



## CHAPTER II

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

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# ANNUAL REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS 2022

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## CHAPTER II

### THE SYSTEM OF PETITIONS AND CASES, FRIENDLY SETTLEMENTS, AND PRECAUTIONARY MEASURES<sup>1</sup>

#### A. Introducción

1. This chapter reflects the work done by the Inter-American Commission on Human Rights (Commission or IACHR) in 2022 with respect to its system of petitions, cases, and precautionary measures, as well as its work before the Inter-American Court of Human Rights. It is structured into six sections.

2. Section B, first of all, describes the Commission's work related to the initial study of petitions, the admissibility and merits phases, and the archiving of petitions and cases. This section also includes summaries of the most emblematic decisions adopted by the Commission, both on admissibility and on the merits, in 2022. It describes the hearings and working meetings, as well as the active transparency and information measures carried out with respect to States and reports on the next steps that will be taken under the Strategic Plan 2023-2027.

3. Second, Section C describes the activities of the Commission with regard to its friendly settlement mechanism. This section includes an analysis of the status of compliance with the recommendations in approved friendly settlement reports.

4. Third, Section D describes activities carried out by the Commission before the Inter-American Court of Human Rights.

5. Fourth, Section E covers the status of compliance with the recommendations issued in the merits reports published based on Article 47 of the Commission's Rules of Procedure and Article 51 of the American Convention.

6. Fifth, Section F sums up the activities carried out by the Commission through its mechanism of precautionary measures, as well as under its mandate to follow up on provisional measures it has requested from the Court.

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

#### B. Petitions and Cases

8. The system of petitions and cases is a unique mechanism for the protection of human rights in the region. By filing a petition with the Inter-American Commission, people who have suffered human rights violations can obtain measures of justice and comprehensive reparation with respect to the violations that have occurred. To the extent that this mechanism is functioning properly, persons whose rights have been violated have a means at their disposal for the resolution of their claims. This not only may benefit them in their

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<sup>1</sup> It should be noted that in accordance with the provisions of Article 17.2.a of the Commission's Regulations, Commissioner Margarete May Macaulay, a national of Jamaica, did not participate in the debate or the conclusions of the reports or precautionary measures referring to said country; neither did the Commissioners Esmeralda Arosemena de Troitiño in the affairs of Panama; Roberta Clark on Barbados affairs; Julissa Mantilla in the affairs of Peru; Joel Hernández García in the affairs of Mexico; Edgar Stuardo Ralón Orellana in the affairs of Guatemala; and Carlos Bernal Pulido on Colombian affairs.

particular case, but it also provides an important ability to change structural human rights violations, as a result of IACHR recommendations or friendly settlement agreements approved by the Commission or, in some cases, a judgment of the Inter-American Court. This system is an essential tool for achieving justice and reparation, combating impunity, and bringing about structural reforms in laws, policies, and practice.

9. The procedure before the Commission, under the terms of Articles 23 to 48 of its Rules of Procedure, is structured into the following procedural stages: initial study or review, admissibility, and merits. Under the terms of Article 40 of the Rules of Procedure, at any stage of the examination of a petition or case, the parties may reach a friendly settlement on the basis of respect for human rights. Likewise, once a report on the merits is issued in a case, the Commission may decide to publish it, pursuant to the terms of Article 47 of the Rules of Procedure and Article 51 of the American Convention, or to transmit the case to the Inter-American Court for the 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.

10. The following is an account of the work the IACHR performed in 2022 during the procedural stages of initial review, admissibility, and merits, along with information regarding archive decisions.

### **1. Initial Study or Review**

11. The Commission evaluates the petitions it receives in accordance with Articles 26 to 34 of the IACHR Rules of Procedure. Article 26 of the Rules of Procedure provides that the initial review of petitions is done by the Executive Secretariat, which is responsible for the study and initial processing of petitions.

12. The initial study stage verifies, based on a general or prima facie standard, that the petition meets the same requirements of admissibility and jurisdiction that will be verified in the admissibility report (Article 27). The difference is that this initial review is based only on the information sent by petitioners, because at this stage the State is not yet a participant, since the petition has not yet been opened for processing. This first examination is preliminary with respect to the review that is done in the subsequent admissibility stage. In addition, Article 26(2) of its Rules of Procedure authorizes the Executive Secretariat, if necessary, to request additional information from petitioners in order to complete some specific aspect of a petition before making a decision at this first stage.

13. The IACHR, through its Resolution 1/19, has laid out rules regarding the possibility that in cases when there has been a decision not to open a petition for processing, the petitioners may request that the Executive Secretariat carry out a new initial review, as long the request is made under the terms specified in the resolution. The Executive Secretariat prioritizes the initial review of petitions and responds to these requests for a new review periodically, in chronological order, depending on the resources it has available.

14. In 2022, the Commission received a total of 2,440 petitions; by the end of 2022, it had evaluated 2,344 petitions in total (96%), resulting in 340 decisions to open for processing, 1,864 rejections, and 140 requests to petitioners for additional information. This means that only 14% of the total petitions received were found to have met the procedural requirements to open a case, and the remaining 86% of petitions were found not to meet all the requirements. This rigorous analysis process enables the Commission, through its initial evaluation decisions, to protect the subsidiary and complementary nature of the inter-American system, both from a procedural standpoint (when domestic remedies have not been exhausted or an exception does not apply) as well as a substantive one (when the acts in question do not constitute a violation of rights recognized in the instruments under its jurisdiction).

15. The results obtained in 2022 consolidates the trend the IACHR achieved as a result of its Strategic Plan 2017-2021, which is detailed in its annual reports from that period. This progress translates into

the elimination of the procedural backlog that had existed at this stage; as of 2017, the Commission reported that there were [4,002 petitions](#) pending initial evaluation.

16. The IACHR will continue to work to reduce the wait times for notifying both parties of the initial evaluation decisions in which it decided to open a petition for processing. Currently, the Commission has 1,446 petitions pending notification; these were lodged with respect to 25 of the Organization's Member States, this means 15% less than those reported at the beginning of this year. During 2022, the Commission issued 681 notifications of decisions to open for processing, as established in Article 30 of the Commission's Rules of Procedure, and 78 decisions to archive the petition at this stage, as provided in Article 42 of the same instrument.

17. The notification of decisions to open for processing, in line with Article 30 of the Rules of Procedure, was done based on the chronological criterion. Thus, petitions pending through 2015 represented 13% (89) of the notifications in 2022. The prioritization criteria established in Article 29(2) of the Rules of Procedure also continued to be applied, with one or more of the criteria identified in 23% (157) of the petitions notified during the year.

## 2. Admissibility and Merits

18. During 2022, in accordance with Articles 30 to 36 of its Rules of Procedure, and Articles 44 to 48 of the American Convention, the Commission approved a total of 303 admissibility and inadmissibility reports, 215 of which were decisions on admissibility and 88 on inadmissibility.

19. Likewise, in accordance with the provisions in Article 37 of the IACHR Rules of Procedure, Article 20 of its Statute, and Article 50 of the American Convention, the Commission adopted a total of 65 merits reports, which examined States' international responsibility in light of the international treaties under its jurisdiction. The Commission also issued, where appropriate, recommendations to provide comprehensive reparations for the violations that occurred. Such reports are confidential, in accordance with Article 44 of the Rules of Procedure and Article 50 of the American Convention. During 2022, the Commission prepared two preliminary reports and two final reports, in accordance with Article 47 of the Rules of Procedure; it will deliberate on these in early 2023.

20. Meanwhile, in 2022 the Commission continued to implement Resolution 1/16, *On Measures to Reduce the Procedural Backlog*, adopted on October 18, 2016. Thus, based on the provisions of Article 36(3) of its Rules of Procedure, it provided notification that it was deferring its treatment of admissibility until the merits stage with respect to 102 petitions in which some of the six scenarios laid out in that resolution applied. Notably, in 83% (85) of these notifications the criterion that was applied was the lack of a response from the State in question during the admissibility stage.

21. The volume of admissibility and merits reports is consistent with the results achieved because of the measures adopted by the Commission in its Strategic Plan 2017-2021, which led to historic progress in the number of reports the IACHR adopted, as laid out in its previous annual reports.

## 3. List of Admissibility Decisions

22. This section includes a total of 303 admissibility and inadmissibility reports: 215 on admissibility and 88 on inadmissibility.

## a. Admissibility Reports

No.	Name of Alleged Victim	State	Report No.	Date of Approval	Petition or Case No.	Assigned Case No.
1	Membros da Carteira de Previdência dos Advogados do IPESP [Members of the Social Security Fund for IPESP Lawyers]	Brazil	2/22	2/9/2022	1604-13	14.880
2	Óscar Navarrete Saavedra	Chile	3/22	2/9/2022	1706-11	14.881
3	Tomás Casella Santos, Wellington Sarli Pose, and Eduardo Radelli Cóppola	Chile	4/22	2/9/2022	1374-12	14.882
4	Norma E. Pino Manríquez et al.	Chile	6/22	2/9/2022	1696-14	14.883
5	Wilson Castro Vásquez and Family	Colombia	7/22	2/9/2022	776-08	14.884
6	Jairo Rocha González and Family	Colombia	8/22	2/9/2022	1889-10	14.885
7	William José Bernal Pava et al.	Colombia	10/22	2/9/2022	651-11	14.886
8	Blanca Ruth Sánchez de Franco and Family	Colombia	12/22	2/9/2022	1035-11	14.887
9	Orlando Hernández Ramírez and Relatives	Colombia	13/22	2/9/2022	1332-11	14.888
10	Eladia Méndez Bautista	Colombia	14/22	2/9/2022	1095-12	14.906
11	Adela Vanín de Dueñas	Colombia	16/22	2/9/2022	574-17	14.907
12	Christian Javier Jácome Caicedo	Ecuador	17/22	2/9/2022	328-12	14.889
13	Juan Carlos Calderón Vivanco and Christian Gustavo Zurita Ron	Ecuador	18/22	2/9/2022	1975-12	14.890
14	Families of the 15 victims of the "December murders"	Suriname	19/22	2/9/2022	1212-14	14.891
15	Miguel Ángel Fernández	Argentina	20/22	3/1/2022	2002-13	14.908
16	Horacio Ricard Neuman	Argentina	22/22	3/9/2022	1394-10	14.940
17	Daniel Benigno Marrero Tagle	Argentina	23/22	3/9/2022	569-12	14.909
18	Mirta Araceli Teresita Pravisani	Argentina	24/22	3/9/2022	1457-12	14.910
19	Eduardo Elías Cerda Ángel et al.	Chile	26/22	3/5/2022	949-07	14.916
20	Héctor Hernán Saldivia Oteí	Chile	27/22	3/9/2022	1207-13	14.917
21	Olman Alberto Plazas Adame and Relatives	Colombia	28/22	3/5/2022	810-11	14.911
22	Luis Bernardo Díaz Gamboa et al.	Colombia	29/22	3/7/2022	1113-08	14.933
23	José Ademar Jiménez Tobar et al.	Colombia	31/22	3/7/2022	1977-12	14.912
24	Edgardo Surmay Soto,	Colombia	32/22	3/8/2022	871-11	14.939

	Leandro José Surmay Terán, and Relatives					
25	Isnardo León Mendoza and Relatives	Colombia	33/22	3/9/2022	1394-12	14.913
26	Javier Ramiro Devia Arias	Colombia	34/22	3/20/2022	971-12	14.915
27	Ferlín Muñoz Granada and Dolly Stella Granada	Colombia	35/22	3/20/2022	1264-11	14.918
28	Wilfredo Acevedo et al.	Colombia	36/22	3/20/2022	1333-11 and 1334-11	14.919
29	Ramón Antonio Valencia Duque	Colombia	37/22	3/20/2022	1688-12	14.921
30	Carmen Helena Pardo Noboa	Ecuador	39/22	3/1/2022	1621-15	14.920
31	Abel Marcelino Arpi Bermeo et al.	Ecuador	41/22	3/9/2022	2139-13	14.922
32	Ricardo Sayavedra Juárez	Mexico	43/22	3/5/2022	1098-12	14.928
33	Reynaldo Esteban Cárdenas González	Mexico	44/22	3/5/2022	1318-12	14.929
34	Maximiliano Castillo Almeida	Mexico	45/22	3/9/2022	1588-12	14.937
35	Silvestre González Pedrotti	Mexico	46/22	3/9/2022	1009-13	14.930
36	George Houry Layón	Mexico	47/22	3/9/2022	69-13	14.935
37	María del Carmen Aristegui Flores	Mexico	48/22	7/11/2022	2273-15	14.934
38	Ángel de la Cruz Soto	Panama	50/22	3/1/2022	1144-10	14.936
39	Mercedes Aguilar de Calderón and Relatives of former IRHE Workers	Panama	51/22	3/13/2022	982-12	14.932
40	Union of Acepar Workers	Paraguay	52/22	2/17/2022	661-11	14.938
41	Melitón Maquera Ramírez et al.	Peru	53/22	3/7/2022	846-10	14.923
42	David Bernardino Tuny Dueñas	Peru	54/22	3/10/2022	1430-12	14.924
43	Nestor Alberto Ovalle Angulo	Peru	55/22	3/20/2022	13-13	14.925
44	Víctor Alfredo Polay Campos	Peru	56/22	3/20/2022	1548-07	14.926
45	Jacqueline Edith Grosso Nuñez et al.	Uruguay	57/22	3/20/2022	85-16	14.927
46	Ignacio Rodríguez Varela	Argentina	69/22	5/2/2022	168-13	14.968
47	Carlos Martín Saayavedra	Argentina	70/22	4/24/2022	1768-11	14.959
48	Roberto Gustavo Valenzuela et al.	Argentina	71/22	4/24/2022	1267-12	14.960
49	Relatives of Haroldo Cabrera Abarzúa	Chile	74/22	4/24/2022	1274-12	14.961
50	Rubén Darío Pérez Ocampo and Family	Colombia	75/22	4/30/2022	593-12	14.941
51	Pichilín Massacre	Colombia	76/22	4/24/2022	1721-12	14.965
52	Zaida Torres and Others	United States	77/22	4/5/2022	1561-13	14.962



53	Anthony Scott and Family	Jamaica	78/22	4/15/2022	1082-14	14.963
54	Wiliam Walter Vargas Gonzalez	Argentina	79/22	4/24/2022	651-18	14.942
55	Quilombola Community of Marambaia Island	Brazil	81/22	5/8/2022	1450-09	14.969
56	Manuel Vitalino Borja Palacios and Family	Colombia	82/22	3/22/2022	1268-12	14.943
57	María Berenice Martínez Hernandez and Relatives	Colombia	83/22	3/28/2022	429-15	14.944
58	Gustavo Rojas Vargas and Family	Colombia	85/22	4/24/2022	925-09	14.945
59	Blanca Inés López Ramírez et al.	Colombia	86/22	4/24/2022	2125-12	14.946
60	Francy Omitar Tamayo et al.	Ecuador	87/22	4/12/2022	678-13 and 762-13	14.964
61	Angel Humberto Puente Viteri	Ecuador	88/22	4/12/2022	1302-13	14.947
62	Francisco Trujillo Paredes	Ecuador	90/22	4/24/2022	402-13	14.966
63	Arturo Jaime Muro	Mexico	91/22	3/22/2022	84-13	14.948
64	Manue Ramírez Valdovinos	Mexico	92/22	3/28/2022	262-13	14.949
65	Yolanda Guerrero Caballero, María de Lourdes Walkup Mentado, and Rodolfo Ondarza Rovira	Mexico	93/22	4/6/2022	1316-12	14.967
66	Adalberto Araújo et al.	Brazil	106/22	5/10/2022	2179-12	15.011
67	Álvaro Araújo Castro and Relatives	Colombia	109/22	5/9/2022	379-11	14.977
68	Daniel Marcenaro	Argentina	110/22	5/10/2022	311-09	14.989
69	Ana Morelia Rodríguez Rueda and Claudia Patricia Castañeda	Colombia	112/22	5/17/2022	760-14	14.978
70	María Soraya Neira Estrada	Ecuador	113/22	5/17/2022	563-12	14.984
71	José María Imbett Bermúdez	Colombia	114/22	5/17/2022	127-13	14.979
72	Kofán Indigenous Community of Santa Rosa del Guamuez and its Members	Colombia	115/22	5/17/2022	165-13	14.980
73	Luis Alberto Gil Castillo	Colombia	116/22	5/17/2022	50-13	14.981
74	Leonardo Hernández Aguirre and Relatives	Colombia	117/22	5/17/2022	239-13	14.994
75	Ovidio Londoño Arce	Colombia	118/22	5/17/2022	300-15	14.995
76	Héctor José Ospina Avilés	Colombia	121/22	5/17/2022	1165-12	14.996
77	Javier Enrique Cáceres Leal	Colombia	122/22	5/18/2022	892-11	15.003
78	Hugo Leonel Ocampo Ortega et al.	Guatemala	123/22	5/17/2022	242-13	14.987
79	Elmar Bones da Costa	Brazil	124/22	5/17/2022	1657-13	15.012
80	Manuel Ángel Tabares Calderón and Family	Colombia	125/22	6/6/2022	699-09	14.997
81	Eduardo Franco Loor	Ecuador	127/22	6/6/2022	1288-13	14.986

82	Hernán Arturo Rueda Mosquera	Ecuador	128/22	6/6/2022	2170-15	14.982
83	Marianna Belalba et al.	Venezuela	129/22	6/6/2022	23-11, 53-11 and 575-13	15.013
84	Gloria Segarra León and Family	Ecuador	130/22	6/6/2022	456-14	14.985
85	Getúlio Garcia et al.	Brazil	132/22	6/6/2022	1789-10	15.133
86	Fidel Hernando Parra Mesa	Colombia	134/22	6/6/2022	1874-12	14.998
87	Ramón Argüello Ortiz and Family	Colombia	137/22	6/27/2022	1745-12	15.001
88	Alfredo Pacha Tixe et al.	Ecuador	138/22	6/27/2022	1890-13	14.983
89	Zvonko Matkovic Ribera	Bolivia	139/22	6/27/2022	2191-15	14.988
90	Rocío Rosal Castilla Kross	Peru	140/22	6/27/2022	138-15	14.990
91	Relatives of Eligen Ponce Arias et al.	Chile	142/22	6/27/2022	1522-13	15.000
92	Luis Guillermo Catalán Arriagada	Chile	143/22	6/27/2022	1350-13	15.007
93	Vicente Rappaccioli Navas and Family	Nicaragua	144/22	6/27/2022	2150-18	15.019
94	Fabián Santiago	United States	145/22	6/27/2022	563-13	15.010
95	Miguel Pinedo Vidal	Colombia	147/22	6/27/2022	375-13	15.002
96	Martha Arteaga Escoto and Relatives	Honduras	148/22	6/30/2022	1861-14	14.993
97	Guillermo Eduardo Matute Cerrato	Honduras	149/22	6/30/2022	708-15	14.991
98	Jaime Eduardo Dongond Rodríguez	Colombia	150/22	6/30/2022	832-13	15.005
99	Mercedes Montaña Rodríguez	Colombia	151/22	6/30/2022	1213-08	15.004
100	Martha Silva Beltrán and A.M.S.B	Colombia	152/22	6/30/2022	1392-17	15.018
101	Jaime Hernando Garzón Forero and Relatives	Colombia	156/22	7/5/2022	979-11	15.015
102	Farid Saenz Chala and Family	Colombia	157/22	7/11/2022	893-14	15.014
103	Giovanna Paulina Pérez Constante and Family	Ecuador	158/22	7/7/2022	1882-18	14.999
104	Hugo Emilio Sengiali	Argentina	159/22	7/7/2022	927-14	15.020
105	Eva Boss, Widow of Raffo, and Son	Argentina	160/22	7/7/2022	155-15	15.006
106	René Alexis Reyes Ramírez and Family	Honduras	161/22	7/7/2022	876-08	14.992
107	Oscar de Jesús Rendó Vergara	Colombia	162/22	7/8/2022	96-14	15.017
108	Jorge Tadeo Mayo Castro	Colombia	163/22	7/8/2022	397-13	15.016
109	Zaida Mariaca Rada	Bolivia	164/22	7/13/2022	2105-13	15.009
110	Jhon Freddy Betancourt Sánchez and Family	Colombia	165/22	7/17/2022	135-11	15.055
111	M.T.R. et al.	El	166/22	7/11/2022	2287-15	15.008

		Salvador				
112	Nelton Ademir Rodas Aguirre and Relatives	Guatemala	174/22	7/19/2022	2338-12	15.021
113	César Augusto Becerra Leyva	Peru	176/22	7/21/2022	1156-09	15.022
114	Elvis King Rivera Gamarra and Relatives	Peru	177/22	7/21/2022	91-16	15.023
115	Raúl Fernando Córdova Dolz et al.	Chile	180/22	7/25/2022	31-09	15.024
116	Glenn Spivey	United States	181/22	7/25/2022	397-18	15.025
117	G.S.M.E.S.C.	Mexico	187/22	6/14/2022	1038-17	15.056
118	Hadi Afshar Savojbolaghi (aka Saeid Jamali)	United States	188/22	8/3/2022	1407-13	15.057
119	Jesús Nazareno Rivera García et al.	Colombia	190/22	8/3/2022	538-15	15.058
120	Former Employees of the Banco Hipotecario Nacional	Argentina	191/22	8/3/2022	1303-09	15.059
121	María Cristina del Rosario Canedo Justiniano	Bolivia	192/22	8/3/2022	137-08	15.060
122	Darrell Farley	United States	194/22	8/4/2022	937-15	15.027
123	Elba Teresa Balmaceda de Glombovsky and Relatives	Argentina	196/22	8/13/2022	46-09	15.062
124	Joba Fonfay Vásquez et al.	Ecuador	197/22	8/13/2022	1529-10	15.028
125	Pedro Guillermo Galván and Guillermo Pedro Galván	Argentina	199/22	8/13/2022	1271-09	15.029
126	Manuela Lavinas Picq	Ecuador	202/22	8/13/2022	1145-15	15.030
127	Francisco Pascual López	Honduras	203/22	8/8/2022	1881-14	15.031
128	Alexander Montes Aguilar and Others	Honduras	204/22	8/8/2022	1953-15	15.063
129	Gustavo Salgado Delgado and Family	Mexico	205/22	8/13/2022	967-15	15.032
130	Florindo Eleuterio Flores Hala	Peru	207/22	8/13/2022	1358-15	15.064
131	Juan Carlos Quiñones Jokon and Ricardo Alfredo Rojas Cornejo	Peru	208/22	8/13/2022	27-13	15.065
132	Leopoldo Fernández Ferreira	Bolivia	210/22	8/24/2022	115-09	15.033
133	Sagla Ernesto Ayala and Others	Panama	213/22	8/11/2022	79-15	15.066
134	Aberlardo Árevalo Choque et al.	Bolivia	214/22	8/13/2022	867-09	15.034
135	Aberlardo Árevalo Choque et al.	Colombia	215/22	8/24/2022	1465-08	15.035
136	Mario Alcides Lopera Herrera and Family	Colombia	216/22	8/15/2022	1119-09	15.036
137	Grover Beto Poma Guanto and Relatives	Bolivia	219/22	8/13/2022	1672-12	15.037
138	Relatives of Luz Elena	Colombia	220/22	8/13/2022	1650-13	15.038

	Zuluaga Rojo					
139	Hugo Paz Lavadez	Bolivia	221/22	8/13/2022	434-12	15.039
140	José Alejandro Escobar Vargas	Colombia	222/22	8/13/2022	485-13	15.040
141	Álvaro Noboa Pontón	Ecuador	223/22	8/24/2022	1897-13	15.041
142	Víctor Manuel Iruegas García	Mexico	225/22	3/5/2022	2356-12	15.067
143	Islamic Shura Council for Southern California and Others	United States	226/22	8/27/2022	1274-14	15.118
144	Mohammed Jawad (also known as Saki Bacha)	United States	228/22	8/27/2022	2096-17	15.119
145	Z.I.F.	Argentina	229/22	8/27/2022	2648-18	15.092
146	Antonino D'Amico and Pascual Isaac Manchineles	Argentina	231/22	9/12/2022	69-15	15.093
147	Sandra Bland et al.	United States	232/22	8/28/2022	2152-15	15.120
148	Fabián Andrés Cáceres Palencia	Colombia	235/22	9/15/2022	991-10	15.082
149	Amber Anderson et al.	United States	238/22	9/9/2022	106-14	15.103
150	Alexa Hoffmann et al.	Barbados	239/22	9/26/2022	1081-18	15.097
151	Relatives of Reinaldo Zapata Carmona	Colombia	240/22	9/26/2022	2378-12	15.122
152	Members of the Colectivo Yasunidos	Ecuador	242/22	9/26/2022	1468-14	15.090
153	Branko Goran Marinkovic Jovicevic	Bolivia	243/22	9/26/2022	1463-10	15.164
154	Francisco Miguel Herazo Ávila et al.	Colombia	244/22	9/26/2022	554-09	15.081
155	Ligia Mónica Velásquez Castaños, Rosario Cháñez Chire, and Gualberto Cusi Mamani	Bolivia	245/22	9/26/2022	728-15	15.121
156	Luis Alberto Sobalvarro Herrera and Relatives	Nicaragua	246/22	9/26/2022	1518-18	15.098
157	Sammy Segebre Naranjo	Panama	247/22	8/28/2022	1146-09	15.104
158	Germán José Castillo Quan	Guatemala	248/22	9/11/2022	511-14	15.101
159	Inhabitants of the Village of Tuichán and the Community of Villa Nueva	Guatemala	249/22	8/20/2022	1766-14	15.102
160	Aron Juárez Barrios et al.	Guatemala	250/22	8/28/2022	2183-12	15.083
161	Irma Noemí Juan, Widow of Soerensen	Paraguay	253/22	10/3/2022	1011-15	15.105
162	Raynéia Gabrielle da Costa Lima Rocha and her Mother, Maria José Costa	Nicaragua	254/22	10/3/2022	2432-18	15.099
163	Johnnatan Bedoya Sierra and Family	Colombia	255/22	10/3/2022	438-13	15.091
164	Relatives of Carlos Arancibia	Argentina	257/22	10/3/2022	350-15	15.106

165	Relatives of Hernán Canales	Chile	258/22	10/3/2022	1135-15	15.096
166	María Gabriela Gonzalez	Argentina	259/22	10/3/2022	344-15	15.094
167	Belén and Family	Chile	262/22	10/3/2022	391-15	15.095
168	Doris Adriana Loaiza Patiño et al.	Colombia	289/22	9/28/2022	445-14	15.123
169	Carla Butcher et al.	United States	290/22	11/1/2022	2340-15	15.124
170	Francisco Javier Pastrana Beltrán et al.	Colombia	292/22	10/19/2022	866-08	15.125
171	Pedro Sánchez Jacinto et al.	El Salvador	293/22	10/19/2022	1202-14	15.126
172	Rosa Inés Carrasco Gallegos	Ecuador	295/22	10/19/2022	739-14	15.127
173	Marlene Zapata Borja et al.	Colombia	296/22	10/19/2022	1519-13	15.128
174	Edwin Alexis Rojas Llanos et al.	Colombia	298/22	10/21/2022	437-13	15.129
175	Luis Fernández Piedra	Ecuador	301/22	10/21/2022	1323-14	15.130
176	Pablo David Porras Arguello	Nicaragua	302/22	11/8/2022	572-16	15.131
177	John Sotomayor Pinuer	Chile	303/22	11/8/2022	958-15	15.132
178	Members of the Union of Ingenio San Carlos	Ecuador	306/22	11/21/2022	841-14	15.138
179	Indigenous Communities of the Maya Ixil People	Guatemala	307/22	11/17/2022	1784-13	15.139
180	Piedad del Socorro Zuccardi de García	Colombia	309/22	11/23/2022	1297-13	15.140
181	Oswaldo Alberto Ordoñez Alcántara et al.	Peru	310/22	11/25/2022	1422-13	15.141
182	Jaime David Abanto Torres et al.	Peru	311/22	11/25/2022	1299-13	15.142
183	Edgard Hernández Torres	Nicaragua	312/22	11/23/2022	1224-18	15.143
184	Seven Journalists	Peru	315/22	11/21/2022	1380-15	15.144
185	Jorge Luis Feris Chadid	Colombia	316/22	11/23/2022	2172-13	15.145
186	Maurice Tomlinson	Jamaica	317/22	11/23/2022	1628-18	15.146
187	Orlando José Jiménez Hernández	Nicaragua	320/22	11/25/2022	851-17	15.154
188	Bosco José Aguilera Guevara et al.	Nicaragua	322/22	11/29/2022	2289-15 and 2290-15	15.155
189	Alfredo López Gallego et al.	Colombia	324/22	11/29/2022	828-13	15.156
190	Rosa Bezerra da Silva	Brazil	325/22	11/29/2022	570-14	15.157
191	Roberto López Vargas	Nicaragua	327/22	11/29/2022	1823-18	15.158
192	Elsa Cáceres De Dijkhuizen and Cornelis Dijkhuizen	Peru	345/22	10/21/2022	562-14	15.159
193	Expropriated Persons from the Agrarian Reform	Peru	346/22	11/21/2022	128-14	15.160
194	César Alberto Jordán Brignole	Peru	347/22	11/21/2022	1383-13	15.161
195	Néstor Esteban Fernández Ramírez	Peru	348/22	11/21/2022	70-16	15.182
196	Alberto Castillo Cruz and Relatives	Mexico	351/22	5/19/2022	1387-12	15.165
197	José Patricio Tolentino	Peru	352/22	9/26/2022	1523-08	15.166

	Rojas et al.					
198	Brenda Quevedo Cruz and Relatives	Mexico	353/22	11/23/2022	718-10	15.167
199	Moisés Jiménez Anzures and Family	Mexico	354/22	11/23/2022	2281-12	15.168
200	Neighbors from the Village of Sesajal	Guatemala	355/22	8/12/2022	1918-11	15.175
201	Michael Brown, Jr & Lesley McFadden	United States	367/22	12/18/2022	909-15	15.169
202	Samuel Lombana Morales and Family	Colombia	370/22	12/19/2022	1886-10	15.170
203	Martha González Rodríguez, Álvaro González Santana and Family	Colombia	372/22	12/19/2022	750-14	15.171
204	Gloria Lara and Children	Colombia	373/22	12/19/2022	1924-12	15.172
205	Rekia Boyd	United States	374/22	12/19/2022	1720-15	15.173
206	Juan Irma Cisneros Ticas and Relatives	El Salvador	376/22	12/19/2022	1800-13	15.174
207	Dedi Jacinto Quispe Lázaro	Peru	377/22	11/21/2022	953-14	15.176
208	Norberto Clavijo Cuellar, Luz Marina Carvajal Cabrera, and Lizeth Dulfay C.	Colombia	378/22	12/22/2022	1199-12	15.177
209	Luis Armando Avella Roa	Colombia	379/22	12/22/2022	1366-11	15.178
210	Marta Francisca Ruiz Anleu de Caballeros and Julio Rodolfo Caballeros G.	Guatemala	380/22	12/22/2022	700-07	15.179
211	Juan Lucas Juan	Guatemala	383/22	4/30/2022	2276-12	15.181
212	P.E.M.M.	Peru	384/22	12/17/2022	1573-14	15.184
213	Patricia Ibáñez Guayazán	Colombia	385/22	5/4/2022	1892-11	15.183
214	José Daniel Gil Trejos	Nicaragua	386/22	12/17/2022	968-17	15.211
215	Juan Antonio Sánchez Gutiérrez y otros	Peru	387/22 <sup>2</sup>	9/23/2022	150-07	

b. Inadmissibility Reports

No.	Name of Alleged Victim	State	Report No.	Date of Approval	Petition or Case No.
1	Associates of the Police Union of Buenos Aires	Argentina	1/22	2/16/2022	1916-17
2	S.C.B.C. and Carolina del Pilar Carrasco	Chile	5/22	2/17/2022	589-14
3	Nicolas Rodríguez Redondo, Gabriel Enrique Mojica Redondo, and Deniris Baleta Botello	Colombia	9/22	2/17/2022	210-11
4	Luis Fernando Tamayo Niño and Family	Colombia	11/22	2/17/2022	796-11
5	Omar Leonardo Durán Gil	Colombia	15/22	2/17/2022	994-14

<sup>2</sup> At the time of publication of this annual report, this report was still in the process of notification to the parties.

6	José Fabián Ruiz	Argentina	21/22	3/5/2022	176-10
7	Dagoberto Arias Fernández	Colombia	30/22	3/7/2022	1426-09
8	César Ataulfo Carrión Moreno	Ecuador	40/22	3/7/2022	1259-12
9	Julio Carrizosa Mutis Astrida Gelzis de Carrizosa, Alberto Carrizosa Gelzis, Enrique Carrizosa Gelzis, and Felipe Carrizosa Gelzis	Colombia	62/22	3/7/2022	1096-12
10	Huaorani Indigenous Community of Bamenó	Ecuador	42/22	3/9/2022	1095-14
11	Jorge Luis Toccalino	Argentina	25/22	3/20/2022	2384-12
12	Ninety-six Members of the Customs Workers Union of the South (SINTRASUR)	Peru	95/22	3/28/2022	2215-12
13	Diana Patricia Pérez Tobón and Relatives	Colombia	84/22	4/12/2022	2334-12
14	Sergio Alejandro Báez	Argentina	72/22	4/24/2022	2317-12
15	Victor Patricio Oporto Sotomayor	Chile	73/22	5/10/2022	2429-12
16	Jorge Gustavo Barberis et al.	Argentina	80/22	4/24/2022	1147-08
17	Alfonso Harb Viteri	Ecuador	89/22	4/24/2022	1123-13
18	Javier Hurtado Arias	Colombia	184/22	4/30/2022	536-12
19	Manuel Enrique Leiva Oliva	Honduras	107/22	5/9/2022	375-14
20	Giraldo Álvarez Family	Colombia	119/22	5/17/2022	609-12
21	Iber Quintero Álvarez	Colombia	120/22	5/17/2022	779-12
22	Néstor Marroquín Carrera	Ecuador	126/22	6/6/2022	1008-13
23	José Carlos Antonio Scortechini	Argentina	131/22	6/6/2022	1176-12
24	Mario Danillo Campos Bonilla	Ecuador	133/22	6/6/2022	104-14
25	Aurora García López	Mexico	111/22	6/10/2022	1590-12
26	Father XY and Boy ZZ	Argentina	135/22	6/22/2022	1810-17
27	Desiderio Bonilla Lamprea	Colombia	146/22	6/24/2022	69-12
28	Jorge Isaac Rodelo Menco	Colombia	136/22	6/27/2022	428-12
29	Cleuza Boschilia	Brazil	141/22	6/27/2022	355-12
30	Ana Delia Campo Peláez and Family	Colombia	153/22	6/30/2022	1466-08
31	Ángel Octavio Riaño Cadena and Relatives	Colombia	154/22	6/30/2022	1471-09
32	Ernesto Armando Ortiz Martínez	Colombia	155/22	7/5/2022	1102-09
33	Rubén Darío Arango García and Relatives	Colombia	175/22	7/21/2022	1612-10
34	Tomás Mendezú Arcia	Peru	179/22	7/21/2022	1909-13
35	Christian Garralaga Alonso and A.	Chile	172/22	7/22/2022	1616-12
36	Hernando Martínez Novoa et al.	Colombia	173/22	7/22/2022	916-10
37	Employees of the Public Company Hidrocarburos del Ecuador	Ecuador	178/22	7/25/2022	1628-12
38	Michael Anthony Brown	United States	182/22	7/27/2022	1334-16
39	Omar Askia Ali (aka Edward Sistrunk)	United States	189/22	8/3/2022	1963-16
40	Luis Alejandro Cárdenas Tafur and Family	Colombia	193/22	8/3/2022	1153-12
41	Ana María Rodríguez et al.	Honduras	206/22	8/11/2022	862-15

42	Gerardo Maidana	Argentina	195/22	8/13/2022	51-17
43	Dionisio Martínez Silva	Mexico	198/22	8/13/2022	866-10
44	Leonel Sandoval Villeda	El Salvador	200/22	8/13/2022	1425-12
45	Hernando Ramírez Arboleda	Colombia	201/22	8/13/2022	1703-09
46	María Roselia Sánchez de Ramírez and other Relatives of Police Officers Killed in Medellín due to Drug Trafficking	Colombia	209/22	8/13/2022	435-09
47	Jaime Efraín Llango Pumashunta	Ecuador	211/22	8/13/2022	332-12
48	Lori Handrahan and her Daughter M.M.	United States	217/22	8/13/2022	1134-14
49	Ana Luzmilla Espinoza Sánchez	Peru	356/22	12/14/2022	1513-14
50	Jorge Alberto Pardo and Family	Colombia	218/22	8/15/2022	2128-12
51	Bienvenido Rodríguez	United States	224/22	8/18/2022	1665-18
52	Deyner Andrés Guerra Tuberquia et al.	Colombia	212/22	8/24/2022	1306-08
53	Ruben Valbuena, Lisbeth Figallo, and Family	Canada	251/22	8/26/2022	311-17
54	Max Pharr	United States	227/22	8/27/2022	392-16
55	José Adolfo Reyes Calderón	Guatemala	252/22	8/27/2022	1190-08
56	Santos Julio Bello Ríos	Peru	264/22	8/27/2022	437-09
57	Columba María del Socorro Melania del Carpio Rodríguez de Abarca	Peru	265/22	8/27/2022	2167-13
58	Jamar Blaine Perry	United States	230/22	9/12/2022	340-16
59	Relatives of Ercid Rivas Salas and Felix Arturo Torres Ortiz	Colombia	233/22	9/14/2022	1482-13
60	Leslie del Rosario Vega	Ecuador	234/22	9/15/2022	1408-14
61	José Nicolás Chain	Argentina	237/22	9/15/2022	1789-14
62	Relatives of Julio César Cardona Lozano	Colombia	236/22	9/17/2022	1828-12
63	Zuluaga Obando Family	Colombia	241/22	9/26/2022	2377-12
64	Mario Chevez Arguedas	Costa Rica	263/22	9/28/2022	105-13
65	Luis Alfonso Foncea Eva	Ecuador	256/22	10/3/2022	317-14
66	Margot Tonore Arredondo	Argentina	260/22	10/3/2022	1787-11
67	Luis Alberto Calderón Pardo et al.	Colombia	261/22	10/3/2022	597-09
68	Carlos Jaime Nicolau	Argentina	294/22	10/19/2022	1529-08
69	Jonathan Moreyra Cironi	Argentina	297/22	10/21/2022	1719-15
70	Iván Darío Henao Sanabria and Relatives	Colombia	299/22	10/21/2022	1943-12
71	Ismail Elshikh & The Muslim Association of Hawaii	United States	291/22	11/1/2022	3034-18
72	Bernadel Jefferson et al.	United States	300/22	11/1/2022	2173-17
73	Jerry Neil Alfred	United States	304/22	11/8/2022	2548-18
74	Freddy Álvarez Zárate, Lorenzo Álvarez Astete, and Nagell Edmont Álvarez	Peru	314/22	11/21/2022	1429-14



75	José Luis Touzet Carrera	Peru	318/22	11/21/2022	1796-14
76	Martha Inés Miravete Cicero	Argentina	308/22	11/23/2022	855-13
77	Luis Manuel Cáceres Yunga and Relatives	Ecuador	313/22	11/23/2022	945-13
78	Tawanna Wilson and Family	United States	319/22	11/23/2022	1354-20
79	Vilma Menjívar and Julio Martín Baltodano	Honduras	321/22	11/26/2022	45-13
80	Roberto Orlando Igreda Coz	Bolivia	323/22	11/29/2022	229-15
81	Marcial Rubio et al. (University Community of the Pontifical Catholic University of Peru)	Peru	326/22	11/29/2022	1319-10
82	Relatives of Julio Roldán Burbano Lasso	Colombia	328/22	11/29/2022	657-08
83	Juan Carlos Velásquez Builes	Colombia	368/22	12/19/2022	150-12
84	Alicia López de Medina	Argentina	369/22	12/19/2022	1973-12
85	Celso Jaques da Rocha	Brazil	371/22	12/19/2022	1957-15
86	Hugues Manuel Rodríguez Fuentes	Colombia	375/22	12/19/2022	279-12
87	Sebastian Silva Díaz	Canada	381/22	12/21/2022	2954-18
88	Steven McCann	United States	382/22	12/30/2022	2136-18

#### 4. Archive decisions

23. On January 19, 2022, the IACHR issued its Resolution 1/22,<sup>3</sup> in which it identified 3,357 petitions with procedural inactivity on the part of petitioners for periods ranging from three to more than ten years; in the large majority of these cases, this was after the IACHR had sent a request asking them for additional information. This resolution serves as a warning that the group of petitions duly identified in the annex to the resolution are set to be archived, under the terms of Article 42 of the Rules of Procedure. In other words, if the IACHR does not receive an indication of interest from the petitioners, it may make a final decision to close the petition, in line with the aforementioned rule.

24. The Commission also identified the archive criteria established in Article 42(1) of the Rules of Procedure for petitions under initial review for which a decision had been made to open a case<sup>4</sup> and necessary information was being sought from the petitioners, and warned of the potential for an archive decision, under the terms of subparagraph 2 of the same article. Consequently, on December 31, 2022, the IACHR decided to permanently archive 78 petitions in that stage.

25. Meanwhile, with regard to pending cases, the Commission decided to archive a total of 68 petitions and cases in accordance with the provisions established in Article 42 of the Rules of Procedure. Except for the cases in which petitioners expressly requested an archive decision, the IACHR announced the archive warning and did not receive a timely response. As a reminder, since 2018, the Commission has considered it necessary to confirm petitioners' interest in continuing with the processing of a case following a three-year period of inactivity; if it does not receive confirmation of such interest, the Commission may proceed to archive the matter. The Commission has also understood that petitioners' failure to submit additional observations on the merits, a requirement established in Article 37(1) of the IACHR Rules of Procedure, is a serious indication

<sup>3</sup> Available at: <https://www.oas.org/en/iachr/decisions/pdf/2022/res-1-22-EN.pdf>.

<sup>4</sup> Under the criteria laid out in Article 42(1)(b) of the Rules of Procedure, the IACHR understands that procedural inactivity of more than two years on the part of the petitioners is unwarranted for petitions under initial review in which a decision has been made to open a case.

of lack of interest in the processing of a case, which can result in the matter being archived, under the terms established in Article 42(1)(b) of the same instrument.

26. The following is a list of the petitions and pending cases that the IACHR decided to archive in 2022:

- Petitions under initial review

<b>Nº</b>	<b>State</b>	<b>Petition number</b>	<b>Year</b>	<b>Procedural Stage</b>
1	ARGENTINA	P-1999-13	13	INITIAL REVIEW
2	ARGENTINA	P-2265-13	13	INITIAL REVIEW
3	ARGENTINA	P-412-17	17	INITIAL REVIEW
4	ARGENTINA	P-1122-18	18	INITIAL REVIEW
5	BOLIVIA	P-736-18	18	INITIAL REVIEW
6	BOLIVIA	P-3054-18	18	INITIAL REVIEW
7	BOLIVIA	P-3055-18	18	INITIAL REVIEW
8	BOLIVIA	P-424-19	19	INITIAL REVIEW
9	BRAZIL	P-2272-13	13	INITIAL REVIEW
10	BRAZIL	P-1308-14	14	INITIAL REVIEW
11	BRAZIL	P-1712-14	14	INITIAL REVIEW
12	BRAZIL	P-655-16	16	INITIAL REVIEW
13	BRAZIL	P-1183-17	17	INITIAL REVIEW
14	BRAZIL	P-2164-17	17	INITIAL REVIEW
15	BRAZIL	P-135-18	18	INITIAL REVIEW
16	BRAZIL	P-317-18	18	INITIAL REVIEW
17	BRAZIL	P-481-18	18	INITIAL REVIEW
18	BRAZIL	P-847-18	18	INITIAL REVIEW
19	BRAZIL	P-1512-18	18	INITIAL REVIEW
20	BRAZIL	P-1830-18	18	INITIAL REVIEW
21	CANADA	P-1373-18	18	INITIAL REVIEW
22	CHILE	P-1567-11	11	INITIAL REVIEW
23	CHILE	P-2424-12	12	INITIAL REVIEW
24	CHILE	P-2439-12	12	INITIAL REVIEW
25	CHILE	P-49-15	15	INITIAL REVIEW
26	COLOMBIA	P-1647-07	7	INITIAL REVIEW
27	COLOMBIA	P-1610-13	13	INITIAL REVIEW

<b>28</b>	COLOMBIA	P-520-14	14	INITIAL REVIEW
<b>29</b>	COLOMBIA	P-612-14	14	INITIAL REVIEW
<b>30</b>	COLOMBIA	P-216-16	16	INITIAL REVIEW
<b>31</b>	COLOMBIA	P-470-16	16	INITIAL REVIEW
<b>32</b>	COLOMBIA	P-2052-16	16	INITIAL REVIEW
<b>33</b>	COLOMBIA	P-415-17	17	INITIAL REVIEW
<b>34</b>	COLOMBIA	P-2161-17	17	INITIAL REVIEW
<b>35</b>	COLOMBIA	P-2177-17	17	INITIAL REVIEW
<b>36</b>	COLOMBIA	P-2278-17	17	INITIAL REVIEW
<b>37</b>	COLOMBIA	P-445-18	18	INITIAL REVIEW
<b>38</b>	COLOMBIA	P-538-18	18	INITIAL REVIEW
<b>39</b>	COLOMBIA	P-644-18	18	INITIAL REVIEW
<b>40</b>	COLOMBIA	P-779-18	18	INITIAL REVIEW
<b>41</b>	COLOMBIA	P-813-18	18	INITIAL REVIEW
<b>42</b>	COLOMBIA	P-1095-18	18	INITIAL REVIEW
<b>43</b>	COLOMBIA	P-1565-18	18	INITIAL REVIEW
<b>44</b>	COLOMBIA	P-1647-18	18	INITIAL REVIEW
<b>45</b>	COLOMBIA	P-2298-18	18	INITIAL REVIEW
<b>46</b>	COLOMBIA	P-2418-18	18	INITIAL REVIEW
<b>47</b>	COSTA RICA	P-546-14	14	INITIAL REVIEW
<b>48</b>	CUBA	P-2844-18	18	INITIAL REVIEW
<b>49</b>	ECUADOR	P-2322-17	17	INITIAL REVIEW
<b>50</b>	ECUADOR	P-842-18	18	INITIAL REVIEW
<b>51</b>	UNITED STATES <sup>5</sup>	P-2345-16	16	INITIAL REVIEW
<b>52</b>	GUATEMALA	P-2039-17	17	INITIAL REVIEW
<b>53</b>	GUATEMALA	P-1378-18	18	INITIAL REVIEW
<b>54</b>	HONDURAS	P-1649-18	18	INITIAL REVIEW
<b>55</b>	HONDURAS	P-2098-18	18	INITIAL REVIEW
<b>56</b>	JAMAICA	P-999-14	14	INITIAL REVIEW
<b>57</b>	MEXICO	P-920-11	11	INITIAL REVIEW
<b>58</b>	MEXICO	P-809-15	15	INITIAL REVIEW
<b>59</b>	MEXICO	P-1982-16	16	INITIAL REVIEW

<sup>5</sup> Commissioner Bernal Pulido declined to participate in the decisions on matters related to the United States.

60	MEXICO	P-2032-16	16	INITIAL REVIEW
61	MEXICO	P-1265-17	17	INITIAL REVIEW
62	MEXICO	P-1035-18	18	INITIAL REVIEW
63	MEXICO	P-1037-18	18	INITIAL REVIEW
64	MEXICO	P-1082-18	18	INITIAL REVIEW
65	MEXICO	P-1405-18	18	INITIAL REVIEW
66	MEXICO	P-2251-18	18	INITIAL REVIEW
67	NICARAGUA	P-1054-18	18	INITIAL REVIEW
68	NICARAGUA	P-1080-18	18	INITIAL REVIEW
69	NICARAGUA	P-2866-18	18	INITIAL REVIEW
70	PANAMA	P-749-16	16	INITIAL REVIEW
71	PERU	P-69-07	7	INITIAL REVIEW
72	PERU	P-1708-14	14	INITIAL REVIEW
73	PERU	P-842-15	15	INITIAL REVIEW
74	PERU	P-80-18	18	INITIAL REVIEW
75	PERU	P-258-18	18	INITIAL REVIEW
76	PERU	P-1711-18	18	INITIAL REVIEW
77	PERU	P-2268-18	18	INITIAL REVIEW
78	PERU	P-2597-18	18	INITIAL REVIEW

- Petitions and cases

Nº	State	Petition number	Case number	Year	Name	Procedural stage
1	Argentina	629-03	13.397	2003	Eleonora Esther Báez and Héctor Oscar Britez	Merits
2	Argentina	1048-09	14.113	2009	Ramón Roberto Manrique	Merits
3	Argentina	1481-12	13.814	2012	Fernando Fabian Castro	Merits
4	Bolivia	983-05	N/A	2005	Richard Ledezma Torrico et al.	Friendly Settlement
5	Brazil	1708-16	N/A	2016	Brisa Febraio	Admissibility
6	Brazil	137-17	N/A	2017	Servidores Públicos Federais Intoxicados por DDT Servidores do Governo Brasileiro [Federal Public Servants Poisoned by DDT]	Admissibility

7	Brazil	P-1173-05	12.708	2005	Augusta Tomazia and Silas Abel da Conceicao	Friendly Settlement
8	Chile	711-10	N/A	2010	Atiliano Segundo Hernández Hernández	Admissibility
9	Chile	011-18	N/A	2018	Edison Freddy Palma Coronado	Admissibility
10	Chile	946-10	13.487	2010	Members of the Mapuche Community of Temucuicui and Rofue	Merits
11	Chile	1492-10	14.052	2010	Manuel Javier Cabieses Donosos et al.	Merits
12	Chile	2430-12	13.860	2012	Domingo Segundo Huerta Hernández	Merits
13	Chile	2404-12	13.895	2012	Victoria Barrientos Barrientos	Merits
14	Colombia	1016-11	N/A	2011	Esmeralda Lievano López	Admissibility
15	Colombia	1218-14	N/A	2014	Antonio Jesús Castellanos and Family	Admissibility
16	Colombia	1730-14	N/A	2014	Milena Mejía de Gómez, Julieta Gómez Mejía	Admissibility
17	Colombia	18-15	N/A	2015	Daniel Mateo Bayona Rosado, Katherine Tatiana Bayona Rosado	Admissibility
18	Colombia	106-15	N/A	2015	Alfonso Linares Peña	Admissibility
19	Colombia	1556-15	N/A	2015	Former Employees of the Metropolitan Transit and Transportation Company of Barranquilla (METROTRANSITO)	Admissibility
20	Colombia	2296-15	N/A	2015	Astrid Janeth Muñeton Pulgarín, John Albert Muñeton Pulgarín, Luz Miryan Pulgarín Jaramillo, Martha Isabel Tamayo Gil et al.	Admissibility
21	Colombia	1799-16	N/A	2016	Gilan Antonio Macías Hernández, Luis Alberto Macías Hernández	Admissibility
22	Colombia	217-17	N/A	2017	Jesús Alberto Galvis Vargas	Admissibility
23	Colombia	508-17	N/A	2017	Evelia Trujillo González	Admissibility
24	Colombia	1521-17	N/A	2017	Jenny Alexandra Pinilla	Admissibility
25	Colombia	1172-11	14.327	2011	Juan Evangelista Ascencio Fonseca and Relatives	Merits
26	Costa Rica	285-08	N/A	2008	Orlando Corrales Corrales	Admissibility

27	Costa Rica	995-08	N/A	2008	Garrett Kawika Gora, Heriberto Hidalgo Segura, José Tomás Guevara Calderón, Marco Vinicio Picado Gonzalez	Admissibility
28	Costa Rica	1882-13	N/A	2013	Oscar Gerardo Ramirez Jimenez	Admissibility
29	Costa Rica	746-17	N/A	2017	José Francisco Alfaro Carvajal	Admissibility
30	Costa Rica	626-18	N/A	2018	Matthew Ng Tse	Admissibility
31	Costa Rica	1164-04	13.693	2004	Luis Esteban Medina Medina	Merits
32	Cuba	3010-18	14.277	2018	Alain Toledano et al.	Merits
33	Ecuador	1853-12	N/A	2012	Grigory Basalygin	Admissibility
34	Ecuador	592-14	N/A	2014	Miriam Patricia Mendoza Andrade	Admissibility
35	Ecuador	383-17	N/A	2017	Luis Fernando Viteri Pérez	Admissibility
36	Ecuador	1180-06	13.214	2006	Jacinto Guillermo Bajaña Granja	Merits
37	United States <sup>6</sup>	966-CA	11.700	1996	Richard Steven Zeitvogel	Merits
38	United States	967-CA	11.817	1997	Allan Jeffery Bannister	Merits
39	United States	611-12	13.873	2012	Mumia Abu-Jamal	Merits
40	Guatemala	720-08	13.909	2008	Serge Berten and Family	Merits
41	Guatemala	2237-16	13.847	2016	Members of the Association “El Refugio de la Niñez”	Merits
42	Honduras	P-301-02	12.493	2002	Oscar Daniel Medina Cortés and José Luis Hernández Martínez	Friendly Settlement
43	Mexico	396-18	N/A	2018	Francisco Noe Pimentel Hernandez	Admissibility
44	Mexico	1672-18	N/A	2018	Miguel Chávez Ayala	Admissibility

<sup>6</sup> Commissioner Bernal Pulido declined to participate in the decisions on matters related to the United States.

45	Mexico	2097-13	13.853	2013	Members of the Yaqui Tribe and Traditional Authorities from the Communities of Vicam, Cocorit, Belem, Bacum, and Potam	Merits
46	Nicaragua	1902-17	N/A	2017	Guillermo José Castillo Rivera and Julia Hortensia Barquero Hernández	Admissibility
47	Nicaragua	2199-20	14.697	2020	Carolina Fernanda Valle Flores, Danilo José Lacayo Lanzas, Mariano Uriel Valle Flores, Manuel Mariano Valle Peters	Merits
48	Panama	2016-17	N/A	2017	Edgar De Aries Gonzalez Segundo	Admissibility
49	Paraguay	P-1219-07	N/A	2007	Agustín Vasquez Leiva	Friendly Settlement
50	Paraguay	P-1222-07	N/A	2007	Renzo Antonio Benitez	Friendly Settlement
51	Peru	1914-12	N/A	2012	Jose Luis Torres Saavedra	Admissibility
52	Peru	762-CA	10.949	1991	Magda Mateo Bruno	Merits
53	Peru	992-04	13.271	2004	Miguel Adrianzén Barreto	Merits
54	Peru	879-08	13.927	2008	Rosa Elena Pariahuachi Palacios and Other Agrarian Workers	Merits
55	Dominican Republic	243-12	13.999	2012	Juan Almonte Herrera, Yuberky Almonte Herrera, Joel Almonte, Genaro Rincón, and Francisco de León Herrera	Merits
56	Trinidad y Tobago Trinidad and Tobago	962-16	13.452	2016	Zaheer Seepersad	Merits
57	Venezuela	1515-13	14.164	2013	Elenis del Valle Rodríguez Martínez	Merits
58	Venezuela	1073-14	14.134	2014	Jesus Zabala Matos	Merits
59	Venezuela	189-14	14.165	2014	Elías Eduardo Betancourt	Merits
60	Venezuela	2044-17	14.173	2017	Lilian Sofía Centeno Pacheco	Merits
61	Venezuela	1363-17	14.144	2017	Laura Maria Bastidas Zambrano et al.	Merits

62	Venezuela	28-18	14.175	2018	Humberto Jose Ramirez Camargo	Merits
63	Venezuela	2042-18	14.236	2018	Raizha Auribeth Gómez Velazco	Merits
64	Venezuela	2792-18	14.239	2018	Audrylis Urrieta	Merits
65	Venezuela	15-19	14.241	2019	Gerardo Javier Urdaneta Quintana	Merits
66	Venezuela	471-19	14.243	2019	Melvin Gregorio Farias Gutierrez	Merits
67	Venezuela	354-19	14.242	2019	Héctor Armando Hernández Acosta	Merits
68	Venezuela	780-19	14.244	2019	África Aquino Quijada, Isael Jesus Macadan Aquino	Merits

## 5. Examples of noteworthy decisions

### a. Admissibility

27. The following section offers, by way of representative example, summaries of some of the matters that were declared admissible and are currently in the merits stage, based on the seriousness of the allegations; the fact that the cases involve novel issues that have not been extensively developed in the case law of the inter-American system; or because of their importance in the specific context of the State to which they refer:<sup>7</sup>

#### - Report No. 307, P-1784-13 Indigenous Communities of the Ixil Maya People, Guatemala

28. In this case, the petitioning organizations allege that the Guatemalan Army perpetrated systematic attacks against the Maya population in the Ixil region between 1982 and 1983, in events they characterize as ethnic genocide. They also denounce the impunity surrounding these events after more than 30 years. The petitioners allege that these attacks were systematic and widespread against at least 60 indigenous communities and caused the death of about 1,771 individuals who belonged to the Ixil people. The attacks that constitute gross human rights violations against the Ixil Maya people include massacres, sexual violence against women and girls, acts of torture and forced disappearances, and the forced displacement of the communities from their ancestral territory.

29. Among the acts that the petitioners allege and that they believe constitute genocide are massacres, targeted killings, forced disappearances, harm to physical integrity, sexual violence against women, and large-scale forced displacement. Specifically, they report massacres and attacks committed in 56 indigenous localities, in which acts of torture, sexual violence, and forced disappearance, as well as theft of children, were also alleged to have been carried out.

30. This is an especially grave case for the inter-American system because the central allegation is that the crime of genocide was committed in a large number of communities. In its analysis of the case, the IACHR found it to be admissible with respect to an extensive list of rights, in keeping with the seriousness and complexity of the events being alleged. The Commission indicated, among other things, the following:

<sup>7</sup> All of these reports are available at: <https://www.oas.org/en/iachr/decisions/pc/admissibilities.asp>.



31. The prohibition of genocide has come to be characterized as a peremptory norm of international law, that is, *jus cogens*.<sup>8</sup> Moreover, Article XI of the American Declaration on the Rights of Indigenous Peoples enshrines the right to protection against genocide, stating: “Indigenous peoples have the right not to be the object of any form of genocide or attempts to exterminate them.”<sup>9</sup> The petitioners’ allegations refer to the commission of this international crime against the Ixil people due to acts committed by members of the Guatemalan Army between 1982 and 1983, under the command of José Efraín Ríos Montt. For its part, the State disputes the characterization of these acts as an “Ixil genocide” because it considers that the case has to do with a “political demonstration in which the State is not a participant.” The Commission believes that the issue of whether or not to characterize the alleged events as a genocide is part of the legal analysis that must be undertaken in the merits stage, in the light of international law and the rights protected in the American Convention. However, the Commission emphasizes that if the petitioners’ allegations are corroborated, the magnitude of the events being alleged would constitute a gross violation of the rights that have been invoked, with the same nature as the atrocities that led to the establishment of international law and the international human rights systems.

32. Moreover, in applying the unwarranted-delay exception established in Article 46(2)(c) of the American Convention, the IACHR considered as a whole all the domestic proceedings related to the investigation and punishment of the atrocities committed against the Ixil people. Without conducting a more in-depth analysis of the merits of the case, it noted that after more than two decades, these proceedings have yet to reach a clear conclusion and continue to this day, and that the perpetrators have clearly used many delaying tactics that have, time and time again, frustrated the just hopes for truth, justice, and reparation of victims.

- **Report No. 156/22, P-979-11 Jaime Hernando Garzón Forero and Relatives, Colombia**

33. This petition has to do with the murder of the renowned journalist and humorist Jaime Garzón in 1999 and with the alleged pattern of impunity said to persist with regard to this act which shocked Colombian society. The petition lays out and describes many acts and pieces of evidence that, in the opinion of the petitioners, indicate that the murder was perpetrated by a gang of hitmen known as “La Terraza,” reportedly on orders from the top leader of the paramilitary group Autodefensas Unidas de Colombia [United Self-Defense Forces of Colombia], Carlos Castaño; he in turn is alleged to have received a direct request from senior commanders in the National Army to kill Jaime Garzón. The petitioners explain that Mr. Jaime Garzón had been serving as a mediator to help free individuals who had been kidnapped by guerrilla forces of the FARC and the ELN since 1998, and that because of these efforts, he was labeled a collaborator or guerrilla accomplice by high-level military commanders and paramilitary groups. For purposes of admissibility, the Commission considered, among other things, that the delay of more than 22 years in the investigation and punishment of all those responsible constituted an unwarranted delay in the resolution of domestic remedies and justified the application of the exception established in Article 46(2)(c) of the American Convention.

- **Report No. 93/22, P-1316-12 Yolanda Guerrero Caballero et al., Mexico**

34. The petitioners allege that the Mexican State is internationally responsible for the effects of nonconsensual experimental surgeries performed in a public hospital to the detriment of patients suffering from hydrocephaly, and for its failure to adopt the necessary measures to prevent and investigate what

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<sup>8</sup> International Court of Justice, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Rwanda)*, Judgment of February 3, 2006, par. 64; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment of February 26, 2007, paras. 161-162; and *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Judgment of February 3, 2015, par. 87. See also International Law Commission, Report on its 71st session, presented to the United Nations General Assembly, A/74/10, December 10, 2019, pps. 150 and ff.

<sup>9</sup> Article XI, American Declaration on the Rights of Indigenous Peoples, AG/RES. 2888 (XLVI-O/16), adopted on June 14, 2016, by the General Assembly of the Organization of American States.

occurred. Among other things, the authorities determined that the experimental surgical procedure by the National Institute of Neurology and Neurosurgery (INNN): (i) did not have the authorization of the Secretariat of Health, in accordance with the General Law on Health; (ii) was performed on vulnerable population groups, as 86.5% of those hospitalized had an income of less than three times the national minimum wage and lacked any kind of social security plan; and (iii) did not have INNN-approved research or bioethical protocols. This petition was admitted with respect to two alleged victims, one of whom died years after the procedure and the other who developed a permanent work disability, in both cases allegedly as a result of the medical *mala praxis* that they suffered. And in both cases, as is alleged and will be examined in the merits stage, there was a failure to conduct an adequate investigation and prosecution of those said to be responsible.

- **Report No. 180/22, P-31-09 Raúl Fernando Córdova Dolz et al., Chile**

35. This petition alleges that the Chilean State is internationally responsible for violating the human rights of a group of individuals who, it is claimed, received access to low-income housing units (which they paid for, in part, thanks to an incentive plan) which were built defectively under the supervision and regulation of the relevant government authorities. The homes sustained serious damage as a consequence of exposure to the elements in 1997 and eventually were declared uninhabitable. The petition states that those affected were offered repairs to their homes or subsidies, on the condition that they would first have to waive any legal actions. *“However, the State of Chile later recognized that the homes were beyond repair and the only course of action was to demolish them.”* Many of those affected, including the alleged victims, rejected any assistance and filed civil lawsuits. These did not succeed, as the national courts held that the State was not responsible because it did not directly build the housing units; rather, a third party did. As a result, the alleged victims reportedly received no type of reparation from the State. In this report, the IACHR declared the case admissible with respect not only to certain articles of the American Convention but also to Article XI of the American Declaration (Right to the preservation of health and to well-being), which has no parallel provision in the Convention. That article states: *“Every person has the right to the preservation of his health through sanitary and social measures relating to...housing..., to the extent permitted by public and community resources.”* In the merits stage of this case, the IACHR will examine the allegations of fact in the light of the content and scope of Chile’s international obligations with respect to economic, social, and cultural rights.

- **Report No. 164/22, P-2105-13 Zaida Mariaca Rada, Bolivia**

36. The petitioners request that the Bolivian State be found internationally responsible for violating the human rights of Mrs. Zaida Mariaca Rada during the selection process for candidates to be promoted to the rank of general in the Bolivian National Police. In the course of the proceedings before the IACHR, the petitioners brought up concrete factors purporting to indicate that the alleged victim was the subject of discriminatory treatment by the high police command in the procedures followed for promotions, and that a series of tactics and tricks were used to disqualify her time and again. The petitioners claim that this was all part of an even broader pattern of workplace harassment against the alleged victim within the police institution. This is thus a case in which the events being alleged revolve around the reported violation of the alleged victim’s right to equality under the law; it is also alleged that the rights to a fair trial and to judicial protection were violated.

