decided to keep in force the precautionary measures in favor of (1) Semma Julissa Villanueva Barahona; (2) Gregoria América Gomez Ramírez; and (3) Karla Vanessa Beltrán Cruz, as well as their respective families. At the time of taking the decision, the Commission considered the protection measures State authorities have taken in favor of beneficiaries. However, the Commission also considered the ongoing risk factors against them and a series of challenges in the implementation of the precautionary measures in force.

On the other hand, the IACHR decided to lift the precautionary measures in favor of Dicciana Noreyda Ferrufino and her family unit in Honduras. At the time of making its decision, the Commission took into account the lack of reported risk events against the beneficiary Dicciana Noreyda Ferrufino in recent years, in addition to the willingness and actions taken by the State during the time these precautionary measures were in force. Upon not identifying compliance with the procedural requirements set forth in Article 25 of the Rules of Procedure, the IACHR decided to partially lift these precautionary measures.

- [Resolution No. 63/2023](#) - PM-646-23 - Christian Gustavo Zurita Ron, Verónica Alexandra Sarauz Peñaranda and other persons with respect to Ecuador. October 30, 2023.

The Inter-American Commission on Human Rights (IACHR) decides to issue this Follow-up and Extension resolution on precautionary measures pursuant to Article 25 of its Rules of Procedure. The Commission valued the important protection measures adopted by the State in favor of the beneficiaries and those in favor of whom the extension was granted, along with information on risks related to the progress of the investigation into the murder of Fernando Villavicencio and possible threats and situations presenting a risk that were identified. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission decided as follows:

- a. To continue monitoring the precautionary measures granted in favor of Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña, and Carlos Eduardo

Figuroa Figuroa under the terms of Resolution No. 42/2023, along with the provisions of this resolution;

- b. To continue implementing the appropriate follow-up measures pursuant to Article 25(10) and other provisions of its Rules of Procedure.

It also requested that the State of Ecuador:

- a. Reinforce the measures adopted to protect the rights to life and personal integrity of Verónica Alexandra Sarauz Peñaranda and her children identified in this matter;
- b. Consult and agree upon the measures to be taken with the beneficiaries and their representatives; and
- c. Report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

- [Resolution No. 64/23](#) - José Domingo Pérez Gómez and his family regarding Peru

The Inter-American Commission on Human Rights (IACHR) decides to issue this follow-up resolution on precautionary measures pursuant to Article 25 of its Rules of Procedure. In the resolution, the IACHR assesses the progress made in the implementation of the precautionary measures and addresses the parties' approaches. Furthermore, the Commission decides to extend the precautionary measures in favor of prosecutor Rafael Ernesto Vela Barba and his family unit. Finally, the Commission decides to continue assessing the situation of the beneficiaries in the terms of Article 25 of the Rules of Procedure, and other applicable procedural and treaty provisions.

- [Resolution No. 76/23](#) - PM 449-22 - Bruno Araújo, Dom Phillips and UNIVAJA regarding Brazil, December 9, 2023.

The Resolution approves the Action Plan of the Joint Working Group on the implementation of precautionary measures. The Joint Working Group is carried out in the framework of the monitoring process of the implementation of Precautionary Measures 449-22, and of the Extension and Follow-up Resolution 59/22, of October 27, 2022, and its objective is to contribute to their full compliance, ensuring a space for coordination and complementarity between the national level and the Inter-American Commission on Human Rights. The Action Plan was elaborated jointly with the beneficiaries' representation and with the support of the IACHR and includes, inter alia:

- a. follow-up of the investigations and judicial processes of those responsible for the crimes related to the precautionary measures, the threats against the beneficiaries and the murder of Bruno Araújo and Dom Phillips;
- b. the establishment of a framework of memory for the human rights defenders of the Vale do Javari; the strengthening of the Program for the Protection of Human Rights Defenders;
- c. the encouragement of the recognition and appreciation of journalistic work in the Amazon;
- d. the State retraction through an official apology from the highest levels of the State for the defamation and promotion of hatred against Dom Phillips and Bruno Araújo in the context of their disappearance and death in 2022;
- e. the recognition of the fundamental role of the indigenous peoples in the search and location of the bodies, and of local journalism and popular and community communication in the investigation and dissemination of truthful information about the case.

- [Resolution No. 79/23](#) - PM 125-19 - María Corina Machado Parisca regarding Venezuela, December 19, 2023.

On December 19, 2023, the Inter-American Commission on Human Rights (IACHR) decided to issue this Follow-up Resolution on precautionary measures pursuant to the terms of Article 25 of its Rules of Procedure. The Commission regrets the lack of State response regarding the measures adopted to implement these precautionary measures. Given the information available and evaluated as a whole, the IACHR considered that a situation presenting a risk remains under the terms of Article 25 of the Rules of Procedure and decided:

- a. To continue to carry out the appropriate follow-up measures in terms of Article 25.10 and other provisions of its Rules of Procedure.
 - b. To request the State to submit specific, detailed, and updated information on the implementation of these precautionary measures; and
 - c. To require that the State of Venezuela:
 - i) adopt the necessary measures to protect the rights to life and personal integrity of Ms. María Corina Machado Parisca;
 - ii) adopt the necessary measures to guarantee that the beneficiary can continue to carry out her political participation activities without being subjected to threats, harassment, or acts of violence in the exercise thereof;
 - iii) consult and agree upon the measures to be adopted with the beneficiary and her representation; and
 - iv) report on the actions taken to investigate the alleged facts that gave rise to the adoption and keep these precautionary measures in force in order to avoid their repetition. In particular, the State is requested to conduct an investigation with due diligence into the threats and acts of violence reported, including those that could have been at the hands of State officials and/or agents against the beneficiary.
- [Resolución No. 83/23](#) - PM 416-13 - Tolupan indigenous members of the *Movimiento Amplio por la Justicia y la Dignidad* (Broad Movement for Justice and Dignity in Honduras) regarding Honduras, December 27, 2023.

On December 27, 2023, the Inter-American Commission on Human Rights (IACHR) decided to issue a Follow-up, Extension and Partial Lift Resolution with respect to Precautionary Measures 416-13 in favor of Tolupan indigenous members of the Broad Movement for Justice and Dignity (MADJ) in Honduras. In the resolution, the IACHR decided to keep in force the precautionary measures, and to extend them in favor of 61 identified members of the Broad Movement for Justice and Dignity (MADJ) that inhabit the San Francisco Locomapa Tribe, due to their situation of serious and urgent risk as a result of their activities in defense of the environment, land and territory. Similarly, the IACHR decided to lift the precautionary measures in favor of Santos Matute and José Salomón Matute, taking into account that the beneficiaries were killed in 2016 and 2019, respectively. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission decided as follows:

- a. Continue to follow up on these precautionary measures in accordance with the terms established in Article 25 of the IACHR Rules of Procedure;
- b. Lift the precautionary measures granted in favor of Santos Matute and José Salomón Matute; and
- c. Extend the precautionary measures granted in favor of 61 members of the MADJ that inhabit the San Francisco Locomapa Tribe, requesting their protection under the terms of Resolution 12/2013.
- d. Implement these precautionary measures considering the applicable ethnic and gender approach, as appropriate.

713. In the periodic evaluation of its precautionary measures, the IACHR analyzes whether they continue to meet the requirements of Article 25 of the Rules of Procedure, and may decide to lift them when

there is no longer a serious and urgent risk of irreparable harm. In the process of supervising the implementation of the measures, the IACHR also takes into account contextual information and a differentiated approach in the case of groups in especially vulnerable situations and a gender, intercultural and age perspective, taking into account the risk that persons belonging to these groups may face in specific contexts.

714. In 2023, the IACHR decided to fully lift 36 precautionary measures in force and 2 partially. The lifting of precautionary measures refers to inactive cases, with loss of purpose or, in general, those in which risk factors that support their validity were not verified. As indicated in Article 25 of the Regulations, lifting decisions are issued by means of substantiated resolutions (*see summaries below*). The following aspects, among others, are taken into account: i) the existence or continuity of the situation of risk; ii) whether it has changed throughout the implementation; iii) the effectiveness of the measures adopted by the State; iv) the mitigation of the risk; v) whether the beneficiaries continue to reside or have a presence in the State in question; vi) the inactivity or lack of response by the representatives to the requests for information made by the IACHR, so that it does not have information that justifies the validity of the precautionary measures. The above, within the framework of the strategy of keeping the portfolio more focused on those issues that, due to their current level of risk, require special attention from the IACHR.

4. Resolutions adopted

715. Below, reference is made to the 91 [resolutions](#) on precautionary measures, adopted during 2023, concerning: 48 precautionary measures granted; 2 precautionary measures extended with follow-up resolution; 1 precautionary measure extended with follow-up resolution and partially lifted; 1 precautionary measure partially lifted with follow-up resolution; 3 follow-up resolutions; and 36 measures fully lifted.

ARGENTINA

Resolution No. 35/23 (GRANT)
PM 160-23 – C.P.R. and J.P.R., Argentina

On June 21, 2023, the Inter-American Commission on Human Rights adopted Resolution 35/2023, through which it granted precautionary measures to girls C.P.R. and J.P.R., upon considering that they are in a serious and urgent situation that may imply irreparable harm to the protection of the family, integrity, and identity of the beneficiaries.

According to the request, the father of C.P.R., 14 years old, and J.P.R., 12 years old, has not been able to have contact with his daughters since 2017, when a restraining order was granted for having been criminally accused of the crime of sexual abuse. Despite having been acquitted in 2018, and repeated requests before the civil judge to reunite the applicant with his daughters, the family allegedly has yet to be reunited.

The State reported on the investigation, the medical examinations carried out by the Forensic Medical Corps on the girls, the study of their situation before, during and after the complaint of sexual abuse, which led to the determination that there was no criminal responsibility of the father, ordering his dismissal since May 2018. It was also reported that the competent Court has been monitoring the situation of the girls, mainly through the evaluation of psychological reports. More recently, in July 2021, the Court reportedly ordered the children to be evaluated in order to know if it was possible to advance in the reunification.

In view of the information provided, the Commission considered that there is sufficient signs to assess that there is no relationship between the father and his daughters at present due, first, to the non-review of the restraining order issued by the competent civil Court in 2017; subsequently, due to the alleged delay in beginning to evaluate a possible reunification and relationship; and, finally, due to a series of alleged obstacles or difficulties which have impacted the father-child relationship leading to the fact that, in practice, there has been no contact between the father and his two daughters for an extended time.

Due to the foregoing, the IACHR considered that this matter meets prima facie the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, the IACHR requested that Argentina adopt the necessary measures to safeguard the rights of the children C.P.R. and J.P.R. In particular, the State must immediately carry out through the competent authorities, and the relevant specialists, an assessment of the children's current circumstances, and an evaluation of the precautionary and provisional measure issued in October 2017 by the National Civil Court of First Instance No. 87 which determines the lack of contact between the children and their biological father, taking into account current circumstances and their best interests, in accordance with international standards in the matter.

Resolution No. 68/23 (GRANT)
PM 347-21 – J.C.Z.R., Argentina

On November 20, 2023, the IACHR decided to grant precautionary measures in favor of J.C.Z.R. who is reportedly in a situation that places him at risk to his health, life and personal integrity in the context of his deprivation of liberty in Argentina. According to the applicant, Mr. J.C.Z.R. has a right facio-brachio-crural hemiplegia, dysarthria and convulsive syndrome, as a result of a cerebrovascular accident, and does not receive adequate and timely medical attention, with inconsistent outpatient care, interruption in the supply of prescribed medication and essential medical tests for his treatment pending since 2022, as well as accommodation in inadequate conditions of detention, especially in view of his health situation and disability. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and requested that the State of Argentina:

- a. adopt the necessary measures to protect the rights of Mr. J.C.Z.R. to life, personal integrity, and health. In particular, provide him with the required medical treatment in a timely and appropriate manner, and ensure that the detention conditions are in line with applicable international standards, so as to fulfill the treatment he requires due to his health issues and the needs arising from his disability;
- b. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- c. report on the actions undertaken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

BAHAMAS

Resolution No. 16/23 (LIFT)
PM 141-14 – Manuel Escalona Sánchez, Wilfredo Matos Gutierrez, and Ortello Abrahante Bacallao, the Bahamas

The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of Manuel Escalona Sánchez, Wilfredo Matos Gutierrez and Ortello Abrahante Bacallao regarding the Bahamas. At the time of taking the decision, the Commission observes that the parties have not provided information since the granting of the precautionary measure, despite several requests from the Commission. The Commission regrets that the parties have never complied with the requests for information, particularly in the face of the seriousness and urgency of the matter. The IACHR recalled that the State must comply with the corresponding obligations under the American Declaration despite the lifting of these precautionary measures, especially with regards to the rights of migrants and asylum seekers.

BOLIVIA

Resolution No. 13/23 (LIFT)
PM 1127-19 – Nadia Alejandra Cruz Tarifa and Nelson Cox Mayorga, Bolivia

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Nadia Alejandra Cruz Tarifa and Nelson Cox Mayorga, in Bolivia. At the time of making the decision, the Commission assessed that, according to the information provided, the State has implemented measures for the protection of the beneficiaries and no real and imminent risk event has been presented against them. In addition, the Commission assessed that the context in which the precautionary measures were granted has

changed, as well as that the beneficiaries no longer hold the positions they held in the Ombudsperson's Office. In that regard, the Commission considered that, at present, it is not possible to identify an imminent risk situation within the meaning of Article 25 of the Rules of Procedure. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

BRAZIL

Resolution No. 10/23 (GRANT)

PM 938-22 - Members of the Boa Hora III/Marmorana Quilombola Territory, located in the rural area of Alto Alegre do Maranhão, in the State of Maranhão, Brazil

On February 27, 2023, the IACHR decided to grant precautionary measures in favor of members of the traditional Afro-descendant Quilombola people of the Boa Hora III/Marmorana Quilombola Territory, in the state of Maranhão, in Brazil. According to the request, a landowner invaded part of the territory, tore down the fences of the residents, surrounded the community's plantation areas, and prevented access to the natural source of water used by the community. The above, allegedly with the use of armed men, who would be monitoring and threatening the beneficiaries. The Commission appreciated the information provided by the State; however, it observed that the applicants have referred to the continued presence of armed men in the community, intimidation actions against the beneficiaries, and the absence of collective protection measures adopted by the State. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and requested that the State of Brazil:

- a. adopt the necessary and culturally appropriate measures, with a due ethnic-racial approach, to protect the rights to life and personal integrity of the members of the Boa Hora III/Marmorana Quilombola Territory. Similarly, the State must guarantee that the rights of the beneficiaries are respected in accordance with the standards established by international human rights law, with respect to threatening acts attributable to third parties;
- b. consult and agree upon the measures to be adopted with the beneficiaries and/or their representatives; and
- c. report on the actions taken to investigate the facts that gave rise to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 25/23 (GRANT)

PM 61-23 – Members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands, Brazil

On April 24, 2023, the IACHR granted precautionary measures in favor of members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia in Brazil. According to the information received, the beneficiaries are in a situation of risk in the framework of conflicts related to the determination of their territory, having been the object of threats, harassment and acts of violence, including the murder of three young Pataxó men. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, Brazil is requested:

- a. to adopt the necessary measures to protect the life and personal integrity of the members of the Pataxó Indigenous People as identified, including from acts perpetrated by third parties, taking into consideration the cultural relevance of the measures adopted;
- b. to coordinate the measures to be adopted with the beneficiary persons and their representatives; and
- c. to report on the actions taken to investigate the facts that motivated the adoption of this precautionary measure and thus prevent their repetition.

Resolution No. 76/23 (FOLLOW-UP)

PM 449-22 - Bruno Araújo, Dom Phillips and UNIVAJA, Brazil

The Resolution approves the Action Plan of the Joint Working Group on the implementation of precautionary measures. The Joint Working Group is carried out in the framework of the monitoring process of the implementation of Precautionary Measures 449-22, and of the Extension and Follow-up Resolution 59/22, of October 27, 2022, and its objective is to contribute to their full compliance, ensuring a space for coordination and complementarity between the national level and the Inter-American Commission on Human Rights. The Action Plan was elaborated jointly with the beneficiaries' representation and with the support of the IACHR and includes, inter alia:

- a. follow-up of the investigations and judicial processes of those responsible for the crimes related to the precautionary measures, the threats against the beneficiaries and the murder of Bruno Araújo and Dom Phillips;
- b. the establishment of a framework of memory for the human rights defenders of the Vale do Javari;
- c. the strengthening of the Program for the Protection of Human Rights Defenders; the encouragement of the recognition and appreciation of journalistic work in the Amazon;
- d. the State retraction through an official apology from the highest levels of the State for the defamation and promotion of hatred against Dom Phillips and Bruno Araújo in the context of their disappearance and death in 2022;
- e. the recognition of the fundamental role of the indigenous peoples in the search and location of the bodies, and of local journalism and popular and community communication in the investigation and dissemination of truthful information about the case.

COLOMBIA

Resolution No. 4/23 (GRANT)

PM 931-22 – Guillermo Andrés Mosquera Miranda et al., Colombia

On February 6, 2023, the IACHR decided to grant precautionary measures in favor of Guillermo Andrés Mosquera Miranda, Nidia Marcela Montoya, Carlos Mauricio Mosquera Miranda and their families. Guillermo Andrés Mosquera Miranda and his partner, Nidia Marcela Montoya, are teachers in the department of Cauca and peasant social leaders. Carlos Mauricio Mosquera Miranda, was a candidate for the House of Representatives of the legislative elections for the jurisdiction of peace during 2022. According to the request, the beneficiaries have suffered death threats from illegal armed groups, were victims of forced displacement and were subjected to acts of violence. The Commission appreciated the actions taken by the State and the information available; however, it noted that the applicants have referred to the ongoing threats from illegal armed groups and the lack of protective measures taken by the State. Therefore, in the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and requested that the State of Colombia:

- a. adopt the necessary measures to protect the life and personal integrity of Carlos Mauricio Mosquera Miranda, Guillermo Andrés Mosquera Miranda, Nidia Marcela Montoya, and their family units;
- b. adopt the necessary measures to ensure that the beneficiaries can continue to carry out their activities as human rights defenders without being subjected to threats, intimidation, harassment, or acts of violence;
- c. consult and agree upon the measures with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of these precautionary measures, so as to prevent such events from reoccurring.

Resolution No. 8/23 (LIFT)

PM 127-07 - José Emery Álvarez Patiño et al., Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of José Emery Álvarez Patiño, Marlene Cisneros, José Gildardo Ortega, José Arcos, Alfredo Quiñones, Arcediano Pialejo Micolta, Claudio Esterilla Montaña, Gonzalo Caicedo Esterilla, José Rogelio Montaña, Maritza Caicedo Ordoñez, Marianita Montilla Cobo, Fanny Caicedo, and José Pablo Estrada Perlaza regarding Colombia. At the time of making the decision, the Commission assessed the actions taken by the State during

implementation as well as the observations from the beneficiaries' representation. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

Resolution No. 27/23 (GRANT)

PM 53-23 - Álvaro Alcides Crespo Hernández and his daughter, Colombia

On May 3, 2023, the IACHR decided to grant precautionary measures in favor of Álvaro Alcides Crespo Hernández and his immediate family members. According to the request, the beneficiary is a teacher, member of the Zenú indigenous people and governor of the La Libertad Indigenous Council in the territory of the district of Pica Pica Viejo, municipality of Puerto Libertador, department of Córdoba and would be suffering death threats from illegal armed groups since 2020. The Commission assessed the information provided by the State, however, it noted that the requesting party referred to ongoing death threats and the absence of an assessment of the situation of the proposed beneficiary for the implementation of a suitable protection detail to date. Therefore, pursuant to Article 25 of the Rules of Procedure, the IACHR decided to grant precautionary measures and requested that the State of Colombia:

- a. adopt the necessary measures, with the corresponding ethnic approach, to protect the rights to life and personal integrity of Mr. Álvaro Alcides Crespo Hernández and his daughter;
- b. adopt the necessary protection measures so that Mr. Álvaro Alcides Crespo Hernández can continue to carry out his leadership activities without being subject to threats, intimidation, harassment, or acts of violence;
- c. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 33/23 (GRANT)

PM 903-22 – David Mayorga Osorio and José Luis Moreno Álvarez, Colombia

On June 12, 2023, the Inter-American Commission on Human Rights adopted Resolution 33/2023, through which it granted precautionary measures to human rights defenders David Mayorga Osorio and José Luis Moreno Álvarez, members of the Integrated Corporation for the Defense of Human, Social, Political, Cultural, Environmental and Business Rights of Colombia (CORPOINDH), considering that their rights to life and personal integrity are at risk.

The Commission noted that the beneficiaries have been subjected to threats and constraints due to their investigations, complaints and advice to the population victim of the armed conflict and by making visible the illicit activities of different armed groups, which operate in the department of Santander and the Magdalena Medio region. Similarly, the Commission noted that, despite the existence of material protection measures, threatening situations remain over time, and therefore it considered that the risk has continued and has not been mitigated or disappeared to date. Lastly, the Commission expressed its concern that the events faced by the beneficiaries have led them, for certain temporary moments, to have to completely stop their work of defending human rights with a view to protecting themselves.

Consequently, in accordance with the provisions of Article 25 of its Rules of Procedure, the IACHR requested that the Republic of Colombia:

- a. immediately adopt the necessary measures to preserve the life and personal integrity of the identified beneficiaries;
- b. adopt protection measures that allow the beneficiaries to continue carrying out their activities in defense of human rights without being subjected to threats, intimidation and acts of violence against them;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and

- d. report on the actions taken to investigate the facts that gave rise to the adoption of the precautionary measures, so as to prevent such events from reoccurring.

Resolution No. 36/23 (LIFT)
PM 383-10 – John Jairo Palacios, Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of John Jairo Palacios in Colombia. At the time of its decision, the Commission notes that there is no information on the beneficiary's current situation despite requests for information from the beneficiary's representation. The Commission stresses that the representation has not sent updated information during approximately 13 years since these precautionary measures have been in force. It also notes that the State forwarded information regarding the ongoing search and investigative actions taken to determine the whereabouts of the beneficiary. On the basis of the information before it, the Commission notes that the current situation does not meet the requirements of Article 25 of the Rules of Procedure.

Resolution No. 38/23 (LIFT)
PM 139-09 - Martha Lucía Giraldo Villano *et al.*, Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Martha Lucía Giraldo Villano *et al.* in Colombia. At the time of making the decision, the Commission assessed the State's actions during implementation, as well as the observations of the beneficiaries' representation. Following requests to lift the precautionary measure submitted by the State, the IACHR requested observations from the representation. The Commission notes that, despite the parties showing an interest in promoting continuous and diligent monitoring of these measures, there is no updated information. In this sense, the Commission has neither sufficient nor current information that would be sufficient to determine whether a situation continues to place the beneficiaries at risk pursuant to Article 25 of the Rules of Procedure.

Resolution No. 43/23 (GRANT)
PM 532-23 – David Estiven Fernández Soler, Colombia

On July 28, 2023, the IACHR decided to grant precautionary measures in favor of David Estiven Fernández Soler. According to the request, the beneficiary is a young social activist and Youth Advisor of the Kennedy district and has been missing since June 7, 2023, to date. The Commission assessed the available information, and noted that, although investigations are being carried out in this regard, so far there is no information on the fate or whereabouts of David Estiven Fernández Soler. Upon analyzing the request, the Commission considered that the beneficiary is at imminent risk. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requests that Colombia:

- a. adopt the necessary measures to determine Mr. David Estiven Fernández Soler's situation and whereabouts, in order to protect his rights to life and personal integrity; and
- b. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 66/23 (GRANT)
PM 973-22 - Fabián Andrés Cáceres Palencia *et al.*, Colombia

On November 20, 2023, the IACHR decided to grant precautionary measures in favor of the identified members of the board of directors of the Association of Displaced Persons of Catatumbo (ASODESCAT) in Colombia. According to the request, the board of directors of the Association has experienced a series of threats and repeated violent acts over time such as assassinations, attacks, and threats, attributed to armed groups. The IACHR highlighted the imminence of the risk, underlining the recent materialization with the assassination of a member of ASODESCAT and the recent attack against the president of the Association. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR requested that the State of Colombia:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the beneficiaries identified in this resolution;
- b. adopt the necessary protection measures so that the beneficiaries can continue to carry out their activities in defense of human rights without being subjected to threats, intimidation, harassment, or acts of violence;
- c. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such incidents from reoccurring.

Resolution No. 67/23 (GRANT)
PM 402-23 – E.L.R., Colombia

The IACHR granted precautionary measures on behalf of E.R.L. after considering that he is in a serious and urgent situation of risk of irreparable harm to his rights in Colombia. The Commission assessed that the State has learned, through different national authorities, the medical situation of the beneficiary, who is 38 years old and was identified as a person with cognitive and motor disabilities because he suffers from motor aphasia, right hemiplegia and epilepsy after suffering a cranioencephalic trauma in 2018. The Commission also considered that his condition as a person with psychosocial and physical disability is relevant when understanding the concrete and particular situation that currently places him at risk in light of the alleged facts. Similarly, the Commission considered that the information available indicates that the beneficiary does not have family support or an adequate and safe space for him to be assisted in his medical condition. To date, the Commission has no information indicating that the health situation in the context of the particular economic, social and family situation of the proposed beneficiary has been addressed or overcome. The Commission requested that Colombia:

- a. adopt the necessary measures to guarantee the rights to life, personal integrity, and health of E.R.L. In particular, that the necessary medical care is adopted based on the medical and socioeconomic assessments, and to ensure that it is received in an adequate and timely manner; and
- b. consult and agree upon the measures to be adopted with the beneficiary and his representative.

Resolution No. 73/23 (GRANT)
PM 737-23 – Identified relatives of Daniela Santiago Díaz and Aristizábal Gómez, Colombia

On December 4, 2023, the Inter-American Commission on Human Rights adopted Resolution 73/2023, by which it granted precautionary measures in favor of identified relatives of Daniela Santiago Díaz and Nicolás Aristizábal Gómez regarding Colombia.

According to the request, Daniela Santiago and Nicolás Aristizábal were missing and their families were reportedly receiving threats due to their search actions. After requesting information from the State and receiving additional information from the parties, the Commission regretted and condemned the violent murder of young Daniela Santiago Díaz and Nicolás Aristizábal. The Commission considered that the State is aware, through the denunciations and complaints filed, of the extortion and death threats against the beneficiaries due to the search for the missing youths. The Commission also considered that the lack of information on progress in the investigative processes, as well as the need to reinforce the protection measures in their favor.

Consequently, in accordance with the provisions of Article 25 of its Rules of Procedure, the Commission requested that the State of Colombia:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the identified relatives of Daniela Santiago Díaz and Nicolás Aristizábal Gómez;

- b. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and,
- c. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

Resolution No. 75/23 (LIFT)

PM 221-09 - María Stella Jara Gutiérrez and her son, Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of María Stella Jara Gutiérrez and her son regarding Colombia. At the time of making its decision, the Commission observes that there is no updated information regarding the beneficiaries despite the requests for information made over the last few years. After forwarding information between the parties on several occasions, the representation ceased to submit information on the situation of the beneficiaries in 2014. Upon not currently identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures under the terms of Article 25 of the Rules of Procedure.

Resolution No. 78/23 (LIFT)

PM 402-09 Doris Berrío Palomino et al., Colombia

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Doris Berrío Palomino et al. regarding Colombia. At the time of making the decision, the Commission confirmed that it does not have updated information to identify an ongoing situation that would place the beneficiaries at risk, taking into account that it has not received information from the beneficiaries' representation since 2014. The Commission also assessed that the State adopted protective measures and that no events have been reported in recent years that could be considered a risk in terms of Article 25 of the Rules of Procedure. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

Resolution No. 80/23 (LIFT)

PM 141-10 - X and Her Two Children, Colombia.

The Inter-American Commission on Human Rights (IACHR) has decided to lift these precautionary measures in favor of X and her two children regarding Colombia. At the time of making the decision, the Commission evaluated the actions taken by the State during implementation as well as the observations provided by the beneficiaries' representation. Following the request to lift and upon forwarding information between the parties, the IACHR considers that the State has implemented actions in relation to the precautionary measures at hand, in particular by establishing responsibilities with respect to the facts referred to the beneficiaries. Moreover, the Commission observes that the available information is not sufficient to consider that the requirements of Article 25 of the Rules of Procedure have been met. Consequently, the IACHR has decided to lift these precautionary measures.

Resolution No. 85/23 (LIFT)

PM 455-14 - Dubán Celiano Cristancho Díaz, Colombia

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Dubán Celiano Díaz Cristancho regarding Colombia. At the time of making the decision, the Commission assessed the measures adopted internally by the State, as well as the lack of information and response by the representation in the last six years. In this regard, considering the nature of the precautionary measures and in light of the information available, the Commission considered that, at this time, it is not possible to identify a situation of risk in the terms of Article 25 of the Rules of Procedure. Upon failing to identify compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

Resolution No. 88/23 (GRANT)

PM 890-23 - 9 journalists from the radio stations, Municipality of Algeciras, Colombia

On December 27, 2023, the IACHR granted precautionary measures in favor of 9 journalists of the Municipality of Algeciras, Huila department, Colombia. It was alleged that they were being subjected to threats and harassment by armed groups, who purportedly carry out acts of violence in the zone. In analyzing the request, the Commission took into account the alleged facts in light of the context it has been monitoring in Colombia and assessed the protection measures that have been implemented over time. However, the Commission considered that the risk has not been duly mitigated, given that the threatening calls and the restrictions on the journalistic work of the proposed beneficiaries have continued. Under the terms of Article 25 of its Rules of Procedure, the IACHR requested that the State of Colombia:

- a. adopt the necessary and reinforced measures to protect the rights to life and integrity of the beneficiaries;
- b. adopt the necessary measures so that the beneficiaries can carry out their activities as journalists without being subjected to threats, harassment, or other acts of violence in the exercise of their work. The above includes the adoption of measures so that they can properly exercise their right to freedom of expression;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

CUBA

Resolution No. 9/23 (FOLLOW-UP)

PM 552-20 - María de los Ángeles Matienzo Puerto and Kirenía Yalit Núñez Pérez, Cuba

The Inter-American Commission on Human Rights (IACHR) decides to issue this follow-up resolution on precautionary measures in the terms of Article 25 of its Rules of Procedure. The Commission regrets the lack of State response regarding the measures adopted to implement these precautionary measures. In view of the information available and evaluated as a whole, the Commission makes an urgent appeal to the Cuban State to adopt prompt and immediate measures for the implementation of the precautionary measures considering that the risk factors remain in force under Article 25 of the Rules of Procedure

ECUADOR

Resolution No. 46/23 (GRANT)

PM 646-23 – Christian Gustavo Zurita Ron et al., Ecuador

On August 20, 2023, the IACHR decided to grant precautionary measures in favor of Christian Gustavo Zurita Ron and identified members of his campaign team. According to the request, the proposed beneficiary is a journalist and replaced Fernando Villavicencio, then presidential candidate of the same party, who was assassinated on August 9, 2023. Pursuant to Article 25 of its Rules of Procedure, the Commission requested that the State of Ecuador:

- a. immediately adopt the necessary measures to safeguard the life and personal integrity of Christian Gustavo Zurita Ron and the persons in his campaign team duly identified in this resolution;
- b. adopt the necessary measures so that Christian Gustavo Zurita Ron can carry out his journalistic activities in exercise of his right to freedom of expression, without being subjected to acts of intimidation, threats, or other acts of violence;
- c. adopt the necessary measures so that Christian Gustavo Zurita Ron can carry out his activities as member of his political party, without being subjected to acts of intimidation, threats, or other acts of violence;

- d. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- e. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure and to avoid their repetition.

Resolution No. 56/23 (GRANT)

PM 711-23 - Luis Esteban Chonillo Breilh and his family, Ecuador

On October 6, 2023, the IACHR granted precautionary measures in favor of Luis Esteban Chonillo Breilh, his wife Silvia Cristina Córdova Arteaga, and his son, after considering that they are in a serious and urgent situation presenting a risk due to Mr. Chonillo's performance as mayor of the municipality of Duran, in the province of Guayas, Ecuador. The Commission considered that, given the profile and public position of the proposed beneficiary, he is reportedly being the subject to threats, which have purportedly materialized with an armed attack on May 15, 2023, the date on which he began his term as mayor of Durán. When analyzing the request, the Commission took into account the alleged facts in light of the context it has been monitoring in Ecuador and assessed the protection measures that have been implemented over time in favor of the proposed beneficiary. However, the Commission considered that the risk faced by the proposed beneficiary has not been duly mitigated, given that acts of aggression and violence have continued in recent months against public officials of the municipality of Durán. In addition, the Commission understands that the existing situation of violence has led the proposed beneficiary to be limited in his actions as a public official chosen by popular will. Under the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and requested that the State of Ecuador:

- a. adopt the necessary measures to preserve the life and personal integrity of Mr. Luis Esteban Chonillo Breilh, his wife Silvia Cristina Córdova Arteaga, and his son;
- b. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c. report on the actions taken to investigate the alleged facts that gave rise to the adoption of these precautionary measures, so as to prevent such events from reoccurring.