- **Report No. 246/22, P-1518-18 Luis Alberto Sobalvarro Herrera and Relatives; Report No. 254/22, P-2432-18 Raynéia Gabrielle da Costa Lima Rocha and her mother; Report No. 312/22, P-1224-18 Edgard Hernández Torres; and Report No. 144/22, P-2150-18 Vicente Rappaccioli, all with respect to Nicaragua**

37. These four petitions, which the IACHR examined in connection with the priority attention it has given to events in Nicaragua since the April 2018 protests, allege acts that share certain aspects characteristic of this context of political violence. These include, for example, that the alleged victims were executed or gravely wounded by members of the police or paramilitary groups with ties to the government;

that they were attacked with firearms; that in some cases they received deficient medical care or were treated with open hostility in public hospitals; that the investigations were closed based on Law No. 996 of June 10, 2019, or the “Amnesty law”; and that in the case of Raynéia Gabrielle da Costa Lima Rocha, the person responsible for her execution was pardoned the year after he was convicted based on that same law.

- **Report No. 238/22, P-106-14 Amber Anderson et al.; and Report No. 290/22, P-2340-15, Carla Butcher et al., both petitions against the United States**

38. Both petitions claim that the alleged victims were targets of different acts of sexual violence within the United States Army, acts said to range from situations of workplace and sexual harassment to rape. Most of these acts reportedly occurred between 2000 and 2010 in different branches of the armed forces, and their common denominator seems to be the lack of effective mechanisms for the alleged victims, both to report the incidents as well as to find some form of help or support in view of what they suffered. Likewise, most of the alleged victims in these petitions are said to have lingering effects such as post-traumatic stress, depression, and anxiety. Another common denominator in the cases laid out in these two petitions appears to be a failure to conduct a proper investigation and punish those said to be responsible for the acts perpetrated against the alleged victims. These cases of sexual violence within or between ranks of the armed forces will give the IACHR the opportunity to rule on the merits with regard to a serious problem that affects many countries in the region.

- **Report No. 262/22, P-391-15 Belén and Family, Chile**

39. The central element of the case is the death of the alleged victim as a result of school bullying. A 13-year-old girl named Belén committed suicide, and her family is claiming that the State lacked an adequate child protection system that would enable early detection and treatment for mental health problems such as those that may have led Belén to suicide. They also allege that the Chilean criminal justice system does not contemplate appropriate mechanisms to investigate the causes of a suicide or to punish those who may be found responsible. The petition claims that the alleged victim took her own life due to factors such as bullying by some of the girls at her school and the lack of timely attention to other mental health issues which they say should have been identified at the school she attended, as well as in other public health institutions. In the merits stage, the IACHR will also address the alleged lack of legislation related to the proper investigation and punishment of cases that involve bullying.

- **Report No. 239/22, P-1081-18. Alexa Hoffmann et al., Barbados**

40. The petitioners claim that Barbados is in violation of its obligations under the American Convention by continuing to criminalize private consensual sexual activity between adult males, as well as between adult members of the broader lesbian, gay, bisexual, and transsexual (LGBT) community. The petition further alleges that this criminalization serves to encourage and legitimize discrimination and abuse against LGBT people to the detriment of multiple rights guaranteed by the American Convention. The petition contends that there is no justification for criminalizing consensual sexual activity and that there is no adequate, effective remedy under Barbadian law to challenge this criminalization. This case will enable the Commission to do a more in-depth analysis of the repercussions that laws penalizing consensual sexual activity have on the right to private life and their disparate impact on LGBT people.

## **b. Merits**

41. The following is a description of some of the decisions and developments in inter-American standards laid out in the merits reports the Commission adopted. The merits reports related to these decisions are not published after being adopted, in accordance with the provisions of Article 50 of the American Convention and Article 43 of the IACHR Rules of Procedure. Such reports may be made public once the Commission decides on whether to send them to the Inter-American Court, in the case of those States that have

recognized its jurisdiction, or whether to publish them, in line with the provisions of Article 51 of the American Convention and 47 of the IACHR Rules of Procedure.

- **Rights of Indigenous Peoples in Voluntary Isolation or Initial Contact and Buffer Zones**

42. In a case related to the territorial rights of peoples in voluntary isolation, the IACHR reiterated the standards on this matter recognized in its merits report on the case involving the [Tagaeri and Taromenane Indigenous Peoples with respect to Ecuador](#). It also recognized that buffer zones that are contiguous to the ancestral lands of such peoples act as a safeguard against the risks of potential impacts that may occur in adjacent or adjoining areas. In this regard, the Commission determined that these buffer zones constitute a reasonable, essential measure to prevent violations of rights in the event that the State carries out activities or projects that could have an impact on the territory, including violations that could result from contact alone.

- **Rights to Identity in the Context of Declaration of Paternity Cases**

43. In a case related to proceedings to determine the paternity of a child, the Commission found that given the direct bearing such proceedings can have on the rights of children, including the right to identity, States have the obligation to adopt measures that take into account their vulnerable situation and that protect their rights and look after their best interests. Accordingly, the Commission determined that when the authorities make decisions in such cases, they must always assess the potential repercussions, both positive and negative, that any decision may entail and must indicate explicitly how this obligation was met. Given the importance of a DNA test in establishing identity, the Commission found that the most important determinant in the decision, without further argument, must not be the payment of a bond for the preservation of the remains of the parent on whom the DNA test is being sought, without considering the rights of the child in the event of the potential loss of this evidence to verify the child's identity.

- **Prevention of Violations of the Right to Life and Personal Integrity in Projects Developed in Public Spaces**

44. In a case about whether a State is responsible for loss of life resulting from a work of art falling in a public space, the Commission determined that although States are not to blame for all impacts on life and integrity that occur in areas frequented by the public where private companies are licensed to operate, the State may in fact be internationally responsible for such impacts when they have taken place in the absence of adequate measures of regulation, oversight, and control. Specifically, in the case of art galleries with large, heavy structures located in places where children are engaged in recreational activities, the State must comply with these obligations so as to ensure that any activity of this type, even if done by private entities, does not jeopardize their life and personal integrity.

- **States' Obligations regarding Contagion among Children in Private Clinics**

45. In a case related to a State's responsibility for the death of infants in a private clinic, alleged to have resulted from an outbreak of infections, the Commission reiterated that health-care services fall into a category in which it is incumbent upon the State to exercise regulation, oversight, and control, due to the direct relationship between these activities and the enjoyment of the rights to life, personal integrity, or health. This obligation is especially reinforced when it comes to newborns, who are extremely vulnerable. In this case, given an abnormal rate of hospital infections, factors such as overcrowding and lack of adequate professional staffing, as well as conditions associated with deficient hygiene and cleanliness of the environment that could be related to an increase in infant mortality, the Commission deemed that the State is internationally responsible for failing to perform the aforementioned obligations, by which it should have become aware of the potential risk that such circumstances could pose to life and personal integrity.

- **Violations of Freedom of Conscience and Religion as a Result of Violations of the Right to Life**

46. In a case involving a priest's forced disappearance, which could reasonably be considered to constitute a reprisal for the human rights work he did as part of his pastoral and social activities in a peasant community, the Commission determined that these acts translated into a violation of freedom of association. It also found that—in keeping with precedent established in the merits report in [Case 10.526](#)—these acts constituted a violation of freedom of conscience and religion.

- **Violations of Freedom of Conscience and Religion Stemming from the Inability to Practice Funeral Rituals in Keeping with Personal Beliefs**

47. In this case involving the extrajudicial execution of the victims, the State did not allow family members to hold a funeral in keeping with their customs, instead giving them access to a “controlled” burial without allowing them to keep vigil over the bodies or choose the burial site or clothing. The Commission reiterated that rituals or religious practices associated with burials are fundamentally important to facilitate mourning and allow people to reframe their relationships with the dead. These hindrances thus translated into a violation of the right to personal integrity and to freedom of conscience and religion.

- **Obligations of States regarding National Censuses**

48. The Commission expressed its opinion regarding the responsibility of a State in a case in which the competent authority refused to include the category of “Afrodescendant” in a national census, on grounds that for census purposes it was enough to identify people of African descent in the category of “Others” and that the process in place for defining the questions had already ended. The Commission called to mind that States have the obligation to adopt measures to eliminate racial discrimination and guarantee the rights of people of African descent; to that end, having adequate and disaggregated information is essential for the development of public policies that achieve material equality. The Commission considered that the omission of the category of “Afrodescendant” in the census amounted to a difference in treatment from other population groups that were included, something that was not explained by the State. Specifically, the Commission deemed that the State had an obligation to legally recognize people of African descent and that although implementing the census within the regulatory deadlines was a legitimate aim, the refusal to incorporate that category did not constitute the least harmful means to achieve the objective being sought, as there were options available to the State to conduct the census in a timely manner. In any case, the failure to incorporate this category in the census was disproportionate in nature; far from helping to counter the historical exclusion and discrimination that tribal peoples of African descent have endured, rendering them invisible under the “Others” category helped to perpetuate the exclusion and discrimination over time. The Commission therefore concluded that the right to equality and nondiscrimination was violated in this case.

- **Barriers to Access to Judicial Protection**

49. In this case, a tenant in a proceeding related to a rental contract debt was required to pay a bond in order to appeal an unfavorable judgment. The Commission deemed that this requirement—though perhaps related to the need to limit dilatory appeals and to the principle of procedural celerity in the administration of justice—was disproportionate in the case at hand, because without the ability to come up with the required amount, the victim did not have access to a remedy to appeal the judgment requiring a payment. The Commission found that the State's argument regarding the need to safeguard the principle of procedural celerity did not justify the need to apply that requirement for justice to be served. Judges, as those who govern the process, have a duty to direct and ensure speedy judicial proceedings without sacrificing access to justice and due process of law. In these circumstances, the Commission determined that the requirement in this case amounted to a violation of the right to judicial protection.

- **Legal Capacity of Persons with Disabilities**

50. This is a case in which the institutionalization of persons with mental disabilities in a public hospital meant that they would automatically remain under the guardianship and representation of whoever headed the facility. The Commission determined that this type of arrangement denies the legal capacity of persons with mental disabilities, imposing a regime of total incapacity based on surrogate decision-making and not allowing these persons to exercise their rights directly. The IACHR deemed that this regime runs contrary to the social disability model and itself translates into a violation of the rights to recognition as a person before the law, the right to equality and nondiscrimination, and the right to judicial protection.

- **Hindrances to the Exercise of Trade Union Rights**

51. This case involves the failure of administrative authorities to register a union's board of directors after decisions had been made in the board's favor. The IACHR noted that the right to freedom of association and labor rights include the right for trade unions to engage in such activities as organizing their operations, electing their own representatives, and being elected as representatives, without interference from the authorities that would limit or obstruct the exercise of these rights. In this case, in which the competent administrative authority in the matter had made a decision to register the board, the Commission deemed that the public entity's arbitrary refusal to comply with the instruction, when there was no court order preventing the registration, resulted in the trade union being unable to operate freely through its legitimately elected representatives. This constituted undue interference in the operations of the organization and a failure to recognize the union's right to operate freely and be represented by persons of its choice, in violation of the right to freedom of association and labor rights.

**6. Portfolio meetings and information to member states**

52. In 2022, in order to ensure access to information related to the fulfillment of its mandate and foster a culture of active transparency with respect to the information under its control, including information on petitions and pending cases, the Commission on 16 occasions provided information on the status of portfolios of petitions and cases pending before the IACHR with respect to 14 Member States of the Organization of American States (OAS).

53. Eight of these instances involved virtual, in-person, or hybrid (virtual/in-person) meetings to undertake a detailed review of the portfolios; these were with the States of Argentina, Bahamas, Bolivia, Canada, Chile, Ecuador, Panama, and Suriname.

54. Regarding the provision of information on the status of portfolios of petitions and cases pending before the IACHR, the Commission, on the one hand, provided information ex officio with respect to three States with complex portfolios or in which there had been little interaction or compliance with regulatory requirements formulated by the Commission. In so doing, the Commission's intention was to encourage the timely participation of the parties in the process and to diligently take the procedural steps envisaged in the American Convention on Human Rights, the Commission's Rules of Procedure and Statute, and other relevant instruments and practices. Finally, the Commission answered five requests for information on the status of portfolios of petitions and cases, made by Bolivia, Chile, Colombia, Mexico, and Peru.

55. In addition, in the middle of the year the Commission sent information ex officio to the States that have the most petitions pending with respect to the percentage of measures that were received during 2022; the number of petitions opened and not opened for processing; and those in which additional information was requested from the petitioners.

## 7. Hearings on contentious cases

56. During 2022, in accordance with the provisions established in Article 64 of the Rules of Procedure, the Commission held a total of eight public hearings on pending cases. In these hearings, the Commission received testimonial or expert evidence and heard the arguments of the parties involved.

57. It should be noted that starting in the second half of the year, in furtherance of the principle of immediacy for all of its members, the Commission has held plenary hearings exclusively on contentious cases. Moreover, the Commission has convened the great majority of hearings of its own accord on matters generally related to cases under review and deliberation. This enables the Commission to have more evidence available with respect to aspects being debated by the parties, as well as updated information, before issuing its decision.

58. The Commission held hearings on the following cases:

1. [Case 13.807 - Santiago Efrain Velázquez Coello and Jorge Guillermo Alvear Macías v. Ecuador](#), March 18, 2022.
2. [Case 13.641 - Peasant Communities and Peasant Councils in the Provinces of Celendín, Hualgayoc-Bambamarca, and Cajamarca v. Peru](#), March 15, 2022.
3. [Case 13.349 - Jorge Luis de la Rosa Mejía and Others \(“Missing Persons of San Onofre”\) v. Colombia](#), March 14, 2022.
4. [Case 13.524 - 334 Patients at Federico Mora Hospital v. Guatemala](#), June 24, 2022.
5. [Case 13.572 - Mashco Piro, Yora, and Amahuanca Peoples v. Peru](#), June 23, 2022.
6. [Case 14.042 - Anastasio Hernández Rojas v. United States](#), November 4, 2022.
7. [Case 13.141 - Luis Alfonso Hoyos Aristizábal v. Colombia](#), October 27, 2022.
8. [Case 13.730 - G.C.A.M. and Son v. Ecuador](#), October 24, 2022.

## 8. Strategic Plan 2023-2027

59. During 2022, as part of the consultation and preparation process for its Strategic Plan 2023-2027, the Commission held a series of forums, consultations, and workshops in which it evaluated some of the results of measures that have been adopted historically to address the procedural backlog, with special emphasis on the results obtained following the implementation of its Strategic Plan 2017-2021.

60. The updates issued by the IACHR throughout its Strategic Plan, and particularly the [2021 Annual Report](#), give an account of the measures that have been implemented, which, taken together, have resulted in the elimination of the procedural backlog in the initial review of petitions, the simplification of the proceedings for admissibility and merits, as well as a significant increase in the production of reports and in the use of the rules for archiving cases. In addition, with the increase in volume of merits reports, the Commission has handled more matters in the transition stage, as it has adopted a more active role to make its decisions more effective. Moreover, as a result of the number of cases sent to the Inter-American Court, in view of the need to obtain justice, the Commission has the largest portfolio in its history of matters pending before the Court. This has required the Commission’s participation both in written proceedings and in public hearings. Particularly, in 2022 the Commission participated in the maximum historical number of hearings of contentious cases and in supervision before the Inter-American Court, which entailed allocating a substantial part of its efforts in the area of the system of petitions and cases to fulfill said function.

61. The Commission recognizes that despite the increase in productivity, the large number of cases that are pending in its admissibility and merits portfolios reflect the fact that there is still a significant procedural backlog; this requires ongoing attention to make proceedings more efficient, strengthen the capacity to handle cases, and adopt new measures to address the backlog. During 2022, the IACHR adopted its [Strategic Plan 2023-2027](#), in which it decided to make its Strategic Objective 1 to increase access to inter-

American justice. To that end, the Commission approved the following programs: i) Streamlining processes and progressive reduction of the procedural backlog; ii) Strengthening and expansion of friendly settlements; iii) Prioritization of petitions and cases to ensure more timely justice and the development of standards with a structural impact; and iv) expansion of management capacity for cases in transition and being processed by the Inter-American Court of Human Rights.

62. Each of the programs has its own strategic lines of action, which are laid out in detail in the Strategic Plan. The first of these is to adopt new measures to accelerate output and gradually reduce the portfolio of cases. As one of the most immediate measures, the Commission has decided that in light of the growth of the merits portfolio—due to the large number of admissibility decisions adopted under the previous Strategic Plan—it will consolidate the results under this new Strategic Plan by increasing the number of decisions on the merits, so as to provide a timelier response. Consequently, the Commission will prioritize the allocation of its resources to decisions in the merits stage. During the time the Strategic Plan is in effect, the Commission will also study how to improve existing measures or adopt new ones to address the procedural backlog. The Commission will also continue to monitor and give impetus to the negotiation processes underway, as well as to compliance with friendly settlement agreements. To that end, it will continue to facilitate working meetings and, among other measures, apply alternative dispute resolution techniques so that if the parties are willing, they can have a roadmap to follow.

63. Second, although the Commission has provided [information](#) about the criteria it has adopted to prioritize certain petitions and cases, it has decided that it will study a prioritization policy for petitions and cases that will enable it to properly manage pending cases in a way that is clearer, so that it can provide a more timely response in cases where that is warranted. The expectation is that the decisions adopted by the IACHR can be evaluated not just from a quantitative and chronological perspective but also based on the opportunity for the decisions to have a bigger impact on structural aspects, such as norms or practices in the States that may affect the enjoyment of human rights, so as to prevent new violations from occurring.

64. Third, and as one of the distinctive elements of this Strategic Plan, the Commission has established the critical importance of improved knowledge management and the study of work methods as one of the priority activities of the Assistant Secretariat for Petitions and Cases. This will involve, among other activities, examining its portfolios to improve the categorization of cases for the adoption of measures that will allow for faster decisions, for example when cases have certain similarities or may be repetitive. The IACHR will also systematize its precedents and formats to ensure greater consistency in its decisions, as well as provide ongoing training and preparation of the technical team that works in this area.

65. Fourth, as part of its Strategic Plan the Commission will continue to strengthen its attention to matters that are in the transition stage, in other words, merits reports that are pending a decision regarding their transmittal to the Inter-American Court. This will mean strengthening the capacity to manage and address these cases in the Assistant Secretariat for Petitions and Cases in order to help reach agreements that enable comprehensive reparation of victims of human rights violations through the implementation of the recommendations in the merits reports. Along these lines, the Commission will continue to hold working meetings and issue technical notes as warranted with respect to the scope of its recommendations.

66. Finally, as described in the Strategic Plan, the Commission will continue complying with its mandates before the Inter-American Court with regard to pending cases, advisory opinions, and supervision of judgments. It will continue to activate the jurisdiction of the Court in view of the need to obtain justice and reparation for victims of human rights violations. In addition, in prioritizing petitions and cases, the Commission will seek to optimize the transmittal of cases to the Inter-American Court on aspects of inter-American public order that can contribute to the development of the Court's case law and enable the States to have legal certainty regarding the scope of the rights protected by the inter-American instruments, as well as actions and omissions that could affect them, thus preventing the occurrence of new human rights violations.



Taking into account the growth in its portfolio of cases, the Commission will continue strengthening and providing specialized skills to the technical team handling these tasks.

67. The Commission recognizes that it is essential to have the participation of the Member States, civil society organizations, and victims in the activities and programs of its Strategic Plan. They represent the Commission's permanent commitment to continue improving the effectiveness of its procedures and work methods in its system of petitions and cases, with the aim of increasing access to inter-American justice.

## **C. Advances and challenges on negotiation and implementation of friendly settlements**

### **1. Introduction**

68. 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 2022-2027, 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.

69. 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 2022; 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 2022 regarding friendly solutions are raised.

70. Finally, it must be noted that pursuant to article 17.2.a of the Rules of Procedure of the IACHR, the Chair of the Commission, Commissioner Julissa Mantilla Falcón, a Peruvian national, did not participate in the discussion or in the conclusions of the reports concerning that country; neither did Commissioner Edgar Stuardo Ralón Orellana, First Vice Chair, nor Commissioner Margaret Macaulay, Second Vice Chair, nationals of Guatemala and Jamaica, respectively, in the matters concerning those countries; the same was true for Commissioners Joel Hernandez, in matters concerning Mexico, Esmeralda Arosemena de Troitiño, in matters concerning Panama, Roberta Clarke in matters concerning Barbados, and Carlos Bernal in matters concerning Colombia.

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

#### **a. Friendly settlement agreements fully implemented in 2022**

71. The Commission notes with satisfaction that, in 2022, 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. In this regard, in 2022 the Commission approved two friendly settlement agreements on the arbitrary dismissal of police officers in Honduras under Decree 58-2001, in which full compliance was

reached prior to their approval by the Commission. Specifically, in Cases 12.961 I, *Transito Eduardo Arriaga López et al.* and 12.961 H, *Juan González et al.*, the Honduran State fulfilled its obligation to provide economic compensation to the victims, for which reason the Commission declared full compliance with said agreements. In the framework of Case 12.961 H, the Commission mentioned in its report No. 287/22 that the State made economic compensation to the 27 beneficiaries under the FSA, for a total amount of L11,686,666L (eleven million six hundred eighty-eighty-six hundred sixty-six lempiras) or approximately US\$474,869.21 (four hundred seventy-four thousand sixty-nine U.S. dollars and twenty-one cents). In the second matter, Case 12.961 I, in report No. 288/22, the Commission reported that the State provided economic compensation to the 34 beneficiaries under the FSA, for a total amount of L16,600,000 (sixteen million six hundred thousand lempiras) or approximately US\$673,759.97 (six hundred and seventy-three thousand seven hundred and fifty-nine U.S. dollars and ninety-seven cents). Therefore, both agreements were approved with a level of total compliance.

72. The Commission notes with satisfaction that through its full compliance with the friendly settlement agreements relating to Reports Nos. 105/19 (Case 12.961 A, *Bolívar Salgado Welban et al.*); 101/19 (Case 12.961 C, *Marcial Coello Medina et al.*); 104/19 (Case 12.961 D, *Jorge Enrique Valladares Argueñal et al.*); 42/21 (Case 12.961 E, *Ecar Fernando Zavala Valladares et al.*); 20/20 (Case 12.961 F, *Miguel Angel Chinchilla Erazo et al.*); 205/21 (Case 12.961 J, *Faustino Garcia Cardenas et al.*); 287/22 (Case 12.961 H, *Juan González et al.*); and 288/22 (Case 12.961 I, *Transito Arriaga López et al.*), the State has duly provided reparations by disbursing economic compensation amounting to approximately US\$4,758,730 (four million seven hundred and fifty-eight thousand seven hundred and thirty dollars) to a total of 290 alleged victims in the original matter, Case 12.961 (*Juan González et al.*). The Commission greatly values the efforts made by both parties in the negotiations in these matters to reach these friendly settlements, which are compatible with the object and purpose of the Convention.

73. In the context of monitoring friendly settlement agreements approved by the Commission, in 2022 major progress was observed in terms of total compliance with seven 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:

- Case 12.159, Report No. 79/09, *Gabriel Egisto Santillan* (Argentina)
- Case 12.282, Report No. 109/13, *Florentino Rojas* (Argentina)
- Case 12.756, Report No. 10/15, *Estadero El Aracatazzo* (Colombia)
- Case 11.538, Report No. 43/16, *Herson Javier Caro* (Colombia)
- Case 13.728, Report No. 21/20, *A.G.A. and family* (Colombia)
- Case 11.422, Report No. 1/12, *Mario Alioto López Sánchez* (Guatemala)
- Case 11.822, Report No. 24/09, *Reyes Penagos Martínez et al.* (Mexico)

74. The Commission considers that this progress is very important, and commends the states of Argentina, Colombia, Honduras, Guatemala, and Mexico 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 2022**

75. The Commission is pleased to observe progress in the implementation of measures in 59 friendly settlement agreements. In addition, it was observed in the Commission's analysis that, in 2022, 9 petitions and cases reached total compliance and 21 cases met with partial compliance.

76. Additionally, the Commission observes that progress was made in implementing 134 measures, attaining total compliance with respect to 67 measures of reparation; partial substantial compliance

with respect to 23 measures of reparation; and partial compliance with respect to 44 measures of reparation. Of the 134 measures that saw progress in 2022, 50 are structural and 84 are individual in nature.

77. 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 73 advanced measures in 2022, of which 38 achieved full compliance, 15 achieved partial substantial compliance and 20 achieved partial compliance. Likewise, Argentina made progress in complying with 30 measures (15 with full compliance, one with partial substantial compliance, and 14 with partial compliance). Additionally, it was observed that Mexico made progress in 12 measures, with full compliance with 3 measures, partial substantial compliance with 4 clauses, and partial compliance with 5 clauses.

78. Other States that showed progress in the implementation of friendly settlement agreements were Honduras, which managed to advance with compliance with six measures (5 with full compliance and 1 with partial compliance); Chile, which also managed to advance in 4 clauses (1 with full compliance, 2 with partial substantial compliance and 1 with full compliance); Uruguay, which managed to advance in 4 clauses (3 with full compliance, and 1 with partial compliance). Finally, Guatemala, which also achieved compliance with three clauses (1 fully complied with, one partial substantial and 1 with partial compliance); and Brazil and Panama managed to advance with the fulfillment of one measure each, totally and partially, respectively.

79. 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 2022:

PROGRESS ON THE IMPLEMENTATION OF FRIENDLY SETTLEMENT AGREEMENTS 2022				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>ARGENTINA</b>				
1.	Case 12.159, Report No. 79/09, Gabriel Egisto Santillan	Individual	<b>Clause B.2.</b> The Government of the Argentine Republic undertakes to invite the Government of the Province of Buenos Aires to report on the status of the following cases being heard by courts in the provincial jurisdiction until their final conclusion [...].	<b>Total 2022</b>
2.	Case 12.182, Report No. 109/13, Florentino Rojas	Individual	[...] A. Provide appropriate housing in the area in which he currently resides, in keeping with physical and geographic specifications indicated in the operative section of the award; [...]. b) the duty to “provide Mr. Florentino Rojas appropriate housing” provided for in section 1 of the operative part of the award dated March 3, 2016, implies the Argentine State’s obligation to provide Mr. Rojas possession of a dwelling—with the features that the same award lists—under a modality such that it allows him to freely exercise de facto power over its inheritance [...].	<b>Total 2022</b>
3.	Case 13.595, Report No. 207/21, Amanda Graciela Encaje and Family.	Individual	<b>Clause III. A. Sculpture in tribute to the victims and their families.</b> The commitment is to carry out an emotive sculpture, in tribute to the victims and their families in their long struggle for justice, joined by a marble plaque with an allegoric inscription to the recognition of responsibility for the denial of justice and the friendly settlement agreement of the case. [...].	<b>Total 2022</b>
4.		Individual	<b>Clause III. B. Examine the feasibility of reopening the criminal case of the homicides of Amanda Encaje y Nestor Vivo.</b> The Provincial Government undertakes to request the Public	<b>Total 2022</b>

			Prosecutor's Office of the Chaco Province to analyze and justify the reopening of the criminal case entitled "COMISARIA SECCIONAL OCTAVA S/ ELEVA ACTUACIONES" (File N° 893, year 1991, registry of the former instruction Court N°5 transferred to the Transition and Guarantees Court N°4, both at the city of Resistencia, Chaco Province).	
5.		Structural	<b>Clause III. C. Creation of the Official Defender of Victims position, with exclusive dedication to persons victims of crimes.</b> For the fulfillment of this point, the Executive Branch of the Chaco Province undertakes to raise, within a period of six months from the date of the homologation of the present agreement by the IACHR, a bill before the Provincial Chamber of Deputies that promotes the creation of two placements for Official Defense Counsel for Victims, one based at the city of Resistencia and the other at "Presidencia Roque Saenz Peña." [...].	<b>Partial substantial 2022</b>
6.		Structural	<b>Clause III. D. Creation of the Observatory for Crime Victims.</b> For the fulfillment of this point, the provincial Executive Branch undertakes to present, within a period of six months from the date of the homologation of the present agreement by the IACHR, a draft bill before the Provincial Chamber of Deputies that promotes the creation of an entity and to name it "Observatory of the Victims of Crimes/ Amanda Encaje" [...].	<b>Partial 2022</b>
7.		Structural	<b>Clause III. E. Sanction of protocols for the preservation of the crime scene and to guarantee the chain of custody of evidence and effects seized, to optimize and streamline the investigation of complex crimes.</b> The Government of the Province undertakes to promote the ratification by law of a series of protocols that are implemented in the criminal investigations advanced in the provincial jurisdiction, but without legal force. [...].	<b>Total 2022</b>
8.		Structural	<b>Clause III. G. Ratification and diffusion.</b> Finally, in the Minute of Compromise of Friendly Settlement, the Government of the Chaco Province, assumed to undertake that it would be approved by Provincial Decree, as it happened on May 3, 2021, (Decree N° 949/2021), and to publish it in a newspaper of national and another one of provincial circulation, after the homologation report by the IACHR. Likewise, it was agreed that the provincial Government will request the National State to publish the content of the agreement on the websites Ministry of Foreign Affairs and Worship and the Ministry of Justice and Human Rights.	<b>Total 2022</b>
9.	Case 12.289, Report No. 168/2022, Guillermo Santiago Zaldivar	Structural	<b>Clause A. Non-pecuniary reparation measures.</b> The Argentine State undertakes to make this agreement public in the "Official Gazette of the Argentine Republic", and in two national newspapers through a press release, the text of which will be previously agreed upon with the petitioner party.	<b>Total 2022</b>
10.	Petition 1256-05, Report No. 305/22, Ivana Rosales	Structural	<b>Clause III. Non-pecuniary reparations measures. 1. Creation of the Ivana and Mayka Rosales Comprehensive Protection Center for victims of gender-based violence:</b> Within a maximum period of one year from the publication of the Provincial Decree, the Province will inaugurate the Comprehensive Protection Center for victims of gender-based violence, to be called the Ivana and Mayka Rosales, located in the City of Plottier. [...].	<b>Partial 2022</b>
11.		Structural	<b>Clause III. Non-pecuniary reparations measures. 2. Free, comprehensive, and specialized legal aid:</b> The province of Neuquén commits to implementing National Law 27,210 and Provincial Law 3106 creating the Lawyers' Corps for Victims of Gender-based Violence in the Province of Neuquén. [...].	<b>Partial 2022</b>

12.	Structural	<b>Clause III. Non-pecuniary reparations measures. 3. Publication and wide dissemination of an informational pamphlet on gender-based violence:</b> 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. [...].	Partial 2022
13.	Structural	<b>Clause III. Non-pecuniary reparations measures. 4. Training for public officials:</b> 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 2022
14.	Individual	<b>Clause III. Non-pecuniary reparations measures. 6. Legal aid for Abril Rosales:</b> The Province commits to taking the necessary steps to change Abril Rosales’s last name and to complete the inheritance proceedings regarding Ivana Rosales’s passing. [...].	Total 2022
15.	Individual	<b>Clause IV. Measures for the reparation of material and non-material damage: 1. Provision of a home to Abril Rosales:</b> The Province of Neuquén will hand over possession and bare ownership to petitioner Abril Rosales of a house from the “90 Housing” Plan (Case File 7442-000529/2016), free of charge, appraised at US\$73,000 (seventy-three thousand US dollars), according to the selling exchange rate of Banco Nación as of June 26, 2019. [...].	Total 2022
16.	Individual	<b>Clause IV. Measures for the reparation of material and non-material damage: 2. Economic compensation:</b> [...] Consequently, the Government of the Province of Neuquén commits to paying the victim, Abril Eve Rosales, a total and sole sum for pecuniary and non-pecuniary damage of US\$10,000.00 (ten thousand dollars) within one year of the issuance of the provincial decree. [...].	Total 2022
17.	Individual	<b>Clause IV. Measures for the reparation of material and non-material damage: 3. Costs and Expenses:</b> The Province of Neuquén shall assume the payment of the costs of the petitioner's attorneys (CELS) in the amount of two thousand five hundred US dollars (USD 2,500.00). [...].	Total 2022
18.	Structural	<b>Clause V Publicity. 1. Dissemination of the film “Ella se lo buscó.”</b> The Government of the Province of Neuquén is committed to disseminating the film “Ella se lo buscó” (She asked for it) in educational institutions, for which purpose it has acquired five hundred copies of the film.	Total 2022
19.	Structural	<b>Clause III.1.1. Public act in acknowledgment of international responsibility:</b> Within a maximum period of six months from the signing of this Agreement, the Argentine State undertakes to carry out a public act in which, among other actions, the text of the acknowledgment of responsibility assumed in the present case will be read. [...]The event will be filmed, and its images may form part of the training activities on gender-based violence to be carried out under this agreement.	Total 2022
20.	Structural	<b>Clause III.1.2. Publicity of the Friendly Settlement Agreement:</b> The Argentine State commits to publicize this agreement within a maximum period of six months from its signature. [...].	Partial 2022

21.		Structural	<b>Clause III.2.2. National Program for the Prevention of Gender-Based Violence:</b> 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). [...].	<b>Partial 2022</b>
22.		Structural	<b>Clause III.2.3. Promotion and training within the framework of Law 27,499 (“Micaela’s Law”):</b> 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”).	<b>Partial 2022</b>
23.		Structural	<b>Clause III.2.4. Implementation and dissemination of the Program of Support for People at Risk of Gender-Based Violence (“Acompañar”):</b> 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. [...].	<b>Partial 2022</b>
24.		Structural	<b>Clause III.2.6. Implementation and Dissemination of the Program for Urgent Support and Immediate Comprehensive Assistance in Cases of Extreme Gender-based Violence [...].</b>	<b>Partial 2022</b>
25.		Structural	<b>Clause III.2.7. Strengthening access to justice for people in situations of gender-based violence:</b> 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).	<b>Partial 2022</b>
26.		Structural	<b>Clause III.2.9. Program to Strengthen Territorial Mechanisms of Comprehensive Protection for Persons Experiencing Gender-Based Violence:</b> The Argentine State, through the MMGyD, commits to guarantee the implementation of the Program to Strengthen Territorial Mechanisms of Comprehensive Protection for Persons Experiencing Gender-Based Violence, of national scope, which aims to consolidate the network of shelters, refuges, and mechanisms of protection by funding projects aimed at renovating, equipping, and expanding them. [...] The State commits to actively disseminate the Program in the provincial and/or municipal territorial comprehensive protection mechanisms, as well as through the MMGyD’s Federal Council. [...].	<b>Partial 2022</b>
27.		Structural	<b>Clause III.2.10 Production of strategic and systematized information regarding gender-based violence [...].</b>	<b>Partial 2022</b>
28.		Structural	<b>Clause III.2.13. Drafting and dissemination of general guidelines for work on masculinities without violence:</b> The Argentine State undertakes to continue carrying out actions to prevent gender-based violence.	<b>Partial 2022</b>
29.	Case 13.869, Report No. 350/22, Silvia Monica Severini	Individual	<b>Clause 2.</b> The Argentine State undertakes that, within three (3) months from the publication in the Official Gazette of the Argentine Republic of the executive decree approving this agreement, a ministerial resolution will be issued granting the reparation benefit provided for in Law No. 24,043, without any additional costs or expenses. The amount of the reparation will be calculated at the date of issuance of said ministerial resolution.	<b>Total 2022</b>
30.	Case 14.669, Report No. 350/22,	Individual	<b>Clause 2.</b> The Argentine State undertakes that, within three (3) months from the publication in the Official Gazette of the Argentine Republic of the executive decree approving this agreement, a ministerial resolution will be issued granting the reparation benefit	<b>Total 2022</b>

	Mariano Bejarano		provided for in Law No. 24,043, without any additional costs or expenses. The amount of the reparation will be calculated at the date of issuance of said ministerial resolution.	
<b>Argentina:</b> Number of measures where progress was achieved: 30 (10 individual, 20 structural) Total compliance: 15 Partial substantial: 1 Partial compliance: 14				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>BRAZIL</b>				
31.	Case 11.289, Report No. 95/03, José Pereira	Structural	<b>Clause 15.</b> The Brazilian State undertakes to strengthen gradually the Division of Repression of Slave Labor and Security of Dignitaries (STESD), established under the Department of the Federal Police by means of administrative ruling (Portaria)-MJ No. 1,016, of September 4, 2002, so as to give the Division adequate funds and human resources for the proper performance of the functions of the Federal Police in the actions to investigate reports of slave labor.	Total 2022
<b>Brazil:</b> Number of measures where progress was achieved: 1(Structural) Total compliance: 1 Partial substantial: N/A Partial compliance: N/A				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>CHILE</b>				
32.	Petition 4617/02, Report No. 30/04, Mercedes Julia	Structural	<b>Clause 3. d)</b> Agree on binding mechanisms for all state organs to prevent the construction of future megaprojects, in particular hydroelectric projects, on indigenous lands in the Upper Bío Bío.	Partial 2022
33.	Huenteao Beroiza et all. (Chile)	Structural	<b>Clause 5.</b> Measures to satisfy the particular demands of the Mapuche Pehuenche families affected.	Partial substantial 2022
34.	Petition 687-11, Report No. 138/19, Gabriela Blas Blas and Daughter C.B.B.	Individual	<b>Clause 2. Elimination of Gabriela Blas Blas's criminal record.</b> b) Once the homologation of this Friendly Settlement Agreement by the Commission is obtained, the Civil Registry and Identification Service shall proceed to expunge Mrs. Gabriela Blas Blas's criminal record within no more than six months. [...].	Total 2022
35.		Structural	<b>Clause 6. Guarantees of non-repetition.</b> 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. [...].	Partial substantial 2022
<b>Chile:</b> Number of measures where progress was achieved: 4 (1 individual, 3 structural) Total compliance: 1 Partial substantial: 2 Partial compliance: 1				

No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>COLOMBIA</b>				
36.	Case 12.756, Report No. 10/15, El Aracatazzo Bar Massacre	Individual	<b>CLAUSE SECOND. - On the subject of justice.</b> The parties recognize the progress made in the area of justice in the instant case. However, the State undertakes to continue to honor its obligation to investigate, try and punish those responsible for the crimes.	<b>Total 2022</b>
37.	Petition 108-00, Report No. 38/15, Segovia Massacre	Individual	<b>CLAUSE SECOND. - On the subject of justice.</b> The parties recognize the progress made in the area of justice in the instant case. However, the State undertakes to continue to honor its obligation to investigate, try and punish those responsible for the crimes.	<b>Total 2022</b>
38.	Petition 577-06, Report No. 82/15, Gloria Gonzalez, and family	Structural	<b>CLAUSE THIRD. ii)</b> Measures of symbolic reparation such as actions relating to the historic record or memory and commemorations that will be arranged by consensus with the victims and their representatives.	<b>Total 2022</b>
39.	Case 11.538, Report No. 43/16, Herson Javier Caro	Individual	<b>CLAUSE THIRD. -</b> The State will arrange for \$50,000,000 (FIFTY MILLION PESOS M C/TE) in aid for the minor child D, for the purpose of funding technical or technological studies and covering her child support. The amount of aid will increase to \$70,000,000 (SEVENTY MILLION PESOS MC/TE) if the beneficiary chooses to pursue a professional career. [...].	<b>Partial 2022</b>
40.	Case 12.541, Report No. 67/16, Omar Zuñiga Vásquez and Amira Isabel Vásquez de Zuñiga	Individual	<b>CLAUSE THIRD. 2.</b> Provide a grant for \$50,000,000 pesos (FIFTY MILLION PESOS, local currency) for Cielo Yamile Apache Caro and another of the same amount for William Alfonso Apache Caro, siblings of the victim, in order to finance the technical, technological, or professional education of their choosing and pay living expenses. [...].	<b>Total 2022</b>
41.	Case 11.007, Report No. 68/16, Trujillo Massacre	Individual	<b>CLAUSE SECOND. - Judicial measures.</b> The Office of the Attorney General [Procuraduría General de la Nación] shall, within its sphere of competence, and once the report referred to in Article 49 of the American Convention has been published, bring an action for reconsideration of the resolution of May 28, 2014, issued by Prosecution Office 73 Delegated to the Superior Court of Bogota. [...].	<b>Partial substantial 2022</b>
42.	Case 11.007, Report No. 68/16, Trujillo Massacre	Individual	<b>CLAUSE FOURTH. - Financial reparation.</b> Once this friendly settlement agreement is approved by publication of the report referred to in Article 49 of the American Convention on Human Rights, the State commits to applying Law 288 of 1996 with a view to making reparation for any proven non-material and material injuries caused to immediate family members of Omar Zuñiga Vasquez and Amira Vasquez de Zuñiga that have not been compensated as a result of actions brought under administrative law. The Ministry of National Defense shall be responsible for implementing this measure. [...].	<b>Partial substantial 2022</b>
43.	Case 11.007, Report No. 68/16, Trujillo Massacre	Individual	<b>CLAUSE FOURTH. - Measures to satisfy the victims' right to comprehensive reparation.</b> 1. Financial reparation: The State undertakes, by means of the procedures set forth in Law 288 of 1996, to provide compensation for the material and non-material injuries found in favor of the next of kin of the victims recognized in Investigation No. 040 being conducted into the events by Prosecution Unit 17 of the Directorate of the Specialized National Prosecution Unit for Human Rights and International	<b>Partial substantial 2022</b>



			Humanitarian Law who have not yet been compensated in the administrative jurisdiction. [...].	
44.	Case 12.712, Report No. 135/17, Rubén Darío Arroyave	Individual	<b>CLAUSE THIRD. - Pecuniary reparation.</b> 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.	<b>Partial substantial 2022</b>
45.		Individual	<b>CLAUSE 1. b. Measures relating to Nicolasa's education.</b> Provide a \$50.000.000 (FIFTY MILLION COLOMBIAN PESOS) grant to Nicolasa to finance her studies at any of the technical, vocational, technological or university levels, in any academic program or institute of higher education authorized in Colombia, that she, the beneficiary, chooses. That grant shall be used to pay for her tuition fees and maintenance costs. [...].	<b>Partial substantial 2022</b>
46.	Case 12.941, Report No. 92/18, Nicolasa, and family	Structural	<b>CLAUSE 3. Non-Repetition Measures. ii.</b> The Office of the Attorney-General shall continue to monitor and issue recommendations regarding progress with investigations into the cases listed in the confidential annexes to Court Orders (Autos) 092 of 2008 and 009 of 2015, in follow-up to Judgment T-025 of 2004 of the Constitutional Court, through the Sub-Committee for Coordination of Investigation and Prosecution of Acts of Sexual Violence Committed in Connection with the Armed Conflict, established by Resolution 003 of November 2015. [...].	<b>Partial substantial 2022</b>
47.		Individual	<b>CLAUSE 4. Reparation measures.</b> 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. [...].	<b>Partial substantial 2022</b>
48.	Case 11.144, Report No. 109/19, Gerson Jairzinho González Arroyo	Individual	<b>CLAUSE 2.2.</b> The National Agency for Legal Defense of the State undertakes, once the friendly settlement agreement is approved, to request before the Office of the Attorney General that, within the framework of its powers, establishes the feasibility of filing a review action of: (i) the Resolution dated June 13, 2003 issued by the Delegated Prosecutor's Office before the Specialized Criminal Judges of the Circuit, attached to the National Human Rights and International Humanitarian Law Unit in process No. 261, whereby he precluded the investigation in favor of Isnardo Alfonso Castellanos Peña, Jorge Muñoz Paez and German Antonio Gómez Díaz, and (ii) the judgment dated July 1, 2005, issued by the Criminal Court of the Special Circuit of Sincelejo Sucre, by which he was acquitted Mr. Alcides Medina.	<b>Partial 2022</b>
49.		Structural	<b>CLAUSE 3.3.</b> The parties will arrange for the realization and implementation of a pedagogical measure that contributes to the non-repetition of the facts and to the recovery of the victim's memory. [...].	<b>Partial 2022</b>
50.	Case 13.776, Report No. 1/20, German Eduardo Giraldo and Family	Individual	<b>CLAUSE SECOND: Judicial measures.</b> The State shall continue with its obligation to investigate, try, and punish those responsible for the facts in this case, with a view to establishing the real motives surrounding the murder of Mr. Germán Eduardo Giraldo.	<b>Partial 2022</b>
51.		Individual	<b>CLAUSE FOURTH: Health measures.</b> The Ministry of Health and Social Protection shall implement the health rehabilitation measures in the form of medical, psychological and psycho-social care through the General Social Security Health System and the Psycho-Social Care and Comprehensive Health Care for Victims Program (PAPSIVI), and through the General Social Security Health	<b>Partial substantial 2022</b>

			System shall provide appropriate, timely, and priority treatment (based on medical criteria) to the victims with whom this friendly settlement agreement is signed.	
52.		Individual	<b>CLAUSE SIXTH: Financial reparation.</b> It has been accredited that those involved suffered harm in the form of the violations of the rights to family, the truth, (and) to effective judicial recourse, for which reason the State shall furnish a measure of satisfaction designed to restore the dignity, honor, good name and reputation of the Giraldo Agudelo family and, accordingly, shall agree to pay 100 legal minimum monthly wages (SMLMV) to each member of Mr. German Eduardo Giraldo's immediate nuclear family, [...].	<b>Partial substantial 2022</b>
53.	Case 13.728, Report No. 21/20, Amira Guzmán Alonso	Individual	<b>CLAUSE FOURTH: Financial compensation.</b> 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 [...].	<b>Total 2022</b>
54.	Case 12.909, Report No. 22/20, Gerardo Bedoya Borrero	Individual	<b>CLAUSE SECOND: Measures on justice.</b> To see justice done, the following commitments are adopted: A) The State shall continue with its obligation to investigate, try, and punish those responsible for the facts in this case, with a view to establishing the real motives surrounding the murder of journalist Gerardo Bedoya Borrero.	<b>Partial 2022</b>
55.	Gerardo Bedoya Borrero	Individual	<b>CLAUSE FOURTH: Financial compensation.</b> 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 [...].	<b>Partial 2022</b>
56.		Structural	<b>CLAUSE SECOND: Measures of satisfaction. B) Making of banners.</b> The National Penitentiary and Prison Institute (INPEC) shall have banners made measuring 1.5 x 2.0 meters, bearing the photograph of Mr. Luis Horacio Patiño Agudelo and a brief biographical sketch. Which shall be hung in five of INPEC's second-generation national prison establishments.	<b>Total 2022</b>
57.	Case 13.370, Report No. 80/20, Luis Horacio Patiño and family	Structural	<b>CLAUSE THIRD: Guarantees of non-repetition.</b> Through the National Penitentiary and Prison Institute (INPEC), the State commits to include what happened on January 17, 1996 in the "El Barne" National Penitentiary as a subject matter of a "lesson learned" exercise that will serve as a tool for evaluating and improving penitentiary services to be addressed in human rights training courses delivered by the National School of Penitentiary Studies [Escuela Penitenciaria Nacional in Spanish].	<b>Total 2022</b>
58.		Individual	<b>CLAUSE FOURTH: Financial compensation.</b> 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, [...].	<b>Partial 2022</b>
59.	Petition 595-09, Report No. 84/20, Jorge Alberto Montes and Family,	Individual	<b>CLAUSE THIRD: Financial reparation.</b> 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, [...].	<b>Partial 2022</b>
60.	Case 13.319, Report No. 213/20, William Fernández Becerra and Family,	Individual	<b>CLAUSE SECOND. Act of acknowledgment of responsibility.</b> A private ceremony acknowledging responsibility to be presided over by the Commander of the Metropolitan Police of Popayan. [...].	<b>Total 2022</b>
61.	William Fernández Becerra and Family,	Structural	<b>CLAUSE SECOND. Publication of the facts.</b> The Colombian State commits to posting the report issued by the Inter-American Commission on Human Rights pursuant to Article 49 of the American Convention that approves the friendly settlement	<b>Total 2022</b>

			agreement on the web pages of the Ministry of National Defense and the National Legal Defense Agency of the State.	
62.		Individual	<b>CLAUSE FOURTH: Financial reparation.</b> Clause 4.1 The State shall implement a satisfaction measure geared to restoring the dignity of the family of the young WILLAM FERNANDEZ BECERRA and agree to pay 100 minimum monthly legal wages (SMLMV) to each member of his immediate nuclear family, that is to say, his parents, and 50 SMLMV to each of his two (2) siblings.	<b>Partial substantial 2022</b>
63.	Case 13.421, Report No. 333/20, Geminiano Gil Martinez and Family,	Structural	<b>CLAUSE THIRD. C) Publication of the facts:</b> The Colombian State commits to posting the report issued by the Inter-American Commission on Human Rights pursuant to Article 49 of the American Convention that approves the friendly settlement agreement on the web page of the National Legal Defense Agency of the State for a period of six months.	<b>Total 2022</b>
64.		Individual	<b>CLAUSE FOURTH: Financial reparation.</b> 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, [...].	<b>Partial substantial 2022</b>
65.		Individual	<b>CLAUSE 1.1.2. 1.1 Medical and psychosocial care:</b> The Ministry of Health and Social Protection, in exercise of the powers described in Decree Law 4107 of 2011, will coordinate the health rehabilitation measures that constitute medical, psychological and psychosocial care through the General System of Social Security in Health and its members, which will guarantee adequate, opportune and prioritized treatment as long as necessary (according to medical criteria), in accordance with the legal provisions on the matter. [...].	<b>Partial substantial 2022</b>
66.	Case 13.642, Report No. 41/21, Edgar José Sánchez Duarte, and Family,	Individual	<b>CLAUSE 1.2 Financial aid:</b> 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. [...].	<b>Partial 2022</b>
67.		Individual	<b>CLAUSE 1.3. Economic reparations:</b> The Ministry of National Defense undertakes to compensate the moral damages that will be proven by the violations recognized in this agreement through the mechanism established by Law 288 of 1996. [...].	<b>Partial substantial 2022</b>
68.	Case 13.171, Report No. 115/21, Luis Argemiro Gómez Atehortua	Structural	<b>CLAUSE 1.2 Publication of the facts.</b> The Colombian State commits itself to publish the report 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 website of the Ministry of Defense and the National Police, for six months.	<b>Total 2022</b>
69.		Structural	<b>CLAUSE 1.3 Guarantees of non-repetition.</b> The Ministry of Defense will carry out face-to-face and / or virtual training aimed at the Medellín Police Guala, the Antioquia Police Department, the "General Francisco de Paula Santander" Police Officer Training School and the Non-Commissioned officers and Executive Level School "Gonzalo Jiménez de Quesada", [...].	<b>Total 2022</b>
70.		Individual	<b>CLAUSE 1.5 Pecuniary Reparation.</b> The Ministry of Defense - National Police undertakes to compensate the moral damages that	<b>Partial substantial 2022</b>

			are proven by the violations recognized in this agreement through the mechanism established by Law 288 of 1996. [...].	
71.	Case 13.571, Report 336/21, Carlos Mario Muñoz Gómez	Structural	<b>CLAUSE 1. b. Publication of the facts.</b> 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.	<b>Partial substantial 2022</b>
72.		Individual	<b>CLAUSE 3. Pecuniary damages.</b> 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. [...].	<b>Partial 2022</b>
73.	Case 13.758, Report 337/21, Franklin Bustamante Restrepo	Structural	<b>CLAUSE 2. Publication of the Report of Article 49:</b> The Colombian State shall carry out the publication of the Report of article 49 of the IACHR, once it is issued by the Inter-American Commission on Human Rights, on the web page of the National Agency of Juridical Defense of the State, for the term of six (6) months.	<b>Total 2022</b>
74.		Individual	<b>CLAUSE SIXTH PART: Measures of compensation.</b> 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, [...].	<b>Partial 2022</b>
75.	Case 14.291, Report No. 58/22, Captain N	Structural	<b>CLAUSE ii. Publish Report on Article 49:</b> The Colombian State shall publish the relevant sections of the report on the friendly settlement - once the Inter-American Commission has homologated said report - on the website of the National Agency for the Legal Defense of the State and the website of the Ministry of National Defense, for six (6) months.	<b>Total 2022</b>
76.		Individual	<b>CLAUSE SEVENTH: compensation measures.</b> 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, [...].	<b>Partial 2022</b>
77.	Petition 535-17, Report No. 59/22, Luis Gerardo Bermudez	Individual	<b>CLAUSE i. Act of Acknowledgement of Responsibility:</b> The Colombian State shall carry out a Private Act of Acknowledgment of Responsibility, which shall be conducted virtually with the participation of the petitioners. [...].	<b>Total 2022</b>
78.		Structural	<b>CLAUSE ii. Publication of the Report of Article 49:</b> 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.	<b>Total 2022</b>
79.		Individual	<b>CLAUSE SEVENTH. Compensation measures:</b> 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 in accordance with the provisions of certain international human rights bodies", once this friendly settlement agreement is approved through the issuance of	<b>Partial 2022</b>

			the Report of Article 49 of the American Convention on Human Rights, [...].	
80.	Petition 514-11, Report No. 60/22, Luis Hernando Morera Garzón	Individual	<b>CLAUSE FIFTH. i. Act of acknowledgment of responsibility:</b> the Colombian State will carry out a Private Act of Acknowledgment of Responsibility, which will be carried out virtually with the participation of the petitioners. [...].	<b>Total 2022</b>
81.		Individual	<b>CLAUSE FIFTH. iii. Working meetings with the Ministry of Housing, City and Territory:</b> The Colombian State, through the Ministry of Housing, City and Territory, will hold three (3) working meetings with the beneficiaries of the Friendly Settlement Agreement, if they so wish, with the aim of presenting the institutional offer established by the Colombian State to access to housing programs, including the requirements and the way to access this offer. [...].	<b>Total 2022</b>
82.		Structural	<b>CLAUSE FIFTH. iv. Publication of the Article 49 Report:</b> The Colombian State will publish the pertinent sections of the friendly settlement report once it is approved by the Inter-American Commission, on the website of the National Legal Defense Agency of the State, for a term of six (6) months.	<b>Total 2022</b>
83.		Individual	<b>CLAUSE SIXTH. Compensation.</b> The State undertakes to initiate the processing of Law 288 of 1996 "By means of which instruments are established for the compensation of damages to the victims of human rights violations by virtue of the decisions of certain international Human Rights bodies", once this friendly settlement agreement is approved through the issuance of the Report foreseen in Article 49 of the American Convention on Human Rights, [...].	<b>Partial 2022</b>
84.		Individual	<b>CLAUSE FIFTH. i. Act of Acknowledgement of Responsibility:</b> The Colombian State shall proceed to a Private Act of Acknowledgement of Responsibility, virtually conducted, with the participation of the relatives of Mr. Gabriel Angel Gómez and their representatives. [...].	<b>Total 2022</b>
85.	Case 13.775, Report No. 63/22, Gabriel Angel Gómez Martínez and Family	Structural	<b>CLAUSE FIFTH. ii. Publication of the Report of Article 49:</b> The Colombian State shall publish the pertinent sections of the friendly settlement report once it is issued by the Inter-American Commission on Human Rights, on the website of the National Agency for the Legal Defense of the State, for a term of six (6) months.	<b>Total 2022</b>
86.	Case 13.654, Report No. 64/22, Juan Simón Cantillo Raigoza, Keyla Sandrith Cantillo Vides and family	Individual	<b>CLAUSE FIFTH. i. Act of Acknowledgment of Responsibility:</b> The Colombian State will carry out a virtual Act of Acknowledgment of Responsibility, with the participation of the families and representatives of the victims. [...].	<b>Total 2022</b>
87.		Individual	<b>CLAUSE FIFTH. ii. Distribution of tokens of remembrance:</b> The Colombian State will deliver up to 75 tokens of remembrance to the relatives within the framework of the Act of Acknowledgment of Responsibility, whose design and content will be agreed upon with the victims and their representatives. [...].	<b>Total 2022</b>
88.		Structural	<b>CLAUSE FIFTH. ii. Publish Report on Article 49:</b> The Colombian State will 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 term of six (6) months.	<b>Total 2022</b>
89.		Individual	<b>CLAUSE EIGHTH. Compensation Measures</b> 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	<b>Partial 2022</b>

			foreseen in Article 49 of the American Convention on Human Rights, [...].	
90.	Case 14.306, Report No. 65/22, José Ramón Ochoa Salazar and Family	Individual	<b>CLAUSE FIFTH. i. Act of Acknowledgment of Responsibility:</b> The Colombian State will hold a Public Act of Acknowledgment of Responsibility, virtually, with the participation of the petitioner. The act will be carried out in accordance with the acknowledgment of responsibility indicated in this Agreement. [...].	<b>Total 2022</b>
91.		Individual	<b>CLAUSE FIFTH. iii. Workshops with Ministry of Housing, City and Territory:</b> The Colombian State, through the Ministry of Housing, City and Territory, will hold three (3) workshops with the beneficiaries of the Friendly Settlement Agreement, if they so wish, with the aim of presenting the institutional offering established by the Colombian State for access to housing programs, including the requirements and the way to access this offering. [...].	<b>Total 2022</b>
92.		Structural	<b>CLAUSE FIFTH. iv. Publish Report on Article 49:</b> The Colombian State will 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 term of six (6) months.	<b>Total 2022</b>
93.	Case 13.964, Report No. 66/22, Darío Gómez Cartagena, and Family	Individual	<b>CLAUSE FIFTH. i. Act of acknowledgment of responsibility:</b> The Colombian State will hold a Public Act of Acknowledgment of Responsibility, virtually, with the participation of the relatives of Mr. Darío Gomez Cartagena and his representatives. [...].	<b>Total 2022</b>
94.		Structural	<b>CLAUSE FIFTH. iv. Publish Report on Article 49:</b> The Colombian State will 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 term of six (6) months.	<b>Total 2022</b>
95.		Individual	<b>CLAUSE SIXTH. Reparation measures.</b> 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, [...].	<b>Partial 2022</b>
96.	Case 13.436, Report No. 67/22, José Oleaguer Correa Castrillón	Individual	<b>CLAUSE 4.1.1. Act of atonement:</b> A virtual Act of Acknowledgment of Responsibility. The act of acknowledgment of responsibility shall be conducted with the active participation of the family members and representatives of the victims. [...]	<b>Total 2022</b>
97.		Structural	<b>CLAUSE 4.1.2. Publication of the facts:</b> The Colombian State undertakes to publish the report of Article 49 of the American Convention on Human Rights issued by the Inter-American Commission on Human Rights homologating the friendly settlement agreement, on the website of the National Agency for the Legal Defense of the State, for a period of six months, thus guaranteeing access to the homologation report.	<b>Total 2022</b>
98.		Individual	<b>CLAUSE 4.3. Pecuniary Reparation.</b> 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. [...].	<b>Partial 2022</b>
99.	Case 13.125, Report No. 68/22, Ricardo Antonio Elías and Family	Individual	<b>CLAUSE FIFTH. i. Submission of a letter of dignification:</b> The Colombian State shall deliver a letter of dignification to Mrs. Soraya Adalgiza Elías Puente, sister of Mr. Ricardo Antonio Elías Puente, stating the acknowledgement of responsibility made by the Colombian State for the facts of the case, in accordance with the provisions of this Agreement. [...].	<b>Total 2022</b>

100.		Structural	<b>CLAUSE FIFTH. ii. Publication of the Article 49 report.</b> 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.	<b>Total 2022</b>
101.		Individual	<b>CLAUSE SIXTH. Compensation measures.</b> 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, [...].	<b>Partial 2022</b>
102.	Petition 1391-15, Report No. 94/22, Mario Antonio Cardona Varela et al,	Individual	<b>CLAUSE FIFTH. i. Act of redress.</b> The Colombian State will carry out a Private Act of Acknowledgment of Responsibility, which shall be held virtually with the participation of the next of kin of Mr. Mario Antonio Cardona Varela and his representatives. [...].	<b>Total 2022</b>
103.		Structural	<b>CLAUSE FIFTH. ii. Publication of the Art. 49 report.</b> The Colombian State will publish the Report on Article 49 of the ACHR, once it is issued by the Inter-American Commission on Human Rights, on the website of the National Agency for Legal Defense of the State, for a term of six (6) months.	<b>Total 2022</b>
104.		Individual	<b>CLAUSE SIXTH: Reparation measures.</b> The State undertakes to initiate the processing of Law 288 of 1996 "By means of which instruments are established for the compensation of non-pecuniary and material damages to the victims of human rights violations by virtue of the provisions of certain international organs of Human Rights", once this friendly settlement agreement is approved through the issuance of the Report of Article 49 of the American Convention on Human Rights, [...].	<b>Partial 2022</b>
105.		Petition 1617-12, Report No. 169/22, Domingo José Rivas Coronado	Individual	<b>CLAUSE FIFTH. i. Act of Acknowledgment of Responsibility.</b> The Colombian State shall carry out an Act of Acknowledgment of Responsibility, with the participation of the petitioner and the next of kin of Mr. Domingo José Rivas Coronado [...].
106.	Case 14.312, Report No. 170/22, Juan Carlos De La Calle Jiménez and Javier De La Calle Jiménez	Individual	<b>CLAUSE FIFTH. i. Act of Acknowledgment of Responsibility:</b> The Colombian State will conduct a Private Act of Acknowledgment of Responsibility, which will be carried out virtually with the participation of the petitioners. [...].	<b>Total 2022</b>
107.	Case 14.093, Report 285/22, Ernesto Ramírez Berrios	Individual	<b>CLAUSE FIFTH. i. Act of Acknowledgment of Responsibility:</b> The Colombian State shall carry out a Public Act of Acknowledgment of Responsibility, virtually, with the participation of the family members of Mr. Ernesto Ramírez Berrios and their representatives. [...].	<b>Total 2022</b>
108.	87. Case 13.226, Report No. 286/22, Dora Inés Meneses Gomez and Others.	Individual	<b>CLAUSE EIGHTH: Measures of compensation.</b> [...] The Ministry of National Defense undertakes to provide compensation for the pecuniary and non-pecuniary damage proven to have been caused by the violations recognized in this agreement through the mechanism established by Law 288 of 1996. [...].	<b>Partial 2022</b>
<b>Colombia:</b> <b>Number of measures where progress was achieved: 73 (52 individual, 21 structural)</b> <b>Total compliance: 38</b> <b>Partial substantial: 15</b>				

Partial compliance: 20				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>GUATEMALA</b>				
109.	Case 11.197, Report No. 68/03, San Vicente de los Cimientos Community	Individual	<b>Clause 2.</b> 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, [...].	<b>Partial substantial 2022</b>
110.	Case 11.422, Report No. 1/12, Mario Alioto López Sánchez	Individual	<b>Clause 5. Investigation, trial and punishment of the guilty parties.</b> The Guatemalan State pledges to pursue, through the appropriate institutions, the investigation, prosecution and punishment of those persons against whom criminal proceedings have been instituted and who stand accused in the death of Mario Alioto López Sánchez; it also pledges to pursue the present case in the Justice Promotion Committee [ <i>Comité de Impulso</i> ]. [...].	<b>Total 2022</b>
111.	Case 12.737, Report No. 114/21, Carlos Raúl Morales Catalan	Individual	<b>Clause 3) OTHER MEANS OF REPARATION, e) Justice:</b> The State of Guatemala, in accordance with the mandate of COPREDEH, commits itself to promote the necessary actions before the institutions of the justice sector for the execution of the sentence of damages and prejudices dictated by the First Instance Criminal, Drug Trafficking and Crimes against the Environment Sentencing Court, against Mr. SANTIAGO QUIDIELLO VALENZUELA and LAURA PATRICIA TORÓN TORRES DE LUNA, which are currently being processed in the Third Court of First Instance of the Civil Branch, [...].	<b>Partial 2022</b>
<b>Guatemala:</b> Number of measures where progress was achieved: 3 (individual) Total compliance: 1 Partial substantial: 1 Partial compliance: 1				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>HONDURAS</b>				
112.	Case 11.562, Report No. 40/21, Dixie Miguel Urbina Rosales	Structural	<b>Clause 2. Implementation of a registry of detainees.</b> The State of Honduras undertakes to create and implement a Registry of Detainees or, where appropriate, adapt existing ones in the terms established in the Judgment issued by the InterAmerican Court in the case of Juan Humberto Sánchez v. Honduras, of June 7, 2003, [and other instruments].	<b>Partial 2022</b>
113.	Case 11.545, Report No. 204/21, Martha Maria Saire	Individual	<b>Clause Fifth:</b> The parties agree to form an accompaniment committee, with the objective of evaluating the progress in the implementation of the Comprehensive Care Plan. The composition of the committee, as well as the number of members and operation will be agreed between the parties.	<b>Total 2022</b>
114.	Case 12.961 H, Report No. 287/22, Juan Gonzalez, and Others	Individual	<b>Clause 6. Satisfaction of the petitioners.</b> The petitioning party considers that compliance with the economic commitments assumed by means of this friendly settlement agreement entails the full satisfaction of its claims in the Juan González et al. case (IACHR case No. 12.961) and its respective disaggregated cases. [...].	<b>Total 2022</b>