Resolution No. 63/23 (EXTENSION AND FOLLOW-UP)

PM 646-23 – Christian Gustavo Zurita Ron, Verónica Alexandra Sarauz Peñaranda et al., Ecuador

The Inter-American Commission on Human Rights (IACHR) decides to issue this Follow-up and Extension resolution on precautionary measures pursuant to Article 25 of its Rules of Procedure. The Commission valued the important protection measures adopted by the State in favor of the beneficiaries and those in favor of whom the extension was granted, along with information on risks related to the progress of the investigation into the murder of Fernando Villavicencio and possible threats and situations presenting a risk that were identified. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission decided as follows:

- a. To continue monitoring the precautionary measures granted in favor of Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa under the terms of Resolution No. 42/2023, along with the provisions of this resolution;
- b. To continue implementing the appropriate follow-up measures pursuant to Article 25(10) and other provisions of its Rules of Procedure.

It also requested that the State of Ecuador:

- a. Reinforce the measures adopted to protect the rights to life and personal integrity of Verónica Alexandra Sarauz Peñaranda and her children identified in this matter;
- b. Consult and agree upon the measures to be taken with the beneficiaries and their representatives; and
- c. Report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

EL SALVADOR

Resolution No. 31/23 (LIFT)
PM 170-18 - Óscar Álvarez Rubio, El Salvador

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Oscar Álvarez Rubio who disappeared in El Salvador. At the time of making the decision, the Commission assessed the actions taken by the State during the time these measures were in force. Furthermore, it noted that the last time the beneficiary's representation provided information was in 2018, before this measure was granted. Despite the State's request to lift the measures, and repeated requests from the IACHR to the representation for their comments, no response was received. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

Resolution No. 72/23 (LIFT)
PM 917-17 - Douglas Arquímides Meléndez Ruiz and his family unit, El Salvador

The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of Douglas Arquímides Meléndez Ruiz and his family unit. At the time of making the decision, the Commission assessed the actions taken by the State, as well as the lack of response from the representation since June 2020, despite the requests for information. Following the request to lift presented by the State in 2021 and given that compliance with the procedural requirements was not identified, the IACHR has decided to lift these measures.

GUATEMALA

Resolution No. 45/23 (LIFT)
PM 422-11 - Cledy Lorena Caal Cumes, Guatemala

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Cledy Lorena Caal Cumes in Guatemala. At the time of making the decision, the Commission confirmed that it does not have updated information to identify an ongoing situation that places the beneficiary at risk, taking into account that it has not received information from the representation since 2016. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

Resolution No. 48/23 (GRANT)
PM 574-23 – Cesar Bernardo Arévalo de León and Karin Herrera Aguilar, Guatemala

On August 24, 2023, the IACHR granted precautionary measures in favor of Cesar Bernardo Arévalo de León and Karin Herrera Aguilar, who represent the presidential binomial elected in accordance with the preliminary results of the Supreme Electoral Tribunal, after considering that they are in a serious and urgent situation placing them at risk of irreparable harm to their rights in Guatemala. The request for precautionary measures alleged that Cesar Bernardo Arévalo de León and Karin Herrera Aguilar are purportedly subjected to stigmatization, harassment, stalking, public exposure of their personal information through virtual platforms, as well as threats that include the existence of two plans to attack their lives and integrity, one even notified by prosecutors. The Commission took into account the alleged facts in light of the context it has been monitoring in Guatemala, and assessed the actions implemented by the State. However, it noted with concern the information about at least one possible plan against the life and integrity of the two beneficiaries, which was formally notified by members of the Public Ministry, without information on the actions taken in this regard. In accordance with Article 25 of the Rules of Procedure, the Commission requests that Guatemala:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Cesar Bernardo Arévalo de León and Karin Herrera Aguilar in light of the assessments of this resolution;
 - b. consult and agree upon the measures to be adopted with the beneficiaries and their representatives;
- and

- c. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

Resolution No. 52/23 (LIFT)

PM 148-08 - J.R.P. and his family unit, Guatemala

The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures at hand in favor of J.R.P. and his family unit in Guatemala. At the time of taking the decision, the Commission verified that it does not have updated information that could allow it to confirm that the risk that the proposed beneficiaries faced is ongoing. It takes into account that it has not received information from the representation since 2013, that the State adopted acts to protect, and that, in recent years, no events have been reported that could be considered a risk in the terms of Article 25 of the Rules of Procedure. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

Resolution No. 70/23 (LIFT)

PM 654-03 - Amílcar Méndez and his family unit, Guatemala

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Amílcar Méndez and his family unit in Guatemala. At the time of making the decision, the Commission observes that no facts or events that represent a risk to the life and personal integrity of the beneficiaries have been reported for approximately 12 years. The Commission takes into account the actions taken by the State to implement these measures. After the State's request to lift the measures, and upon requesting observations from the beneficiaries' representation, the Commission has decided to lift the precautionary measures.

Resolution No. 71/23 (LIFT)

PM 705-16 – Esteban Hermelindo Cux Choc et al., Guatemala

The Inter-American Commission on Human Rights (IACHR) decided to lift the precautionary measures in favor of Esteban Hermelindo Cux Choc, his family unit, and Juan Moisés Mo Quib regarding Guatemala. At the time of making the decision, the Commission verifies that it does not have updated information from the beneficiaries' representation that would it to identify an ongoing situation that places the beneficiaries at risk. Upon not identifying compliance with the requirements set forth in Article 25 of the Rules of Procedure, the IACHR decided to lift these precautionary measures.

Resolution No. 77/23 (LIFT)

PM 188-05 – Members of the Colectivo Madreselva, Guatemala

The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of the members of the Madreselva Collective regarding Guatemala. At the time of making the decision, the Commission verifies that it does not have updated information from the representation that would allow it to identify that there is an ongoing situation that places the beneficiaries at risk to date. Upon not identifying compliance with the requirements set forth in Article 25 of the Rules of Procedure, the IACHR has decided to lift these precautionary measures.

GUYANA

Resolution No. 41/23 (GRANT)

PM 196-23 – Indigenous Carib Community of Chinese Landing, Guyana

On July 21, 2023, the Inter-American Commission on Human Rights adopted Resolution 41/2023, by which it granted precautionary measures in favor of members of the Indigenous Carib Community of Chinese Landing, upon considering that they are in a serious and urgent situation of the rights to life and personal integrity in Guyana. The alleged risks relate to threats, harassment, and acts of violence perpetrated against the

beneficiaries in the context of their opposition to mining activities in their lands. Consequently, in accordance with the provisions of Article 25 of its Rules of Procedure, the IACHR requested that the State of Guyana:

- a. take the necessary measures to protect the rights to life and personal integrity of the members of the Indigenous Carib Community of Chinese Landing, identified as beneficiaries, with a cultural, gender-based, and age-appropriate perspective to prevent threats, harassment, and other acts of violence against the beneficiaries;
- b. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c. report on the actions taken to investigate the events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

HAITI

Resolution No. 49/23 (GRANT)
PM 509-23 – Lovely Lamour, Haiti

On August 29, 2023, the IACHR decided to grant precautionary measures in favor of Lovely Lamour, after considering that she is in a serious and urgent situation placing her at risk of irreparable harm to her rights in Haiti. The request alleges that the proposed beneficiary is an 18-year-old postpartum woman who is deprived of her liberty at the Port-au-Prince Police Station, without receiving medical attention appropriate to her vulnerable condition. According to the information provided, the proposed beneficiary was detained pregnant and did not receive any type of pre- and post-natal care, even though the prison facility and the judicial authorities had been informed of a case of infection. Moreover, the request alleged that the newborn died one month after spending fifteen days in the hospital with oxygen, separated from the mother. It was alleged that this whole process has generated mental affectations in the proposed beneficiary, who also does not receive psychological assistance. Upon analyzing the available information, the Commission considered that the proposed beneficiary is reportedly exposed to a multiplicity of risk sources, likely to seriously affect her rights to life, personal integrity and health, for which reason compliance with the requirements contained in Article 25 of its Rules of Procedure was sufficiently justified. After requesting information from the State, the Commission did not receive a response, as the deadlines had expired. Therefore, it requested that Haiti:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of Lovely Lamour, with a gender perspective, in accordance with applicable international standards and obligations. In particular, ensuring that she has access to medical treatment, as indicated by the corresponding physicians, and that the authorities prepare a medical report that corroborates the current health situation of the beneficiary;
- b. adopt the necessary measures to bring her conditions of detention into line with applicable international standards;
- c. consult and agree upon the measures to be adopted with the beneficiary and her representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of these precautionary measures, so as to prevent such events from reoccurring.

HONDURAS

Resolution No. 11/23 (GRANT)
PM 41-22 – Hedme Fátima Castro Vargas and her family unit, Honduras

On March 6, 2023, the IACHR granted precautionary measures in favor of Hedme Fátima Castro Vargas and her family unit, after considering that they are in a serious and urgent situation posing a risk of irreparable harm to their rights in Honduras. In the request for precautionary measures, it is alleged that Hedme Fátima Castro Vargas, who is a human rights defender and executive director of the Association for Participatory Citizenship (ACI-PARTICIPA), is being subjected to monitoring, surveillance, threats, and other threatening events in the

exercise of her duties. In the request, it is also pointed out that despite having current protection measures in place, these are not being adequately implemented nor have corresponding corrective actions been taken to the date, which has allowed the ongoing and permanent threatening situation to the detriment of Ms. Hedme Fátima Castro Vargas and her family members. Therefore, the State of Honduras is requested to:

- a. adopt the necessary measures, with a gender approach, to protect the rights to life and personal integrity of Ms. Hedme Fátima Castro Vargas and the members of her family unit;
- b. adopt the necessary protective measures, with the corresponding gender approach, in order for Ms. Hedme Fátima Castro Vargas to continue carrying out her activities in defense of human rights without being subject to threats, intimidation, harassment, and acts of violence;
- c. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 18/23 (GRANT)

PM 937-22 – Pedro de Jesús Pinto Cabrera and his family unit, Honduras

On April 13, 2023, the IACHR granted precautionary measures in favor of Pedro de Jesús Pinto Cabrera and his family, after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights in Honduras. The request for precautionary measures alleges that the proposed beneficiary is a public official of the Forest Conservation Institute and carries out environmental rights defense activities in the municipality of La Labor, in the department of Ocotepeque, in the Guisayote Reserve. Due to his work, the proposed beneficiary is reportedly subject to acts of violence, threats, and intimidation since November 2022. In its analysis, the Commission assessed the protection measures taken by the State. However, the Commission considered that the threatening events are said to be a form of retaliation against the proposed beneficiary's action in the defense of the environment, as well as the serious and ongoing risk, despite the protection measures. Accordingly, under the terms of Article 25 of the Rules of Procedure, the Commission requests that the State of Honduras:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Pedro de Jesús Pinto Cabrera and his family unit;
- b. adopt the necessary measures so that the beneficiary can carry out his activities without being subject to threats, harassment, and violence in the exercise of his duties as a Reserve Ranger of the Directorate of the Guisayote Reserve Institute (*Guarda Reserva de la Dirección del Instituto de Reserva Guisayote*) and President of the Water Board (*Junta de Agua*) of the La Mesa neighborhood, in La Labor, Department of Ocotepeque;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent such incidents from reoccurring.

Resolution No. 23/23 (LIFT)

PM 253-14 - Héctor Orlando Martínez Montaña and his family unit, Honduras

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Héctor Orlando Martínez Montaña and his family unit in Honduras. At the time of making the decision, the Commission observes that the beneficiary Héctor Martínez died on June 17, 2015. In addition, his relatives have reportedly been living abroad since 2015, and there is no available information regarding incidents that would have placed them at risk. Following the State's request, and upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

Resolution No. 26/23 (LIFT)

PM 109-07 – Marcos Bonifacio Castillo, Honduras

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Marcos Bonifacio Castillo in Honduras. At the time of taking the decision, the Commission observes that the representation last provided information in 2013, and there is therefore no updated information on the beneficiary's current situation. Following the State's request, and upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

Resolution No. 32/23 (FOLLOW-UP and PARTIAL LIFTING)
PM 972-18 – Semma Julissa Villanueva Barahona et al., Honduras

On June 12, 2023, the Inter-American Commission on Human Rights (IACHR) decided to issue this resolution to follow up and partially lift precautionary measures pursuant to the terms of Article 25 of its Rules of Procedure.

The IACHR decided to keep in force the precautionary measures in favor of (1) Semma Julissa Villanueva Barahona; (2) Gregoria América Gomez Ramírez; and (3) Karla Vanessa Beltrán Cruz, as well as their respective families. At the time of taking the decision, the Commission considered the protection measures State authorities have taken in favor of beneficiaries. However, the Commission also considered the ongoing risk factors against them. Consequently, with a view to continue assessing whether to keep these precautionary measures in force, the Commission requested:

- a. that the representation present updated and individualized information on situation that places the beneficiaries at risk;
- b. that the State carry out an updated risk assessment and adopt appropriate and effective protection measures in a timely manner;
- c. that the State present updated and detailed information regarding the investigations into the reported facts; and
- d. that both parties collaborate in the concertation actions that are required for the implementation of the precautionary measures.

On the other hand, the IACHR decided to lift the precautionary measures in favor of Dicciana Noreyda Ferrufino and her family unit in Honduras. At the time of making its decision, the Commission took into account the lack of reported risk events against the beneficiary Dicciana Noreyda Ferrufino in recent years, in addition to the willingness and actions taken by the State during the time these precautionary measures were in force. Upon not identifying compliance with the procedural requirements set forth in Article 25 of the Rules of Procedure, the IACHR decided to partially lift these precautionary measures.

Resolution No. 47/23 (GRANT)
PM 404-23 – Members of Honduran Alternative for Community and Environmental Vindication (ARCAH), Honduras

On August 20, 2023, the IACHR granted precautionary measures in favor of 11 members of Honduran Alternative for Community and Environmental Vindication (ARCAH), after considering that they are in a serious and urgent situation that places them at risk of irreparable harm to their rights in Honduras. The request for precautionary measures alleged that ARCAH members carry out activities in the defense of environmental rights, making complaints about industrial and extractive projects and are allegedly being subject to surveillance, monitoring, intimidation, threats, and other events that place them at risk in the exercise of their work. It is also pointed out that, despite having protection measures in place, these are not being properly implemented, which has allowed for the ongoing and permanent risk to the detriment of the members of ARCAH. Such situations have purportedly remained over time and are said to have increased during 2023. Pursuant to Article 25 of the Rules of Procedure, the Commission requests that Honduras:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the eleven members of ARCAH;
- b. adopt the necessary measures so that the beneficiaries can continue to carry out their activities as environmental rights defenders, without being subjected to threats, harassment and other acts of violence in the exercise of their work;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

Resolution No. 53/23 (LIFT)

PM 374-17 - V. S. S. F. *et al.*, Honduras

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of V.S.S.F. et al. in Honduras. At the time of making the decision, the Commission verified that it does not have updated information that would allow it to identify an ongoing risk in terms of Article 25 of the Rules of Procedure. In this regard, the Commission observed that the representation has not provided information during the time these precautionary measures have been in force. This situation was maintained over time despite several requests for information, which did not receive a response. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

Resolution No. 54/23 (LIFT)

PM 293-15 - Rony Alejandro Fortín Pineda and his family unit, Honduras

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Rony Alejandro Fortín Pineda and his family unit in Honduras. At the time of making the decision, the Commission verified that it does not have updated information to identify that the situation that placed the beneficiaries at risk is ongoing, taking into account that it has not received information from the representation since 2018, and that the beneficiary has been abroad since that date. Upon not identifying compliance with the requirements set forth in Article 25 of the Rules of Procedure, the IACHR decided to lift these measures.

Resolution No. 55/23 (GRANT)

PM 137-23 - Identified members of the Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa, and members of the law firm Justicia para los Pueblos, Honduras

On October 5, 2023, the IACHR granted precautionary measures in favor of 30 identified members of the Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa (Municipal Committee for the Defense of Common and Public Goods of Tocoa) and the law firm Justicia para los Pueblos (Justice for People), after considering that they are in a serious and urgent situation of risk of irreparable harm to their rights in Honduras. According to the request, the beneficiaries have been subjected to death threats, surveillance, harassment and other acts of violence in recent years, particularly in the context of their work as environmental rights defenders and as legal representatives of the Committee in relation to extractive and mining projects. It is alleged that certain beneficiaries do not have any protection measures in place, and that those who do have protection details in place are not being adequately implemented, allowing the situation of risk to continue and persist. The Commission valued the actions implemented by the State; however, it observed that the situation of vulnerability continues. In accordance with Article 25 of the Rules of Procedure, the Commission requests that Honduras:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the identified members of the Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa and members of the law firm Justicia para los Pueblos;
- b. adopt the necessary protection measures to ensure that the beneficiaries can continue carrying out their activities in defense of human rights without being subjected to threats, intimidation, harassment, and acts of violence;

- c. consult and agree upon the measures to be adopted with the beneficiaries and their representation; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 57/23 (LIFT)

PM 253-05 - Garífuna Community of Triunfo de la Cruz, Honduras

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the Garífuna Community of Triunfo de la Cruz in Honduras. At the time of making this decision, the Commission observes that these measures were granted with a precautionary nature, in order to protect the subject matter of a case presented before the Inter-American Human Rights System. In this regard, the Commission had the opportunity to issue a statement on the Matter of the Garífuna Community of Triunfo de la Cruz in 2012. For its part, the Inter-American Court of Human Rights issued a judgment in 2015. Upon not identifying compliance with the procedural requirements, the IACHR has therefore decided to lift these measures.

Resolution No. 83/23 (EXTENSION, FOLLOW-UP AND PARTIAL LIFT)

PM 416-13 - Tolupan indigenous members of the Movimiento Amplio por la Justicia y la Dignidad (Broad Movement for Justice and Dignity in Honduras), Honduras

On December 27, 2023, the Inter-American Commission on Human Rights (IACHR) decided to issue a Follow-up, Extension and Partial Lift Resolution with respect to Precautionary Measures 416-13 in favor of Tolupan indigenous members of the Broad Movement for Justice and Dignity (MADJ) in Honduras. In the resolution, the IACHR decided to keep in force the precautionary measures, and to extend them in favor of 61 identified members of the Broad Movement for Justice and Dignity (MADJ) that inhabit the San Francisco Locomapa Tribe, due to their situation of serious and urgent risk as a result of their activities in defense of the environment, land and territory. Similarly, the IACHR decided to lift the precautionary measures in favor of Santos Matute and José Salomón Matute, taking into account that the beneficiaries were killed in 2016 and 2019, respectively. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission decided as follows:

- a. Continue to follow up on these precautionary measures in accordance with the terms established in Article 25 of the IACHR Rules of Procedure;
- b. Lift the precautionary measures granted in favor of Santos Matute and José Salomón Matute; and
- c. Extend the precautionary measures granted in favor of 61 members of the MADJ that inhabit the San Francisco Locomapa Tribe, requesting their protection under the terms of Resolution 12/2013; and
- d. Implement these precautionary measures considering the applicable ethnic and gender approach, as appropriate.

Resolution No. 86/23 (LIFT)

PM 147-15 - Donatilo Jimenez Euceda and his family unit, Honduras

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Donatilo Jiménez Euceda and his family unit in Honduras. At the time of making the decision, the Commission observes that the beneficiary has been missing since April 8, 2015, and that his family unit is outside Honduran territory. In this regard, in view of the nature of the precautionary measures, the Commission verified that it is not possible to identify a situation that places the proposed beneficiaries at risk in the terms of Article 25 of the Rules of Procedure, and that it is appropriate to analyze the allegations presented in the framework of a petition. Upon not identifying compliance with the requirements set forth in Article 25 of the Rules of Procedure, the IACHR decided to lift these precautionary measures.

Resolution No. 87/23 (LIFT)

PM 304-05 - San Juan Garífuna Community, Honduras

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the San Juan Garifuna Community in Honduras. At the time of making its decision, the Commission observes that it had the opportunity to express its opinion on the Matter of the San Juan Community in Honduras in 2020. That same year, it referred the case to the Inter-American Court of Human Rights. The Inter-American Court of Human Rights issued a judgment in this case in 2023. Furthermore, the Commission notes that the last information from the representation was received in 2019, and no updated information has been presented despite the State's request to lift and requests for information from the IACHR. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

Resolution No. 91/23 (LIFT)

PM 330-11 - José Reynaldo Cruz Palma, Honduras

The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of José Reynaldo Cruz Palma in Honduras. At the time of making the decision, the Commission notes that the beneficiary has been missing since August 30, 2011, and that his family is not in Honduran territory. In this regard, in view of the nature of the precautionary measures, the Commission verified that it is not possible to identify a situation that places the proposed beneficiary at risk in the terms of Article 25 of the Rules of Procedure, and that it is appropriate to analyze the allegations presented in the framework of the Petitions and Cases System. Upon not identifying compliance with the requirements set forth in Article 25 of the Rules of Procedure, the IACHR decided to lift these precautionary measures.

MEXICO

Resolution No. 1/23 (GRANT)

PM 42-23 - Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia, Mexico

On January 22, 2023, the IACHR decided to grant precautionary measures in favor of Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia, in Mexico. The request for precautionary measures indicates that since January 15, 2023, the whereabouts or fate of the beneficiaries is unknown. It was also reported that prior to their disappearance, both beneficiaries participated in a communal assembly in Aquila, Michoacán, a community where Ricardo Lagunes provided legal accompaniment and Antonio Díaz is a community leader. Pursuant to Article 25 of its Rules of Procedure, the Commission requested that the State of Mexico:

- a. redouble the efforts to determine the whereabouts or fate of Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia, in order to protect their rights to life and personal integrity; and
- b. report on the actions taken to investigate the facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 2/23 (GRANT)

PM 876-22 – Eleven members of the Jesuit community of Cerocahui, Tarahumara, municipality of Urique, Chihuahua, Mexico

On January 22, 2023, the Inter-American Commission on Human Rights adopted Resolution 2/2023, by which it granted precautionary measures to eleven members of the Jesuit community of Cerocahui, Tarahumara, in the municipality of Urique, Chihuahua, Mexico. The Commission considered that the beneficiaries are prima facie in a situation that places them at serious risk in the face of threats and aggressions, perpetrated by a criminal group, which also prevents the normal development of their pastoral activities and support to the communities of the area. The Commission noted that the situation of the proposed beneficiaries is framed in a context of violence and insecurity that especially affects the inhabitants of the region of Tarahumara, Chihuahua, primarily after the murder of two Jesuit priests on June 20, 2022, inside their own temple. The Commission also observed that there is a context of stigmatization and delegitimization of the proposed

beneficiaries after their complaints and actions linked to the investigation into the murder of Jesuit priests, and questions about their position on the security policies of the State.

Consequently, in accordance with the provisions of Article 25 of its Rules of Procedure, the IACHR requested that the State of Mexico:

- a. adopt the necessary security measures to protect the life and personal integrity of the beneficiaries. Among these measures, their safety must be guaranteed and any acts of threat, intimidation, and violence against them by third parties must be prevented;
- b. adopt protective measures that allow the proposed beneficiaries to continue carrying out their pastoral work without being subjected to threats, intimidation, harassment, and acts of violence against them;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 3/23 (GRANT)

PM 892-22 – Pascuala López López and her family unit, Mexico

On January 26, 2023, the Inter-American Commission on Human Rights adopted Resolution 3/2023, through which it granted precautionary measures for the benefit of Pascuala López López and her family unit.

The Commission considered that the existence of a situation entailing a serious risk to the beneficiary's rights to life and personal integrity related to her position regarding the elections of authorities in the ejido Cuxtitali el Pinar, Chiapas, and on the demands for justice for the murder of her son occurred in February 2020 is sufficiently established, and that the risk events have continued to present themselves against her and her relatives. Additionally, the Commission noted that no substantive progress has been made in sanctioning those who would be responsible for the risk events, which is a relevant aspect when establishing the risk that the beneficiary would face and the likelihood of their recurrence.

Consequently, pursuant to the provisions of Article 25 of its Rules of Procedure, the IACHR requested that the State of Mexico:

- a. take the necessary measures to guarantee the life and personal integrity of Ms. Pascuala López López and her identified relatives, and, specifically, ensure their safety and prevent acts of threats, intimidation, and violence against them by third parties, whilst considering the differentiated approaches based on their gender and cultural relevance;
- b. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 6/23 (LIFT)

PM 56-07 - Cástulo Benavides and other members of the Workers' Peasant Labor Forum (*Foro Laboral Obrero Campesino, FLOC*), Mexico

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Cástulo Benavides and other members of the FLOC, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, as well as the lack of information from the proposed beneficiaries and their representation. Following repeated requests by the State to lift the precautionary measures, the IACHR requested comments from the representation, which provided its observations and responses. Upon not identifying compliance with the regulatory requirements, the IACHR has decided to lift these measures. The Commission recalls that, regardless of this decision, the State maintains its obligations under the terms of Article 1.1 of the American Convention and applicable standards.

Resolution No. 12/23 (GRANT)
PM 492-21 – Juan Carlos Soni Bulos et al., Mexico

On March 21, 2023, the Inter-American Commission on Human Rights adopted Resolution 12/2023, by which it granted precautionary measures in favor of Juan Carlos Soni Bulos et al., upon considering that they are in a serious and urgent situation of the rights to life and personal integrity in Mexico.

It was alleged that in the context of the safety issues within the Huasteca area, there are violent acts specifically directed against Juan Carlos Soni Bulos, his family members, and close colleagues. This situation has reportedly persisted over time. The Commission assessed the intensification of recent threats, harassment, and/or acts of violence allegedly carried out by organized armed groups, and which have been brought to the attention of the Protection Mechanism. In addition, the Commission considered that, regarding Juan Carlos Soni and three other beneficiaries, the State has maintained protection measures for a period of eight years, regardless of their origin or relationship with the defense of human rights. Moreover, the IACHR assessed the scope of the protection measures implemented by the State, however, they are reportedly not mitigating or reducing the risk factors. Consequently, in accordance with the provisions of Article 25 of its Rules of Procedure, the IACHR requested that the State of Mexico:

- a. immediately adopt the necessary measures to preserve the life and personal integrity of the duly identified beneficiaries;
- b. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c. report on the actions taken to investigate the alleged facts that led to the adoption of these precautionary measures.

Resolution No. 17/23 (LIFT)
PM 131-09 – Blanca Mesina Nevárez, Silvia Vázquez Camacho, and their families, Mexico

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Blanca Mesina Nevárez and Silvia Vázquez Camacho, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during implementation, as well as the lack of recent information from the beneficiaries' representation, who has not responded to the requests made by the IACHR, their last communication being in 2014. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

Resolution No. 21/23 (LIFT)
PM 451-14 – Norma Madero Jiménez et al., Mexico

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Norma Madero Jiménez et al., in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during implementation, as well as the lack of detailed information on recent particular threatening events. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

Resolution No. 44/23 (GRANT)
PM 99-23 – A. A. Q. O. and family, Mexico

On August 12, 2023, the IACHR decided to grant precautionary measures in favor of A. A. Q. O. and A. L. Q. O. and their family members, in Mexico. The request indicates that the beneficiary family is subject to harassment, threats, and other acts of violence, in relation to A. A. Q. O.'s work as a human rights defender and A. L. Q. O.'s status as a survivor of human trafficking. Pursuant to Article 25 of its Rules of Procedure, the Commission requested that the State of Mexico:

- a. adopt the necessary measures to protect the rights to life and personal integrity of A. A. Q. O., A. L. Q. O., and their relatives. In this regard, the State should adopt protection measures with a gender perspective and other differentiated approaches that are relevant, taking into account the work in human rights defense and the status as a human trafficking survivor as a form of gender violence, in relation to the duty of reinforced due diligence;
- b. consult and agree upon the measures to be adopted with the beneficiaries and their representatives, maintaining the beneficiaries' identities confidential in a discretionary manner; and
- c. report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 62/23 (GRANT)

PM 279-22 – Triqui families from the Community of Tierra Blanca Cópala who have been displaced to the neighboring community of Yosoyuxi Copala, Mexico

On October 27, 2023, the IACHR decided to grant precautionary measures in favor of Triqui indigenous families from the Tierra Blanca Copala Community who are displaced in the neighboring Yosoyuxi Copala community. The requesting party reported multiple acts of violence that allegedly occurred from December 2020 to date, after the displacement of the families of the Community of Tierra Blanca. In August 2023, the Commission was informed that an armed group attacked with firearms displaced persons from Tierra Blanca Copala, refugees in the community of Yosoyuxi Copala, including children and the elderly. The Commission valued the actions taken by the State; however, it observed the ongoing violent actions. In addition, the IACHR noted the impossibility for displaced persons to be able to return safely to their community, with the possible consequences that this situation could have on indigenous families. Consequently, pursuant to Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and requested that the State of Mexico:

- a. adopt the necessary and culturally appropriate measures to safeguard the life and personal integrity of the Triqui families of the Community of Tierra Blanca Copala who are displaced in the neighboring community of Yosoyuxi Copala. In particular, it is requested that they adopt the necessary security measures and guarantee that the individuals be able to safely return to their community;
- b. consult and agree upon the measures to be adopted with the beneficiaries and/or their representatives; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 69/23 (GRANT)

PM 845-23 – Silvestre Merlín Domínguez and another person, Mexico

On November 20, 2023, the IACHR decided to grant precautionary measures in favor of Ivania Dolores Ríos Lázaro and Silvestre Marlín Domínguez. Ms. Ríos Lázaro, sole trustee of the Municipality of Isla, Veracruz, reportedly received threats and harassment, and her private secretary, Silvestre Marlín Domínguez, reportedly disappeared on September 15, 2023. Despite the actions taken by the State, the IACHR concluded that the rights to life and personal integrity of the beneficiaries were at serious risk due to the imminence of possible harm to the life and integrity of the beneficiaries, and the disappearance of Silvestre Merlín Domínguez. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and requested that the State of Mexico:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Ivania Dolores Ríos Lázaro and Silvestre Merlín Domínguez;
- b. adopt the necessary measures to determine the situation and whereabouts of Mr. Silvestre Merlín Domínguez, in order to protect his rights to life and personal integrity;
- c. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and

- d. report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 74/23 (LIFT)

PM 152-11 Members of the House for Migrants "Frontera Digna", Municipality of Piedras Negras, Coahuila, México.

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of members of migrant shelter "Frontera Digna" in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, as well as the lack of information from the beneficiaries' representation since 2013. The Commission identified that approximately 10 years have passed with no response from the representation and no information on the occurrence of events that could be analyzed in terms of Article 25 of the Rules of Procedure. After failing to identify compliance with the procedural requirements, the IACHR decided to lift these measures.

Resolution No. 84/23 (LIFT)

PM 201-18 - Raffaele Russo, Antonio Russo and Vincenzo Cimmino, México

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Raffaele Russo, Antonio Russo, and Vincenzo Cimmino. At the time of making the decision, the Commission assessed the measures adopted internally by the State, as well as the lack of response by the representation since 2019. In that regard, taking into account the nature of the precautionary measures and in light of the information available, the Commission considered that it is not possible to identify a situation of risk under the terms of Article 25 of the Rules of Procedure at this time. In that sense, it assessed that it is appropriate to analyze the allegations presented within the framework of the Petitions and Cases System. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

NICARAGUA

Resolution No. 19/23 (GRANT)

PM 214-23 – Rolando José Álvarez Lagos, Nicaragua

On April 13, 2023, the IACHR granted precautionary measures in favor of Rolando José Álvarez Lagos, after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Nicaragua. The request for precautionary measures alleged that Mr. Álvarez Lagos, who is a priest and bishop of Matagalpa, is being deprived of his liberty in the Jorge Navarro National Penitentiary System known as "La Modelo," and there is no information from the state authorities about his current situation and current conditions of detention, after being incommunicado since his arrest. It was also pointed out that Mr. Álvarez Lagos suffers from a series of health problems, and there is no information about his current state of health or if he has access to medical care and the necessary medications. Pursuant to Article 25 of its Rules of Procedure, the IACHR requests that Nicaragua:

- a. take the necessary measures to protect the rights to life, personal integrity, and health of Rolando José Álvarez Lagos;
- b. take the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards in the matter, including: i. guaranteeing access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of his health; ii. ensuring access to the treatments and medications required to treat his health issues; and iii. guaranteeing regular contact and access to his family members, his lawyers, and representatives;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions undertaken in order to investigate the alleged facts that led to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 20/23 (GRANT)
PM 738-22 – D.R.Z., D.A.B.A., A.C.L., and I.C.L., Nicaragua

On April 13, 2023, the IACHR decided to grant precautionary measures in favor of 4 members of the Mayangna indigenous people, who are deprived of their liberty. According to the requesting party, the beneficiaries were sentenced for the Kiwakumbaih Massacre and have been deprived of their liberty since 2021 without receiving adequate and timely medical attention, in unhealthy conditions and being subjected to constant threats from guards and other persons deprived of their liberty. In its analysis, the Commission took into account that the facts presented have been purportedly perpetrated by State officers, which would put the beneficiaries in a special situation of vulnerability. Consequently, in accordance with Article 25 of its Rules of Procedure, the IACHR requests that Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries, taking into account their status as members of an indigenous people;
- b. adopt the necessary measures to ensure that the beneficiaries' detention conditions are compatible with the applicable international standards in this area, including the following: i) ensuring that they are not subjected to threats, intimidation, harassment, or assault within the prison; ii) guaranteeing access to adequate and specialized medical care, and immediately carrying out a specialized medical assessment of their health; and iii) granting the necessary treatments and medications to treat their respective illnesses;
- c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d. report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 34/23 (GRANT)
PM 304-23 – J.N.S.R., Nicaragua

On June 19, 2023, the IACHR decided to grant precautionary measures in favor of J.N.S.R., after considering that he is in a serious and urgent situation posing a risk of irreparable harm to his rights in Nicaragua. The request for precautionary measures alleged that the person identified is vice-president of the 19 April University Movement (MU19A) and has been deprived of liberty since April 4, 2023, at the Judicial Assistance Directorate, incommunicado and without official information regarding his situation, required medical care and medications, and current conditions of detention, despite suffering from a series of health problems. Pursuant to Article 25 of the Rules of Procedure, the Commission requests that Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of J.N.S.R.;
- b. adopt the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards on this subject, inter alia: i. guaranteeing access to adequate and specialized medical care, and immediately carrying out a specialized medical evaluation of his health; ii. providing the necessary treatments and medications to treat his illnesses; and iii. guaranteeing regular contact with and access to his family members, lawyers, and representatives;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent them from reoccurring.

Resolution No. 50/23 (LIFT)
PM 1033-18 - Bismarck de Jesús Martínez Sánchez, Nicaragua

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Mr. Bismarck de Jesús Martínez Sánchez in Nicaragua. At the time of making the decision, the Commission assessed that, according to the information available, the beneficiary's lifeless body was found. Following the State's request to lift, and considering that the beneficiary's representation has not responded to any of the requests for information during the process, the Commission does not have elements to consider

that the procedural requirements continue to be met. In this regard, having located his whereabouts, the IACHR mourns the death of Mr. Bismarck de Jesús Martínez Sánchez and, by virtue of the change in circumstances, considers that the precautionary measures have become moot.

Resolution No. 58/23 (GRANT)

PM 558-23 – José Leonardo Urbina Rodríguez, Nicaragua

On October 9, 2023, the IACHR granted precautionary measures in favor of José Leonardo Urbina Rodríguez, upon considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Nicaragua. The request for precautionary measures alleged that Mr. Urbina Rodríguez, who is a priest from Boaco, is deprived of his liberty in the Jorge Navarro National Penitentiary System known as “La Modelo”, and despite suffering from a series of health problems, he does not have access to basic and specialized medical care or the necessary medicines. In addition, there is not enough information about his current detention conditions, nor would he be allowed access to his trusted lawyer. The Commission also found that the State did not provide any information regarding the measures adopted to mitigate the risk faced by the proposed beneficiary. In accordance with Article 25 of the Rules of Procedure, the Commission requests that Nicaragua:

- a. take the necessary measures to protect the rights to life, personal integrity, and health of José Leonardo Urbina Rodríguez;
- b. take the necessary measures to ensure that the beneficiary’s detention conditions are compatible with the applicable international standards in the matter, including: i. guaranteeing access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of his health situation; ii. ensuring access to the treatments and medications required to treat his health issues, iii. guaranteeing regular contact and access to his lawyers, and representation;
- c. consult and agree upon the measures to be adopted with the proposed beneficiary and his representation; and
- d. report on the actions undertaken in order to investigate the alleged facts that led to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 59/23 (GRANT)

PM 799-23 – Brooklyn Rivera Bryan, Nicaragua

On October 9, 2023, the IACHR granted precautionary measures in favor of Brooklyn Rivera Bryan, upon considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Nicaragua. The request for precautionary measures alleged that Mr. Brooklyn Rivera Bryan, who is an indigenous Miskitu, regional deputy and leader of the YATAMA organization (Yapti Tasba Masraka Nanih Aslatakanka, “Children of Mother Earth United”), has been missing since September 29, 2023 after being arrested by police officers. It is alleged that on the day of his arrest, National Police officers violently broke into the beneficiary’s residence located in Bilwi, Northern Caribbean Coast Autonomous Region. The beneficiary was beaten, handcuffed and arrested during the course of the events. Furthermore, the police officers did not present a search warrant or an arrest warrant against Mr. Rivera Bryan. The Commission also found that the State did not provide any information on the measures adopted to mitigate the situation that places the beneficiary at risk, or on the actions taken to determine the whereabouts or fate of the beneficiary. In accordance with Article 25 of the Rules of Procedure, the Commission requests that Nicaragua:

- a. adopt the necessary measures to determine the situation and whereabouts of Mr. Brooklyn Rivera Bryan, in order to protect his rights to life and personal integrity;
- b. report on the detention conditions in which he is currently held. In particular, report on the place of his detention, and allow access to his lawyers and family, as well as the necessary health care; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 60/23 (GRANT)
PM 812-23 – Nancy Elizabeth Henríquez James, Nicaragua

On October 11, 2023, the IACHR granted precautionary measures in favor of Nancy Elizabeth Henríquez James, after considering that she is in a serious and urgent situation placing her at risk of irreparable harm to her rights in Nicaragua. The request for precautionary measures alleged that Ms. Nancy Elizabeth Henríquez James, who is an indigenous Miskitu, regional deputy for the Autonomous Region of the Northern Caribbean Coast of Nicaragua and president of the organization YATAMA (Yapti Tasba Masraka Nanih Aslatakanka, “Children of Mother Earth United”), has been missing since October 1, 2023, after being arrested by police officers. It is alleged that on the day of her arrest, she was approached by undercover National Police agents at the entrance of a residential home in Managua. Furthermore, the beneficiary was arrested without being informed of the reason for her arrest, nor was she brought before a judge. The Commission also found that the State did not provide any information on the measures adopted to mitigate the risk faced by the beneficiary, or on the actions taken to determine her whereabouts or fate. In accordance with Article 25 of the Rules of Procedure, the Commission requests that Nicaragua:

- a. adopt the necessary measures to determine the situation and whereabouts of Ms. Nancy Elizabeth Henríquez James, in order to protect her rights to life and personal integrity;
- b. report on the detention conditions in which she is currently held. In particular, report on the place of her detention, and allow access to her lawyers and family, as well as the necessary health care; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 81/23 (GRANT)
PM 1094-23 - Abdul Montoya Vivas and family, Nicaragua

On December 27, 2023, the IACHR granted precautionary measures in favor of Abdul Montoya Vivas and his family, after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights in Nicaragua. The request for precautionary measures alleged that he is being deprived of his liberty, and despite suffering from a series of health problems, he does not have access to basic and specialized medical care. In addition, he would be in inadequate conditions of detention and would be subject to reprisals. Moreover, the family members of the proposed beneficiary are being subjected to acts of surveillance and threats by State agents. In accordance with Article 25 of the Rules of Procedure, the Commission requests that Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of Abdul Montoya Vivas and his family unit;
- b. adopt the necessary measures to ensure that the beneficiary’s detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that he is not subjected to threats, intimidation, harassment, or aggression inside the prison; ii. guarantee access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of his health; iii. provide necessary treatment and medication to treat his health issues; iv. guarantee regular contact and access to his family and lawyers, and v. evaluate the possibility of granting alternative measures to imprisonment given the impossibility of protecting his rights in light of the current detention conditions;
- c. consult and agree upon, with the beneficiaries and their representatives, on the measures to be adopted; and
- d. report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

Resolution No. 82/23 (GRANT)
PM 1091-23 - Freddy Antonio Quezada, Nicaragua

On December 27, 2023, the IACHR granted precautionary measures in favor of Freddy Antonio Quezada, after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Nicaragua. The request for precautionary measures alleged that Mr. Quezada, who is a professor and former lecturer, is deprived of his liberty, and despite suffering from a series of health problems, he does not have access to basic and specialized medical care. In addition, there is not enough information about his current detention conditions, nor does he have contact with his family members. In accordance with Article 25 of the Rules of Procedure, the Commission requests that Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of Freddy Antonio Quezada;
- b. adopt the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards on this subject, including: i. guaranteeing access to adequate and specialized medical care, and immediately carrying out a specialized medical evaluation of his health; ii. providing the necessary treatments and medications to treat his health issues; and iii. guaranteeing regular contact with, and access to, his family members, lawyers, and representatives; iv. evaluate the possibility of granting alternative measures to imprisonment given the impossibility of protecting his rights in light of the current detention conditions;
- c. consult and agree upon the measures to be adopted with the proposed beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent them from reoccurring.

Resolution No. 89/23 (GRANT)
PM 1022-23, 1025-23 - Kevin Emilio Castillo Prado, Víctor Jobelni Ticay Ruiz, Sergio Catarino Castiblanco Hernández, Jacqueline de Jesús Rodríguez Herrera, JECW, Olesia Auxiliadora Muñoz Pavón, Anielka Lucía García Zapata, and Melba Damaris Hernández, Nicaragua

On December 30, 2023, the IACHR decided to grant precautionary measures in favor of Kevin Emilio Castillo Prado, Víctor Jobelni Ticay Ruiz, Sergio Catarino Castiblanco Hernández, Jacqueline de Jesús Rodríguez Herrera, JECW, Olesia Auxiliadora Muñoz Pavón, Anielka Lucía García Zapata and Melba Damaris Hernández. According to the applicant, the identified persons were allegedly deprived of their liberty under the same pattern of persecution and criminalization against opponents and critics of the Government of Nicaragua. The identified persons are allegedly being held in inhumane conditions of incarceration, without access to medical attention despite suffering from different health conditions. Therefore, under the terms of Article 25 of the Rules of Procedure, the IACHR requests that the State of Nicaragua:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries;
- b. adopt the necessary measures to ensure that the beneficiaries' detention conditions are compatible with the applicable international standards on the matter, including: i. guarantee that they are not subjected to threats, intimidation, harassment, or aggression inside the prison; ii. guarantee access to adequate and specialized medical care, and immediately carry out a specialized medical evaluation of their health; iii. provide the necessary treatment and medication to treat their health issues; iv. guarantee regular contact and access to their family and lawyers, and v. evaluate the possibility of granting alternative measures to imprisonment given the impossibility of protecting their rights in light of the current detention conditions;
- c. consult and agree upon, with the beneficiaries and their representatives, on the measures to be adopted; and

- d. report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

PARAGUAY

Resolution No. 90/23 (LIFT)
PM 1188-18 - Adolescent D., Paraguay

The Inter-American Commission on Human Rights (IACHR) has decided to lift the present precautionary measures in favor of Adolescent D. At the time of making the decision, the Commission took into consideration the issuance of the judgment in the case related to this matter by the Inter-American Court of Human Rights, as well as the fact that Adolescent D. has reached the age of majority, and therefore the precautionary measures have been lifted. In that regard, the Commission considered that, at present, it is not possible to identify an imminent risk situation within the meaning of Article 25 of the Rules of Procedure. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

PERU

Resolution No. 5/23 (GRANT)
PM 729-22 – Liz Patricia Benavides Vargas and her family unit, Peru

On February 6, 2023, the Inter-American Commission on Human Rights adopted Resolution 5/2023, by which it granted precautionary measures in favor of Liz Patricia Benavides Vargas and her family unit. The IACHR considered the current context of institutional crisis in the country, as well as the investigations she is carrying out as Attorney General.

The Commission also acknowledged and appreciated that the State is providing material protection to the proposed beneficiary and that it has even increased the personnel that make up her security detail within the framework of domestic provisions. However, given the situation raised, these personnel are said to be insufficient, and their increase has been allegedly denied.

Consequently, pursuant to Article 25 of its Rules of Procedure, the IACHR requested that the State of Peru:

- a. adopt the necessary measures to guarantee the rights to life and personal integrity of the beneficiaries;
- b. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- c. report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 42/23 (GRANT)
PM 341-23 – Gustavo Andrés Gorriti Ellenbogen, Peru

On July 24, 2023, the IACHR decided to grant precautionary measures in favor of Gustavo Andrés Gorriti Ellenbogen. According to the request, the beneficiary is the director of IDL-Reporteros and an investigative journalist, and is reportedly suffering various acts of harassment and threats -including anti-Semitic statements-, in addition to the leaking and dissemination of his personal information on social networks, as part of a stigmatization campaign known as “terruqueo”. The Commission valued the information provided by the State; however, it observed the ongoing death threats, despite the existence of permanent patrols and tactical parking at the IDL headquarters and the beneficiary’s private home. Therefore, pursuant to Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and requested that the State of Peru:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Mr. Gustavo Gorriti;

- b. adopt the necessary measures so that Gustavo Gorriti can carry out his activities without being subjected to acts of violence, intimidation, threat, or harassment in the exercise of his duties. The foregoing includes the adoption of measures so that he can duly exercise his right to freedom of expression;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 61/23 (LIFT)
PM 265-19 - Carla Valpeoz, Peru

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Carla Valpeoz. At the time of making the decision, the Commission assessed the measures adopted domestically by the State, as well as the lack of response by the beneficiary's representation during the time the precautionary measures were in force. In that regard, taking into account the nature of the precautionary measures and in light of the information available, the Commission considered that it is not possible to identify a situation presenting a risk under the terms of Article 25 of the Rules of Procedure at this time. In this respect, it assessed that it is appropriate to analyze the presented allegations in the framework of a petition. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

Resolution No. 64/23 (EXTENSION AND FOLLOW-UP)
PM 576-21 - José Domingo Pérez Gómez and his family unit, Peru

The Inter-American Commission on Human Rights (IACHR) decides to issue this follow-up resolution on precautionary measures pursuant to Article 25 of its Rules of Procedure. In the resolution, the IACHR assesses the progress made in the implementation of the precautionary measures and addresses the parties' approaches. Furthermore, the Commission decides to extend the precautionary measures in favor of prosecutor Rafael Ernesto Vela Barba and his family unit. Finally, the Commission decides to continue assessing the situation of the beneficiaries in the terms of Article 25 of the Rules of Procedure, and other applicable procedural and treaty provisions.

TRINIDAD AND TOBAGO

Resolution No. 7/23 (LIFT)
PM 80-09 – Ronald John, Trinidad and Tobago

The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of Ronald John regarding Trinidad and Tobago. At the time of taking the decision, the Commission observes that the beneficiary's representatives have not provided information since November 1st, 2011, and the State since December 23rd, 2010, despite several requests from the Commission. The IACHR recalled that the State must comply with the corresponding obligations under the American Declaration despite the lifting of these precautionary measures.

Resolution No. 65/23 (LIFT)
PM 440-16 – Zaheer Seepersad, Trinidad and Tobago

The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of Zaheer Seepersad regarding Trinidad and Tobago. At the time of taking the decision, the Commission observes that the beneficiary has not provided information since March 1st, 2018, despite several requests from the Commission. The Commission regrets that the State of Trinidad and Tobago has never complied with its international obligation to provide information on this matter. The IACHR recalled that the State must comply with the corresponding obligations under the American Declaration despite the lifting of these precautionary measures, particularly with regards to the rights of persons with disabilities.

UNITED STATES

Resolution No. 14/23 (LIFT)
PM 18-09 – Paul Pierre, United States

The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of Paul Pierre regarding the United States of America. At the time of taking the decision, the Commission observes that the beneficiary's representatives have not provided information since March 12th, 2012, and the State since March 2nd, 2012, despite several requests from the Commission. The IACHR recalled that the State must comply with the corresponding obligations under the American Declaration despite the lifting of these precautionary measures.

Resolution No. 22/23 (GRANT)
PM 176-23 – Michael Tisius, United States

On April 16, 2023, the IACHR granted precautionary measures in favor of Michael Tisius. The request indicates that Mr. Tisius is at risk given the imminent execution of the death penalty. The applicants also submitted a petition alleging violations of the American Declaration of the Rights and Duties of Man. Upon analyzing the submissions of fact and law offered, the Commission considers that the information presented shows *prima facie* that there is a serious and urgent risk of irreparable harm to Mr. Tisius's rights to life and personal integrity, in accordance with Article 25 of its Rules of Procedure. Furthermore, should Mr. Tisius be executed before the Commission has the opportunity to examine the merits of his petition, any eventual decision would be irrelevant and would cause irreparable harm. Accordingly, the Commission requests that the United States of America:

- a. adopt the necessary measures to protect the life and personal integrity of Michael Tisius; and
- b. refrain from carrying out the death penalty on Michael Tisius, until the IACHR has had the opportunity to reach a decision on his petition.

Resolution No. 39/23 (GRANT)
PM 303-23 – Richard Moore, United States

On July 4, 2023, the Inter-American Commission on Human Rights (IACHR) issued Resolution 39/23 granting precautionary measures in favor of Richard Moore. The request indicates that Mr. Moore is at risk given the imminent execution of the death penalty. The applicants also filed a petition alleging violations of the American Declaration of the Rights and Duties of Man. Having analyzed the submissions of fact and law provided, the Commission considers that the information submitted shows *prima facie* that there is a serious and urgent risk of irreparable harm to Mr. Moore's rights to life and personal integrity in accordance with Article 25 of its Rules of Procedure. Moreover, if Mr. Moore is executed before the Commission has the opportunity to examine the merits of his petition, any eventual decision would be rendered moot, leading to irreparable harm. Consequently, the Commission requests that the United States of America:

- a. adopt the necessary measures to protect the life and personal integrity of Richard Moore; and
- b. refrain from carrying out the death penalty on Richard Moore, until the IACHR has had the opportunity to reach a decision on his petition.

VENEZUELA

Resolution No. 15/23 (GRANT)
PM 66-23 – Carlos Eduardo Ojeda et al. (Trade Union Leaders of the Civil Society Organization National Trade Union Coalition of Workers), Venezuela

On April 1, 2023, the IACHR decided to grant precautionary measures in favor of seven union leaders of the Civil Society Organization National Trade Union Coalition of Workers (CSNT) in Venezuela. According to the requesting party, the beneficiaries have played a leading role in the convening of demonstrations since 2022, within the framework of the disagreement of public employees with the approval of a technical instruction by the National Budget Office (ONAPRE), for which they are said to be suffering threats, harassment, and surveillance by State agents repeatedly. In its analysis, the Commission took into account that the facts presented have been purportedly perpetrated by State officers, which would put the beneficiaries in a special situation of vulnerability. Consequently, in accordance with Article 25 of its Rules of Procedure, the IACHR requests that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of the beneficiaries;
- b. adopt the necessary protection measures so that the beneficiaries can continue to carry out their union leadership activities without being subject to threats, intimidation, harassment or acts of violence;
- c. consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d. report on the actions taken in order to investigate the alleged facts that led to the adoption of this resolution, so as to prevent such events from reoccurring.

The granting of this precautionary measure and its adoption by the State do not constitute a prejudgment of any petition eventually filed before the inter-American system regarding a possible violation of the rights protected in the applicable instruments.

Resolution No. 24/23 (LIFT)

PM 23-20 – Men and Women Deprived of Liberty in the Cabimas Pretrial Detention Center (Cabimas Remand Facility), Venezuela

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the men and women deprived of liberty in the Cabimas Pretrial Detention Center (Cabimas Remand Facility), in Venezuela. At the time of making the decision, the Commission regretted the persistence of the risk prior to the closure of the Cabimas Remand Facility, which was evicted on October 22, and 23, 2021. On October 26, 2021, its demolition began. Subsequently, the Commission has not received additional information from the representation since November 15, 2021, despite requests for information made. The IACHR decided to lift these measures and regretted the lack of response from the State regarding the specific measures adopted to implement these measures while they were in force.

Resolution No. 28/23 (GRANT)

PM 285-23 – Carlos Gustavo Macsotay Rauseo, Venezuela

On May 16, 2023, the IACHR granted precautionary measures in favor of Carlos Gustavo Macsotay Rauseo, upon considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Venezuela. The request for precautionary measures alleges that the beneficiary, who identifies himself as captain of Corvette of the Venezuelan Navy, is deprived of his liberty in the National Center for Accused Members of the Military (CENAPROMIL, also known as “Ramo Verde”) without receiving the necessary medical attention to his health and in inadequate conditions of detention. Similarly, his situation is reportedly aggravated due to the threats and ill-treatment that he is allegedly receiving from prison officers, after being identified as a “traitor to the homeland” in Venezuela. Having analyzed the information available, the Commission considered that compliance with the requirements contained in Article 25 of its Rules or Procedure was sufficiently supported. Therefore, the IACHR requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of Carlos Gustavo Macsotay Rauseo. In particular, ensure that he has access to medical treatment, as indicated by the corresponding physicians, and that the authorities prepare a medical report that verifies the beneficiary’s current health;

- b. take the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 29/23 (GRANT)

PM 286-23 – Antonio Julio Scola Lugo, Venezuela

On May 22, 2023, the IACHR granted precautionary measures in favor of Antonio Julio Scola Lugo, upon considering that he is at serious and urgent risk of irreparable harm to his rights in Venezuela. The request for precautionary measures alleges that the proposed beneficiary, who identifies himself as lieutenant of the Venezuelan Navy, is deprived of his liberty in the National Center for Accused Members of the Military (CENAPROMIL, also known as "Ramo Verde") without receiving the necessary medical attention to his health and in inadequate conditions of detention. Moreover, his situation is reportedly aggravated due to the threats and ill-treatment that he is allegedly receiving from prison officers, after being identified as a "traitor to the homeland" in Venezuela. Having analyzed the information available, the Commission considered that compliance with the requirements contained in Article 25 of its Rules or Procedure was sufficiently supported. Therefore, the IACHR requested that Venezuela:

- a. take the necessary measures to protect the rights to life, personal integrity, and health of Antonio Julio Scola Lugo. In particular, ensure that he has access to medical treatment, as indicated by the relevant physicians, and order that the authorities make a medical report that corroborates the beneficiary's current health;
- b. take the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 30/23 (GRANT)

PM 283-23 – Gustavo Enrique Carrero Angarita, Venezuela

On May 29, 2023, the IACHR granted precautionary measures in favor of Gustavo Enrique Carrero Angarita, upon considering that he is at serious and urgent risk of irreparable harm to his rights in Venezuela. The request for precautionary measures alleges that the proposed beneficiary, who identifies himself as Frigate lieutenant of the National Bolivarian Armed Force, is deprived of his liberty in the National Center for Accused Members of the Military (CENAPROMIL, also known as "Ramo Verde") without receiving the necessary medical attention to his health and in inadequate conditions of detention. Moreover, his situation is reportedly aggravated due to the threats and ill-treatment that he is allegedly receiving from prison officers, after being identified as a "traitor to the homeland" in Venezuela. Having analyzed the information available, the Commission considered that compliance with the requirements contained in Article 25 of its Rules of Procedure was sufficiently supported. Therefore, the IACHR requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life, personal integrity and health of Gustavo Enrique Carrero Angarita. In particular, ensure that he has access to medical treatment, as indicated by the relevant physicians, and order that the authorities make a medical report that corroborates the beneficiary's current health;
- b. take the necessary measures to ensure that the beneficiary's detention conditions are compatible with the applicable international standards;
- c. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 37/23 (GRANT)
PM 438-23 – Mary Yuli González Pérez, Venezuela

On June 24, 2023, the IACHR decided to grant precautionary measures in favor of municipal councilor Mary Yuli González Pérez, in the Bolivarian Republic of Venezuela. According to the request, the proposed beneficiary is at risk as a result of threats, harassment, and acts of violence against her, as a consequence of her work as a council member and her activities as part of the political opposition. Upon analyzing the submissions of fact and law provided in the request, the IACHR considers, from the applicable prima facie standard, that Ms. Mary Yuli González Pérez is in a serious and urgent situation, given that her rights to life and personal integrity face a risk of irreparable harm. Consequently, based on Article 25 of its Rules of Procedure, the Commission requested that the Bolivarian Republic of Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Mary Yuli González Pérez;
- b. adopt the necessary protection measures so that Ms. Mary Yuli González Pérez can continue to carry out her social and political activities, particularly in exercise of her duties as alternate Council Member to the Capital District City Council, without being subject to threats, intimidation, harassment or acts of violence;
- c. consult and agree upon the measures to be implemented with the beneficiary and her representatives; and
- d. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

Resolution No. 40/23 (GRANT)
PM 409-23 – Franklin Alfredo Caldera Cordero, Venezuela

On July 20, 2023, the IACHR decided to grant precautionary measures in favor of Franklin Alfredo Caldera Cordero, after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Venezuela. The request alleges that the beneficiary is being subjected to acts of persecution and threats as a consequence of his work as a human rights defender and founder of the Victims Committee “Familia S.O.S. Libertad”. In particular, it was indicated that the threatening events occurred as a result of public statements and denunciations regarding the situation of political prisoners in Venezuela, specifically his son, a former lieutenant of the Venezuelan Army, who has been deprived of liberty since February 11, 2021, in a cell of the DGCIM in an allegedly arbitrary manner and without receiving the necessary medical attention.

Upon analyzing the available information, the Commission considered that compliance with the requirements contained in Article 25 of its Rules of Procedure was sufficiently justified. Therefore, it requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life and personal integrity of Franklin Alfredo Caldera Cordero;
- b. adopt the necessary protective measures so that Mr. Franklin Alfredo Caldera Cordero can continue to carry out his human rights defense work, without being subject to threats, intimidation, harassment, or acts of violence;
- c. consult and agree on the measures to be adopted with the beneficiary and his representatives; and
- d. report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 51/23 (GRANT)
PM 308-23 – Jonatan Alberto Palacios Castillo, Venezuela

On September 17, 2023, the IACHR decided to grant precautionary measures in favor of Jonatan Alberto Palacios Castillo, after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights in Venezuela. The request alleges that the beneficiary is at risk due to the lack of adequate

and timely medical attention during preventive detention, despite repeated judicial decisions in his favor. According to the applicant, the beneficiary is a Colombian citizen and is being held in pretrial detention at the Western Penitentiary Center II, without receiving the adequate and timely medical attention he purportedly requires. The Commission found that, throughout his detention period, several judicial decisions ordering his medical transfer have not been executed. The foregoing, despite the health condition of the proposed beneficiary, reportedly led to the fact that to date his medical treatment has not been defined according to his medical condition, with pending assessments to be made. Upon analyzing the available information, the Commission considered that compliance with the requirements contained in Article 25 of its Rules of Procedure was sufficiently justified. Therefore, it requested that Venezuela:

- a. adopt the necessary measures to protect the rights to life, personal integrity, and health of Jonatan Alberto Palacios Castillo. In particular, ensuring that he has access to timely medical treatment. This includes, inter alia, making the pertinent medical transfers for the corresponding medical evaluations and follow-ups;
- b. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- c. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 79/23 (FOLLOW-UP)

PM 125-19 - María Corina Machado Parisca, Venezuela

On December 19, 2023, the Inter-American Commission on Human Rights (IACHR) decided to issue this Follow-up Resolution on precautionary measures pursuant to the terms of Article 25 of its Rules of Procedure. The Commission regrets the lack of State response regarding the measures adopted to implement these precautionary measures. Given the information available and evaluated as a whole, the IACHR considered that a situation presenting a risk remains under the terms of Article 25 of the Rules of Procedure and decided:

- a. To continue to carry out the appropriate follow-up measures in terms of Article 25.10 and other provisions of its Rules of Procedure.
- b. To request the State to submit specific, detailed, and updated information on the implementation of these precautionary measures; and
- c. To require that the State of Venezuela:
 - i. adopt the necessary measures to protect the rights to life and personal integrity of Ms. María Corina Machado Parisca;
 - ii. adopt the necessary measures to guarantee that the beneficiary can continue to carry out her political participation activities without being subjected to threats, harassment, or acts of violence in the exercise thereof;
 - iii. consult and agree upon the measures to be adopted with the beneficiary and her representation; and
 - iv. report on the actions taken to investigate the alleged facts that gave rise to the adoption and keep these precautionary measures in force in order to avoid their repetition. In particular, the State is requested to conduct an investigation with due diligence into the threats and acts of violence reported, including those that could have been at the hands of State officials and/or agents against the beneficiary.

5. Provisional Measures

716. Provisional measures are provided for in Article 63(2) of the American Convention on Human Rights, which determines that, in situations of extreme gravity and urgency, when it is necessary to avoid irreparable harm to persons, the Inter-American Court of Human Rights (IACHR) may grant provisional measures. Following the decision of the Inter-American Court to grant a provisional measure, the follow-up of its implementation passes to the Court. In addition, the Commission, at the request of the Court, continue periodically to provide observations and relevant information on the implementation of provisional measures.

717. In 2023, the IACHR increased the number of requests for provisional measures before the I/A Court H.R. compared to previous years (in 2022, three new requests for provisional measures and one request for extension were submitted; in 2021, one new request for provisional measures and four requests for extension were submitted). In 2023, six new requests for provisional measures and three requests for extension were submitted, of which seven were granted by the I/A Court H.R.:

- **[Request for provisional measures in the case of members of the journalistic team of Radio “La Costeñísima” with respect to Nicaragua.](#)**

On February 22, 2023, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights (IACHR) to grant provisional measures in favor of the journalistic team of Radio “la Costeñísima” in the Autonomous Region of the Southern Caribbean in Nicaragua, together with their respective families, who are in a situation of extreme gravity and urgency of irreparable harm to their rights in Nicaragua.

The IACHR emphasizes that Radio “La Costeñísima” is the only media outlet in the Southern Caribbean Autonomous Region with an independent editorial line that has been critical of the Nicaraguan government for more than a decade. The former director of the media described “La Costeñísima” as an “independent voice” in the Southern Caribbean compared to six pro-government radio stations operating in the region.

The Court granted the provisional measures on March 22, 2023.²⁰⁴

- **[Request for provisional measures in the case of members of the Association of Citizens dedicated to the Investigation of the Equality of Human Rights \(ACDIIDH\) with respect to Haiti.](#)**

On March 8, 2023, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights (IACHR) to grant provisional measures in favor of the members of the Citizens’ Group Dedicated to Investigation of the Equality of Human Rights (ACDIIDH) to protect the rights to life and personal integrity of its members, after considering that they are currently in a situation placing them at extreme risk.

The IACHR notes that the ACDIIDH is a non-governmental organization dedicated to the investigation, defense and promotion of human rights in Haiti. In 2015, the Commission granted precautionary measures in favor of members, in accordance with Article 25 of the IACHR Rules of Procedure. During the time the measures have been in force, the IACHR received information on acts of intimidation and harassment against the beneficiaries, including armed violence. Despite requests for information from the State, no response was received regarding the measures adopted to address the situation.

The Court granted the provisional measures on March 24, 2023.²⁰⁵

- **[Request for the extension of provisional measures in the case of the inhabitants of the communities of the Miskitu Indigenous People of the Northern Caribbean Coast Region with respect to Nicaragua.](#)**

On April 26, 2023, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights (I/A Court H.R.) to extend the provisional measures in the matter of “Inhabitants of the Communities of the Miskitu Indigenous People of the Northern Caribbean Coast Region of Nicaragua” to include the inhabitants of the Musawas and Wilú indigenous communities of the Mayangna Sauni As Territory, in the Northern Caribbean

²⁰⁴ I/A Court H.R. [Case of Members of the Journalistic Team of Radio “La Costeñísima” regarding Nicaragua](#). Provisional Measures. Order of the Inter-American Court of Human Rights of March 22, 2023.

²⁰⁵ I/A Court H.R. [Case of Members of the Association of Citizens dedicated to the Investigation of the Equality of Human Rights \(ACDIIDH\) regarding Haiti](#). Request for Provisional Measures. Order of the Inter-American Court of Human Rights of March 24, 2023.

Coast Region of Nicaragua. The Commission considered that the inhabitants of the identified communities are in an extremely serious and urgent risk of irreparable harm to their rights.

As background, the Commission recalls that on February 13, 2022, it granted precautionary measures in favor of the inhabitants of the Musawas and Wilú communities. Despite the IACHR requests to obtain information from the State, no response was received regarding measures adopted to address the risk.

The IACHR notes that serious acts of violence have occurred in the Musawas and Wilú communities, consisting of death threats, kidnappings, the presence of heavily armed third parties seeking to appropriate community lands and, recently, the violent murder of community members by third parties, known as “settlers,” which led to the forced displacement of community members. The presence of settlers is said to generate strong territorial pressure on the community, who is reportedly prevented from accessing certain areas of the territory. All this in the context of claiming the ancestral territories of the Miskitu and Mayangna Sauni As indigenous people and the land titling processes taking place in the area.

The Court extended the provisional measures on June 27, 2023.²⁰⁶

- [Request for provisional measures in the Hugo Enrique Marino Salas case against Venezuela.](#)

On June 2, 2023, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights (IACHR) to grant provisional measures in favor of Hugo Enrique Marino Salas in Venezuela, who is in a situation of extreme gravity and urgency of irreparable harm to his rights.