115.		Individual	<b>Clause 7. Method for payment of economic reparation.</b> In accordance with the request made by the petitioners that the amount offered be paid in a single payment, the State agrees to make the above-indicated amounts effective through the intermediary of the State Secretariat's Security Office, in a single payment no later than October 15, 2019, [...].	Total 2022
116.	Case 12.961 I, Report No. 288/22, Transito Eduardo Arriaga Lopez and Others	Individual	<b>Clause 6. Satisfaction of the petitioners.</b> The petitioning party considers that compliance with the economic commitments assumed by means of this friendly settlement agreement entails the full satisfaction of its claims in the Juan González et al. case (IACHR case No. 12.961) and its respective disaggregated cases. [...].	Total 2022
117.		Individual	<b>Clause 7. Method for payment of economic reparation.</b> In accordance with the request made by the petitioners that the amount offered be paid in a single payment, the State agrees to make the above-indicated amounts effective through the intermediary of the State Secretariat's Security Office, in a single payment no later than October 15, 2019, [...].	Total 2022
<b>Honduras:</b> Number of measures where progress was achieved: 6 (5 individual, 1 structural) Total compliance: 5 Partial substantial: N/A Partial compliance: 1				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>MEXICO</b>				
118.	Case 11.822, Report No. 24/09, Reyes Penagos Martínez and Others	Individual	<b>Clause 3. b) Investigation and punishment of the persons responsible.</b> In addition, the State undertakes to continue the investigations until attaining the sanction of the persons responsible for those crimes, through a serious and impartial investigation according to the international human rights standards, for the purpose of avoiding their re-victimization due to lack of access to justice.	Total 2022
119.	Petition 1171-09, Report No. 15/16, Ananias Laparra, and Family,	Structural	<b>Clause VIII.2.7. Publication of the report of the iachr.</b> The Mexican State agrees to publish one time only in the Official Gazette of the Federation, the Official Gazette of the State of Chiapas, and a broadly distributed national and local newspaper a summary of the facts in the case recognized by the Mexican State and the human rights violations recognized and established in the report of the IACHR, as agreed upon in advance with the victims and their representatives. [...].	Partial substantial 2022
120.	Petition 1014-06, Report No. 35/19, Antonio Jacinto Lopez	Structural	<b>Clause 3.14.</b> 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> ). [...].	Partial substantial 2022
121.	Petition 735-07, Report No. 110/20, Ismael Mondragon Molina,	Individual	<b>Clausula 3.5 Unveiling of commemorative plaque and bust in the Children's Hospital of the State of Sonora.</b> 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. [...].	Partial substantial 2022
122.	Case 12.610, Report No. 208/21,	Individual	<b>Clausula VIII.3.2 Housing support.</b> FIRST. - Given that the results of the socioeconomic studies carried out on Mrs. Enedina Cervantes Salgado show that she does not own her own house, the Government of the State of Guerrero will provide Mrs. Cervantes	Total 2022

	Faustino Jiménez Álvarez		with the benefit of a house through one of the state housing programs. [...].	
123.	Case 13.007. 61/22, José Alfredo Jiménez Mota and family	Individual	<p><b>Clause A. Investigation.</b> "THE MEXICAN STATE" recognizes that the investigations are carried out in accordance with the obligations derived from the ACHR, Mexican law and in accordance with generally recognized principles, through the Special Prosecutor's Office for Attention to Crimes Committed against Freedom of Expression (FEADLE), of "THE FGR", in which there is a specific investigation plan which takes into account the considerations expressed by the victims in order to strengthen the existing lines of investigation, in which direct communication channels are guaranteed with "THE VICTIMS" and their legally accredited representatives within the investigation.</p> <p><b>B. Effective search.</b> "THE MEXICAN STATE", through the CNB, commits to elaborate and implement a Search Plan to find the whereabouts of Alfredo Jiménez Mota, in collaboration with the Attorney General's Office and the CEAV, within the scope of their respective attributions.</p>	Partial 2022
124.		Individual	<p><b>Clausula IV.1 In health matters.</b> [...] "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, [...].</p>	Partial 2022
125.		Individual	<p><b>Clause IV.2 Labor reinsertion:</b> "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.</p>	Partial 2022
126.		Structural	<p><b>Clausula V.1 Act of public acknowledgement of international responsibility and apology</b> "THE MEXICAN STATE" shall conduct an act of acknowledgment of international responsibility and apology to "THE VICTIMS" within 6 (six) months following the signature of this Agreement. [...].</p>	Partial substantial 2022
127.		Individual	<p><b>Clausula V.2 "alfredo Jiménez Mota" street in Empalme, Sonora.</b> 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 Mota Street" within one (1) year as of the signing of this Agreement.</p>	Partial 2022
128.		Structural	<p><b>Clause VI.1 Training courses:</b> "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. [...].</p>	Partial 2022
129.		Individual	<p><b>Clausula VII.1 Economic compensation.</b> "THE MEXICAN STATE" shall grant a payment corresponding to the harm suffered by "THE VICTIMS" as part of the compensation measure, which includes both material and non-material damages. "THE UDDH" will carry out the necessary actions to make the corresponding payment derived from this Agreement, [...].</p>	Total 2022
<p><b>Mexico:</b>  <b>Number of measures where progress was achieved: 12 (8 individual, 4 structural)</b>  <b>Total compliance: 3</b>  <b>Partial substantial: 4</b></p>				

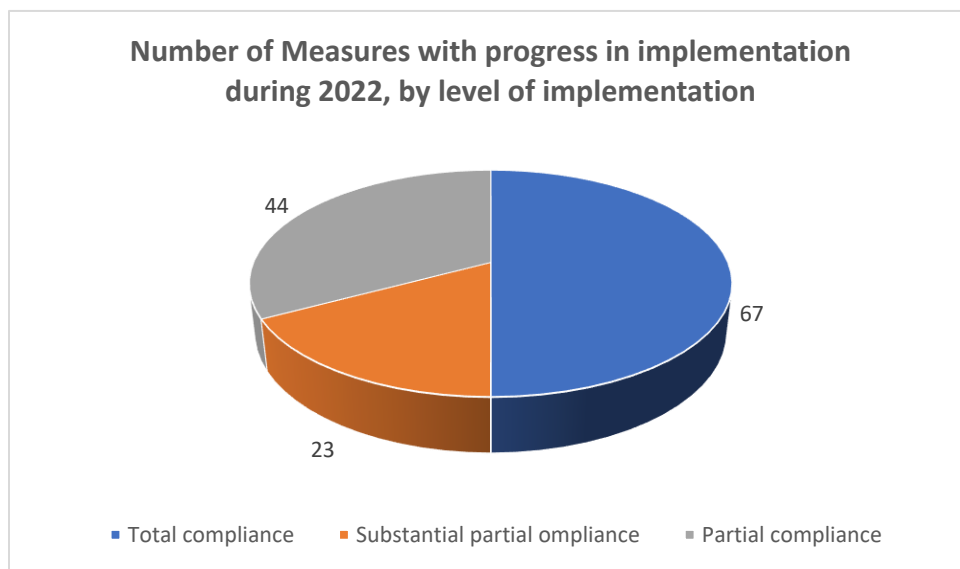
Partial compliance: 5				
No.	Matter	Impact	Clause or measure	Level of compliance achieved
<b>PANAMÁ</b>				
130.	Case 13.017 C, Report No. 91/19, Relatives of the victims of the military dictatorship, October 1968 to December 1989	Individual	<b>Clausula 3. Payment of pecuniary reparation.</b> [...] Through the Ministry of Economy and Finance, the State commits to reviewing the aforementioned expert actuarial reports to determine if they comply with the procedures established by the Ministry of Economy and Finance and Panamanian legislation on compensation in cases involving human rights and crimes against humanity. [...].	<b>Partial 2022</b>
<b>Panama:</b> 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
<b>URUGUAY</b>				
131.	Petition 1376-19, Report No. 183/22, Silvia Angelica Flores Mosquera	Individual	<b>CLAUSE THIRD: 1. Acts of Acknowledgment of Responsibility:</b> The Uruguayan State shall conduct a Private Act of Signature and Acknowledgement of Responsibility, which shall be carried out in person with the virtual participation and monitoring of the IACHR. [...].	<b>Total 2022</b>
132.		Individual	<b>CLAUSE THIRD: 2. Economic Agreement.</b> The State undertakes to pay Mrs. Silvia Angelica Flores Mosquera: i) The total and settled amount of [...].	<b>Total 2022</b>
133.		Individual	<b>CLAUSE THIRD: 2. ii)</b> 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. [...].	<b>Partial 2022</b>
134.		Individual	<b>CLAUSE FOURTH. Compensation measures:</b> The State undertakes to initiate the administrative process to make the agreed financial compensation effective within a maximum period of two months as of the date on which the friendly settlement agreement is approved through the issuance of the report under Article 49 of the American Convention on Human Rights.	<b>Total 2022</b>
<b>Uruguay:</b> Number of measures where progress was achieved: 4 (individual) Total compliance: 3 Partial substantial: N/A Partial compliance: 1				
Number of measures where progress was achieved			134	
Total number of measures where total compliance was achieved			67	
Total number of measures where partial substantial compliance was achieved			23	
Total number of measures where partial compliance was achieved			44	

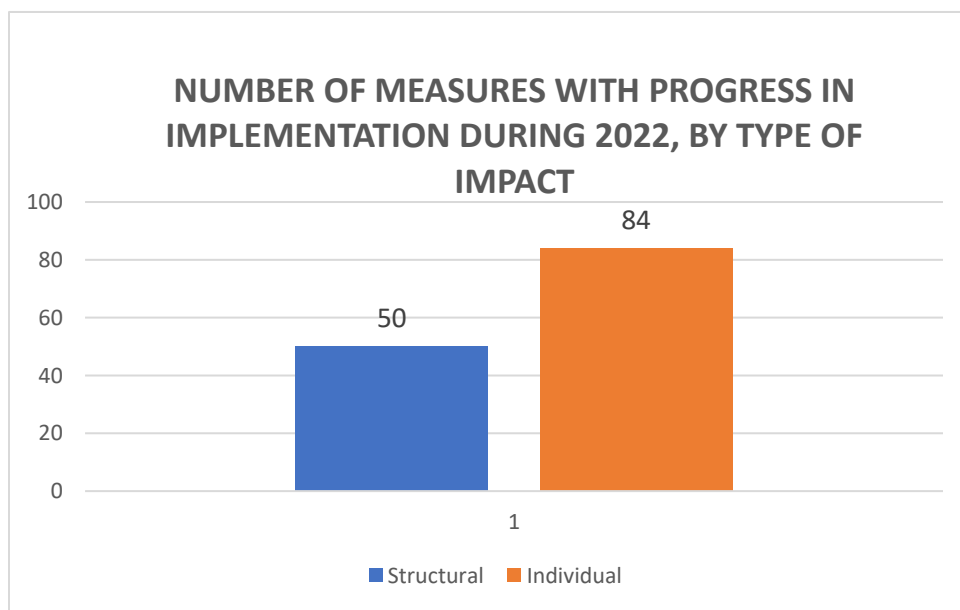
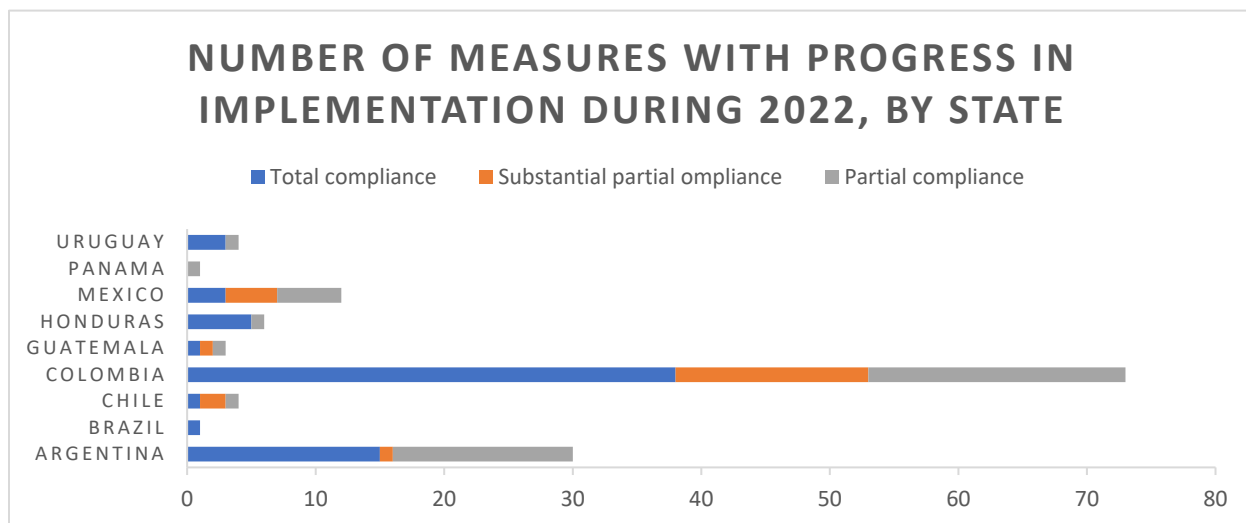
Total number of structural measures where progress was achieved	<b>50</b>
<b>Total number of individual measures where progress was achieved</b>	<b>84</b>

80. The Commission values the efforts of the states of Argentina, Brazil, Chile, Colombia, Guatemala, Honduras, Mexico, Panama 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**

81. Based on the above, following is a graphic description of progress observed with the implementation of friendly settlement agreements in 2022:





**d. New friendly settlement agreements signed**

82. In 2022, a total of 29 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 of FSA (YY/MM/DD)
1	13.888	Diego Pablo Paredes	AR	2022.02.23
2	13.869	Silvia Mónica Severini	AR	2022.02.23

No.	Matter	Name	Country	Date of signature of FSA (YY/MM/DD)
3	14.536	Eduardo Hugo Molina Zequeira	AR	2022.02.23
4	14.669	Mariano Bejarano	AR	2022.02.23
5	13.125	Ricardo Antonio Elías Puente and relatives	CO	2022.03.01
6	14.093	Ernesto Ramírez Berrios and relatives	CO	2022.03.01
7	P-1478-12	José Manuel Bello Nieves	CO	2022.03.01
8	13.232	Omar Ernesto Vázquez	CO	2022.03.01
9	P-268-10	Maria del Carmen Senem de Buzzi	AR	2022.06.06
10	11.426	Marcela Alejandra Porco	BO	2022.06.30
11	13.804	Carlos Fernando Antonio Ballivian Jiménez	AR	2022.07.05
12	14.770	Alicia María Jardel	AR	2022.07.05
13	14.781	Luis Carlos Abregu	AR	2022.07.05
14	14.778	Graciela Edith Abecasis	AR	2022.07.05
15	14.714	Francisco Samuel Naishtat	AR	2022.07.05
16	14.769	Claudia Laura Kleinman y Ana María Kleinman	AR	2022.07.05
17	14.070	José Omar Torres Barbosa	CO	2022.07.19
18	14.577	Teobaldo Enrique Martínez Fuentes and family	CO	2022.07.26
19	13.840	Edwin Hernán Ciro and relatives	CO	2022.07.26
20	14.145	Eleazar Vargas Ardila and relatives	CO	2022.07.22
21	13.606	Raiza Isabela Salazar	CO	2022.08.08
22	P-1376-19	Silvia Angelica Flores Mosquera	UR	2022.08.10
23	13.696	Octavio Romero y Gabriel Gersbach	AR	2022.09.07
24	13.710	Julián Toro	CO	2022.09.29
25	14.719	Geovanni Aguirre Soto	CO	2022.10.25
26	13.780	Hugo Ferney León Londoño and family	CO	2022.11.14
27	14.771	Lilia Etcheverry	AR	2022.11.14
28	13.581	José Luis D'Andrea Mohr	AR	2022.11.15
29	12.843	Luis y Leonardo Caizales Dogenesama	CO	2022.12.21

83. The Commission commends the states of Argentina, Bolivia, Colombia, and Uruguay 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**

84. The Commission announces with satisfaction that in 2022 23 reports approving friendly settlements were published, two of which, (Report No. 287/22, Case 12.961 H, Juan González and Others; and Report No. 288/22, Case 12.961 I, Transito Eduardo Arriaga López and Others) as detailed supra, were published with total compliance, thus they will not be subject to supervision by the IACHR. Accordingly, 21 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. 168/22, Case 12.289, Guillermo Santiago Zaldívar (Argentina)
- Report No.305/22, Petition 1256-05, Ivana Emilce Rosales (Argentina)
- Report No. 349/22, Case 13.869 Silvia Mónica Severini (Argentina)
- Report No. 350/22, Case 14.669, Mariano Bejarano (Argentina)
- Report No. 170/22, Case 14.312, Juan Carlos De La Calle Jiménez y Javier De La Calle Jiménez (Colombia)
- Report No. 169/22, Petition 1617-12, Domingo José Rivas Coronado (Colombia)
- Report No. 94/22, Petition 1391-15, Mario Antonio Cardona Varela and others (Colombia)
- Report No. 68/22, Case 13.125, Ricardo Antonio Elías and relatives (Colombia)
- Report No. 67/22, Case13.436, José Oleaguer Correa Castrillón (Colombia)
- Report No. 66/22, Case13.964, Darío Gómez Cartagena and relatives (Colombia)
- Report No. 65/22, Case14.306, José Ramón Ochoa Salazar and relatives (Colombia)
- Report No. 64/22, Case13.654, Juan Simón Cantillo Raigoza, Keyla Sandrith Cantillo Vides and relatives (Colombia)
- Report No. 63/22, Case13.775, Gabriel Angel Gómez Martínez and relatives (Colombia)
- Report No. 60/22, Petition 514-11, Luis Hernando Morera Garzón (Colombia)
- Report No. 59/22, Petition 535-17, Luis Gerardo Bermudez (Colombia)
- Report No. 58/22, Case14.291, Capitan N (Colombia)
- Report No. 285/22, Case14.093 Ernesto Ramírez Berrios (Colombia)
- Report No. 286/22, Case13.226 Dora Inés Meneses Gómez and others (Colombia)
- Report No. 61/22, Petition 1287-19, Roberto Molina Barreto, Zury Mayte Ríos Sosa y MWR (Guatemala)
- Report No. 287/22, Case12.961 H, Juan González, and others, (Honduras)
- Report No. 288/22, Case12.961 I, Transito Eduardo Arriaga López and others, (Honduras)
- Report No. 171/22, Case13.007, José Alfredo Jiménez Mota and relatives (México)
- Report No. 183/22, Petition 1376-19, Silvia Angelica Flores Mosquera (Uruguay)

85. Next is a summary of the factual aspects of those matters and the relevant aspects of these friendly settlement processes:

- **Case 12.289, Guillermo Santiago Zaldívar, Argentina:** the case relates to the international responsibility of the Argentine State due to the rejection of the appeal against the judgment that convicted Guillermo Santiago Zaldívar for manslaughter as well as the unwarranted delays in the criminal proceeding. In the friendly settlement agreement signed on March 18, 2021, the State acknowledged its international responsibility for the violation of the right enshrined in article 8 (right to a fair trial) of the American Convention on Human Rights to the detriment of Guillermo Santiago Zaldívar and undertook to adopt significant measures of reparation, which consisted of the publication of the FSA in the Official Gazette of the Argentine Republic and two national newspapers, and to constitute an ad-hoc Arbitration Tribunal, to determine the amount to be awarded as pecuniary reparation. In its Report No. 168/22, the Commission valued the Argentine State's acknowledgment of international responsibility for the violations committed and established that all of the agreed

measures were pending compliance given the decision of the parties to defer their fulfillment after the issuance of the approval report.

- **Report No. 305/22, Petition 1256-05, Ivana Emilce Rosales, Argentina:** the case relates to the international responsibility of the Argentine State due to the alleged violation of the human rights recognized in articles 5 (right to humane treatment), 8 (right to a fair trial), 11 (right to privacy), 24 (right to equal protection), and 25 (right to judicial protection) of the American Convention on Human Rights, as well as in articles 4 and 7 of the Convention of Belem do Para, to the detriment of Ivana Emilce Rosales and her daughters Mayka and Abril, by virtue of an arbitrary, discriminatory judicial decision during the criminal investigation for attempted homicide in a context of gender violence of which Ivana and her daughters, Mayka and Abril, were victims. The friendly settlement agreement signed on September 23, 2021, incorporated a commitment previously signed with the province of Neuquén on September 11, 2019; in that sense, the final friendly settlement agreement included commitments from both the province of Neuquén and the National Government, as well as applying in its design a crosscutting intersectional, gender, and human rights approach.

The agreement contains several measures, including (a) holding an official public ceremony to acknowledge international responsibility; (b) the publication of the friendly settlement agreement; (c) the dissemination of the agreement concerning Neuquén Province; (d) the distribution and screening of the film "Ella se lo buscó" [She Asked for It] and the documentary "Gotas de Lluvia" [Raindrops]; (e) the provision of legal assistance to enable Abril to change her paternal surname; (f) the granting of a house; (g) economic compensation; (h) the creation of the Ivana and Mayka Rosales Comprehensive Protection Center for victims of gender violence; (i) measures to provide free, comprehensive, expert legal representation to victims of gender violence; (j) the publication and distribution of an information leaflet on gender violence; (k) training for public officials regarding the so-called "Micaela Law"; and (l) the implementation of a National Registry of Gender Violence. The agreement also includes major high-impact measures regarding implementing and raising awareness around the following public policies: the National Action Plan against Gender-Based Violence, the National Program for the Prevention of Gender-Based Violence, the implementation of the Program to Support People at Risk of Gender-Based Violence and the raising of awareness around this, the Interministerial Program for a Comprehensive Approach to Extreme Violence, the Program for Urgent Support and Immediate Comprehensive Assistance in Cases of Extreme Gender-Based Violence, strengthening access to justice for people in situations of gender-based violence, the strengthening of the Legal Aid Corps for Victims of Gender-Based Violence, Training for Police and Security Forces, the strengthening of the Program for Territorial Systems for the Comprehensive Protection of People in the Context of Gender-Based Violence, the production of strategic and systematized information on gender-based violence, the Integrated Gender-Based Violence Case System, and the creation of the lethal risk module for the Integrated Gender-Based Violence Case System.

In its Report No. 305/22, the Commission declared full compliance with the clauses of the provincial act of commitment on legal assistance to Abril Rosales; allocation of a house to Abril Rosales; pecuniary compensation; costs and expenses and dissemination of the film "Ella se lo buscó". The Commission also decided to declare partial compliance with the clauses under the provincial act of commitment on the creation of the "Ivana Rosales and Mayka Rosales" Comprehensive Protection Center for victims of gender violence; free, comprehensive, and specialized legal representation; publication and dissemination of the information leaflet on gender violence; and training of public officials on the "Micaela Law". Likewise, the Commission decided to declare that the clauses on a National Registry of Gender Violence and the dissemination of the provincial agreement on the provincial act of commitment were pending compliance. On the other hand, in relation to the friendly settlement agreement with the Nation, the Commission decided to declare full compliance with the clause on the public ceremony to acknowledge international responsibility; as well as partial compliance with the clauses on the publication of the FSA; the National Program for the Prevention



of Gender-Based Violence; promotion and training related to the Micaela Law; implementation of the Program to Support People at Risk of Gender-based Violence; Program for Urgent Support and Immediate Comprehensive Assistance in Cases of Extreme Gender-based Violence; strengthening access to justice for people in situations of gender-based violence; strengthening of the Program for Territorial Systems for the Comprehensive Protection of People in the Context of Gender-based Violence, the Integrated Gender-based Violence Case System, and the preparation and dissemination of general guidelines for work on masculinity without violence. Finally, the Commission decided to declare pending compliance with the clauses related to the National Action Plan against Gender-based Violence, the Interministerial Program for a Comprehensive Approach to Extreme Violence, training for police and security forces, the creation of a lethal risk protocol and the dissemination of the documentary "Gotas de Lluvia" [Raindrops].

- **Cases 13.869, Silvia Mónica Severini, and 12.669, Mariano Bejarano, Argentina:** both cases relate to violations the human rights recognized in articles 8 (right to a fair trial), 24 (right to equal protection) and 25 (right to judicial protection), in relation to article 1 (obligation to respect rights) of the American Convention on Human Rights, to the detriment of the victims arising from the rejection of their applications for access to reparation under Law No. 24.043, which provided for the granting of benefits to persons who had been placed at the disposal of the P.E.N. during the state of siege, or who, as civilians, had been detained by virtue of decisions issued by military tribunals. In the friendly settlement agreements signed on February 23, 2022, the State undertook to issue ministerial resolutions granting reparation and to make the disbursements ordered in those resolutions. In its Reports No. 349/22 and 350/22, the Commission observed that the State had complied with the issuance of the resolutions but that the effective payment of said obligations was pending, which would be supervised by the Commission during the friendly settlement monitoring stage.

- **Case 14.312, Juan Carlos De La Calle Jimenez and Javier De La Calle Jimenez, Colombia:** the case relates to the international responsibility of the Colombian State for the failure to investigate the facts surrounding the alleged murder of Juan Carlos de la Calle Jiménez in November 1986 and Javier de la Calle Jiménez in November 1988 in the municipality of Uraba, in the Department of Antioquia, by alleged members of the erstwhile Revolutionary Armed Forces of Colombia (FARC), as well as the failure to punish those responsible. In the friendly settlement agreement signed on November 26, 2021, the State acknowledged its international responsibility, by omission, for the violation of the rights recognized in articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention on Human Rights to the detriment of the relatives of Juan Carlos de la Calle Jiménez and Javier de la Calle Jiménez, due to the failure to conduct a diligent investigation of the facts. Likewise, the State undertook to implement reparation measures consisting of holding a virtual private ceremony of acknowledgment of responsibility; publishing the friendly settlement agreement on the website of the National Legal Defense Agency of the State; continuing the investigation of the facts within the framework of the inquiry carried out by the Special Peace Jurisdiction (JEP) in the macro-case 04, which prioritizes the humanitarian situation in the municipalities of Turbo, Apartado, Carepa, Chigorodo, Mutata, Dabeiba (Antioquia Department) and El Carmen del Darién Riosucio, Unguia and Acandi (Chocó Department); and granting pecuniary reparation under Law 288 of 1996. In its Report No. 170/22, the Commission declared full compliance with the measure relating to the ceremony of acknowledgment of responsibility. It also considered that the measures relating to the publication of the report under article 49 of the ACHR and the economic compensation to be provided after the approval were pending compliance.

- **Petition 1617-12, Domingo José Rivas Coronado, Colombia:** this petition concerns the international responsibility of the Colombian State for the alleged extrajudicial execution of Carlos Jeronimo Rivas Coronado, on June 11, 1988, at a place known as "La Apartada" in the jurisdiction of the Municipality of Puerto Escondido, Department of Córdoba by agents of the National Police. The homicide was allegedly the result of an order purportedly issued by his superiors apparently in co-

authorship with persons who at the time belonged to paramilitary groups in the region, with the alleged aim of dispossessing Mr. Carlos Jeronimo Rivas Coronado of his property. In the friendly settlement agreement signed on December 20, 2021, the State acknowledged its international responsibility, by omission, for the violation of the rights recognized in articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention on Human Rights to the detriment of the relatives of Mr. Domingo José Rivas Coronado, due to the lack of a diligent investigation of the facts, which resulted in the failure to identify, prosecute, and sanction those responsible for his murder. The agreement reached included the following reparation measures: (a) a ceremony of acknowledgment of responsibility; (b) the unveiling of a commemorative plaque; (c) publication of the FSA; (d) educational assistance; (e) comprehensive health care; (f) justice; and (g) economic compensation. In its Report No. 169/22, the Commission declared full compliance with the measure relating to the ceremony of acknowledgment of responsibility. It also considered that the measures relating to the unveiling of the plaque, the publication of the report under article 49 of the ACHR, educational assistance, health and rehabilitation, justice, and compensation were pending compliance.

- **Petition 1391-15, Mario Antonio Cardona Varela and others, Colombia:** the petition concerns the State's international responsibility for the forced disappearance of Mario Antonio Cardona Varela on October 31, 1988, in the municipality of Tierra Alta Córdoba (allegedly at the hands of officers of the State), as well as the subsequent failure to investigate these facts and punish the individuals responsible for them. In this friendly settlement agreement signed on July 26, 2021, the Colombian State acknowledged its international responsibility for violations of the rights recognized in articles 4 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention on Human Rights, in connection with article 1(1) (obligation to respect rights) of the Convention, to the detriment of Mario Antonio Cardona and his family, for lack of due diligence to establish what happened. The State committed to implementing the following redress measures: holding a virtual private event to acknowledge its responsibility; publishing the friendly settlement agreement on the National Police website; and providing financial compensation through the mechanism that was set up by Law 288 of 1996. In its Report No. 94/22, the Commission declared total compliance with the measure concerning the private event to acknowledge responsibility and noted that the measures related to the publication of the agreement and compensation remained pending.

- **Case 13.125, Ricardo Antonio Elías and family, Colombia:** the case relates to the international responsibility of the Colombian State for the murder of Ricardo Antonio Elías by the so-called guerrilla group the National Liberation Army (ELN) on November 13, 1988, during a takeover by the guerrilla group in the Cocuy area of the department of Boyacá. In the friendly settlement agreement signed on March 1, 2022, the State acknowledged its international responsibility, by omission, for the violation of the rights recognized in articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention to the detriment of the relatives of Ricardo Antonio Elías Puente, due to the lack of a diligent investigation of the facts, which resulted in the failure to identify, and prosecute those responsible for his murder. It also undertook to implement reparation measures consisting of: (1) the presentation of a letter dignifying the victim's family; (2) the publication of the friendly settlement agreement on the website of the National Legal Defense Agency of the State, and (3) granting a pecuniary reparation under Law 288 of 1996. In its Report No. 68/22, the Commission declared full compliance with the measure relating to the presentation of the letter dignifying the family of Ricardo Antonio Elías Puente. It also considered that the measures regarding the publication of the agreement and economic compensation were pending compliance.

- **Case 13.436, José Oleaguer Correa Castrillón, Colombia:** the case concerns the State's international responsibility for the lack of diligence in the investigation into the disappearance of José Oleaguer Correa, which took place on May 6, 1987, in Puerto Berrio, Antioquia, and allegedly entailed

his being kidnapped, tortured, and murdered by the Army. In the friendly settlement agreement signed on December 21, 2021, the Colombian State acknowledged its international responsibility for violating the rights enshrined in articles 8 (the right to a fair trial) and 25 (the right to judicial protection) of the American Convention on Human Rights in relation to article 1.1. of this instrument, to the detriment of the family of Jose Oleaguer Correa Castrillón, due to the lack of diligence in the investigation into his disappearance. The State undertook to implement the following reparation measures: 1) hold an online ceremony to acknowledge responsibility; 2) publish the friendly settlement agreement on the website of the National Legal Defense Authority; 3) grant one beneficiary financial assistance to finance a university program; 4) continue to comply with the obligation to investigate, prosecute, and punish the people responsible for the forced disappearance of José Oleaguer Correa; and 5) grant financial reparation through the application of Law 288 of 1996. In its Report 67/22, the Commission declared total compliance with the measure related to the ceremony to acknowledge responsibility. It also deemed that the measures related to the publication of the agreement, scholarship, justice, and compensation remained pending.

- **Case 13.964, Darío Gómez Cartagena and relatives, Colombia:** this case concerns the State's international responsibility for the failure to investigate the 1999 homicide (allegedly perpetrated by a paramilitary group) of Darío Gómez Cartagena in the village of Nutibara, in the municipality of Frontino, in the department of Antioquia, and to punish the people responsible for it. In the friendly settlement agreement signed on December 23, 2021, the State acknowledged its international responsibility for violations of the rights held in articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention on Human Rights, in accordance with article 1.1 of the Convention, to the detriment of the family of Darío Gómez Cartagena, for lack of diligence to investigate these facts. The State committed to implementing the following redress measures: (1) holding a virtual private event to acknowledge its responsibility; (2) publishing the friendly settlement agreement on the website of the National Legal Defense Agency; and (3) providing financial compensation through the mechanism that was set up by Law 288 of 1996. In its Report 66/22, the Commission valued the recognition of international responsibility of the State for the violations occurred and established that compliance with all measures held in the agreement remained pending, because of the decision of the parties to defer their execution after the emission of the approval report.

- **Case 14.306, José Ramón Ochoa Salazar and relatives, Colombia:** the case relates to the State's international responsibility for the failure to investigate and punish those responsible for the murder of José Ramón Ochoa Salazar in 1997, which was allegedly perpetrated by members of the Revolutionary Armed Forces of Colombia (FARC) in the municipality of Puerto Rico, Meta department. In the friendly settlement agreement signed on December 21, 2021, the Colombian State acknowledged its international responsibility for the failure to comply with its duty to guarantee the rights enshrined in articles 8 (the right to a fair trial) and 25 (the right to judicial protection) of the American Convention on Human Rights in relation to article 1.1. of this instrument, to the detriment of the family of Mr. José Ramón Ochoa Salazar, due to the lack of diligence in the investigation into the facts. The State undertook to implement the following reparation measures: 1) hold a private virtual ceremony to acknowledge responsibility; 2) grant financial assistance to Alba Graciela Ochoa Salazar to fund an academic program at the technical-professional, university, or postgraduate level at a higher education establishment in Colombia that is recognized by the Ministry of Education; 3) organize working groups with the Ministry of Housing, Urban Affairs, and Territorial Development to present a proposal for access to housing programs; 4) publish the friendly settlement agreement on the website of the National Legal Defense Authority; and 5) grant monetary reparation through the application of Law 288 of 1996. In its Report 65/22, the Commission declared that full compliance had been achieved with measures relating to the private ceremony to acknowledge responsibility and the implementation of working groups involving the Ministry of Housing, Urban Affairs, and

Territorial Development. Likewise, it deemed that the commitments related to the publication of the approval report under article 49 of the ACHR, scholarship and compensation remained pending.

- **Case 13.654, Juan Simón Cantillo Raigoza, Keyla Sandrith Cantillo Vides and relatives (Colombia):** the case relates to the State's international responsibility for the failure to investigate and punish those responsible for the murder of Luis Gerardo Bermudez and the child Keyla Sandrith Cantillo Vides in 2002, which was allegedly perpetrated by members of the United Self-Defense Forces of Colombia (AUC). In the friendly settlement agreement signed on June 29, 2021, the Colombian State acknowledged its international responsibility for failure to comply with its duty to guarantee the rights enshrined in articles 8 (the right to a fair trial) and 25 (the right to judicial protection) of the American Convention on Human Rights in relation to article 1.1. of this instrument, to the detriment of the family of Juan Simón Cantillo Raigoza and Keyla Sandrith Cantillo Vides, due to the lack of diligence in the investigation into the facts. The State undertook to implement the following reparation measures: 1) hold a private online ceremony to acknowledge responsibility; 2) present the family with mementos as part of the acknowledgment ceremony; 3) publish the friendly settlement agreement on the website of the National Legal Defense Authority; 4) implement health-related rehabilitation measures comprising medical, psychological, and psychosocial care and assistance; 5) continue to pursue the investigation to identify and sanction those responsible; and 6) grant financial reparation through the application of Law 288 of 1996. In its Report 64/22, the IACHR declared total compliance of the measure relating to the private ceremony to acknowledge responsibility. Additionally, it declared partial compliance of the measure related to the mementos for the relatives. Lastly, the Commission considered that the measures related to the publication of the approval report under article 49 of the ACHR, health and rehabilitation, justice, and compensation, remained pending.
- **Case 13.775, Gabriel Angel Gómez Martínez and family, Colombia:** the case concerns the international responsibility of the Colombian State for the failure to investigate and punish those responsible for the murder of Gabriel Angel Gómez Martínez in 1999, which was allegedly perpetrated by members of an illegal self-defense group in the village of Nutivara, Municipality of Frontino, Department of Antioquia. In the friendly settlement agreement signed on September 7, 2021, the State acknowledged its international responsibility for failing in its duty to ensure the rights recognized in articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention on Human Rights to the detriment of the family of Gabriel Angel Gómez Martínez, due to lack of diligence in the investigation of the facts. Likewise, the State undertook to implement reparation measures consisting of holding a private ceremony of acknowledgment of responsibility and request for forgiveness; publishing the friendly settlement agreement on the website of the National Legal Defense Agency of the State; and granting a pecuniary reparation under Law 288 of 1996. In its Report No. 63/22, the Commission declared full compliance with the measure relating to the ceremony of acknowledgment of responsibility. It also considered that the measures regarding compensation and the publication of the report under article 49 of the ACHR were pending compliance.
- **Petition 514-11, Luis Hernando Morera Garzón, Colombia:** this petition concerns the international responsibility of the Colombian State for the failure to investigate the homicide of Luis Hernando Morera Garzón on May 19, 1997—allegedly perpetrated by members of the Revolutionary Armed Forces of Colombia (FARC)—and to punish the people responsible for it. In the friendly settlement agreement signed on August 25, 2021, the State acknowledged its international responsibility, by omission, for violations of rights held in articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention on Human Rights, to the detriment of the family of Luis Hernando Morera Garzón, for lack of diligence to investigate these facts. Similarly, the State committed to adopting redress measures involving a private event of redress; publishing the friendly settlement report on the website of the National Legal Defense Agency; granting financial assistance

to Diana Patricia Morera Sánchez, to fund a suitable academic program; conducting three sessions involving beneficiaries of this agreement and officials of the Ministry of Housing, Cities, and Territory, to identify institutional offers concerning housing; and granting financial compensation in application of Law 288 of 1996. In its Report 60/22, the Commission declared full compliance with measures concerning the event to provide redress and the sessions involving the Ministry of Housing, Cities, and Territory. Likewise, the Commission considered that the commitments related to the publication of the report under article 49 of the ACHR, the scholarship and the compensation remained pending.

- **Petition 535-17, Luis Gerardo Bermudez, Colombia:** this petition concerns the State's international responsibility for the failure to investigate the 1997 homicide (allegedly perpetrated by members of the Revolutionary Armed Forces of Colombia [FARC]) of Luis Gerardo Bermudez, whose body has not been found to date, and the lack of punishment of the people responsible for it. In the friendly settlement agreement signed on August 27, 2021, the State acknowledged its international responsibility for omitting to do its duty to protect the rights held in articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention on Human Rights, in accordance with article 1.1 of the Convention, to the detriment of the family of Luis Gerardo Bermudez, for lack of diligence to investigate these facts. The State committed to implementing measures that included holding a virtual private event to acknowledge its responsibility; publishing the friendly settlement agreement on the National Police website; continuing the investigation to ensure that the people responsible for this homicide are identified and punished; and providing financial compensation through the mechanism that was set up by Law 288 of 1996. In its Report 59/22, the Commission declared total compliance with measures concerning the private event to acknowledge responsibility and noted that the measures related with the publication of the agreement, justice and compensation remained pending.

- **Case 14.291, Captain N, Colombia:** this case concerns the international responsibility of the Colombian State for the alleged exclusion and denial of promotion to Captain N in the Colombian National Army due to being diagnosed positive with human immunodeficiency virus (HIV). In the friendly settlement agreement signed on October 25, 2021, the State acknowledged its international responsibility for the infringement of the rights recognized in articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention, to the detriment of Captain N. It also acknowledged its international responsibility for violation of the right enshrined in article 5 (right to a humane treatment) of said international instrument to the detriment of Captain N, his wife, and their son. Based on the foregoing, the State committed to implement reparation measures consisting of the reinstatement of Captain N in the Colombian National Army; publishing a report under article 49 of the ACHR; granting pecuniary reparation under Law 288 of 1996; and promoting awareness programs for personnel of the security forces on human rights and sexual and reproductive rights as a framework to reduce stigmatization and discrimination against people with chronic diseases. In its Report No. 58/22, the Commission valued the acknowledgment of international responsibility made by the Colombian State for the violations caused and established that all of the agreed measures were pending compliance given the decision of the parties to defer their fulfillment after the issuance of the approval report.

- **Report No. 285/22, Case 14.093, Ernesto Ramírez Berrios, Colombia:** the case concerns the international responsibility of the Colombian State for alleged violation of the human rights contemplated in articles 4 (right to life), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention on Human Rights; to the detriment of Ernesto Ramírez Berrios, due to the failure to investigate the homicide of the alleged victim, who was the former mayor of the municipality of Puerto Rico, Meta, as well as for the alleged forced displacement of the alleged victim's family as a result of the facts in the case, and the subsequent failure to punish those responsible. In the friendly settlement agreement signed on March 1, 2022, the State acknowledged its international responsibility for the violation of the rights recognized in articles 8 (right to a fair trial) and 25 (right

to judicial protection) of the American Convention, in relation to the obligation to respect rights contained in article 1(1) of the same instrument (obligation to respect), to the detriment of the relatives of Mr. Ernesto Ramírez Berrios, due to the lack of a diligent investigation of the facts, which resulted in the failure to identify and prosecute those responsible for his murder. Based on the foregoing, the State undertook to implement reparation measures consisting of a ceremony of acknowledgment of responsibility; granting educational assistance; the organization of round tables with the Ministry of Housing, Urban and Territorial Affairs; the publication of a report under article 49 of the ACHR; health care and rehabilitation; and granting pecuniary reparation under Law 288 of 1996. In its Report No. 285/22, the Commission declared full compliance with the measure relating to the ceremony of acknowledgment of responsibility. It also considered that the measures relating to the granting of educational assistance; the round tables with the Ministry of Housing; the publication of the report under article 49 of the ACHR; health and rehabilitation; and economic compensation were pending compliance.

- **Report No. 286/22, 13.226, Dora Inés Meneses Gómez and others, Colombia:** the case concerns the international responsibility of the Colombian State for the alleged failure to investigate the purported extrajudicial execution of Dora Inés Meneses Gómez, Luz Melida Ocampo, Gonzalo Ocampo Meneses, Faber Gil Buitrago, and Floresmiro Guasaquillo; the alleged injuries caused to Héctor Fabián Ocampo Meneses; the alleged deprivation of liberty of José Duvan Gil Vásquez; and the alleged failure to turn over the mortal remains of the victims, as well as the subsequent failure to punish those responsible for the facts.

In the friendly settlement agreement signed on August 4, 2021, the State acknowledged its international responsibility, by omission, for the violation of the rights recognized in articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention on Human Rights to the detriment of Angel Emiro Meneses Muñoz, Waldina Gómez Ledesma, Angel Emiro Meneses Gómez, Ruth Mercedes Meneses Gómez y Miller Jacob Meneses Gómez, due to the failure to conduct a diligent investigation and punish those responsible for the facts of November 30, 2003, in the framework of the criminal proceeding. Likewise, the Colombian State acknowledged its international responsibility, by its acts, for the violation of the rights recognized in articles 4 (right to life), 5 (right to a humane treatment), 7 (right to personal liberty), 11 (right to privacy), 19 (rights of the child) and 22 (freedom of movement and residence) of the American Convention on Human Rights, to the detriment of Héctor Fabián Ocampo y de Gonzalo Ocampo Álvarez, Luz Mary Gómez, Rogerio Ocampo Ramada, Ana Rosa Álvarez Devia, Yon Jair Ocampo Álvarez, Rosa Orfilia Ocampo Álvarez, María Nelly Ocampo Álvarez, Teresa de Jesús Devia de Álvarez, Blanca Elvia Iles de Buesaquillo, Elber Fabián Buesaquillo Iles, Nulbia Buesaquillo Iles, Omar Buesaquillo Gaviria, Amanda Buesaquillo Gaviria, Peregrino Gaviria, Jesús Antonio Gaviria, Ubaldina Gaviria, Blanca Eider Buesaquillo Gaviria and José Duvan Gil Vásquez, for the facts of November 30, 2003. In the same sense, with respect to these victims, the State recognized its international responsibility by omission, for the violation of the rights recognized in articles 8 (right to a fair trial) and 25 (right to judicial protection) of the same instrument, in relation to the criminal proceedings conducted. Finally, the Colombian State acknowledged its international responsibility for the violation of the rights recognized in articles 5 (right to a humane treatment) and 7 (right to personal liberty) of the American Convention on Human Rights, to the detriment of José Duvan Gil Vásquez, due to his detention and prosecution for the crime of rebellion.

Based on the foregoing, the State undertook to implement reparation measures consisting of the publication of a report under article 49 of the ACHR, a financial grant for higher education, health care, rehabilitation, and economic compensation. In its Report No. 286/22, the declared pending for compliance the publication of the report under article 49 of the ACHR, the granting of financial assistance, the health and rehabilitation measures, and the justice measures envisaged in the friendly

settlement agreement. It also considered that the eighth clause on compensation measures had been partially complied with.

- ***Petition 1287-19, Roberto Molina Barreto, Zury Mayte Ríos Sosa and MWR, Guatemala:*** this petition concerns the State's international responsibility for the lack of safeguards for political participation regarding Roberto Molina Barreto and Zury Mayte Ríos Sosa. They both wanted to be candidates in the 2019 presidential election but could not do so because the internal bodies refused to accept their candidacies, although they both met the criteria to stand for elected positions. In the friendly settlement agreement signed on December 28, 2021, the State acknowledged its obligations concerning safeguards of the human right to political participation, held both in Guatemala's Political Constitution and in the American Convention on Human Rights and the International Covenant on Civil and Political Rights. These instruments establish that the exercise of this universal right should not be restricted, under any circumstances, and that all people have an equal right to participate and get involved in the country's political life if they meet the criteria established by the relevant authorities before standing for an elected position. Additionally, the State committed to conduct two awareness raising campaigns to foster women's equal right to political participation; and to hold two forums with the relevant educational institutions—private and public—to foster women's equal right to political participation. In its Report 61/22 the Commission commended the acknowledgment of responsibility clause and decided that all the measures agreed remained pending compliance due to the decision of the parties to defer its execution after the publication of the approval report.
- ***Reports No. 287/22 and 288/22, Cases 12.961 H, Juan González and others and 12.961 I, Transito Arriaga Lopez, Honduras:*** the cases concerns the international responsibility of the State of Honduras for alleged violations of rights enshrined in the American Convention derived from the massive dismissal of personnel classified in different scales from National Police as part of a purge of that agency, due to the fact that the alleged victims would have been unjustifiably dismissed under Decree 58-2001 published in Official Gazette No. 29,504 of June 15, 2001, and without following the legal procedure established for such dismissals. As detailed in Section A of this Chapter, on friendly settlement agreements fully complied with, in the friendly settlement agreements signed, the State recognized its international responsibility in relation to the events that occurred and undertook to fully repair the victims through implementation of a measure of economic compensation, according to the amounts previously indicated. In its Report No. 287/22 and 288/22, the Commission assessed the progress in relation to each of the clauses and decided to declare total compliance of the friendly settlement agreements and ceased its supervision.
- ***Case 13.007, José Alfredo Jiménez Mota and family, Mexico:*** this case relates to the international responsibility of the State of Mexico for the failure to investigate and punish those responsible for the forced disappearance of journalist José Alfredo Jiménez Mota on April 2, 2005, allegedly at the hands of state agents in the city of Hermosillo, state of Sonora, Mexico. In the friendly settlement agreement signed on September 8, 2021, the State acknowledged its international responsibility in relation to the facts and undertook to make full redress to the victims through the implementation of reparation measures, including an effective investigation and search, health and social rehabilitation, satisfaction measures (public act of acknowledgement of responsibility and the naming a street after the victim), non-repetition measures, and economic compensation measures. In its Report No. 171/22, the Commission declared total compliance with the economic compensation measure and partial substantial compliance with the clause relating to the act of acknowledgment of responsibility and its dissemination. In addition, the Commission decided to declare partial compliance with the measures as to health care, paving, and street naming. Lastly, the Commission decided to declare the measures as to an effective investigation and search, job reentry, and training courses to be pending.

- **Petition 1376-19, Silvia Angelica Flores Mosquera, Uruguay:** the petition concerns the State's international responsibility for failing to acknowledge the legal benefits due to Silvia Angelica Flores Mosquera as a recognized victim of State-sponsored terrorism. The petitioning party alleged that the State had violated her human rights, as per various international instruments, by not granting her access to a social benefit set up in Act 18,596 of September 18, 2009, since she had been recognized as a victim of the dictatorship that ruled the country over the period February 9, 1973–February 28, 1985. In the friendly settlement agreement signed on August 10, 2022, the State recognized the petitioner's status as a victim of State-sponsored terrorism and committed hold a private signing where it acknowledges its responsibility; to grant financial compensation and a monthly income to the petitioner. In its Report 183/22, the Commission declared full compliance with the private signing and admission of responsibility. Likewise, it declared pending compliance with the measures related to the economic compensation and monthly rent.

86. Consequently, the Commission commends the states of Argentina, Colombia, Guatemala, Honduras, Mexico, and Uruguay and urges them to continue taking actions to comply with those friendly settlement agreements, for the next Annual Report in 2023.

### **3. Activities carried out to promote friendly settlements in 2022**

#### **a. Activities to foster the negotiation and implementation of FSAs**

87. As regards the line of work that involves actively facilitating the negotiation of and compliance with friendly settlement agreements, in 2022 the Commission held 37 working meetings to foster the negotiation and implementation of friendly settlement agreements in different matters from Argentina, Bolivia, Chile, Colombia, Guatemala, Honduras, Mexico, Panama, Paraguay, Dominican Republic and Uruguay. Moreover, the Commission facilitated 55 technical meetings to foster friendly settlement efforts and/or preparatory meetings over the year, in various matters from Argentina, Bolivia, Brazil, Chile, Colombia, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Uruguay. Accordingly, in 2022 a total of 92 dialogues tables were facilitated with the parties to advance in friendly settlements.

88. Throughout 2022 the Commission held 10 periodic meetings to review the portfolios of negotiation and monitoring of friendly settlements with Argentina (1); Bolivia (1); Chile (3); Colombia (2); Ecuador (1); Mexico (1) and Panama (1).

89. In 2022, the Commission issued 28 press releases on friendly settlements 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.

90. In 2022, the Commission published 23 reports approving friendly settlement agreements pursuant to article 49 of the American Convention. In this regard, over the year the IACHR cleared up 42 matters under the friendly settlement mechanism through 23 homologations, 12 instances of ending negotiations at the request of the parties, 6 matters archived in the negotiation phase, and 1 matter archived in the monitoring phase due to inactivity or at the request of the petitioner. The Commission also provided technical advice to the parties in 5 matters subjected to the mechanism involving Bolivia, Colombia, Honduras, and Peru, providing information and objective criteria on relevant background of friendly settlement agreements and judgments of the Inter-American Court of Human Rights, in cases of a similar nature in the region, as to satisfaction measures,



guarantees of non-repetition, and economic compensation. In that regard, the Commission answered consultations regarding formulas for the identification of victims to be included in friendly settlement agreements, model clauses for working groups on legislation, background information, and models of measures with the component of training for public officials and dissemination of legislation, background information on amounts of economic compensation, and non-repetition measures specifically related to training of state officials.

91. It is important to highlight that, through its Report No. 167/22, the Commission decided to archive Petition P-1186-09, Adela Villamil of Bolivia, concerning alleged discrimination and lack of reparation for the murder and subsequent kidnapping and forced disappearance of the remains of the spouse of the alleged victim, former congressman Juan Carlos Flores Bedregal, on July 17, 1980, by paramilitaries, allegedly under orders from agents of the Bolivian armed forces. In its decision, the Commission reiterated the conclusions contained in its Report on Merits No. 60/18, to the effect that Juan Carlos Bedregal was the victim of forced disappearance and that to this day light has not fully been shed on what happened. In that regard, having verified the withdrawal of the petitioner and the existence of a friendly settlement agreement that could not be approved in accordance with the American Convention and the Commission's Rules of Procedure, the Commission decided to archive the petition.

92. The Commission also maintained its practice of highlighting the impacts of the friendly settlement mechanism, 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 2022 a reportage on Petition P-687-11 Gabriela Blas and her daughter CBB, regarding Chile was published.

93. Lastly, the Commission participated in 15 ceremonies for signing and/or acknowledgements of responsibility in compliance with various friendly settlement agreements involving Argentina, Bolivia, Chile, Colombia, and Uruguay, including:

Case/ Petition	Name	Country	Date (YY/MM/DD)
1. Case 13.436	José Oleaguer Correa	Colombia	2022-03-03
2. Case 14.312	Juan Carlos de la Calle	Colombia	2022-03-03
3. Case 14.306	José Ramón Ochoa Salazar	Colombia	2022-03-03
4. P-1617-12	Domingo José Rivas Coronado	Colombia	2022-05-02
5. Case 12.956	F.S.	Chile	2022-05-26
6. P-268-10	María del Carmen Senem de Buzzi	Argentina	2022-06-06
7. P-1376-19	Silvia Flores	Uruguay	2022-08-10
8. Case 11.426	Marcela Alejandra Porco	Bolivia	2022-09-19
9. Case 14.577	Teobaldo Martínez	Colombia	2022-09-22
10. P-1478-12	José Manuel Bello	Colombia	2022-09-22
11. Case 13.840	Edwin Hernán Ciro	Colombia	2022-09-27
12. Case 14.145	Eleazar Vargas Ardila	Colombia	2022-09-27

Case/ Petition	Name	Country	Date (YY/MM/DD)
13. Case 14.070	José Omar Torres	Colombia	2022-09-27
14. Case 13.710	Julián Toro Ortiz	Colombia	2022-11-30
15. Case 12.332	Omar Ernesto Vásquez Agudelo and relatives	Colombia	2022-11-30

94. The Commission appreciates and welcomes the good will of these States 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)**

95. 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 2022, different training activities were carried out, as well as the dissemination of good practices regarding friendly solution.

96. In this sense, on March 29, 2022, a Roundtable of Experts was held on good practices for the negotiation and implementation of friendly settlement agreements to identify and socialize good practices that have made it possible to overcome the challenges that traditionally arise in the phases of negotiation and implementation of friendly settlements to contribute to the capacity building of the State of Guatemala for this exact purpose, by sharing the experiences of the States that are the most significant users of the friendly settlement mechanism. The workshop was aimed at public officials of the Guatemalan State in charge of the negotiation and/or execution of friendly settlement agreements, with the participation of the officials in charge of friendly settlement processes in Argentina, Colombia, and Mexico participated as speakers.

97. Accordingly, the dialogue table between States on friendly settlements was an opportunity to promote the exchange of experiences among States to enable more agile friendly settlement processes with higher levels of compliance. Some of the topics discussed at the meeting included (a) legislative mechanisms and administrative structures for the negotiation and enforcement of friendly settlement agreements in Colombia; (b) coordination formulas between the national State and the provinces, between the state institutions in charge of representing the State and the negotiation and implementation of friendly settlement agreements in Argentina; and (c) the Comprehensive Attention Model for Victims, Reparations Trust, and articulation formulas between the National State and federal states and between the State institutions in charge of the negotiations and implementation of friendly settlement agreements in Mexico.

98. On April 25, 2022, Executive Secretary Tania Reneaum Panszi participated in the Panel on Practical Aspects of Litigation, Implementation, and Enforcement of Judgments within the framework of the Jurisprudence Seminar of the Inter-American Court from the perspective of public defense. The conference addressed the procedural aspects of the friendly settlement procedure, its characteristics, the type of reparation measures that an FSA can include, emblematic friendly settlements, and the most frequent challenges and obstacles faced in the use of the mechanism.

99. On April 26, 2022, Commissioner Stuardo Ralón participated in the First Course on Human Rights and Control of Conventionality organized by the Paulista School of Magistracy (EPM) in partnership with the National School for Training and Improvement of the Magistracy (ENFAM), and the Decision Monitoring and Supervision Unit of the Inter-American Court of Human Rights (UMF/CNJ) of Brazil. This course was part of the actions of the Judicial Pact for Human Rights and of an agreement with the Inter-American Court for

compliance with decisions related to the training of officials of the judiciary of Brazil. Within this framework, his presentation included concrete examples of friendly settlements with individual and structural impacts with a focus on the different areas of comprehensive reparation, including measures of satisfaction, restitution, non-repetition, and rehabilitation, and with a transversal focus on issues such as human rights defenders, rights of women, indigenous peoples, among others.

100. On May 3, 2022, a training workshop was held for public officials of Saint Lucia on standards regarding the rights of persons with disabilities to promote strengthening the capacities of government officials of Saint Lucia on the mandate and mechanisms of the Inter-American Human Rights System, particularly the IACHR, and its standards on the rights of persons with disabilities, as well as providing relevant background information on jurisprudence within the framework of the system of petitions and cases and the friendly settlement mechanism.

101. Lastly, on May 4, 2022, a training workshop was held for public officials in Panama to promote the strengthening of the capacities of state agents on the Inter-American Human Rights System, particularly on the use of the mechanism of friendly settlements of the IACHR, through specialized training in the technical procedure. The workshop incorporated theoretical procedural elements of the friendly settlement mechanism in light of the regulatory framework that regulates it and topics such as the role of state institutions in friendly settlements and the importance of inter-institutional coordination for compliance with friendly settlement agreements.

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

102. 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.

103. 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 14, 2022. Any information received thereafter did not make it into the Chapter but will be taken into consideration for the 2023 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.

104. 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 parties, as well as the categories for the individualized analysis of the clauses of the friendly settlement and the categories of the general analysis of the fulfillment of the friendly settlement agreements traditionally used.

105. In light of the above, the commission observes that the status of compliance with friendly settlement agreements as of December 31, 2022, is as follows:

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE	
1. Case 11.307, Report No. 103/01, María Merciadri de Morini (Argentina) <sup>11</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Argentina that are subject to monitoring</a>	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 Giovanelli (Argentina) <sup>12</sup>				X		60%	Closed
5. Case 12.159, Report No. 79/09, Gabriel Egisto Santillan Reigas (Argentina)			X			100%	Closed 2022
6. Case 11.758, Report No. 15/10, Rodolfo Correa			X			100%	Closed

<sup>10</sup> 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.

<sup>11</sup> See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 38-40.

<sup>12</sup> 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.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
Belisle (Argentina) <sup>13</sup>						
7. Case 11.796, Report No. 16/10, Mario Humberto Gómez Yardez (Argentina) <sup>14</sup>		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) <sup>15</sup>		X			100%	Closed
10. Petition 4554-02, Report No. 161/10, Valerio Castillo Báez (Argentina) <sup>16</sup>		X			100%	Closed
11. Petition 2829-02, Report No. 11/19, Inocencio Rodríguez (Argentina) <sup>17</sup>		X			100%	Closed
12. Case 11.708, Report No. 20/11, Anibal Acosta and L. Hirsch (Argentina) <sup>18</sup>		X			100%	Closed

<sup>13</sup> See IACHR, Annual Report 2015, Chapter III, Section D: Status of Compliance with IACHR Recommendations, para. 114.

<sup>14</sup> See IACHR, Annual Report 2011, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 159-164.

<sup>15</sup> 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>

<sup>16</sup> See IACHR, Annual Report 2013, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 165 – 175.

<sup>17</sup> See IACHR, Annual Report 2016, Chapter II, Section D: Status of Compliance with Recommendations and Friendly Settlements in individual cases, paras. 194-205.

<sup>18</sup> See, IACHR, Annual Report 2014, Chapter II, Section D: States of Compliance with the Recommendations of the IACHR, paras. 173-181.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
13. Case 11.833, Report No. 21/11, Ricardo Monterisi (Argentina) <sup>19</sup>		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) <sup>20</sup>		X			100%	Closed
17. Case 12.182, Report No. 109/13, Florentino Rojas (Argentina)		X			100%	Closed 2022
18. Petition 21-05, Report No. 101/14, Ignacio Cardozo et al. (Argentina)			X		20%	Active
19. Case 12.710, Report No. 102/14, Marcos Gilberto Chaves and Sandra Beatriz Chaves (Argentina) <sup>21</sup>		X			100%	Closed
20. Case 12.854, Report No. 36/17, Ricardo Javier Kaplun (Argentina)			X		40%	Active

<sup>19</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 180-183.

<sup>20</sup> See IACHR, Annual Report 2013, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 225-252.

<sup>21</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
21. Case 13.011, Report No. 197/20, Graciela Ramos Rocha, and family (Argentina) <sup>22</sup>		X			100%	Closed
22. Petition 245-03, Report No. 39/21, Walter Mauro Yañez (Argentina) <sup>23</sup>		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		22%	Active
26. Case 13.869, Report No. 349/22, Silvia Mónica Severini (Argentina)			X		33%	Active
27. Case 14.669, Report No. 350/22, Mariano Bejarano (Argentina)			X		25%	Active
28. Case 12.475, Report No. 97/05, Alfredo Díaz Bustos (Bolivia) <sup>24</sup>	NA	X			100%	Closed

<sup>22</sup> 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>

<sup>23</sup> See IACHR, Report No. 39/21, Petition 245-03. Friendly Settlement. Walter Mauro Yañez. Argentina. March 19, 2021.

<sup>24</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
29. Case 12.516, Report No. 98/05, Raúl Zavala Málaga and Jorge Pacheco Rondón (Bolivia) <sup>25</sup>		X			100%	Closed
30. Petition 269-05, Report No. 82/07, Miguel Angel Moncada Osorio and James David Rocha Terraza (Bolivia) <sup>26</sup>		X			100%	Closed
31. Petition 788-06, Report No. 70/07, Víctor Hugo Arce Chávez (Bolivia) <sup>27</sup>		X			100%	Closed
32. Case 12.350, Report No. 103/14, M.Z. (Bolivia) <sup>28</sup>		X			100%	Closed
33. Case 11.289, Report No. 95/03, José Pereira (Brazil)	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Brazil that are subject to monitoring</a>		X		83%	Active
34. Cases 12.426 and 12.427, Report No. 43/06, Raniê Silva Cruz, Eduardo Rocha da Silva and Raimundo Nonato Conceição Filho (Brazil) <sup>29</sup>		X			100%	Closed
35. Case 12.674, Report No. 111/20, Marcio Lapoente Da Silveira (Brazil)			X		75%	Active

<sup>25</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 109-114.

<sup>26</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 115-119.

<sup>27</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 120-124.

<sup>28</sup> 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.

<sup>29</sup> See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 162-175.



CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE	
36. Case 12.277, Report No. 136/21, Fazenda Ubá (Brazil)			X		44%	Active	
37. Case 11.715, Report No. 32/02, Juan Manuel Contreras San Martín et al. (Chile) <sup>30</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Chile that are subject to monitoring</a>	X			100%	Closed	
38. Case 12.046, Report No. 33/02, Mónica Carabantes Galleguillos (Chile) <sup>31</sup>		X			100%	Closed	
39. Petition 4617/02, Report No. 30/04, Mercedes Julia Huenteao Beroiza et al. (Chile)				X		67%	Active
40. Case 12.337, Report No. 80/09, Marcela Andrea Valdés Díaz (Chile) <sup>32</sup>		X				100%	Closed
41. Petition 490-03, Report No. 81/09 "X" (Chile) <sup>33</sup>		X				100%	Closed
42. Case 12.281, Report No. 162/10, Gilda Rosario Pizarro et al. (Chile) <sup>34</sup>		X				100%	Closed
43. Case 12.195, Report No. 163/10, Mario Alberto Jara Oñate (Chile) <sup>35</sup>		X				100%	Closed

<sup>30</sup> See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 187-190.

<sup>31</sup> See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 191-194.

<sup>32</sup> See IACHR, Annual Report 2010, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 298-302.

<sup>33</sup> See IACHR, Annual Report 2010, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 303-306.

<sup>34</sup> See IACHR, Annual Report 2011, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 337-345.

<sup>35</sup> See IACHR, Annual Report 2011, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 346-354.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
44. Case 12.232, Report No. 86/11, María Soledad Cisternas (Chile) <sup>36</sup>		X			100%	Closed
45. Petition 687-11, Report No. 138/19, Gabriela Blas Blas and her daughter C.B.B. (Chile)			X		83%	Active
46. Case 12.190; Report No. 37/19, Jose Luis Tapia, and Other Members of the Carabineros (Chile) <sup>37</sup>		X			100%	Closed
47. Case 12.233, Report No. 137/19, Víctor Amestica Moreno and Others (Chile) <sup>38</sup>		X			100%	Closed
48. Petition 1275-04 A, Report No. 23/20, Juan Luis Rivera Matus (Chile) <sup>39</sup>		X			100%	Closed
49. Case 11.141, Report No. 105/05, Massacre of Villatina (Colombia) <sup>40</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Colombia that are</a>	X			100%	Closed
50. Case 10.205, Report No. 53/06, Germán Enrique Guerra Achuri (Colombia) <sup>41</sup>		X			100%	Closed

<sup>36</sup> See IACHR, Annual Report 2012, Chap II, Section D: Status of Compliance with IACHR Recommendations, paras. 408-412.

<sup>37</sup> 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.

<sup>38</sup> 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.

<sup>39</sup> 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>

<sup>40</sup> 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>

<sup>41</sup> See IACHR, Annual Report 2010, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 329-333.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
51. Petition 477-05, Report No. 82/08 X and relatives (Colombia) <sup>42</sup>	<a href="#">subject to monitoring</a>	X			100%	Closed
52. Petition 401-05, Report No. 83/08 Jorge Antonio Barbosa Tarazona <i>et al.</i> (Colombia)			X		67%	Active
53. Case 12.376, Report No. 59/14, Alba Lucía, Rodríguez (Colombia)			X		29%	Active
54. Case 12.756, Report No. 10/15, Massacre El Aracatazzo Bar (Colombia)		X			100%	Closed 2022
55. Petition 108-00, Report No. 38/15, Massacre of Segovia (28 family groups) (Colombia)			X		80%	Active
56. Petition 577-06, Report No. 82/15, Gloria González, and family (Colombia)			X		50%	Active
57. Case 11.538, Report No. 43/16, Herson Javier Caro (Colombia)		X			100%	Closed 2022
58. Case 12.541, Report No. 67/16, Omar Zuñiga Vásquez and Amira Isabel Vásquez de Zuñiga (Colombia)			X		22%	Active

<sup>42</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
59. Case 11.007, Report No. 68/16, Massacre of Trujillo (Colombia)			X		50%	Active
60. Case 12.712, Report No. 135/17, Rubén Darío Arroyave (Colombia)			X		50%	Active
61. Case 12.714, Report No. 136/17, Belen Altavista Massacre (Colombia)			X		60%	Active
62. Case 12.941, Report No. 92/18, Nicolasa, and Family (Colombia)			X		14%	Active
63. 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
64. Case 11.990 A, Report No. 34/19, Oscar Orlando Bueno Bonnet et al. (Colombia)			X		31%	Active
65. Case 11.144, Report No. 109/19, Gerson Jairzinho González Arroyo (Colombia)			X		56%	Active

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
66. Case 13.776, Report No. 1/20, German Eduardo Giraldo, and family (Colombia)			X		33%	Active
67. Case 13.728, Report No. 21/20, Amira Guzmán Alonso (Colombia)		X			100%	Closed 2022
68. Case 12.909, Report No. 22/20, Gerardo Bedoya Borrero (Colombia)			X		60%	Active
69. Case 13.370, Report No. 8/20, Luis Horacio Patiño and family (Colombia)			X		80%	Active
70. Petition 595-09, Report No. 84/20, Jorge Alberto Montes Gallego, and family (Colombia)			X		67%	Active
71. Case 13.319, Report No. 213/20, William Fernández Becerra, and family (Colombia)			X		27%	Active
72. Case 13.421, Report No. 333/20, Geminiano Gil Martínez and family (Colombia)			X		75%	Active
73. Case 13.642, Report No. 41/21, Edgar José Sánchez Duarte, and Family			X		25%	Active

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
74. Case 13.171, Report No. 115/21, Luis Argemiro Gómez Atehortua (Colombia)			X		80%	Active
75. Case 13.571, Report 336/21, Carlos Mario Muñoz Gómez, (Colombia)			X		25%	Active
76. Case 13.758, Report 337/21, Franklin Bustamante Restrepo (Colombia)			X		67%	Active
77. Case 14.291, Report No. 58/22, Captain N (Colombia)			X		25%	Active
78. Petition 53-5-17, Report No. 59/22, Luis Gerardo Bermudez (Colombia)			X		50%	Active
79. Petition 51-4-11, Report No. 60/22, Luis Hernando Morera Garzón (Colombia)			X		60%	Active
80. Case 13.775, Report No. 63/22, Gabriel Angel Gómez Martínez and Family (Colombia)			X		67%	Active
81. Case 13.654, Report No. 64/22, Juan Simón Cantillo Raigoza and Family (Colombia)			X		50%	Active

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
82. Case 14.306, Report No. 65/22, José Ramón Ochoa Salazar, and Family (Colombia)			X		60%	Active
83. Case 13.964, Report No. 66/22, Darío Gómez Cartagena, and Family (Colombia)			X		67%	Active
84. Case 13.436, Report No. 67/22, José Oleaguer Correa Castrillón (Colombia)			X		40%	Active
85. Case 13.125, Report No. 68/22, Ricardo Antonio Elías and Family (Colombia)			X		67%	Active
86. Petition 13-91-15, Report No. 94/22, Mario Antonio Cardona et al. (Colombia)			X		67%	Active
87. Petition 16-17-12, Report No. 169/22, Domingo José Rivas Coronado (Colombia)			X		14%	Active
88. Case 14.312, Report No. 170/22, Juan Carlos De La Calle Jiménez y Javier De La Calle Jiménez (Colombia)			X		25%	Active

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
89. Case 14.093, Report No. 285/22, Ernesto Ramírez Berrios (Colombia)			X		17%	Active
90. Case 13.226, Report No. 286/22, Dora Inés Meneses Gómez et al. (Colombia)			X		0%	Active
91. Case 12.942, Report No. 71/19, Emilia Morales Campos (Costa Rica) <sup>43</sup>	NA	X			100%	Closed
92. Case 11.421, Report No. 93/00, Edison Patricio Quishpe Alcivar (Ecuador) <sup>44</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Ecuador that are</a>		X		67%	Closed
93. Case 11.439, Report No. 94/00, Byron Roberto Cañaveral (Ecuador) <sup>45</sup>			X		67%	Closed

<sup>43</sup> See IACHR, IACHR, Report No. 71/19, Case 12.942 Friendly Settlement. Emilia Morales Campos. Costa Rica May 15, 2019.

<sup>44</sup> 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.

<sup>45</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
94. Case 11.445, Report No. 95/00, Angelo Javier Ruales Paredes (Ecuador) <sup>46</sup>	<a href="#">subject to monitoring</a>	X			100%	Closed
95. Case 11.466, Report No. 96/00, Manuel Inocencio Lalvay Guzman (Ecuador) <sup>47</sup>			X		75%	Closed
96. Case 11.584, Report No. 97/00, Carlos Juela Molina (Ecuador) <sup>48</sup>			X		67%	Closed
97. Case 11.783, Report No. 98/00, Marcia Irene Clavijo Tapia, (Ecuador) <sup>49</sup>			X		67%	Closed
98. Case 11.868, Report No. 99/00, Carlos Santiago, and Pedro Andrés Restrepo Arismendy (Ecuador) <sup>50</sup>			X		67%	Closed

<sup>46</sup> See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 283-286.

<sup>47</sup> 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.

<sup>48</sup> 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.

<sup>49</sup> 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.

<sup>50</sup> 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.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
99. Case 11.991, Report No. 100/00, Kelvin Vicente Torres Cueva (Ecuador) <sup>51</sup>			X		67%	Closed
100. Case 11.478, Report No. 19/01, Juan Climaco Cuellar et al. (Ecuador)			X		50%	Active
101. Case 11.512, Report No. 20/01, Lida Angela Riera Rodríguez			X		50%	Closed
102. Case 11.605, Report No. 21/01, René Gonzalo Cruz Pazmiño (Ecuador) <sup>53</sup>			X		50%	Closed
103. Case 11.779, Report No. 22/01, José Patricio Reascos (Ecuador) <sup>54</sup>			X		50%	Closed

<sup>51</sup> 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.

<sup>52</sup> 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.

<sup>53</sup> 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.

<sup>54</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
104. Case 11.441, Report No. 104/01, Rodrigo Elicio Muñoz Arcos et al. (Ecuador) <sup>55</sup>			X		50%	Closed
105. Case 11.443, Report No. 105/01, Washington Ayora Rodríguez (Ecuador) <sup>56</sup>			X		50%	Closed
106. Case 11.450, Report No. 106/01, Marco Vinicio Almeida Calispa (Ecuador) <sup>57</sup>			X		50%	Closed
107. Case 11.542, Report No. 107/01, Angel Reiniero Vega Jiménez (Ecuador) <sup>58</sup>			X		50%	Closed
108. Case 11.574, Report No. 108/01, Wilberto Samuel Manzano (Ecuador) <sup>59</sup>			X		50%	Closed

<sup>55</sup> 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.

<sup>56</sup> 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.

<sup>57</sup> 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.

<sup>58</sup> 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.

<sup>59</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
109. Case 11.632, Report No. 109/01, Vidal Segura Hurtado (Ecuador) <sup>60</sup>			X		50%	Closed
110. Case 12.007, Report No. 110/01, Pompeyo Carlos Andrade Benítez (Ecuador) <sup>61</sup>			X		50%	Closed
111. Case 11.515, Report No. 63/03, Bolívar Franco Camacho Arboleda			X		50%	Closed
112. Case 12.188, Report No. 64/03, Joffre José Valencia Mero, Priscila Fierro, Zoreida Valencia Sánchez, Rocío Valencia Sánchez (Ecuador) <sup>63</sup>			X		50%	Closed

<sup>60</sup> 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.

<sup>61</sup> 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>

<sup>62</sup> 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.

<sup>63</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
113. Case 12.394, Report No. 65/03, Joaquín Hernández Alvarado, Marlon Loor Argote and Hugo Lara Pinos (Ecuador) <sup>64</sup>			X		50%	Closed
114. Case 12.205, Report No. 44/06, José René Castro Galarza (Ecuador)			X		50%	Active
115. Case 12.207, Report No. 45/06, Lizandro Ramiro Montero Masache (Ecuador) <sup>65</sup>			X		50%	Closed
116. Case 12.238, Report No. 46/06, Myriam Larrea			X		60%	Closed
117. Case 12.558, Report No. 47/06, Fausto Mendoza Giler and Diogenes Mendoza Bravo (Ecuador) <sup>67</sup>			X		50%	Closed

<sup>64</sup> 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.

<sup>65</sup> 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.

<sup>66</sup> 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.

<sup>67</sup> 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

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
118. Petition 533-05, Report No. 122/12, Julio Rubén Robles Eras (Ecuador) <sup>68</sup>			X		67%	Closed
119. Case 12.631, Report No. 61/13, Karina Montenegro et al. (Ecuador)			X		45%	Active
120. Case 12.957, Report No. 167/18, Luis Bolívar Hernández Peñaherrera (Ecuador) <sup>69</sup>		X			100%	Closed
121. Case 11.626 A, Report No. 81/20, Fredy Oreste Cañola Valencia (Ecuador) <sup>70</sup>			X		67%	Closed
122. Case 11.626 B, Report No. 82/20, Luis Enrique Cañola Valencia (Ecuador) <sup>71</sup>			X		67%	Closed
123. Case 11.626 C, Report No. 83/20, Santo Enrique Cañola			X		67%	Closed

agreement and close the matter. The IACHR considers that the State failed to comply with the justice measure embodied in the friendly settlement agreement.

<sup>68</sup> 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.

<sup>69</sup> 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>

<sup>70</sup> 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.

<sup>71</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE	
González (Ecuador) <sup>72</sup>							
124. Case 11.312, Report No. 66/03, Emilio Tec Pop (Guatemala)	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Guatemala that are subject to monitoring</a>		X		67%	Active	
125. Case 11.766, Report No. 67/03, Irma Flaquer (Guatemala)			X		92%	Active	
126. Case 11.197, Report No. 68/03, Community of San Vicente de los Cimientos (Guatemala)			X		57%	Active	
127. Case 9.168, Report No. 29/04, Jorge Alberto Rosal Paz (Guatemala)			X		80%	Active	
128. Petition 133-04, Report No. 99/05, José Miguel Mérida Escobar (Guatemala) <sup>73</sup>				X		89%	Closed
129. Case 11.422, Report No. 1/12, Mario Alioto López Sánchez (Guatemala)			X			100%	Closed 2022
130. Case 12,546, Report No. 30/12, Juan Jacobo Arbenz				X		88%	Closed

<sup>72</sup> 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.

<sup>73</sup> 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>

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
Guzmán (Guatemala) <sup>74</sup>						
131. Case 12.591, Report No. 123/12, Angelica Jeronimo Juárez (Guatemala) <sup>75</sup>		X			100%	Closed
132. Petition 279-03, Report No. 39/15. Fredy Rolando Hernández Rodríguez et al. (Guatemala) <sup>76</sup>		X			100%	Closed
133. Case 12.732, Report No. 86/20, Richard Conrad Solórzano Contreras (Guatemala)			X		50%	Active
134. Case 10.441 A, Report No. 214/20, Silvia María Azurdia Utrera and Others (Guatemala)			X		80%	Active
135. Case 10.441 B, Report No. 215/20, Carlos Humberto Cabrera Rivera (Guatemala)			X		80%	Active
136. Case 12.737, Report No. 114/21, Carlos Raúl Morales Catalan (Guatemala)			X		50%	Active
137. Petition 1287-19, Report No. 61/22,				X	0%	Active

<sup>74</sup> 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>

<sup>75</sup> See IACHR, Annual Report 2013, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 879-885.

<sup>76</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
Roberto Molina Barreto, Zury Mayte Ríos Sosa and MWR (Guatemala)						
138. Case 11.805, Report No. 124/12, Carlos Enrique Jaco (Honduras) <sup>77</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements (Honduras).</a>	X			100%	Closed
139. Case 12.547, Report No. 62/13, Rigoberto Cacho Reyes (Honduras) <sup>78</sup>		X			100%	Closed
140. Case 12.961 C, Report No. 101/19, Marcial Coello Medina, and Others (Honduras) <sup>79</sup>		X			100%	Closed
141. Case 12.961 D, Report No. 104/19, Jorge Enrique Valladares Argueñal and Others (Honduras) <sup>80</sup>		X			100%	Closed
142. Case 12.961 A, Report No. 105/19, Bolívar Salgado Welban and Others (Honduras) <sup>81</sup>		X			100%	Closed
143. Case 12.961 F, Report 20/20, Miguel Angel Chinchilla Erazo, and others		X			100%	Closed

<sup>77</sup> See IACHR, Friendly Settlement Report No. 124/12, Case 11.805 (Carlos Enrique Jaco), dated November 12, 2012.

<sup>78</sup> See IACHR, Annual Report 2014, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 956-960.

<sup>79</sup> See IACHR, Report No.101/19, Case 12.961 C. Friendly Settlement. Marcial Coello Medina and Others., Honduras. July 13, 2019.

<sup>80</sup> See IACHR, Report No.104/19, Case 12.961 D. Friendly Settlement. Jorge Enrique Valladares Argueñal and Others, Honduras. July 13, 2019.

<sup>81</sup> See IACHR, Report No. 105/19, Case 12.961 A. Friendly Settlement. Bolívar Salgado Welban and Others. Honduras. July 28, 2019.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
(Honduras) <sup>82</sup>						
144. Case 12.891, Report No. 212/20, Adan Guillermo López Lone et al. (Honduras)			X		68%	Active
145. Case 12.972, Report No. 334/20, Marcelo Ramón Aguilera Aguilar (Honduras) <sup>83</sup>		X			100%	Closed
146. Case 11.562, Report No. 40/21, Dixie Miguel Urbina Rosales (Honduras)			X		50%	Active
147. Case 12.961E, Report No. 42/21, Ecar Fernando Zavala Valladares and Others (Honduras) <sup>84</sup>		X			100%	Closed
148. Case 11.545, Report No. 204/21, Martha María Saire (Honduras)			X		60%	Active
149. Case 12.961J, Report No. 205/21, Faustino Garcia Cárdenas and Other (Honduras) <sup>85</sup>		X			100%	Closed
150. Case 12.960, Report No. 269/21, Ronald Jared		X			100%	Closed

<sup>82</sup> 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>

<sup>83</sup> 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>

<sup>84</sup> See IACHR, Report No. 42/21, Case 12.961 E. Friendly Settlement. Ecar Fernando Zavala Valladares, Honduras. March 20, 2021

<sup>85</sup> See IACHR, Report No. 205/21, Case 12.961 J. Friendly Settlement. Faustino Garcia Cárdenas and other. Honduras. Honduras. September 4, 2021.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
Martínez (Honduras) <sup>86</sup>						
151. Case 12.960 H, Report No. 287/22, Juan González, and others. (Honduras) <sup>87</sup>		X			100%	Closed 2022
152. Case 12.960 I, Report No. 288/22, Transito Edgardo Arriaga López and others. (Honduras) <sup>88</sup>		X			100%	Closed 2022
153. Case 11.807, Report No. 69/03, José Guadarrama (Mexico) <sup>89</sup>		X			100%	Closed
154. Petition 388-01, Report 101/05 Alejandro Ortiz Ramírez (Mexico) <sup>90</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Mexico that are subject to monitoring</a>	X			100%	Closed
155. Petition 161-02, Report No. 21/07, Paulina del Carmen Ramírez Jacinto (Mexico) <sup>91</sup>		X			100%	Closed
156. Case 11.822, Report No. 24/09, Reyes Penagos Martínez et al. (Mexico)		X			100%	Closed 2022
157. Case 12.642, Report No. 90/10, José Iván Correa Arevalo (Mexico) <sup>92</sup>		X			100%	Closed

<sup>86</sup> See IACHR, Report No. 269/21, Case 12.960. Friendly Settlement. Ronald Jared Martínez et al. Honduras. October 5, 2021.

<sup>87</sup> See IACHR, Report No. 287/22, Case 12.961 H. Friendly Settlement. Juan Gonzalez and Others. Honduras, November 8, 2022.

<sup>88</sup> See IACHR, Report No. 288/22, Case 12.961 I. Friendly Settlement. Transito Edgardo Arriaga López and Others. Honduras, November 8, 2022.

<sup>89</sup> See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 552-560.

<sup>90</sup> See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 561-562.

<sup>91</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 833-844.

<sup>92</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
158. Case 12.660, Report No. 91/10, Ricardo Uacán Seca (Mexico) <sup>93</sup>		X			100%	Closed
159. Case 12.623, Report No. 164/10, Luis Rey García (Mexico) <sup>94</sup>		X			100%	Closed
160. Petition 318-05, Report No. 68/12, Geronimo Gomez Lopez (Mexico) <sup>95</sup>		X			100%	Closed
161. Case 12.769, Report No. 65/14, Irineo Martínez Torres and Other (Mexico) <sup>96</sup>		X			100%	Closed
162. Case 12.813, Report No. 81/15, Blanca Olivia Contreras Vital et al. (Mexico) <sup>97</sup>		X			100%	Closed
163. Petition 1171-09, Report No. 15/16, Ananias Laparra, and relatives (Mexico)			X		64%	Active
164. Case 12.847, Report No. 16/16, Vicenta Sanchez Valdivieso (Mexico) <sup>98</sup>		X			100%	Closed
165. Case 12.627, Report No. 92/17, Maria Nicolasa Garcia		X			100%	Closed

<sup>93</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 876-881.

<sup>94</sup> See IACHR, Annual Report 2011, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 982-987.

<sup>95</sup> See IACHR, Friendly Settlement Report No. 68/12, Petition 318-05, (Geronimo Gómez López vs. Mexico), dated July 17, 2012.

<sup>96</sup> 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."

<sup>97</sup> 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.

<sup>98</sup> See IACHR, Annual Report 2021, Chapter II, Section F. Negotiation, and implementation of friendly settlement agreements.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
Reynoso (Mexico) <sup>99</sup>						
166. Petition 1014-06, Report No. 35/19, Antonio Jacinto Lopez (Mexico)			X		74%	Active
167. Case 13.408, Report No. 43/19, Alberto Patishtán Gómez (Mexico) <sup>100</sup>		X			100%	Closed
168. Case 12.986, Report No. 106/19, José Antonio Bolaños Juárez (Mexico) <sup>101</sup>		X			100%	Closed
169. Case 12.915, Report No. 2/20, Angel Díaz Cruz et al. (Mexico) <sup>102</sup>		X			100%	Closed
170. Petition 735-07, Report No. 110/20, Ismael Mondragon Molina (Mexico)			X		73%	Active
171. Case 11.824, Report No. 216/20, Sabino Diaz Osorio and Rodrigo Gomez Zamorano, (Mexico) <sup>103</sup>		X			100%	Closed
172. Case 12.610, Report No. 208/21, Faustino Jiménez Álvarez (Mexico)			X		88%	Active

<sup>99</sup> 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>

<sup>100</sup> See IACHR, Report No. 106/19, Case 12.986. Friendly Settlement. José Antonio Bolaños Juárez. Mexico. July 28, 2019.

<sup>101</sup> 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>

<sup>102</sup> 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>

<sup>103</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
173. Case 13.007, Report No. 171/22, José Alfredo Jiménez Mota, and Family. (Mexico)			X		29%	Active
174. Case 12.848, Report No. 42/16, Mrs. N, (Panama) <sup>104</sup>					100%	Closed
175. Case 13.017 C, Report No. 91/19, Relatives of Victims of the Military Dictatorship in Panama, October 1968 to December 1989 (Panama)	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements (Panama)</a>		X		0%	Active
176. Case 13.017 A, Report No. 102/19, Relatives of Victims of the Military Dictatorship in Panama, October 1968 to December 1989 (Panama)			X		0%	Active
177. Case 12.358, Report No. 24/13, Octavio Rubén González Acosta (Paraguay)	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Paraguay that are</a>		X		86%	Active
178. Petition 1097-06, Report No. 25/13, Miriam Beatriz Riquelme Ramírez (Paraguay) <sup>105</sup>		X			100%	Closed

<sup>104</sup> See IACHR, Report No. 42/16, Case 12,848. Friendly Settlement. Mrs. N. Panama. September 25, 2016.

<sup>105</sup> See IACHR, Annual Report 2014, Chapter II, Section D: Status of Compliance with IACHR Recommendations, paras. 1101-1105.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
179. Case 12.699, Report No. 130/18, Pedro Antonio Centurion (Paraguay)	<a href="#">subject to monitoring</a>		X		80%	Active
180. Case 12.374, Report No. 85/20, Jorge Enrique Patiño Palacios (Paraguay) <sup>106</sup>		X			100%	Closed
181. Petition 747-05, Report No. 256/20, Y'akâ Marangatú Indigenous community of the Mbya People (Paraguay)			X		50%	Active
182. Case 12.330, Report No. 206/21, Marcelino Gómez and Other (Paraguay)				X		94%
183. Case 12.035; Report No. 75/02(bis), Pablo Ignacio Livia Robles (Peru) <sup>107</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreement of Peru that are subject to monitoring</a>	X			100%	Closed
184. Case 11.149, Report No. 70/03 Augusto Alejandro Zuñiga Paz (Peru) <sup>108</sup>		X			100%	Closed
185. Case 12.191, Report No. 71/03, María Mamerita Mestanza (Peru)			X		75%	Active

<sup>106</sup> 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>

<sup>107</sup> See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 332-335.

<sup>108</sup> See IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 336 and 337.

CASE/PETITION	MONITORING SHEET	FULL COMPLIANCE	PARTIAL COMPLIANCE	PENDING COMPLIANCE	COMPLIANCE PERCENTAGE <sup>10</sup>	STATUS OF COMPLIANCE
186. Case 12.078, Report No. 31/04, Ricardo Semoza Di Carlo (Peru) <sup>109</sup>		X			100%	Closed
187. Petition 185-02, Report No. 107/05, Roger Herminio Salas Gamboa (Peru) <sup>110</sup>		X			100%	Closed
188. Case 12.033, Report No. 49/06, Romulo Torres Ventocilla (Peru) <sup>111</sup>		X			100%	Closed
189. 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 Melgarejo et al. (Peru); Petition 758-01, Report No. 71/07, Hernán Atilio Aguirre Moreno et al. (Peru)			X		75%	Active
190. Petition 494-04, Report No. 20/08, Romeo Edgardo Vargas Romero (Peru)			X		75%	Active
191. Petitions 71-06 et al., Report No. 22/11, Gloria José			X		80%	Active

<sup>109</sup> 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.

<sup>110</sup> See IACHR, Annual Report 2013, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 1094 and 1107.

<sup>111</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
Yaquetto Paredes et al. (Peru)						
192. Case 12.041, Report No. 69/14, M.M. (Peru) <sup>112</sup>		X			100%	Closed
193. Petition 288-08, Report No. 6916, Jesús Salvador Ferreyra González (Peru) <sup>113</sup>		X			100%	Closed
194. Petition 1339-07, Report No. 70/16, Tito Guido Gallegos Gallegos, (Peru) <sup>114</sup>		X			100%	Closed
195. Case 12.383, Report No. 137/17, Nestor Alejandro Albornoz Eyzaguirre (Peru) <sup>115</sup>		X			100%	Closed
196. Petition 1516-08, Report No. 130/18, Juan Figueroa Acosta (Peru) <sup>116</sup>		X			100%	Closed
197. Case 12.095, Report No. 3/20, Mariela Barreto (Peru)			X		75%	Active
198. Case 12.174, Report No. 12/31, Israel Geraldo Paredes Acosta	NA	X			100%	Closed

<sup>112</sup> See IACHR, Friendly Settlement Report No. 69/14, Case 12.041 (M.M. vs. Peru), dated July 25, 2014.

<sup>113</sup> 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."

<sup>114</sup> 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."

<sup>115</sup> 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."

<sup>116</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
(Dominican Republic) <sup>117</sup>						
199. Petition 228-07, Report No. 18/10, Carlos Dogliani (Uruguay) <sup>118</sup>	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements (Uruguay)</a>	X			100%	Closed
200. Petition 1224-07, Report No. 103/19, David Rabinovich (Uruguay) <sup>119</sup>		X			100%	Closed
201. Petition 1376-19, Report No. 183/22, Silvia Angelica Flores Mosquera (Uruguay)			X		75%	Active
202. Case 12.555, Report No. 110/06, Sebastián Echaniz Alcorta and Juan Víctor Galarza Mendiola (Venezuela) <sup>120</sup>					X	0%
203. Case 11.706, Report No. 32/12, Yanomami Indigenous people of Haximú (Venezuela)	<a href="#">Link to monitoring sheets on matters related to reports of friendly settlement agreements of Venezuela that are subject to monitoring</a>		X		60%	Active
204. Case 12.473, Report No. 63/13, Jesús Manuel Cárdenas et al. (Venezuela)			X		25%	Active

<sup>117</sup> See IACHR, Friendly Settlement Report No. 31/12, Case 12,174 (Israel Gerardo Paredes Acosta vs. Dominican Republic), dated March 20, 2012.

<sup>118</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 1033-1039.

<sup>119</sup> See IACHR, Report No. 103/19, Petition 1224-07. Friendly Settlement. David Rabinovich. Uruguay. July 16, 2019.

<sup>120</sup> 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 <sup>10</sup>	STATUS OF COMPLIANCE
<b>Total FSAs published = 204</b>						<b>Active matters: 87</b>
<b>Total FSAs in Active Monitoring Phase = 87</b>		<b>Full compliance = 86</b>	<b>Partial compliance = 116</b>	<b>Pending compliance = 2</b>		<b>Closed matters: 117</b>

**5. Good practices in Implementing Friendly Settlement Agreements observed in 2022**

106. The Commission highlights the evolution of a good practice by States initially observed in the context of the COVID-19 pandemic, regarding the search for alternative mechanisms for fulfilling obligations under friendly settlement agreements and their promotion by means of informatic tools. That practice has not only been maintained but, due to the lifting of some restrictions introduced during the pandemic, it incorporated new areas of work that have allowed States to make progress in the implementation of measures contained in friendly settlement agreements. In this regard, the Commission highlights as positive the ceremonies for the signing of FSAs and/or acknowledgement of responsibility in hybrid format in Petition No. P-268-10 María del Carmen Senem de Buzzi, regarding Argentina; Case 11.426 Marcela Alejandra Porco, regarding Bolivia; Case 12.956 F.S., regarding Chile; Petition No. 1617-12 Domingo José Rivas Coronado, Case No. 13.436 Jose Oleaguer Correa, Case 14.577 Teobaldo Martinez, Petition No. 1478-12 José Manuel Bello and Case of Julián Alberto Toro and Family, regarding Colombia; and Petition No. P-1376-19 Silvia Flores, regarding Uruguay, which saw broad participation on the part of victims, their families, and representatives, as well as the presence of the Commission, through its country rapporteurs, enabling for greater rapprochement with the States and the victims.

107. The Commission recognizes as a good practice of the Colombian State the identification of blocks of cases in the contentious proceedings involving violations of articles 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention derived from the lack of investigation of facts occurred in the context of the armed conflict, in which, following bilateral consultation with the victims and their representatives, the parties jointly decided to initiate a friendly settlement process. Within the framework of these processes, in 2022 Colombia achieved the approval of fourteen friendly settlement agreements and made progress in the implementation of satisfaction measures in the form of ceremonies of acknowledgement of responsibility in eleven of those cases.

108. In addition, the Commission highlights as a good practice the information gathering and analysis process carried out by the Missing Persons Unit (Unidad de Personas Desaparecidas – UBPD), in the framework of Case 11.144, Gerson Jairzinho González Arroyo of Colombia, in which the elements of information contained in the Report on Friendly Settlement No. 109/19 issued by the IACHR, as a result of which the UBPD was able to establish its competence to take up the case and move forward with the search for Mr. Gerson Jairzinho González Arroyo, inasmuch as a link was identified between the forced disappearance and the armed conflict prior to December 2016.

109. The Commission also identified as good practice the actions reported by the Colombian State in relation to Case 12,541, Omar Zuñiga Vásquez, regarding the application of an Action of Review to a decision adopted on May 28, 2014, by the 73rd Delegated Prosecutor's Office before the Superior Court of Bogotá, based on the contents of the agreement. In that regard, the National Legal Defense Agency of the State forwarded to the Supreme Court of Justice for analysis a certification of the issuance the Friendly Settlement Report 67/16,

the original notification letter sent to the State on December 20, 2016, and the worksheet with the findings of the 2021 Annual Report with respect to the case. In that sense, the Commission has considered as a good practice the commitments undertaken by States to bring Review Actions against decisions that preclude, dismiss, or issue acquittals in investigations concerning alleged violations of rights enshrined in the American Convention, as well as the inclusion of non-repetition clauses against officials involved in the facts, which are elements that have been incorporated in this case. The Commission also welcomes the use of its published instruments as part of the monitoring of friendly settlement agreements, to boost the actions for their total implementation.

## **6. Challenges and setbacks in implementing Friendly Settlement Agreements observed in 2022**

110. The Commission noted the approval of Law 1431 of 2022, which modifies provisions of Law 936 of May 3, 2017, on Conciliation and Arbitration of Bolivia, in particular by establishing the authority of the Ministry of Economy and Public Finance to decide the inquiries of the Office of the Attorney General on the availability of economic resources for the implementation of FSAs, by means of a legal technical report, prior to being submitted for consideration by the State Council for Friendly Settlements in Human Rights Matters (CESADH). The Commission is aware that although insufficient time has elapsed to determine the concrete impact it could have on friendly settlement processes in this country, it could be an important measure to provide greater legal certainty to the victims regarding the existence of funds for the effective payment of obligations adopted in FSAs. However, one significant challenge that could arise in negotiation processes are possible delays in the State's internal consultations for determining the initial feasibility of friendly settlements and, later, the signing of the FSAs. Therefore, the Commission urges the State to take the necessary steps to anticipate and avoid unnecessary delays in friendly settlement processes because of the implementation of this new regulation and regarding possible changes of the authorities of the CESADH.

111. The Commission regrets the lack of advances in the implementation of the friendly settlement agreement signed in Case 13.017 A, Families of Victims of the Military Dictatorship, October 1968 to December 1989, despite that three years have elapsed from its approval. In this regard, the Commission once again urges the Panamanian State to make efforts to implement these measures and reminds it that, as subjects of international law, States have the obligation to comply with the decisions of the organs of the Inter-American system.

112. 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.

113. Likewise, the Commission observes that there are challenges when it comes to coordinating institutions—both national and in federated states, between national governments and provincial governments—to execute the measures established in the friendly settlement agreements, and even to signing them. The Commission sees it as fundamental for States to involve all authorities in charge of executing friendly settlement agreements from the start of negotiations so that coordination has begun prior to execution of the commitments that the State assumes as an international subject.

114. The Commission also observes 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.

115. Lastly, the Commission views it as 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**

116. During 2022, the Commission continued to fulfill its conventional and statutory mandates before the Inter-American Court in the following areas: i) submission of contentious cases; ii) requests for advisory opinions; iii) appearance at and participation in public and private hearings; and iv) submission of written observations on State reports in cases subject to supervision of compliance with judgments. Following is a description of the activities and outcomes obtained in 2022.

##### **1. Submission of contentious cases**

117. The referral of cases to the Inter-American Court is subject to Article 45 of the Rules of Procedure on the criterion for obtaining justice, which is determined considering the state of compliance with the recommendations issued and other criteria established in that article, including<sup>121</sup> the position of the petitioning party.

118. Article 51.1 of the American Convention states that, after notification of the report issued pursuant to Article 50 of the same instrument, the Commission may submit it to the jurisdiction of the Inter-American Court within three months. Based on the requirements set out in Article 46 of the Regulation, the Commission may suspend this term and extend it for a specific period when the requirements laid down in Article 46 of the Regulation are met. This has favored opportunities for the implementation of the Commission's recommendations in the merits reports of several cases, in which the Commission plays an active role in monitoring the status of compliance with the recommendations. The IACHR has called the parties to working meetings and has sent written communications at this stage requesting specific information or sending technical notes with the objective of promoting compliance with the recommendations, ensuring reparation that is comprehensive and, therefore, compatible with the standards of the inter-American system.

119. Prior to the granting of an extension under the terms of Article 46 of the Rules of Procedure, the States involved have had to demonstrate their willingness and capacity to comply with the recommendations of the respective report on the merits, so that the Commission can extend that period again. In 2022, the Commission adopted a total of 281 decisions in which it evaluated the granting of a new extension, publications, or referral of cases to the Inter-American Court. The Commission currently has 70 cases at this stage<sup>122</sup>, which are periodically reviewed to decide in a timely manner whether to send them to the Inter-American Court or publish them.

120. During 2022, the Commission has received information on progress made by some States in complying with the merits reports, including the payment of compensation amounts to victims or negotiation processes in that regard between the parties based on the principle of concertation, progress in judicial processes in the domestic jurisdiction to investigate the human rights violations declared in the report; in the identification of the fate or whereabouts of disappeared victims and the provision of health services to victims by State institutions. The Commission also noted favorably that some States conducted the training recommended in the merits report, including on issues of gender-based violence, trafficking in persons, non-discrimination, and due diligence aimed at state officials in various areas, including prosecutors, judges, and justice operators. Likewise, in some cases the State agreed with the victims to make acts of apology and

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<sup>121</sup> Such 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 jurisprudence of the system; and d. the possible effect of the decision on the legal systems of the Member States.

<sup>122</sup> Once the merits reports adopted during 2022 are notified, the Commission will have more than 130 cases at this stage.

recognition of international responsibility, as well as the creation of audiovisual material in relation to the facts of the case to avoid repetition of the rights violated in the case.

121. Pursuant to Article 51 of the American Convention and Article 45 of its Rules of Procedure, during 2022, the Commission submitted 24 cases to the jurisdiction of the Inter-American Court considering the need to obtain justice in the cases. Through the cases submitted to its jurisdiction, the Court will have the opportunity to rule on the responsibility of States and issue the corresponding reparations in favor of the victims. In addition, the Court will be able to deepen its jurisprudence in relation to the aspects of inter-American public order raised by such cases. On the other hand, the Commission notes that it decided not to send 8 cases to the Inter-American Court and to proceed with their publication in view of not considering that there was a need to obtain justice in such cases that merited referral to the Inter-American Court under the terms of Article 45 of its Rules of Procedure and 51.1 of the American Convention, mainly in view of the substantive progress of the recommendations of the Merits Report.

122. The Commission has 71 active cases that the Inter-American Court has dealt with. In the process before the Inter-American Court, the Commission participates in all cases submitted in accordance with the provisions of the American Convention and the Rules of Procedure of the Court. Among other actions, the Commission presents its observations regarding possible preliminary objections and acknowledgments of responsibility, offers expert evidence when inter-American public order is significantly affected, and presents its oral and written observations in relation to the arguments of the parties, as well as with respect to the evidence that may be presented later. The IACHR also participates in hearings in cases in which the Court convenes them.

123. Through the referral of cases to the Inter-American Court, said Court will have the opportunity to rule on the scope of several rights recognized in the American Convention on Human Rights and other inter-American instruments under its jurisdiction with an impact that transcends the interest of the parties in the litigation and results in aspects of inter-American public order.

124. Among the aspects of public order contained in the cases submitted to the Inter-American Court in 2022 are the following: i) the right of indigenous and tribal communities to collective ownership of their ancestral territories, including their interdependence with other rights, as well as the duty to consult and, where appropriate, obtain the free, prior and informed consent of indigenous and tribal peoples, in the framework of the implementation of development projects, concessions and/or business activities, including in the context of the conclusion of agreements or conventions with other States; ii) the compatibility of the absolute prohibition of the voluntary interruption of pregnancy with the American Convention, particularly in cases of risk to the health, life and integrity of the woman and/or fetus incompatible with life outside the womb; (iii) the international obligations of States in relation to the rights of children and adolescents in the context of international restitution procedures; (iv) due diligence and access to justice for persons with disabilities; (v) due diligence for the investigation and search for the fate or whereabouts of disappeared persons; (vi) international standards on non-discrimination on the basis of ethnic origin, especially in criminal proceedings; (vii) international obligation of States to guarantee access to an effective judicial remedy for the reparation of rights violations in contexts of dictatorship; (viii) State obligations regarding due diligence in the investigation of violent deaths of women where there are indications of domestic violence; (ix) the right to protection of family life and the rights to judicial guarantees and judicial protection in the context of custody and adoption proceedings; (x) international obligations of States with regard to political rights, in particular with regard to the standards applicable in the context of disputes; (xi) the compatibility with the American Convention of differentiated legal regimes of deprivation of liberty that impose on certain persons situations of isolated isolation, among others.

125. On the other hand, as of case 14.143 Chirinos Salamanca v. Venezuela, the Commission has submitted cases to the Inter-American Court where that Court may rule on the validity of the American Convention on Human Rights with respect to that State. This case was the first case in which the IACHR ruled on events after September 10, 2013, based on that treaty (see *infra* para. 95).

126. The following is a description of the cases submitted to the Inter-American Court, including a breakdown by date of submission and country.

Case No.	Name	Country	Submitted
12,569	Quilombola Communities of Alcântara	BRA	January 5, 2022
13,378	Beatriz	SAL	January 5, 2022
13,399	Arnaldo Javier Córdoba and D.	PAR	January 7, 2022
13,047	Miguel Ángel Aguirre Magaña	SAL	January 12, 2022
12,322	Antonio González Méndez	MEX	January 22, 2022
11,856	Aucan Huilcaman <i>et al.</i>	CH	January 27, 2022
13,003	Mario Galetovic Sapunar <i>et al.</i>	CH	February 15, 2022
14,143	Alfredo José Chirinos Salamanca <i>et al.</i>	VEN	February 16, 2022
13,465	Dina Alexandra Carrión <i>et al.</i>	NIC	February 22, 2022
12,912	Gustavo Washington Hidalgo and family	ECU	March 30, 2022
13,691	Cristiane Leite De Souza <i>et al.</i>	BRA	April 22, 2022
14,059	“María” and her son “Mariano”	ARG	April 25, 2022
13,834	Henrique Capriles	VEN	April 28, 2022
13,915	Milton Gerardo Revilla Soto	VEN	May 9, 2022
12,774	Patricia Emilie Cuéllar Sandoval, Mauricio Cuéllar Cuéllar and Julia Orbelina Pérez	SAL	May 14, 2022
13,713	Denise Peres Crispim, Eduardo Collen Leite <i>et al.</i>	BRA	May 17, 2022
14,170	Juan Pedro Lares Rángel <i>et al.</i>	VEN	July 6, 2022
13,056	Almir Muniz da Silva	BRA	August 29, 2022
13,515	César Daniel Camejo Blanco	VEN	August 31, 2022
12,932	Agapito Pérez Lucas, Nicolás Mateo, Macario Pú Chivalán, Luis Ruiz Luis and family members	GUA	September 27, 2022
11,883	John Ricardo Ubaté and Gloria Bogotá	COL	October 21, 2022
12,087	Walter Ernesto Reyes Mantilla, Vicente Hipólito Arce Ronquillo, José Frank Serrano Barrera and family members	ECU	November 23, 2022
12,835	Mauricio Hernandez Norambuena	BRA	November 30, 2022
13,288	Freddy Carlos Alberto Rodríguez Pighi	PER	December 4, 2022

- **Quilombola Communities of Alcântara v. Brazil**

127. The case relates to the international responsibility of Brazil for violating the right to collective property of 152 Quilombola communities of Alcântara, due to the State’s failure to issue title deeds on their

lands, the installation of an aerospace facility without the prior consultation and the consent required, the expropriation of their lands and territories, and the lack of judicial remedies to redress the situation.

128. The Quilombolas are traditional communities that have their own culture, ways of communication and internal rules. There are 152 Quilombola communities located in the Alcântara district, which is 22 kilometers away from the city of São Luís, the capital city of the state of Maranhão, in the northeast region of Brazil. Most inhabitants of Alcântara are indigenous and African descendants who had been enslaved since the 17th century. The communities that claim the traditional lands and territories, which cover around 85,537 hectares, form a unit. Said unit comprises a network of villages which relies on interdependence and reciprocity.

129. On September 12, 1980, by Decree No. 7,820, an area of 52,000 hectares, which covered part of the territory in which 32 Quilombola communities live, was recognized as “in the public interest.” As a result, the State of Brazil expropriated said lands and started the construction of the Alcântara Launch Center (CLA), whose goal was to develop a national space program. The Quilombola communities were resettled to seven farming villages. Before said resettlement, the State did not grant any property deeds on their lands and territories. After the installation of the CLA, the State adopted a set of measures aimed at expanding, consolidating, and improving the center. For that purpose, several commercial agreements were signed with other States.

130. In its report on the merits, the Commission noted first that, as a result of the installation of the CLA in the 1980s, 32 Quilombola communities were evicted, while the remaining communities were allegedly able to stay in their traditional lands. In view of that, in its report, the Commission analyzed the international responsibility of the State with regard to the resettled and non-resettled communities.

131. With regard to the non-resettled communities, the Commission noted that there is no dispute around the fact that, to date, they have not yet received the collective property deeds on their traditional lands and territories, in spite of their efforts. The Commission proved that there were multiple omissions in the processing of the requests made by the communities, such as long periods of unjustified procedural inactivity. The Commission concluded that the failure to issue the deeds on the lands held by the non-resettled Quilombola communities is contrary to the obligation to recognize collective property and violates Article 68 of the transitory provisions of the 1998 National Constitution, which expressly established the State’s obligation “to grant the corresponding deeds.” In addition, the Commission held that the failure to grant said deeds has prevented the Quilombola communities from peacefully using and enjoying their lands.

132. With regard to the communities resettled to farming villages, the Commission observed that the State had recognized that only a portion of the CLA’s 62,000 hectares were reportedly in use for its operation. In addition, the Commission noted that the communities in question had not held any property deeds before the expropriation that took place in the 1980s. Based on the foregoing, and considering that the resettlement process did not meet the standards required by international law, the Commission noted that, in principle, the right to reclaim the ownership over the lands has not expired, at least with regard to the lands that were originally expropriated for the development of the CLA and whose return would not be impracticable.

133. In addition, the Commission analyzed the obligations of the State of Brazil with regard to the traditional lands of the Quilombola communities. First, it examined the resettlement of the communities as a result of the construction of the CLA in Alcântara, and, next, the consolidation and improvement of the CLA, from the moment of its construction to the present.

134. With regard to the construction of the CLA and the resettlement of 32 Quilombola communities to seven farming villages, the Commission analyzed if the violation of the right to property was proportional to the public interest of the project. The Commission concluded that the State failed to comply with its international obligations for the following reasons: i) it failed to ensure that the restrictions on the right



to property due to the public interest respected the right to ancestral lands of the communities and that they were consulted beforehand to obtain their consent; ii) it failed to carry out adequate social and environmental assessments; iii) it gave rise to a severely deficient resettlement process, since its offering of alternative lands was inadequate; and iv) it failed to fully compensate the communities, which could have received some of the benefits of the project.

135. With regard to the responsibility of the State after the creation of the CLA, the Commission noted that the State had adopted a set of measures aimed at expanding, consolidating and improving the CLA and signed several agreements with other States. However, the communities in question were not consulted about said measures. To determine whether the State had a duty to consult the communities, the Commission considered that it is necessary to verify if such measures could have affected their rights and interests. For that purpose, the State, with the participation of the communities, should have carried out all necessary assessments and, if applicable, it should have consulted these communities to obtain their free, prior, and informed consent.

136. In this regard, the Commission noted that the State has not claimed to have consulted the communities about the decree issued on August 8, 1991, under which 62,000 hectares were expropriated for the construction, expansion, and operation of the CLA. Similarly, the State has not claimed to have carried out any assessments to identify the proportionality and the impact of said expansion on the rights of the affected Quilombola communities. The Commission also noted that the Brazilian Space Development Program would probably require an additional portion of the land traditionally held by the communities, which would create the need to resettle other communities. In this regard, the Commission considered that commercial or profit-making activities, as well as other activities (for example, space tourism), may necessarily have an impact on the use of the land and on the transformation or expansion of the CLA. For that reason, it concluded that the outcomes and their impact on the rights and interests of the communities should have been identified by working together with said communities, and not unilaterally by the State.

137. The Commission noted that the agreements with other States are also subject to compliance with the international human rights obligations of the State. It added that, in the context of the activities carried out under one of the agreements, the rights and interests of the communities were affected. For that reason, an environmental and cultural impact assessment should have been conducted. In addition, the communities should have been consulted beforehand to obtain their consent. Such steps were not taken. The Commission also held that one of the agreements falls within a broader profit-making strategy, whose implementation would affect a larger part of the traditional territory and entail the resettlement of some communities.

138. Furthermore, the Commission considered that the conditions, restrictions, and prohibitions imposed by the State in the context of the resettlement of the Quilombola communities were contrary to its obligations with regard to the rights to freedom of association, to protection of the family and to freedom of movement and residence. The Commission underscored that the rights and interests of the communities continue to be affected to date.

139. In addition, the Commission noted that the construction and expansion of the CLA, including the operations of the State-approved companies that were involved in these activities, has not only affected the resettled communities; all the Quilombola communities of Alcântara have suffered its impact. This is because they rely on a system for the exchange of goods and resources that enables their development and survival. In view of that, the Commission analyzed if said impact has violated the economic, social, cultural, and environmental rights of these communities.

140. In this regard, the Commission considered it proved that the creation and expansion of the CLA has had a serious impact on the way of life of the Quilombola communities in relation to their lands and territories. First, the Commission reiterated that, to date, the State has not granted the property deeds to the communities. Secondly, the Commission referred to the situation of the resettled communities, which have no

access to decent housing and have faced several restrictions and prohibitions due to the shortage and poor quality of the alternative lands. The Commission noted that this has affected their agricultural practices and the production of food key to their survival. The communities have also faced restrictions on the access to certain places, including the sea, which have had an impact on other basic activities and food sources, such as hunting and fishing. Furthermore, the Commission took note of the information on the water shortage that exists in the alternative lands and on the environmental degradation caused by the construction and expansion of the CLA, which led to the felling of trees. The Commission also made emphasis on the special bond between the Quilombola communities and the land and its natural resources and considered that the creation and subsequent expansion of the CLA in part of the territory claimed by the communities, as well as the restrictions and prohibitions imposed, has hindered their access to sacred lands and places. As a result, their traditions and their spiritual and cultural practices have been affected.

141. The Commission also took note of the general context of discrimination, the lack of protection of reclaimed lands and territories, and the lack of access to justice in the complaints submitted by the communities. This situation is consistent with the information available to the Commission and to several international organizations. In this regard, the Commission considered that the human rights violations that took place in the instant case were not isolated. They were committed in a context of continuous historical neglect, systematic discrimination, indifference, and absence of the State, which has been fully aware of the situation that has been affecting the Quilombola communities. In this regard, the Commission has highlighted that there are multiple vulnerability factors affecting the communities in relation to their African descent. Afro-descendant peoples have historically suffered exclusion and extreme poverty.

142. In addition, the Commission took note of the petitioners' allegations concerning the absence of effective and adequate remedies against the decision to install a facility and subsequently, the consequent decision to resettle tribal or indigenous peoples based on the "public interest." In this regard, the Commission noted that the State has not provided any information to prove which remedies would have been effective and adequate against that decision in the 1980s. The Commission underscored that the public civil proceedings concerning the granting of property deeds to the communities has been pending resolution for almost 20 years, which constitutes an unreasonable term, and the State has not provided any information to justify said delay. The Commission also noted that the public civil proceeding and the dozens of expropriation lawsuits filed as a consequence of the creation and expansion of the CLA have not been resolved in almost 20 years either. Furthermore, the Commission noted that the resettled communities reported that the amount of compensation they had received was inadequate, or that they received no compensation at all. These compensation proceedings are still pending. The Commission concluded that this is proof of the unreasonable delay, the lack of due diligence and the lack of interest by state authorities in guaranteeing the rights of the Quilombola communities.

143. Lastly, the Commission determined that the acts and omissions of the State with regard to the collective property of the communities and the resettlement of some of them have had a negative impact on the mental and moral integrity of their members.

144. Based on all the foregoing, the Commission concluded that the State is responsible for violating the rights enshrined in Articles 5 (humane treatment), 8 (fair trial), 13 (freedom of expression), 16 (freedom of association), 17 (protection of the family), 21 (property), 23 (to participate in government), 24 (equal protection), 25 (judicial protection) and 26 (economic, social and cultural rights) of the American Convention, in relation to Articles 1.1 and 2 thereof. In addition, the Commission concluded that the State is responsible for violating the rights enshrined in Articles I, II, IV, VI, VIII, XIII, XIV, XVIII, XX, XXII and XXIII of the American Declaration of the Rights and Duties of Man.

- **Beatriz v. El Salvador**

145. This case relates to the international responsibility of the State of El Salvador for violations of the rights of Beatriz and her family caused by the absolute ban on voluntary terminations of pregnancy. This ban prevented the victim from having access to a legal and timely termination of her pregnancy in a situation where her life, health and personal integrity were all at risk and where the fetus had no chance of surviving outside her womb.

146. On February 18, 2013, Beatriz, a young woman living in extreme poverty in the La Noria canton, in Tierra Blanca, municipality of Jiquilisco, was told she was 11 weeks pregnant. According to a medical report, the pregnancy was high risk, since Beatriz suffered from systemic lupus erythematosus, lupus nephritis and rheumatoid arthritis. Later, the fetus was found to be anencephalic, so it could not have survived outside the womb, and doctors said the mother's life would have been at risk if she had pursued her pregnancy.

147. On April 11, 2013, the legal team representing Beatriz filed a writ of amparo to request the termination of her pregnancy in order to save her life, since it had been proven that, due to her underlying condition, Beatriz's life would be at risk as pregnancy progressed and that the fetus was anencephalic. The Constitutional Chamber admitted the writ of amparo and issued a precautionary measure to ensure that the corresponding authorities guaranteed Beatriz's life and – physical and mental – health by providing the necessary and (suitable) best treatment for the preservation of those rights. After receiving several reports from different entities, on May 28, 2013, the Constitutional Chamber rendered the writ of amparo inadmissible, since it essentially considered that the authorities who were being sued had not omitted to act in a way that would have put Beatriz' rights to life and health at serious risk. Given the risks faced by Beatriz, both the Inter-American Commission and the Inter-American Court of Human Rights granted provisional and precautionary measures in her favor. On June 3, 2013, Beatriz went into labor and had to undergo a C-section. The anencephalic fetus died five hours later.

148. In its report on the merits, the Commission noted that there is no dispute around the fact that the State failed to provide Beatriz with a procedure to terminate her pregnancy. The Commission considered it proved that Beatriz had a serious underlying condition that put her life, health and personal integrity at risk if her pregnancy progressed, and that the fetus could not survive outside the womb because it was anencephalic. The Commission also considered it proved that, taking into consideration these two circumstances, several doctors and medical boards determined that the termination of the pregnancy was the appropriate treatment, and that Beatriz had requested said termination based on her right to personal autonomy or the free development of her personality. The Commission also proved that Beatriz had been hospitalized at the National Maternity Hospital for almost her entire pregnancy due to her health condition.

149. The Commission also noted that the position of the State in the inter-American proceedings before the Commission was based on the fact that, in its legislation, "every human being is recognized as a human person from the moment of their conception." For that reason, abortion is a crime defined in its current Criminal Code, which does not accept any exceptions. According to the Commission, the nature of this regulatory framework and the delays on the proceedings initiated by Beatriz to access the termination of her pregnancy caused it to progress significantly. Apart from the permanent risks to health, life and personal integrity faced by Beatriz due to the lack of access to a timely termination of her pregnancy, her mental health and psychological integrity were also severely affected, since she was forced to continue with a nonviable pregnancy and to face the birth of a fetus in such conditions and its almost immediate expected death.

150. In its report on the merits, the Commission analyzed whether the State's exercise of its punitive power by placing an absolute ban on the voluntary termination of pregnancy is consistent with the protection framework of international human rights law and the existent conventional safeguards in relation to Beatriz' human rights, especially the right to life, to personal integrity, to privacy and to health. For that purpose, the Commission conducted a proportionality review, in which it evaluated: i) the existence of a

legitimate purpose; ii) the suitability or end-means consistency between the measure and the purpose; iii) the need for or absence of less harmful, equally suitable means; and iv) proportionality in a strict sense, that is, the balance of interests at stake and the degree of sacrifice of one interest to the other.

151. With regard to the first item, the Commission considered that the protection of life since its conception is a legitimate aim. With regard to the suitability of the measure, the Commission indicated that, in the instant case, there was a combination of two special circumstances. On the one hand, the diagnosis stating the lack of viability of the fetus and, on the other, Beatriz' underlying condition, which posed a high risk to her health, life, and personal integrity if pregnancy progressed. The Commission considered that criminalizing the termination of pregnancy even when the fetus would not survive outside the womb fails to meet the suitability criterion. The Commission noted that the lack of viability of the fetus breaks any relationship between the criminalization as a means and the purpose it is said to pursue since it is impossible to protect the life of the fetus as intended. The Commission concluded that this factor is sufficient to establish the unconventionality of the State's justification in cases of fetal non-viability and, as a result, it is unnecessary to move forward with the analysis of the other elements of the proportionality review.

152. Notwithstanding the foregoing, the Commission considered it relevant to pronounce itself on proportionality in the strict sense by examining the relationship between the impact on the restricted right and the benefits of the measure in terms of the achievement of the end pursued. The Commission concluded that the violations of and the risks to the rights to life, health, personal integrity and privacy – which arise from the lack of access to the voluntary termination of pregnancy and, consequently, from the absolute criminalization of abortion – reached the highest level of severity. In contrast, the degree of achievement of the end pursued, that is, the protection of the life of the fetus, was null since the fetus was anencephalic. The Commission considered that, in the instant case, even if the fetus had not been anencephalic, the protection of life since its conception, due to its gradual and incremental nature, could not have had equal weight in the analysis when a risk to life or a high risk to the health or personal integrity of the mother existed.

153. The Commission also noted that punishing abortion, and particularly banning it under all circumstances and without exception, may encourage women to resort to illegal, unsafe abortions that put their physical and mental health, and even their lives, at risk. This is especially true for women living in poverty and situations of vulnerability. In this regard, the Commission concluded that the State, in its attempt to fully protect the nasciturus, adopted disproportionate measures and failed to comply with conventional guarantees, which, in the instant case, constituted violations of the rights to life, personal integrity, privacy and health, both physical and mental. Furthermore, the Commission considered that the pain and suffering endured by Beatriz since the request to terminate her pregnancy and until the birth and death of the fetus constituted cruel, inhumane, and degrading treatment.

154. In its report on the merits, the Commission also noted that the old Criminal Code of El Salvador included a provision that excluded “therapeutic, eugenic and ethical” abortions from criminal liability. However, said provision was deleted when the current Criminal Code in force was approved. The Commission therefore considered that the State failed to comply with its obligation to refrain from adopting regressive measures by creating a legal barrier to a healthcare service that was once available in El Salvador under certain circumstances.

155. In addition to determining that the absolute criminalization of abortion was disproportionate, the Commission established that the criminal legislation on abortion is neither clear nor precise, which creates uncertainty for healthcare professionals about what they can legally do and not do, which in turn affects access to reproductive health services. Based on the foregoing, the Commission considered that the definition of the offense of abortion in the Criminal Code of El Salvador violates the principle of legality.

156. Furthermore, the Commission noted that the proceedings and the decision of the Constitutional Chamber were neither suitable nor effective in redressing the violations of Beatriz' rights to life,

health, personal integrity, and privacy. In addition, the Constitutional Chamber did not adopt a gender perspective and took into consideration reports drafted by an institution that made stereotyped and revictimizing statements against the victim. The Commission also concluded that the State violated the right to have a judgment issued within a reasonable term in the context of the writ of amparo.

157. Lastly, the Commission noted that, in the instant case, several factors of vulnerability and risks of discrimination associated with Beatriz' gender and young age, as well as her low socio-economic status, were present and had an intersectional impact. The Commission considered that, due to the criminal laws, policies, and practices in force in El Salvador, as well as the omissions by the authorities, Beatriz suffered discrimination and violence based on her gender and socio-economic status. It also found that the State was responsible for violating the right to personal integrity to the detriment of Beatriz' next of kin. Beatriz died on October 8, 2017.

- **Arnaldo Javier Córdoba and D. v. Paraguay**

158. This case relates to the international responsibility of the State of Paraguay for the violation of the rights to humane treatment and to a fair trial, the right to a family and the best interest of the child, in the context of an international return process, to the detriment of Arnaldo Javier Córdoba and D.

159. Mr. Córdoba, an Argentine national, married M.R.G.A, a Paraguayan national. They had a son, D., on February 26, 2004, in Argentina. D. was diagnosed with epilepsy when he was 10 months old and required neurosurgical care. On January 21, 2006, M.R.G.A. took D. from their family home in Argentina to Paraguay without his father's consent. On January 25, 2006, Mr. Córdoba filed a request for international return with the Department of International Legal Assistance at Argentina's Ministry of Foreign Affairs and Worship.

160. On February 26, 2006, the Ministry of Foreign Affairs and Worship of Argentina filed a request for the international return of D. with the National Secretariat for Children and Adolescents, which serves as the Central Authority of Paraguay. On June 26, 2006, the First Duty First-Instance Juvenile Court issued a final judgment granting/ admitting the request for the international return of D. On August 14, 2006, the Juvenile Appeals Court confirmed the first instance decision in its entirety, since it considered that it was proven that the child had been illegally taken to Paraguay, pursuant to Law No. 828/96. Later, on September 18, 2006, the Supreme Court of Paraguay confirmed the resolution accepting the request for return.

161. After said Court's resolution, a return hearing was scheduled for September 28, 2006, for D. to be presented before the judges by his mother and for his return to become effective. After the hearing was called, M.R.G.A disappeared with D. and, despite the searches conducted and the steps taken by INTERPOL, the authorities were not able to find him until 2015. After D. had been found, a precautionary measure was issued to grant guardianship to the child's maternal aunt and, on July 8, 2015, the Juvenile Court of Caacupé issued a precautionary measure ordering the progressive restoration of ties between Mr. Córdoba and D., as well as between the father's family and D., and for the child to receive psychological treatment.

162. The courts adopted several monitoring measures and carried out psychological examinations initially aimed at fostering the relationship between father and son. To decide on the feasibility of the return, a board of psychologists was assembled. On March 31, 2017, a new precautionary measure indicating that D. should remain in Paraguay was granted. The issue was finally heard by the Supreme Court in May 2019.

163. In its report on the merits, the Commission first analyzed whether the State complied with its obligation of exceptional diligence and whether it adopted with the required promptness all the necessary measures to execute the resolution that provided for the return of D. The Commission noted that nine years had elapsed since the return had been ordered until the authorities were able to find the child, and no immediate special measures of child protection were adopted, which could have prevented his disappearance. The Commission noted that the State did not provide detailed information on any reasonably required steps

being taken to execute the return resolution during D.'s disappearance. In addition, there are periods of time in which it is uncertain whether the State took any steps to ascertain the whereabouts of the child. Furthermore, according to the Commission, it is not clear whether the State, after the return order, promptly adopted measures aimed at protecting the child from any other dangers, including the risk of being hidden, as it happened in the instant case.

164. The Commission noted that, once D. had been found, the authorities needed to carry out an assessment on the impact that the return process could have on the child's rights considering the passage of time. The Commission held that the authorities are under the obligation to adopt measures aimed at facilitating the reunion and, in particular, with regard to the restoration of ties, they must promptly implement a visitation regime in accordance with the child's best interest during the return process. The Commission noted that, once the whereabouts of D. had been found, temporary custody was awarded to D.'s maternal aunt. However, no detailed information was received on any steps being taken towards said measure. Furthermore, the Commission considered that, while monitoring measures, among others, were adopted and a board of psychologists was assembled, other steps should have been taken to promote the restoration of the ties between D. and his father, so as to verify a possible return. The Commission noted that the number of reunions between father and son was reduced, and there is no record that shows that all of them took place. In addition, there is no record that the State provided tools to the father or adopted measures to facilitate the progressive restoration of ties, considering that they lived in different countries. The Commission held that the State should have ensured that certain measures were in place. For example, preparation meetings should have been held beforehand between D. and his father, regular and constant psychological support should have been provided to D., together with an environment of trust that would have enabled effective interaction. In view of the foregoing, the Commission concluded that the State did not take all the necessary steps to develop an interaction plan that would contribute to the execution of the judgment ordering the international return. The Commission also noted that, in said context, the precautionary measure allowing D. to remain in Paraguay had been granted.

165. Regarding the decision for D. to stay in Paraguay, the Commission examined whether the court that issued the precautionary measure conducted a comprehensive analysis of the impact that the return of D. would have. The Commission noted that the decision was based on a psychological report, D.'s opinion, the time he had spent in Paraguay and his sense of belonging, as well as the failure of the interaction with his father. It also noted, however, that no evidence was found of an analysis of the effects that this decision would have on the father's rights, nor the reasons why it was better for D. to be under the custody of an aunt, and not his mother. Furthermore, the Commission noted that, since precautionary measure judgments are not final, D.'s current legal situation is worrisome, since there is no definitive sentence containing a comprehensive analysis of his situation and that of his parents to support the custody decision, even when an unreasonable period of more than a decade has elapsed since his abduction and considering that D. is now a teenager who is about to become an adult. The Commission also noted that, to date, no steps have been taken to establish an effective interaction between D. and his father.

166. In view of the foregoing, the Commission concluded that the State did not act with the diligence or celerity required to guarantee the rights of D. and his father. In addition, it constituted a failure to provide judicial protection for their right not to suffer arbitrary interference with their family life, in accordance with the best interest of D. Furthermore, due to the unreasonable duration of the proceedings, the right to identity of D. was also violated since he had been raised without any ties to his father.

167. Furthermore, based on the concept of family as defined in the standards established by the inter-American system, the Commission took note of the impact that the facts denounced had not only on D., but also on his family, in this case, his father. In particular, the Commission considered that the omissions and delays attributed to the State of Paraguay caused permanent anguish and alienation, given the lack of protection against the abduction of D.

168. In view of the foregoing, the Commission concluded that the State of Paraguay is responsible for violating the rights to humane treatment, to a fair trial, to privacy, to protection of the family, the rights of the child and to judicial protection, enshrined in Articles 5, 8, 11, 17, 19 and 25 of the American Convention on Human Rights, in relation to the obligations set forth in Articles 1.1 and 2 thereof, to the detriment of D. and Arnaldo Javier Córdoba.

- **Miguel Ángel Aguirre Magaña v. El Salvador**

169. This case relates to the international responsibility of the State of El Salvador for the lack of due diligence in the criminal investigation of the serious injuries suffered by Miguel Ángel Aguirre Magaña, which caused him a disability.

170. On November 13, 1993, Mr. Aguirre, a judicial officer at the time, was traveling in a vehicle with the Justice of the Peace of Villa de Apaneca and the court clerk to conduct judicial proceedings in Villa Concepción de Ataco. While they were on their way, an explosive device went off inside the vehicle. According to Mr. Aguirre's testimony, following the explosion, the judge got out of the vehicle with a shotgun and said, "they were the victims of a murder attempt." The other person went running to report to the police. Mr. Aguirre said he was helped by an individual who was on the road. As a result of the explosion, he suffered serious injuries to his right leg, which was later amputated; multiple serious injuries to his left leg and right arm; loss of hearing in his right ear; and injuries to his left ear.

171. Mr. Aguirre reported to the judicial authorities that the explosion was the result of a grenade that the judge had in his possession. On May 19, 2004, the Trial Court of Atiquizaya issued a provisional ruling dismissing the case and, on July 20, 2004, the Chamber of the Third Western District denied an appeal filed by the Office of the Public Prosecutor and upheld the dismissal of the case.

172. In its report on the merits, the Commission took note of a series of elements indicating omissions and irregularities in the criminal investigation and the clarification of the facts. First, the Commission underscored that the judicial authority initially in charge of the proceedings limited itself to conducting visual inspections, concluding that the explosion in the vehicle was the result of an M-67 grenade and that "it exploded from the inside out." It also indicated that the vehicle was almost entirely destroyed; however, it noted that the owner of the vehicle had a shotgun and shotgun shells in his vehicle. This authority did not request any additional investigative steps or ask for the statements of the three individuals who were traveling on the vehicle when the facts took place. Second, the Commission highlighted that none of the four witnesses to the facts were summoned to testify.