The IACHR recalls that it granted precautionary measures in favor of Mr. Hugo Enrique Marino Salas on October 23, 2019, through Resolution 54/2019. Despite repeated actions by the Commission to obtain information from the State of Venezuela, no response has been received regarding the measures adopted to protect the life and integrity of Mr. Marino Salas.

Based on the information available and despite the domestic actions initiated by the representation and family, the Commission informed the I/A Court H.R. that it does not know where Mr. Hugo Enrique Marino Salas is currently located, following his detention by officials of the General Directorate of Military Counterintelligence (DGCIM) on April 20, 2019, after landing at the airport in Caracas, Venezuela.

In this case, the Court understood that the request formulated by the IACHR does not correspond to the procedure of provisional measures..

- [Request for extension of provisional measures in the Juan Sebastián Chamorro et al. case regarding Nicaragua.](#)

On June 21, 2023, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights (IACHR) to extend the provisional measures “Juan Sebastián Chamorro *et al.* regarding Nicaragua” to include Mr. Rolando José Álvarez Lagos, priest and bishop of Matagalpa, who faces an extremely serious and urgent risk of irreparable harm to his rights.

Bishop Rolando José Álvarez Lagos is a beneficiary of precautionary measures by the IACHR, has expressed his disagreement with the policies of the current government and has sought

²⁰⁶ I/A Court H.R. [Case of Inhabitants of the Communities of the Miskitu Indigenous People of the Northern Caribbean Coast Region with respect to Nicaragua.](#) Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of June 27, 2023.

the guarantee of human rights in the country. He is currently deprived of liberty and incommunicado in the Jorge Navarro Penitentiary System, known as “La Modelo” prison, being held in detention conditions that put him at risk, a situation that is said to be aggravated due to the alleged lack of medical attention.

The Court extended the provisional measures on June 27, 2023.²⁰⁷

- **[Request for provisional measures in the case of four Mayangna indigenous persons deprived of their liberty with respect to Nicaragua.](#)**

On June 22, 2023, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights to grant provisional measures in favor of D.R.Z., D.A.B.A., A.C.L. and I.C.L., indigenous Mayangna people deprived of their liberty in Nicaragua, who are in an extremely serious and urgent situation of irreparable harm to their rights.

The IACHR notes that the persons identified are deprived of their liberty in the Jorge Navarro Penitentiary Center after being convicted for acts related to the Kiwakumbaih Massacre. These persons are reportedly not receiving adequate and timely medical attention, despite suffering from health problems and receiving constant threats from guards and other persons deprived of liberty and, according to the allegations, were even victims of physical and sexual assaults.

The Court granted the provisional measures on June 27, 2023.²⁰⁸

- **[Request for provisional measures in the case of Jorge Luis Salas Arenas and his next of kin with respect to Peru.](#)**

On July 18, 2023, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights (IACHR) to grant provisional measures in favor of Jorge Luis Salas Arenas and his family to protect their rights to life and personal integrity in Peru.

Jorge Luis Salas Arenas is a Titular Judge of the Supreme Court of Justice and president of the National Jury of Elections of Peru and has been the beneficiary of precautionary measures by the IACHR since July 2021, due to the serious and urgent risk he faced. The Commission considers that, in his role as president of the National Jury of Elections, Jorge Luis Salas Arenas carries out work that is different from that of other judges in the country, due to the issues on which he rules and the position of president of the highest judicial body in Peru’s electoral system. At the same time, the IACHR notes that, in the performance of his duties, Judge Salas Arenas has been subjected to campaigns of harassment, stigmatization and questioning by political and social sectors, as well as acts of intimidation, doxing, harassment and death threats. Furthermore, in the Report on the Situation of Human Rights in Peru, published on May 3, 2023, the IACHR indicated that, after the 2021 presidential elections, false news campaigns and accusations against the electoral authorities took place.

For its part, the Commission considers that the measures implemented by the State have not been sufficient to mitigate the elements that generate risk and, therefore, that the rights of Jorge Luis Salas Arenas, in such circumstances, are in a situation that poses an extreme risk and that he is exposed to imminent acts that may materialize the violation of his rights. Similarly, the members of his family are at risk, because they may be subject to reprisals due to their family relationship.

²⁰⁷ I/A Court H.R. [Case of Monsignor Rolando José Álvarez Lagos regarding Nicaragua](#). Adoption of Provisional Measures. Order of the Inter-American Court of Human Rights of June 27, 2023.

²⁰⁸ I/A Court H.R. [Case of four Mayangna indigenous persons deprived of their liberty with respect to Nicaragua](#). Provisional Measures. Order of the Inter-American Court of Human Rights of June 27, 2023.

The Court granted the provisional measures on September 4, 2023.²⁰⁹

- [Request for extension of provisional measures in the Juan Sebastián Chamorro et al. case regarding Nicaragua.](#)

On September 18, 2023, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights (IACHR) to extend the provisional measures “Juan Sebastián Chamorro *et al.* regarding Nicaragua” to include JNSR, who is in a situation of extreme gravity and urgency of irreparable harm to his rights in Nicaragua.

JNSR is vice president of the University Movement 19 April (MU19A), has been dedicated to supporting civic advocacy actions since 2018 and is identified as a “political prisoner.” Since June 2023, he has had precautionary measures from the IACHR. According to the information received, JNSR is deprived of liberty in the National Penitentiary System of Tipitapa Jorge Navarro, known as “La Modelo”. He is being held in unhealthy conditions of detention, without medical attention and without access to sunlight, with interrogations in which he is subjected to physical abuse, among other things.

Despite repeated actions by the Inter-American Commission to obtain information from the State of Nicaragua, no response has been received indicating the adoption of suitable and effective protection measures to address the risk situation identified.

The Court extended the provisional measures on September 25, 2023.²¹⁰

- [Request for Provisional Measures in the matter of Brooklyn Rivera Bryan and Nancy Elizabeth Henríquez James and their next of kin regarding Nicaragua.](#)

On December 19, 2023, the Inter-American Commission on Human Rights (IACHR) requested the Inter-American Court of Human Rights (IACHR) to grant provisional measures in favor of the titular deputy Brooklyn Rivera Bryan and alternate deputy Nancy Elizabeth Henríquez James, in the National Assembly of Nicaragua, for the indigenous political party Yapti Tasba Masraka Nanih Aslatakanka (YATAMA). These people are in a situation of extreme gravity and urgency of irreparable damage to their rights.

The situation of the beneficiaries is framed in a context of persecution against any form of opposition or critical demonstrations against the actions of the Nicaraguan government, as well as persecution against the political party YATAMA to harass the people who are part of it, criminalize them, and remove them from the political space. Likewise, the detention of the two beneficiaries would have the purpose of sending a repressive message against any critical questioning coming from indigenous movements, such as YATAMA, and thus prevent any kind of political participation of dissidents to the government.

The Court granted urgent measures on December 22, 2023²¹¹.

718. During 2023, the Commission also submitted 108 legal briefs on provisional measures to the Inter-American Court. It should be noted that, in this work, the IACHR provided observations and supporting

²⁰⁹ I/A Court H.R. [Case of Salas Arenas et al. v. Peru.](#) Adoption of Provisional Measures. Order of the Inter-American Court of Human Rights of September 4, 2023.

²¹⁰ I/A Court H.R. [Case of Juan Sebastián Chamorro et al. v. Nicaragua.](#) Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of September 25, 2023.

²¹¹ I/A Court H.R. [Matter Brooklyn Rivera Bryan and Nancy Elizabeth Henríquez James and their families regarding Nicaragua.](#) Adoption of Urgent Measures. Order of the Presidency of the Inter-American Court of Human Rights of December 22, 2023.

information in requests for provisional measures submitted directly to the Court by accredited representatives in cases under the Court's jurisdiction, in accordance with the Rules of Procedure of the Inter-American Court.

719. In addition, the IACHR presented its oral observations at two hearings convened by the Court on the implementation of provisional measures in force or requests for provisional measures:

- Case of Gudiel Álvarez *et al.* (Diario Militar) v. Guatemala, public hearing on March 20, 2023;
- Matter of Salas Arenas *et al.* regarding Peru, private hearing on August 29, 2023.

720. Moreover, between October 23 and 25, 2023, the IACHR accompanied the I/A Court H.R. on an on-site visit to follow up on the implementation of the provisional measure in the Matter of Members of the Yanomami, Ye'kwana and Munduruku Indigenous Peoples regarding Brazil.²¹² During the visit, the Court held a hearing in a beneficiary indigenous community in the Awaris region and received updated information from the representation and the beneficiaries. The Inter-American delegation also visited the Indigenous Health House (CASAI) and a visit to the Boa Vista Children's Hospital, which has a unit especially dedicated to Indigenous Peoples.

6. Dissemination and transparency

721. In 2023, the IACHR continued its efforts to disseminate information on the precautionary measures mechanism and transparency about its operation, with a view to increasing the knowledge of the users of the inter-American system and providing greater legal certainty. Thus, the Commission kept the section of its website for precautionary measures updated, publishing the resolutions adopted in the available translations. In addition, the IACHR increased and updated its interactive map of precautionary measures, which compiles information on the resolutions issued by the Commission in this area, presenting qualitative and quantitative information on the precautionary measures granted, followed up and extended or lifted. The Commission also approved a document of Methodology for Monitoring Precautionary Measures in Force.

²¹² I/A Court H.R. [Case of Members of the Yanomami, Ye'kwana and Munduruku Indigenous Peoples regarding Brazil](#). Adoption of Provisional Measures. Order of the Inter-American Court of Human Rights of July 1, 2022.



722. The IACHR also published a [video](#) of the on-site visit to Brazil to follow up on 11 precautionary measures in force.

723. The Commission also disseminated information on precautionary measures through the publication of 64 press releases. In these, the IACHR publishes information on precautionary measures granted and extended (46 press releases), disseminates its work on requests for provisional measures before the Inter-American Court of Human Rights (9 press releases), as well as follows up on precautionary measures in force (9 press releases), in some cases, publishing jointly with the thematic and country rapporteurships.²¹³ The

²¹³ IACHR. [Press Releases on Precautionary Measures](#). 2023. See also: IACHR. [Press Release 22/2023](#). IACHR Condemns Killings of Human Rights Defenders in Honduras. February 14, 2023; IACHR. [Press Release R52/2023](#). RELE expresses concern about the opening of a criminal investigation against journalists in Guatemala for their coverage of matters of public interest. March 29, 2023.

press releases also seek to urge States to adopt urgent measures, as in cases of the application of the death penalty.²¹⁴

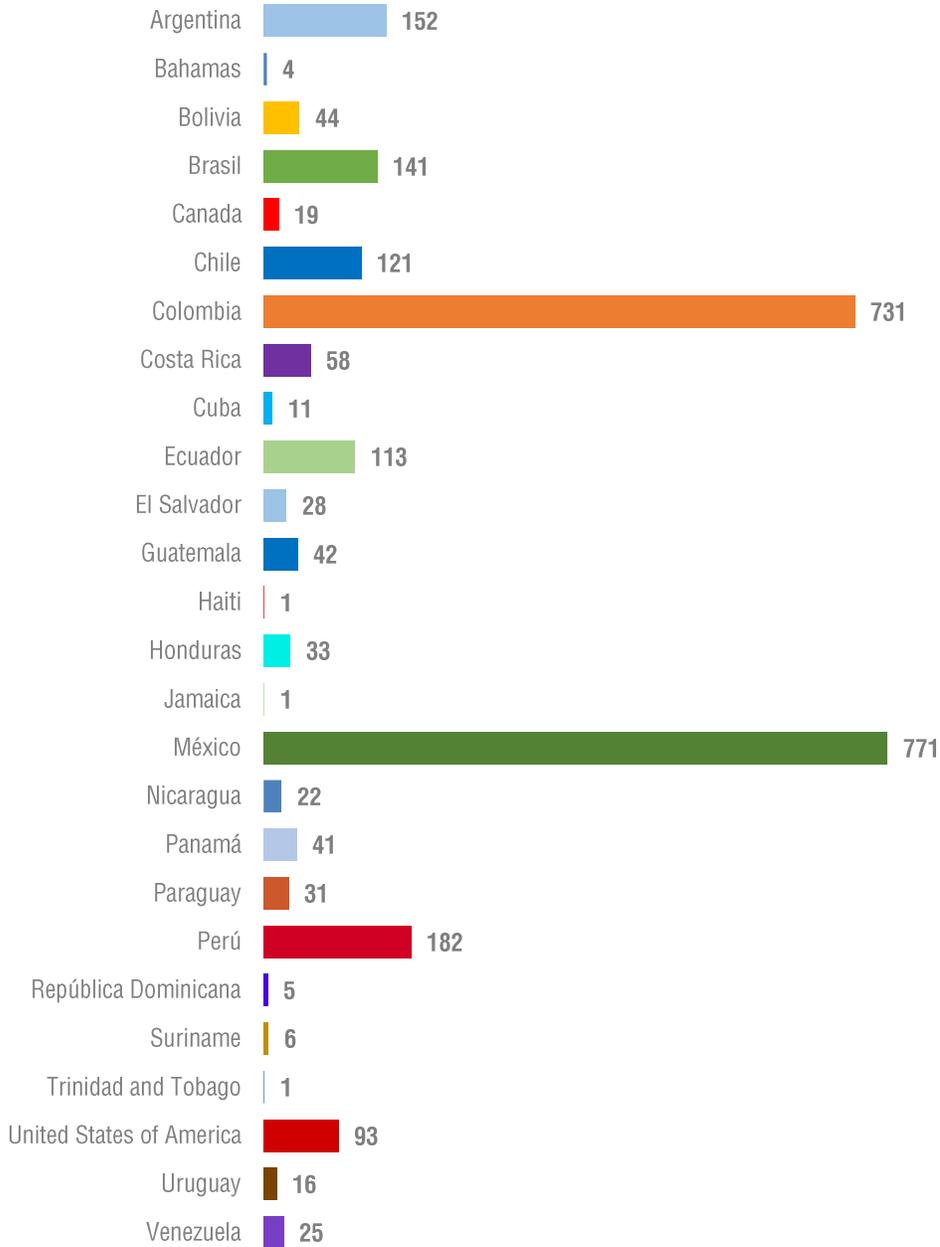
724. With regard to training on precautionary measures, in 2023, 13 training sessions were held for students, staff of international organizations, civil society organizations and government officials, focusing on topics such as the use of the inter-American system. Such training can focus on the process of requesting precautionary measures, on the follow-up of existing measures, or both.

²¹⁴ IACHR. [Press Release 112/23](#). IACHR Urges the United States to Refrain from Applying the Death Penalty to Michael Tisius, Beneficiary of Precautionary Measures. June 5, 2023; IACHR. [Press Release 124/23](#). IACHR condemns execution of Michael Tisius, sentenced to death penalty in the United States. June 16, 2023.

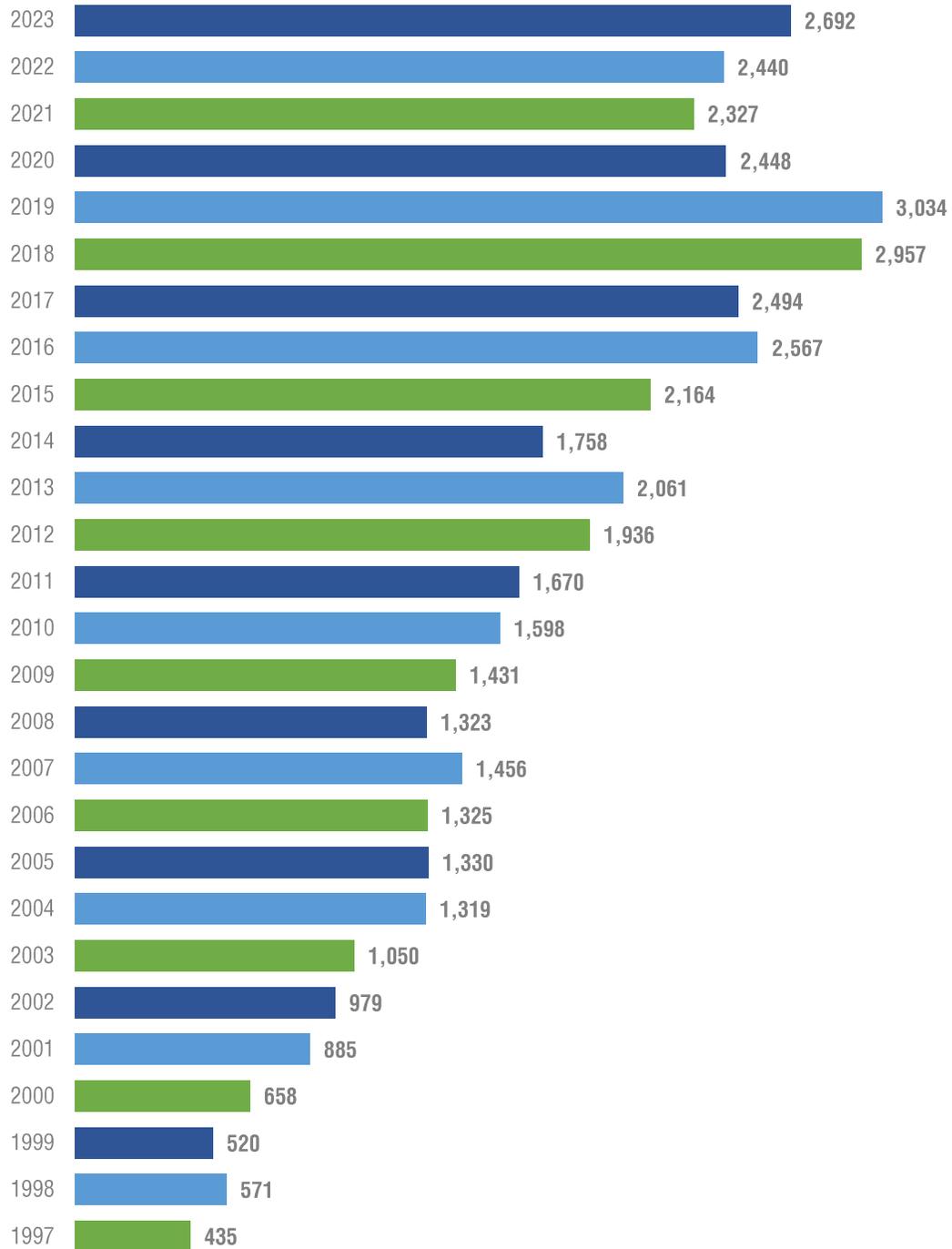
G. Annual statistics most representative of the Commission’s work

Petitions received by country

Total: 2,692

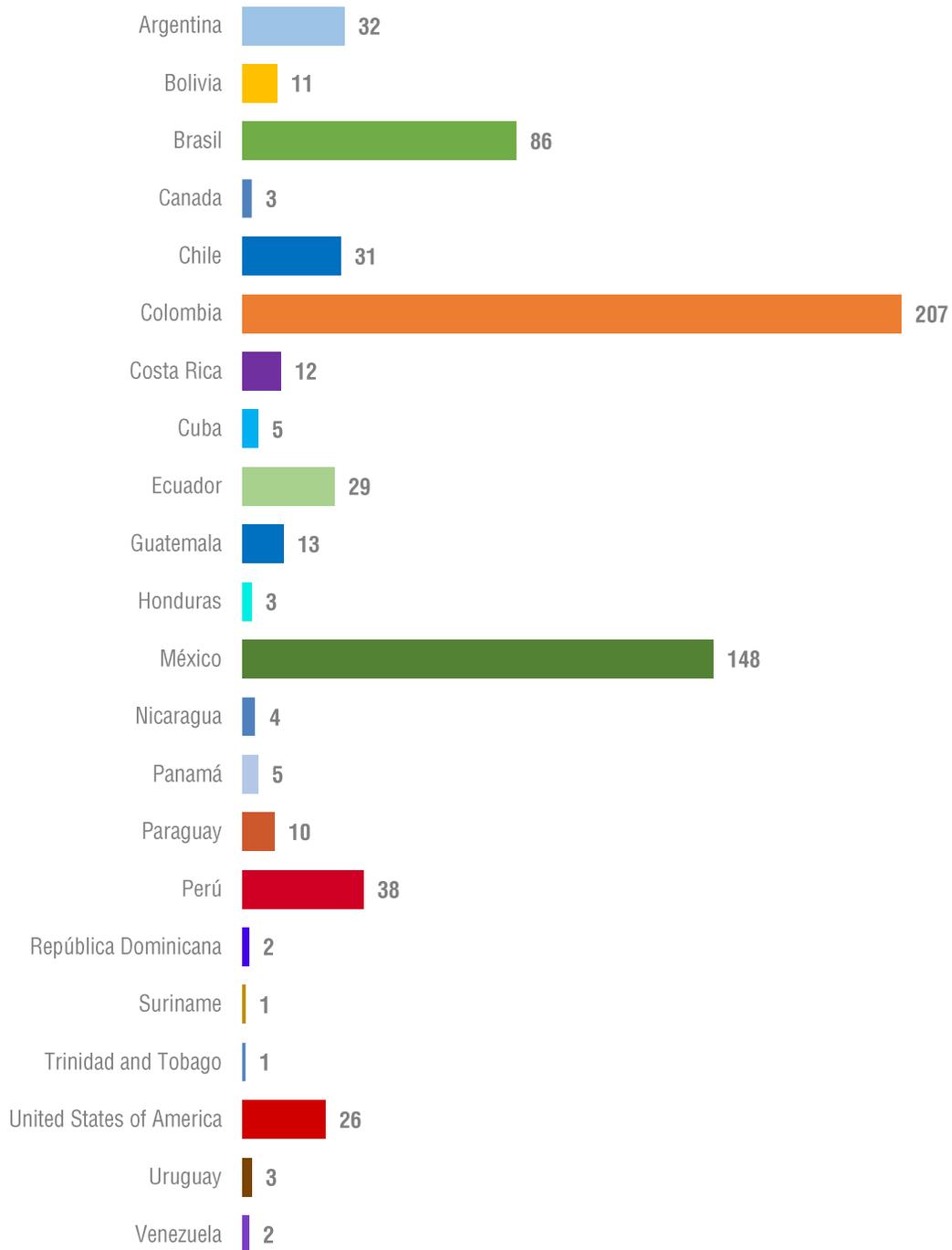


Petitions received by Year



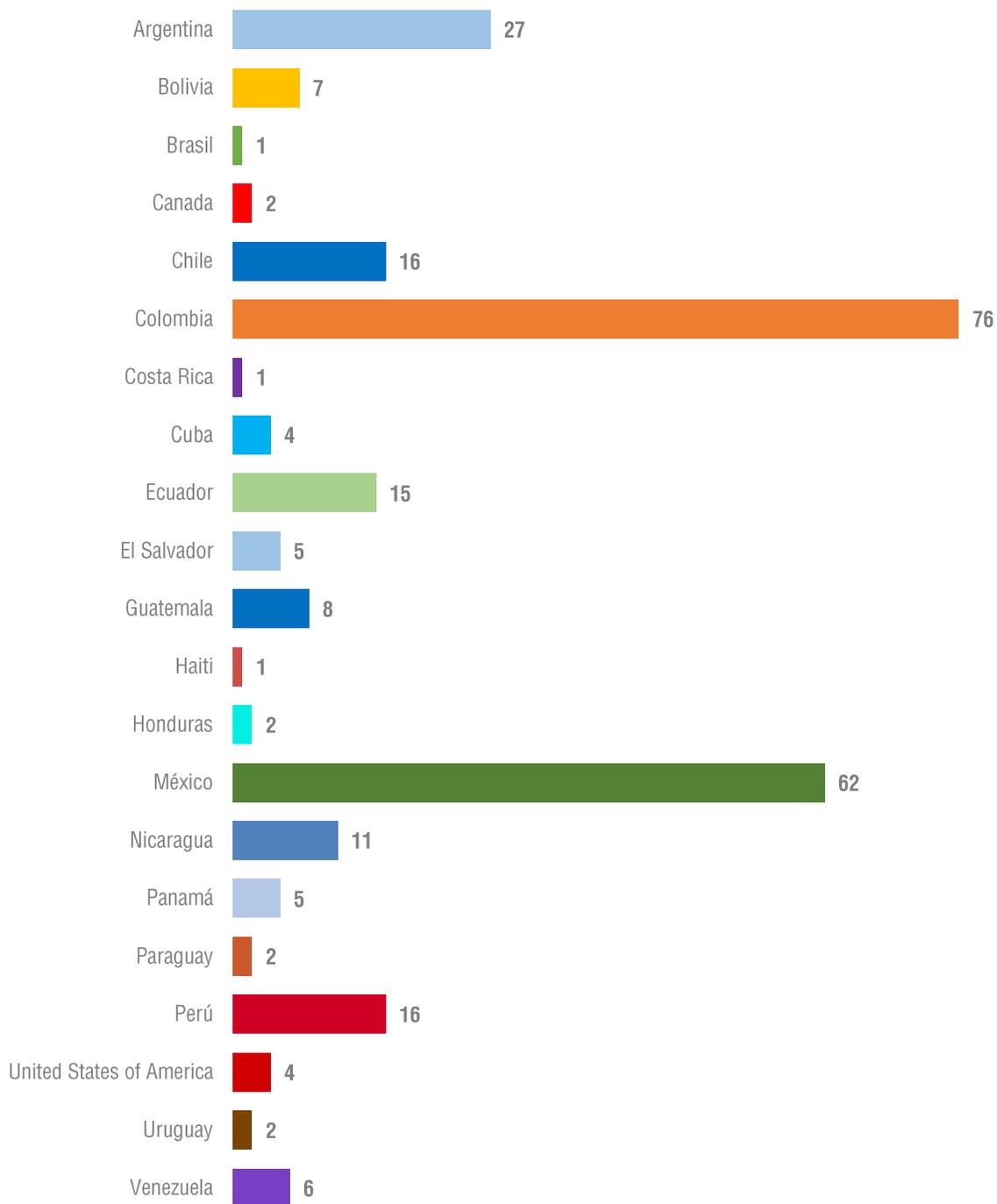
Petitions pending initial review by country

Total: 672



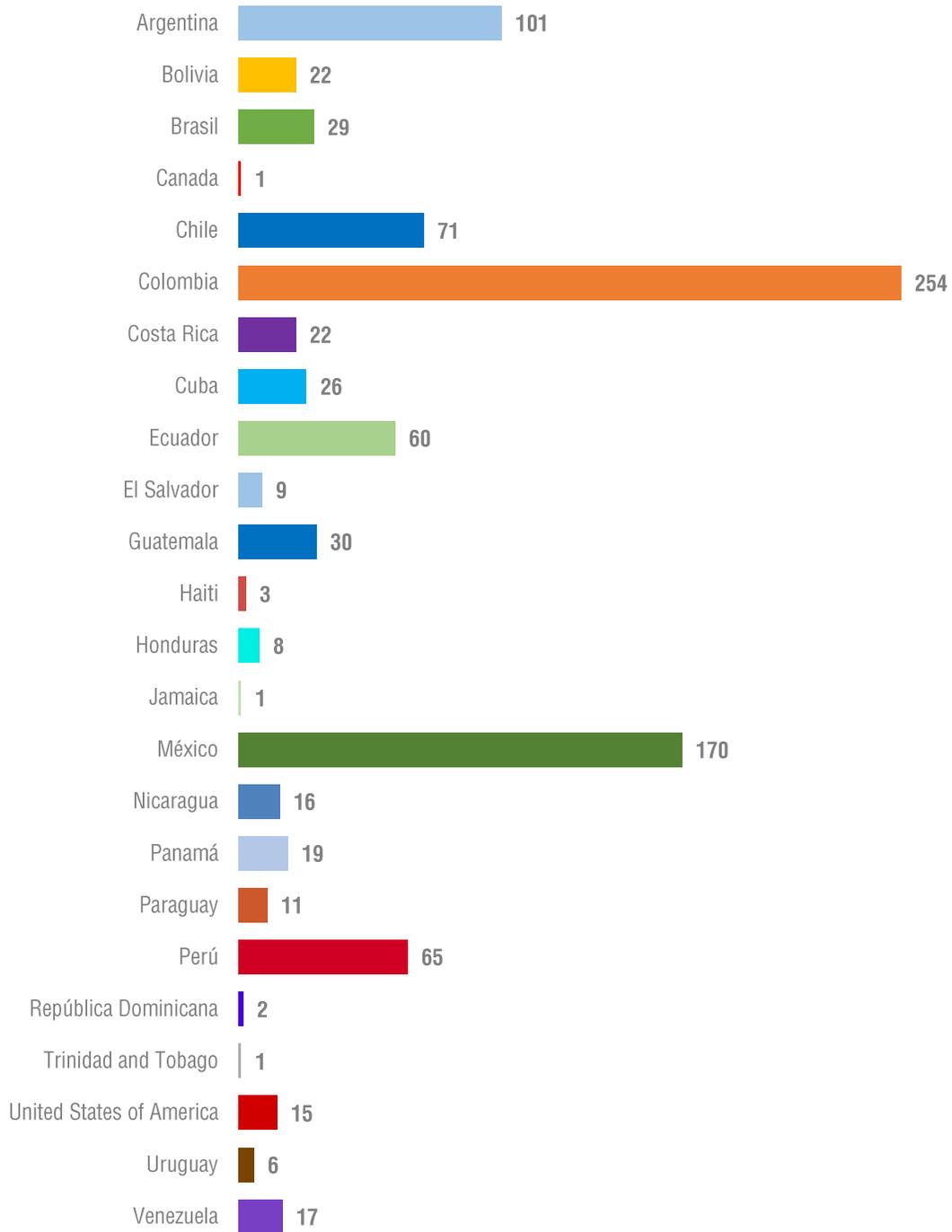
Decisions to open for processing by country

Total: 273



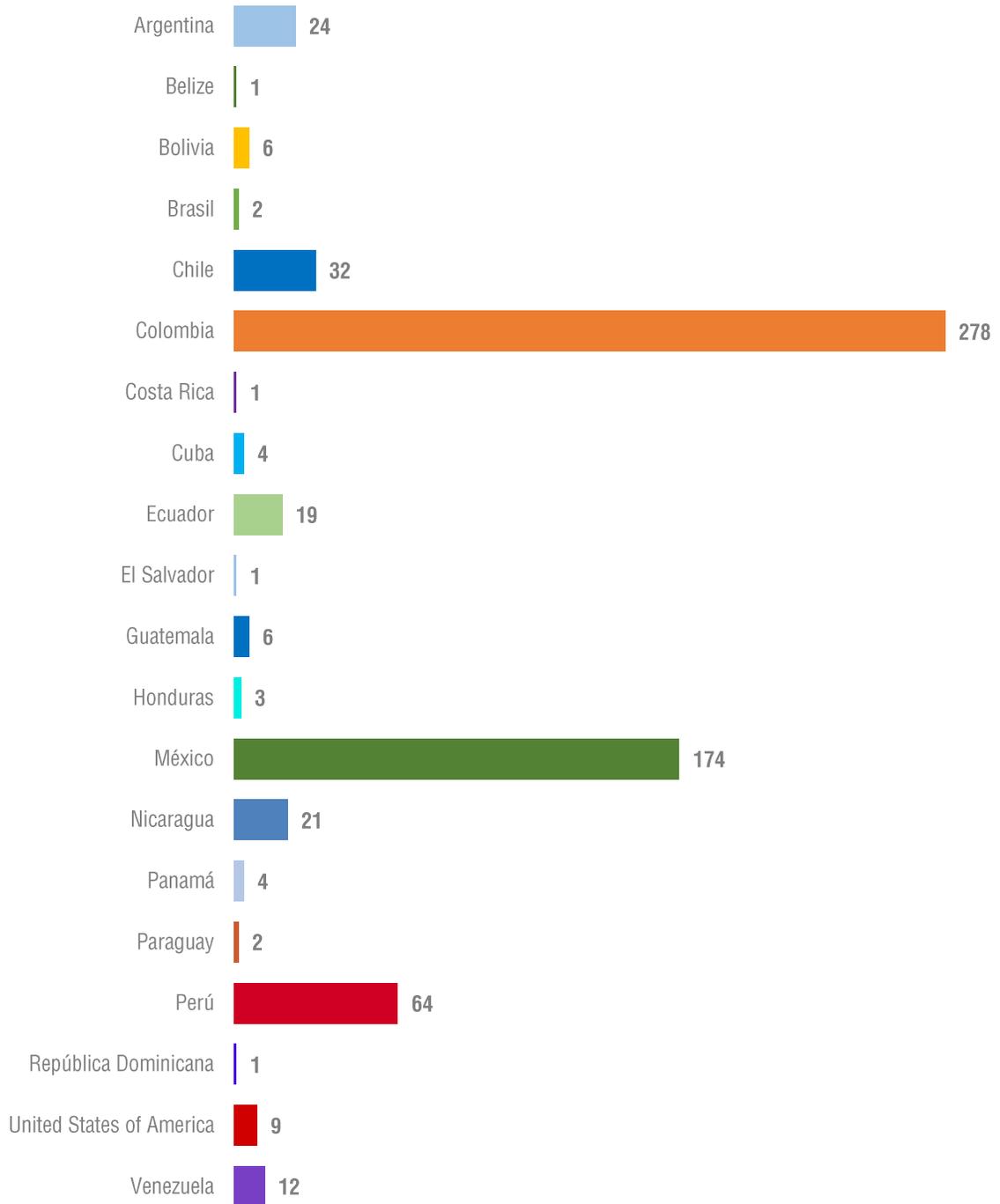
Notified decisions to open for processing