173. Furthermore, the Commission underscored that, between 1993 and 2001, the proceedings were transferred to at least five different judicial authorities as a result of multiple requests for recusal. These requests were because of an alleged connection between the judicial authorities and the defendant. The Commission observed that, according to the documentation presented, there was no procedural activity during this period of time, despite the petitioners' efforts to drive the proceedings forward. The Office of the Public Prosecutor's request for the pretrial detention of those accused was also rejected.

174. In addition, the Commission noted that, in 2001, eight years after the facts had taken place, the judge in charge of the proceedings conducted a new inspection of the scene of the facts, without requesting any additional investigative steps. The judge also requested for the first time for the accused individual to give a statement, but this order was never executed. The Commission noted that, between 2001 and 2003, the case was not appointed to any judicial authority, and was therefore at a standstill. Likewise, the new judge that was appointed to the case also requested to recuse himself – a request that was not granted – and took no steps to drive the case forward.

175. The Commission underscored that, during the 11 years the proceedings lasted, four inspections of the scene of the facts were carried out, with no additional investigative steps taken. Furthermore, statements were never taken from the accuser, the defendant or any of the four witnesses to the facts. The Commission also noted the long periods of procedural inactivity, multiple transfers of the investigation to different judicial authorities and requests from judges to recuse themselves from hearing the case. The Commission concluded that these elements reflect a lack of due diligence in investigating, clarifying resolving the facts and punishing those responsible. The Commission underscored that it is precisely this lack of due diligence that led to the dismissal of the charges against the accused and, consequently, a situation of impunity.

176. Finally, recalling the elements for determining the reasonableness of the time period of the proceedings, the Commission highlighted that there are no elements of complexity in the investigation or factors that may suggest that the victim hampered the investigation through his conduct or any kind of activity. With regard to the actions of judicial authorities, the Commission underscored the various transfers of the case, as well as the long periods of procedural inactivity. Regarding the impact on the juridical situation of Mr. Aguirre, the Commission recalled that his disability required the investigations and criminal proceedings to be carried out with greater diligence, so that they were resolved quickly. In view of the criteria analyzed, the Commission considered that it was unreasonable that the criminal proceedings extended for 11 years.

177. In view of the foregoing, the Commission concluded that the State of El Salvador is responsible for violating the rights to a fair trial and to judicial protection enshrined in Articles 8.1 and 25.1 of the American Convention, in relation to the obligations set forth in Article 1.1 thereof, to the detriment of Miguel Ángel Aguirre Magaña.

- **Antonio González Méndez v. Mexico**

178. The case relates to the failure to investigate, judge, and punish those responsible for the disappearance of Antonio González Méndez, which took place in a context of violence in northern state of Chiapas, Mexico, where paramilitary groups, including Paz y Justicia, operated with the support, tolerance and acquiescence of the State, and committed acts of violence, such as executions and disappearances. Such acts of violence targeted the indigenous population that supported the Zapatista National Liberation Army (EZLN) and political opponents, who had a significant presence among the Ch'ol indigenous peoples of El Calvario and Sabanilla.

179. Antonio González Méndez was born in the community of El Calvario and was a member of the Ch'ol indigenous people. He was also a member of the EZLN civilian grassroots support and an active member of the Democratic Revolutionary Party (PRD). Antonio González was last seen on January 18, 1999, after leaving his house around midnight in the company of Juan Regino López Leoporto, who, according to the victim's wife and the petitioners, was a member of paramilitary group Paz y Justicia. The victim's wife reported the disappearance on January 20, 1999, and a pretrial investigation was opened against Juan López. However, once it was determined that Juan López was 17 years old, the case was referred to the General Council of Juveniles on February 6, 1999, at which time an administrative proceeding was instituted against him for his potential liability for illegal deprivation of liberty.

180. In its report on the merits, the Commission first analyzed whether what happened to Antonio González Méndez constituted a forced disappearance. In this regard, it concluded that there was no sufficient evidence to prove the acquiescence between the State and Juan López and the paramilitary group that operated in the area. Based on that, the Commission held that there were no sufficient grounds to consider that the State was involved in the disappearance of the victim or to deem the facts to be a forced disappearance.

181. Notwithstanding the foregoing, the Commission held that the steps taken in three proceedings opened at a domestic level – a pretrial investigation into “criminal acts”, an indirect writ of amparo for “illegal deprivation of liberty” and a proceeding before the Juvenile Offender Council of the state of Chiapas – were



ineffective and not aimed at actively and seriously finding the truth about what happened or the whereabouts or the remains of the disappeared person.

182. The Commission indicated that, in the pretrial investigation, the Office of the Public Prosecutor merely took repeated statements from the wife of the disappeared person and from a suspect and sent letters to the police departments instructing them to investigate the reported facts and find the missing person. Nonetheless, no active search was undertaken, or no serious analysis of the information gathered was conducted with a view towards taking any further investigative steps or following lines of investigation to effectively find the disappeared person and identify those responsible for his disappearance. The Commission also underscored that the Office of the Public Prosecutor took almost three years to request a photograph of the disappeared person in order to aid in his search and that, in 2007, a prosecuting attorney of the Office of the Public Prosecutor identified a number of irregularities in the case. However, the case file shows no record of any follow up or any mechanism aimed at determining liability, or seriously reopening the investigation, which was closed only a few months later due to the lack of evidence.

183. Furthermore, the Commission held that, in the administrative proceedings before the Juvenile Council, only statements were taken and one on-site visit was conducted, but no searches were carried out in the area where the main person suspected of the victim's disappearance resided. Lastly, as it has been previously determined by the Commission and the Inter-American Court, the amparo proceedings in force at that time, which required the victim to say where he was being held in order for this remedy to be admissible, was unsuitable to determine the whereabouts of a missing person and ineffective in cases of forced disappearance.

184. Additionally, the Commission identified another factor that obstructed the investigation: the different ways in which the facts were classified in the context of the different investigations that were opened. In this regard, it held that the failure to identify the reported facts as a possible forced disappearance from the very beginning of the investigation had an impact on the way the investigation unfolded, affecting the diligence and immediacy required in these cases. Lastly, the Commission concluded that the State violated the right to humane treatment to the detriment of Antonio González Méndez' wife, his daughters, and his son.

185. In view of the foregoing, the Commission concluded that the State of Mexico is responsible for violating the rights to humane treatment, to a fair trial and to judicial protection enshrined in Articles 5.1, 8.1 and 25.1 of the American Convention, in relation to Articles 1.1 and 2 thereof. In addition, it concluded that the State failed to comply with its obligations under Article I.b of the Inter-American Convention on Forced Disappearance of Persons.

- **Aucan Huilcaman et al. v. Chile**

186. This case relates to a series of violations which took place in a criminal proceeding against 140 persons of the Mapuche ethnic group within the context of a number of protests held in 1992 over the quincentennial of the arrival of the Spanish in the Americas.

187. Between June 16 and 20, members of the Consejo de Todas las Tierras (Council of All Lands), an organization that brings Mapuche indigenous authorities together, seized 11 neighboring lands to raise awareness among the public about several issues they were denouncing and to get the attention from the Senate, where an indigenous bill was being discussed. During said seizures, for a brief period of time, they placed signs calling for the restitution of their lands. The seizures ended when protesters were forced to leave the lands by the armed forces. The victims were subjected to a criminal proceeding, and, on March 11, 1993, they were convicted for the crimes of usurpation, conspiracy, contempt, theft, theft cover-up and injuries, and received punishments ranging from the payment of the equivalent to six minimum wages to sentences of three years and nine months in prison. The convictions were based on the facts that had taken place between June 16 and 20, 1992, and on some previous facts. The appeals and cassation remedies filed were rejected.

188. In its report on the merits, the Commission analyzed the criminal proceedings in relation to the right to be heard by an impartial authority, to whether there were sufficient grounds for such a judicial decision, to the principle of legality, to the right to freedom of expression, to the right to freedom of association and to the principle of equality and non-discrimination. In this regard, the Commission first noted that the first and second instance judgments were issued by a “visiting judge” appointed to hear the case based on Article 559 of the Organic Code of Courts, which provided for said appointment in cases involving “the investigation and prosecution of crimes or offenses which cause public alarm and demand a prompt repression,” but the reasons why the case caused said impact were not explained. Likewise, the Commission determined that the request for the appointment of a visiting judge was filed by the judge who had allegedly been criticized by members of the Mapuche ethnic group in the context of the criminal proceedings.

189. Furthermore, the Commission noted that the visiting judge served as prosecutor and was also involved in the sentence, so he performed a double function. The Commission found that, in the original complaint, the indictment and the first instance judgment, justice operators made a series of assessments which were criminally irrelevant to the types of crimes for which the victims were prosecuted. This is evidence of a discriminatory prejudgment against the prosecuted persons.

190. Similarly, and with regard to the principle of legality and the obligation to ground decisions, the Commission found that the definitions of the crimes of conspiracy and usurpation were ambiguous and, therefore, contrary to international standards, and that this enabled the discriminatory and undue criminalization of a legitimate exercise of rights. In particular, the Commission noted that the definition of the crime of usurpation did not clearly specify the elements necessary to determine the intent required from the perpetrator for the commission of said crime. On the contrary, intent was defined in broad terms. The Commission highlighted that, both in the indictment and in the first instance judgment, the investigating judge considered criminal conducts protected by rights – such as the freedom of expression or association. Among the actions deemed criminal were the “disrespectful statements” made against Congress members and a state minister, the “creation of a Mapuche emblem or flag,” the receipt of international funds, the fact that the Mapuches had a newspaper of their own and their opposition to the celebration of the quincentennial of the arrival of the Spanish in the Americas.

191. The Commission held that the conviction for the crimes of usurpation and conspiracy was based on generic references to actions that would constitute a legitimate exercise of the rights to freedom of expression and of association, and that, at the domestic level, were not separated from those behaviors that could have effectively equaled to criminal offenses. The Commission concluded that, in practice, this led to the discriminatory and undue criminalization of a legitimate exercise of rights, and to clear violations of the principle of legality, of the obligation to ground decisions and of the rights to freedom of expression and association.

192. The Commission also concluded that the State violated the right to be heard within a reasonable term and to legal certainty, inasmuch as the first and second instance sentences made no reference to some of the victims. Furthermore, the Commission held that the State violated the right to presumption of innocence and the obligation to adopt domestic legal provisions in relation to one of the victims, who was convicted for the theft of a pig based on Article 454 of the Criminal Code. According to said article, the perpetrator of the theft is presumed to be the person in possession of the stolen item, unless they can justify its legitimate purchase, which places the burden of proof on the victim. Similarly, the Commission concluded that the State violated the rights to a prior notification in detail of the charges and to the provision of adequate means for the defense in relation to some of the victims, inasmuch as they were convicted without a prior formal accusation in the context of the criminal proceedings.

193. In view of the foregoing, the Commission concluded that the State of Chile is responsible for violating the right to be heard by an impartial authority, the obligation to ground decisions, the principle of presumption of innocence, the right to prior notification in detail of the charges, the right to adequate time and

means for the preparation of the defense, the principle of legality, the right to freedom of expression, the right to freedom of association and the principle of equality and non-discrimination, enshrined in Articles 8.1, 8.2, 8.2.b, 8.2.c, 9, 13.1, 13.2, 16.1, 16.2 and 24 of the American Convention, in relation to the obligations set forth in Articles 1.1 and 2 thereof.

- **Mario Galetovic Sapunar et al. v. Chile**

194. This case relates to the international responsibility of the State of Chile for the lack of access to an effective judicial remedy against the confiscation of a radio station during the de facto government, to the detriment of Mario Galetovic Sapunar, Daniel Ruiz Oyarzo, Carlos González Jaksic, Oscar Santiago Mayorga Paredes, Hugo René Formantel Díaz and Néstor Edmundo Navarro Alvarado.

195. In September 1973, the victims were part of business corporation Ruiz y Compañía Ltda., which managed and operated radio station La Voz del Sur, in the city of Punta Arenas, with over four decades of history. The station was the main media outlet in the Magallanes area and covered a wide geographical spectrum in the Austral region. On September 11, 1973, Chilean military forces seized power in a coup d'état. On that day, when the broadcast of President Salvador Allende's final speech was about to end, forces that reported to the Ministry of Defense took control of the radio station's facilities. The main partners were arrested and taken to different prisons and torture centers. According to the petitioners, radio station La Voz del Sur was the only broadcaster in Punta Arenas that supported Unidad Popular (President Allende's government coalition). For that reason, it never came back into operation. By means of Decree No. 1163, issued in 1974, the Ministry of the Interior ordered the dissolution of the corporation and that the radio station be under the control of the State of Chile. In 1975, the military government transferred ownership of the corporation's assets to the National Radio of Chile at no charge.

196. Once democracy was restored in Chile, the victims filed a legal action requesting that the decrees that had affected them be declared null and void. On November 24, 1997, Civil Court No. 7 of Santiago issued a judgment in favor of the plaintiff, on the grounds that the state administration was not empowered to serve as a judicial body, since said power was exclusive and inherent to justice courts. The Court of Appeals upheld the decision of the trial court in its entirety on March 13, 2002. The Chilean Treasury filed a cassation appeal, and, on January 21, 2004, the Third Constitutional Chamber of the Supreme Court of Chile heard the State's arguments and found that, even though the decrees were null and void, the legal actions requesting compensation for the economic consequences derived from said nullity had been encompassed under the statute of limitations five years after the adoption of the decrees.

197. In its report on the merits, the Commission held that the purpose of the instant case is to determine whether the application of the statute of limitations to legal actions requesting compensation constitutes a violation of the American Convention. In this regard, the Commission held, in light of the applicable inter-American standards, that the Chilean State violated the rights of the victims to an effective judicial remedy, based on the reasons detailed hereunder.

198. First, the Commission concluded that the Supreme Court, by arguing that the victims should have filed their claim for reparations on a date on which the military dictatorship was still in power retrospectively placed the victims in a situation of de facto inability to access effective judicial remedies.

199. Second, the Commission found that the judgment of the Supreme Court lacked coherence both from a logical and a legal point of view, since it confirmed the annulment of the decrees that had ordered the dissolution of the corporation, but it also held that the claim for reparations, which was derived from said annulment, had fallen under the statute of limitations, even though the decrees were still in force at the time and presumed to be legal. As a result, the Commission found that it is not coherent from the legal point of view to hold that the claim for reparations would fall under the statute of limitations, considering that the regulations were still in full force at the time.

200. Third, the Commission noted that, when the victims finally obtained a final judgment acknowledging the violations of their rights – that is, the decision delivered by the Supreme Court, which rendered the decrees null and void – said judgment did not translate in practice into reparations due to the application of the statute of limitations. Therefore, both the nullity remedy and the compensation remedy were not effective in awarding the reparations to which the victims had an internationally protected right, since they were prevented from accessing them. As a result, both judicial remedies were ineffective under the applicable international standards.

201. Fourth, the Commission considered that the link established by the Supreme Court between the right to access to justice and to an effective remedy, on the one hand, and the abstract value of the legal certainty of the right to property over the seized assets, on the other, failed to adequately take into consideration the human rights that were at stake. In particular, the Commission noted that, by 1995, year of submission of the actions seeking the nullity of the decrees, a new time clearly began, in which the rights violated during the dictatorship would be redressed. In this context, according to the Commission, the victims could not have reasonably foreseen that the statute of limitations would be applied to their claims for reparations because they were not filed during the years of the dictatorship.

202. In addition, the Commission underscored that, by resorting to the courts, the victims sought reparations for the violations of their rights to freedom of expression and information, and to property, which arose from acts that can be attributed to the dictatorial government. The Commission held that, while the purpose of the case is to determine whether the victims had access to an effective remedy, the fact that they sought reparations for the violation of said rights established an inseparable link between the obligation to provide an effective remedy and to redress human rights violations, and the obligation to guarantee the rights to freedom of expression and to property. In this regard, the Commission concluded that the application of the statute of limitations, as a consequence, arbitrarily restricted access to judicial protection, to which the petitioners were entitled under the same conditions as the rest of the victims of human rights violations during the dictatorship.

203. In view of the foregoing, the Commission concluded that the State of Chile is responsible for violating the rights to a fair trial and to judicial protection, enshrined in Articles 8.1 and 25.1 of the American Convention, in relation to the general obligations and the rights to freedom of expression and to property set forth in Articles 1.1, 13 and 21 thereof, to the detriment of Mario Galetovic Sapunar, Daniel Ruiz Oyarzo, Carlos González Jaksic, Oscar Santiago Mayorga Paredes, Hugo René Formantel Díaz and Néstor Edmundo Navarro Alvarado. The State of Chile deposited the instrument of ratification of the American Convention on Human Rights and accepted the contentious jurisdiction of the Court on August 21, 1990, thus enabling the Court to rule on the facts of the cases that took place after said date.

- **Alfredo José Chirinos Salamanca et al. v. Venezuela**

204. This case relates to the international responsibility of the State of Venezuela for the human rights violations committed against 14 officers of Chacao's Municipal Police, which took place in the context of the deprivation of liberty of the victims.

205. On January 19, 2016, in the city of Caracas, journalist Ricardo Concepción Durán Trujillo, head of the Press Office of the Government of the Capital District, was murdered with a firearm. On June 13 and 15, 2016, the Control Court issued arrest warrants against 14 officers. The arraignment hearing was held on June 22, 2016, for the alleged commission – as facilitators – of the crime of murder aggravated by malice against journalist Ricardo Concepción Durán Trujillo. It was established that they would be confined at the headquarters of the Bolivarian National Intelligence Service (SEBIN), located at the facility known as “El Helicoide,” in Caracas.

206. On August 5, 2016, 45 days after the issuance of the decision not to lift the pretrial detention measure, which was the period of time within which the prosecution was supposed to submit the formal accusation, the prosecutors requested the Seventh First-Instance State Control Judge of the Criminal Judicial Circuit of the Metropolitan Area of Caracas that the pretrial detention be replaced with a precautionary measure. This request was accepted. On August 8, the judge ordered the replacement of the pretrial detention with court appearances every 15 days and the immediate release of the police officers. The order was appealed by an attorney under the Office of the Attorney General of the Republic (PGR) on August 23. When the court order was received at El Helicoide, its officers refused to accept it. In spite of the subsequent ratification of the court order and the release orders, the officials remained deprived of liberty.

207. Within this context, five of these officers were subjected to torture, so that they would provide information on the crime attributed to them and/or confess their involvement in it. These facts were publicly exposed by the officers through letters and a video requesting authorities to execute their release order. When the time to release the victims expired, on June 24, 2017, Fred Armando Mavares Zambrano went on hunger strike. The rest of the victims began to join the strike. In view of this situation, adequate medical care was not provided to them and, as part of the protest, five of the victims sewed their mouths.

208. It was only after December 23, 2017, that 12 of the victims were released. However, Fred Armando Mavares Zambrano and Reggie Jackson Andrade Alejos remained deprived of liberty without any explanation.

209. On July 9, 2018, a riot broke out at El Helicoide, reportedly as a result of the several human rights violations, including the failure to bring the accused to their court hearings and to execute the release orders. On July 11, the two victims who continued to be deprived of liberty were transferred to the "26 de Julio" Detention Center for Accused Persons, in San Juan de los Morros, state of Guárico, following the orders of the Ministry of Penitentiary Affairs. Upon arriving at the new center, they were placed in an isolation cell that was three meters wide by three meters long (10 x 10 ft), where they spent almost a month sleeping on the floor. Their release order was also not executed. On November 23, 2018, Mr. Mavares Zambrano and Mr. Andrade escaped from the center.

210. In its Admissibility and Merits Report 314/21, the Commission determined for the first time its material and temporal jurisdiction based on the American Convention on Human Rights to rule on events that occurred after September 10, 2013.

211. In this regard, the Commission recalled that the State of Venezuela became a party to the American Convention on August 9, 1977, the date on which it deposited its instrument of ratification. Subsequently, it denounced said treaty on September 10, 2012, having said denunciation effective as of September 10, 2013, in accordance with the provisions of 78 of the Convention and in accordance with what has been recognized by the Inter-American Court of Human Rights. It also noted that, according to official information from the OAS Department of International Law of the OAS General Secretariat, "on July 31, 2019, the Bolivarian Republic of Venezuela deposited the instrument of ratification of the American Convention on Human Rights at OAS headquarters in Washington D.C. United States."<sup>123124125</sup>

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<sup>123</sup> The Commission expressed its deep concern about the effect of this complaint on the protection of human rights, that the inhabitants of that State lost the possibility that human rights violations could be known to the Inter-American Court, calling on the State to reconsider that decision. IACHR, IACHR Expresses Deep Concern over Venezuela's Denunciation of the American Convention, September 10, 2013.

<sup>124</sup> CortelDH, Case of Guerrero, Molina et al. v. Venezuela. Merits, Reparations and Costs. Judgment of June 3, 2021. Series C No. 424., para. 13.

<sup>125</sup> Department of International Law of the OAS General Secretariat, Multilateral Treaties, Status of Signatures and Ratifications. American Convention on Human Rights signed at the Inter-American Specialized Conference on Human Rights. Available in: [https://www.oas.org/dil/esp/tratados\\_B-32\\_Convencion\\_Americana\\_sobre\\_Derechos\\_Humanos\\_firmas.htm](https://www.oas.org/dil/esp/tratados_B-32_Convencion_Americana_sobre_Derechos_Humanos_firmas.htm)

212. In that case, the Commission considered that, without prejudice to the strict examination that should be carried out on a denunciation of the American Convention, in the present case, bearing in mind that subsequent to that act, the official information of the OAS Department of International Law of the OAS of the OAS General Secretariat refers to the new deposit of the American Convention, It was appropriate to rule on the latter act, in view of the fact that it would set aside that complaint.

213. The Commission observed that the act of ratification of July 1, 2019, refers to a communication from the then President of the National Assembly of the Bolivarian Republic of Venezuela, which states that "it constitutes the Instrument of Ratification by the Bolivarian Republic of Venezuela of the American Convention on Human Rights [...]." In addition, said note recognizes "unconditionally as mandatory as of right and without special convention the competence and jurisdictional power of the Inter-American Court of Human Rights to hear all cases relating to the interpretation or application of said Convention, as if its alleged complaint had never taken place, that is,<sup>126</sup> ab initio and with retroactive effect to September 10, 2013, the date on which said denunciation would have entered into force".

214. The Commission considered that, within its own competence, it is not for it to pronounce on the attributions or powers enjoyed by the signatory of said communication or on the validity of the acts carried out by the National Assembly of the Republic of Venezuela within the framework of the OAS, an issue that has been debated and deliberated by the respective political organs. given the exceptional situation existing in the State. It also recalled that, in accordance with Article 74 of the American Convention, "ratification of or accession to this Convention shall be effected by depositing an instrument of ratification or accession with the General Secretariat of the Organization of American States."

215. The Commission also recalled that the OAS Charter establishes that it is its General Secretariat that serves as "depository of inter-American treaties and agreements, as well as instruments of ratification thereof." According to the Vienna Convention on the Rights of Treaties, which summarizes customary law on the subject, it is precisely for the depository "to determine whether a signature, instrument or notification or communication relating to the treaty is in due form [...]". According to the treaty, "[i]n a dispute arises between a State and the depository concerning the performance of the latter's functions, the depository shall bring the matter to the attention of the signatory and contracting States or, as appropriate, of the competent organ of the international organization concerned". According to the commentaries of the International Law Commission to the Vienna Convention on the Law of Treaties, the depository has a duty in case of detecting any irregularity, to bring the matter to the attention of the States concerned, and his function is not to pronounce on the validity of the instrument.<sup>127</sup><sup>128</sup><sup>129</sup>

216. Based on the foregoing, the Commission considered that it is the depository, that is, the Secretary General of the OAS, who is in charge of analyzing the full powers to draw the attention of the States concerned in relation to a situation where it finds some discrepancy. Indeed, as indicated, official information from the OAS Department of International Law, belonging to the Secretariat for Legal Affairs of the OAS General Secretariat, which "acts as depository and source of information for inter-American treaties and agreements of the OAS and its organs," recognizes that "on July 31, 2019, the Bolivarian Republic of Venezuela deposited the

<sup>126</sup> Communication of 1 June 2019

<sup>127</sup> OAS Charter; Article 112 (f)

<sup>128</sup> Articles 771(d) and 77.2 of the Vienna Convention on the Law of Treaties, Vienna, 23 May 1969.

<sup>129</sup>United Nations, Draft Articles on the Law of Treaties with commentaries 1966, 2006, Page. 269.

instrument of ratification of the American Convention on Human Rights", under the parameters set forth above.<sup>130131</sup>

217. Taking into account its own mandate, the Commission concluded that due to the deposit made of the communication described above by the Secretary General, there were no reasons why the Commission considered that through the communication of July 1, 2019, the American Convention was not ratified with retroactive effect until the moment the denunciation entered into force, according to the will expressed in that declaration. The Commission also noted that, although it forwarded the petition to the State alleging violations of the American Convention, it did not present specific information indicating that it is not a party to that treaty, which is relevant since it is one of the fundamental aspects of this case.

218. Finally, the Commission stressed that a determination to the contrary would not only be inconsistent with the act carried out by the Secretary General, in a context where the existence of an alteration of the constitutional and democratic order in the State has also been recognized, but would also deprive the inhabitants of Venezuela of the level of inter-American protection that comes from the American Convention and the jurisdiction of the Inter-American Court of Human Rights.<sup>132133</sup>

219. Regarding the merits, the Commission found that the State of Venezuela violated the right to personal liberty of the victims. The Commission held that, from the moment the judge of the Control Court decided to replace the pretrial detention and issued the release order, there were no legal grounds for the victims' detention. Therefore, the refusal to execute said order rendered the continuation of the deprivation of liberty of the alleged victims illegal and arbitrary. The Commission noted that the victims were in a position of vulnerability as a result of the pretrial detention, which made them susceptible to torture and cruel, inhuman or degrading treatment. In addition, they were uncertain as to when they would be released, since the prison authorities failed to execute the orders issued by the courts. The Commission found that the detainees spent from 17 months to more than two years in pretrial detention.

220. Furthermore, the Commission held that the State violated the right to humane treatment of the victims, inasmuch as sufficient evidence exists as to the fact that they were subjected to physical and psychological torture, and that the State did not evidence of any investigation being conducted. Furthermore, the Commission found that the victims were held in bad detention conditions. As a consequence, they went on hunger strikes to protest against such conditions, but no adequate medical care was provided to them. In addition, the police officers were not kept separate based on the fact that they were officers and on their non-convicted status.

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<sup>130</sup> The Secretariat for Legal Affairs of the OAS (SAJ) "fulfills the function of depositary of the Inter-American multilateral treaties and its instruments of ratification conferred on the General Secretariat by the Charter of the Organization." According to the official information of the Secretariat, in its capacity as depositary, "it fulfills, in general, the following functions: a. To safeguard the original text of the treaties and the full powers that have been sent to it; b. To receive signatures of treaties and to receive and safeguard instruments, notifications and communications relating thereto; c. To inform the parties to the treaties and the States entitled to become parties of acts, notifications and communications relating thereto. See website of the Secretariat for Legal Affairs of the OAS. Available in: [http://www.oas.org/es/sla/ddi/tratados\\_acuerdos.asp/](http://www.oas.org/es/sla/ddi/tratados_acuerdos.asp/)

<sup>131</sup> Department of International Law, OAS General Secretariat, Treaties Multilateral, Status of Signatures and Ratifications. American Convention on Human Rights signed at the Inter-American Specialized Conference on Human Rights. Available in: [https://www.oas.org/dil/esp/tratados\\_B-32\\_Convencion\\_Americana\\_sobre\\_Derechos\\_Humanos\\_firmas.htm](https://www.oas.org/dil/esp/tratados_B-32_Convencion_Americana_sobre_Derechos_Humanos_firmas.htm)

<sup>132</sup> Legal Committee Inter-American, Declaration on the Situation in the Bolivarian Republic of Venezuela, CJI/DEC. 01 (XCIV-O/19), February 22, 2019; YES, Situation of Human Rights in Venezuela, 31 December 2017, para. 472. IACHR, Press Release No. 041/17, IACHR Condemns Decisions of the Supreme Court of Justice and the Alteration of the Constitutional and Democratic Order in Venezuela, March 31, 2017.

<sup>133</sup> In this regard, the IACHR emphasizes that as indicated by the Inter-American Court in its Advisory Opinion 26, "the denunciation of a human rights treaty, such as the American Convention, represents a regression in the level of inter-American protection of human rights." Inter-American Court. The denunciation of the American Convention on Human Rights and the Charter of the Organization of American States and their effects on State human rights obligations (Interpretation and scope of the articles 1, 2, 27, 29, 30, 31, 32, 33 to 65 and 78 of the American Convention on Human Rights and 3(1), 17, 45, 53, 106 and 143 of the Charter of the Organization of American States). Advisory Opinion OC-26/20 of November 9, 2020. Series A No. 26, para. 58.

221. Finally, the Commission found that, in spite of the complaints filed in relation to the arbitrary deprivation of liberty and the acts of torture, the State did not provide an effective remedy for the clarification of their claims or the protection of their right to personal liberty.

222. In view of the foregoing, the Commission concluded that the State of Venezuela is responsible for violating Articles 5.1, 5.2, 7.1, 7.2, 7.3, 7.6, 8.1 and 25.1 of the American Convention on Human Rights, in relation to the obligations set forth in Article 1.1 thereof, and for violating Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture to the detriment of the 14 victims.

- **Dina Alexandra Carrión et al. v. Nicaragua**

223. This case relates to the international responsibility of the State of Nicaragua for the lack of due diligence in the investigation of the facts related to the death of Dina Alexandra Carrión, as well as in ensuring the relationship and bond between Ms. Carrión's son and her maternal family in her absence.

224. Ms. Dina Carrión was going through a divorce proceeding and had custody of her son C. (his name is not disclosed to protect his identity). C.'s father, Juan Carlos Siles, promised to return with the child on March 31, 2010. However, on April 3, Mr. Siles came back home without the boy, so Dina Carrión stayed at home waiting for him. Later, she was found dead at her home with a gunshot in her chest.

225. Valeria Carrión, the victim's sister, filed a report with the National Police against Mr. Siles due to the violence and the psychological and verbal mistreatment that her sister suffered, and as a result that he did not inform them immediately of her death. Initially, Mr. Siles was investigated for the crime of aggravated inducement to suicide, since the post-mortem medical expert witness statement concluded that the cause of death was suicide. The Carrión González family challenged the expert witness statement, alleging that she had physical injuries that were not examined, and held that the police did not take into consideration the fact that Ms. Carrión lived in a violent marriage. The Office of the Public Prosecutor opened an independent investigation requesting a series of expert witness statements to the police. The victim's family submitted an expert report, according to which the suicide hypothesis should be discarded. The report also highlighted that people do not commit suicide on their knees, which is the position in which Dina's body was found, and that she could have been forced to her knees before being shot, among other irregularities.

226. In June 2010, the case was closed, and it was concluded that Ms. Dina Carrión's death was caused by suicide, inasmuch as the injuries in her body occurred after her death, so it was impossible to infer that she had fought for her life against someone. This decision was challenged as well.

227. On May 14, 2011, the prosecutor reopened the case and ordered that "several gaps in the investigation be filled" in order to "determine whether an action should be filed based on the crime of murder or parricide." Among other proceedings, she requested that inconsistencies in Mr. Siles' testimonies be investigated. She held that the chain of custody had been broken. And, among other irregularities, she pointed out that it was inappropriate that the forensic medical expert witness statement relied on "the emotional instability and the psychiatric treatment that Dina Carrión was undergoing" to decide on her death as a suicide.

228. Over the course of this new stage in the investigation, a number of irregularities concerning a firearm belonging to Mr. Siles were uncovered. In addition, the collection of evidence was ordered to verify the DNA found in some objects of the house, which were stained with blood. In January 2013, an accusation was brought against Mr. Siles as the alleged author of the crime of parricide. On May 31, 2013, Mr. Siles filed an administrative writ of amparo against the prosecutor for having issued the resolution in 2011, under which the case was reopened, and against the auxiliary prosecutor for bringing an accusation against him in January 2013. The writ of amparo was admitted, and the proceedings were suspended until the Supreme Court of Justice ruled on the matter.



229. Over the course of the proceedings, in May 2014, an article was published on the judiciary's website. Said article referred to the statements made by the president of the Supreme Court, who held that the medical expert witness statements had concluded that Dina Carrión's death was a suicide and that the Carrión González family just wanted to misinform the public. The president added that, if the Constitutional Chamber ruled in favor of the prosecution and allowed it to accuse Juan Carlos Siles of parricide, the judge hearing the case would have to rebut the medical expert witness statements only by presumption. Otherwise, he would be "accused of being corrupt, a thief and dishonest, like the rest of the judiciary." Furthermore, a press conference given by the director of the Institute of Legal Medicine and the spokesperson of the judiciary was published in a newspaper. During the conference, they confirmed that Dina Carrión had committed suicide and that the resolution of the Supreme Court of Justice would not be contrary to the expert witness statements.

230. In May 2019, the Supreme Court of Justice admitted the writ of amparo and rendered the prosecution's resolution of May 14, 2011, and the accusation of January 15, 2013, ineffective, on the grounds that they had violated the rights of Juan Carlos Siles to due process of law, to access to justice, to legal certainty and to legality. With regard to the accusation made in 2013, the Supreme Court concluded that it was arbitrary, inasmuch as it classified Dina Carrión's death as a parricide based on expert reports that had decided on it as a suicide. The Supreme Court also held that the investigations conducted by the State were consistent with the Inter-American Court jurisprudence with regard to the right to life, the right of access to justice and the guidelines for the investigation of violent deaths. In parallel with the criminal proceedings, Dina Carrión's family filed civil actions with courts in family matters to reestablish their relationship with C., who was 6 years old when his mother died. In October 2011, Judgment No. 1123 of the Judge in Family Matters held that C.'s rights to identity and personality were being violated by his father by not allowing him to have a relationship with his maternal family and ordered that the child should be able to bond with his grandparents. Juan Carlos Siles filed a writ of amparo, which was admitted and led to the suspension for the execution of said judgment.

231. Through a mediation process, the parties agreed to complying with the judgment. After the filing of a complaint for non-compliance against Mr. Siles, another agreement was signed for him to comply with the judgment. However, since November 2014, there has been no record indicating that C. saw his maternal family again. On February 11, 2016, the judge concluded that the relationship between C. and his maternal grandmother could not be forced, without C. first receiving psychological treatment to overcome his rejection. For that reason, the judge suspended the execution of the judgment and ordered Juan Carlos Siles to take the child to therapy. After this, the Carrión family filed an appeal alleging that the ruling of the Judge in Family Matters went beyond its jurisdiction by distorting the substance of Judgment No. 1123 and by delegating to Mr. Siles the obligation to take the child to therapy. The appeal, according to the most recent information available, was pending resolution.

232. In its Admissibility and Merits Report No. 289/21, the Commission found that there was a lack of due diligence and of a gender perspective in the investigation conducted by the State into the facts related to the death of the victim.

233. The Commission noted that several irregularities were verified during the initial steps, including a number of flaws and contradictions between the authorities, and the possible tampering of the crime scene, inasmuch as evidence was not collected and preserved adequately. Furthermore, the autopsy of Dina Carrión did not offer descriptions or interpretations of several injuries in her body, which were pointed out by her relatives.

234. The Commission found that there was a lack of enhanced due diligence in the investigation of the logical line of gender-based violence, which constitutes a violation of the right to a fair trial, the right to judicial protection and the duty to investigate acts of violence against women. It took into consideration the increase of violence against women in Nicaragua and the lack of effective mechanisms to report said acts of violence. Furthermore, the Commission notes that, at an earlier stage of the investigation, the hypothesis of femicide or parricide was not sufficiently explored. As a result, the initial investigation – which is currently

regarded as final – only addressed the line of suicide early on, even though there were indicia that pointed to the possibility of a gender-based crime.

235. The Commission identified that there were stereotypes in the investigation, for example, in the argument that the death by suicide was related to the victim’s “emotional instability, the psychiatric treatment, the loss of the relationship with her partner and the alcohol in her blood.” The Commission also found that the justification based on personal characteristics decisively or conclusively stated in the expert witness statement are stereotyped and discriminatory and constitute a violation of the right to equality and of the guarantee of impartiality that investigative and judicial authorities must provide.

236. Furthermore, the Commission found that the Office of the Public Prosecutor took more time than it is provided by law to rule on the remedy filed by the victim’s family to challenge the resolution that classified the death as a suicide. As a result, the Supreme Court rendered all the subsequent actions null and void, thus taking the proceedings backwards to the determination of suicide. As a result of the delay of the Office of the Public Prosecutor, it was not possible to continue with the criminal proceedings pursuant to the applicable law.

237. With regard to the rights to the protection of the family and children, the Commission noted that, while at the domestic level there is no dispute about the fact that C. and his maternal grandparents have the right to be in contact with each other and develop their relationship, over the course of the years, several court decisions were issued and, since 2014, the Carrión family has not been able to contact C. The Commission considered, among other aspects, that the State failed to effectively adopt special measures to ensure the strengthening of C.’s family relationship, using an approach that guarantees his well-being and designing a plan that would allow C. to receive the support that he needs and to improve his relationship with his maternal family in the foreseeable and ascertainable future. The Commission noted that the authorities did not act with special promptness either to resolve this situation.

238. In view of the foregoing, with regard to the investigation of the death of Dina Carrión, the Commission concluded that Nicaragua is responsible for violating Articles 8, 24 and 25 of the American Convention on Human Rights, in relation to Article 1.1 thereof, as well as Article 7 of the Convention of Belém do Pará in relation to Article 4 of the American Convention, to the detriment of Dina Carrión, as well as her next of kin identified in the report on the merits. Likewise, the Commission found the State responsible for violating Article 5 of the American Convention to the detriment of Dina Carrión’s next of kin.

239. Furthermore, the Commission concluded that the State of Nicaragua is responsible for violating the rights to humane treatment, to a fair trial, to the protection of the family, the rights of the child, and to judicial protection, enshrined in Articles 5, 8, 17.1, 19 and 25 of the American Convention, in relation to Article 1.1 thereof, to the detriment of C. The Commission found that the State is responsible for violating the rights to the protection of the family, to a fair trial and to judicial protection, set forth in Articles 8, 17 and 25 of the American Convention, in relation to Article 1.1 thereof, to the detriment of Aida González.

- **Gustavo Washington Hidalgo and family v. Ecuador**

240. This case relates to the international responsibility of the State of Ecuador for the torture and extrajudicial execution of Gustavo Washington Hidalgo, and for the lack of due diligence in the investigation of the facts.

241. Based on information submitted throughout the judicial proceedings, on December 8, 1992, Mr. Hidalgo reportedly resisted when he was being arrested by four police officers during a public celebration – allegedly for being under the influence of alcohol. According to witnesses to the facts, the police officers beat Mr. Hidalgo and dragged him more than three blocks to the police detention center. That same night, his brother went to visit him in jail and found Mr. Hidalgo lying on the floor with his face down. His face was completely

covered in blood, and one of his eyes was open. After seeing Mr. Hidalgo's condition, his brother called a doctor. The doctor examined him and said that Mr. Hidalgo was dead.

242. In its report on the merits, the Commission held that there is no dispute about the fact that Mr. Hidalgo died while he was under the custody of the State and that the autopsy made reference to violations of the victim's physical integrity which were prior to his death. The Commission also noted that there are testimonies on the mistreatment suffered by the victim during his transfer to the police station and during his detention in jail, as well as on his execution. The Commission concluded that the State did not provide, neither to the Commission nor during the domestic investigation, any explanation of the facts that would point to a legitimate use of force pursuant to the standards of necessity and proportionality. It also concluded that the three constituent elements of torture are present in the injuries suffered by the victim.

243. Furthermore, based on the procedural documents of the investigation, the police officers involved in the death were never summoned to give statements and, between 1993 and 2000, no further steps were taken. During this period, statements were not even collected from Mr. Hidalgo's family. The Commission found that the State provided no satisfactory explanation of the death of Mr. Hidalgo while he was under its custody, nor did it conduct any investigation in line with its international obligations. In this regard, the Commission concluded that the State failed to comply with its obligation of due diligence in the criminal investigation and that said investigation was not carried out within a reasonable term.

244. Lastly, the Commission found that the death of Mr. Hidalgo under such circumstances, as well as the absence of truth and justice, has caused pain and suffering to the next of kin identified in the report on the merits.

245. In view of the foregoing, the Commission concluded that the State of Ecuador violated the rights to life, to humane treatment, to a fair trial and to judicial protection, enshrined in Articles 4.1, 5.1, 5.2, 8.1 and 25.1 of the American Convention on Human Rights, in relation to Article 1.1 thereof, to the detriment of Gustavo Washington Hidalgo and his next of kin. The Commission also concluded that the State failed to comply with the obligations set forth in Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture owing to the lack of investigation, as of November 9, 1999, of the acts of torture committed against Mr. Hidalgo, to the detriment of his next of kin.

- **Cristiane Leite De Souza et al. v. Brazil**

246. This case relates to the international responsibility of the State of Brazil for the forced disappearance of Viviane Rocha, Cristiane Leite de Souza, Wudson de Souza, Wallace do Nascimento, Antônio Carlos da Silva, Luiz Henrique Euzébio, Edson de Souza, Rosana Lima de Souza, Moisés dos Santos Cruz, Luiz Carlos Vasconcelos de Deus and Edio do Nascimento, and for the acts of sexual violence against women committed in the context of said disappearances. Furthermore, the case relates to the murder of Ms. Edméa da Silva Euzébio and Ms. Sheila da Conceição, mother and cousin of one of the victims of disappearance, respectively, as well as the absence of due diligence in the investigation and punishment of those responsible for these crimes.

247. On July 26, 1990, the victims were at a rural settlement in Surui, city of Magé, when a group of civil and military police officers kidnapped them and took them to the ranch of military officer Peninha, where they were subjected to sexual violence, murdered and thrown into the Estrela River. On July 31, 1990, Viviane Rocha da Silva's father reported the kidnapping of his daughter and her friends. That same day, the police investigation was opened. The Special Commission of the Secretariat of State of the Civil Police issued a report alleging that the taxi driver who took the victims to the ranch was an informant of the 9th Military Police Battalion (hereinafter "the 9th MPB"), known as "Cavalos Corredores," whose members carried out violent acts in the Acarí favela and had extorted three victims of the case. On July 27, 2010, the Office of the Public Prosecutor of Rio de Janeiro closed the police investigation, without any criminal proceedings being initiated, due to the fact that "the bodies had never been found, and no technical evidence to account for the crime of

murder had been found” and due to the application of the statute of limitations. The investigation was reopened on December 13, 2011, to respond to the petition presented to the Commission.

248. Furthermore, on January 15, 1994, Ms. Edméa da Silva Euzébio and Ms. Sheila da Conceição, mother and cousin of Luiz Henrique Euzébio, were murdered in the city of Rio de Janeiro shortly after Ms. Da Silva had obtained information and testified in court on the police involvement in the disappearances. On February 25, 1993, a criminal investigation into these deaths was opened. The person accused of being the mastermind was acquitted in 1996 by the jury at the request of the Office of the Public Prosecutor due to the lack of evidence. Later, seven members of the group “Cavalos Corredores” were accused of the murders. According to the Office of the Public Prosecutor, the crime was committed because Ms. Edméa reported the Acarí massacre, thus exposing the group’s criminal acts. On September 22, 2014, the case was brought to a jury.

249. In its report on admissibility and merits, the Commission considered that sufficient evidence exists as to the fact that what happened to the victims constituted a forced disappearance, inasmuch as the deprivations of liberty were executed with the participation of state agents, and the lack of an effective investigation by the State served to cover up the perpetrators’ responsibility. The Commission added that the forced disappearances continue to this day as the whereabouts of the victims have not been determined. Furthermore, in view of the fact that some of the victims were minors, the Commission concluded that the State of Brazil also violated the rights enshrined in Article 19 of the American Convention, since it failed to adopt enhanced protection measures to further their best interests.

250. In addition, the Commission found that the State failed to comply with its obligation to investigate, judge and punish the forced disappearances within a reasonable time and with due diligence. The Commission noted that the police investigation was ongoing for almost 20 years, several delays were present, steps were not taken with promptness, the techniques applied were flawed, and the evidence was assessed too late. The Commission also held that the investigation was closed without having determined the whereabouts or fate of the victims and without having effectively held anyone responsible for the violations, despite clear indications that state actors were involved. In addition, no investigation was opened in relation to the reported sexual violence that the disappeared women allegedly suffered. Finally, the Commission noted that the State has not classified forced disappearance as a criminal offense in its legal system. The Commission concluded that the State violated the right to a fair trial, to judicial protection and to equality before the law, to the detriment of the victims, and that it failed to comply with its obligation to adopt provisions of domestic law.

251. Furthermore, the Commission noted that the fact that there was a causal link between the murders of Edméa da Silva Euzébio and Sheila Conceição, and the disappearance of the victims and their work in “Mothers of Acarí,” a movement of mothers of victims of institutional violence. The Commission found that Edméa Euzébio was particularly exposed to risk because of her work as a human rights defender and her role speaking out against the disappearance of her son and seeking justice over this. In addition, the Commission held that the State did not act in a diligent manner neither to elucidate the truth of the facts nor to connect said facts with the file opened after the disappearances, and that, considering that 28 years have elapsed since their occurrence, the situation of impunity has been unreasonably prolonged. The Commission concluded that the State is responsible for violating the right to life, the right to freedom of expression, the right to freedom of assembly, the right to a fair trial and to judicial protection to the detriment of Edméa da Silva Euzébio and Sheila Conceição.

252. Lastly, the Commission found that the forced disappearance of the victims, the uncertainty about their fate or whereabouts, as well as the absence of truth and justice caused suffering and anguish to their next of kin, which constitutes a violation of their right to mental and moral integrity.

253. In view of the foregoing, the Commission held that the State of Brazil is responsible for violating Articles II, XVIII and XXIII of the American Declaration of the Rights and Duties of Man; Articles 3, 4, 5, 8, 13, 16, 19, 24 and 25 of the American Convention, in relation to Articles 1.1 and 2 thereof; Articles I.a, b

and d, and III of the Inter-American Convention on the Forced Disappearance of Persons; and Articles 7.b and 7.f of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (the Convention of Belém do Pará).

- **“María” and her son “Mariano” v. Argentina**

254. The instant case relates to the international responsibility of the State of Argentina for violating several rights enshrined in the American Convention on Human Rights, which were committed in the context of the administrative and judicial proceedings of guardianship and adoption of “Mariano,” to the detriment of the child himself, his mother, “María,” and the mother of “María.”

255. In its admissibility and merits report, the Commission first noted that the rights to protection of the family, family life, humane treatment and identity gave rise to a number of state obligations which could be translated as the right of a child to remain, in principle, with their biological parents. This means that the State must take steps to guarantee that the child is raised by their biological family, exhaust all possibilities to that effect and, where consent to the adoption has been given, ensure that that decision is taken freely and, in the child’s, best interest.

256. The Commission added that the State did not demonstrate that the public officials who intervened or were called upon to intervene during “Mariano’s” gestation took steps to counsel either María or her mother regarding the decision to give up her son and grandson, respectively, for adoption. For the Commission, this type of guidance and support was essential if “María” and her mother were to give prior, free and informed consent to adoption, especially if consideration was given to the condition of “María” as a victim of abuse and sexual violence within her own family and her emotional situation as a pregnant child.

257. The Commission underscored that in the case file there was not due justification for the reason why state officials did not take into account the position of “María’s” extended family, specifically of her aunt and grandmother, who expressed their interest in taking responsibility for the child, even when said officials had been aware of this interest several weeks before the birth.

258. Furthermore, the Commission underscored that the decision of the judge in charge of the case to give up the unborn child “Mariano” for preadoption guardianship to Mr. and Mrs. “López” did not only lack legal basis, but also basic grounds. The Commission also underscored the considerable delay in the forensic physician’s examination of “María”, which was aimed at determining whether she was capable of understanding the act of giving up a child for adoption – which took place nearly four months after the judge’s order –, as well as the unjustified delay by the judicial authorities in reaching out to “María” to listen to her position.

259. The Commission also verified that only in April 2015 – nearly eight months after the birth of “Mariano” and the beginning of the guardianship and adoption judicial proceedings – “María” and her mother were able to access effective legal assistance, which was provided by a group of pro bono attorneys, and that both the public defenders responsible for the legal representation of “María” and the guardian assigned to the child “Mariano” failed to take any steps.

260. Furthermore, the Commission found that “María’s” requests for a system for the restoration of the ties and contact with her son were affected by the considerable delays and the poor performance of the judicial authorities. In this regard, the Commission underscored that only in April 2016 – a year after the request filed by “María’s” attorneys – the judge responsible for the case authorized the establishment of a visitation schedule between “María” and her son, which provided for 1-2-hour-long weekly meetings. The Commission held that difficulties were encountered during this process, which continues to date, due in part to “María’s” economic vulnerability and to the lack of flexibility and prompt response by the court responsible for the case, as it was evidenced by the failed celebration of “Mariano’s” birthday in August 2016.

261. The Commission underscored that, until the date of approval of the admissibility and merits report on the instant case and despite the multiple requests and judicial remedies filed by “María” and her attorneys, the court in family matters responsible for the case has not yet ruled on the merits of the case, that is, “Mariano’s” situation of adoptability. To date, the child is still under the custody of Mr. and Mrs. “López,” and thinks of them as his parents. They are also the ones who have taken every decision in their exercise of their parental authority over the child.

262. Lastly, and after having fully assessed the conduct of the State in the instant case, the Commission concluded that the State of Argentina is responsible for a number of actions and omissions that could be translated as negligent action regarding the protection of the rights of “María” and “Mariano.” These actions are also incompatible with the dignity of the adolescent, woman, and mother “María,” and have caused profound and irreparable harm to the inalienable right of “María” and her son to develop an emotional bond. In this regard, the Commission underscored that, since the very start of the process, and during the unreasonably long time it has lasted, different state agents have failed to fulfill their obligation to guarantee the right to a family of the alleged victims and “Mariano’s” right to identity. State agents also failed to take timely steps to facilitate the relationship between “María” and her son, and to take their best interest into consideration.

263. With regard to the affected rights, the Commission found that the State of Argentina was responsible for violating the rights to humane treatment, to a fair trial, to family life, to the protection of the family, to equality and to judicial protection, enshrined in Articles 5, 8.1, 17, 11, 24 and 25 of the American Convention on Human Rights, respectively, in relation to Articles 19 (rights of the child) and 1.1 (obligation to respect rights) thereof, to the detriment of “María.” In addition, the Commission concluded that the State violated “María’s” right to live a life free of violence, enshrined in Article 7 of the Convention of Belém do Pará.

264. The Commission also held that the State was responsible for violating the rights to a fair trial, to judicial protection, to the protection of the family and not to suffer arbitrary or abusive interference in their family life, enshrined in Articles 8.1, 25, 17 and 11.2 of the American Convention on Human Rights, respectively, in relation to Article 1.1 thereof, to the detriment of “María’s” mother.

265. Lastly, the Commission concluded that the State of Argentina was responsible for violating the rights to a fair trial, to judicial protection and to the protection of the family, enshrined in Articles 8.1, 25 and 17 of the American Convention on Human Rights, respectively, in relation to Articles 19 (rights of the child) and 1.1 (obligation to respect rights) thereof, to the detriment of “Mariano.”

- **Henrique Capriles v. Venezuela**

266. This case relates to the international responsibility of the State of Venezuela for violations of political rights, freedom of expression, the principle of legality, judicial protection, and the right to fair trial to the detriment of Henrique Capriles, in the context of his political participation as a presidential candidate in the elections held on April 14, 2013.

267. On March 9, 2013, the National Electoral Council (CNE) convened presidential elections for April 14 of that year, setting an electoral schedule of two days for the nomination of candidates and ten days for the development of the electoral campaign. On March 11, 2013, Henrique Capriles filed his candidacy with the CNE. On April 14, 2013, once the vote and the digital vote count were completed, the CNE issued the electoral results, announcing Nicolás Maduro, candidate of the United Socialist Party of Venezuela (PSUV), as winner by 50.61 percent of the votes, against Henrique Capriles, who obtained 49.12 percent of the votes. On April 17, 2013, Henrique Capriles filed a request with the CNE for a full audit of the votes, which was rejected. The appeals brought before the Supreme Court of Justice were also rejected.

268. In its report on admissibility and merits, the Inter-American Commission first addressed the political and electoral situation in Venezuela, which was verified through its monitoring mechanisms, and

referred to the existence of serious hindrances for the exercise of political rights in the country. It stated that the retaliatory actions against the political opposition and the effects on the opposition authorities and the people who exercised their right to express their disagreement with the government reached a critical peak in 2013. It also noted that Venezuela did not sufficiently guarantee the independence of the CNE, and this directly and negatively affected the protection of political rights.

269. The Commission then analyzed whether, in the instant case, Henrique Capriles' right to participate on an equal footing in the presidential elections was violated. Regarding the general conditions under which the electoral process took place, the Commission observed the inadequate use of public resources to support the campaign of the candidate of the PSUV, the then president of Venezuela, Nicolás Maduro. Specifically, it highlighted the use of public goods for proselytizing purposes, the active participation of public officials in the electoral campaign and the disproportionate management of public media. It further warned that access to state mass media has been notably inequitable.

270. With regard to the organization of the electoral process, the Commission observed the adoption of a limited campaign period, the development of an outdated electoral register, the closure of borders with neighboring countries five days before the elections and without prior notice, and a general context of pressure on voters and fear of vote confidentiality being violated.

271. With respect to the ballot, the Commission considered that, according to the information that emerges from the file, the presidential election of April 14, 2013, has been conditioned by the coercion of voting, the placement of official electoral propaganda within the voting rooms and the presence of soldiers with PSUV symbols and the agglomeration of government party militants near the polling stations. It also determined that such irregularities have been aggravated by the lack of control and the lack of response of the CNE, the governing body of the Electoral College in charge of overseeing the election.

272. In this regard, the Commission concluded that the use of public resources and means to promote the presidential campaign of the ruling candidate generated an undue advantage that allowed him to participate in the electoral process in a privileged position compared to that of the rest of the candidates. This, as determined by the Commission, constituted a violation to the right of the victim to participate in said process on an equal basis and without any illegitimate disadvantage with respect to other candidates. The Commission further underscored that the violation of the right to participate on an equal footing in an electoral process could affect not only individual rights, but also collective political rights.

273. With respect to the judicial remedies raised in the instant case, the Commission noted that the president of the Constitutional Chamber decided to declare inadmissible the requests for recusal filed against herself and all the members of the court without considering further analysis of the legitimate fears of bias in the case. Therefore, Henrique Capriles did not have an adequate and effective judicial remedy at his disposal. The Commission also considered that there were reasonable doubts about the political ties of some members of the court with the CNE and the PSUV, both of which were parties involved in the process. It indicated that said circumstance was exacerbated by the decision of the Constitutional Chamber to address ex officio all the cases related to the electoral process of April 14, 2013, which allowed the Supreme Court of Justice of Venezuela (TSJ) to get acquainted with any case related to that electoral act, increasing doubts regarding their unbiased performance within the framework of the electoral process.

274. Furthermore, the Commission observed that, as a result of the filing of the appeal, the victim was fined for offending the judiciary and, in particular, the Constitutional Chamber, since he allegedly used insults and other offensive expressions. Moreover, copies of the proceedings were submitted to the Office of the Public Prosecutor to assess the criminal liability of Henrique Capriles for the expressions he used in the legal file. The Commission warned that this sanction provided for in Article 121 of the Organic Law of the Supreme Court of Justice contains ambiguous notions and lacks objective criteria to determine reprehensible behaviors and the consequent imposition of such sanctions with reasonable predictability. It also noted that, in

determining the fine on Henrique Capriles, the Constitutional Chamber did not accurately identify the expressions that were disrespectful towards the court or its members. In short, the Commission considered that Article 121 of the Organic Law of the Supreme Court of Justice and the judgment issued by the Constitutional Chamber on August 7, 2013, did not provide a sufficiently clear legal basis to account for Court's sanctioning power pursuant to the principle of legality and, thus, prevent an arbitrary intervention to the freedom of expression of Henrique Capriles.

275. The Commission established that this situation violates the right to freedom of expression of Henrique Capriles. It noted that this type of sanction imposed is intended to protect the honor of court officials and to ensure decorum in the administration of justice. In this regard, it recalled the high threshold of tolerance that public officials must have in the face of critical expressions and the paramount importance of the flow of political opinions within the context of a presidential election. The Commission noted that, even if there were less burdensome pecuniary measures, the Constitutional Chamber imposed a fine for the highest amount provided for in local regulations, although the statements were made in the context of the filing of a judicial remedy. In addition, the Commission warned that the damage caused to freedom of expression was excessive compared to the benefits obtained. It also noted that the sanction was determined by the same persons who considered themselves harmed by the expressions in question. Based on the considerations contained in this report, the Commission concluded that the State of Venezuela violated the rights enshrined in Articles 8.1 (right to a fair trial), 9 (principle of legality), 13 (right to freedom of expression), 23.1.c (political rights), and 25 (right to judicial protection) of the American Convention, in relation to Articles 1.1 and 2 thereof, to the detriment of Henrique Capriles.

- **Milton Gerardo Revilla Soto v. Venezuela**

276. This case relates to the international responsibility of the State of Venezuela for the violation of several rights enshrined in the American Convention during the detention of and the criminal proceedings held against Milton Gerardo Revilla Soto, a retired army major.

277. At the time of the facts, Milton Gerardo Revilla Soto had retired from the armed forces and lived in Barquisimeto, state of Lara state. The petitioners claimed that, during his work with the Bolivarian National Armed Forces in the Venezuelan Catatumbo region between 2000 and 2002, the unit under his command managed to dismantle the logistics apparatus of Front 33 of the Revolutionary Armed Forces of Colombia (FARC), and at the same time, he uncovered a link between this group and members of the Venezuelan intelligence system, which he denounced internally. According to his testimony, in 2004 he requested his retirement due to the psychological damages suffered because of a series of accusations made against him, which linked him to the FARC. In 2003, members of said organization had filed a complaint against him before the Office of the Attorney General and the Vice Presidency of the Republic. Milton Revilla Soto indicated that he has since suffered political persecution as a result of the information in his possession.

278. On June 8, 2010, Milton Revilla was detained by members of the General Directorate of Military Counterintelligence (DGCIM) at the Simón Bolívar International Airport while he was waiting for the departure of his flight to Lima, Peru. He was taken to the DGCIM headquarters in Caracas, Venezuela, where he remained detained. On day 10 of that month, he was taken before the First Military Control Court of Caracas where a hearing was held and subsequently his pretrial detention was ordered for the alleged commission of military crimes against the security of the armed forces, espionage, and treason to the homeland. In addition, the General Directorate of Military Intelligence was designated as the place of confinement. On September 29, 2010, the preliminary hearing was held. The accusation was admitted only in relation to the military crime against the security of the armed forces, and the charges for the other crimes were dropped. The petitioners said that after the hearing, Mr. Revilla was isolated in cell no. 1 of the DGIM, which is called "La Tumba" (The Tomb). On January 26, 2011, precautionary measures in substitution to the deprivation of liberty were issued.



279. On February 15, 2012, Mr. Revilla was sentenced to six years and four months in prison, and he was also disqualified to hold public office for the duration of the sentence, due to the crime he allegedly committed against the security of the National Armed Forces. The petitioners indicated that he was prevented from filing an appeal because of the late notification of the conviction. The nullity appeal and any other appeals filed were rejected. On December 30, 2013, he was granted the benefit of open prison regime and on April 18, 2016, he was notified of the release order for having served his sentence.

280. In its report on the merits, the Commission established that it was proven that Milton Gerardo Revilla Soto was convicted of the crime against the security of the National Armed Forces provided for in Article 550 of the Organic Code of Military Justice, which describes an active subject of a generic nature that can be punished, and which does not seem to be limited to active military members. The Commission indicated that it has already ruled on the breadth and vagueness of Venezuelan rules governing military criminal jurisdiction, which in turn let civilians be tried by military courts.

281. With regard to the submission of retired military personnel to military jurisdiction, the Commission noted that the Inter-American Court stated that, since they are retired, they do not exercise specific functions of defense and foreign security, and therefore their prosecution in the military jurisdiction is not justified. In this sense, it ordered the Venezuelan State to establish limits on military jurisdiction by restricting its scope to those active military members. In the instant case, the fact that the victim was “retired” from the military at the time of the submission of his case to military jurisdiction has not been disputed. This status was even recognized in the conviction against him. Consequently, the Commission concluded that the right to be heard by a competent, independent, and impartial judge or tribunal was violated.

282. The Commission took note of the multiple allegations presented by the petitioners, which have not been challenged by the State, regarding the breach of due process in the investigations before the military criminal jurisdiction, and the public condemnation to which he was subject. The Commission considered that these elements together make it possible to show that the proceedings in the military criminal jurisdiction were not only lodged by authorities that were not competent, but also that they presented serious irregularities that were aimed at linking Mr. Milton Revilla to the commission of a crime, without allowing him to exercise his right to due process. All this was followed by various pronouncements from authorities or the media that linked him to said proceeding.

283. Moreover, the Commission stressed that the appeals filed were rejected without the courts conducting any substantive analysis regarding the violation of due process, nor did they declare their lack of jurisdiction. It also noted that since 2011 the victim has filed, both in court and out of court, several complaints and has resorted to various authorities so that the alleged violations against his human rights were remedied.

284. Hence, and considering the resolution of the Inter-American Court in the case *Usón Ramírez v. Venezuela*, the Commission considered it unnecessary to carry out an analysis on the parameters of legality, non-arbitrariness, substantiation, possibility to challenge, reasonableness of time limits, or with regard to the presumption of innocence, in relation to pretrial detention.

285. The Commission further noted that, along with the prison sentence handed down on February 15, 2012, Mr. Revilla Soto was imposed an additional sanction of political disqualification for the term of his sentence based on Article 407, Item 1, of the Organic Code of Military Justice. This additional sanction was applied by a military court which, according to the analysis conducted, lacked jurisdiction.

286. In its report, the Commission also analyzed whether the facts could be classified as torture and referred to the lack of the access to medical treatment that Mr. Revilla had in the context of his deprivation of liberty. The Commission noted that, as reported by the victim, the acts of torture were committed by DGIM officers at the agency’s headquarters. According to his allegations and complaints in the internal headquarters, the victim was subjected to interrogations during which he was hit in the head and received threats and electric

shocks in his intimate parts. He further indicated that he was locked in small cells for days, subjected to extreme temperatures and forced to stay all day with the lights on, and isolated from the rest of the detainees.

287. The Commission noted that the petitioners' allegations are consistent with other matters analyzed concerning the acts of torture committed in the DGCIM premises under circumstances similar to those stated by the victim. The Commission noted that Mr. Revilla and his defense reported these violations both within the military criminal courts and out of those courts. However, the Commission notes that it does not have any information whatsoever from the State to reflect that it has undertaken any investigations into the alleged acts of torture, with no evidence of the attribution of responsibilities or clarification of the facts. This is aggravated by the fact that they were executed while the victim was deprived of liberty, a circumstance under which the State acted as guarantor. Having assessed the above set of considerations and in the light of the aforementioned context and the lack of an investigation that would challenge what was stated by the petitioners, the Commission considered that there are sufficient elements to conclude that the victim was subjected to torture on his admission to the DGCIM.

288. In relation to the conditions of detention, the Commission considered it proved that the victim's health was impaired during the sentence and that there is a causal link between the deterioration of his health condition and the damage to his personal integrity as a result of the conditions of detention and the lack of medical assistance. In this regard, it stressed that the State did not provide evidence to prove that it had complied with its obligations to ensure accessibility to health care to Mr. Revilla.

289. Furthermore, the Commission noted that the victim alleged that he had begun to suffer political persecution by the authorities, in particular by officials of the DGCIM, after reporting the links between the FARC and the State of Venezuela in the early 2000s. He also denounced that, in the context of this persecution, just a month before his arrest, he had been the victim of intimidation and abuse of authority by state officials. This information was not challenged by the State. Furthermore, the prosecutor's own accusation relates the detention to the dissemination of information on such links and there were even documents found in the file that described him as an "opponent." The Commission also noted that the victim declared that he had been threatened during the proceedings, so as not to make statements regarding the Venezuelan government.

290. The Commission also observed that the victim was prosecuted on the basis of Article 550 of the Organic Code of Military Justice, which sanctions those who "disclose orders, slogans, documents or private or secret notices of the armed forces (...)." In this regard, the Commission stressed that national order or security cannot be translated into an absolute deprivation of the right to disseminate information of members of the armed forces, regardless of the context in which said information is issued or the type of information disseminated. It also considered that the vague wording of the regulations applied to this case encompasses the dissemination of more types of information than those strictly necessary to achieve the purposes pursued and, therefore, it is an absolute restriction. In this sense, this kind of restriction is not necessary in a democratic society. The Commission also noted that some of the information allegedly disseminated by Revilla Soto and for which he was sentenced would be of public interest.

291. Based on the factual and legal determinations in this report, the Inter-American Commission concluded that the State is responsible for the violations of the rights established in Articles 5.1 and 5.2 (humane treatment), 7.1 (personal liberty), 13.2 (freedom of thought and expression), 23.1 (political rights), 8 (right to a fair trial), 25.1 (judicial protection) and 26 (right to health) of the American Convention, in relation to Articles 1.1 and 2 thereof, and Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Milton Gerardo Revilla Soto.

- **Patricia Emilie Cuéllar Sandoval, Mauricio Cuéllar Cuéllar and Julia Orbelina Pérez v. El Salvador**

292. This case relates to the international responsibility of the State of El Salvador for the forced disappearance of Patricia Emilie Cuéllar Sandoval, Mauricio Cuéllar Cuéllar and Julia Orbelina Pérez, as well as the lack of due diligence in the investigation of the facts and the situation of impunity around them.

293. Patricia Emilie Cuéllar, a U.S and Salvadoran citizen, had been an active contributor to Christian movements since 1975 and served as secretary of the Christian Legal Aid Office from 1979 until 1980. Between August and September 1978, approximately 50 agents of the National Police, dressed in civilian clothes and heavily armed, raided her home and photographed it. On July 5, 1980, several security and armed forces officers raided her workplace. The National Police, in its report on the raid, described the members of the organization as “subversive,” which led the victim to resign from office.

294. On July 27, 1982, the day before her disappearance, Ms. Cuéllar went to the Christian Legal Aid Office to report that she was being persecuted by civilian-dressed security forces while she was in her vehicle. The next day, armed men wearing military uniforms searched Ms. Cuéllar’s apartment and took several household appliances, personal documents, and a vehicle with them. On the night of July 28, 1982, and the morning of the following day, Mauricio Cuéllar Cuéllar, father of Patricia Cuéllar, and Julia Orbelina Pérez, a domestic worker of their family, were violently evicted from Mr. Mauricio’s home.

295. In its report on the merits, the Commission considered that the victims were forcibly disappeared. The Commission took into account the context of forced disappearances against the backdrop of the Salvadoran armed conflict and, in particular, of the persecution suffered by members and people related to the Christian Legal Aid Office, known for emblematic cases, such as the murder of the Jesuit priests and the Archbishop of San Salvador, Monsignor Romero. To qualify the facts as forced disappearance, the Inter-American Commission on Human Rights also analyzed the evidence on the State’s participation, including the lack of an immediate and exhaustive response after the authorities became aware of their disappearances. It determined that there were consistent indicia pointing to the involvement of state agents in the detentions of the victims, and thus the State was obliged to carry out a thorough, serious, and diligent investigation to determine the veracity of or challenge the indicia on said participation.

296. The Commission established that search and investigation procedures were minimal. The judicial authorities did not initiate a thorough search within the first hours, or in the weeks and months following the facts. It further pointed out that the mere gathering of testimonies does not demonstrate a real effort to investigate the truth about the facts. The Commission did not see that efforts were made to determine the participation of state agents, and even after the end of the armed conflict, investigations were not undertaken to know the truth of what happened. Even though on July 31, 1998, Mr. Francisco Alvarez, Ms. Cuéllar’s former husband, filed a writ of habeas corpus exposing all the facts, including the previous persecution against Ms. Cuéllar, the authorities only requested information from state security agents on any detentions of the victims.

297. Given that disappearance in this context has a differentiated impact due to the risk of the victim to suffer from sexual violence, the State has a duty of enhanced due diligence, given the vulnerable situation women face. In this regard, the Commission noted that the authorities did not take any probative steps to learn the truth or its possible differentiated impact on the female victims, and the possibility that it was framed in a context of a specific violation of women’s rights within the Salvadoran armed conflict.

298. In addition, the State did not guarantee due diligence in such investigations, the facts remained in impunity and this, in turn, constituted a source of suffering and anguish for the families of the victims. After analyzing the impacts of the forced disappearance of women on their families, the Commission noted that the disappearance of the two female victims had a particular impact on their children.

299. Based on the foregoing, the Commission concluded that the State of El Salvador is responsible for the violation of the rights to legal personality, life, humane treatment, personal liberty, fair trial and judicial protection set forth in Articles 3, 4, 5, 7, 8 and 25 of the American Convention on Human Rights, in relation to the obligations established in Article 1.1 thereof, to the detriment of Patricia Emilie Cuéllar Sandoval, Mauricio Cuéllar Cuéllar and Julia Orbelina Pérez.

- **Denise Peres Crispim, Eduardo Collen Leite et al v. Brazil**

300. This case relates to the international responsibility of the State of Brazil for the arbitrary arrests and torture committed against political advocates Eduardo Collen Leite and Denise Peres Crispim, the extrajudicial execution of Collen Leite, and the impact on Eduarda, their daughter, as well as the state of impunity surrounding the facts. The facts of this case are framed within a well-known context of serious human rights violations committed during the civil-military dictatorship established in Brazil after the coup d'état of March 31, 1964, which continued until 1985.

301. On July 23, 1970, Denise Peres Crispim, who was six months pregnant, was detained by members of the Execution Division of Operation Bandeirantes (OBAN) and taken to the State Department of Political and Social Order (DEOPS), where she was subjected to continuous interrogation and torture for a week. On August 11, 1970, she was transferred to the Santana Military and Maternity Hospital, where she remained under military custody until October 1, 1970, the date on which Eduarda, daughter of Denise Peres Crispim and Eduardo Collen Leite, was born. On October 26, Ms. Peres Crispim was released and was required to appear regularly before the military authorities.

302. Eduardo Collen Leite was, in turn, arrested in Rio de Janeiro on August 21, 1970, by the DEOPS police from São Paulo and taken to a clandestine torture center linked to the Brazilian Navy Information Center (CENIMAR). He was later transferred to various places of detention and clandestine torture centers, to be later taken to São Paulo, where he was detained in the facilities of the Department of Information Operations - Center for Internal Defense Operations (DOI-CODI) of the II Army and, in October, transferred to the DEOPS. On October 27, 1970, the victim was removed from his cell.

303. According to the conclusions of the National Truth Commission (CNV), Eduardo Collen was in state custody until December 8, 1970, the day on which it was circulated that he had allegedly died in a shooting. According to the CNV, the victim was killed at the Andradas Barracks, in the city of Guarujá, São Paulo, by an Army major following the orders of Colonel Erar de Campo Vasconcelos. According to the Amnesty Commission, the death of Eduardo Collen was “the most terrible of the entire Brazilian dictatorship,” since “from the date of his imprisonment on August 21, 1970, until December 8, 1970, he was incessantly tortured by various repressive bodies [...] as the greatest of trophies and a display of what the dictatorship could do.” Eduardo Collen’s body, which had clear signs of torture, was abandoned in a cemetery in the city of Santos and then handed over to his family.

304. In August 1971, Denise Peres Crispim and her daughter entered the Chilean Embassy in Brazil, where they were granted diplomatic asylum, and they remained in the Embassy building for 11 months. On October 28, 1971, Peres Crispim was sentenced in absentia by the military justice to 18 months in prison, and in May 1972, an order of imprisonment was issued against her. In July 1972, both mother and daughter obtained authorization to leave Brazil and headed to Chile. Denise Peres Crispim was again sentenced in absentia to 10 years in prison, thus losing her political rights. After the coup d'état in Chile in 1973, the victims went to live in Italy as refugees.

305. With regard to the investigation of the facts, in the face of the complaint for torture against Eduardo Collen Leite filed with the 2nd Audit of the Military Justice of São Paulo, no investigation whatsoever was launched. On July 1, 2011, Ms. Peres Crispim filed a criminal complaint with the Federal Public Prosecutor’s Office for the torture and execution of Eduardo Collen Leite. On February 3, 2012, the Federal Public

Prosecutor's Office classified the facts as aggravated homicide but requested that the case be closed because of the application of the statute of limitations on the criminal action. It also considered that Brazilian legislation does not recognize the criminal type of crimes against humanity or the non-applicability of statutory limitations to these crimes.

306. In its report on the merits, the Commission observed, with respect to the arrest of Eduardo Collen Leite, that there were no indications of an arrest warrant, flagrancy, or that the victim knew the reasons for his arrest given that he was beaten, and, after fainting, he was detained. Nor is it known that he was placed at the disposal of a competent judge for judicial review of the detention, which lasted from August 21 until December 8, 1970. With regard to the treatment of the victim during his detention, the Commission concluded that the elements that define torture were present. Finally, the Commission determined that Eduardo Collen Leite was a victim of an extrajudicial execution, taking into account that he was in the custody of the State and that Brazil did not challenge the CNV's conclusion that the victim was executed on the orders of a colonel.

307. The Commission further established that Denise Peres Crispim was also the victim of an arbitrary detention and torture. In addition, since the victim was pregnant, the Commission analyzed the facts in light of the applicable international standards on the rights of pregnant women deprived of liberty. In this regard, it stressed that her pregnancy constituted a condition of particular vulnerability, so that the arbitrary deprivation of liberty and torture generated an even more disproportionate impact, as well as the violation of other rights.

308. With respect to the investigation, the Commission considered that the State did not diligently investigate the facts, which were initially investigated by the military criminal justice system, which does not meet the requirements needed to investigate and prosecute human rights violations. It noted that the criminal complaint before the ordinary courts for the torture and execution of Eduardo Collen Leite was closed due to the application of the statute of limitations, and that the construal by the judiciary of Law No. 6.683/79 (Amnesty Law) would continue to prevent such crimes from being punished. The Commission concluded that both the statute of limitations and the interpretation of the amnesty law constitute elements of impunity that are incompatible with the State's obligations in the matter.

309. Moreover, the Commission observed that, although the State had become aware of the facts related to the detention and torture suffered by Denise Peres Crispim, there is no evidence that it has initiated an immediately diligent, reinforced and gender-focused investigation of the facts *ex officio*. Finally, the Commission concluded that Denise Peres Crispim and her daughter, Eduarda, were forced to leave Brazil and seek refuge because of the persecution suffered by the Brazilian dictatorship, and that the facts in the case also amounted to a violation of Eduarda's right to humane treatment. The Commission valued the administrative reparations granted in the case at hand; however, it determined, among other aspects, that such reparations are partial since they do not comprise all the human rights violations declared in the report on the merits.

310. Based on the foregoing considerations, the Commission concluded that the Brazilian State is responsible for the violation of the rights enshrined in Articles I, VII, VIII, XVIII, XIX, XXII and XXV of the American Declaration and of the rights enshrined in Articles 5.1, 8.1 and 25.1 of the American Convention on Human Rights, in relation to Articles 1.1 and 2 thereof. It also concluded that the State is responsible for violating Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, and Article 7(b) of the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (Convention of Belém do Pará).

- **Juan Pedro Lares Rángel et al v. Venezuela**

311. This case refers to the persecution and harassment against the mayor of the city of Campo Elias in Mérida, Omar Adolfo de Jesús Lares Sánchez, the violation of his political rights and his freedom of movement; the forced disappearance, illegal deprivation of liberty and torture of his son Juan Pedro Lares

Rángel, and the violation of the rights to fair trial, to judicial protection and to humane treatment of his family members.

312. In May 2017, the Supreme Court of Justice issued 40 sentences against 16 mayors, including Mr. Omar Adolfo Lares, ordering the mayors of opposing parties to prevent “meetings on public roads that restrict free movement.” After several months of protest, on July 30, 2017, approximately 200 officials of the Bolivarian National Intelligence Service (SEBIN), a tanker and a helicopter surrounded the home of the Lares Rángel family, shot against the buildings and entered the house without a search warrant and looted it. Juan Pedro Lares, son of Mayor Lares, was arrested, without a warrant, while he was trying to escape through the roofs. He was later sprayed with gasoline and threatened to start a fire if he did not say where his father was. He was also beaten and threatened with torture. After his arrest, he was taken to unknown whereabouts for three days.

313. On July 31, 2017, Juan Pedro Rángel’s mother reported the facts to the Prosecutor’s Office and instituted criminal proceedings with the Office of the Public Prosecutor. His whereabouts were not known until August 15, 2017, when his mother was allowed to enter El Helicoide for a consular visit. Ramona Rángel also reported the case to the Ombudsperson with the support of the Colombian Ministry of Foreign Affairs (since she and her children have Colombian nationality) and filed a writ of habeas corpus. On September 28, she claimed before the Attorney General that Juan Pedro had not been brought before the judicial authorities and required the restitution of his rights. Juan Pedro was not brought before a judge. Finally, he was released on June 1, 2018, in the context of a mutiny that took place in May. According to the information provided by the petitioners, which was not challenged by the State, Juan Pedro Lares slept on the floor, had no water to bathe, did not receive food and was confined 24 hours a day in a cell; he was never allowed to visit his lawyer, and he was in poor health conditions without medical assistance.

314. After the arrest warrant issued on July 30, 2017, against Omar Lares, he announced that he was going into hiding and managed to move to Colombia, where he applied for asylum. After the release of Juan Pedro Lares, he and the rest of his family moved to Colombia. In its Report on Admissibility and Merits No. 390/21, the Commission determined that the State violated Juan Pedro Lares’ right to personal liberty. Indeed, it determined that his detention was illegal and arbitrary because, according to the information available, the alleged victim was not found in flagrante delicto and there was no arrest warrant issued for said purpose. The Commission considered that, according to the information available, at no time were the reasons for his detention informed, nor did he appear on the list of detainees in the detention center where he was held, and he remained incommunicado. On June 1, 2018, at the time of his release, he was not given a release order; thus, his release was granted in a “clandestine manner.”

315. Likewise, the Commission determined that the State has violated Juan Pedro Lares’ right to humane treatment since the moment he was first arrested and was subjected to physical and psychological torture. This is due to the physical and verbal aggressions he suffered, as well as the threats to be burnt, electrocuted, tortured with a bag, and the fact that he was kept incommunicado and in the conditions of detention described above. The Commission also concluded that the elements constituting enforced disappearance were present and considered that the illegal and arbitrary detention of Juan Pedro was carried out by state agents with the subsequent refusal to make his whereabouts known despite the requests and complaints filed by his mother.

316. Furthermore, it noted that, according to the information available, at no time, even after his whereabouts were confirmed, was Juan Pedro included in the list of detainees in El Helicoide. In this regard, it determined that his rights to life, to humane treatment and to personal liberty were violated, as well as Article I.a of the American Convention on Forced Disappearance of Persons. Moreover, the Commission determined that the State violated the right to inviolability of the home given the arbitrary and abusive entry, without legal authorization or the consent of the Lares Rángel family to their home. It also determined the violation of the personal integrity of the members of the Lares Rángel family as a result of the rights violations committed

against Juan Pedro Lares, which caused a deep feeling of pain, anguish and uncertainty. The Commission determined that the State violated the rights to fair trial and to judicial protection, as well as the right to have a remedy to challenge his detention, given that, despite the complaints filed by Ramona Rángel, no information was provided on the responses to, results from, or progress on investigations by the authorities. Nor was an investigation initiated into the allegations of torture even though the State was aware of the allegations of torture.

317. Finally, the Commission further determined that the State violated the political rights and the right to freedom of movement and residence of Omar Adolfo Lares, who was a mayor at the time of the facts. Consequently, he was forced to move and was unable to continue serving as mayor, an office to which he had been elected. Based on the foregoing, the Commission concluded that the State is responsible for the violation of the rights to life, to humane treatment, to personal liberty, to the protection of honor and dignity, to a fair trial and to judicial protection, political rights, and the right to freedom of movement and residence provided for in Articles 4.1, 5.1 and 5.2, 7, 8.1, 11.2, 22.1, 23.1.c and 25.1 of the American Convention, in relation to Article 1.1 thereof. The Commission also concludes that the State is responsible for violating Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, and Article I.a of the Inter-American Convention on Forced Disappearance of Persons, all this, to the detriment of Juan Pedro Lares Rángel, Omar Adolfo de Jesús Lares Sánchez, Ramona Emilia Rángel Colmenares, Astrid Aranxa Lares Rángel and Jesús Adolfo Lares Rángel, as established in this report.

- **Almir Muniz da Silva v. Brazil**

318. This case relates to the international responsibility of the State of Brazil for the disappearance of Almir Muniz da Silva, a rural worker, and an advocate for the rights of rural workers in the state of Paraíba, and for the situation of impunity in relation to the facts.

319. Almir Muniz da Silva was an active member of the rural workers' association of Itabaiana, in Paraíba. He testified at the Parliamentary Investigation Commission on violence in the countryside and the formation of rural militias in the state of Paraíba on May 9, 2001, noting the violent actions taken by police agents against rural workers in the region. In his statement, he pointed to civil police officer Sergio de Souza Azevedo as "the main responsible for the violence against workers in the region." According to testimonies, the animosity of the police officer toward rural workers, and in particular towards Mr. Muniz da Silva, goes back to the occupation of the Tanques country estate by rural workers in 1986.

320. On December 23, 2000, Mr. Muniz da Silva was threatened with death by the same police officer. On the morning of June 29, 2002, Mr. Muniz da Silva was last seen as he was driving in a tractor from the local rural workers' association towards a road that crossed the country estates of Veneza and Tanques, heading to his home. The tractor was seen approaching the farm, stopping for about five minutes, and returning to the original road. Relatives of the victim heard four shots coming from the Tanques country estate, followed by a pause and three more shots. On the night of June 29, 2002, the family members began their search for Mr. Muniz da Silva and went to the police station of Itabaiana, where de Souza Acevedo worked, to report the disappearance. The authorities did not allow the relatives to file the complaint and also rejected their request to search the region. On the following day, the family managed to file the complaint, but no immediate and diligent action was taken to determine what had happened, find the whereabouts of the victim, and punish those responsible for the acts.

321. In its report on the merits, the Commission found that, to date, there is no account of what happened, since the case was closed without the facts being clarified or the people responsible punished. The Commission concluded that the three constituent elements of forced disappearance were present. There are several pieces of evidence indicating that Mr. Muniz da Silva was allegedly killed by a police officer, with the subsequent disappearance or concealment of his remains. Furthermore, the Commission observed that the response of the authorities, once the disappearance became known, was neither immediate nor diligent, and

thus contributed to the failure to unveil the fate or whereabouts of the victim. The Commission even noted that, prior to the disappearance, the State had not had an adequate response to the first threat issued against the victim by a police officer in 2000, despite the fact that it could have been deemed as a death threat. In this regard, the Commission concluded that, although the authorities were aware of the situation of risk towards Mr. Muniz da Silva's rights, they did not take the measures required to protect him, in spite of the context of militia activities in the state of Paraíba, in which the police was allegedly engaged, and the special risk environment faced by rural workers leaders, as was the case with the victim.

322. The Commission also established that there are a number of elements in the file that confirm the lack of due diligence throughout the investigation followed by the disappearance of the victim. First, no immediate search and investigation procedures were performed. Secondly, evidence was not collected, and some of the measures reasonably necessary to investigate seriously and thoroughly the disappearance were not taken. In addition, none of the logical lines of investigation followed show that the link between the disappearance and the human rights advocacy of the victim as a leader of rural workers was seriously investigated. Third, the Commission noted that insufficient resources were allocated to the case investigation team.

323. Finally, the Commission also stressed that, since the State of Brazil had not included the criminal definition of forced disappearance through the legal devices provided for in its legislation and with all its constituent elements, it failed to comply with its obligation to adopt provisions of domestic law. With regard to reasonable time, the Commission noted that, as of the disappearance occurred on June 29, 2002, more than six years elapsed until the adoption of the decision accepting the proposal of the Prosecutor's Office to file the case for lack of evidence on the authorship of the crime, which was a logical consequence of the deficiencies of the investigation. The Commission considered that this term is unreasonable and that the complexity of the case, the actions of the authorities and those of family members cannot explain or justify this excessive time taken.

324. The Commission also observed, in relation to the effect generated by the legal situation, that the murder of a human rights defender and the subsequent state of impunity has an impact not only at the family level, but it also has an intimidating effect on other human rights defenders. Finally, the Commission also concluded that the State of Brazil is responsible for the violation of the right to freedom of association, given that the forced disappearance of Mr. Muniz da Silva was not only intended to silence the victim's claims, but it also has a discouraging effect on others in the movement of workers claiming for their lands. Finally, it concluded that the State violated the right to personal integrity of Mr. Muniz da Silva's family members.

325. On the basis of these determinations, the Commission concluded that the State of Brazil is responsible for the violation of the rights enshrined in Articles 3 (legal personality), 4 (life), 5.1 (personal integrity), 7 (personal liberty), 8.1 (a fair trial), 16 (freedom of association) and 25.1 (judicial protection) of the American Convention, in relation to Article 1.1 and Article 2 (duty to adopt domestic provisions) thereof, to the detriment of Almir Muniz da Silva and his relatives. In addition, it concluded that the State failed to comply with the obligations contained in Articles I and III of the Inter-American Convention on Forced Disappearance of Persons, as of the date on which Brazil became a party to said treaty.

- **César Daniel Camejo Blanco v. Venezuela**

326. This case relates to the international responsibility of the State of Venezuela for a series of violations of the victim's human rights in the context of his deprivation of liberty and the criminal proceedings held against him.

327. In January 2011, Prosecutor's Offices No. 74 and No. 83, with competence over corruption, banks, insurance and capital markets and against capital legitimation, financial and economic crimes, requested a ban on leaving the country against César Daniel Camejo Blanco, who was the president of the Board of



Directors of Casa Propia Entidad de Ahorro y Préstamos C.A [a savings and loans entity], within the framework of an investigation of diversion of financial resources and association to commit crimes for the signing of two trust contracts in 2009 for the purchase of securities (the ownership of which could not be determined). Mr. Camejo Blanco was arrested at the Maiquetía Airport on January 23, 2011, under the prohibition order to leave the country. After the lower court responsible for the case declared the nullity of the detention for the absence of a judicial arrest warrant or of a situation of flagrante delicto, in that same resolution, it ordered Camejo Blanco's pretrial detention; therefore, he continued to be detained at the headquarters of the Bolivarian National Intelligence Service [SEBIN].

328. On February 1, 2011, an appeal was filed with the Court of Appeals of the Criminal Judicial Circuit of the Metropolitan Area of Caracas to challenge the pretrial detention measure imposed on Camejo Blanco, and to argue that he had not had access to the case file; the representatives of the Office of the Public Prosecutor had not opened an investigation into the case; and the lower court had not specifically determined which were the illegal actions charged against Camejo Blanco. Said appeal was admitted by Chamber No. 10 of the Court of Appeals of the Criminal Judicial Circuit of the Metropolitan Area of Caracas.

329. In March 2011, the defense counsel requested the immediate release of Camejo Blanco before the Criminal Chamber of the Supreme Court of Justice and denounced that it had no access to the file and that the Public Prosecutor's Office's accusation at the close of the investigation stage had been submitted with irregularities and had not been notified to the party. Moreover, they submitted to the Criminal Chamber information on the request to the prosecutors. The petitioners highlighted that on July 18, 2011, the Criminal Chamber of the Supreme Court of Justice sent the case back to its court of origin without having addressed their requests. On March 10, 2011, the defense counsel filed a writ of habeas corpus before the Constitutional Chamber of the Supreme Court, which was declared inadmissible on April 26, 2011.

330. The petitioners held that on January 17, 2013, Camejo Blanco was released under an alternative measure of prohibition on leaving the country; that the oral and public trial against him had not yet been held and that a new pretrial detention measure had been imposed on him, which forced him into exile. The State did not challenge this information. In its report on admissibility and merits, the Commission held that Mr. César Daniel Camejo Blanco was arrested on January 23, 2011, at the Maiquetía Simón Bolívar Airport and transferred to the headquarters of the Bolivarian National Intelligence Service as a result of a measure imposing a ban on him leaving the country.

331. The Commission notes that, pursuant to the domestic law of the State of Venezuela, an individual may be detained based on a prior court order or in a situation of flagrante delicto, a concept which is defined by the Code of Criminal Procedure of Venezuela. The Commission considered that the arrest of the victim was illegal because it was not carried out with a court order and, moreover, no court order had been notified to him. Likewise, there were no elements to show that Camejo Blanco was detained in a situation of flagrante delicto, or to prove that under the circumstances in which the victim was found, the deprivation of liberty was appropriate pursuant to the Venezuelan legal framework. Therefore, the Commission understands that the detention took place in violation of the Article 7.2 of the American Convention. The Commission also noted that the State failed to demonstrate that Camejo Blanco was duly informed of the reasons for his detention, in violation of Article 7.4 of the American Convention.

332. Even though on January 25, 2011, Lower Court No. 50 declared the absolute nullity of Camejo Blanco's arrest, the Commission noted that pretrial detention of the victim was ordered on the grounds that the flight risk had allegedly been proven. After analyzing the Venezuelan legal framework, and specifically the provisions of the Organic Code of Criminal Procedure that govern said matter, the Commission noted that the mere existence of evidence that preliminarily supports the involvement of the accused in a conduct punishable with a sentence of imprisonment equal to or greater than ten years would constitute sufficient grounds to order the pretrial detention. Consequently, the Commission considered that the order of pretrial detention was substantially based on the possible sentence to be applied and on general statements (for example, that Mr.

Camejo Blanco could have known the location of witnesses and officials). The Commission considered that the foregoing constitutes a violation of both Article 7.3 and Article 8.2 of the American Convention in relation to Article 2 thereof.

333. Moreover, in its report, the Commission considered that the period of time during which Camejo Blanco was detained, without having a founded decision on the reasons why his flight risk was considered, exceeded the criteria of reasonableness, and no periodic review of the measure was undertaken, as provided for in Article 7.5 of the American Convention. In addition, the remedies filed by the victim to obtain his release were not effective, since the Constitutional Chamber of the Supreme Court of Justice did not conduct any analysis of the case in light of inter-American standards to protect the right to personal liberty and to ensure the full observance of the principle of presumption of innocence. Thus, the Commission notes that, according to the information provided, the writ of habeas corpus filed by Camejo Blanco did not provide him with an effective and non-illusory protection to his right to personal liberty, all this in violation of Articles 7.6 and 25 of the American Convention.

334. In its analysis of the exercise of the principle of legality, the Commission noted that the General Law on Banks and Other Financial Institutions, which establishes the crime of misappropriation or embezzlement provided for in Article 379, with which Camejo Blanco was charged, was repealed in 2010 by the Law on Institutions in the Banking Sector, mainly its Article 213, which was in turn modified by Decree No. 8079, and combined in its writing both articles. The Commission observed that the unlawful conduct described in the different and successive criminal laws clearly differed from one another. One law refers to the appropriation of resources, another refers to presentation of false information with the purpose of misappropriation or embezzlement, and another stipulates a combination of both.

335. The Commission further observed that the succession of different criminal types led to a situation of lack of predictability for the victim. Besides, the most favorable criminal norm should have been applied. However, there is no evidence that such an analysis was performed in the instant case, since the criminal law which criminalized the misappropriation or embezzlement was simply applied, despite the fact that a subsequent law did not criminalize that specific conduct, but rather the submission or execution of false documents. Therefore, the Commission concluded that the State violated the principle of legality.

336. With regard to the right to a fair trial and judicial protection, the Commission observed that the State did not provide effective protection to the right to a fair trial of Camejo Blanco, who reported multiple irregularities. Among them, he claimed he did not have access to the file and that the Office of the Public Prosecutor did not provide him with the evidence on which the criminal charges against him were based nor notified him of the end of the investigation. Based on the analysis above, the Commission concludes that the State of Venezuela violated the rights enshrined in Articles 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 (right to personal liberty), 8.2 (right to a fair trial), 9 (principle of legality) and 25.1 (right to judicial protection) of the American Convention, in relation to Articles 1.1 and 2 thereof, to the detriment of César Daniel Camejo Blanco.

- **Agapito Pérez Lucas, Nicolás Mateo, Macario Pú Chivalán, Luis Ruiz Luis and family members v. Guatemala**

337. This case relates to the international responsibility of the State of Guatemala for violating a series of rights protected by the American Convention on Human Rights and the Inter-American Convention on Forced Disappearance of Persons as a result of the detention of Mr. Agapito Pérez Lucas, Mr. Nicolás Mateo, Mr. Macario Pú Chivalán and Mr. Luis Ruiz Luis in April 1989, and their subsequent forced disappearance, as well as the situation of impunity surrounding the facts.

338. In its Report on the Merits No. 386/21, the Commission considered that the facts denounced took place in a historical context widely known by the protection bodies of the inter-American human rights system and documented by the Historical Clarification Commission in its final report entitled Guatemala Nunca

Más. This context was marked by the internal armed conflict that took place from 1962 to 1996, which disrupted the country's democracy and Rule of Law, and caused serious human and material losses. In particular, the Inter-American Commission pointed out that the "scorched earth" policy – inspired by the notion of "an internal enemy" and by the so-called "national security doctrine" – implemented by institutions of the Guatemalan State and by para-state actors in their struggle against insurgent groups led to multiple and serious violations of human rights and, in particular, the violation of the rights to life, to humane treatment and to personal liberty to the detriment of intellectuals, artists, students, teachers, trade union leaders and other social actors who were seen as opponents to the prevailing political regime.

339. Within this context, Mr. Macario Pú Chivalán, Mr. Luis Ruiz Luis, Mr. Agapito Pérez Lucas and Mr. Nicolás Mateo were active members of the Runujel Junam Council of Ethnic Communities (CERJ) and worked in the promotion and defense of human rights in communities located in the department of Quiché. In particular, their work focused on preventing and avoiding the forced recruitment of peasants from the area by Civil Defense Committees or Civil Self-Defense Patrols who fought against insurgent groups. As a result of these efforts, the victims and their families were threatened and, in March 1989, they and their families had to move to the Trinidad Miramar farm, in the municipality of Patulul, department of Suchitepéquez, to work in the coffee harvest.

340. On April 1, 1989, at night, a group of armed people who were wearing the regular uniform of the Guatemalan armed forces broke into the Trinidad Miramar farm and deprived Mr. Agapito Pérez Lucas and Mr. Nicolás Mateo from their liberty. The family members of the victims were not informed of the location to which their loved ones were taken or the reasons for their arrest. Despite the fact that the victims' family members met with several state authorities in the days following their disappearance, the whereabouts of Mr. Pérez Lucas and Mr. Mateo remain unknown. Likewise, on April 7, 1989, Mr. Pú Chivalán and Mr. Ruiz Luis were also violently detained at the Trinidad Miramar farm. To date, there is also no information regarding the place to which they were transferred, the reasons for their detention and their respective whereabouts.

341. In its Merits Report No. 386/21, the Commission concluded first that, in accordance with the elements available in the case file, the victims had been forcibly disappeared. In this regard, the Commission determined that the victims had been deprived of their liberty by state agents, and there was a refusal to report on their whereabouts or fate. In particular, the Commission noted that despite the efforts undertaken by the families of the victims in the days following the military operations of April 1 and 7, 1989, the State's response was not aimed at determining what happened and finding out the whereabouts of Mr. Macario Pú Chivalán, Mr. Luis Ruiz Luis, Mr. Agapito Pérez Lucas, and Mr. Nicolás Mateo. In spite of the two writs of habeas corpus filed by the CERJ on April 4 and 10, 1989, the State did not submit information regarding the proceedings established in connection to said remedies, nor did it inform about any proceedings or investigations being carried out by the competent organs of the State to determine the fate of the victims in the instant case.

342. Secondly, in its report on the merits, the Commission concluded that the forced disappearance of the victims was linked to the human rights work they had been carrying out as members of the Runujel Junam Council of Ethnic Communities (CERJ), and in particular, to the activities they had conducted to prevent the forced recruitment of peasants by Civil Self-Defense Patrols. Consequently, the Commission concluded that the State of Guatemala is responsible for the violation of the right to associate freely in defense of human rights enshrined in Article 16.1 of the American Convention on Human Rights.

343. Third, the Commission considered that the State did not investigate the facts diligently or within a reasonable time. In particular, the actions that the judicial authorities had taken in the first days after the victims' forced disappearance were not included in the file, nor were they informed by the State of Guatemala. The Commission also observed that the files containing the judicial proceedings carried out in 1989 following the writ of habeas corpus lodged by the victims' legal representatives were allegedly lost in a fire that affected the judicial archives in 1993.

344. With respect to a judicial investigation initiated in 2006 as a result of a new writ of habeas corpus lodged by the CERJ, the Commission verified that said investigation should have been carried out from the very beginning, that is, no actions or proceedings were carried out in the first days after the facts of April 1989 that could be useful to clarify what happened. In addition, the Commission noted that the Office of the Prosecutor for Human Rights who participated in the investigation faced numerous difficulties when exploring in depth any investigation hypotheses. For example, the Guatemalan Army and the Ministry of Defense of Guatemala have been reluctant to respond to requests for information made by the Prosecutor for Human Rights, which prevented access to basic information on the facts, such as the name of the military units that were operating in the area where the facts took place and the list of officers in charge of said units.

345. The Commission stressed that the information in the file did not indicate that there was a proactive investigation plan or strategy undertaking, for example, an active search for possible witnesses to the facts, analyzing documentation in various records or exploring the possibilities that forensic anthropology or other disciplines could offer.

346. In addition, with respect to the guarantee of a reasonable time, the Commission observed that there were periods of inaction that were not justified by the State, particularly during the 1990s. The Commission also highlighted that the current investigation was initiated in 2006 without any person being identified as responsible for the facts to date, nor has the fate of the victims been clarified in spite of the time that has elapsed since their disappearance.

347. Finally, fourthly, in its report on the merits, the Commission concluded that the facts reported above and attributable to the State violated the right to humane treatment of the victims' family members, as a result of the deep feeling of pain, anguish and uncertainty they have endured after having resorted to various authorities and having undertaken multiple judicial and extrajudicial search actions that proved fruitless. These feelings worsened due to the lack of an effective and diligent investigation.

348. In light of all the foregoing, the Inter-American Commission concluded in its report on the merits that the State of Guatemala is responsible for the violation of the rights to legal personality, to life, to humane treatment, to personal liberty, to freedom of association in defense of human rights, to a fair trial and to judicial protection, in accordance with what is enshrined in Articles 3, 4.1, 5.1, 7.1, 16.1, 8.1 and 25.1 of the American Convention, in relation to Article 1.1 thereof. In addition, the Commission concludes that the State is responsible for not complying with the obligations set forth in Articles I.a and I.b of the Inter-American Convention on Forced Disappearance of Persons as of February 25, 2000, date of deposit of said instrument by the State of Guatemala.

- **Jhon Ricardo Ubaté and Gloria Bogotá v. Colombia**

349. This case relates to the international responsibility of the State of Colombia for the forced disappearance of Jhon Ricardo Ubaté and Gloria Bogotá within the framework of a police operation carried out by the Anti Kidnap and Extortion Unit of the Police (UNIE) in 1995, as well as the subsequent situation of impunity surrounding such facts.

350. Jhon Ricardo Ubaté and Gloria Bogotá had been members of the People's Liberation Army (EPL) until they were demobilized in 1991. Jhon Ricardo Ubaté was also a member of the Human Rights Committee of Comuna 20 in Cali and, according to the petitioners, he had denounced acts of violence committed by paramilitary groups in said area.

351. On May 19, 1995, Jhon Ricardo Ubaté and Gloria Bogotá were making a phone call outside a health clinic in Cali when they were kidnapped by a group of between four and six heavily armed men carrying two-way radios. After receiving a report, the Metropolitan Police alerted police units and ordered them to intercept the vehicle transporting the victims. However, when the Metropolitan Police managed to find the

vehicle, since the descriptions of the vehicle matched those of a vehicle of the Anti-Kidnap and Extortion Unit of the Police (UNIE) that was allegedly carrying out a police operation, it was decided to finish the vehicle search.

352. On July 21, 1995, the Cali Regional Prosecutor's Office initiated a preliminary investigation into the facts and on December 18, 1995, the case was reassigned to the National Human Rights and International Humanitarian Law Unit of the Office of the Attorney General. The Prosecutor's Office imposed security measures against three agents of the National Police-UNIE for the crimes of aggravated kidnapping, false testimony, breach of official duty due to unlawful legal advice and misrepresentation in a public document. After a conflict of competence that arose between the ordinary criminal jurisdiction and the military criminal jurisdiction, on August 14, 1997, the Superior Council of Judicature declared the ordinary courts competent to continue with the processing of the case.

353. On January 30, 2004, the Fourth Criminal Court of the Circuit of Cali issued a first instance judgment acquitting the four police agents that had been charged. This judgment was not challenged and became final on February 18, 2004. The petitioners alleged that, according to the records of the National Postal Service Office of the city of Cali, the judgment was not notified to them, and they only learned about it on June 23, 2004, when they asked the court for information on the progress of the case. The petitioners also filed a nullity appeal with the Fourth Criminal Court so that the judicial proceedings were annulled as a result of the fact that their right to defense had been violated. However, this appeal and the subsequent writ for protection aimed at reversing the situation were rejected. The criminal investigation was suspended on October 14, 2005. The State reported that, as of September 12, 2019, certain proceedings were carried out within the framework of the criminal investigation of the case, and that on July 17, 2020, a follow-up committee, which included members of the Internal Working Group on the Search, Identification and Return of Missing Persons of the Office of the Attorney General, was created to establish actions aimed at the search for the victims.

354. On June 19, 2001, the Office of the Prosecutor for Human Rights determined the disciplinary responsibility of three police agents for the victims' disappearances and imposed a primary sanction, the agents' dismissal, and an accessory sanction, disqualifying them from holding public office for a period of five years. On December 7, 2001, the Disciplinary Chamber, in response to an appeal filed by the police agents, revoked the judgment and exonerated them from liability. The action for direct revocation filed by the petitioners against the administrative act of acquittal was rejected on September 5, 2002, as well as the writ for protection, the nullity appeal and the request for the restoration of rights subsequently filed. On December 28, 2000, the Judgment Chamber of the Administrative Contentious Court of Cali admitted the direct reparation claim filed against the State (Public Prosecutor's Office, National Police) by the family members of the victims.

355. In its report on the merits, the Commission considered that there were elements in the file to describe what happened to John Ricardo Ubaté and Gloria Bogotá as forced disappearance. First of all, the Commission considered it proved that the victims were deprived of their liberty on May 19, 1995, by state agents, given the fact that it was determined that the vehicle on which the victims were driven belonged to the Anti Kidnap and Extortion Unit of the Police. In addition, the Commission considered that the state agents did not bring the victims before the judicial authorities, but rather attempted to explain that the facts were part of an alleged operation. In addition, the family members of the alleged victims indicated that they had been under pressure not to testify, since there were different cover-up mechanisms aimed at denying that the victims had been arrested or hiding their fate or whereabouts.

356. With regard to the investigation of the facts and the search for the victims, the Commission observed that, although the complaint was filed with the Prosecutor's Office on May 25, 1995, there is no record proving that a search was ordered. Therefore, it concluded that the State's response was not immediate and timely as required when there is a complaint on forced disappearance. Furthermore, there is no information indicating that the State has continued its search and found the whereabouts of the victims. As for the due diligence of the investigations, the Commission considered that the State failed to clarify what happened and

to punish those responsible, and therefore the facts denounced remain unpunished. In particular, the Commission noted that persons involved in the facts died, and that those accused were acquitted, without any evidence that the State carried out or drove forward proceedings to investigate other persons who may have been involved in the facts. The Commission considered that over 25 years have elapsed, and the facts denounced remain in total impunity, which also constitutes a violation of the guarantee of a reasonable time.

357. Finally, the Commission noted that Astrid Liliana González Jaramillo, Jhon Ricardo Ubaté's girlfriend, was subjected to threats, harassment, and a kidnapping attempt as a result of her acts denouncing the disappearance of the victims; she was forced to flee the country. The Commission also pointed out that there is no information available about the actions taken by the State to investigate these facts, which were denounced, or to offer protection against them. Moreover, the Commission indicated that the case file contains information on the harassment and threats also to which Sandra del Pilar Ubaté, Jhon Ricardo Ubaté's sister, was subjected.

358. It concluded that the State is responsible for violating the right to mental and moral integrity to the detriment of the family members identified in the report. Based on these determinations, the Commission concluded that the State of Colombia is responsible for the violation of the rights established in Articles 3 (juridical personality), 4 (life), 5 (humane treatment), 7 (personal liberty), 8.1 (a fair trial), 22 (freedom of movement and residence), 25.1 (judicial protection) of the American Convention, in relation to Article 1.1 thereof. It further concluded that the State is responsible for violating Articles I.a and I.b of the Inter-American Convention on Forced Disappearance of Persons, as of the date of deposit of the instrument of ratification by the Colombian State.

- **Walter Ernesto Reyes Mantilla, Vicente Hipólito Arce Ronquillo, José Frank Serrano Barrera and family members v. Ecuador**

359. This case relates to the international responsibility of the State of Ecuador for the illegal and arbitrary detention of Walter Ernesto Reyes Mantilla, Vicente Hipólito Arce Ronquillo and José Frank Serrano Barrera between 1995 and 1996, the unreasonable duration of their preventive detention, and the violent acts and threats they endured during detention, as well as the lack of judicial guarantees in the criminal proceedings held against them.

360. In its report on the merits, the Commission concluded that the detentions were carried out without a court order, as required by domestic law, and there was no situation of flagrante delicto. The Commission reiterated that the regulations establishing the grounds for detention without an arrest order from a competent authority if there is "a serious presumption of responsibility" are incompatible with the principle of legality in terms of personal liberty. With regard to Mr. Serrano, who was a foreigner, the Commission concluded that the State is responsible for violating his right to communicate with his country's consulate.

361. In addition, the Commission noted that the preventive detention of Mr. Reyes and Mr. Serrano extended for at least three years and a half, whereas Mr. Arce was detained for three years. It also noted that during part of their preventive detention, Article 114 of Ecuador's Criminal Code was in force, according to which the request for release in crimes related to drug trafficking was not applicable; this article was declared unconstitutional in 1997. The Commission noted that these rules establishing mandatory preventive detention or prohibiting release for certain types of crimes constitute a violation of the principle of equality before the law and a violation of the right to personal liberty. Based on these considerations, it concluded that the preventive detention of Mr. Reyes, Mr. Serrano and Mr. Arce was arbitrary, was extended for an unreasonable time, was not procedural purposes but for punitive reasons, and was discriminatory. The Commission also concluded that the right of the victims to a judicial review of their preventive detention was violated.

362. The Commission also indicated that a writ of habeas corpus filed with an administrative authority does not constitute an effective remedy according to the standards of the American Convention, even

if that remedy could be appealed before a judicial authority. For this reason, it concluded that Mr. Reyes, Mr. Arce and Mr. Serrano did not have access to an effective judicial remedy to contest their deprivation of liberty.

363. In addition, considering the multiple cases in which the Commission and the Court have verified violations to the right to humane treatment in a context such as that of the instant case, and in view of the significant omissions of the State in carrying out a serious and complete medical examination of the victims, as well as the lack of information on an investigation into the allegations of torture, the Commission considered that the facts denounced constituted at least cruel, inhuman and degrading treatment at the initial stage of the victims' detention.

364. The Commission also determined that on the basis of the information available, it seems that the preliminary statements rendered by the victims under coercion were included in the criminal proceedings, which is against the rule of exclusion of evidence. The Commission also established that these statements were made without any technical defense. In addition, the Commission indicated that Article 116 of the Law on Drugs and Psychotropic Substances enforced in the instant case established that the accused person was responsible for reversing any "serious presumption" of responsibility, which the Commission has declared incompatible with the American Convention and, specifically, with the principle of presumption of innocence. The Commission also considered that the fact that the three criminal proceedings lasted for 3-4 years constituted an excessive period of time that was not justified by the State, and therefore the State violated the reasonable time guarantee.

365. Finally, the Commission established that during Mr. Reyes' detention, the police seized the car he was in, which belonged to his son, and after Mr. Reyes' acquittal, the car was not returned. The Commission considered that the police' failure to return the vehicle, even after an acquittal decision, constituted a violation of the right to property of Mr. Reyes' son, which continues to date. The Commission also concluded that the State violated the right to humane treatment of the family members of Mr. Reyes, Mr. Arce, and Mr. Serrano due to the suffering and anguish they endured as a result of the facts.

366. In light of all the foregoing, the Commission concluded that the State of Ecuador is responsible for violating the rights to humane treatment, to personal liberty, to a fair trial and to judicial protection, to property and to equality before the law established in Articles 5.1, 5.2, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 8.1, 8.2, 8.2.d, 8.3, 21, 24, 25.1 and 25.2.c of the American Convention on Human Rights in relation to Articles 1.1 and 2 thereof. Also, the Commission concluded that the State is responsible for violating Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.

- **Mauricio Hernández Norambuena v. Brazil**

367. This case relates to the international responsibility of the State of Brazil for the conditions of deprivation of liberty of Mauricio Hernández Norambuena, a Chilean citizen, who was detained in the state prison system of São Paulo and later in the federal prison system.

368. On February 1, 2002, Mauricio Hernández Norambuena was arrested in a situation of flagrante delicto in Brazil and subsequently sentenced to 30 years in prison for a crime committed in that country. He was detained in the Criminal Investigations Department of the Civil Police until February 4, 2002. Subsequently, on February 4, 2002, he was transferred to the Taubaté Penitentiary, in São Paulo, where he stayed until March 22, 2003. Between March 22, 2003, and November 23, 2006, the alleged victim was detained in the Presidente Bernardes Penitentiary, in São Paulo. Later, the victim was transferred to the Avaré Penitentiary, also in São Paulo, and finally, in 2007, he was transferred from the state prison system to the federal prison system.

369. In its report on the merits, the Commission pronounced on the "Differential Disciplinary Regime" (RDD), to which the victim was subjected in Brazilian state prisons from February 1, 2002, to February 3, 2007. This regime was regulated first by Resolution SAP-026 and, secondly, by Law 10,792, which amended

Law 10,702, i. e., Law on the Execution of Sentences. Said resolution established a 180-day period for the first time that the regime was applied, and subsequently a maximum of 360 days. For its part, Law 10,792 established a maximum of 360 days. Also, such periods could be extended. The alleged victim was subjected to the RDD from December 2002 to February 2007, that is, four years and two months.

370. The Commission noted that both Resolution SAP-026 and Law 10,792 establish that this regime provides for detention in an individual cell and the possibility of having weekly 2-hour-long visits. In addition, the resolution establishes that inmates can leave the cell for one hour, whereas the law indicates that they can leave the cell two hours a day. In addition, the Commission identified that Resolution SAP-026 indicates that contact “with the outside world” should be through letters or books; in addition, family members could bring the inmates food or belongings.

371. In its report on the merits, the Commission considered that the RDD is part of a regime of prolonged solitary confinement that is incompatible with the American Convention. In particular, the State did not indicate that it was an exceptional measure, implemented only after other types of alternative measures had been taken. On the contrary, the Commission did not have a clear determination of the reasons why the RDD had been implemented, nor did it receive any explanation on its exceptional application. Likewise, there was no explanation as to the reasons why said regime would be necessary due to security concerns or would be consistent with the purposes of deprivation of liberty, which require the reform and readaptation of convicted persons.

372. Moreover, although it was indicated that solitary confinement could be imposed on disciplinary grounds, the Commission noted that the guarantees of the due process of law were not observed, nor did the victim have an effective remedy to challenge said measure. The procedure to apply the RDD required the director of the penitentiary where the alleged victim was deprived of liberty to submit a request for solitary confinement with the regional coordinator of penitentiary units, who, in turn, had to forward said request to the deputy state secretary of prison administration.

373. In addition, according to the information available, the Commission indicates that the victim was detained under the RDD for four years and two months, which constituted a prolonged solitary confinement. Although the Commission did not have an explanation of the reasons why the RDD could be extended, the information at its disposal indicates that the severe impact of said regime on the rights of the victim was not taken into account. In addition, with regard to the remedies available to protect the rights of the victim, the Commission noted that Resolution SAP-026 did not explicitly provide for any appeals. Furthermore, while the victim was deprived of his liberty as provided for by Law 10, 792, although both a habeas corpus remedy and a review appeal were filed, the Commission did not have information indicating that such remedies were effective, considering that the transfer of the alleged victim to the federal system, as reported by the State, was the result of an assessment of the risks faced by the victim, without any analysis of the rights to which he had access under said regime.

374. In sum, the Commission recognized that the Brazilian RDD, as it is regulated by Resolution SAP-026 and it is provided for in Law 10,792, and the corresponding Law on the Execution of Sentences are not compatible with the inter-American standards in this matter.

375. Based on these determinations, the Commission concluded that the State of Brazil is responsible for violating the rights enshrined in Articles 5.1 and 5.2 (humane treatment), 8.1 (right to a fair trial), and 25.1 (judicial protection) of the American Convention, in relation to Articles 1.1 and 2 thereof, to the detriment of Mauricio Hernández Norambuena.



- **Freddy Carlos Alberto Rodríguez Pighi v. Perú**

376. This case relates to the international responsibility of the State of Peru for the illegal and arbitrary detention, torture and subsequent extrajudicial execution of Freddy Carlos Alberto Rodríguez Pighi by police officers.

377. On the morning of June 21, 1991, Freddy Carlos Alberto Rodríguez Pighi, a fourth-year medical student, left his home on foot in the direction of his partner's home. During his journey, there was a shooting between security personnel and a group of assailants who were raiding an armored van. Upon realizing that he was a few meters away from a suspicious vehicle, Mr. Rodríguez Pighi tried to leave the place, but he was stopped by a police officer, who suspected that Mr. Rodríguez had participated in the shooting and detained him. According to witnesses, the victim was beaten at the time of his arrest and then inserted in the trunk of a police car under the command of Sergeant Segundo. On the morning of the same day, a deceased person was admitted to the San Juan de Dios Hospital. He had arrived in a police car and had been identified as Freddy Carlos Alberto Rodríguez Pighi. According to the information at the Commission's disposal, it was possible to verify that the body of the victim presented multiple gunshot wounds. The diagnosis was "violent death."

378. During the same police operation, brothers Emilio Moisés and Rafael Samuel Gómez Paquiyaauri, aged 14 and 17, were arrested. They are the victims of the case Brothers Gómez Paquiyaauri v. Peru, decided by the Inter-American Court in 2004.

379. On June 25, 1991, Carlos Alberto Rodríguez Ibáñez, father of the victim, filed a complaint with the Prosecutor's Office for the murder of his son. On November 9, 1993, a conviction was issued against three defendants, which was later confirmed on June 9, 1994. In the conviction, it was ordered for the sentence against two of the defendants to be reserved since they were fugitives from justice; their arrest warrants were renewed. One of those convicted, who was accused of ordering the murder, was arrested on February 23, 2009. However, on June 7, 2013, the Second Criminal Chamber of the Superior Court of Justice of Callao acquitted those accused of murdering Mr. Rodríguez Pighi. In the same ruling, the accused was sentenced to fifteen years in prison for the aggravated murder of the Gómez Paquiyaauri brothers.

380. The acquittal decision in relation to the murder of Mr. Rodríguez Pighi was challenged through a nullity appeal filed with the Office of the Public Prosecutor. This appeal was based, among other aspects, on the fact that the accused could not be unaware of the violent acts committed against the victim since the arrest took place under his orders as head of the police unit (Radio Patrulla) and on the fact that the murder was not an isolated event, since it took place in conjunction with the murder of the Gómez Paquiyaauri brothers, a crime for which the accused was convicted. On May 21, 2014, the Permanent Criminal Chamber of the Supreme Court of Justice dismissed the nullity appeal.

381. In its Report on the Merits No. 103/21, the Commission concluded that the State of Peru was responsible for the death of Mr. Rodríguez Pighi. In this regard, the Commission noted that there was no dispute over the fact that the victim was deprived of his liberty and placed under the custody of state agents. The State did not prove that his death resulted from the legitimate use of force. Furthermore, Mr. Rodríguez Pighi's death occurred in a context of systematic human rights violations, during the conflict that took place in Peru between 1984 and 1993, which was characterized by the extrajudicial executions of persons suspected of being members of armed groups. The Commission determined that the circumstances under which the victim died help prove that Mr. Rodríguez Pighi was subjected to torture by state agents, which constitutes a violation of his right to humane treatment.

382. Also, the Commission determined that the State of Peru violated the victim's right to personal liberty, since his detention was illegal and arbitrary, it was carried out without a court order, and there was no situation of flagrante delicto. Moreover, the victim was not informed of the reasons for his arrest, or the charges

held against him, nor was he immediately brought before a judge, which prevented him from challenging the legality of his detention.

383. The Commission also concluded that the State violated his rights to a fair trial and to judicial protection. In particular, the Commission noted that several actions were carried out in the proceedings, which concluded with the sentence of November 9, 1993, which was then upheld by the sentence of June 9, 1994, which imposed a conviction on the direct perpetrators and ordered the sentence against the alleged masterminds to be reserved since they were fugitives from justice. The Commission concluded that in 2009, 18 years after the victim's murder, one of the accused was finally arrested, but, in 2013, over 20 years after the first sentence against the accused, their acquittal was decided. Moreover, although in the proceedings there were indicia pointing to the fact that the execution of the alleged victim was carried out following the orders of superiors, the State did not prove that the investigation was conducted diligently and effectively to punish all those responsible for the facts, as well as those who participated in the cover-up of the facts. As a result, despite the unreasonable time of almost 30 years that has elapsed, all those responsible have not yet been convicted nor have the circumstances of the facts been fully clarified. In addition, the facts regarding the torture to which the victim was subjected were not properly investigated.

384. Finally, the Commission determined that the violent death and torture suffered by Freddy Rodríguez, in addition to the lack of a comprehensive, effective, and diligent investigation of the crime and its perpetrators, have created serious pain, anguish and uncertainty to his family members, who have resorted to several authorities and have undertaken countless actions in their search for justice. All this constitutes a violation of their right to humane treatment. In conclusion, the Commission established that the State of Peru is responsible for the violation of the rights established in 4.1 (life), 5.1 and 5.2 (humane treatment), 7 (personal liberty), 8.1 (a fair trial) and 25.1 (judicial protection) of the American Convention, in relation to Article 1.1 thereof. In addition, it concluded that the State is responsible for violating Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.

## **2. Requests for advisory opinions**

385. During 2022 the Commission did not request advisory opinions from the Inter-American Court of Human Rights. On May 30, 2022, the Inter-American Court notified Advisory Opinion OC 29/22 requested by the Inter-American Commission on Human Rights on November 25, 2019, entitled "Differentiated Approaches for Persons Deprived of Liberty" (Interpretation and scope of Articles 1.1, 4.1, 5, 11.2, 12, 13, 17.1, 19, 24 and 26 of the American Convention on Human Rights and other instruments concerning the protection of rights humans).

## **3. Submission of written observations in pending cases and in cases of supervision of compliance with judgment**

386. During 2022, the IACHR submitted 312 briefs of observations to the Inter-American Court. related to active cases in process and in the stage of supervision of compliance with judgment in accordance with Article 69 of the Rules of Procedure of the Inter-American Court.

## **4. Appearance and participation in public and private hearings**

387. The Commission participated in a total of 52 hearings, of which 34 relate to contentious cases in process and 18 supervise compliance with the judgment. 2022 is the year in which the Commission has participated in the largest number of hearings of contentious cases in progress. This reasonably results from the increase in the number of cases referred to its jurisdiction in recent years. Given this number of hearings, the Commission has had to assign a greater number of specialists to support these tasks, being a notable increase compared to previous years: 2021 (17); 2020 (10); 2019 (18); 2018 (9).

388. Those hearing are:

- *Hearings of contentious cases in process*

	Case	State	Date	Period of Sessions
1	Maya Q'eqchi' Indigenous Community of Agua Caliente	Guatemala.	February 9	146
2	Flores Bedregal <i>et al.</i>	Bolivia	February 10	146
3	Casierra Quiñonez	Ecuador	February 11	146
4	Benites Cabrera <i>et al.</i>	Peru	February 11	146
5	Moya Chacón <i>et al.</i>	Costa Rica	February 14	146
6	Movilla Galarcio <i>et al.</i>	Colombia	February 15	146
7	Cortez Espinoza	Ecuador	March 21	147
8	Sales Pimenta	Brazil	March 22-23	147
9	Leguizamón Zaván <i>et al.</i>	Paraguay	March 25	147
10	Guevara Díaz	Costa Rica	March 25	147
11	Hendrix	Guatemala	March 28	147
12	Angulo Losada	Bolivia	March 29-30	147
13	Mina Cuero	Ecuador	March 31	147
14	Habbal <i>et al.</i>	Argentina	April 1	147
15	Garifuna community of San Juan and its members	Honduras	April 4-5	147
16	Nissen Pessolani	Paraguay	May 9-10	148
17	Deras García <i>et al.</i>	Honduras	May 10-11	148
18	Members of the José Alvear Restrepo Lawyers' Collective (CAJAR)	Colombia	May 12-13	148
19	Britez Arce <i>et al.</i>	Argentina	May 20	148
20	Baraona Bray	Chile	June 20	149
21	Valencia Campos <i>et al.</i>	Bolivia	June 21	149
22	Tzompaxtle Tecpile <i>et al.</i>	Mexico	June 23	149
23	Tavares Pereira <i>et al.</i>	Brazil	June 27-28	149
24	Aroca Palma	Ecuador	July 1	149
25	Tagaeri and Taromenane indigenous peoples	Ecuador	August 23	150
26	Olivera Fuentes	Peru	August 24	150
27	Alvarez	Argentina	August 25	150
28	García Rodríguez <i>et al.</i>	Mexico	August 26	150
29	Aguinaga Aillón	Ecuador	September 8	151

30	Community of La Oroya	Peru	October 12-13	153
31	Asociación Civil Memoria Activa	Argentina	October 13-14	153
32	María <i>et al.</i>	Argentina	October 19	153
33	Tabares Toro	Colombia	November 8	154
34	Scot Cochran	Costa Rica	November 9	154

- *Case hearings related to the supervision of compliance with Judgments*

	Case	State	Date	Period of Sessions
1	Human rights defender	Honduras	April 7	147
2	Yakye Axa	Paraguay	April 7	147
3	Pacheco Leon	Honduras	May 24	148
4	Bámaca	Guatemala	May 14	148
5	Bámaca, Maritza Urrutia, Plan de Sánchez massacre, Chitay Nech <i>et al.</i> , Río Negro massacre, Gudiel Álvarez <i>et al.</i>	Guatemala	September 6	152
6	J	Peru	October 6	152
7	Serrano Contreras Sisters and Rochac case	El Salvador	October 6	152
8	Gelman	Uruguay	October 20	153
9	Mendoza and others	Argentina	October 24	153
10	Bulacio	Argentina	October 24	153
11	Prieto and Tumbeiro	Argentina	October 24	153
12	Torres Millacura	Argentina	October 25	153
13	Lopez and others	Argentina	October 26	153
14	Tibi	Ecuador	November 24	154
15	Molina Theissen	Guatemala	November 24	154
16	Bulacio	Argentina	November 25	154
17	Torres Millacura	Argentina	November 25	154
18	Mendoza and others	Argentina	November 25	154

## **E. Status of compliance with IACHR recommendations issued in the merits reports published under Article 51 of the American Convention on Human Rights.**

### **1. Mandate to follow up on the recommendations of the IACHR.**

389. 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 Human Rights System. For this reason, this section includes an analysis of compliance status with the decisions in the merits reports published by the IACHR over the past twenty years.

390. 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 do their best to implement the recommendations of the IACHR by the principle of good faith (operative paragraph 5.d). Similarly, the OAS General Assembly adopted Resolution AG/RES. 2672 (XLI-O/11) on observations and recommendations to the Annual Report of the Commission (operative paragraph 3. b).

391. The Commission also considers that the effectiveness of the IAHRs rests to a large extent on compliance with the decisions of its organs, which include orders, recommendations, and agreements relating to comprehensive reparations for victims of human rights violations, both in the judgments of the Inter-American Court of Human Rights (IACHR) and in the merits reports issued by the IACHR. In this sense, the will of the States is fundamental to comply with the objectives of the American Convention on Human Rights (ACHR) 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 the treaties<sup>134</sup>.

392. Both the ACHR (Article 41) and the Statute of the Commission (Article 18) explicitly grant the IACHR the power to request information from the Member States and to produce such reports and recommendations as it deems appropriate. Specifically, Article 48 of the Rules of Procedure of the IACHR provides as follows:

#### **Follow-up**

1. Once a report on amicable settlement or on the merits in which recommendations have been formulated, the Commission may take follow-up measures as it deems appropriate, such as requesting information from the parties and holding hearings, to verify compliance with friendly settlement agreements and recommendations.

2. The Commission shall report as it deems appropriate on the progress made in complying with said agreements and recommendations.

### **2. Methodology for following up on recommendations: actions carried out in the year 2022**

393. In compliance with its conventional and statutory powers and accordance with the previous resolutions 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 based on Article 51 of the ACHR. This practice began in 2000, and since then, on an annual basis, the Commission requests information from the parties to the cases with published merits reports to follow up on its decisions and update the

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<sup>134</sup> Vienna Convention on the Law of Treaties, U.N. Doc. A/CONF.39/27 (1969), Article 26: "*Pacta sunt servanda*". Every treaty in force is binding upon the parties and must be performed by them in good faith.

compliance status with each case. Likewise, the IACHR receives information on compliance with the recommendations in the framework of the hearings or working meetings held during the year. Based on all the data collected, the Commission analyzes compliance status with the recommendations in each case.

394. As part of the implementation of the Special Program for Follow-up on Recommendations (Program 21) of the IACHR Strategic Plan 2017-2021, the Commission 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 to make visible the individual and structural impacts of its decisions. Thus, to prepare this chapter, the IACHR asked the parties to the cases with merits reports published since 2001 to submit the relevant information for follow-up by October 15, 2022.

395. In principle, the Commission considered this date the closing time limit for receiving information for analysis for this chapter. However, based on the particularities of the follow-up process, the IACHR considered information received later 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 data 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 2023 Annual Report of the IACHR.

396. By the follow-up model proposed in 2018, the Commission sets out information related to each case in this chapter. It presents the progress in compliance with the decisions issued by the IACHR in the framework of the merits reports published. In this regard, in the initial part of this report, the IACHR summarized the follow-up activities carried out, highlighting the relevant results on total, substantial partial, and partial compliance with the measures, according to the progress achieved during the year. Likewise, in this report, the Commission presents more visibly the need for compliance identified during the year concerning the recommendations subject to monitoring. The Commission also prepared a list of cases for which the IACHR has yet to receive information from any of the parties, among other aspects.

397. It should be recalled that, since 2018, the Commission has prepared fact sheets for each case with greater detail than that achieved in previous years, which can be accessed through the links in the tables of recommendation follow-up cases in this chapter. The Commission considers that this follow-up methodology makes the main results achieved in compliance with the recommendations more visible.

398. Finally, it should be noted that since its creation in 2018, the IACHR's Section for Follow-up on Recommendations and Impact (SSRI) has taken on the analysis of the merits reports published based on Article 51 of the ACHR. This has allowed the IACHR to conduct a more specialized follow-up on the matters under its responsibility. Following this logic, the following is a separate and detailed description of the progress made in complying with the recommendations issued in merits reports. 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 cases in which it is still necessary to continue to take action to achieve their full implementation.

## 2.1 Categories of analysis

399. To provide the parties with objective information on the type of analysis carried out in each case, the Commission published the [General Guidelines for Follow-up on Recommendations and Decisions of the Inter-American Commission on Human Rights](#) (General Guidelines for Follow-up), a technical follow-up instrument that contains categories of review of the information provided in the follow-up processes. These categories allow the Commission to make a more detailed analysis of the information available and 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:

- **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 is repetitive to the information presented in previous years without giving new information.
- **Information not provided:** when the information on measures adopted to comply with the recommendations issued was not offered; the IACHR is expressly Reported that the information will not be submitted; or extension(s) were requested to provide information and, in the end, the information was not provided.

400. On the other hand, the Commission decided to expand the categories of analysis of its recommendations to make the states' efforts in their compliance visible and to classify the compliance status with each recommendation. In this sense, the Commission approved the following categories for the individual analysis of recommendations:

- **Full compliance:** a recommendation in which the State has initiated and satisfactorily concluded the measures for its observance.
- **Substantial partial compliance:** that recommendation in which the State has adopted relevant measures for its compliance and has provided evidence of these, but the Commission considers that the measures for compliance still need to be completed.
- **Partial compliance:** a recommendation in which the State has taken some steps towards compliance, but additional measures are still required.
- **Pending:** a recommendation in which the State has yet to take any action to comply with the recommendation; the actions taken have yet to produce concrete results, or the action(s) taken do not correspond to the situation under review.
- **Non-compliance:** a recommendation whose compliance was impossible due to the conduct of the State or where the State has explicitly indicated that it will not comply with the measure.