Total: 959



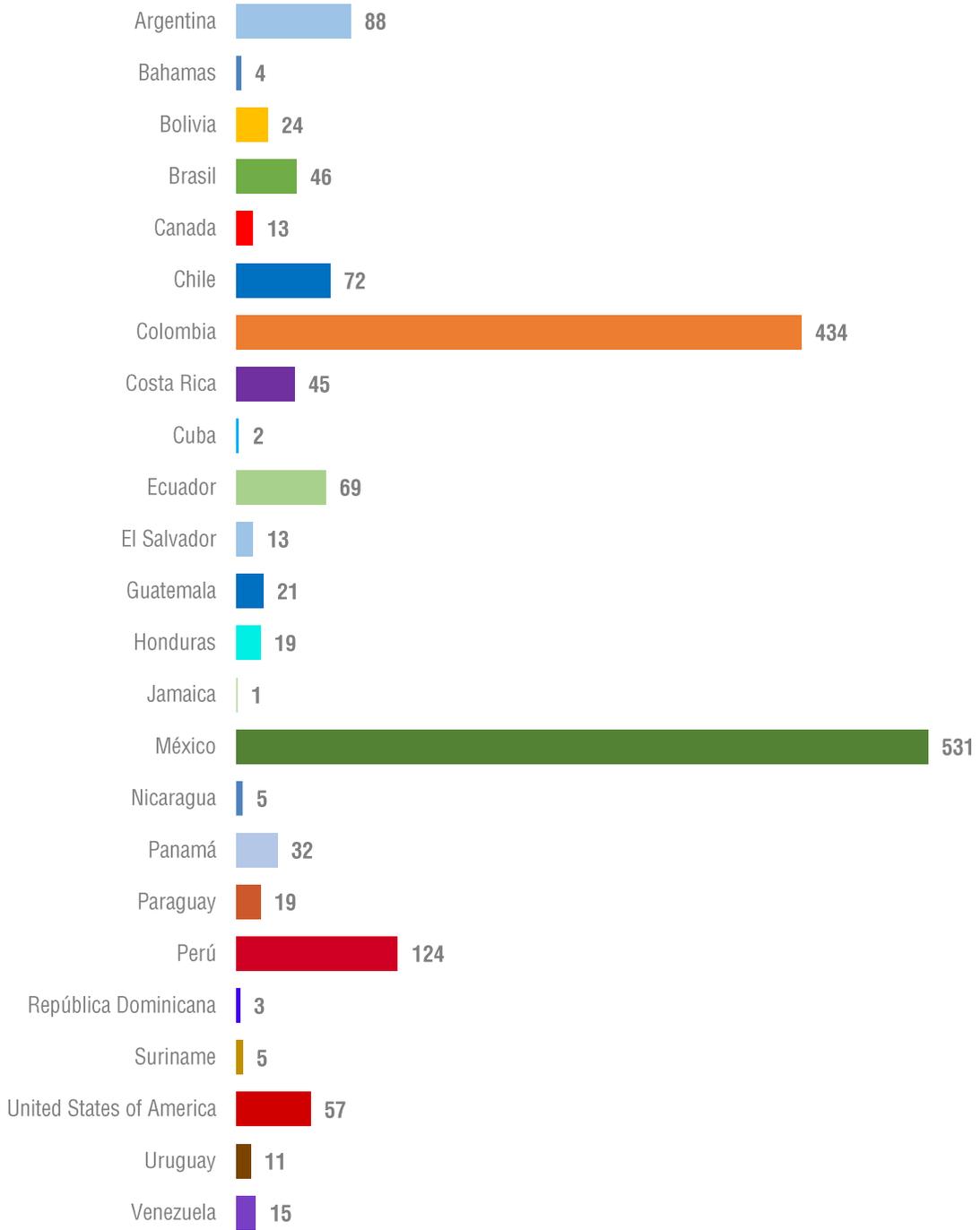
Petitions opened for processing,
pending notification to the State

Total: 664



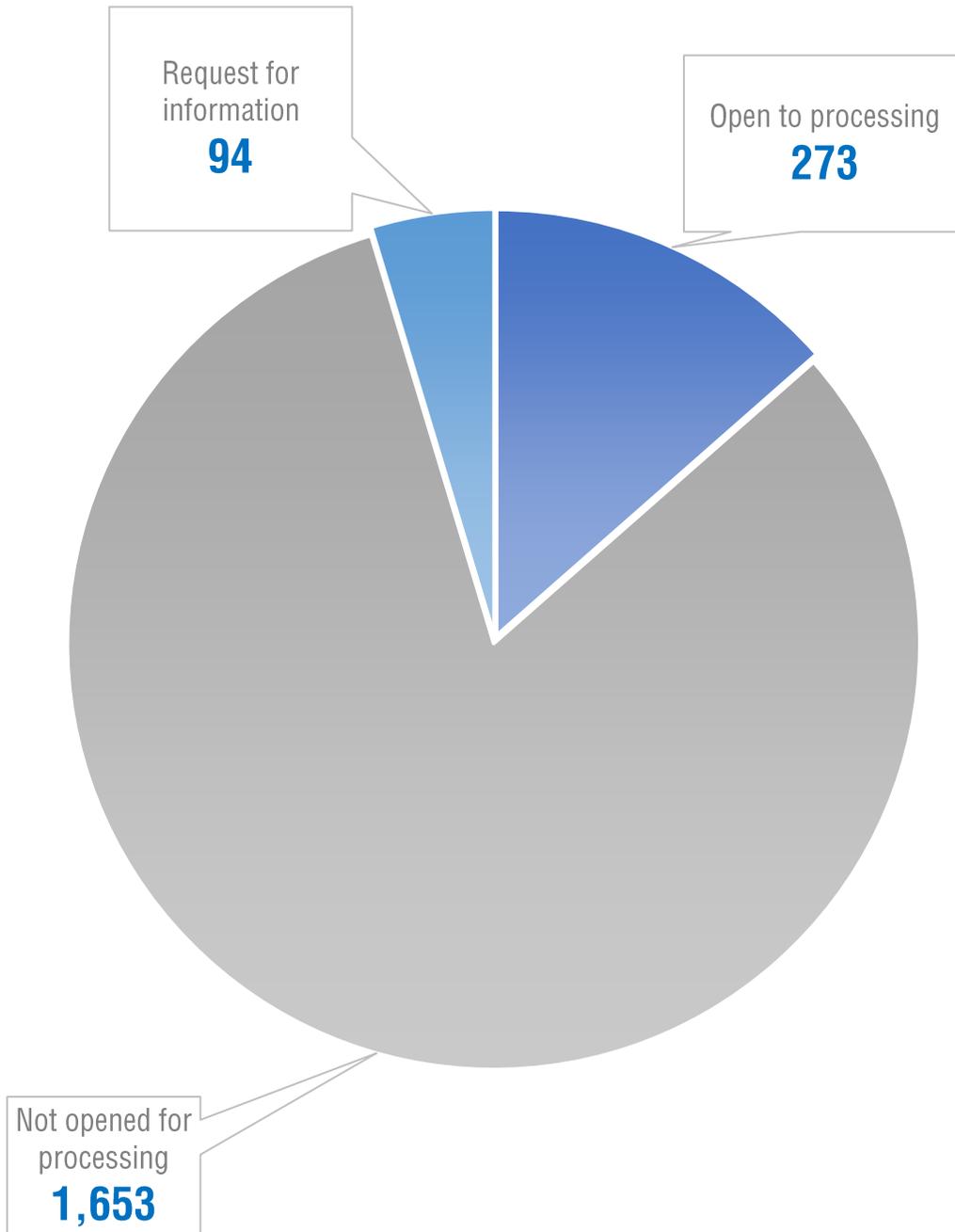
Petitions not opened for processing

Total: 1,653



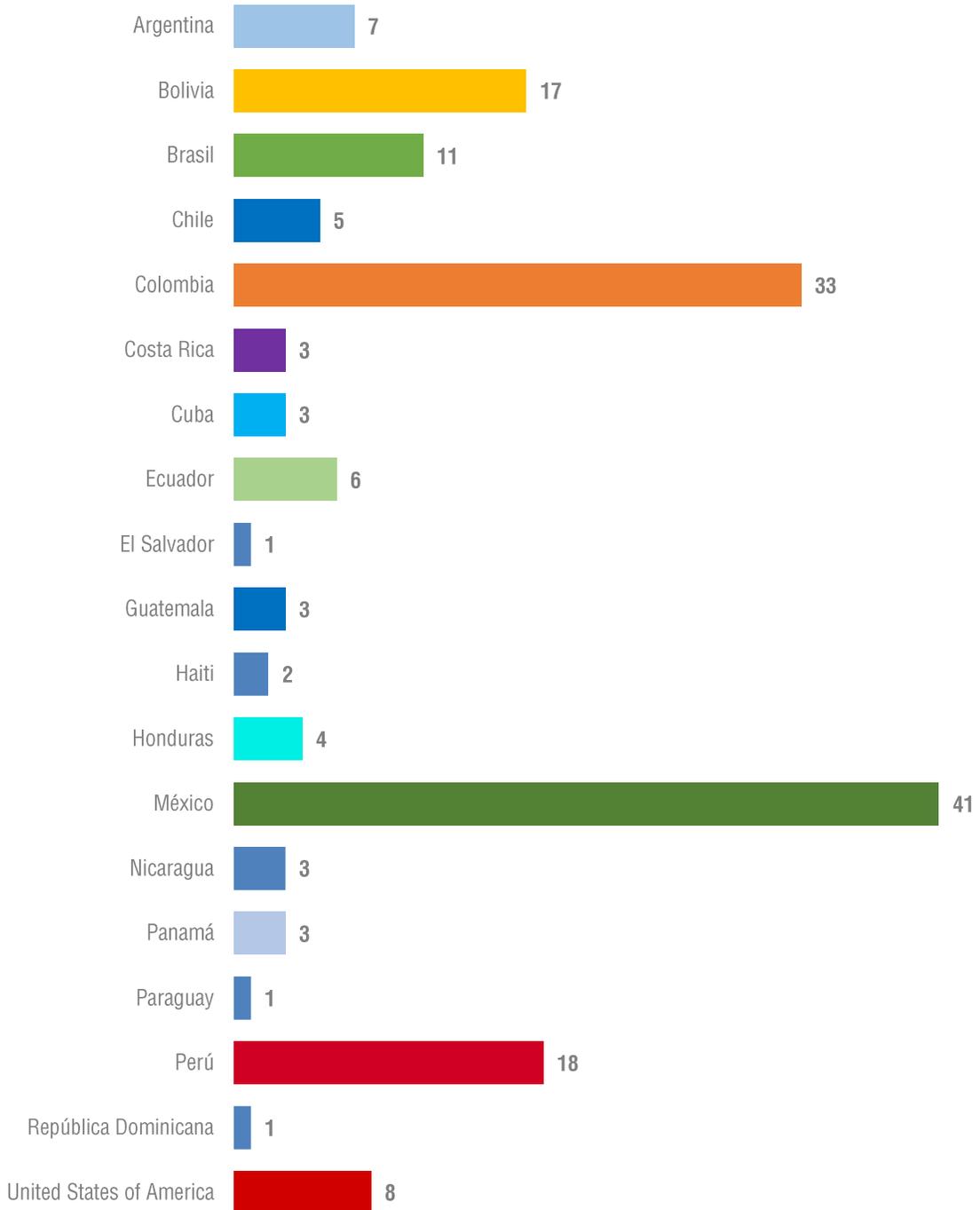
Decisions taken regarding petitions
in the initial review stage

TOTAL: 2,020



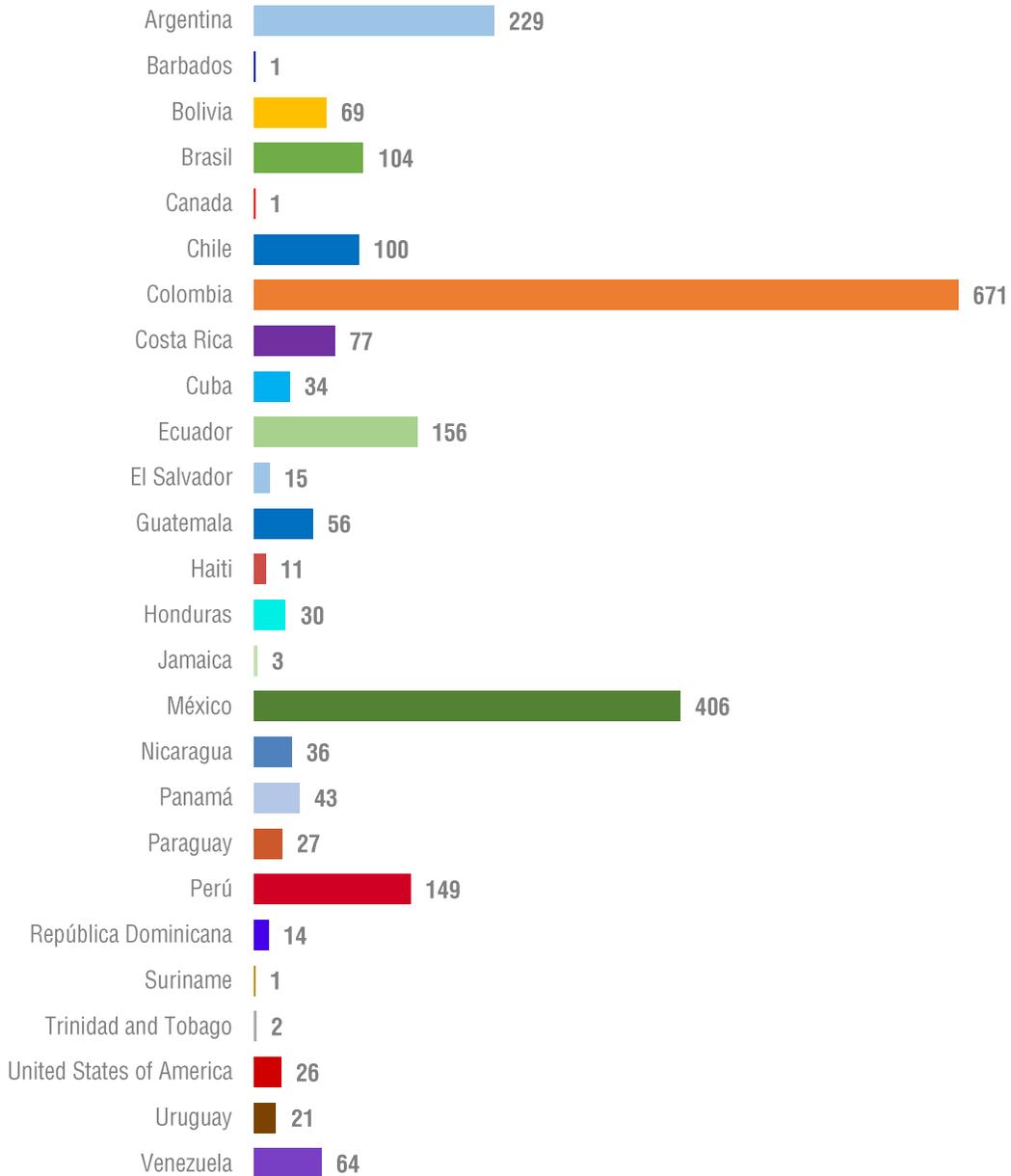
Petitions archived in the initial review stage

Total: 170



Petitions in admissibility at end of year*

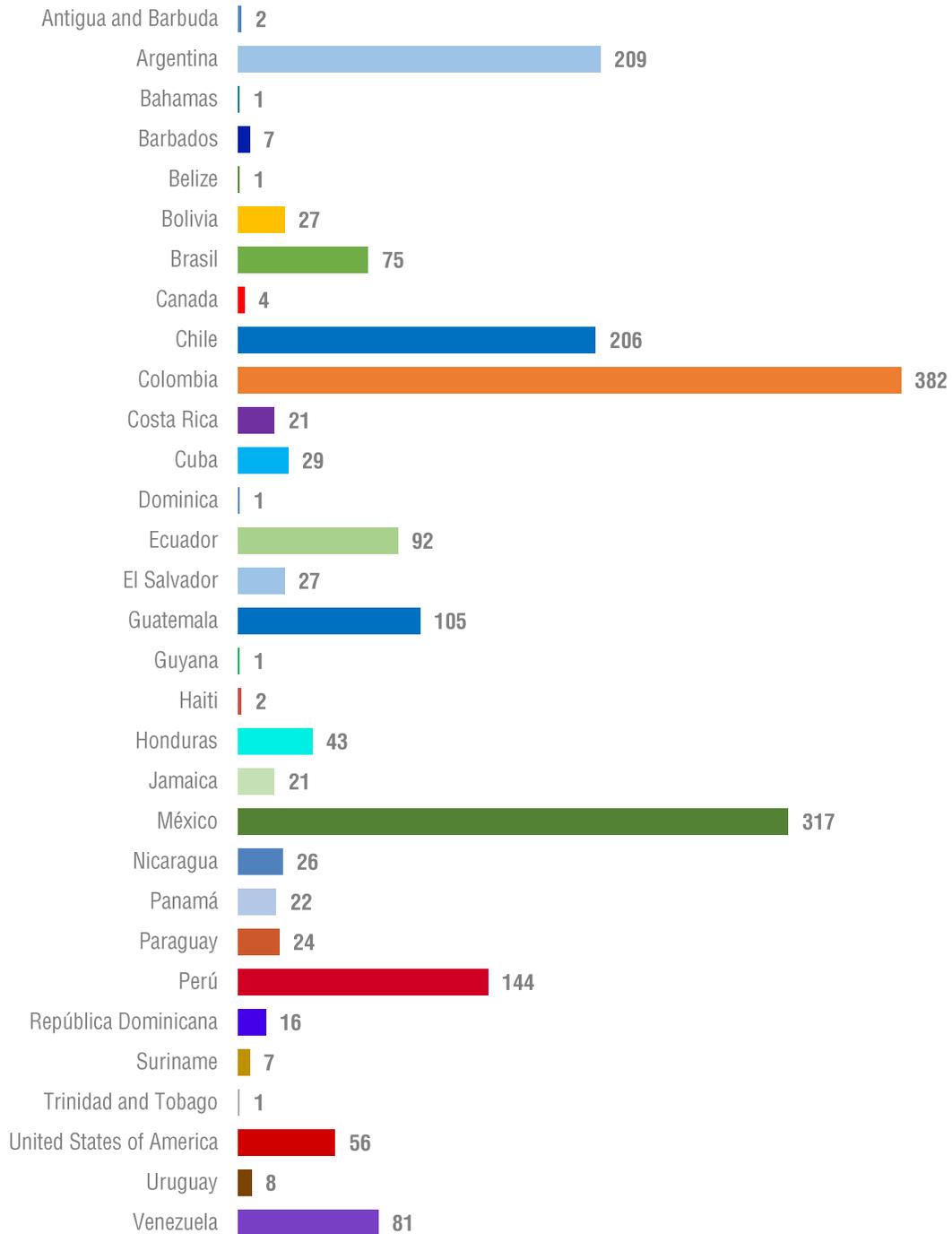
Total: 2,346



* Petitions in the admissibility stage are those being processed. This is, those transmitted to the State in accordance to Article 30 of the IACHR's Rules of Procedure. This graph is different from the one published last year, which included the ones with a preliminary decision on opening for processing.

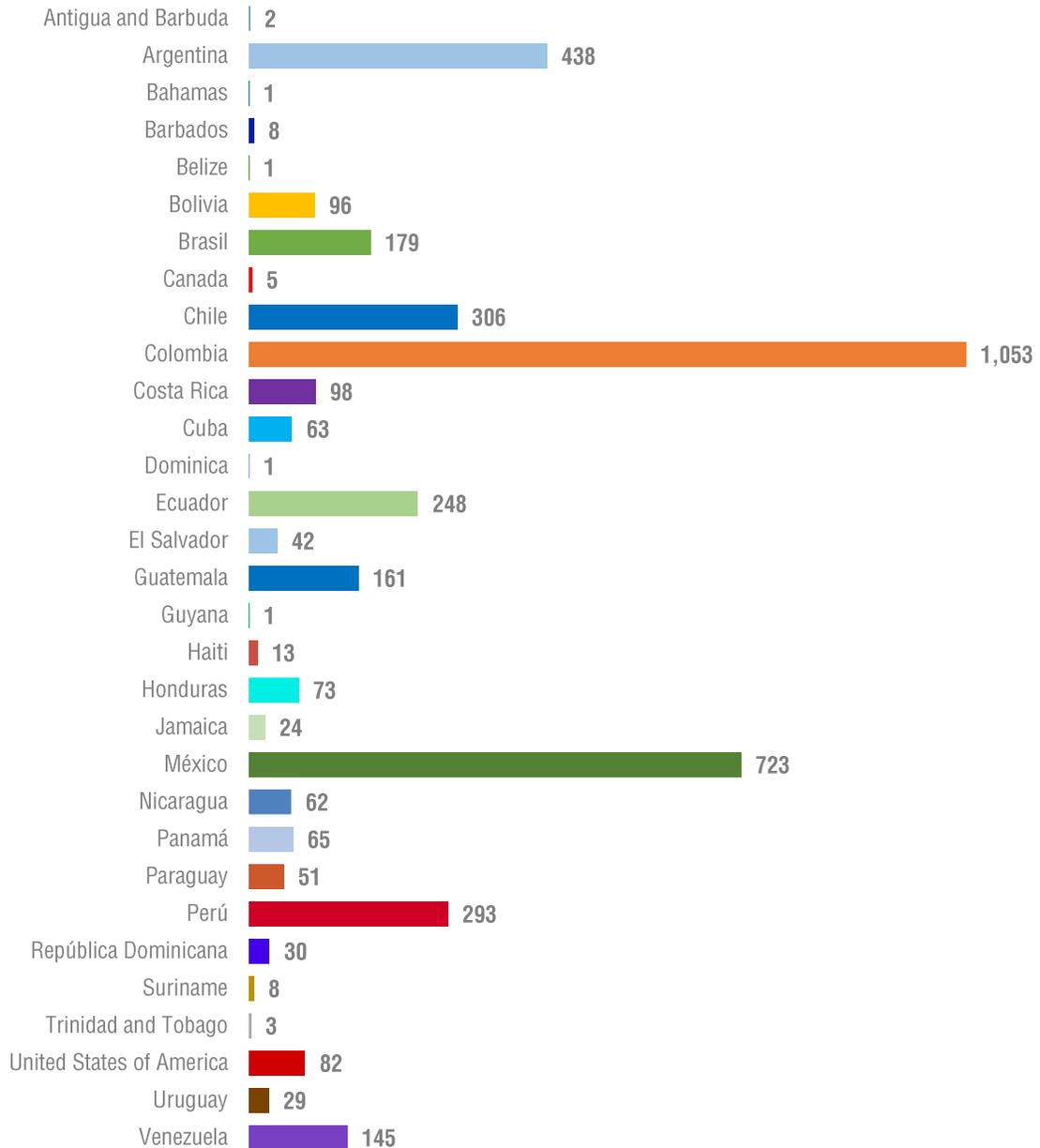
Cases in merits at end of year

Total: 1,958



Petitions and cases in admissibility and merits*

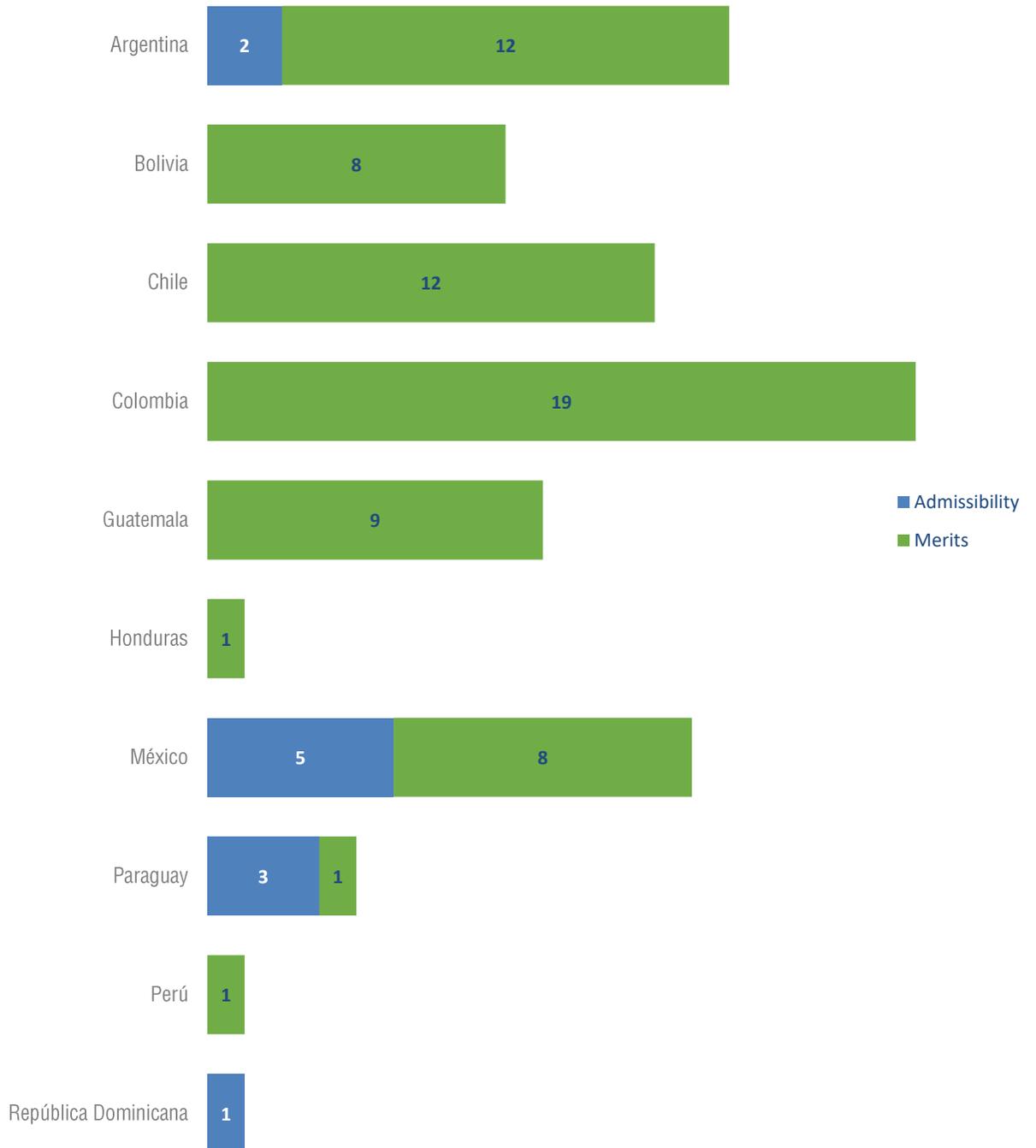
Total: 4,304



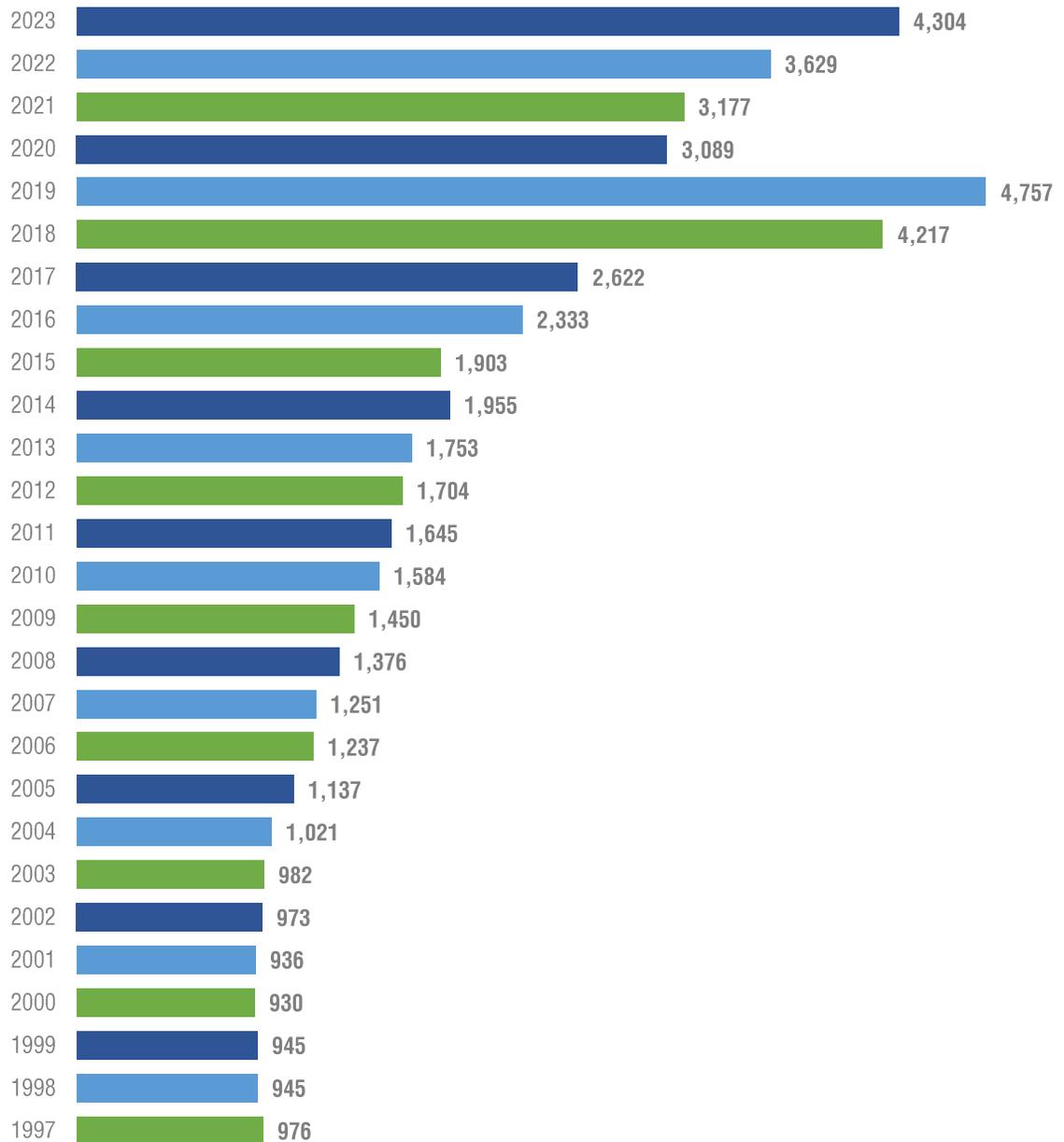
* Admissibility is the stage in which the **IACHR** determines if a petition meets the requirements set forth in Articles 46 and 47 of the American Convention. Merits is the stage in which the **IACHR** decides on the merits of the case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights.