## 2.2 Categories of compliance with IACHR petitions and cases.

401. Finally, the Commission decided to maintain the categories of a comprehensive analysis of petitions and cases traditionally used, namely:

- **Full compliance:** those cases in which the State has fully complied with all the recommendations issued by the IACHR. The Commission considers as fully complied with those recommendations in which the State has initiated and satisfactorily concluded the measures for compliance.
- **Partial compliance:** those cases in which the State has partially complied with the recommendations issued by the IACHR, either because it has only complied with some of the recommendations or because it has incompletely complied with all the recommendations; those

cases in which the State has fully complied with all the recommendations issued by the IACHR, except one whose compliance has proved impossible.

- **Pending compliance:** those cases in which the IACHR considers that there has been no compliance with the recommendations issued by the IACHR because no steps have been taken to that end; or when the measures taken have not yet produced concrete results; or in cases in which the State has explicitly indicated that it will not comply with the recommendations; or when the State has not Reported the IACHR, and the latter does not have information from other sources that would indicate a contrary conclusion.

### 3. Status of compliance with the merits reports published by Article 51 of the American Convention on Human Rights (ACHR).

402. According to the purpose included in the 2017-2021 Strategic Plan aimed at strengthening the recommendation follow-up processes, the IACHR made efforts to make visible and provide more explicit information on the progress of the implementation of the merits reports it has published based on Article 51 of the ACHR. In this regard, the Commission prepared individual follow-up sheets with the information received in each case throughout the year and based on its analysis of compliance status with the recommendations. In this way, the IACHR individually analyzed each recommendation of the published merits reports and identified the measures of compliance developed and the individual and structural results achieved, according to the information submitted by the parties in the framework of each case.

403. In addition to the follow-up actions that the IACHR deployed in 2022 concerning the cases included in its annual reports, it also adopted a reinforced follow-up strategy for the 159 merits reports included in paragraphs c and d of Joint Press Release P-1193-CA, which the Commission and the State of Peru signed<sup>135</sup>. To promote this follow-up strategy, the IACHR prepared a form to facilitate and strengthen the joint follow-up work developed hand in hand with the Peruvian State and the petitioner during the last year. Unlike the follow-up sheets for the other cases included in this report, the factsheet for the Joint Press Release P-1193-CA cases does not establish levels of compliance with the recommendations issued by the IACHR in these cases. Its purpose is to provide the process with a mechanism for systematizing information that centralizes and makes the State's compliance efforts visible. It also allows for unified information based on the reports provided by the parties and considering the large number of cases under follow-up. It is worth mentioning that, before preparing this file, this chapter included the follow-up of three cases with reports published since 2001 involving the State of Peru<sup>136</sup>. Considering that these three cases are part of the cases included in paragraphs c and d of the Press Release, for methodological reasons, the follow-up of these cases will be assumed together with the other cases of the Press Release and included in the corresponding file.

404. Likewise, concerning Case 12.228 Alfonso Martín del Campo Dodd (Mexico), in 2022, a follow-up strategy was implemented consisting of bimonthly technical meetings with the State, the petitioners, and the technical team of the Commission, at the request of the parties to develop measures aimed at complying with the recommendations issued in the Merits Report, as well as the signing of a Compliance Agreement, which was signed in December 2022. A similar strategy was adopted by the IACHR for Case 12.051 Maria da Penha (Brazil), through working meetings every two months, with the aim of reinforcing follow-up on the recommendations of the case with a structural scope concerning domestic violence.

405. The following is a list of the published merits reports in the chronological order of their approval and grouped by respective States. This table provides direct access to a link containing the follow-up

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<sup>135</sup> Joint Press Release P-1193-CA was issued on February 22, 2001, during the 110th Ordinary Session of the Inter-American Commission on Human Rights (IACHR).

<sup>136</sup> Case 11.031, Report No. 111/00, Pedro Pablo López González, et al. (Peru); Cases 10.247 and others, Report No. 101/01, Luis Miguel Pasache Vidal et al. (Peru); Case 11.099, Report No. 112/00, Yone Cruz Ocalio (Peru).



sheet prepared by the IACHR for each case in 2022. Thus, the follow-up status of the published merits reports as of December 31, 2022, is as follows:

CASE	Link to file	Compliance level not yet determined	Full compliance	Partial compliance	Pending compliance	Follow-up status
Case 11.732, Report N° 83/09, Horacio Aníbal Schillizzi (Argentina) <sup>137</sup>				X		Closed
Case 12.324, Report N° 66/12, Rubén Luis Godoy (Argentina)	<a href="#">Link</a>			X		Open
Case 12.632, Report N° 43/15, Adriana Beatriz Gallo, Ana María Careaga and Silvia Maluf De Christin (Argentina)	<a href="#">Link</a>			X		Open
Case 12.721, Report 460/21, Ángel Pedro Falanga (Argentina)	<a href="#">Link</a>			X		Open
Case 12.681, Report 268/21, Marcos Alejandro Martín (Argentina)	<a href="#">Link</a>		X			Closed <sup>138</sup>
Cases 12.067, 12.068 and 12.086, Report N° 48/01, Michael Edwards, Omar Hall, Brian Schroeter and Jeronimo Bowleg (Bahamas)	<a href="#">Link</a>			X		Open
Case 12.265, Report N° 78/07 Chad Roger Goodman (Bahamas)	<a href="#">Link</a>			X		Open
Case 12.513, Report N° 79/07 Prince Pinder (Bahamas)	<a href="#">Link</a>			X		Open
Case 12.231, Report N° 12/14, Peter Cash (Bahamas)	<a href="#">Link</a>			X		Open
Case 12.071, Report 459/21, Cuban and Haitian Nationals Detained at and Deported from the Carmichael Road Detention Center (Bahamas)	<a href="#">Link</a>				X	Open
Case 12.053, Report N° 40/04, Maya Indigenous Communities of the	<a href="#">Link</a>			X		Open

<sup>137</sup> 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 proceed with the cessation of follow-up on compliance with the merits report and, therefore, the closure of the case. IACHR, Annual Report 2018, Chapter IV, Follow-up Record of Report N 83/09. Case Horacio Aníbal Schillizzi, para. 7.

<sup>138</sup> 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, decreeing its closure.

Toledo District (Belize)						
Case 12.051, Report N° 54/01, Maria da Penha Maia Fernandes (Brazil)	<a href="#">Link</a>			X		Open
Cases 11.286, 11.406, 11.407, 11.412, 11.413, 11.415, 11.416 and 11.417, Report N° 55/01, Alúísio Cavalcante et al. (Brazil)	<a href="#">Link</a>			X		Open
Case 11.517, Report N° 23/02, Diniz Bento da Silva (Brazil)	<a href="#">Link</a>			X		Open
Case 10.301, Report N° 40/03, Parque São Lucas (Brazil)	<a href="#">Link</a>			X		Open
Case 11.556, Report N° 32/04, Corumbiara (Brazil)	<a href="#">Link</a>			X		Open
Case 11.634, Report N° 33/04, Jailton Neri da Fonseca (Brazil)	<a href="#">Link</a>			X		Open
Case 12.001, Report N° 66/06, Simone André Diniz (Brazil)	<a href="#">Link</a>			X		Open
Case 12.019, Report N° 35/08 Antonio Ferreira Braga (Brazil)	<a href="#">Link</a>			X		Open
Case 12.310, Report N° 25/09 Sebastião Camargo Filho (Brazil)	<a href="#">Link</a>			X		Open
Case 12.440, Report N° 26/09 Wallace de Almeida (Brazil)	<a href="#">Link</a>			X		Open
Case 12.308, Report N° 37/10, Manoel Leal de Oliveira (Brazil)	<a href="#">Link</a>			X		Open
Case 12.213, Report N° 7/16, Aristeu Guida da Silva and Family (Brazil)	<a href="#">Link</a>			X		Open
Case 12.332, Report N° 31/20, Margarida Maria Alves and Family (Brazil)	<a href="#">Link</a>			X		Open
Case 12.586, Report N° 78/11, John Doe (Canada)	<a href="#">Link</a>			X		Open
Case 11.661, Report N° 8/16, Manickavasagam Suresh (Canada)	<a href="#">Link</a>			X		Open
Case 11.771, Report N° 61/01, Samuel Alfonso Catalán Lincoleo (Chile)	<a href="#">Link</a>			X		Open
Case 11.725, Report N° 139/99, Carmelo Soria Espinoza (Chile)	<a href="#">Link</a>			X		Open

Case 12.142, Report N° 90/05, Alejandra Marcela Matus Acuña et al. (Chile) <sup>139</sup>			X			Closed
Case 12.469, Report N° 56/10, Margarita Barbería Miranda (Chile)	<a href="#">Link</a>			X		Open
Case 12.799, Report N° 48/16, Miguel Ángel Millar Silva et al. (Radio Estrella del Mar de Melinka) (Chile)	<a href="#">Link</a>			X		Open
Case 12.880, Report 458/21, Edmundo Alex Lemun Saavedra et al. (Chile)	<a href="#">Link</a>			X		Open
Case 11.654, Report N° 62/01, Riófrío Massacre (Colombia)	<a href="#">Link</a>			X		Open
Case 11.710, Report N° 63/01, Carlos Manuel Prada González and Evelio Antonio Bolaño Castro (Colombia)	<a href="#">Link</a>			X		Open
Case 11.712, Report N° 64/01, Leonel de Jesús Isaza Echeverry (Colombia)	<a href="#">Link</a>			X		Open
Case 12.009, Report N° 43/08, Leydi Dayan Sánchez (Colombia) <sup>140</sup>			X			Closed
Case 12.448, Report N° 44/08, Sergio Emilio Cadena Antolinez (Colombia) <sup>141</sup>			X			Closed
Case 10.916, Report N° 79/11, James Zapata Valencia and José Heriberto Ramírez (Colombia)	<a href="#">Link</a>			X		Open
Case 12.414, Report N° 101/17, Alcides Torres Arias, Ángel David Quintero et al. (Colombia)	<a href="#">Link</a>			X		Open
Case 10.455, Report N° 45/17, Valentín Basto Calderón et al. (Colombia)	<a href="#">Link</a>			X		Open
Case 12.713, Report N° 35/17, José Rusbel Lara et al. (Colombia)	<a href="#">Link</a>			X		Open
Case 11.656, Report N° 122/18, Marta Lucía Álvarez Giraldo (Colombia)	<a href="#">Link</a>			X		Open

<sup>139</sup> IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 216-224.

<sup>140</sup> IACHR, Annual Report 2016, Chapter II, Section D: Status of Compliance with Recommendations and Friendly Settlements in Individual Cases, paras. 602-614.

<sup>141</sup> IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 274-280.

Case 11.726, Report N° 96/19, Norberto Javier Restrepo (Colombia)	<a href="#">Link</a>			X		Open
Case 12.780, Report N° 25/20, Carlos Arturo Betancourt Estrada and Family (Colombia)	<a href="#">Link</a>			X		Open
Case 12.476, Report N° 67/06, Oscar Elías Biscet et al. (Cuba)	<a href="#">Link</a>			X		Open
Case 12.477, Report N° 68/06, Lorenzo Enrique Copello Castillo et al. (Cuba)	<a href="#">Link</a>				X	Open
Case 12.127, Report N° 27/18, Vladimiro Roca Antunez et al. (Cuba)	<a href="#">Link</a>				X	Open
Case 13.639, Report 297/21, Yoani María Sánchez Cordero (Cuba)	<a href="#">Link</a>				X	Open
Case 11.992, Report N° 66/01, Dayra María Levoyer Jiménez (Ecuador)	<a href="#">Link</a>			X		Open
Case 12.487, Report N° 36/08, Rafael Ignacio Cuesta Caputi (Ecuador)	<a href="#">Link</a>			X		Open
Case 12.525, Report N° 84/09, Nelson Iván Serano Sáenz (Ecuador)	<a href="#">Link</a>			X		Open
Case 12.393, Report N° 44/17, James Judge (Ecuador) <sup>142</sup>			X			Closed
Case 11.624, Report N° 92/19, Jorge Darwin and Family (Ecuador)	<a href="#">Link</a>			X		Open
Case 11.444, Report 457/21, Amparo Constante Merizalde (Ecuador)	<a href="#">Link</a>			X		Open
Case 12.931, Report 328/21, Daría Olinda Puertocarrero Hurtado (Ecuador)	<a href="#">Link</a>		X			Closed <sup>143</sup>
Case 12.249, Report N° 27/09, Jorge Odir Miranda Cortez and Others (El Salvador)	<a href="#">Link</a>			X		Open
Case 9.903, Report N° 51/01, Rafael Ferrer Mazorra et al. (United States)	<a href="#">Link</a>			X		Open

<sup>142</sup> IACHR, Case 12.393, Report No. 44/17, James Judge (Ecuador), paras. 115-116.

<sup>143</sup> 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 Ecuador, decreeing its closure.

Case 12.243, Report N° 52/01, Juan Raúl Garza (United States)	<a href="#">Link</a>				X	Open
Case 11.753, Report N° 52/02, Ramón Martínez Villarreal (United States)	<a href="#">Link</a>			X		Open
Case 12.285, Report N° 62/02, Michael Domingues (United States) <sup>144</sup>			X			Closed
Case 11.140, Report N° 75/02, Mary and Carrie Dann (United States)	<a href="#">Link</a>				X	Open
Case 11.193, Report N° 97/03, Shaka Sankofa (United States)	<a href="#">Link</a>			X		Open
Case 11.204, Report N° 98/03, Statehood Solidarity Committee (United States)	<a href="#">Link</a>				X	Open
Case 11.331, Report N° 99/03, Cesar Fierro (United States)	<a href="#">Link</a>			X		Open
Case 12.240, Report N° 100/03, Douglas Christopher Thomas (United States)	<a href="#">Link</a>			X		Open
Case 12.412, Report N° 101/03, Napoleón Beazley (United States)	<a href="#">Link</a>			X		Open
Case 12.430, Report N° 1/05, Roberto Moreno Ramos (United States)	<a href="#">Link</a>			X		Open
Case 12.439, Report N° 25/05, Toronto Markkey Patterson (United States)	<a href="#">Link</a>			X		Open
Case 12.421, Report N° 91/05, Javier Suarez Medina (United States)	<a href="#">Link</a>			X		Open
Case 12.534, Report N° 63/08, Andrea Mortlock (United States)	<a href="#">Link</a>			X		Open
Case 12.644, Report N° 90/09, Medellín, Ramírez Cárdenas and Leal García (United States)	<a href="#">Link</a>			X		Open
Cases 12.561, 12.562, Report N° 81/10, Wayne Smith, Hugo Armendariz et al. (United States)	<a href="#">Link</a>			X		Open

<sup>144</sup> IACHR, Annual Report 2005, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 185-186.

Case 12.626, Report N° 80/11, Jessica Lenahan (Gonzales) (United States)	<a href="#">Link</a>			X		Open
Case 12.776, Report N° 81/11, Jeffrey Timothy Landrigan (United States)	<a href="#">Link</a>				X	Open
Case 11.575, 12.333 and 12.341, Report N° 52/13, Clarence Allen Lackey et al.; Miguel Ángel Flores, James Wilson Chambers (United States)	<a href="#">Link</a>				X	Open
Case 12.864, Report N° 53/13, Iván Teleguz (United States)	<a href="#">Link</a>			X		Open
Case 12.422, Report N° 13/14, Abu-Ali Abdur' Rahman (United States)	<a href="#">Link</a>			X		Open
Case 12.873, Report N° 44/14, Edgar Tamayo Arias (United States)	<a href="#">Link</a>			X		Open
Case 12.833, Report N° 11/15, Felix Rocha Diaz (United States)	<a href="#">Link</a>			X		Open
Case 12.831, Report N° 78/15, Kevin Cooper (United States)	<a href="#">Link</a>			X		Open
Case 12.994, Report N° 79/15, Bernardo Aban Tercero (United States)	<a href="#">Link</a>			X		Open
Case 12.834, Report N° 50/16, Undocumented Workers (United States)	<a href="#">Link</a>				X	Open
Case 12.254, Report N° 24/17, Víctor Hugo Saldaño (United States)	<a href="#">Link</a>				X	Open
Case 10.573, Merits Report N° 121/18, José Isabel Salas Galindo et al. (United States)	<a href="#">Link</a>				X	Open
Case 12.958, Merits Report N° 71/18, Russell Bucklew (United States)	<a href="#">Link</a>				X	Open
Case 13.570, Merits Report N° 211/20, Lezmond C. Mitchell (United States)	<a href="#">Link</a>				X	Open
Case 13.361, Merits Report N° 210/20, Julius Omar Robinson (United States)	<a href="#">Link</a>				X	Open

Case 13.356, Merits Report N° 200/20, Nelson Iván Serrano Sáenz (United States)	<a href="#">Link</a>			X		Open
Case 12.865, Merits Report N° 29/20, Djamel Ameziane (United States)	<a href="#">Link</a>				X	Open
Case 12.719, Merits Report N° 28/20, Orlando Cordia Hall (United States)	<a href="#">Link</a>				X	Open
Case 12.754, Merits Report N° 27/20, Nvwtohiyada Idehesdi Sequoyah (United States)	<a href="#">Link</a>				X	Open
Case 12.545, Merits Report N° 26/20, Isamu Carlos Shibayama, Kenichi Javier Shibayama, Takeshi Jorge Shibayama (United States)	<a href="#">Link</a>				X	Open
Case 12.505, Report 462/21, Marlin Gray (United States)	<a href="#">Link</a>				X	Open
Case 13.394, Report 461/21, Pete Carl Rogovich (United States)	<a href="#">Link</a>				X	Open
Case 13.829, Report 456/21, Ramiro Ibarra Rubi (United States)	<a href="#">Link</a>				X	Open
Case 12.832, 455/21, Gregory Thompson (United States)	<a href="#">Link</a>				X	Open
Case 13.339, Report 453/21, Manuel Valle (United States)	<a href="#">Link</a>				X	Open
Case 13.478, Report 451/21, José Trinidad Loza Ventura (United States)	<a href="#">Link</a>				X	Open
Case 12.871, Report 333/21, Virgilio Maldonado Rodríguez (United States)	<a href="#">Link</a>				X	Open
Case 12.028, Report N° 47/01, Donnason Knights (Granada)	<a href="#">Link</a>			X		Open
Case 11.765, Report N° 55/02, Paul Lallion (Granada)	<a href="#">Link</a>			X		Open
Case 12.158, Report N° 56/02 Benedict Jacob (Granada)	<a href="#">Link</a>			X		Open
Case 11.625, Report N° 4/01, María Eugenia Morales de Sierra (Guatemala)	<a href="#">Link</a>			X		Open

Case 9.207, Report N° 58/01, Oscar Manuel Gramajo López (Guatemala)	<a href="#">Link</a>			X		Open
Case 10.626 Remigio Domingo Morales and Rafael Sánchez; Case 10.627 Pedro Tau Cac; Case 11.198(A) José María Ixcaya Pixtay and otros; Case 10.799 Catalino Chochoy and otros; Case 10.751 Juan Galicia Hernández and otros, and Case 10.901 Antulio Delgado, Report N° 59/01, Remigio Domingo Morales et al. (Guatemala)	<a href="#">Link</a>			X		Open
Case 9.111, Report N° 60/01, Ileana del Rosario Solares Castillo and Others (Guatemala)	<a href="#">Link</a>			X		Open
Case 11.382, Report N° 57/02, Finca “La Exacta” (Guatemala)	<a href="#">Link</a>			X		Open
Case 10.855, Report N° 100/05, Pedro García Chuc (Guatemala)	<a href="#">Link</a>			X		Open
Case 11.171, Report N° 69/06, Tomas Lares Cipriano (Guatemala)	<a href="#">Link</a>			X		Open
Case 11.658, Report N° 80/07, Martín Pelicó Coxic (Guatemala)	<a href="#">Link</a>			X		Open
Case 12.264, Report N° 1/06, Franz Britton (Guyana)	<a href="#">Link</a>				X	Open
Case 12.504, Report 81/07 Daniel, and Kornel Vaux (Guyana)	<a href="#">Link</a>			X		Open
Case 11.335, Report N° 78/02, Guy Malary (Haiti)	<a href="#">Link</a>				X	Open
Cases 11.826, 11.843, 11.846 and 11.847, Report N° 49/01, Leroy Lamey, Kevin Mykoo, Milton Montique, and Dalton Daley (Jamaica)	<a href="#">Link</a>			X		Open
Case 12.069, Report N° 50/01, Damion Thomas (Jamaica)	<a href="#">Link</a>			X		Open
Case 12.183, Report N° 127/01, Joseph Thomas (Jamaica)	<a href="#">Link</a>			X		Open
Case 12.275, Report N° 58/02, Denton Aitken (Jamaica)	<a href="#">Link</a>			X		Open



Case 12.347, Report N <sup>o</sup> 76/02, Dave Sewell (Jamaica)	<a href="#">Link</a>			X		Open
Case 12.417, Report N <sup>o</sup> 41/04, Whitley Myrie (Jamaica)	<a href="#">Link</a>			X		Open
Case 12.418, Report N <sup>o</sup> 92/05, Michael Gayle (Jamaica)	<a href="#">Link</a>			X		Open
Case 12.447, Report N <sup>o</sup> 61/06, Derrick Tracey (Jamaica)	<a href="#">Link</a>			X		Open
Case 13.095, Report N <sup>o</sup> 401/20, T.B. and S.H. (Jamaica)	<a href="#">Link</a>				X	Open
Case 13.367, Report N <sup>o</sup> 400/20, Gareth Henry and Simone Carline Edwards (Jamaica)	<a href="#">Link</a>				X	Open
Case 11.565, Report N <sup>o</sup> 53/01, Hermanas González Pérez (Mexico)	<a href="#">Link</a>			X		Open
Case 12.130, Report N <sup>o</sup> 2/06, Miguel Orlando Muñoz Guzmán (Mexico)	<a href="#">Link</a>				X	Open
Case 12.228, Report N <sup>o</sup> 117/09, Alfonso Martín del Campo Dodd (Mexico)	<a href="#">Link</a>			X		Open
Case 12.551, Report N <sup>o</sup> 51/13, Paloma Angélica Escobar Ledezma et al. (Mexico)	<a href="#">Link</a>			X		Open
Case 12.689, Report N <sup>o</sup> 80/15, J.S.C.H and M.G.S (Mexico) <sup>145</sup>			X			Closed
Case 11.564, Report N <sup>o</sup> 51/16, Gilberto Jiménez Hernández “La Grandeza” (Mexico)	<a href="#">Link</a>			X		Open
Case 11.430, Report 43/96, José Francisco Gallardo Rodríguez (Mexico) <sup>146</sup>	<a href="#">Link</a>			X		Open
Case 11.740, Report 130/90, Víctor Manuel Oropeza (Mexico) <sup>147</sup>	<a href="#">Link</a>				X	Open
Case 11.381, Report N <sup>o</sup> 100/01, Milton García Fajardo (Nicaragua)	<a href="#">Link</a>			X		Open

<sup>145</sup> IACHR, Annual Report 2016, Chapter II, Section D: Status of Compliance with Recommendations and Friendly Settlements in Individual Cases, paras. 1685-1708.

<sup>146</sup> The merits report 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.

<sup>147</sup> The merits report 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 11.506, Report N <sup>o</sup> 77/02, Waldemar Gerónimo Pinheiro and José Víctor Dos Santos (Paraguay)	<a href="#">Link</a>			X		Open
Case 11.607, Report N <sup>o</sup> 85/09, Víctor Hugo Maciel (Paraguay)	<a href="#">Link</a>			X		Open
Case 12.431, Report N <sup>o</sup> 121/10, Carlos Alberto Majoli (Paraguay) <sup>148</sup>			X			Closed
Case 11.800, Report N <sup>o</sup> 110/00, César Cabrejos Bernuy (Peru) <sup>149</sup>			X			Closed
Cases of Joint Press Release P-1193-CA, February 22, 2021 (Peru)	<a href="#">Link</a>	X <sup>150</sup>				Open
Case 12.269, Report N <sup>o</sup> 28/09, Dexter Lendore (Trinidad and Tobago)	<a href="#">Link</a>				X	Open
Case 11.500, Report N <sup>o</sup> 124/06, Tomás Eduardo Cirio (Uruguay) <sup>151</sup>			X			Closed
Case 12.553, Report N <sup>o</sup> 86/09, Jorge, José and Dante Peirano Basso (Uruguay)	<a href="#">Link</a>			X		Open
<b>Total: 140</b>		<b>Compliance level not yet determined: 1</b>	<b>Full compliance: 11</b>	<b>Partial compliance: 95</b>	<b>Pending compliance: 33</b>	<b>Open: 128</b> <b>Closed: 12</b>

#### 4. Activities carried out in the follow-up process in 2022

406. Concerning the following up on individual cases provided for in Article 48 of the IACHR Rules of Procedure, during 2022, the Commission focused on increasing the number of follow-up actions carried out throughout the year to build consensual routes for compliance with the recommendations and to reestablish or maintain contact with States, representatives of victims, and victims of cases in which the IACHR had not received information in recent years. The IACHR also contacted the petitioning party during the year to maintain active follow-up on the cases.

407. Likewise, to expand the dialogue with the parties, in 2022, the Commission held 19 working meetings concerning 5 cases with published merits reports: Four meetings as part of a reinforced monitoring strategy of Case 12,051 Maria da Penha, regarding Brazil were held on March 25, 2022, July 12, 2022, September 12, 2022, and November 21, 2022; one meeting of Case 13,356 Nelson Serrano, regarding the United States, held on March 25, 2022, 9 meetings of Case 12.228 Alfonso Martin del Campo Dodd, in respect of Mexico, held on March 25, 2022, May 6, 2022, May 13, 2022, May 17, 2022, May 18, 2022, May 25, 2022, May 31, 2022, June 7, 2022, June 9, 2022, 4 meetings of Case P-1193-CA Press Release, also as part of a reinforced monitoring

<sup>148</sup> IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 904-908.

<sup>149</sup> IACHR, Annual Report 2010, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 928-935.

<sup>150</sup> 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 since the 2021 and 2022 follow-up factsheet for the Joint Press Release does not yet establish levels of compliance, but is an effort aimed at systematizing the follow-up information as a step prior to determining levels of compliance.

<sup>151</sup> IACHR, Annual Report 2010, Chapter III, Section D: Status of Compliance with IACHR Recommendations, paras. 1020-1027.

strategy, concerning Peru, held on February 4, 2022, April 29, 2022, July 25, 2022, and November 9, 2022, and one meeting of Case 10.455 Valentín Basto, regarding Colombia, held on November 15, 2022.

408. In addition, throughout 2022, the Commission held several bilateral face-to-face and videoconference meetings with petitioners, victims, and State representatives regarding different cases. In addition, the Commission held five meetings to review the follow-up portfolio of recommendations with the States of Chile, Ecuador, Bolivia, Guatemala, and El Salvador.

409. Based on the implementation of requests for information to the parties in each case, working meetings, bilateral and portfolio meetings, and the transfer and forwarding of information between the parties, in 2022, the IACHR carried out compliance monitoring in 100% of the cases with merits reports derived from Art. 51 of the ACHR published since 2000. In addition, it strengthened the monitoring of the 159 published merits reports included in paragraphs *c* and *d* of Joint Press Release P-1193-CA concerning Peru.

## 5. Relevant results

### a. Progress in 2022 on the implementation of recommendations from published background reports

410. Progress regarding compliance with the recommendations issued by the IACHR has shown a significant evolution thanks to this mandate's momentum in the Commission's work agenda, particularly in the framework of Agenda 21. Likewise, the IACHR recognizes the valuable impulse and commitment that both the States and the victims and their representatives have shown in the development of the follow-up processes, which has allowed the achievement of favorable results in the levels of compliance.

411. Concerning the levels of compliance of the cases, the following table shows the progress of implementation of the published merits reports. In 2022, 16 cases with published merits reports entered the follow-up stage, 14 because they were published during 2021 and 2152 because their follow-up was requested at the request of a party. Of these reports, the IACHR identified that 2 are fully compliant; 4 are partially compliant, and 10 are still pending compliance.

412. This high inclusion of the 16 cases with substantive reports published in 2021, which, therefore, entered the follow-up carried out in the framework of the 2022 Annual Report, helps explain the increase in the outstanding level of compliance of the cases compared to previous years.

Categories	Number of Cases						Compliance progress rate					
	2017	2018	2019	2020	2021	2022	2017	2018	2019	2020	2021	2022
<b>Full Compliance</b>	7	9	9	9	9	11	6.8%	8.3%	8%	7.8%	7.3%	7.9%
<b>Partial Compliance</b>	66	82	85	88	91	95	64%	75.2%	75.2%	76.6%	74%	68.3%
<b>Pending Compliance</b>	30	18	19	18	23	33	29.2%	16.5%	16.8%	15.6%	18.7%	23.7%
<b>Total</b>	<b>105</b>	<b>109</b>	<b>113</b>	<b>115</b>	<b>123</b>	<b>139<sup>153</sup></b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<sup>152</sup> Case 11.430, Report 43/96, José Francisco Gallardo Rodríguez (Mexico) and Case 11.740, Report 130/90, Víctor Manuel Oropeza (Mexico).

<sup>153</sup> It should be noted that the table included above with respect to the follow-up files of the published merits reports includes a total of 140 cases. This table indicates that there are a total of 139 cases, and not 140, because it excludes those of Joint Press Release P-1193-CA (Peru). In this regard, it should be reiterated that this communiqué was not considered in this table since the IACHR has not yet determined levels of compliance with the reports contained in this communiqué.

413. In addition, if the progress of compliance with the cases included in the 2021 Annual Report is analyzed, it is feasible to conclude that by the year 2022 there has been significant progress in the implementation of its recommendations or compliance agreement clauses. It should be noted that this increase in the level of compliance with recommendations or compliance agreement clauses does not necessarily equate to an increase in the level of compliance with the case as a whole. Despite the preceding, these advances do make it possible to identify successful results of the follow-up processes undertaken by the IACHR since the compliance measures adopted by the States and considered to advance in the implementation of each decision (recommendation or compliance clause) constitute in practice reparation measures with individual or structural scope aimed at guaranteeing the rights of the victims and contributing to the non-repetition of the facts.

414. The IACHR is aware that compliance with the recommendations and the 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 continued 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 adopted by the parties are explained below.

415. According to the information that the Commission learned and analyzed in 2022, it was possible to determine some progress in implementing 13 recommendations of published merits reports and 11 clauses of compliance agreements. These significant figures have gone hand in hand with a methodological strengthening of the Commission's compliance analysis.

416. Based on the follow-up carried out in 2022, the IACHR determined: total compliance with 14 reparation measures<sup>154</sup>; substantial partial compliance with 2 reparation measures<sup>155</sup>, and partial compliance with 9 reparation measures<sup>156</sup>. Of the 25 measures that registered progress based on the follow-up analysis carried out in 2022, 18 are of an individual nature and 7 are of a structural nature. The IACHR is pleased that during 2022, progress has been made with respect to compliance with various recommendations contained in published Merits Reports.

417. By 2022, the 139<sup>157</sup> merits reports published considering Article 51 of the ACHR grouped a total of 568 recommendations and 164 compliance agreement clauses (the latter signed by the parties in the framework of the follow-up of published merits reports). Likewise, of the total of 732 decisions (including recommendations and compliance agreement clauses), 403 have some degree of progress in their implementation (198 with total compliance, 53 with substantial partial observance, and 152 with partial compliance), 314 are pending compliance, and 15 recommendations maintain a status of non-compliance.

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<sup>154</sup> Case 12,721, Report No. 460/21, Ángel Pedro Falanga (Argentina), clause A3; Case 12,681, Report No. 268/21, Marcos Alejandro Martín (Argentina), recommendations 1 and 2, and clauses A2, A3, A4 and B; Case 12,332, Report No. 31/20, Margarita Maria Alves (Brazil), recommendation 1; Case 11,444, Report No. 457/21, Amparo Constante Merizalde (Ecuador), recommendation 1 and clause 8; Case 12,931, Report No. 328/21, Daría Olinda Puertocarrero Hurtado (Ecuador) recommendation 1, y clause 7 (satisfaction measures) and clause 7 (rehabilitation measures); Case 12,551, Report No. 51/13, Paloma Angélica Escobar, clause 9.b.

<sup>155</sup> Case 11.382, Finca "La Exacta" (Guatemala), recommendation 4; Case 11.771, Samuel Alfonso Catalán Lincoleo, (Chile), recommendation 1.

<sup>156</sup> Case 12,721, Report No. 460/21, Ángel Pedro Falanga (Argentina), clause B; Case 11,556, Corumbiara, (Brazil), recommendation 2; Case 12,001, Simone André Diniz, (Brazil), recommendation 9; Case 12,469, Margarita Barbería Miranda, (Chile), recommendation 3; Case 10,626 Remigio Domingo Morales and Rafael Sánchez et al. (Guatemala), recommendation 5; Case 9.111, Ileana del Rosario Solares Castillo and others, (Guatemala), recommendation 1 and clause 1; Case 11.658, Martín Pelicó Coxic (Guatemala), recommendations 3 y 4; Case 11.654 Masacre de Riofrío (Colombia), recommendation 1.

<sup>157</sup> It should be noted that the table listing the follow-up files included above in this chapter includes 140 cases. However, the count relating to the levels of compliance with the recommendations made in this section excludes the cases of Joint Press Release P-1193-CA (Peru) given that the file prepared by the IACHR in 2021 and updated in 2022 is a tool aimed at facilitating the systematization of follow-up information and does not yet determine the levels of compliance. This exclusion explains why a total of 139 cases are listed here.

418. Of the 198 decisions that currently have total compliance (which include recommendations and clauses of compliance agreements), 138 are individual and 60 of a structural nature. The IACHR highlights that, over the years, the States have managed to comply to a greater extent with the individual measures of economic compensation and satisfaction and the structural measures related to legislation and regulations, while the individual measures related to ensuring truth and justice are the ones that face the most significant challenges in terms of compliance.

419. The following is a detail of the progress identified by the IACHR in 2022 to determine total compliance with 14 decisions (which include both recommendations and compliance agreement clauses).

Case	Scope of the compliance measure	Recommendation or clause of the compliance agreement	Results reported	Compliance level in 2022
<b>ARGENTINA</b>				
Case 12,721, Report No. 460/21, Ángel Pedro Falanga (Argentina), recommendation., clause A3.	Structural	Likewise, and considering that the report contains valuable guidelines for the interpretation of international obligations regarding reasonable time limits for judicial proceedings and the duration of precautionary measures adopted in criminal proceedings, the State undertakes to forward the IACHR report and this Compliance Agreement to the Supreme Court of Justice of the Nation and to the Federal Board of Courts, for their information.	The State reported that it had forwarded the Merits Report of the case and the compliance agreement to the Federal Board of Courts, the Supreme Court of Justice, Federal Court No. 1, the Federal Court of Appeals of Mendoza, as agreed by the parties.	Total
Case 12.681, Report No. 268/21, Marcos Alejandro Martín (Argentina), recommendation 1.	Individual	Adopt the necessary measures to annul the conviction against Marcos Alejandro Martín.	The State Reportd that the record of the conviction imposed on the victim has expired and that neither the National Registry of Recidivism nor the Argentine Federal Police have records of that conviction. It added that, notwithstanding the foregoing, it undertakes to inform any court indicated by the petitioner that the victim's conviction is no longer in effect.	Total
Case 12.681, Report No. 268/21, Marcos Alejandro Martín (Argentina), recommendation 2 and clauses A2, A3, A4 and B (regarding pecuniary and non-pecuniary reparation measures)	Individual	Make full reparation for the human rights violations declared in this report, both in material and non-material aspects. To this end, the State must adopt measures of economic compensation and satisfaction in favor of the victim.	the State reported that on September 7, 2021, the Ad Hoc Arbitral Tribunal constituted to make the payment in the present case issued its arbitral award on September 7, 2021, setting the compensation to be paid to the victim for material and non-material damages and reimbursement of costs and expenses. Subsequently, during 2022, it indicated that on December 23, 2021, the payment of the compensation ordered by	Total

			the Arbitral Tribunal to the victim was made. The State also indicated that, as regards medical, psychological, and social assistance, in 2022, various medical appointments were coordinated with the victim's representatives and that there were no requirements for psychological care or formal training.	
<b>BRAZIL</b>				
Case 12.332, Report No. 31/20, Margarita Maria Alves (Brazil), recommendation 1.	Individual	Make full reparations to the next of kin of the victim in this case through pecuniary compensation and satisfaction measures that include the material and non-material damage caused because of the violations declared in this report.	In 2022, the State reiterated the information provided previously and indicated that based on a compliance agreement signed on August 26, 2019, signed between the State and José de Arimatéia, it guaranteed the payment of compensation to the latter José de Arimatéia, remitting the respective proof of payment.	Total
<b>COLOMBIA</b>				
Case 11.654, Report Nº 62/01, Riofrío massacre (Colombia), recommendation 1	Individual	Conduct an impartial and effective investigation before the ordinary jurisdiction in order to prosecute and punish those materially and intellectually responsible.	The Prosecutor's Office informed that the investigation into the facts of this case is at the summary trial stage for the crime of homicide against 12 people.	Partial
<b>ECUADOR</b>				
Case 11.444, Report No. 457/21, Amparo Constante Merizalde (Ecuador) recommendation 1 y eight clause of the compliance agreement	Individual	Recommendation 1. Make full reparations to the victim in this case, including both material and non-material aspects.  Eight clause. During the first round of the negotiation process of June 26, 2018, the Ministry of the Interior proposed as integral reparation for the violation of human rights, the total amount of USD 60,000.00 value that was accepted by Mrs. JANETH AMPARO CONSTANTE MERIZALDE, victim and beneficiary of the Merits Report No. 32/18.	The State reported that on March 21, 2019, the Ministry of Economy and Finance made the payment of the compensation agreed with the victim of the case and that on March 27, 2019, the proof of payment was delivered to him.	Total

Case 12.931, Report No. 328/21, Daría Olinda Puertocarrero Hurtado (Ecuador) Recommendation 1, seventh clause (satisfaction measure - educational offerings and rehabilitation measure - comprehensive health care program)	Individual	Make full reparation to Daría Olinda Puertocarrero Hurtado through measures of compensation, satisfaction, and rehabilitation, including the material and non-material damage caused to the victim because of the violations declared in the report.	The IACHR observed the information presented by the petitioner in the sense that full reparations must be made.	Total
<b>MEXICO</b>				
Case 12.551, Report No. 51/13, Paloma Angélica Escobar, clause 9.b.	Structural	9B. The State Government commits to publish and distribute in public libraries of the State, Non-Governmental Organizations and Community Centers, a book entitled "Justice for Our Daughters", whose prologue will be written by Mrs. Norma Ledezma and agreed with the State Government, and the content will be a compilation of laws on Women's Human Rights [...].	The State reported on the presentation of the book "Justicia para Nuestras Hijas" (Justice for Our Daughters), the contents of which were agreed upon with Mrs. Norma Ledezma.	Total

420. The Commission appreciates the efforts of the States of Argentina, Brazil, Ecuador, and Mexico to determine full compliance with some of the recommendations issued in published merits reports or with respect to the clauses of the compliance agreements and welcomes the progress made in the implementation of these 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 international obligations by States. 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 can be assessed, and progress can be made towards the cessation of monitoring of such matters.

**b. Cases with no information submitted in 2022**

421. The IACHR records the 41 cases in which no information was received from any of the parties as of the closing date of this report:

- Case 12.586, John Doe (Canada)

- Case 11.661, Manickavasagam Suresh (Canada)
- Case 12.713, José Rusbel Lara et al.
- Case 12.477, Lorenzo Enrique Copello Castillo et al.
- Case 12.127, Valdimiro Roca Antunez et al.
- Case 13.639, Yoani María Sánchez Cordero (Cuba)
- Case 9.903, Rafael Ferrer Mazorra et al. (United States)
- Case 12,243, Juan Raul Garza (United States)
- Case 11.193, Shaka Sankofa (United States)
- Case 11,331, Cesar Fierro (United States)
- Case 12,240, Douglas Christopher Thomas (United States)
- Case 12,412, Napoleon Beazley (United States)
- Case 12,430, Roberto Moreno Ramos (United States)
- Case 12,439, Toronto Markkey Patterson (United States)
- Case 12,421, Javier Suarez Medina (United States)
- Case 12,534, Andrea Mortlock (United States)
- Case 12.644, Medellín, Ramírez Cárdenas and Leal García (United States)
- Case 12,626, Jessica Lenahan (United States)
- Case. 12,776, Jeffrey Timothy Landrigan (United States)
- Case 11.575, 12.333 and 12.341, Clarence Allen Jackey et al.; Miguel Angel Flores, James Wilson Chambers (United States)
- Case 12,864, Ivan Teleguz (United States)
- Case 12,422, Abu-Ali Abdur' Rahman (United States)
- Case 12.873, Edgar Tamayo Arias (United States)
- Case 12.833, Felix Rocha Diaz (United States)
- Case 12,831, Kevin Cooper (United States)
- Case 12,994, Bernardo Aban Tercero (United States)
- Case 12.834, Undocumented workers (United States)
- Case 12,254, Victor Saldaño (United States)
- Case 10.573 José Isabel Salas Galindo et al. (United States)
- Case 12,958 Russell Bucklew (United States)
- Case 13.361, Julius Omar Robinson (United States)
- Case 12.719, Orlando Cordia Hall (United States)
- Case 12,754, Nvwtohiyada Idehesdi Sequoyah (United States)
- Cases 11.826, 11.843, 11.846 and 11.847, Leroy Lamey, Kevin Mykoo, Milton Montique, and Dalton Daley (Jamaica)
- Case 12,069, Damion Thomas (Jamaica)
- Case 12,183, Joseph Thomas (Jamaica)
- Case 12,275, Denton Aitken (Jamaica)
- Case 12,347, Dave Sewell (Jamaica)
- Case 12,417, Whitley Myrie (Jamaica)
- Case 12,418, Michael Gayle (Jamaica)
- Case 12,447, Derrick Tracey (Jamaica)

422. 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 tracking published merits reports**

423. The Commission announces that 14 new cases have entered the follow-up stage for the first time through the IACHR Annual Report in 2022 (art. 48 of the Rules of Procedure):



- Case 12.721, Report No. 460/21, Angel Pedro Falanga (Argentina)
- Case 12.681, Report No. 268/21, Marcos Alejandro Martín (Argentina)
- Case 12.071, Report No. 459/21, Cuban and Haitian nationals detained at Carmichael Road Detention Center and deported (Bahamas)
- Case 12.880, Report No. 458/21, Edmundo Alex Lemun Saavedra et al.
- Case 13.639, Report No. 297/21, Yoani María Sánchez Cordero (Cuba)
- Case 11.444, Report No. 457/21, Amparo Constante Merizalde (Ecuador)
- Case 12.931, Report No. 328/21, Daría Olinda Puertocarrero Hurtado (Ecuador)
- Case 12.505, Report No. 462/21, Marlin Gray (United States)
- Case 13.394, Report No. 461/21, Pete Carl Rogovich (United States)
- Case 13.829, Report No. 456/21, Ramiro Ibarra Rubi (United States)
- Case 12.832, Report No. 455/21, Gregory Thompson (United States)
- Case 13.339, Report No. 453/21, Manuel Valle (United States)
- Case 13.478, Report No. 451/21, Jose Trinidad Loza Ventura (United States)
- Case 12.871, Report No. 333/21, Virgilio Maldonado Rodriguez (United States)

424. The IACHR thanks the parties for the information provided in the framework of the follow-up of the recommendations until publication in 2022 and informs that it will continue to improve its follow-up processes to strengthen observance of the recommendations established in its merits reports (art. 51).

## F. Precautionary Measures

425. Precautionary measures in the inter-American human rights system are a protection mechanism of the Inter-American Commission on Human Rights (IACHR), whereby the Commission asks a State to protect one or more persons who are in situation that entails serious and urgent risk of suffering irreparable harm. Any person or organization may apply for a precautionary measure on behalf of an identified or identifiable person or group of persons who are in a situation of risk.

426. The mechanism of precautionary measures has a history of more than four decades in the inter-American system and has been used as an effective tool for protecting the fundamental rights of the inhabitants of the States that fall under the jurisdiction of the Inter-American Commission. The IACHR power to request the adoption of urgent actions or issue precautionary measures reflects common practice in international human rights law. In the region's particular context, it has operated as an effective protection and prevention instrument in response to the possibility of serious and irreparable harm to persons or groups of persons facing imminent situations of risk.

427. Precautionary measures are provided for in Article 25 of the [IACHR Rules of Procedure](#), according to which, in serious and urgent situations presenting a risk of irreparable harm, the Commission may, on its own initiative or at the request of a party, "request that a State adopt precautionary measures." The Commission shall consider that:

- a. "serious situation" refers to the 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.

428. The nature and purpose of precautionary measures granted by the Inter-American Commission are different from those of measures available in national jurisdictions. Precautionary measures fulfill two functions related to protecting the fundamental rights enshrined in the instruments of the inter-American system. On one hand, they have a “precautionary” function in the sense that they aim to preserve legal situations while the IACHR is hearing a case or petition. On the other hand, they have a “protective” function because they seek to preserve the exercise of human rights, independent of an underlying petition or case.

429. With regard to the precautionary aspect, precautionary measures may be intended to prevent the enforcement of judicial, administrative, or other types of measures, when it is alleged that their enforcement could render ineffective an eventual IACHR decision on an individual petition. An example of this can be seen reflected in those situations in which the IACHR has urged the State to suspend the imposition of the death penalty, in order to allow the Commission to later analyze in the petition or case the violations alleged by the petitioners in relation to the applicable instruments.

430. Regarding the protective aspect, these measures seek to prevent the materialization of irreparable harm and thus to preserve the exercise of human rights. These considerations have led to the issuance of protective measures in a wide range of situations, particularly for the purpose of preventing irreparable harm to the life and personal integrity of the beneficiary or beneficiaries. Examples of such situations include matters related to disappearances, access to medical treatment, threats, harassment, and persecution, including in connection with the beneficiary’s employment or affiliation, among many other situations.

431. The IACHR Rules of Procedure indicate that the granting of such measures and their adoption by the State shall not constitute prejudgment regarding the violation of rights protected in the American Convention on Human Rights and/or other applicable instruments. In addition, the IACHR would like to emphasize that, in accordance with Article 25(6) of its Rules of Procedure, a request for precautionary measures is analyzed taking into account the context, the specifics of each concrete situation, and the nature of the risk and harm sought to be prevented.

432. Precautionary measures have been invoked to protect thousands of persons or groups of persons at risk. In 2022, those groups included indigenous peoples, journalists, persons deprived of liberty, disappeared persons, human rights defenders, persons sentenced to death, as well as Afro-descendants, LGBTI persons, and women at particular risk.

## 1. Requests for precautionary measures

433. During 2022, the Commission received 1033 new requests for precautionary measures, managing to legally review 97.09% of them for the year. This shows that the IACHR has maintained the optimal level of real-time review of requests for measures that was achieved since 2018, with an initial review of more than 90% of the requests filed in a single year, guaranteeing a timely response to persons requesting protection in the region.

434. Moreover, in 2022, the IACHR achieved significant results in the review of precautionary measures pending a final decision based on the chronological criterion. In this regard, processing was completed with a final decision on all precautionary measures filed prior to and during 2020, as well as on 95.44% of the requests filed in 2021. **For the first time, the IACHR closed a year having concluded the processing of all requests for precautionary measures filed up to the year preceding the current year. That historic result reflects substantive advances made in the Commission’s institutional capacity for making timely decisions.**

435. Both achievements, maintaining initial legal review levels over 90% and progress made in concluding the processing of requests pending a final decision, are the result of actions to strengthen the precautionary measures mechanism and transparency implemented by the IACHR. These efforts range from implementing [Resolution 3/2018 “Strengthening of the processing of requests for precautionary measures”](#); strengthening internal capacities with a substantial increase in the technical and administrative team; the creation of task forces; and the development of new methodologies and instruments for the work of analyzing precautionary measures.

436. In 2022, the IACHR continued to implement [Resolution 3/2018 “Strengthening of the processing of requests for precautionary measures.”](#) which made it possible to strengthen the methodology for the initial study of requests received, recalling that they continue to be diagnosed<sup>158</sup> daily and classified according to available information on their respective urgency. This allows the IACHR to prioritize requests that identify greater evidence of urgency, in accordance with Article 25 of the Rules of Procedure, favoring more expeditious decision-making on matters that show more signs of imminent risk.

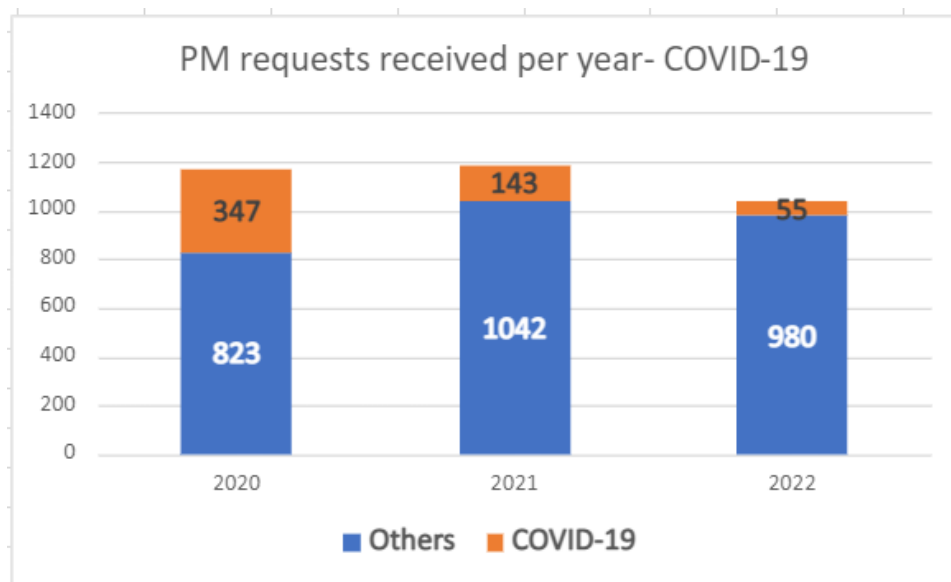
437. In the same regard, the referenced Resolution 3/2018 provided greater flexibility in the processing of matters or claims that the Commission has, historically and consistently, considered not susceptible of being analyzed through the precautionary measures mechanism, as they would entail an analysis of the merits, which belongs to the petition and case system. In addition, implementation of Resolution 3/2018 allowed the Commission, in certain situations, to inactivate requests for precautionary measures in which no response was received from the applicants by established deadlines.<sup>159</sup> In 2022, the Commission periodically reviewed all communications recorded in the files of inactivated precautionary measures requests, in order to evaluate whether information has been submitted on new risk factors that warrant another assessment under a new precautionary measures request record.

438. Due to the efforts made to strengthen the timely response capability of the precautionary measures mechanism, in 2022 the Commission achieved a substantial decrease in the number of pending requests being processed. In addition, in contrast with the two previous years, the IACHR saw a decrease in requests for precautionary measures related to COVID-19, given the progress the region has made in controlling the pandemic. In this regard, the IACHR received 347 requests in 2020 related to the pandemic, 143 in 2021, and 55 in 2022. That reduction had an impact on the respective decline in the total number of requests for precautionary measures in the year 2022.

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<sup>158</sup> The [initial diagnosis](#) evaluates what the matter relates to and assesses its degree of urgency, allowing the Commission to prioritize situations of greater risk. This is distinct from the [legal evaluation](#) of the matter, which refers to technical analysis as to whether a request satisfies the procedural requirements for granting a precautionary measure.

<sup>159</sup> The Commission recalls that it is possible to submit a new request for precautionary measures.



439. The Commission also noted a reduction in the number of requests filed regarding some countries in comparison with the year 2021, such as Colombia, Cuba, and Nicaragua where protests and electoral crises represented a substantial increase in the number of received requests for precautionary measures. In 2022, the number of requests regarding these countries has returned to the average in prior years. In this regard, in 2021, 15.15% of the requests for precautionary measures regarding Colombia were related to protests, and 45.7% of the requests regarding Cuba were related to demonstrations. Similarly, the electoral context in Nicaragua in 2021 explains the increase in requests regarding this country, which had 26 requests in 2020, 56 in 2021, and 27 in 2022. Such factors, added to the decrease in requests related to the COVID-19 pandemic, contributed to the decline in the total number of requests for precautionary measures filed in 2022.

440. In 2022, the IACHR granted and/or extended 55 precautionary measures by means of 45 resolutions. This work succeeded in protecting more than 1,648 people, in addition to identifiable groups. In 2022, the number of precautionary measures granted fell in comparison with prior years. This is the result not only of the reduction in the number of requests received but also the progress made in reducing the number of requests being processed and pending a final decision and addressing the chronological delay, which resulted in an increase in measures granted and extended in 2021.

441. Of the requests for precautionary measures under analysis this year, the IACHR granted or extended an average of 4.8%.<sup>160</sup> Of the precautionary measures granted or extended, 46% were granted in less than 90 days of being recorded.<sup>161</sup> These figures reflect timeliness in the granting of precautionary measures by the IACHR, in which a large part of the measures granted are processed – including consultations with the requesting party and the State – and notified in less than three months of being recorded. In specific matters, in which the imminence of the risk admits of no delay, the IACHR grants measures in even shorter timelines. In this regard, in 2022, two matters, regarding a death penalty and the disappearance of two persons, have been processed and the measure granted and notified in less than 48 hours.

<sup>160</sup> This figure includes evaluations on expanded precautionary measures; as these measures represent a form of granting, they are reported together with other measures granted. Details on expansions are addressed in “Monitoring precautionary measures in force.”

<sup>161</sup> The time period includes the time for the initial evaluation and follow-up of requests, information forwarded among the parties, preparation of the draft resolution, internal consultations, translation, and consultation with the Commissioners of the IACHR. Some requests, when referring to situations with a high degree of emergency, are processed and decided upon in just a few days, and even in 24 hours.

442. In addition, it should be emphasized that in 2022 the IACHR deliberated on 912 requests for precautionary measures.

## 2. Follow-up of precautionary measures in force

443. In 2022, the Commission continued implementation of [Resolution 2/2020 - “Strengthening of the Monitoring of Precautionary Measures in Force,”](#) which guides monitoring of the implementation of precautionary measures granted with a view to protecting the rights of beneficiaries. The Commission also continued its commitment to the States, the beneficiaries, and their representatives to strengthen the monitoring of precautionary measures in force, as well as to promote the transparency, predictability, and legal certainty of decisions. Resolution 2/2020 also provides for the possibility of the IACHR issuance of Monitoring Resolutions on current matters that merit a statement on its part, in order to promote the implementation of precautionary measures as well as the possibility of holding working meetings outside of periods of sessions and conducting on-site visits so as to allow a closer approach to the beneficiaries and their representatives and State authorities, to gain direct knowledge of the implementation status of measures, and assess the current risk.

444. In light of the above, and with a view to continued improvement in the monitoring of measures in force, the Executive Secretariat adopted a working methodology that allows the IACHR to periodically evaluate precautionary measures in force, both in terms of the suitability and effectiveness of the protective measures adopted by the States and persistent compliance with the procedural requirements. It is thus anticipated that the Commission will be able to focus on those matters that, based on the risk evidenced in terms of Article 25, require its due consideration, as well as to adopt resolutions to lift precautionary measures when it decides to do so.<sup>162</sup> It should be recalled that the IACHR has, since 2020, assigned specialized, full-time staff to overseeing measures in force, constituting the [Special Protection Overseeing Group](#).

445. As a result of the actions adopted to ensure the follow-up of precautionary measures in force, **in 2022 the Commission managed, for the first time, to ensure that at least one overseeing action was carried out with respect to 100% of the precautionary measures in force.**<sup>163</sup> This achievement reflects a change, initiated in 2020, in the model for monitoring measures in force that allows for more periodic monitoring of the implementation of precautionary measures as well as more timely updating of information to the IACHR. Along the same line, **the IACHR has also succeeded, for the first time, in ensuring that reports sent by the parties are forwarded in 100% of its portfolio of precautionary measures in force at least once each year.**

446. With the progress made in mitigating the COVID-19 pandemic in the hemisphere, the IACHR was able to resume its **on-site visits**, carrying out in 2022 two visits to monitor precautionary measures in force:

- From July 11 to 15, 2022, the IACHR conducted a visit to monitor precautionary measures PM 882-17 – Displaced persons from Chalchihuitán and PM 284-18 – Tzotzil indigenous families from twelve identified communities of Aldama, Chiapas, Mexico. The Commission directly visited the beneficiary indigenous communities in their territory and was able to see first-hand the impacts of violence on the infrastructure and directly on the population

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<sup>162</sup> IACHR, [Press Release 201/20](#) – IACHR Reports Implementation of Resolution 2/2020 on Strengthening of the Monitoring of Precautionary Measures in Force, dated August 17, 2020.

<sup>163</sup> The IACHR has been unable to hold proceedings on 9 precautionary measures in force in which the representation has not kept its communication data up to date. In addition, the IACHR has not taken additional actions on measures in force on which a resolution to lift the measure is being processed.

of the beneficiary communities, as well as the efforts made by State authorities to resolve a conflict that is decades old.<sup>164</sup>

- On September 1, 2022, the IACHR was in Tegucigalpa, Honduras, conducting a visit to monitor PM 112-16 - Berta Cáceres's relatives and members of COPINH, pursuant to [Follow-up Resolution 88/2021](#). On that occasion, the IACHR held an in-person working meeting in which the parties provided updated information on the implementation of the precautionary measures and agreed on important areas of collaboration and mitigation of identified risks.<sup>165</sup>

447. In addition, the strategy to strengthen the monitoring of precautionary measures in force has allowed the IACHR to exchange more than 1671 monitoring communications with States and representatives, requesting specific information to supervise the implementation of such measures. That figure represents more than twice that in 2021, in which the IACHR sent more than 620 letters. The IACHR has also held bilateral meetings, working meetings, and public hearings. The year 2022 represented a significant increase in bilateral meetings held with one of the parties, holding 75 meetings with respect to 80 precautionary measures. In 2021, there were 29 bilateral meetings. In addition, in 2022, there were 50 working meetings held with respect to 50 precautionary measures and four public hearings<sup>166</sup> regarding 99 precautionary measures. Also, in 2022 there was a significant increase in the number of working meetings held outside of the periods of sessions; compared to two such meetings in 2021, 12 meetings were held in 2022. This represents the IACHR efforts to implement the referenced Resolution 2/2020, providing a closer approach to the parties. In addition, the IACHR held five portfolio meetings with the States of Mexico, the United States, Argentina, and the Bahamas.

183 <sup>rd</sup> Period of Sessions			
Working Meetings			
No.	PM	Beneficiaries	State
1	70-99	Members of CAVIDA (Cacarica Communities)	Colombia
2	793-19	Committee of Victims of La Saline	Haiti
3	112-16	Relatives of Berta Cáceres and members of COPINH	Honduras
4	409-14	43 Students Disappeared and Not Found	Mexico
5	1175-20	Camille Occius and family	Haiti
6	265-20	Detained Migrants at NWPC	United States
7	339-09	Claudia Julieta Duque Orrego and María Alejandra Gómez Duque	Colombia
8	887-19	Families of the Nueva Austria del Sira Community	Peru
9	551-21	Erica Sheppard	Estados Unidos
10	487-19	Quelvin Otoniel Jiménez Villalta	Guatemala

<sup>164</sup> IACHR. [Press Release 165/22](#) – IACHR Concludes Visit to Follow Up on Precautionary Measures to Indigenous Communities in Chiapas, Mexico. July 25, 2022.

<sup>165</sup> IACHR. [Press Release 202/22](#). IACHR Completes Protocol and Promotion Visit to Honduras. September 13, 2022.

<sup>166</sup> IACHR. [Hearings on Precautionary Measures](#).

11	491-21	S.G.R.Q. and her nuclear family	Colombia
12	1080-20	Christa Pike	United States

184<sup>th</sup> Period of Sessions

## Working Meetings

No.	PM	Beneficiaries	State
13	21-05	Wiwa Indigenous People of the Sierra Nevada de Santa Marta	Colombia
14	379-19 and 888-19	Evaristo de Moraes Penitentiary and Jorge Santana Public Penitentiary	Brazil
15	242-09	Marco Romero, Edna Bibiana Ortiz, Jorge Rojas (Members of CODHES)	Colombia
16	104-12, 37-15, 496-14	Units 46, 47, and 48 of the Buenos Aires Province Penitentiary Service, Persons Deprived of Liberty in 21 Police Stations in Buenos Aires Province	Argentina
17	552-21	Yiner Hernán Quiguanter Cortés	Colombia
18	1211-19	Quilombola Rio dos Macacos Community	Brazil
19	455-19	D.R.S.V.	Peru
20	607-21	Jorge Luis Salas Arenas and his nuclear family	Peru
21	1151-18 and 95-10	Members of JOPRODEH and Jorge Fernando Jiménez Reyes et al.	Honduras
22	275-15	Juders Ysemé, Nissage Martyr, David Boniface	Haiti
23	1084-21	Glenda Carolina Ayala Mejía and family	Honduras
24	125-17	Inmates of the General Hospital of Port-au-Prince Held at the Civil Penitentiary of Port-au-Prince	Haiti
25	431-17 and 28-19	Gloria Patricia Porras Escobar and Francisco de Mata Vela et al.	Guatemala
26	958-16	Children and Adolescents at the Virgin of the Assumption Residential Institution	Guatemala

185<sup>th</sup> Period of Sessions

## Working Meetings

No.	PM	Beneficiaries	State
27	408-22	Benny Brioly and members of her work team	Brazil
28	61-11	Members of the Awá Indigenous People of the Departments of Nariño and Putumayo	Colombia
29	183-20	Narly Gómez Jiménez and Her Daughter, V.T.M.G.	Colombia

30	522-14	Alberto Yepes Palacio and His Daughter	Colombia
31	754-20	Guajajara and Awá Indigenous People in the Araribóia Indigenous Land	Brazil
32	1051-20	Members of the Digital Newspaper El Faro	El Salvador
33	990-21	Vicente Iván Suástegui Munoz and family	Mexico
34	487-19	Quelvin Otoniel Jimenez Villalta	Guatemala
35	463-11	Iván Serrano	United States
36	887-19	Families of the Nueva Austria del Sira Community	Peru
37	793-19	Committee of Victims of La Saline – Bety Louis et al.	Haiti

Working Meetings Held Outside the Periods of Sessions				
No.	PM	Beneficiaries	State	Date
38	431-17 and 28-19	Gloria Patricia Porras Escobar and Francisco de Mata Vela et al.	Guatemala	01/28/2022
39	395-18	Siona Indigenous People of the Gonzaya and Po Piyuya Reservations	Colombia	04/26/2022
40	140-14	Yomaira Mendoza et al.	Colombia	04/26/2022
41	197-05, 301-08 and 255-11	Alcibiades Escue et al., Leaders of the Cauca Regional Council, Nasa People of the Toribio, San Francisco, Tacueyo and Jambalo Reservations	Colombia	04/28/2022
42	649-20	Leyner Palacios Aspirilla and his nuclear family	Colombia	04/28/2022
43	210-17	Leaders of the Political and Social Movement Marcha Patriótica	Colombia	04/29/2022
44	491-21	S.G.R.Q., her daughter A.S.R.Q. and husband H.A.R.R.,	Colombia	04/29/2022
45	972-18	Semma Julissa Villanueva Barahona, Karla Vanessa Beltran Cruz, Gregoria América Gómez, Dicciana Noreyda Ferrufino	Honduras	08/16/2022
46	1050-21	Families from the Mixteca Indigenous Communities of Guerrero Grande and Ndoyonuyuji et al.		29/08/2022
47	112-16	Berta Cáceres, her nuclear family, and members of COPINH	Honduras	09/01/2022
48	458-19	Guyraroká Community of the Guarani Kaiowá Indigenous People	Brazil	09/15/2022
49	416-13	18 members of the Movimiento Amplio por la Dignidad y la Justicia (Broad Movement for Dignity and Justice) and their families	Honduras	12/12/2022
50	339-09	Claudia Julieta Duque and other	Colombia	12/19/2022

448. The four public hearings held in 2022 relating to 99 precautionary measures also represent a significant increase compared to the preceding year, when three public hearings were held related to eight



precautionary measures. Public hearings allow the parties to engage in direct dialogue with the IACHR plenary and present progress made in implementation, challenges identified, and other relevant information.