Petitions and cases in friendly settlement procedure
at end of year

Total: 84

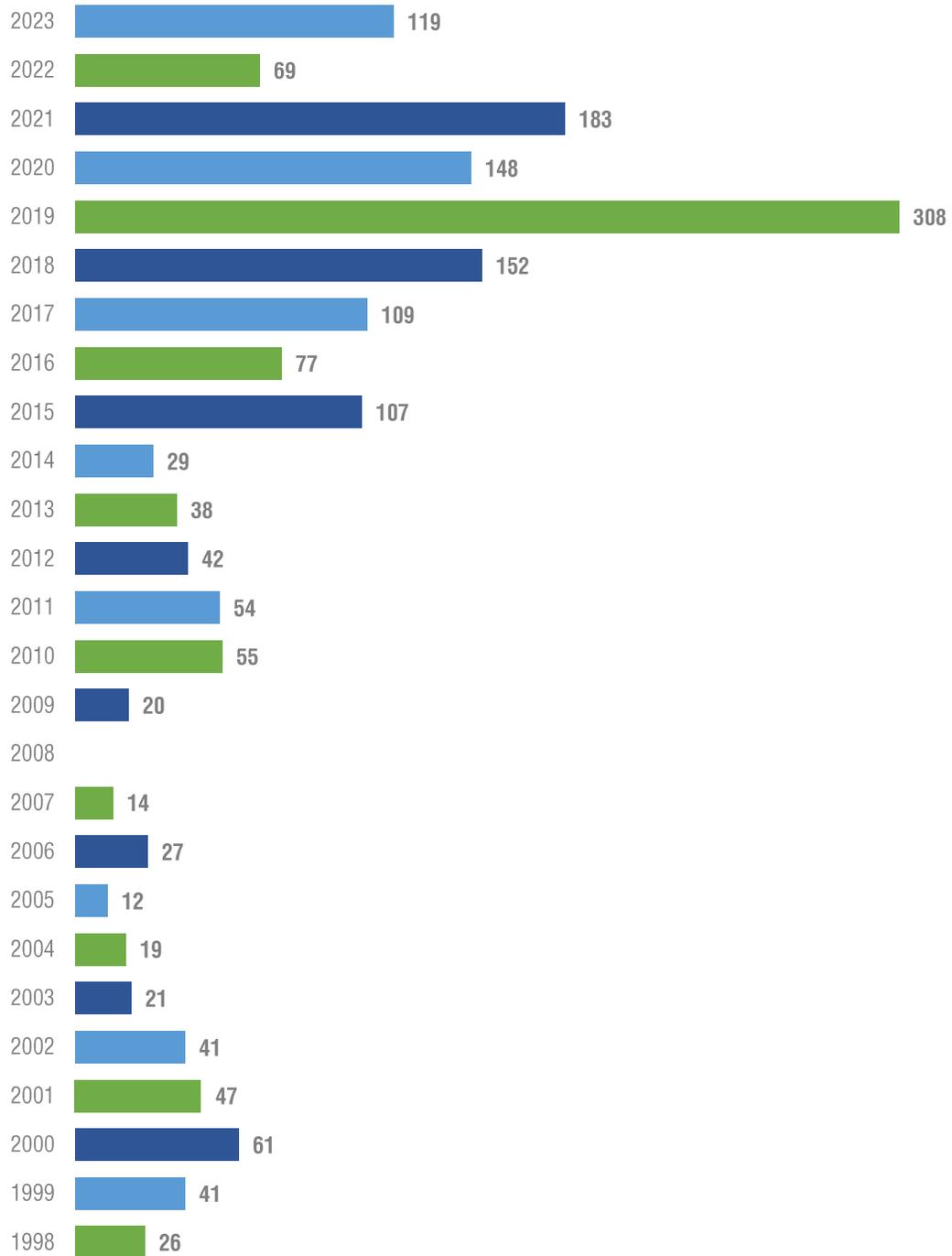


Case docket at the end of every year*
Admissibility and Merits

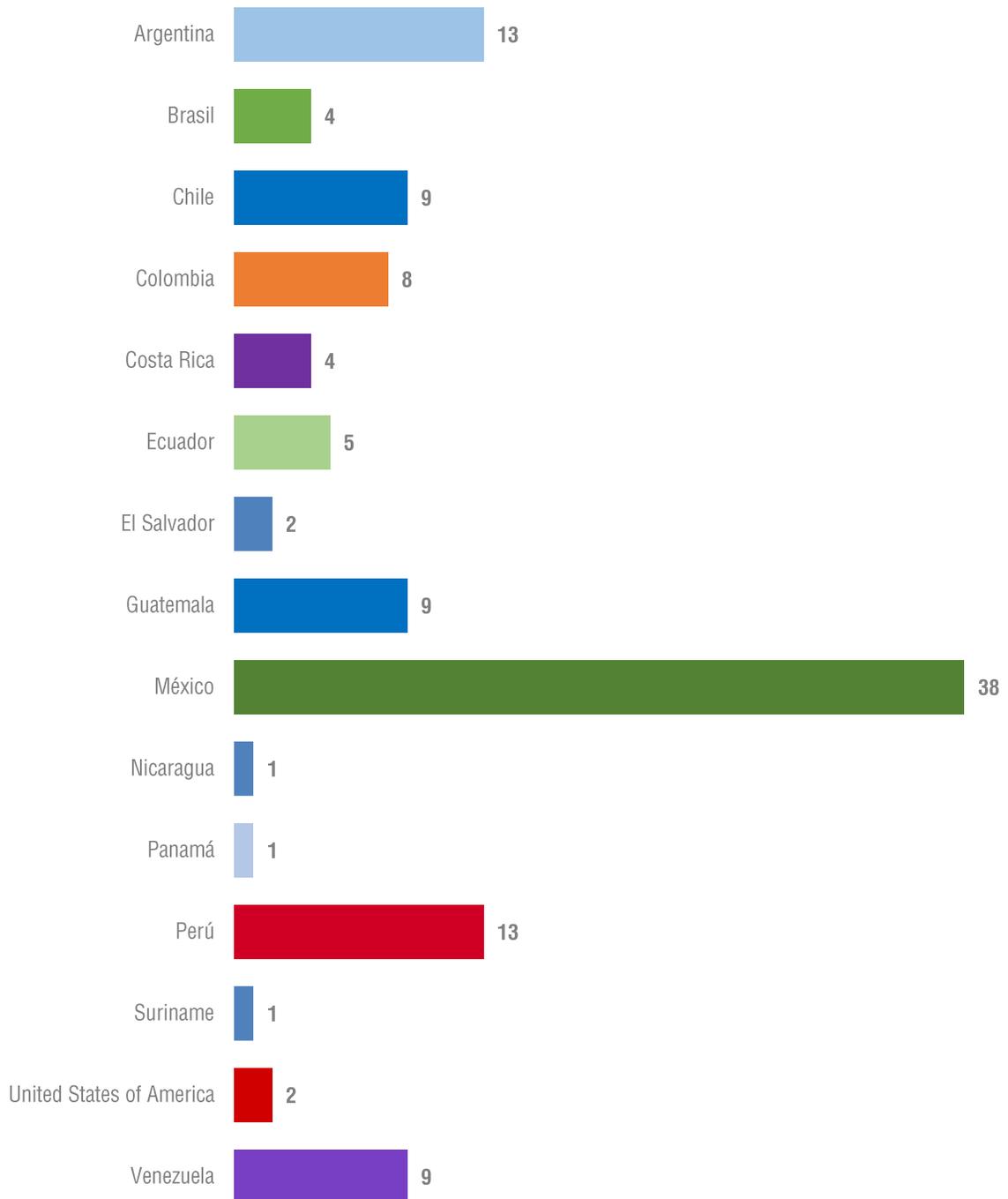


* The figures for 2018 and 2019 correspond to those reported in the annual reports of the respective years, which include both the petitions effectively notified to the State in accordance with Article 30 of the IACHR Rules of Procedure, and those with a decision to process, pending notification to the State, which are not considered in the reports for the rest of the years.

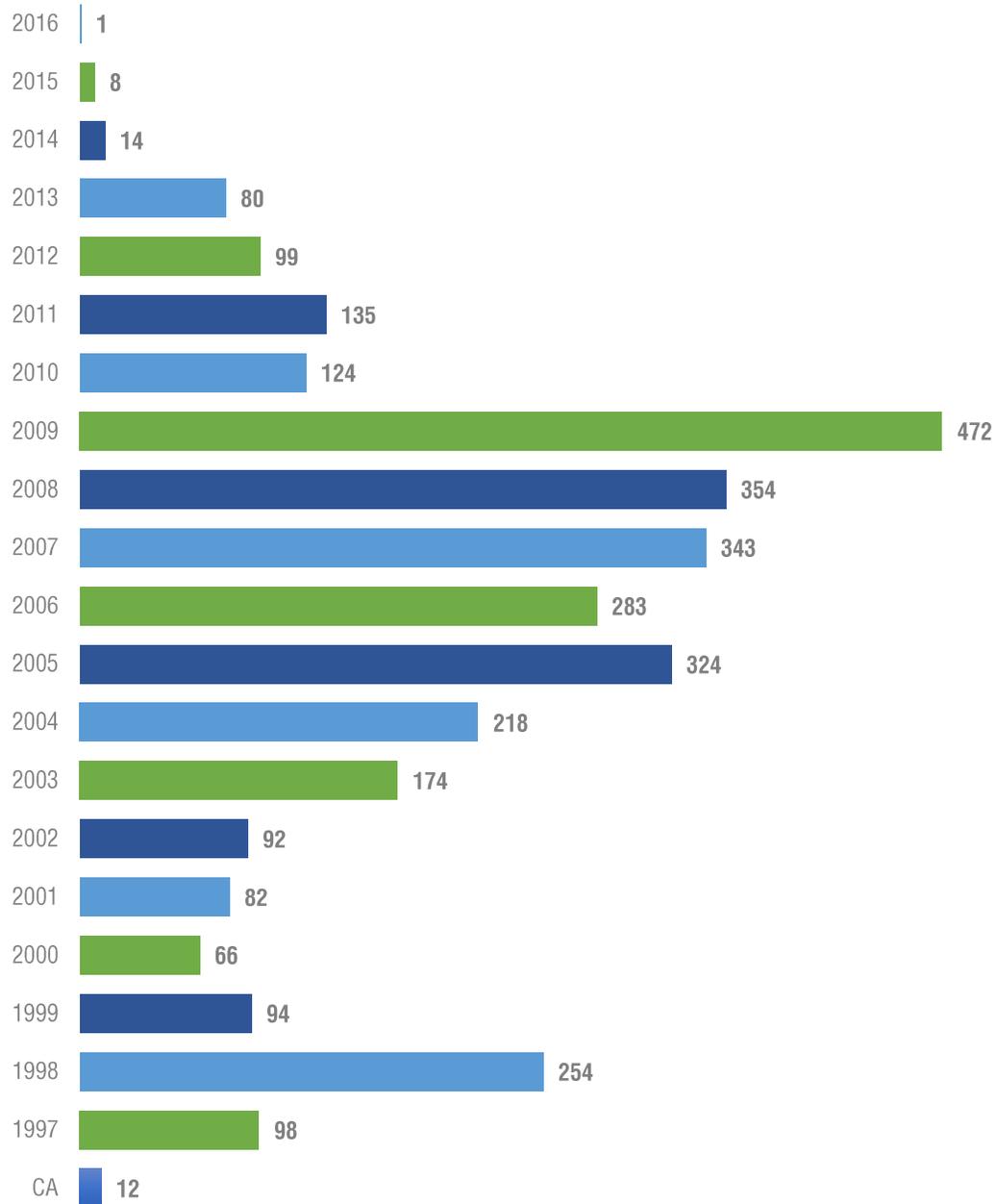
Cases archived by Year



Cases archived by country
Total: 119



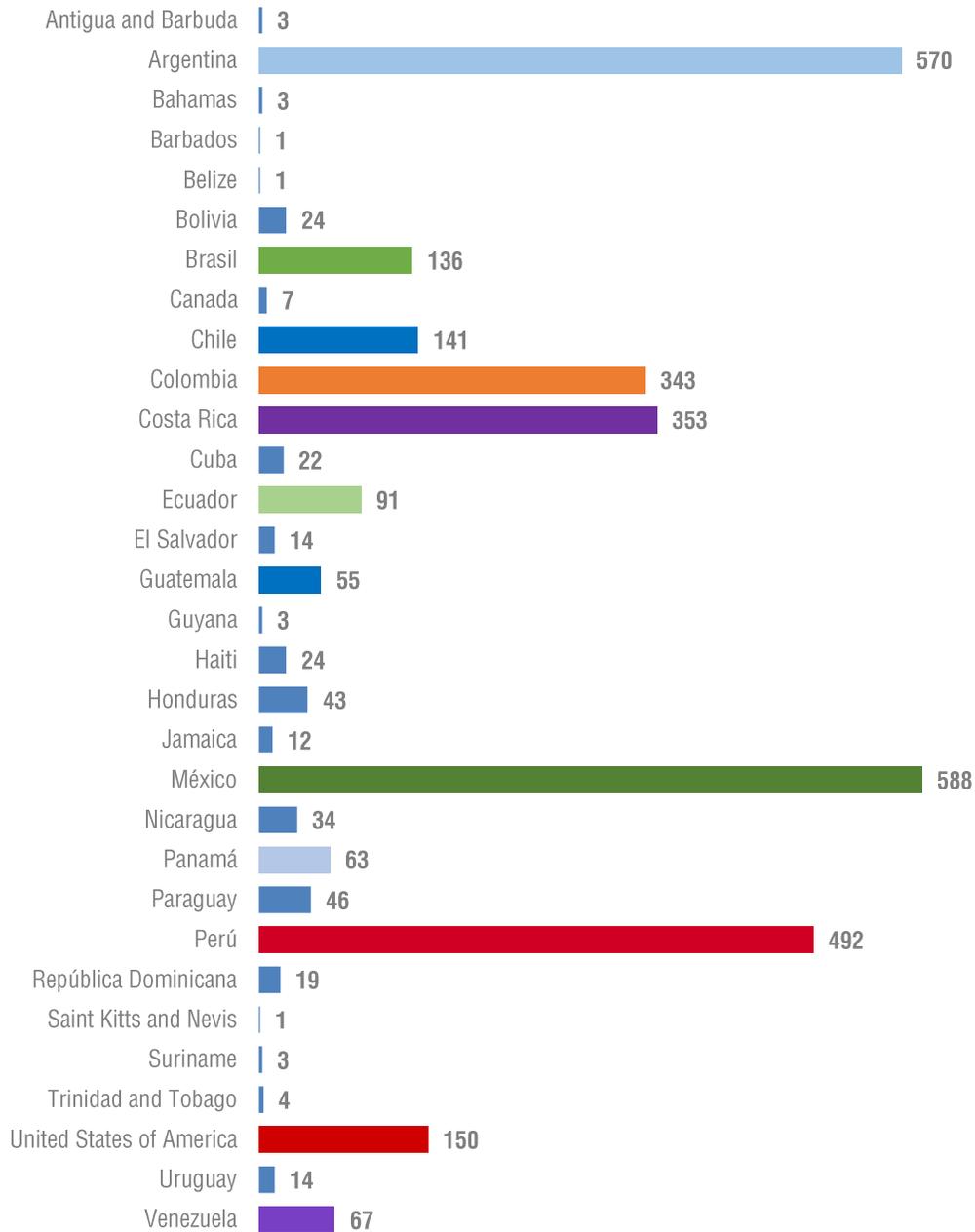
Archived inactive petitions at the initial study stage by Year*



* The petitions shown in the graph correspond to inactive petitions in the initial study stage filed under Resolution 1/23 implementing Article 42 of the Rules of Procedure of the **IACHR**.

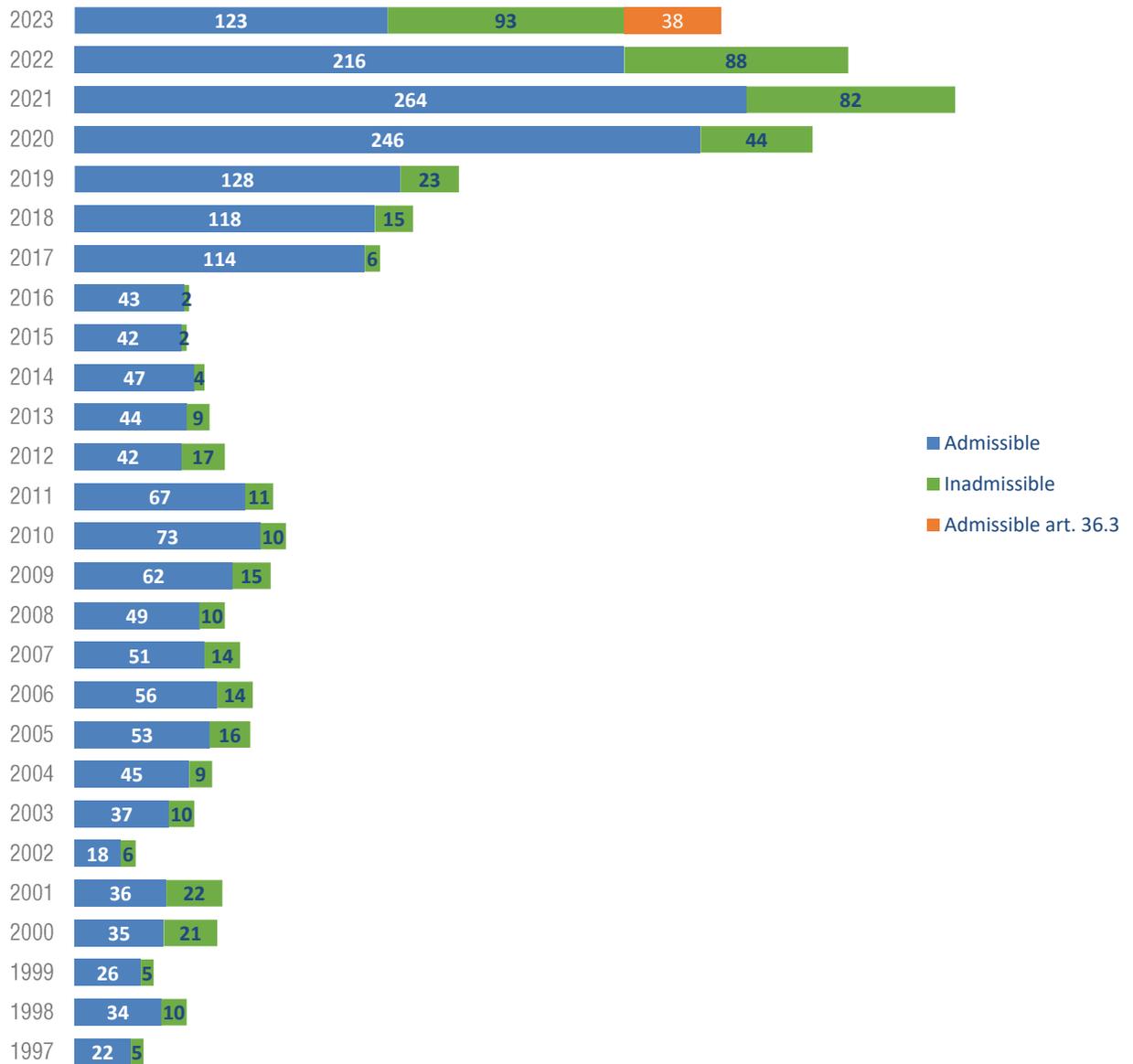
Inactive petitions at the initial study stage filed by country

Total: 3,327*



* The petitions shown in the graph correspond to inactive petitions in the initial study stage filed under Resolution 1/23 implementing Article 42 of the Rules of Procedure of the **IACHR**.

Decisions on admissibility adopted* by Year

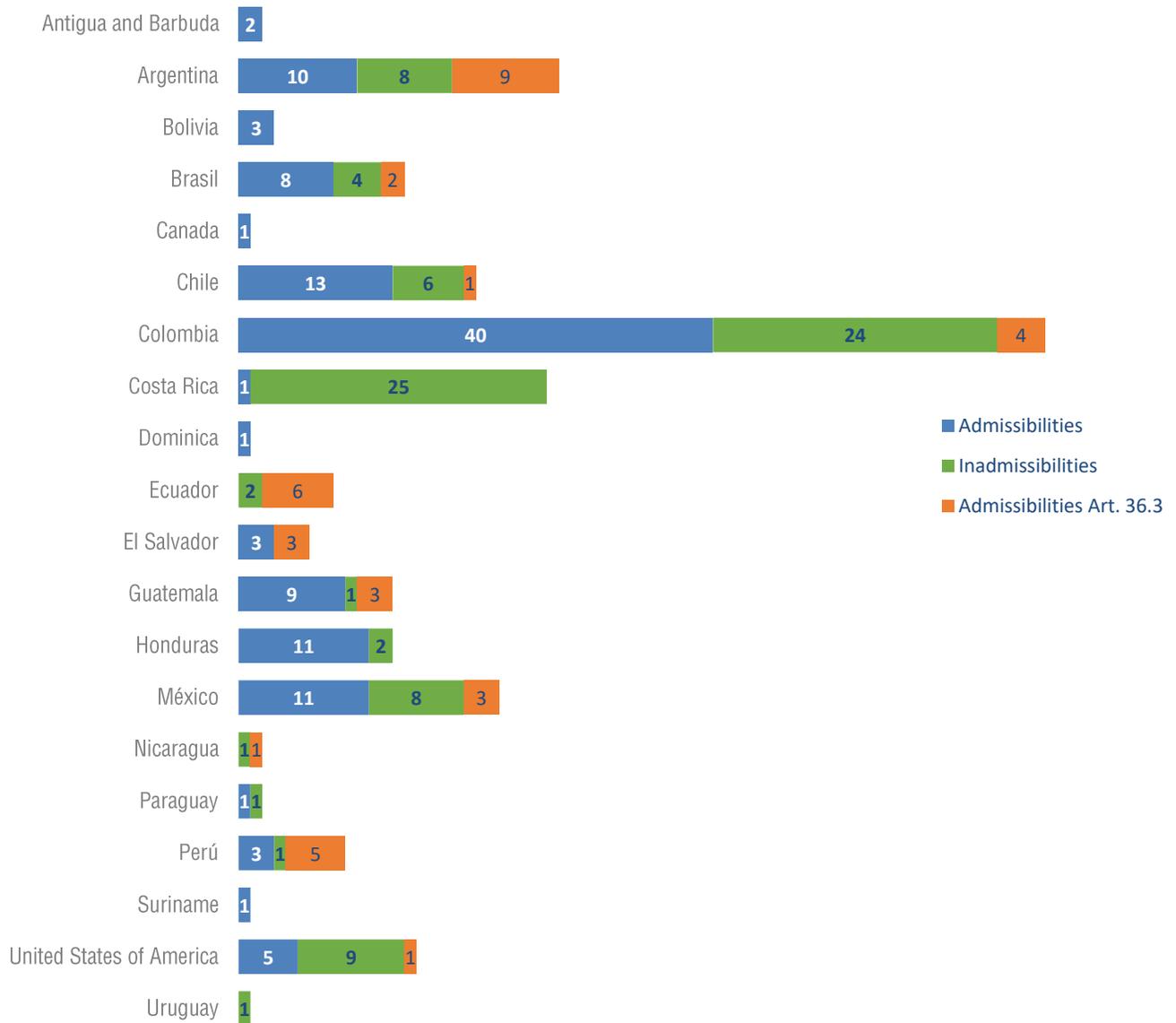


* Admissibility is the stage in which the **IACHR** determines if a petition meets the admissibility requirements set forth in Articles 46 and 47 of the American Convention on Human Rights, in accordance with the procedure established in Articles 30 and 36 of the Rules of Procedure of the Commission.

As of 2023, the decisions in which the admissibility treatment was deferred until the debate and decision on the merits under Article 36.3 of the Rules of Procedure of the Inter-American Commission are incorporated.

Decisions on admissibility adopted by country*

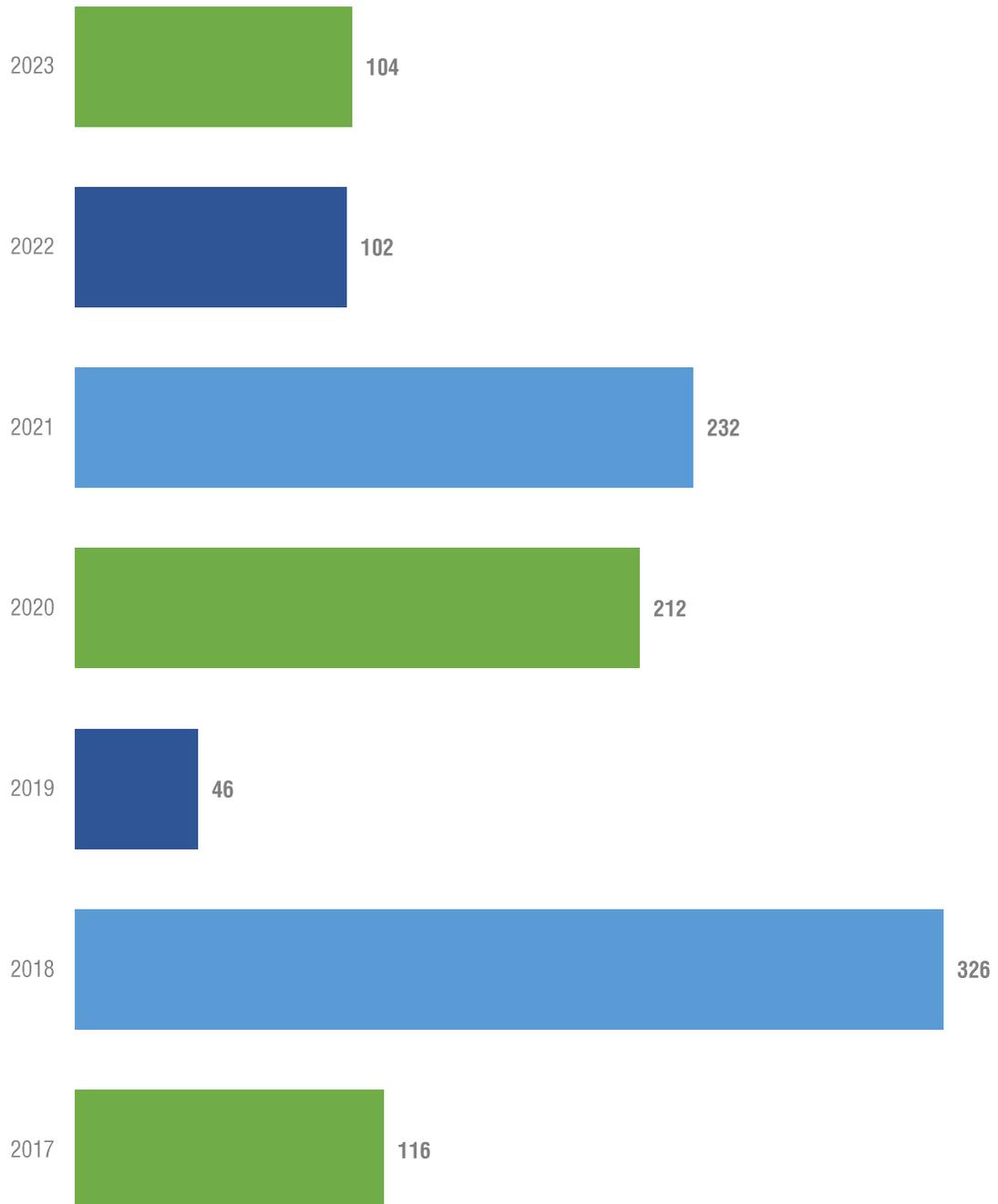
Total: 254



* Admissibility is the stage in which the **IACHR** determines if a petition meets the requirements set forth in Articles 46 and 47 of the American Convention . Merits is the stage in which the **IACHR** decides on the merits of the case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights.

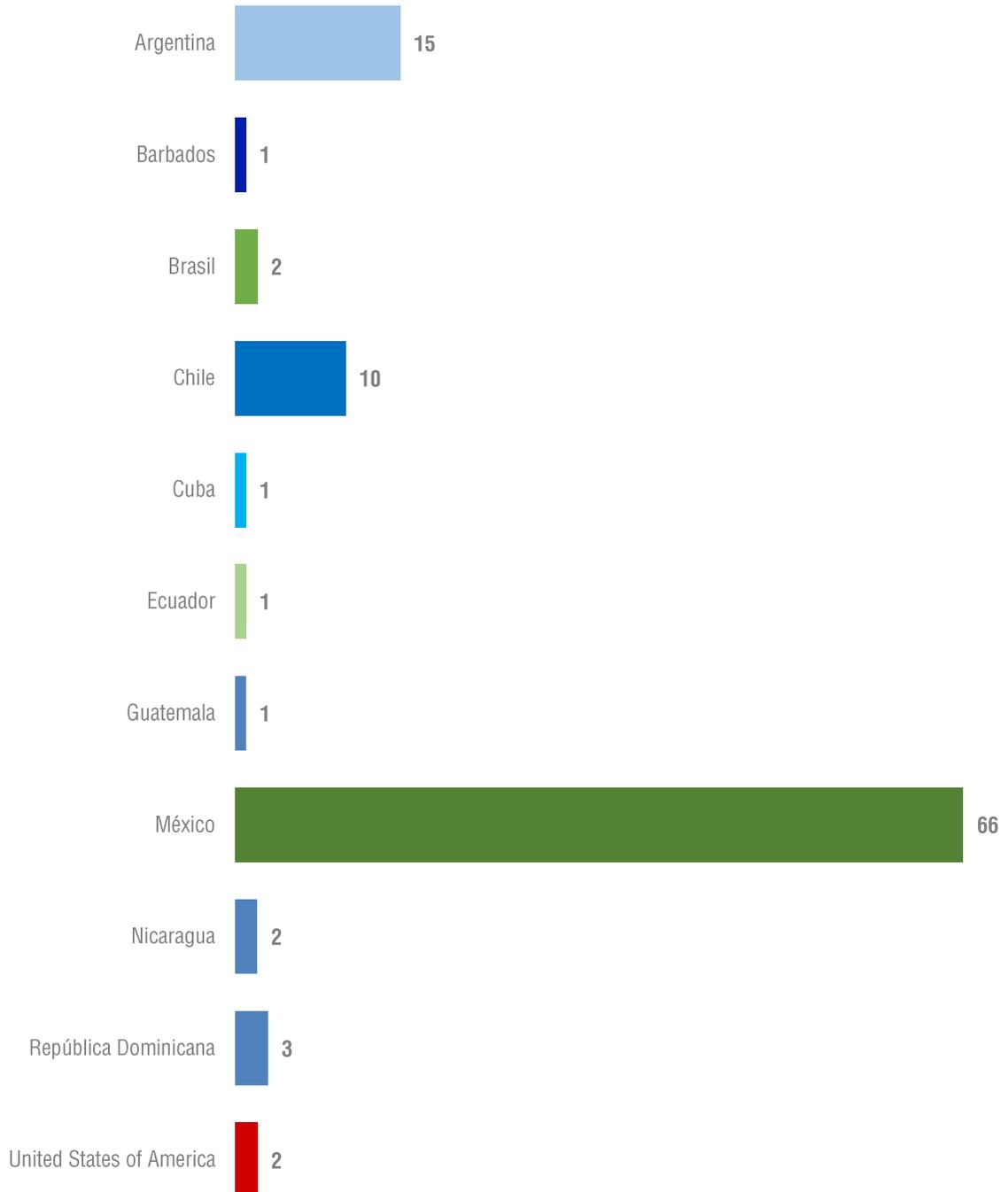
As of 2023, the decisions in which the admissibility treatment was deferred until the debate and decision on the merits under Article 36.3 of the Rules of Procedure of the Inter-American Commission are incorporated.

Application of resolution 1/16
by Year



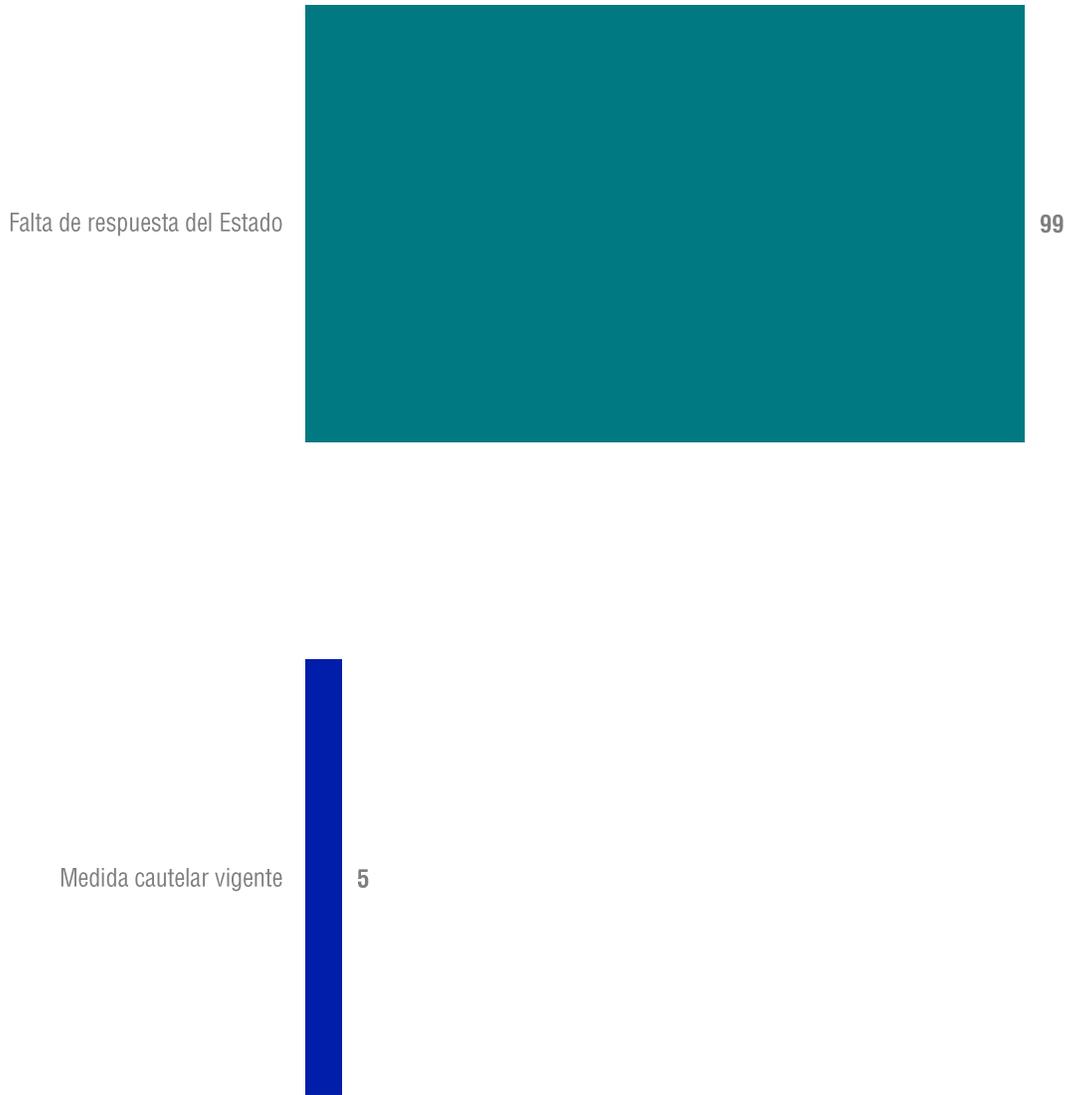
Application of Resolution 1/16 by country

Total: 104

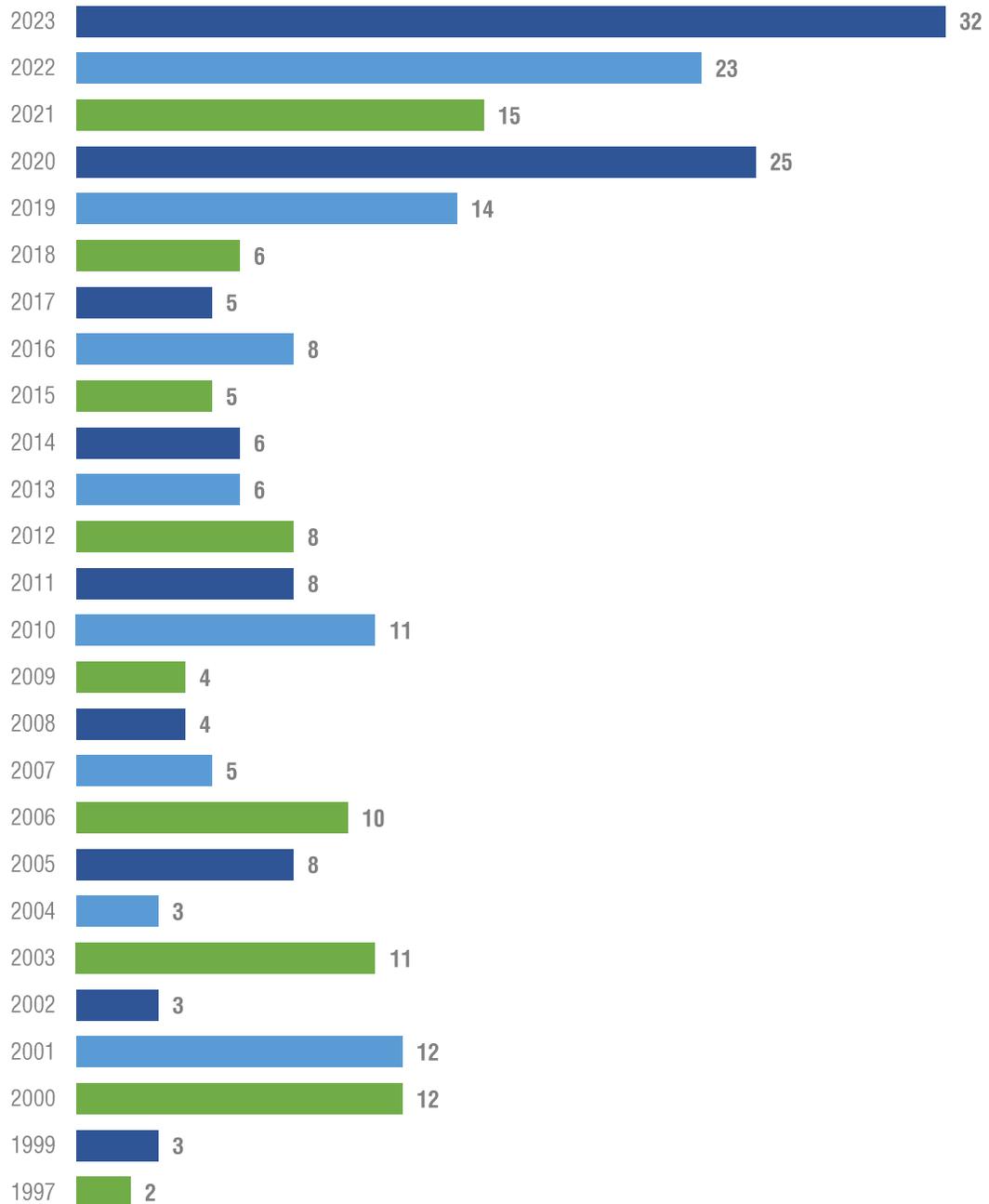


Application of Resolution 1/16 by category

Total: 104

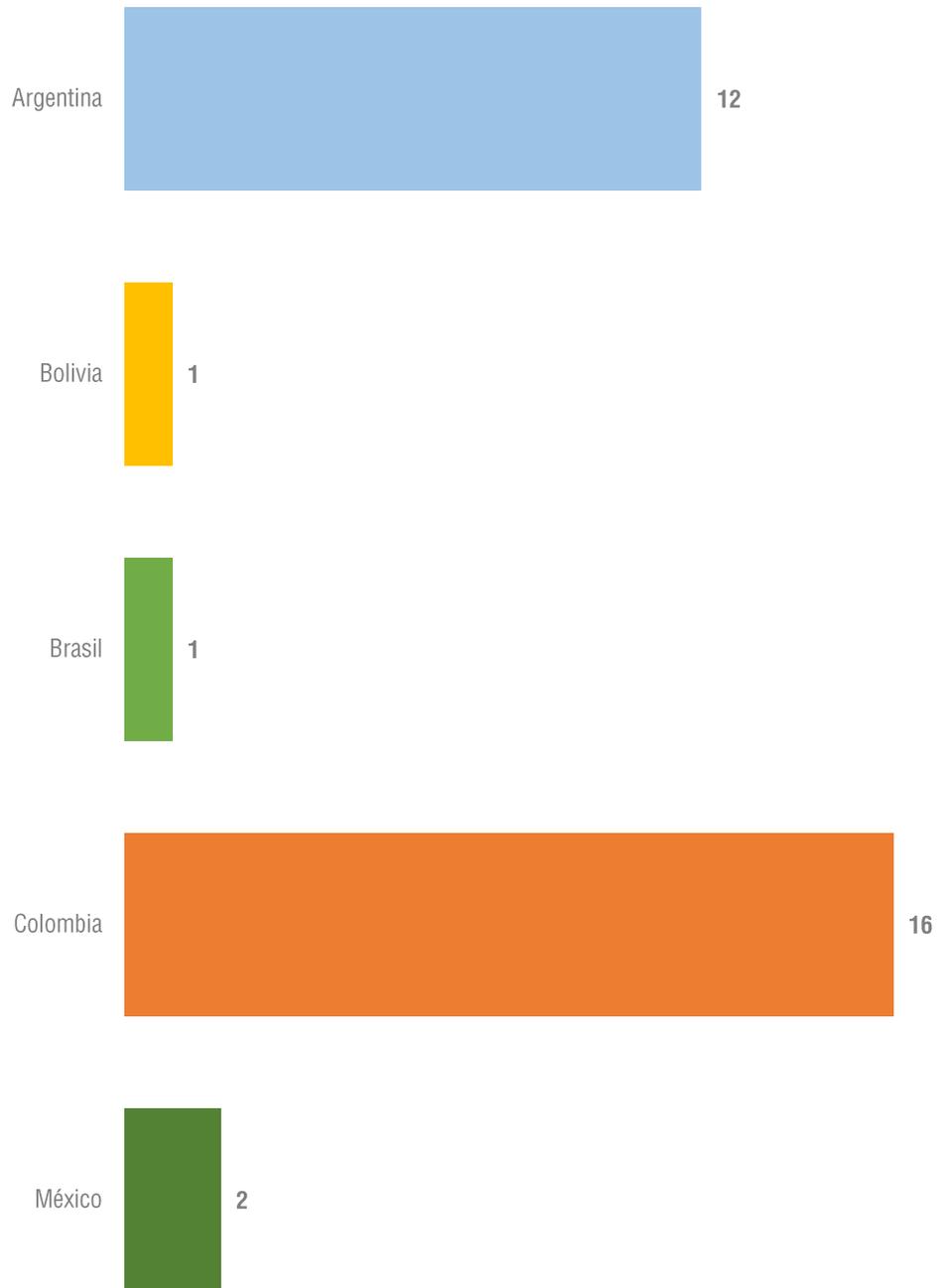


Reports on friendly settlement published by Year



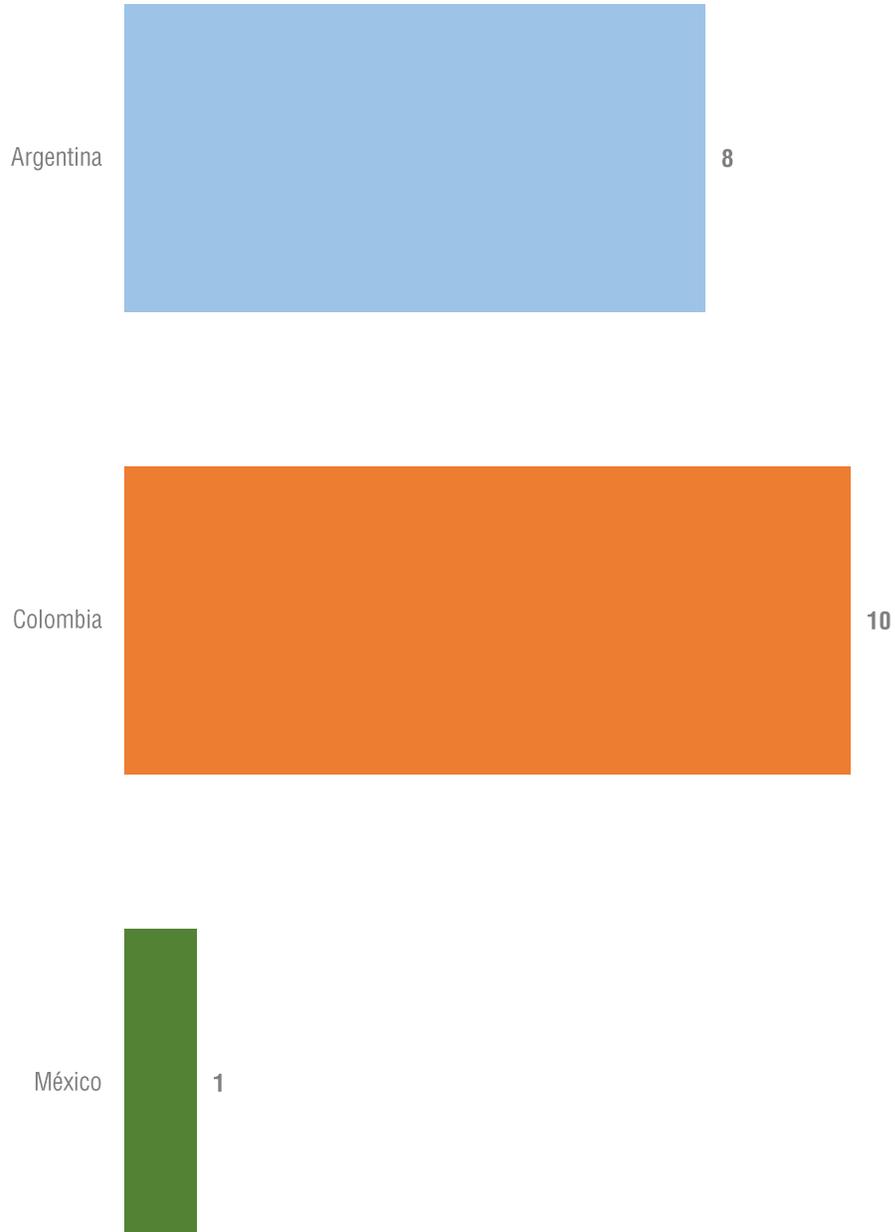
* A petition or case can, at any time in the admissibility or merits stage, enter into a friendly settlement process between the parties.

Reports on friendly settlement published by country
Total: 32

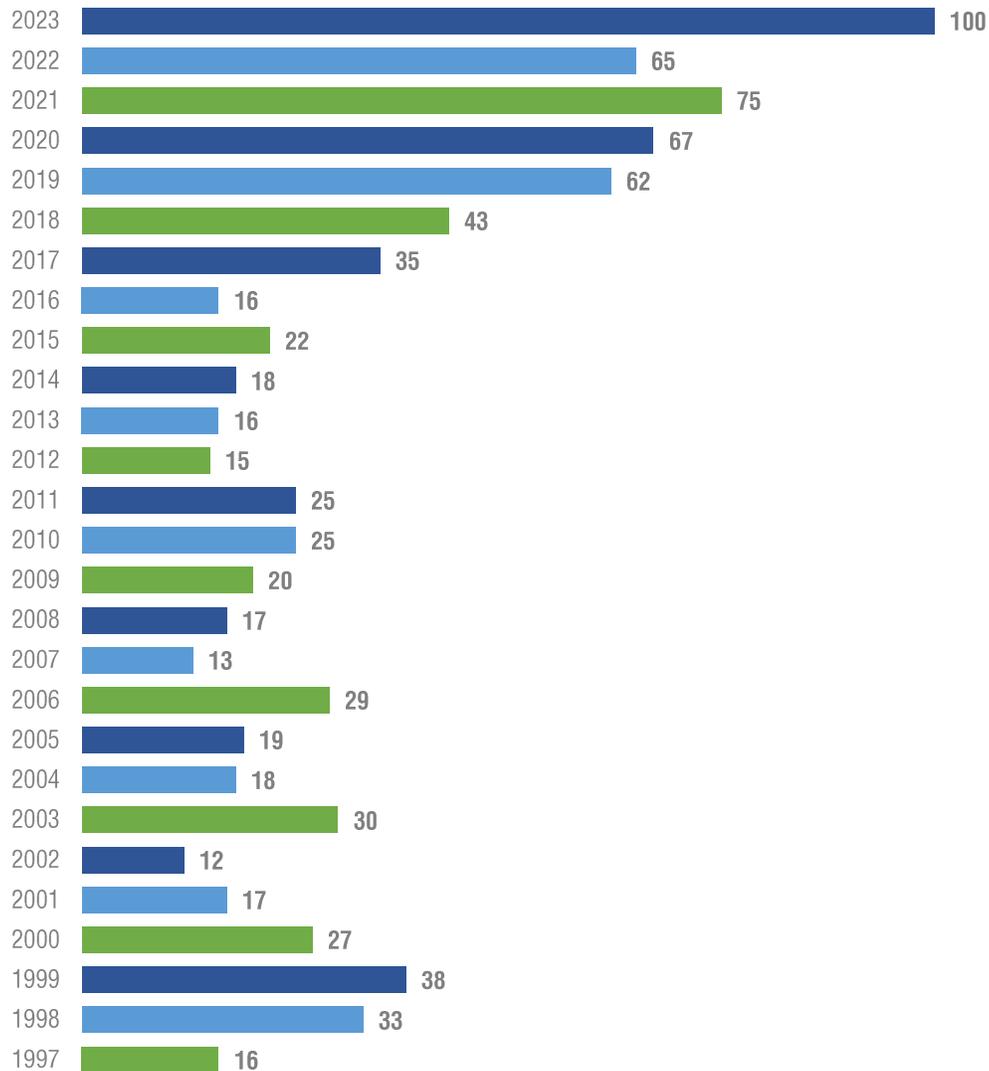


Friendly settlement agreements signed by country

Total: 19



Reports on the merits approved* by Year



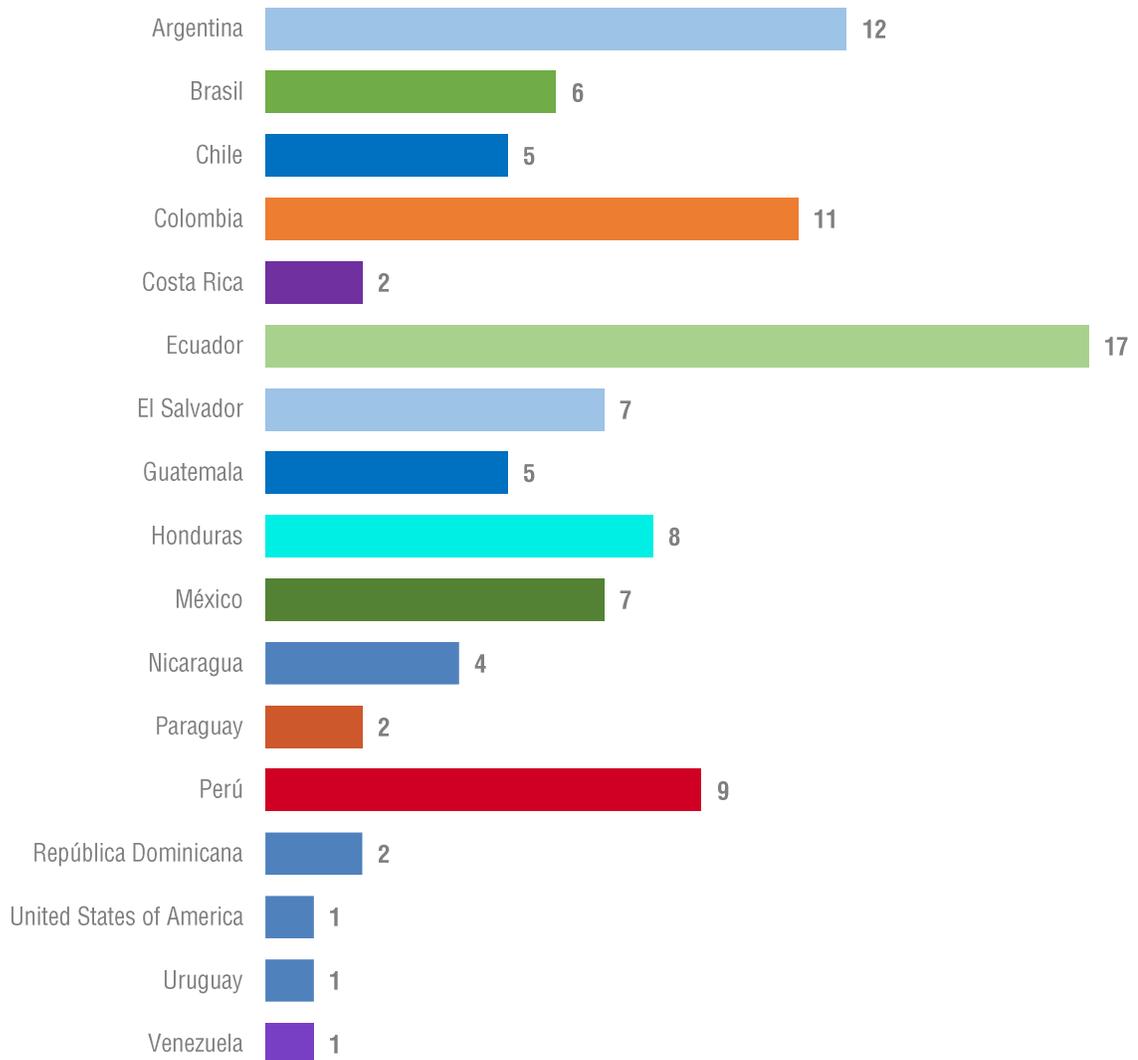
* Merits is the stage in which the **IACHR** decides on the merits of the case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the Commission.

Of the total number of decisions on the merits presented in the graph for 2023, 38 correspond to decisions in which admissibility treatment was deferred until the discussion and decision on the merits under Article 36.3 of the Rules of Procedure of the Inter-American Commission.

The decisions on the merits presented in the graph include cases decided by the IACHR pending notification to the parties.

Reports on the merits adopted by country*

Total: 100

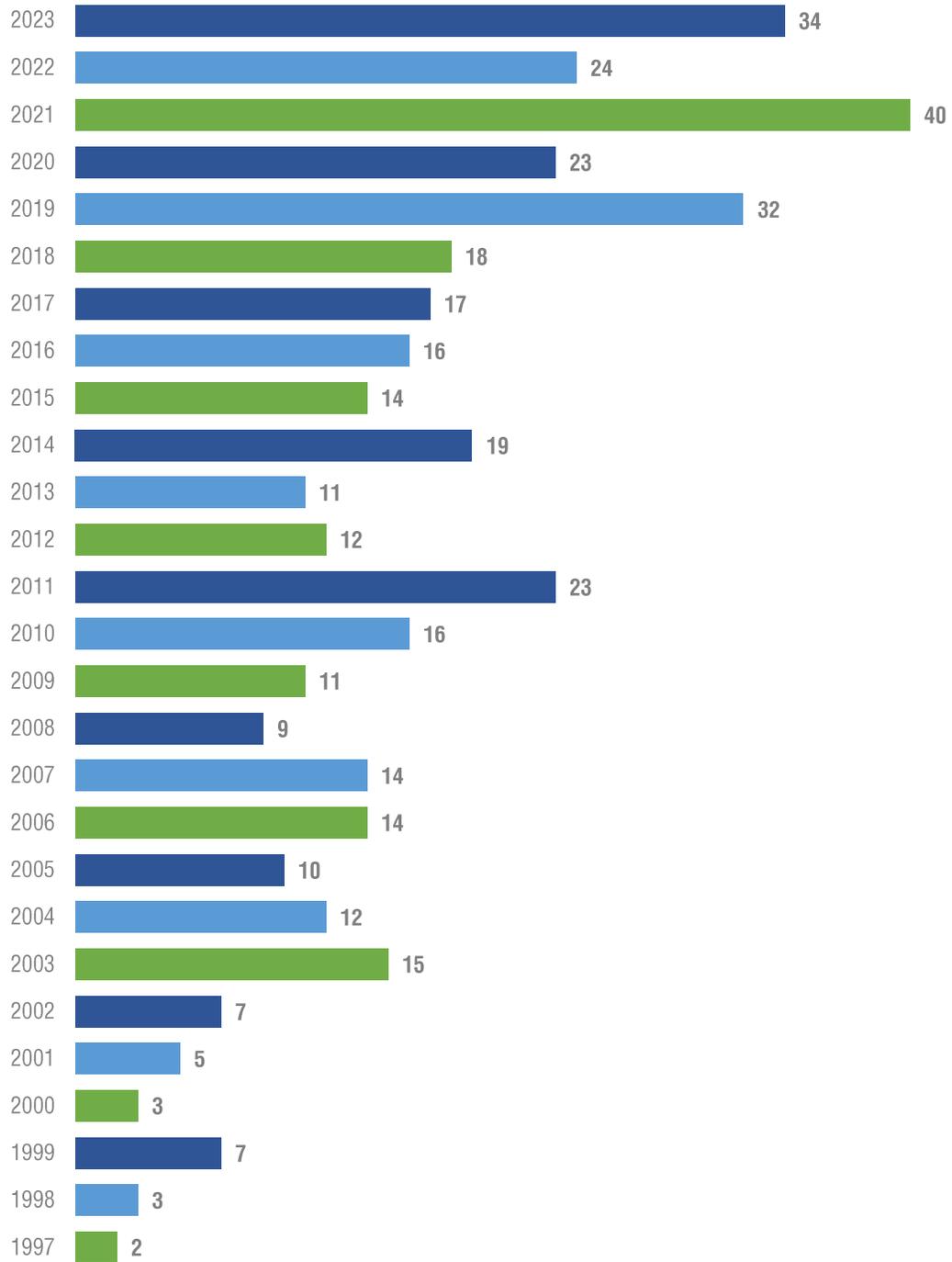


* Merits is the stage in which the **IACHR** decides on the merits of the case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the Commission.

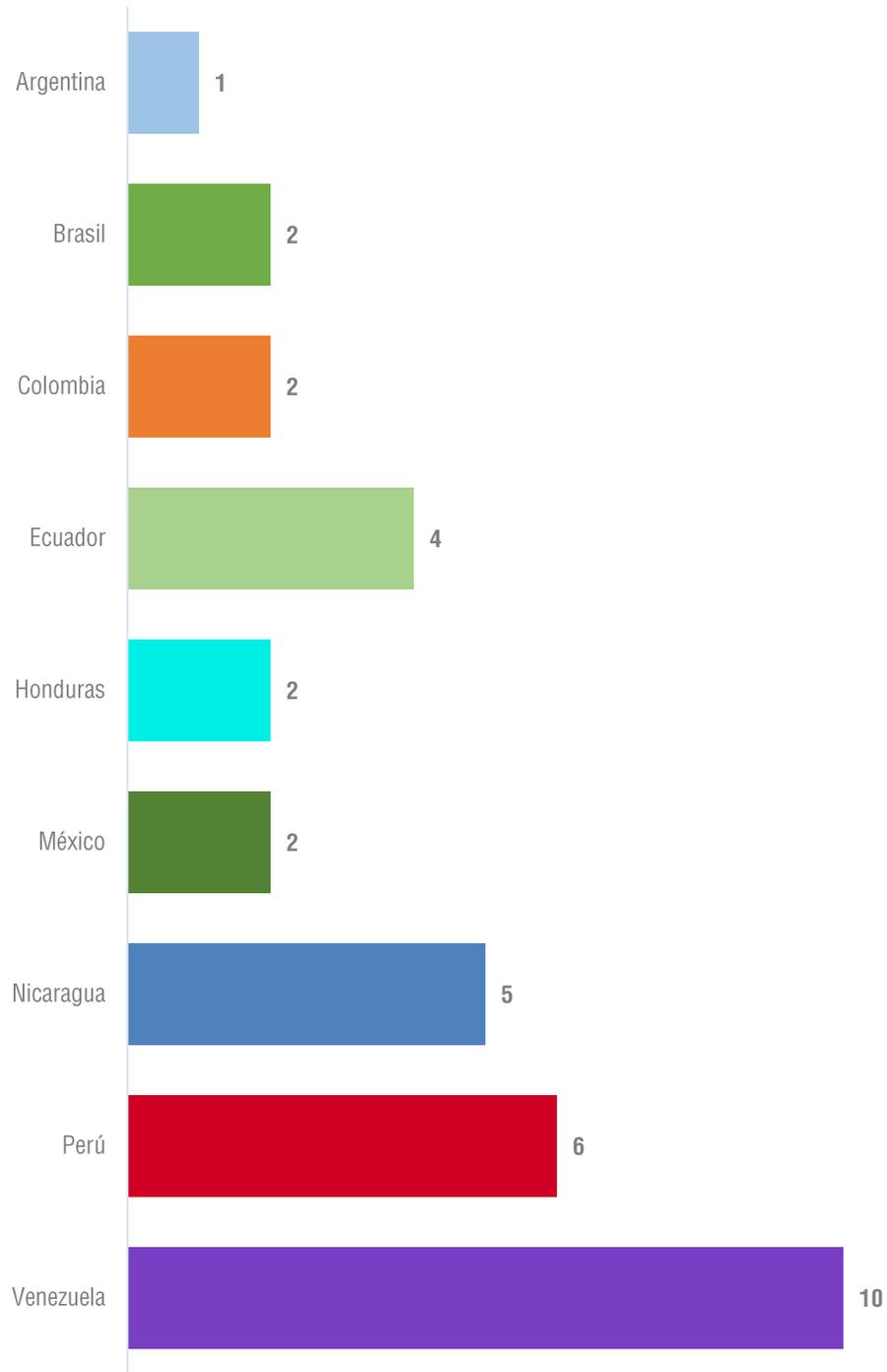
Of the total number of decisions on the merits presented in the graph for 2023, 38 correspond to decisions in which admissibility treatment was deferred until the discussion and decision on the merits under Article 36.3 of the Rules of Procedure of the Inter-American Commission.

The decisions on the merits presented in the graph include cases decided by the IACHR pending notification to the parties.

Cases submitted to the I/A Court H.R. by Year

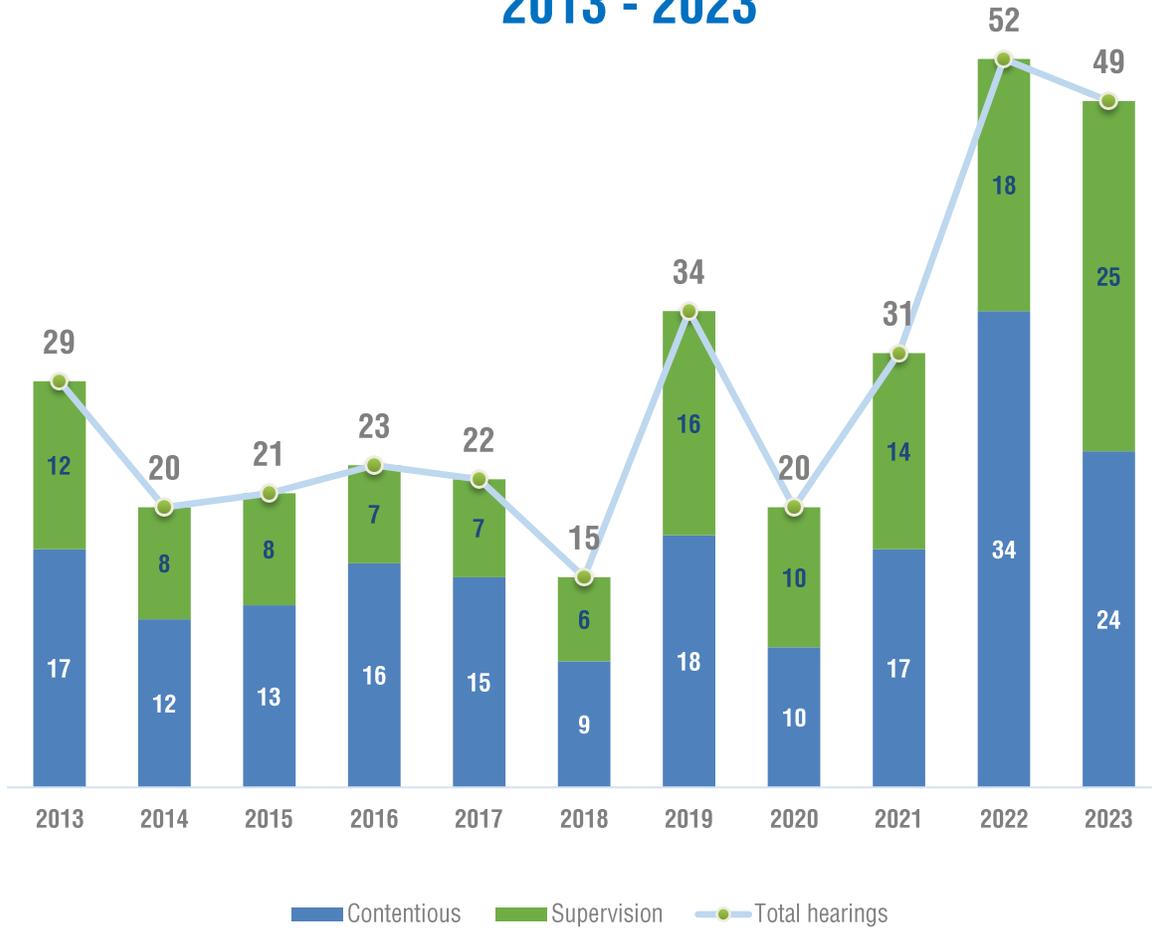


Cases submitted to the I/A Court H.R. by country
Total: 34



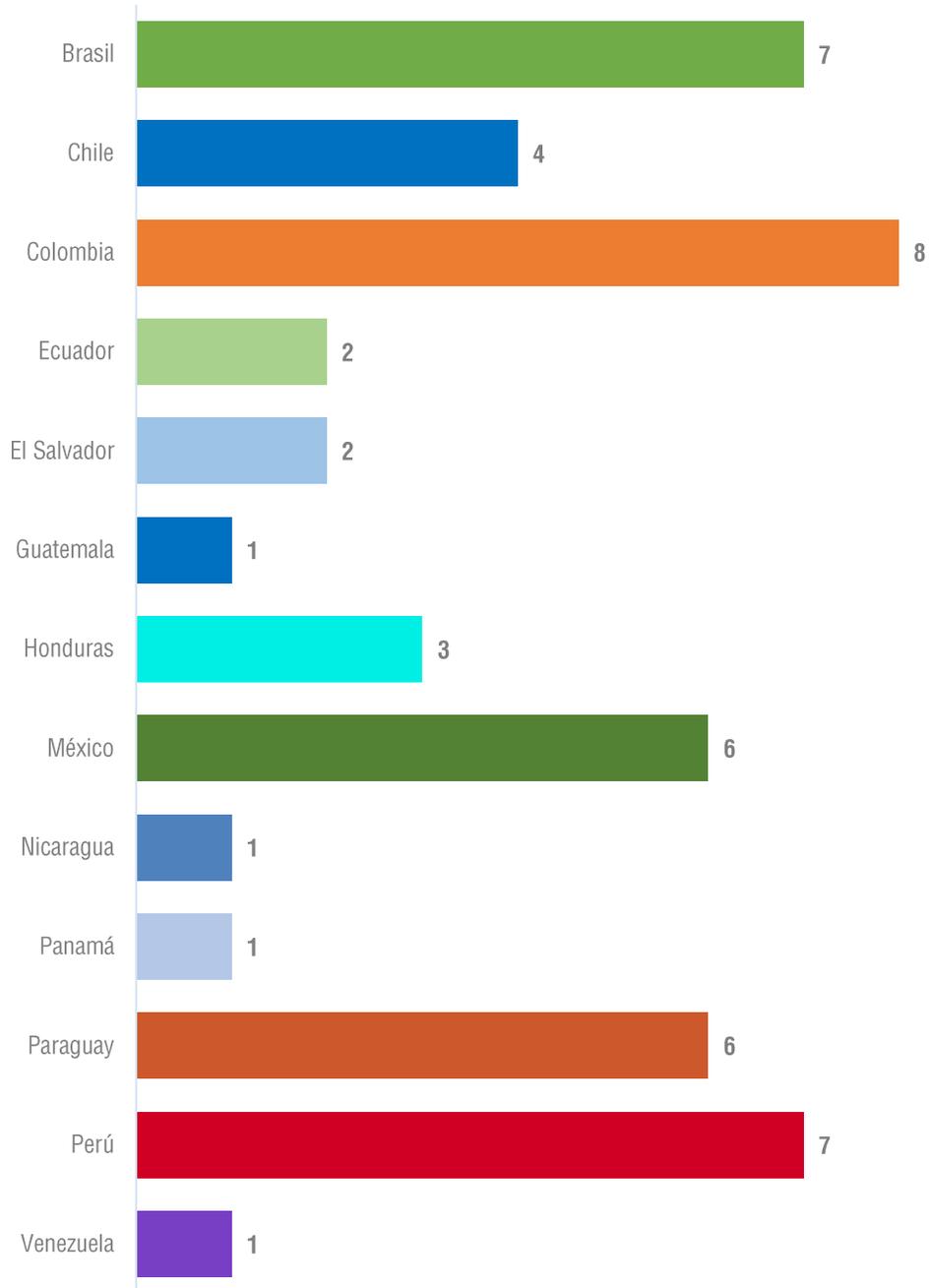
Hearings in which the **IACHR** participates
in the **I/A Court H.R.**

2013 - 2023



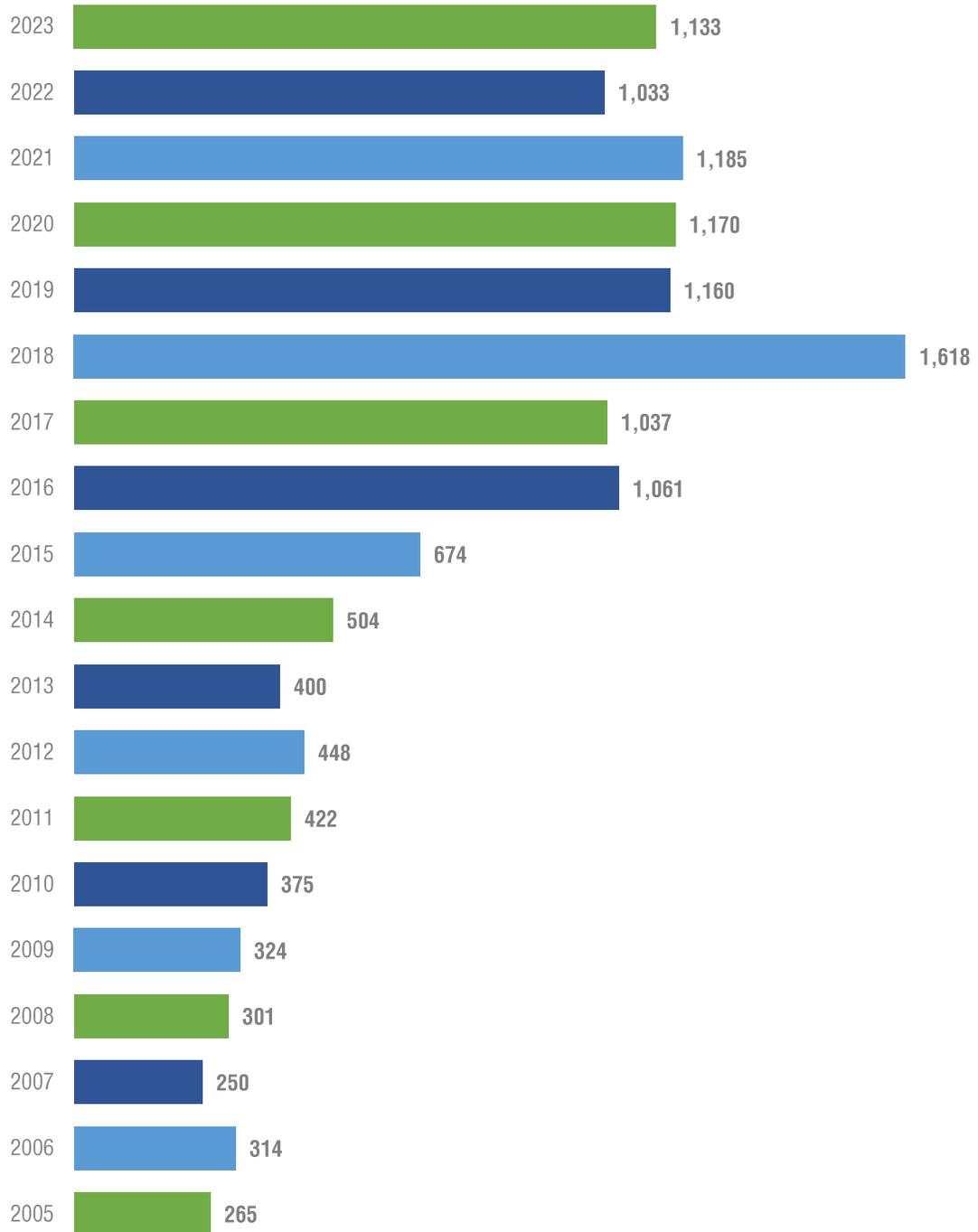
Note: The chart reflects the number of hearings of cases pending or supervised before the I/A Court H.R.

Hearings before the I/A Court H.R. by country*
Total: 49



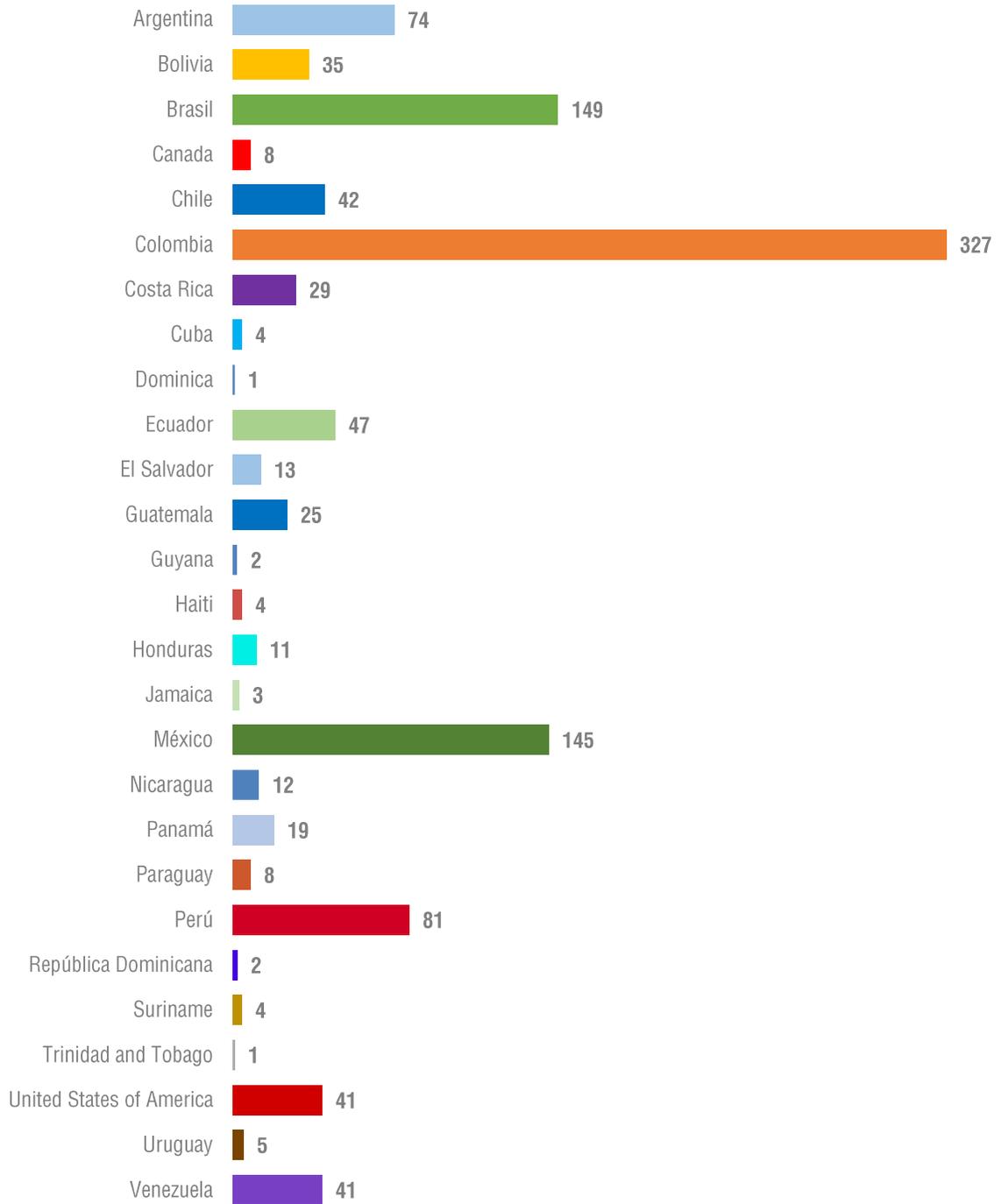
* The number refers to hearings related to contentious cases in process or under the supervision of judgment.

Requests for precautionary measures received
by Year

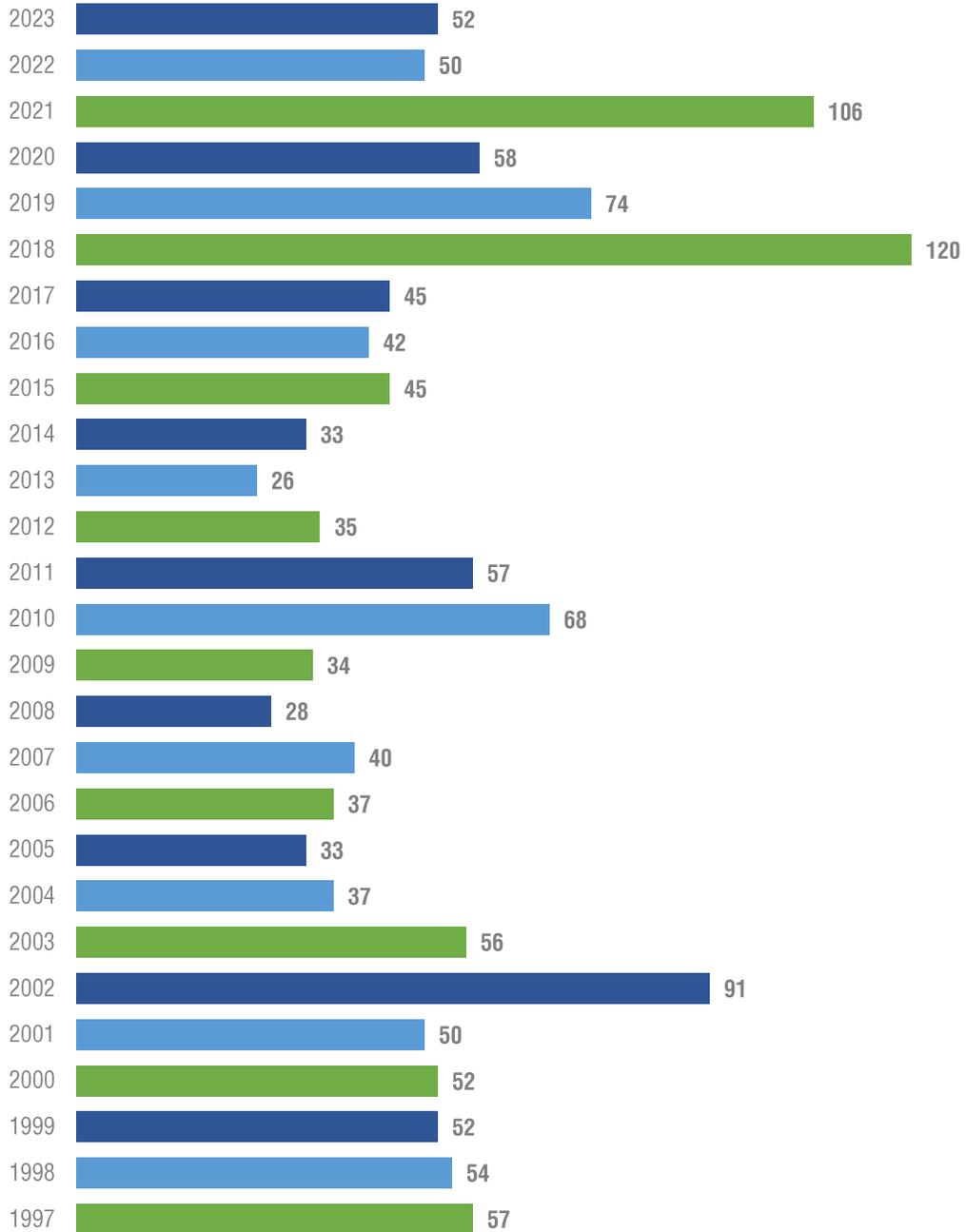


Requests for precautionary measures received by country

Total: 1,133

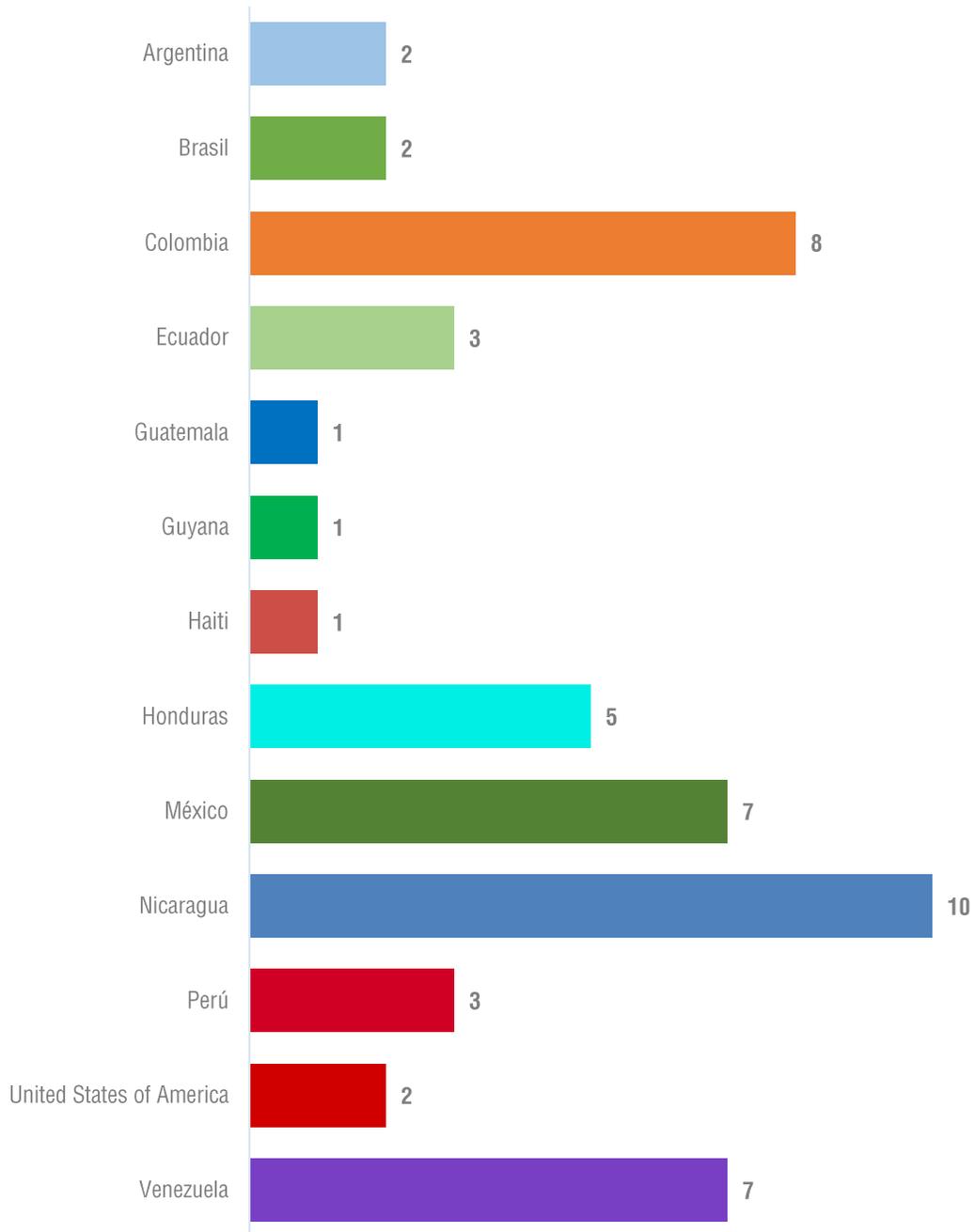


Precautionary measures granted or extended
by Year*



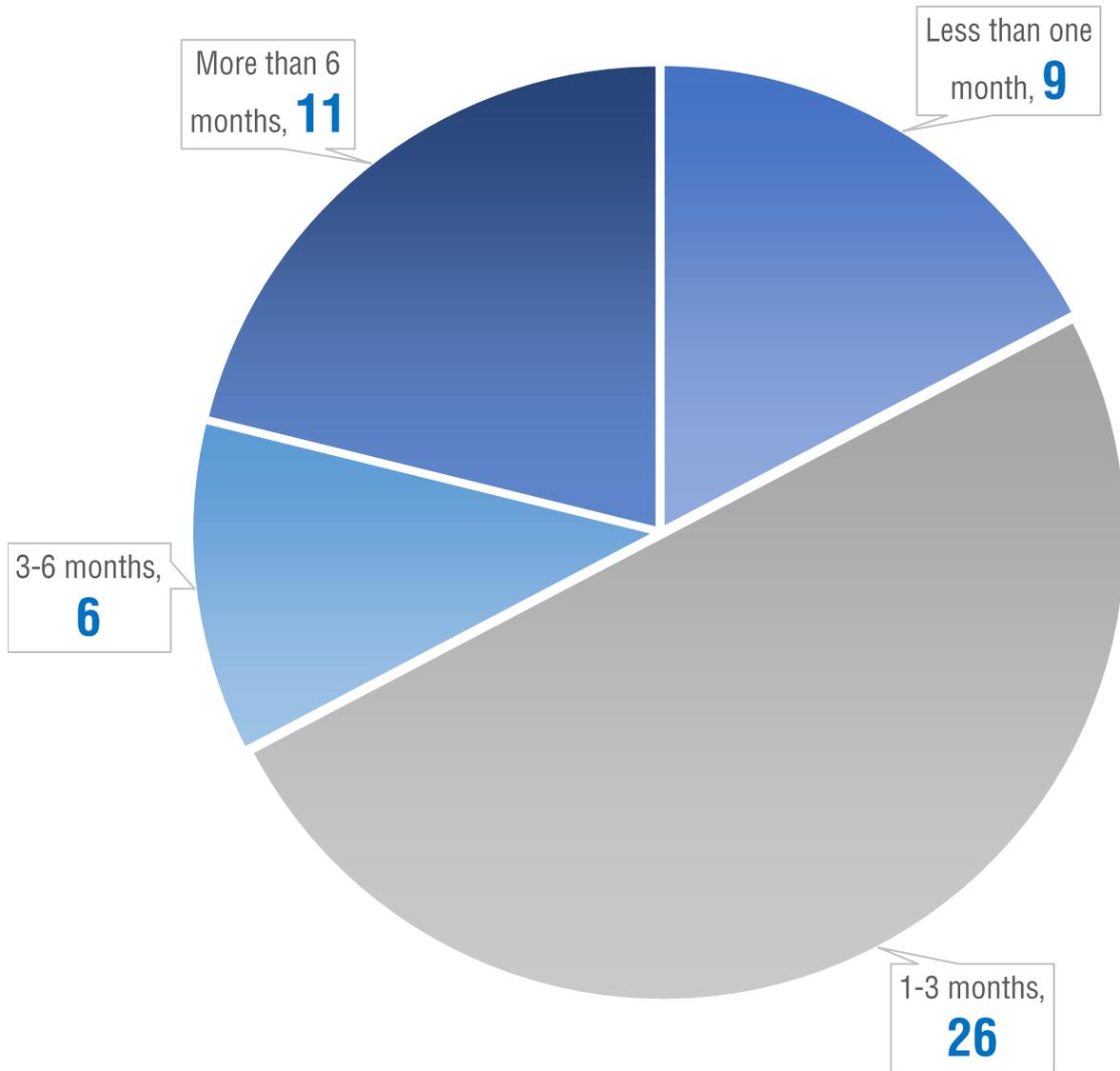
* Precautionary measures granted may include requests presented in previous years.

Precautionary measures granted or extended per country
Total: 52*



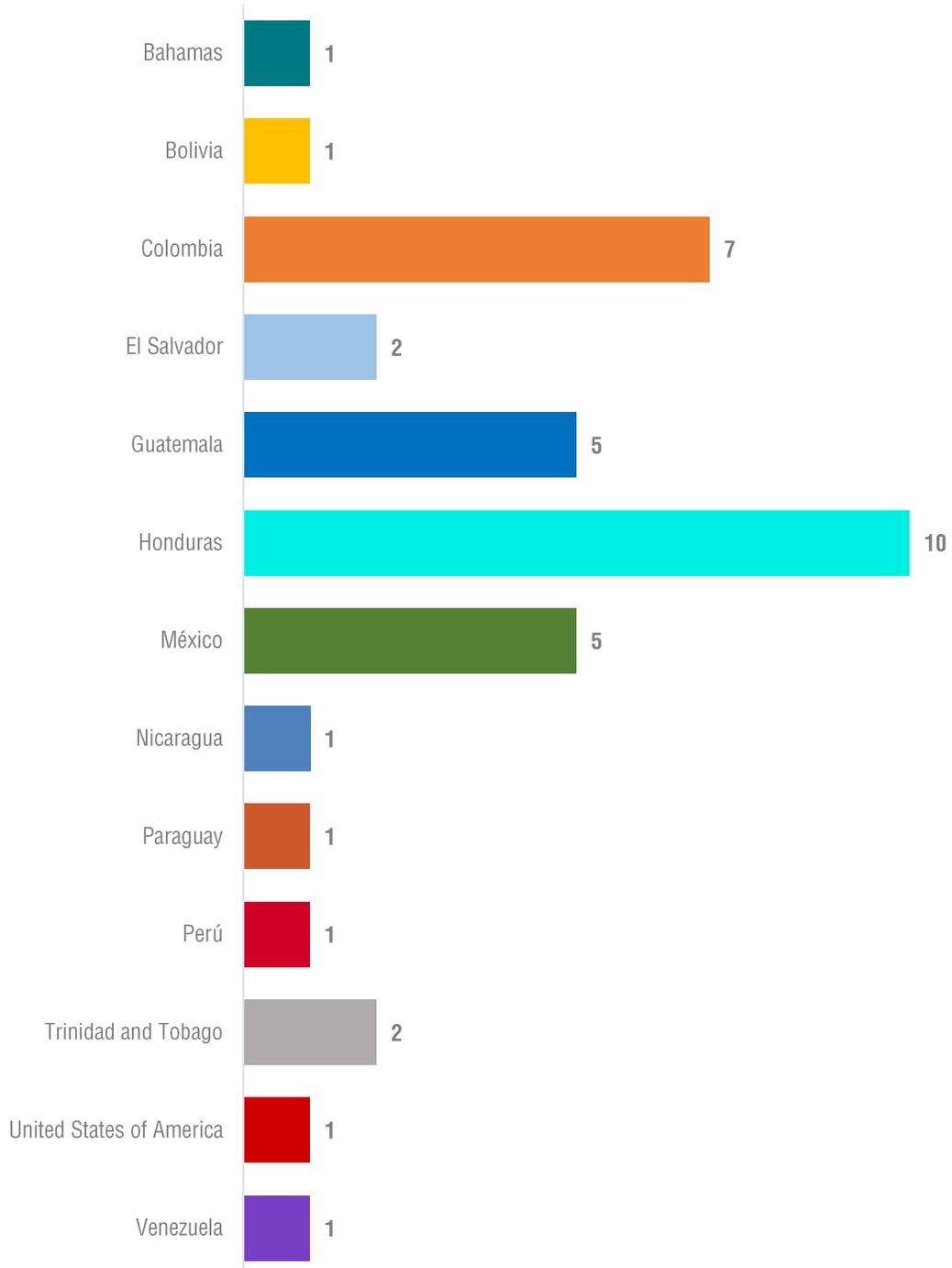
* The total may also include decisions of requests received in previous years.

Granting or extension time of precautionary measures

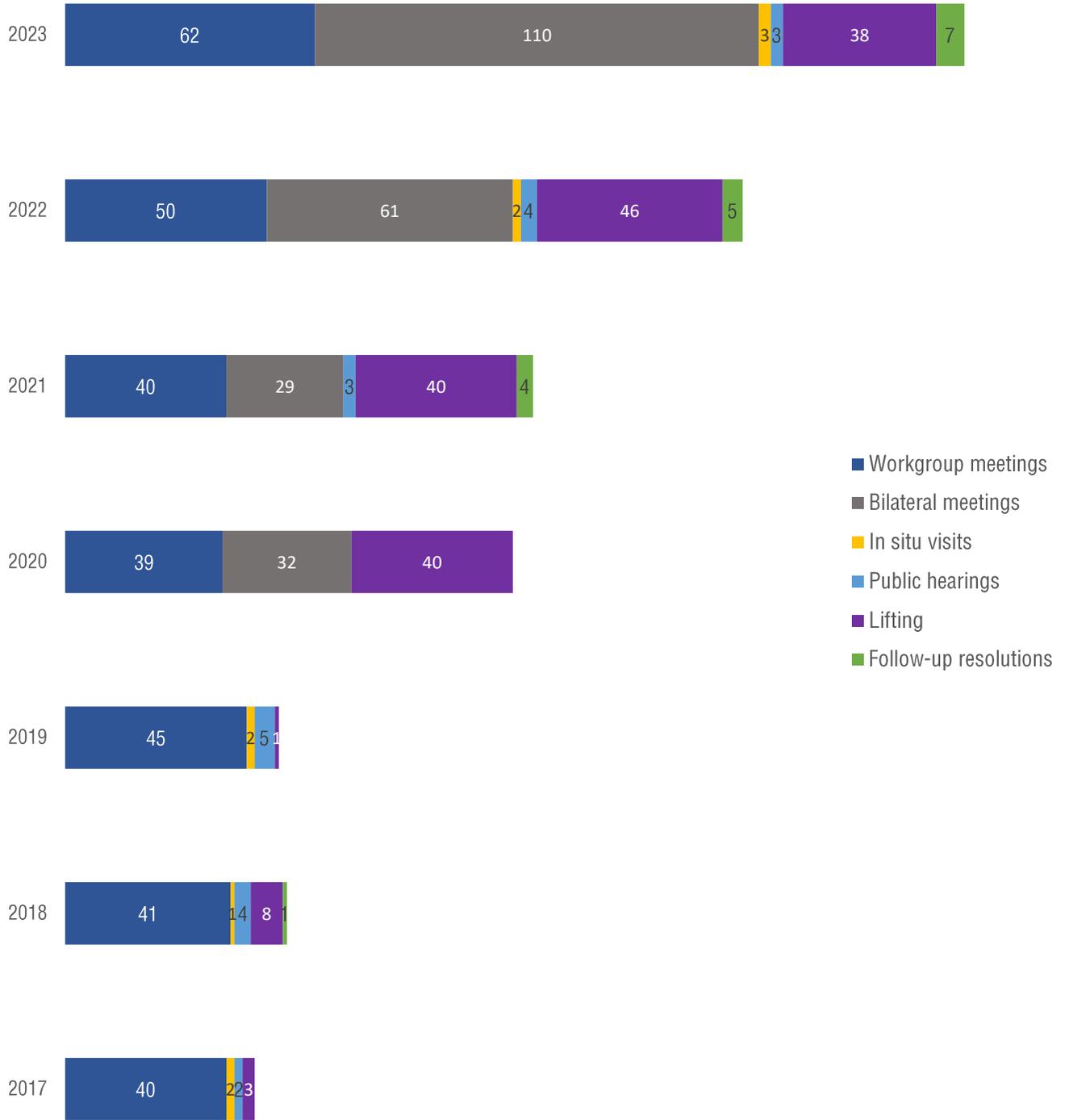


Precautionary measures lifted by country

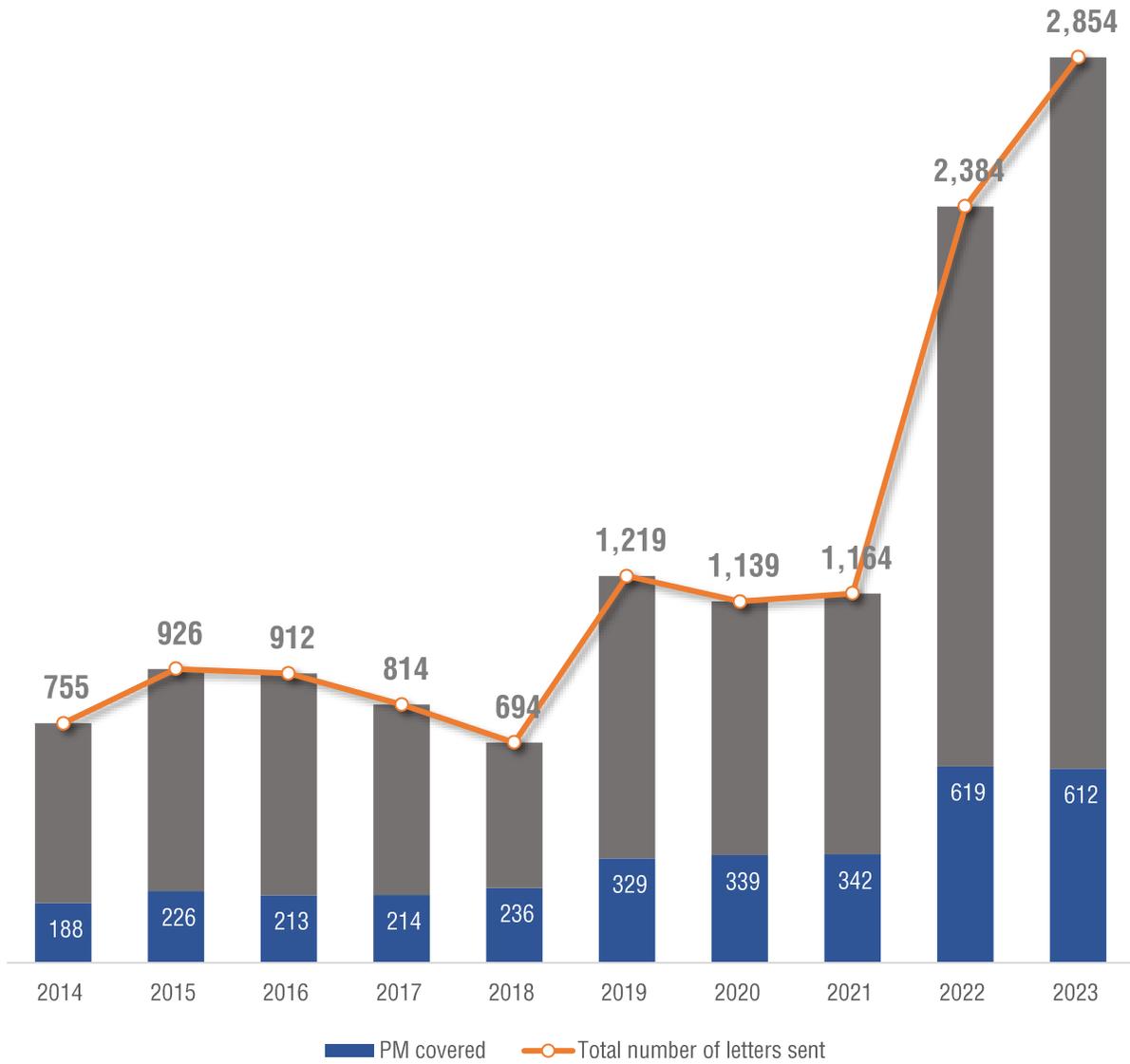
Total: 38



Follow-up actions of precautionary measures in force by Year



Letters sent by the IACHR on precautionary measures in force
by Year



Thematic and country reports approved by Year