184 <sup>th</sup> Period of Sessions			
Public Hearings			
No.	PM	Beneficiaries	State
1	37-14, 57-14, 74-22, 82-18, 84-13, 101-12, 160-11, 304-15, 334-18, 463-11, 471-11, 490-12, 551-21, 1080-20, 1170-21	15 precautionary measures on the death penalty and death row in the United States	United States
2	84-19, 96-21, 205-21, 444-20, 489-20, 610-21, 823-18, 949-21, 1169-21	10 precautionary measures on persons deprived of liberty in Nicaragua	Nicaragua

185 <sup>th</sup> Period of Sessions			
Public Hearings			
No.	PM	Beneficiaries	State
3	Topics	Implementation of precautionary measures for defenders in Colombia (amounting to 69 PMs)	Colombia
4	259-02; 211-08; 422-14; 46-15; 184-17.	Detainees in Guantánamo Bay with respect to the United States	United States

449. The IACHR also made itself available for discussions in the context of the Technical Working Group in Colombia, which included an in-person visit to the country in April 2022. On that occasion, the IACHR delegation was led by Commissioner Joel Hernandez, Rapporteur for Colombia, accompanied by the Executive Secretariat’s technical team. The Technical Working Group with the State of Colombia made it possible to define the procedural status of matters in the country’s portfolio of precautionary measures; to learn about the challenges that the State faces when implementing precautionary measures in favor of beneficiaries; and have an explanation regarding Colombia’s institutional structure for the protection of persons at risk. Finally, the IACHR held in Bogota its first six in-person meetings since 2020 with respect to eight precautionary measures, which were selected based on information revealing the existence of high risk.

450. In addition, the IACHR held a Virtual Monitoring Meeting with respect to Guatemala from March 29 to March 31, 2022, which included a component on precautionary measures in force. On that occasion, it was possible to specifically scrutinize the implementation of specific precautionary measures considered priorities due to the alleged situation of risk. In addition, the State emphasized points indicating particular challenges for the implementation of precautionary measures and, in conjunction with the IACHR, a list of precautionary measures to be prioritized was defined given the risk and the challenges identified.<sup>167</sup>

<sup>167</sup> IACHR. [Press Release 77/22](#). CIDH Holds Virtual Roundtable with State of Guatemala to Follow Up on Recommendations. April 9, 2022.

451. In 2022, the IACHR expanded the use of press releases and Tweets as tools for monitoring precautionary measures, frequently in conjunction with the monitoring area. Thus, eight press releases were published with respect to eight precautionary measures.

Press Releases			
2/22	The IACHR Issues a Resolution to Follow Up on Precautionary Measures granted in Favor of the Families of the Laguna Larga Community in Guatemala	Guatemala	01/06/2022
37/22	IACHR Expresses Concern over New Violations of Judicial Independence in Guatemala	Guatemala	02/22/2022
42/22	IACHR Issues Follow-Up Resolution on Precautionary Measures in Favor of Patients and Newborns at Concepción Palacios Maternity Hospital in Venezuela	Venezuela	03/01/2022
87/22	IACHR Urges the United States to Refrain from Applying the Death Penalty to Melissa Lucio, Beneficiary of Precautionary Measures	United States	04/22/2022
R138/22	The RELE Condemns the Murders of the Beneficiaries of Precautionary Measures, the Journalist Dom Phillips and the Expert in Indigenous People Bruno Araújo Pereira in Brazil	Brazil	06/18/2022
160/22	IACHR Grants Follow-Up Resolution concerning Precautionary Measures for Members of Salvadoran Newspaper El Faro	El Salvador	07/13/2022
221/22	IACHR Resolves to Follow-Up Precautionary Measures in Favor of Damas de Blanco (Ladies in White) in Cuba	Cuba	09/30/2022
253/22	The IACHR Follows-Up Precautionary Measures in Favor of José Javier Tarazona, in Venezuela		11/10/2022

452. It should be emphasized that a precautionary measure is intrinsically granted on a temporary basis. Accordingly, and based on Article 25, paragraph 9 of its Rules of Procedure, the IACHR periodically evaluates precautionary measures in force, *ex officio* or at the request of a party, in order to maintain, modify, or lift them. In this regard, in 2022, the Commission issued 41 resolutions related to 54 precautionary measures in force (see, *infra*, details on each resolution). In addition, the IACHR evaluated one request for extension of precautionary measures in which it decided not to extend and one request for provisional measures from the I/A Court H.R. in which it decided not to request them.

Resolutions			
PM-243-10	Lift	Sigifredo Espinosa Pérez and his family	Colombia
PM-338-13	Lift	Lorenzo Santos Torres and his family	Mexico
PM-356-16	Lift	Child A.R.	Argentina
PM-254-10	Lift	Leiderman Ortiz Berrio	Colombia
PM-505-15	Extend	Indigenous Peoples of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region	Nicaragua
PM-150-19	Follow-Up	Patients and Newborns in the Concepción Palacios Maternity Hospital	Venezuela
PM 368-10	Lift	María Tirsa Paz et al.	Colombia
PM-72-11	Lift	Leonel Casco Gutiérrez	Honduras
PM-209-07	Lift	Carlos Mario Gómez Gómez	Colombia

<b>PM-52-16</b>	Lift	María Dolores López Godoy, Nelly Lizeth Martínez Martínez and family	Honduras
<b>PM-21-11</b>	Lift	Blanca Velázquez Díaz et al.	Mexico
<b>PM-364-17</b>	Lift	G.Y.G.R.	Mexico
<b>PM-404-10</b>	Lift	Members of the Qom Navogoh Indigenous Community “La Primavera”	Argentina
<b>PM-819-18</b>	Extend	Yubrank Miguel Suazo Herrera	Nicaragua
<b>PM-331-22</b>	Lift	Clarence Wayne Dixon	United States
<b>PM-286-19</b>	Lift	C.F.M.T.	Dominican Republic
<b>PM-886-21</b>	Lift	Sebastián Quiñónez Echavarría	Colombia
<b>PM-1051-20</b>	Follow-Up, Extension, Partial Lifting	Identified Members of the Digital Newspaper El Faro	El Salvador
<b>PM-134-07</b>	Lift	Alba Gabriela Cruz Ramos	Mexico
<b>PM-382-21</b>	Lift	Ovidio Jesús Poggioli Pérez	Venezuela
<b>PM-134-00</b>	Lift	Regional Corporation for the Defense of Human Rights (CREDHOS)	Colombia
<b>PM-349-20</b>	Lift	Jorge Ernesto López Zea	Colombia
<b>PM-789-04, PM-1026-04 and PM-471-11</b>	Lift	Gregory Thompson et al.	United States
<b>PM-306-06</b>	Lift	Jorge Luís García Pérez Antúnez	Cuba
<b>PM-264-22</b>	Follow-Up	Members of Damas de Blanco	Cuba
<b>PM-302-15</b>	Lift	Adolescents Deprived of Their Liberty at the Center for Social-Educational Attention of Adolescents (CASA) Cedro with respect to Brazil	Brazil
<b>PM-888-19</b>	Extension	Persons Deprived of Liberty in the Alfredo Tranjan Penitentiary	Brazil
<b>PM-262-02, PM-465-11, PM-470-11 and PM-357-11</b>	Lift	Abu-Ali Abdur’ Rahman and Three Other Persons	United States
<b>PM-968-20</b>	Lift	Mariano Valle Peters	Nicaragua
<b>PM-449-22</b>	Extension and Follow-Up	União dos Povos Indígenas do Vale de Javari	Brazil
<b>PM-258-20</b>	Modify and Follow-Up	José Javier Tarazona Sánchez	Venezuela
<b>PM-114-06</b>	Lift	Mayan Community-Sitio El Rosario-Naranjo	Guatemala
<b>PM-1014-17</b>	Lift	Indigenous Girl U. V. O. and family	Mexico
<b>PM-693-18</b>	Extension	Katya Milady Reyes Ortiz	Nicaragua
<b>PM-197-10</b>	Lift	135 habitantes de San Juan Copala	México
<b>PM-400-15</b>	Lift	O.Y.L. and 14 other persons (15 identified members of the Governing Board of the	Colombia

		Alto Mira and Frontera Community Council - CCAMF)	
PM-452-13	Partial Lift	Lauro Baumea Mora et al.	Mexico
PM-29-15	Lift	Nazira María Ugalde Alfaro	Peru
PM-384-02, PM-348-06, PM-177-14, PM-204-07, PM-736-17 and PM-250-17	Lift	Roberto Moreno Ramos and five other persons	United States
PM-204-14, PM-489-15, PM-156-17 and PM1048-20	Lift	John Winfield and three others	United States
PM-29-16	Lift	Margarita Marín Yan et al.	Mexico

453. Follow-Up Resolutions are a practice that the IACHR decided to consolidate through the above-mentioned [Resolution 2/2020](#). They provide an opportunity for the Commission to evaluate the implementation and mitigation measures adopted by the State and to delve into the specific aspects of each matter, taking into account the criteria established in that resolution. In 2022, the Commission granted five follow-up resolutions, which are detailed as follows:

[Resolution No. 11/22](#) - PM 150-19 - Concepción Palacios Maternity Hospital, Venezuela

On February 27, 2022, the Commission issued a follow-up resolution in favor of female patients in delivery rooms and emergency areas, as well as newborns in the neonatology areas of the Concepción Palacios Maternity Hospital in Venezuela. On that occasion, the IACHR referred to the State's lack of response in following up the matter, which it considered a serious deficiency given the threatening situation analyzed. With regard to the beneficiaries' situation, the Commission determined that the risk factors continued to be present, analyzing distinct factors such as the gender dimension and expressed its interest in visiting the Concepción Palacios Hospital.

[Resolution No. 32/22](#) - PM 1051-20 - Identified Members of the Digital Newspaper El Faro, El Salvador

On July 8, 2022, the IACHR issued a follow-up resolution in favor of the identified members of the digital newspaper El Faro. On that occasion, the Commission assessed the parties' efforts to collaborate, the State's explicit expression of its desire to move ahead with implementation of protective measures in favor of the beneficiaries and offer of specific protection details. At the same time, the IACHR noted obstacles to concrete advances in security measures, disputes regarding the adequacy of the protection details offered, as well as the ongoing risk events against the beneficiaries in their work as journalists. The Commission asked the State of El Salvador to continue adopting the measures necessary to effectively guarantee the life and personal integrity of the beneficiaries, so as to ensure that they are able to carry out their journalistic activities while exercising their right to freedom of expression and without being subject to acts of intimidation, threats, and harassment.

[Resolution No. 48/22](#) - PM 264-13 - Members of Damas de Blanco, Cuba

On September 28, 2022, the Commission issued a follow-up resolution in which it addressed the implementation of precautionary measures in favor of the members of the *Damas de Blanco* organization in Cuba. The Commission analyzed information provided by the representation regarding implementation of the precautionary measures in the current context and lamented the lack of response from the State, identifying gender-based differential treatment the organization faces as women human rights defenders. In addition, the Commission noted that members of the *Damas de Blanco* organization share common risk factors based on their belonging to that organization, establishing that the universe of beneficiaries of precautionary measures can be defined based on a series of criteria<sup>168</sup> and would not be limited to the exhaustive list submitted when the precautionary measures were initially granted.

[Resolution No. 59/22](#) - PM 449-22 – Identified members of the *União dos Povos Indígenas do Vale de Javari* -UNIVAJA (Union of Indigenous Peoples of Vale de Javari), Brazil

On October 27, 2022, the IACHR issued, in conjunction with a resolution to extend, a follow-up resolution with respect to the indigenist, Bruno Araújo Pereira, and the journalist, Dom Phillips. The IACHR positively assessed the advances made in investigating the murder of both beneficiaries as reported by the State, while at the same time recalling the importance of investigating, determining, and punishing those responsible in order to mitigate a situation entailing a risk. In addition, the Commission appreciated the State's willingness with regard to the representation's proposal to create a special follow-up mechanism. However, it noted that they have different positions regarding the scope of the possible special follow-up team or mechanism; accordingly, the Commission made itself available to the parties in view of their openness to constructive dialogue.

[Resolution No. 60/22](#) – PM 258-20 - José Javier Tarazona Sánchez, Venezuela

On October 30, 2022, the IACHR issued a follow-up resolution in which it addressed the implementation of precautionary measures in favor of José Javier Tarazona Sánchez in Venezuela. In the resolution, the Commission emphasized that the beneficiary continued to be subjected to stigmatization, threats, harassment, and pursuit by agents of the State up to the day he was detained by State agents on July 2, 2021. It also noted his situation of risk while being deprived of liberty in the Helicoide, despite a court order that he been held in a different center. In this regard, the Commission analyzed allegations of possible acts of torture and mistreatment, inadequate conditions of detention, and the lack of care and required medical treatment. In that section, the Commission expanded on the absolute prohibition of torture, including through long periods in isolation and the refusal to provide required medical treatment, such as not being allowed to take specific medications while in isolation, which directly impacts deterioration of the beneficiary's health.

454. 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 eventually decide to lift them when the existence of a serious and urgent risk of irreparable harm is no longer perceived. In the process of supervising the implementation of measures, the IACHR also bears in mind information on the context and

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<sup>168</sup> The criteria identified were: *i.* Participating in peaceful demonstrations to protect and expose the human rights situation being faced by political dissidents; *ii.* Attending Sunday mass in different Catholic churches; *iii.* Dressing in white; *iv.* Usually carrying pictures of their families and flowers; *v.* Marching in silence along various streets in several localities in Cuba following religious services.

a differentiated approach in the case of groups in a particularly vulnerable situation, and a gender, intercultural, and age-based approach, taking into account the risk that persons belonging to these groups may face in specific contexts.

455. In 2022, the IACHR decided to fully lift 43 precautionary measures and partially lift three. Lifted measures refer to inactive issues, that no longer serve a purpose, or generally measures for which risk factors supporting their continuation in force were not confirmed. As indicated in Article 25 of the Rules of Procedure, decisions to lift a measure are issued by means of well-founded resolutions (see summaries *infra*). Among other aspects, particular consideration is given to: i) the existence or continuation of the risk situation; ii) whether the situation has changed during implementation; iii) the effectiveness of the measures adopted by the State; iv) mitigation of the risk; v) whether the beneficiaries continue to reside or have a presence in the State in question; vi) inactivity or lack of a response by the representatives to requests for information made by the IACHR, so that it does not have information to justify keeping the precautionary measures in force. The foregoing is consistent with the framework of the strategy to keep the portfolio more focused on those matters that, given their current risk level, demand special attention from the IACHR.

### 3. Resolutions adopted

456. Reference is made below to the 80 [resolutions](#) on precautionary measures adopted during 2022 with regard to: 44 precautionary measures granted; four extensions of precautionary measures in force; one precautionary measure extended with follow-up resolution; one precautionary measure extended and partially lifted with follow-up resolution; one modification and follow-up resolution; 43 measures lifted totally, and two measures lifted partially.

#### ARGENTINA

Resolution No. 4/22 (LIFT)  
PM 356-16 - Child A. R., Argentina

The Inter-American Commission on Human Rights (IACHR) decides to lift the current measures in favor of the child A. R. When making the decision, the Commission assessed the actions adopted by the State during implementation as well as observations from the beneficiary's representation. The Commission understands that the factual circumstances that led the precautionary measures to be granted have changed significantly. Currently, there are domestic court decisions that stay the international return order and make it conditional on the welfare of child A. R. In addition, it is not a matter of dispute that child A. R. receives specialized medical care. Upon not identifying compliance with the procedural rules, the IACHR decided to lift the current measures.

Resolution No. 20/22 (LIFT)  
PM 404-10 – Members of the Qom Navogoh Indigenous Community “La Primavera,” Argentina

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the Qom Navogoh indigenous community "La Primavera," in Formosa Province in Argentina. When making the decision, the Commission evaluated the actions adopted by the State during implementation as well as observations from the beneficiaries' representatives. Following the State's request to lift, the IACHR asked for the representatives' observations. After assessing the change in circumstances and not identifying compliance with the procedural regulations based on the available information, the IACHR decided to lift the current measures.

#### BRAZIL

Resolution No. 24/22 (GRANT)

## PM 449-22 - Bruno Araújo Pereira and Dom Phillips, Brazil

On June 11, 2022, the IACHR decided to grant precautionary measures in favor of indigenist and defender of the rights of indigenous peoples, Bruno Araújo Pereira, and British journalist, Dom Phillips. The request for precautionary measures indicates that the proposed beneficiaries have been missing since June 5, 2022, when they were traveling through the Vale del Javari Indigenous Land towards the city of Atalaia do Norte in order to visit the Indigenous Surveillance team on site and conduct interviews. After analyzing the allegations of fact and law provided by the applicants, the Commission considered that the beneficiaries are in a serious and urgent situation, since their rights face a risk of irreparable harm, based on the applicable *prima facie* standard. Therefore, based on Article 25 of its Rules of Procedure, the Commission requested that the State of Brazil redouble its efforts to determine the situation and whereabouts of Bruno Araújo Pereira and Dom Phillips in order to protect their rights to life and personal integrity and allow them to continue their human rights defense work or journalistic activities, as applicable. Also, report on the actions taken to investigate with due diligence the alleged facts that led to the adoption of this precautionary measure and thus prevent their recurrence.

## Resolution No. 34/22 (GRANT)

## PM 408-22 - Benny Briolly Rosa da Silva Santos and members of her work team, Brazil

On July 11, 2022, the IACHR granted precautionary measures in favor of Benny Briolly Rosa da Silva Santos and members of her work team. The request for precautionary measures alleges that the beneficiary, a councilor in the municipality of Niterói, is receiving a series of death threats as a result of her identification as a black transvestite woman and her work as a human rights defender. Upon analyzing the allegations of fact and law provided by the parties, the Commission considers that the information presented shows that the beneficiaries are in a serious and urgent situation of risk of irreparable harm based on the applicable *prima facie* standard. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission asks Brazil to:

- a. Adopt the necessary measures to protect the rights to life and personal integrity of Ms. Benny Briolly Rosa da Silva Santos and three members of her work team, considering the ethnic-racial and gender approaches;
- b. Consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c. Report on actions taken to investigate the alleged events that led to the adoption of this precautionary measure and thus prevent their recurrence.

## Resolution No. 50/22 (GRANT)

## PM 517-22 – Members of the Guapoy's Community of the Guarani Kaiowá People, Brazil

On October 2, 2022, the IACHR granted precautionary measures in favor of members of the Guapoy's community of the Guarani Kaiowá Indigenous People, with respect to Brazil. The IACHR considered that the members of the beneficiary community are at serious and urgent risk of irreparable harm to their rights, after being subjected to acts of violence in the context of disputes over land ownership in the region and the murder of two proposed indigenous beneficiaries. The Commission evaluated the actions developed by the State and observed that, despite the measures adopted, the applicants have reported the occurrence of new events that, alleged and understood as a whole, allow the identification of violent events that have been increasing over time and impacting the life and integrity of the members of the beneficiary community. Under the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and asked the State of Brazil to:

- a. Adopt the necessary and culturally appropriate measures to protect the rights to life and personal integrity of the members of the Guapoy's community of the Guarani Kaiowá Indigenous People. In addition, the State should ensure that the beneficiaries' rights are respected both in accordance with the standards established by international human rights law and in relation to acts constituting risk 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 implemented to investigate the facts that led to the adoption of this precautionary measure and thus prevent their reoccurrence.

Resolution No. 51/22 (LIFT)

PM 302-15 - Adolescents deprived of their liberty at the Center for Socio-Educational Attention of Adolescents (CASA) Cedro, Brazil

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the adolescents deprived of liberty at the Center for Socio-Educational Attention of Adolescents (CASA) Cedro with respect to Brazil. When making the decision, the Commission evaluated the change in circumstances, the suspension of activities since March 10, 2021, and the fact that there are no longer adolescents deprived of their liberty at the Center. Upon identifying that the procedural requirements are currently no longer being met, the IACHR decided to lift these measures.

Resolution No. 53/22 (EXTENSION)

PM 888-19 - Persons Deprived of Liberty at the Alfredo Tranjan Penitentiary, Brazil

On October 11, 2022, the IACHR granted precautionary measures in favor of persons deprived of liberty at the Alfredo Tranjan Penitentiary (PAT) in Brazil. According to the representatives, the PAT was allegedly receiving persons deprived of liberty transferred from the Jorge Santana Public Penitentiary, who were being kept at the PAT under inadequate conditions of detention and without adequate and timely access to medical care. Therefore, in accordance with Article 25 of its Rules of Procedure, the Commission decided to extend the precautionary measures and requested that the State of Brazil:

- a. Adopt any measures necessary to protect the lives, personal integrity, and health of persons who are deprived of liberty at Alfredo Tranjan Penitentiary (particularly by ensuring the provision of adequate, timely healthcare that follows the recommendations of the relevant experts;
- b. Adopt any measures necessary to ensure that beneficiaries' conditions of detention comply with the applicable international standards, in particular by ensuring that the structure of the Alfredo Tranjan Penitentiary meets suitable security requirements, given the beneficiaries' disabilities and injuries, including mutilation and fractures or other types of wounds, and in order to prevent greater impacts on the entire prison population, taking immediate actions to substantially reduce crowding and providing for adequate sanitation and hygiene;
- c. Take measures aimed at reassessing the compatibility of the deprivation of liberty in the individual situation of risk to the life and personal integrity of beneficiaries with disabilities —whether temporary or permanent— and others with specific health needs in light of applicable international standards;
- d. Consult and reach agreement on measures to be adopted with the beneficiaries and their representatives; and
- e. Report on actions taken to investigate the facts that led to the adoption of this precautionary measure and thus prevent their recurrence.

Resolution No. 59/22 (EXTENSION AND FOLLOW-UP)

PM 449-22 - Identified members of the "União dos Povos Indígenas do Vale de Javari" - UNIVAJA, Brazil

On October 27, 2022, the Inter-American Commission on Human Rights extended the precautionary measures in favor of 11 members of the "União dos Povos Indígenas do Vale de Javari" (UNIVAJA) in Brazil. According to the information received, the beneficiaries are at risk due to their work protecting the Vale do Javari indigenous peoples and their territory, as well as for their direct participation in the search for Bruno Araújo Pereira and Dom Phillips and their demand for justice regarding their murders. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considered that the information presented shows prima facie



that the 11 persons identified are in a serious and urgent situation, given that their rights to life and personal integrity are at serious risk. Consequently, in accordance with Article 25 of the Rules of Procedure of the IACHR, Brazil is requested to:

- a. Adopt the measures necessary to protect the life and personal integrity of the 11 persons identified, taking into consideration the cultural appropriateness of the measures adopted;
- b. Adopt the measures necessary to guarantee that the beneficiaries can continue to carry out their work as human rights defenders without being subjected to threats, harassment, or acts of violence in performing 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 acts that led to the adoption of this precautionary measure and thus prevent their recurrence.

## COLOMBIA

Resolution No. 2/22 (LIFT)

PM 243-10 - Sigifredo Espinosa Pérez and his family, Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of Sigifredo Espinosa Pérez and his family in Colombia. When making the decision, the Commission assessed the actions taken by the State during implementation as well as the observations of the beneficiaries' representation. Following several requests to have the measures lifted made by the State between 2010 and 2021, responses from the representation received up to 2020 as well as its lack of response in the procedure to the request for information made in 2021, and upon not identifying compliance with the procedural requirements, the IACHR decided to lift these measures.

Resolution No. 5/22 (GRANT)

PM 858-21 – Families of the Río Murindó and Río Chageradó Reservation of the Embera Eyábida Indigenous People, Colombia

On February 1, 2022, the IACHR decided to request the adoption of precautionary measures in favor of the families of the Río Murindó and Río Chageradó Reservations of the Embera Eyábida Indigenous People, in Colombia. The request for precautionary measures alleges that the proposed beneficiaries are at risk, given that their native lands are being occupied by armed groups carrying out acts of violence that affect the proposed beneficiaries, with reports having been made of attacks, harassment, displacement, and even murders. Upon analyzing the submissions of fact and law, the IACHR considers that the information provided shows, in principle, that the beneficiaries are at serious and urgent risk of irreparable harm. Consequently, in accordance with Article 25 of the Rules of Procedure of the IACHR, the Commission requested that Colombia adopt the necessary and culturally appropriate measures to safeguard the life and personal integrity of the families of the Río Murindó and Río Chageradó Reservations; consult and agree upon the measures to be adopted with the beneficiaries and/or their representatives; and report on the actions taken to investigate the alleged facts that gave rise to this precautionary measure and thus prevent their recurrence.

Resolution No. 6/22 (LIFT)

PM 254-10 - Leiderman Ortiz Berrio, Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Leiderman Ortiz Berrio in Colombia. When making the decision, the Commission evaluated the actions taken by the State during implementation as well as the observations of the beneficiary's representation. After several transfers of information between the parties, the representation stopped providing information as of 2015. Following the State's request to have the measures lifted in 2021, the representation responded and

agreed with the State, considering that the beneficiary died for reasons related to COVID-19. Upon not identifying compliance with the procedural requirements, the IACHR decided to lift these measures.

Resolution No. 13/22 (LIFT)

PM 368-10 - María Tirsá Paz et al., Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of María Tirsá Paz et al. in Colombia. When making the decision, the Commission assessed the actions taken by the State within the framework of these measures as well as the request to lift the measures together with the observations made by the representation. The Commission understands that, based on the information available, the requirements of Article 25 of its Rules of Procedure are not currently being met.

Resolution No. 15/22 (LIFT)

PM 209-07 - Carlos Mario Gómez Gómez, Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Carlos Mario Gómez Gómez, in Colombia. When making the decision, the Commission notes that the State has requested that this matter be lifted. The Commission assessed the actions taken by the State in implementing these measures and the information provided by the representation. Upon analyzing the available information, the IACHR considered that there are no sufficient elements to continue identifying compliance with the procedural requirements. In its assessment, the IACHR observed that there is no dispute between the parties that Mr. Gómez has regained his freedom so that the factual circumstances that led to the granting of precautionary measures have changed significantly.

Resolution No. 31/22 (LIFT)

PM 886-21 - Sebastián Quiñónez Echavarría, Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Mr. Sebastián Quiñónez Echavarría in Colombia. When making the decision, the Commission observed that the fate and whereabouts of the beneficiary have been identified. In this regard, since his whereabouts have been determined, the IACHR regretted the death of Sebastián Quiñónez Echavarría and, given the change in circumstances, considered that the measures had been rendered moot, given that the requirements of Article 25 of the Rules of Procedure were not being met.

Resolution No. 39/22 (LIFT)

PM 134-00 – Regional Corporation for the Defense of Human Rights (CREDHOS), Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the directors and officials of the Regional Corporation for the Defense of Human Rights (CREDHOS). When making the decision, the Commission evaluated the actions taken by the State during implementation as well as the observations of the beneficiaries' representation. Following the State's requests to have the measures lifted, the IACHR requested information from the representation, who did not provide a response. Upon not identifying compliance with the procedural requirements, the IACHR decided to lift these measures.

Resolution No. 40/22 (LIFT)

PM 349-20 - Jorge Ernesto López Zea, Colombia

The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Mr. Jorge Ernesto López Zea in Colombia. When making the decision, the Commission observes that the beneficiary's situation has changed significantly as he is no longer deprived of his liberty. After evaluating the information received by the parties within the framework of analyzing whether these precautionary

measures should remain in force, the IACHR considered that they should be lifted in accordance with the terms of Article 25 of its Rules of Procedure.

Resolution No. 46/22 (GRANT)

PM 702-22 - Carlos Santiago Vallejos Mora and his family unit, Colombia

On September 23, 2022, the IACHR granted precautionary measures in favor of Carlos Santiago Vallejos Mora, upon deciding that he is in a serious and urgent situation of risk of irreparable harm to his rights in Colombia. The request for precautionary measures alleges that the whereabouts or fate of the proposed beneficiary has been unknown since August 7, 2022, following his alleged detention by members of the National Army of Colombia, in the municipality of Ricaurte, in the department of Nariño. After analyzing the submissions of fact and law provided by the parties, the Commission considered that, based on the applicable prima facie standard, Mr. Vallejos Mora is at serious and urgent risk of irreparable harm to his rights. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked Colombia to:

- a. Adopt the measures necessary to determine the situation and whereabouts of Carlos Santiago Vallejos Mora, in order to protect his rights to life and personal integrity;
- b. Adopt the measures necessary to protect the rights to life and personal integrity of the identified members of the beneficiary's family unit; and
- c. Report on the actions taken to investigate the alleged facts that led to the adoption of this resolution and thus prevent their recurrence.

Resolution No. 55/22 (GRANT)

PM 261-22 - A.A.V.B. and his family, Colombia

On October 15, 2022, the IACHR decided to grant precautionary measures in favor of A. A. V. B. and his family. According to the request, the beneficiary – who is an Afro-Colombian youth, social, environmental, and community leader in Cali – is at risk due to the murder of four members of the movement presided over by A. A. V. B., and due to acts entailing threats and harassment by illegal armed groups. The Commission assessed the actions undertaken by the State and the information available. However, it noted that the applicants have referred to ongoing threats from illegal armed groups and the presence of armed persons in the area. Consequently, under the terms of Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and asked the State of Colombia to:

- a. Adopt the necessary measures, with the appropriate ethnic-racial and gender-based approach, to protect the rights to life and personal integrity of Mr. A. A. V. B. and his immediate family members;
- b. Adopt the necessary protection measures so that Mr. A. A. V. B. can continue to carry out his activities in defense of human rights 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 risk to the adoption of this resolution and thus prevent their recurrence.

Resolution No. 67/22 (LIFT)

PM 400-15 - O.Y.L. and 14 other persons, Colombia

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the 15 identified members of the Governing Board of the Alto Mira and Frontera Community Council (CCAMF, by its acronym in Spanish). At the time of taking the decision to lift the precautionary measures, the Commission assessed the measures implemented by the State reported over time. Considering that the State requested the lifting of these precautionary measures, the Commission forwarded the request to the

representatives, who did not respond. The last communication from the representatives is from 2018. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

Resolution No. 70/22 (GRANT)

PM 822-22 – Jhon Anderson Ipia Bubu, Colombia

On December 11, 2022, the IACHR decided to grant precautionary measures in favor of Jhon Anderson Ipia Bubu. According to the request, the beneficiary - who is an indigenous leader of the Nasa People of the Kwe'sx Yu Kiwe Indigenous Reservation, delegate of the Nasa people as political coordinator in different spaces, and ethno-educational teacher - is at risk due to receiving various threats and harassment by illegal armed groups, and after being shot at with a firearm. The Commission evaluated the actions carried out by the State and the information available, however, it noted that the applicants have referred to the continuity of threats from illegal armed groups and the insufficiency of protection measures that the State adopted. 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 Colombia:

- a. Adopt the necessary measures, with the corresponding ethnic approach, to protect the rights to life and personal integrity of Mr. Jhon Anderson Ipia Bubu;
- b. Adopt the necessary protection measures so that Mr. Jhon Anderson Ipia Bubu can continue to exercise his indigenous leadership without being subjected to threats, intimidation, harassment, or acts of violence;
- c. Consult and agree upon the measures to be implemented 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 such events from reoccurring.

Resolution No. 73/22 (GRANT)

PM 642-22 – O.P.C. and his family unit, Colombia

On December 19, 2022, the IACHR decided to grant precautionary measures in favor of O.P.C. and his family unit regarding Colombia. The request indicates that the proposed beneficiaries are at risk, after having moved away from their property, due to threats, harassment and acts of violence allegedly carried out by armed groups operating in the area. Pursuant to Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and requested that the State of Colombia:

- a. Immediately adopt the necessary measures to preserve the life and personal integrity of O.P.C. and his family, through measures that take into account their situation of displacement, as well as the different approaches that may be relevant;
- 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 this precautionary measure.

## CUBA

Resolution No. 30/22 (GRANT)

PM 46-22, 193-22 - Walnier Luis Aguilar Rivera and Ibrahim Domínguez Aguilar, Cuba

On July 8, 2022, the IACHR granted precautionary measures to Walnier Luis Aguilar Rivera and Ibrahim Domínguez Aguilar, who are deprived of liberty and reportedly held in severe conditions of detention without receiving adequate medical care to date.

In evaluating this decision, the IACHR noted that the beneficiaries are being deprived of their liberty following first instance convictions with appeals pending decision or formal notification and highlighted the allegations regarding the mistreatment the proposed beneficiaries have suffered in prison and the terrible conditions of detention they are reportedly facing, particularly considering that the alleged risk events would be attributable to penitentiary authorities. The Commission also noted that the allegations are consistent with the information being received since the country's monitoring, specifically on deplorable conditions of detention for persons deprived of liberty in Cuba, such as prison overcrowding; insufficient medications, food and drinking water; inadequate hygiene and sanitation; deficient medical care; and a wide range of discretion afforded to officials when guaranteeing order within the penitentiaries.

After analyzing the available information, in accordance with Article 25 of its Rules of Procedure, the IACHR requested that Cuba:

- a. Adopt the necessary measures to protect the rights to life, personal integrity, and health of Walnier Luis Aguilar Rivera and Ibrahim Domínguez Aguilar;
- b. Ensure that the conditions of detention of the proposed beneficiaries are in compliance with applicable international standards on the matter;
- c. Consult and agree upon the measures with the beneficiaries and their representatives; and
- d. Report on the actions undertaken to investigate the alleged events that led to adoption of this precautionary measure and thus prevent their recurrence.

Resolution No. 37/22 (GRANT)

PM 768-21 - Félix Navarro Rodríguez, Cuba

On July 28, 2022, the IACHR granted precautionary measures in favor of Félix Navarro Rodríguez, who has been deprived of liberty since July 2021 under severe conditions of detention and without receiving adequate medical care.

After analyzing the allegations of fact and law provided by the applicants, the IACHR notes that the proposed beneficiary, who has been deprived of liberty after participating in protests in July 2021, is an elderly person who purportedly suffers from various medical conditions and has not received adequate medical care to date, after 12 months of detention and despite his delicate health condition. Similarly, the IACHR notes that his family members have not had access to consistent information regarding his health conditions nor have they had regular access to visits. The IACHR considers, based on the applicable *prima facie* standard, that the proposed beneficiary is in a serious and urgent situation presenting a risk of irreparable harm.

Consequently, in accordance with Article 25 of its Rules of Procedure, the IACHR requests that Cuba:

- a. Adopt the measures necessary to protect the rights to life, personal integrity, and health of Félix Navarro Rodríguez;
- b. Ensure that the conditions of detention of the proposed beneficiary are consistent with the applicable international standards on the matter. In particular, among other measures, (i) provide medical care as prescribed by medical specialists, (ii) allow regular visits by family members and legal representation, (iii) assess in light of the conditions of detention and health of the proposed beneficiary whether the application of any other alternative to deprivation of liberty is permitted, (iv) verify the sanitation and cleanliness of the place of detention; and (v) ensure access to food and drinking water for the proposed beneficiary, considering his age and medical condition;
- c. Consult and agree upon measures with the beneficiary and his representatives; and
- d. Report on actions taken to investigate the alleged events that led to adoption of this precautionary measure and thus prevent their recurrence.

Resolution No. 41/22 (GRANT)

PM 30-21 - Luis Robles Elizástegui, Cuba

On August 9, 2022, the IACHR granted precautionary measures in favor of Luis Robles Elizástegui, who has been deprived of liberty since December 2020 and said to be in severe conditions of detention without receiving adequate medical care to date.

After analyzing the allegations of fact and law provided by the applicants, the IACHR notes that the proposed beneficiary, who has been deprived of liberty following a public demonstration in December 2020, is reportedly being held under severe conditions of detention and has not received the medications necessary for the chronic illness from which he suffers. Similarly, the IACHR observes that his family members and attorney have faced restrictions on visiting and contacting the proposed beneficiary. The IACHR considers, based on the applicable prima facie standard that the proposed beneficiary is in a serious and urgent situation presenting risk of irreparable harm.

Consequently, in accordance with Article 25 of its Rules of Procedure, the IACHR requested that Cuba:

- a. Adopt the measures necessary to protect the rights to life, personal integrity, and health of Luis Robles Elizástegui;
- b. Ensure that the conditions of detention of the proposed beneficiary are consistent with applicable international standards on the matter. In particular, among other measures: (i) provide medical care according to what is prescribed by medical specialists, (ii) allow regular visits by family members and legal representation, (iii) assess in light of the conditions of detention and health of the proposed beneficiary the application of any alternative measures to deprivation of liberty, and (iv) take actions in the face of threats, harassment, intimidation, or acts of violence against the proposed beneficiary for denouncing his current situation; and
- c. Report on actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure and thus prevent their recurrence.

Resolution No. 45/22 (LIFT)  
PM 306-06 - Jorge Luís García Pérez Antúnez, Cuba

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Jorge Luís García Pérez Antúnez in Cuba. When making the decision, the Commission evaluated the change in the beneficiary's situation, who currently resides in the United States of America. After failing to identify compliance with the procedural requirements, the IACHR decided to lift these measures, while regretting the lack of information from the Cuban State.

Resolution No. 48/22 (FOLLOW-UP)  
PM 264-13 - Members of Damas de Blanco, Cuba

The Inter-American Commission on Human Rights (IACHR) decides to issue this Follow-Up Resolution on precautionary measures under the terms of Article 25 of its Rules of Procedure. The Commission laments the lack of response from the State regarding measures adopted to implement the current precautionary measures. Based on the information available and evaluated as a whole, the Commission urgently calls upon the Republic of Cuba to promptly adopt measures for the implementation of the precautionary measures considering that the risk factors remain in effect under the terms of Article 25 of the Rules of Procedure.

## **DOMINICAN REPUBLIC**

Resolution No. 29/22 (LIFT)  
PM 286-19 - C.F.M.T., Dominican Republic

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures granted in favor of C.F.M.T. while he was deprived of liberty in the Dominican Republic. When making the decision, the Commission assessed the actions taken by the State during implementation as well as the observations made by the representation. Following the State's request to lift the measures, the IACHR sought information from the representation, who confirmed that C.F.M.T. had regained his freedom. Upon not identifying compliance with the procedural requirements and given change in the circumstances that led to the granting of precautionary measures, the IACHR decided to lift these measures.

## ECUADOR

Resolution No. 33/22 (GRANT)

PM 533-21 - Patricio Fabián Vaca Castro, Ecuador

On July 11, 2022, the IACHR granted precautionary measures in favor of Patricio Fabián Vaca Castro and three other people diagnosed with Chronic Myeloid Leukemia in Ecuador. The request for precautionary measures alleges that the beneficiaries, patients with blood cancer at the Carlos Andrade Marín Hospital, do not have access to the medication necessary for their adequate treatment for prolonged periods of times, despite court decisions ordering the delivery of this medication.

After analyzing the submissions of fact and law presented by the parties, the Commission considers that the information shows that the beneficiaries are in a serious and urgent situation presenting risk of irreparable harm, based on the applicable prima facie standard.

Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requests that Ecuador:

- a. Adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiaries, by adopting immediate measures that allow access to adequate and timely medical treatment and, in particular, by, guaranteeing regular access to the necessary medications as prescribed by the corresponding health professionals, as well as diagnoses and examinations that allow regular evaluation of their health status, according to the applicable international standards; and
- b. Consult and agree upon the measures with the beneficiaries and their representatives.

## EL SALVADOR

Resolution No. 32/22 (FOLLOW-UP)

PM 1051-20 – Identified members of the digital newspaper *El Faro*, El Salvador

The Inter-American Commission on Human Rights (IACHR) decides to issue this follow-up resolution on precautionary measures under the terms of Article 25 of its Rules of Procedure. The IACHR takes into consideration the continuous requests from the representatives that the precautionary measures be duly implemented and the new risk events alleged, as well as the challenges of consulting and agreeing upon the protection measures to be adopted, as reported by both parties. In this regard, the IACHR identifies challenges that arose throughout the period in force; addresses questions from the parties; develops the scope of these precautionary measures; and makes itself available to the parties to continue with implementation of the measures:

- a. Maintain the precautionary measures granted in favor of the members of the newspaper *El Faro* (1) C. A. D. S., (2) J. L. S. R., (3) D. V., (4) O. M., (5) M. L. N., (6) C. M., (7) S. A., (8) E. L., (9) V. G., (10) J. A., (11) G. L., (12) N. R., (13) G. C., (14) M. C., (15) R. L., (16) V. P., (17) C. B., (18) O. M., (19) D. R., (20) K. R., (21) D. B., (22) C. S., (23) A. A., (24) A. B. L., (25) M. S., (26) J. R., (27) M. V. and (28) M. A., whereby it requests that the State of El Salvador continue to adopt the measures necessary to effectively ensure their life and personal integrity, so as to guarantee that the beneficiaries are able to carry out their journalistic

activities in the exercise of their right to freedom of expression, without being subjected to acts of intimidation, threats, and harassment, under the terms of the requests made under Resolution 12/2021 considering the assessments of this resolution;

- b. Extend precautionary measure 1051-21 in favor of (29) J. N. G. P.; (30) L. M. G. C., and (31) R. M. M. Z., asking El Salvador to act under the same terms as sought through Resolution 12/2021;
- c. Lift the precautionary measures in favor of (1) A. S.; (2) E. G.; (3) M. A.; (4) L. G.; (5) M. T.; and (6) J. C.;
- d. Request the parties to submit, within 90 days of the date they are notified of this resolution, concrete, detailed, and updated information on the beneficiaries' situation and measures taken to implement this precautionary measure with a view to continuing to evaluate their situation under the terms of Article 25 of the Rules of Procedure;
- e. Request that the parties continue with consultation and coordination efforts at the domestic level within the framework of implementing these precautionary measures in the light of the considerations set forth in this resolution;
- f. Express the willingness of the IACHR, through its Rapporteurship for Freedom of Expression, to deepen the technical and thematic contributions relevant to the implementation of these precautionary measures in accordance with the principle of agreement between the parties;
- g. Express the willingness of the IACHR to carry out an on-site visit to El Salvador, with prior consent from the State, in order to verify the situation of the beneficiaries of these precautionary measures, which may include, among others, a working meeting with the parties and meetings with the beneficiaries and the authorities directly responsible for implementing these precautionary measures, with the foregoing being part of the follow-up measures appropriate for the effective implementation of these precautionary measures; and
- h. Continue implementing the appropriate follow-up measures pursuant to the terms of Article 25(10) and other provisions of its Rules of Procedure.

## GUATEMALA

Resolution No. 62/22 (LIFT)

PM 114-06 – Mayan Community-Sitio “El Rosario-Naranjo”, Guatemala

The Inter-American Commission on Human Rights (IACHR) has decided to lift these precautionary measures in favor of the Sitio “El Rosario-Naranjo” in Guatemala Mayan Community. At the time of making the decision, the Commission assessed the responses issued by the State and the observations submitted by the representatives. Following the request to lift reiterated by the State over time, and the response submitted by the representatives, the IACHR has decided to lift these precautionary measures.

## HAITI

Resolution No. 43/22 (GRANT)

PM 433-22 - M.A.C., Haiti

On August 30, 2022, the IACHR decided to grant precautionary measures in favor of M. A. C. According to the request, the beneficiary— who is identified as a defender of women’s human rights in Haiti —is at risk due to threats and harassment against her in the context of her search for justice for acts of sexual violence she allegedly suffered. After analyzing the allegations of fact and law provided by the applicant, the Commission considers that the information presented shows prima facie the existence of a serious and urgent risk of irreparable harm to the life and personal integrity of Ms. M. A. C. in accordance with Article 25 of its Rules of Procedure. Consequently, the Commission requests that Haiti:

- a. Adopt the measures necessary, from a gender-based perspective, to protect the rights to life and personal integrity of M. A. C.;



- b. Adopt the measures necessary to allow M. A. C. to pursue her activities as a human rights defender without being subjected to acts of intimidation, harassment, threats, or violence in the performance of her work;
- c. Consult and agree upon the measures to be adopted with the beneficiary and her representative; and;
- d. Report on the actions taken to investigate the alleged acts that led to the adoption of this precautionary measure and thus prevent their recurrence.

## HONDURAS

Resolution No. 14/22 (LIFT)  
PM 72-11 - Leonel Casco Gutiérrez, Honduras

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Lionel Casco Gutiérrez. When making the decision, the Commission assessed the actions taken by the State during implementation as well as the observations made by the representation. Following the State's request to lift the measures, the IACHR repeatedly asked for observations from the representation, which responded for the last time in 2017 and failed to respond to requests for information in 2018, 2020, and 2022. Upon failing to identify compliance with the procedural requirements, IACHR decided to lift these measures.

Resolution No. 16/22 (LIFT)  
PM 52-16 - María Dolores López Godoy, Nelly Lizeth Martínez Martínez and family, Honduras

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of María Dolores López Godoy, Nelly Lizeth Martínez Martínez and family. When making the decision, the Commission assessed the actions taken by the State during implementation. Following the State's requests to lift the measures, the IACHR repeatedly asked for observations from the representation, which has not submitted information since the precautionary measures were granted. Upon not identifying compliance with the procedural requirements, the IACHR decided to lift these measures.

## JAMAICA

Resolution No. 65/22 (GRANT)  
PM 425-22 – Afro-descendant families from peasant communities in the region of St. Ann, Jamaica

On November 24, 2022, the IACHR decided to grant precautionary measures in favor of individualized Afro-descendant persons from peasant communities of St. Ann, after considering that they are in a serious and urgent situation that poses a risk of irreparable harm to their rights in Jamaica. According to the request, the proposed beneficiaries are suffering from various health problems as a result of the bauxite mining activities that are taking place in the vicinity of their communities. In this context, they reportedly do not have access to adequate, timely, and specialized medical care to treat their multiple ailments. The applicant also alleged that several of the proposed beneficiaries are subjected to threats, harassment, and intimidation by police officers and third parties because of their critical stance against bauxite mining activities in the area, as well as because of the legal actions taken at the domestic level. 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, the IACHR requested that Jamaica:

- a. Take the necessary measures to protect the rights to life, personal integrity, and health of the Afro-descendant persons identified as beneficiaries in the St. Ann region, with a cultural, gender-based, and age-appropriate perspective, including the following: i. carry out the necessary medical diagnoses to define the corresponding medical care; ii. guarantee adequate, timely, and specialized medical care, according to the medical conditions; and iii. guarantee access to contaminant-free water;

- b. Adopt the necessary measures to prevent threats, harassment, and other acts of violence against the beneficiaries;
- 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 events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

## MEXICO

### Resolution No. 3/22 (LIFT)

PM 338-13 - Lorenzo Santos Torres and family, Mexico

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Lorenzo Santos Torres and his family in Mexico. When making the decision, the Commission assessed the measures implemented by the State while the precautionary measures were in force as well as the observations made by the representation. Following the State's repeated requests that the measures be lifted, the IACHR sought observations from the representation. The representation did not respond. Its final communication was in August 2021. After evaluating the significant change in the factual circumstances and the measures adopted by the State, the IACHR decided to lift these measures, under the terms of Article 25 of its Rules of Procedure.

### Resolution No. 18/22 (LIFT)

PM 21-11 - Blanca Velázquez Díaz et al., Mexico

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Blanca Velázquez Díaz et al. in Mexico. When making the decision, the Commission assessed the actions taken by the State during implementation as well as the observations made by the representation. Following the State's request that the measures be lifted, the IACHR repeatedly asked for observations from the representation, which responded for the last time in 2015. To date, no response has been received from communications in 2017, 2019, and 2022. Not identifying compliance with the procedural regulations, the IACHR decided to lift these measures. The IACHR also acknowledged that, according to public information, Ms. Blanca Velázquez Díaz died of cancer in 2021.

### Resolution No. 19/22 (LIFT)

PM 364-17 - G. Y. G. R., Mexico

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the adolescent G. Y. G. R. in Mexico. When making the decision, the Commission assessed the change in circumstances as well as the measures adopted by the State during implementation, determining that Mr. González is the father of G. Y. G. R., and in 2011 lifted the precautionary measures that impeded their relationship. Similarly, it was observed that the process toward rebuilding the relationship continues to progress with the aid of specialists and the assessments of judicial authorities. Upon not identifying compliance with the procedural requirements, the IACHR decided to lift these measures.

### Resolution No. 35/22 (LIFT)

PM 134-07 - Alba Gabriela Cruz Ramos, Mexico

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Alba Gabriela Cruz Ramos in Mexico. When making the decision, the Commission assessed the actions taken by the State during implementation and the repeated request to lift the measures as well as the lack of information from the beneficiary. Upon not identifying compliance with the procedural regulations, the IACHR decided to lift these measures.

Resolution No. 63/22 (LIFT)  
PM 1014-17 – Indigenous girl U.V.O. and family, Mexico

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the indigenous girl U. V. O. and her family, 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 updated information from representatives. Upon not identifying compliance with the procedural requirements and considering the State's request to lift the precautionary measures, the IACHR decided to lift them.

Resolution No. 66/22 (LIFT)  
PM 197-10 – 135 inhabitants of San Juan Copala regarding Mexico, Mexico

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of 135 inhabitants of San Juan Copala in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, the observations of the representatives, and the fact that the initial situation presenting a risk no longer exists. Following the requests made by the State to have the measures lifted and the information provided by the representatives, including the agreement of one party, the IACHR decided to lift these measures.

Resolution No. 69/22 (LIFT)  
PM 452-13 – Lauro Baumea Mora et al., Mexico

The Inter-American Commission on Human Rights (IACHR) decides to partially lift these precautionary measures granted in favor of (1) Lauro Baumea Mora, (2) Miguel Ángel Cota Tórtola, (3) Aurelia Butimea, (4) Librado Valenzuela Valencia, (5) Esteban Cecilio Valenzuela Buitimea, (6) Arturo Matas González, (7) Gilberto Gálvez Palma, and (8) Gregorio Valdez Molina, members of the Yaqui People. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, as well as the absence of recent threatening events, along with the will of Ms. Aurelia Buitimea. Upon not identifying compliance with the procedural requirements regarding these persons, the IACHR decided to lift the instant measures.

On the other hand, the IACHR decided to maintain the precautionary measures in favor of Mario Luna and his family. Consequently, the Commission requested as follows:

- a. to the representatives, to present updated information on the risk faced by Mr. Mario Luna and his family;
- b. to the State, to carry out an updated risk assessment and adopt the appropriate and effective protection measures determined by its authorities in the matter;
- c. to both parties, to collaborate in the concerted actions that may be necessary for the proper implementation of the precautionary measures.

Upon receiving the information from the parties and having forwarded the corresponding information, the Commission will analyze whether the beneficiaries' situation persists.

Resolution No. 72/22 (GRANT)  
PM 603-22 – Girl K.L.R., Mexico, Mexico

On December 19, 2022, the IACHR decided to grant precautionary measures in favor of K.L.R., in Mexico. The request indicates that girl K.L.R. has been unaccounted for since she was abducted by her father on February 8, 2020. The disappearance of the girl has been reported to the competent judicial bodies. However, as of today, it was alleged that the authorities have not promoted suitable and effective actions to locate her and have not legally defined custody and the visiting arrangement by her parents. Finally, it was alleged that the

mother has no contact with her daughter. Pursuant to Article 25 of its Rules of Procedure, the IACHR decided to grant the precautionary measure and requested that the State of Mexico immediately adopt the necessary, appropriate, and effective measures to protect the rights to protection of the family, identity, and personal integrity of the child K.L.R., determining her whereabouts and safeguarding, in accordance with her best interests, her ties with her mother, in accordance with the applicable international standards on the matter.

Resolution No. 80/22 (LIFT)  
PM 29-16 - Margarita Marín Yan *et al.*, Mexico

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of David Mendoza Marín, Margarita Marín Yan, and Alfredo Elías Marín Bustos, as well as Carola Marín, Tomás Mendoza, and their respective families, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation and the change in circumstances that led to the granting, such as having found the whereabouts of the disappeared persons, whose corpses were found. Similarly, the Commission identifies the lack of specific facts that would be sufficient to identify, at present, an imminent risk to the detriment of the remaining beneficiaries. Following the State's request to have the measures lifted, the IACHR requested comments from the representatives, who have provided comments aimed at the friendly settlement process, which it is not appropriate to evaluate through the precautionary measures mechanism. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

## NICARAGUA

Resolution No. 1/22 (GRANT)  
PM 1088-21 - Edgar Francisco Parrales Castillo, Nicaragua

On January 12, 2022, the IACHR granted precautionary measures in favor of Edgar Francisco Parrales Castillo, upon considering that he is a serious and urgent situation presenting risk of irreparable harm to his rights in Nicaragua. The request for precautionary measures alleges that the proposed beneficiary, identified or perceived as a political opponent in the current context in Nicaragua, has been deprived of liberty since November 22, 2021, is being held incommunicado from his relatives or attorneys, suffers from serious illness, and has not received timely medical care. Pursuant to 25 of its Rules of Procedure, the Commission requests that Nicaragua:

- a. Adopt the necessary measures to protect the rights to life, personal integrity, and health of Edgar Francisco Parrales Castillo;
- b. Ensure that his conditions of detention are consistent with applicable international standards on the matter, including, *inter alia*: i. allow contact with his relatives and defense attorneys; ii. taking into account the situation of risk to his life, personal integrity, and health as a result of the circumstances surrounding his current deprivation of liberty and his state of health, immediately carry out an impartial and specialized medical assessment of his current state of health; iii. provide the treatments and medications that the proposed beneficiary has reportedly been prescribed, and iv. immediately assess the possibility of granting alternative measures to deprivation of liberty, in view of his state of health, in accordance with internal regulations, and in light of the applicable inter-American standards; and
- c. Report on actions taken to investigate the alleged acts that led to the adoption of this resolution and thus prevent their recurrence.

Resolution No. 7/22 (GRANT)  
PM 217-21 - William Alfredo Balmaceda Ubieta and his nuclear family, Nicaragua

On February 8, 2022, the IACHR granted precautionary measures in favor of William Alfredo Balmaceda Ubieta and his nuclear family with respect to Nicaragua, upon considering that they face a serious and urgent risk of irreparable harm to their rights in Nicaragua. The request for precautionary measures alleges that the proposed beneficiary, identified or perceived as a political opponent in the current context in Nicaragua, is being subjected to threats, attacks, harassment, and surveillance by state and para-state agents. In accordance with Article 25 of its Rules of Procedure, the Commission requests that Nicaragua:

- a. Adopt the necessary measures to protect the rights to life and personal integrity of William Alfredo Balmaceda Ubieta and his nuclear family. To this end, the State must both ensure that its agents respect the life and personal integrity of the beneficiaries and protect their rights in relation to acts presenting a risk that are attributable to third parties, in accordance with the standards established by international human rights law;
- 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 acts that led to the adoption of this precautionary measure and thus prevent their recurrence.

Resolution No. 8/22 (GRANT)

PM 564-21 - Martha del Socorro Ubilla, Marlon Antonio Castellón Ubilla, and Marvin Antonio Castellón Ubilla, Nicaragua

On February 13, 2022, the IACHR granted precautionary measures in favor of Martha del Socorro Ubilla, Marlon Antonio Castellón Ubilla, and Marvin Antonio Castellón Ubilla regarding Nicaragua, considering that they are at serious and urgent risk of irreparable harm to their rights in Nicaragua. The request for precautionary measures alleges that the proposed beneficiaries, who are identified as opponents of the current Nicaraguan government, are being threatened and are suffering attacks, harassment, and arbitrary detention carried out by state and para-state agents. Similarly, it indicates that the proposed beneficiary, Marvin Antonio Castellón Ubilla, is reportedly deprived of liberty, where he is being subjected to threats and attacks in addition to inadequate conditions of detention. 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 and personal integrity of Martha del Socorro Ubilla, Marlon Antonio Castellón Ubilla, and Marvin Antonio Castellón Ubilla. To this end, the State must both ensure that its agents respect the life and personal integrity of the beneficiaries and protect their rights in relation to acts presenting a risk and attributable to third parties, in accordance with the standards established by international human rights law and incorporating a gender perspective;
- b. Adopt the necessary measures to ensure that the conditions of detention of Mr. Marvin Antonio Castellón Ubilla are consistent with applicable international standards;
- 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 acts that led to the adoption of this precautionary measure and thus prevent their recurrence.

Resolution No. 9/22 (EXTENSION)

PM 505-15 - Indigenous Peoples of the Musawas, Suniwas, and Wilú Communities of the Mayangna Sauni Territory in the North Caribbean Coast Autonomous Region, Nicaragua

On February 13, 2022, the IACHR decided to extend precautionary measures in favor of Indigenous Peoples of the Musawas, Suniwas, and Wilú Communities in the Mayangna Sauni as Territory in the North Caribbean Coast Autonomous Region, in Nicaragua. The request alleged that the inhabitants of the identified communities are subjected to threats, intimidation, and acts of violence on the Caribbean Coast in a context where land titling processes are pending due to the presence of settlers in indigenous territories. Upon analyzing the submissions of fact and law, the IACHR considers that the information provided shows *prima facie* that the beneficiaries are

at serious and urgent risk of irreparable harm. Consequently, in accordance with Article 25 of the Rules of Procedure of the IACHR, the Commission requested that Nicaragua:

- a. Adopt the necessary and culturally appropriate measures to safeguard the life and personal integrity of the indigenous peoples of the Musawas, Suniwas, and Wilú Communities in the Mayangna Sauni As Territory in the North Caribbean Coast Autonomous Region;
- b. Consult and agree upon measures to be implemented with the beneficiaries and their representatives; and
- c. Report on the actions taken to investigate the alleged acts that led to the adoption of these precautionary measures and thus prevent their recurrence.

Resolution No. 17/22 (GRANT)

PM 1169-21 - Lázaro Ernesto Rivas Pérez, Nicaragua

On December 20, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission,” or “the IACHR”) received a request for precautionary measures submitted by the Human Rights Collective *Nicaragua Nunca Más* (“the requesting organization”) urging the Commission to request that the State of Nicaragua (“the State” or “Nicaragua”) adopt the measures necessary to protect the rights to life, personal integrity, and health of Mr. Lázaro Ernesto Rivas Pérez (“the proposed beneficiary”). According to the request, the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, has been deprived of liberty since July 29, 2020, under inadequate conditions and without healthcare.

Resolution No. 21/22 (GRANT)

PM 145-22 - Yoel Ibzán Sandino Ibarra, Nicaragua

On May 5, 2022, the IACHR granted precautionary measures in favor of Yoel Ibzán Sandino Ibarra, upon considering that he is in a serious and urgent situation presenting risk of irreparable harm to his rights. The request for precautionary measures alleges that the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, has been deprived of liberty since November 5, 2012, and has not received timely medical care. 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 Yoel Ibzán Sandino Ibarra;
- b. Ensure that his conditions of detention are consistent with applicable international standards on the matter, including, *inter alia*: i. allow him contact with his relatives and attorneys; ii. taking into account the situation of risk to his life, personal integrity, and health, immediately carry out an impartial and specialized medical evaluation of his current state of health; iii. grant the treatments and medications reportedly prescribed for the proposed beneficiary;
- c. Consult and agree upon the measures to be adopted with the proposed beneficiary and his representatives; and
- d. Report on the actions undertaken to investigate the alleged acts that led to adoption of this resolution and thus prevent their recurrence.

Resolution No. 23/22 (GRANT)

PM 212-21 - Samuel Mauricio Mairena Rocha, Nicaragua

On May 30, 2022, the IACHR granted precautionary measures in favor of Samuel Mauricio Mairena Rocha after considering that he is in a serious and urgent situation presenting a risk of irreparable harm to his rights. The request for precautionary measures alleges that the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, is at risk as he has been subject to threats,

harassment, and surveillance by state and para-state agents from 2018 to present. 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 and personal integrity of Samuel Mauricio Mairena Rocha. To that end, the State should both ensure that its agents respect the life and personal integrity of the proposed beneficiary and protect his rights in relation to acts presenting risk that are attributable to third parties, in accordance with the standards established by international human rights law;
- b. Consult and agree upon the measures to be adopted with the proposed beneficiary and his representatives; and
- c. Report on the actions taken to investigate the alleged acts that led to adoption of this resolution and thus prevent their recurrence.

Resolution No. 25/22 (EXTENSION)

PM 819-18 - Yubrank Miguel Suazo Herrera, Nicaragua

On June 13, 2022, the IACHR decided to extend the precautionary measures in favor of Yubrank Miguel Suazo Herrera. The request indicates that Suazo was arrested and transferred to the Directorate of Judicial Assistance (DAJ) known as the Nuevo Chipote in May 2022 and his father was also assaulted at that time. The Commission assessed that the detention was conducted with the use of violence followed by a refusal to provide information on the reason for Suazo's detention and whereabouts. In addition, relatives and attorneys have not had access to information regarding the situation that would enable them to pursue the necessary remedies.

Upon analyzing the allegations of fact and law provided by the representation, the Commission considered that the beneficiary is in a serious and urgent situation, as his rights are at risk of irreparable harm in accordance with the applicable *prima facie* standard. Consequently, based on Article 25 of its Rules of Procedure, the Commission requests that the State of Nicaragua:

- a. Adopt the measures necessary to guarantee the rights to life and personal integrity of Mr. Yubrank Miguel Suazo Herrera. In particular, the State should both ensure that its agents respect the rights of the beneficiary in accordance with the standards established by international human rights law and in relation to acts presenting risk and attributable to third parties;
- b. For purposes of verifying his situation, facilitate Mr. Suazo Herrera's access to his representatives and his family visits in accordance with the applicable 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 acts that led to adoption of this precautionary measure.

Resolution No. 26/22 (GRANT)

PM 66-22, 135-22 - José Antonio Peraza Collado, Roger Abel Reyes Barrera, and Irving Isidro Larios Sánchez and the members of his nuclear family, Nicaragua

On June 20, 2022, the IACHR granted precautionary measures in favor of José Antonio Peraza Collado, Roger Abel Reyes Barrera, and Irving Isidro Larios Sánchez with respect to Nicaragua, upon considering that they are in a serious and urgent situation presenting risk of irreparable harm to their rights in Nicaragua. The requests for precautionary measures allege that the proposed beneficiaries, who are identified as opponents of the current Nicaraguan government, are purportedly deprived of liberty in the Directorate of Judicial Assistance known as the "Nuevo Chipote" under inadequate conditions of detention and without receiving the medical care needed for their health. In addition, they indicate that the proposed beneficiaries are allegedly being subjected to acts of intimidation and harassment by state agents, a situation that also affects their families. 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 the proposed beneficiaries;

- b. Adopt the measures necessary to ensure that the conditions of detention of the proposed beneficiaries are consistent with applicable international standards on the matter, including: ensuring they are not subject to threats, intimidation, harassment, or attacks inside the penitentiary center; ii. ensuring access to adequate and specialized medical care and an immediate specialized medical assessment of the health of each of them; and iii. providing the treatments and medications necessary to treat their respective ailments;
- c. Consult and agree upon the measures to be adopted with the proposed beneficiaries and their representatives; and
- d. Report on the actions taken to investigate the alleged acts that led to adoption of this precautionary measure and thus prevent their recurrence.

Resolution No. 27/22 (GRANT)

PM 266-22 - José Alejandro Quintanilla Hernández and his nuclear family, Nicaragua

On June 22, 2022, the IACHR granted precautionary measures in favor of José Alejandro Quintanilla Hernández and his nuclear family, upon considering that he is in a situation of serious and urgent risk of irreparable harm to his rights. The request for precautionary measures alleges that the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, has been deprived of liberty since August 23, 2021, and has not received timely medical care. 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 José Alejandro Quintanilla Hernández and his nuclear family;
- b. Ensure that his conditions of detention are consistent with applicable international standards on the matter, including, *inter alia*: i. ensure regular contact with his relatives and attorneys; ii. taking into account the situation of risk to life, personal integrity, and health, immediately conduct an impartial and specialized medical evaluation of his current health status; iii. provide the treatments and medications prescribed for the proposed beneficiary by competent health personnel;
- c. Consult and agree upon the measures to be adopted with the proposed beneficiaries and their representatives; and
- d. Report on the actions taken to investigate the alleged facts that led to adoption of this resolution and thus prevent their recurrence.

Resolution No. 38/22 (GRANT)

PM 506-22 - Rusia Evelyn Pinto Centeno, Nicaragua

On July 31, 2022, the IACHR granted precautionary measures in favor of Rusia Evelyn Pinto Centeno with respect to Nicaragua, upon considering that she is in a serious and urgent situation entailing risk of irreparable harm to her rights in Nicaragua. The request for precautionary measures alleges that the proposed beneficiary, who is identified as an opponent of the current Nicaraguan government, is purportedly deprived of liberty at the La Esperanza Comprehensive Women's Penitentiary Facility under inadequate conditions of detention and without receiving the necessary medical care. In addition, the request indicates that the proposed beneficiary is subject to constant surveillance, as well as stigmatizing and discriminatory treatment by prison officers. 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 Rusia Evelyn Pinto Centeno;
- b. Adopt the measures necessary to ensure that the conditions of detention of Ms. Rusia Evelyn Pinto Centeno are consistent with applicable international standards on the matter, including: i. allowing contact with her attorneys and legal representatives; ii. ensuring that she is not subject to discriminatory and stigmatizing treatment inside the penitentiary center; iii. immediately conducting an impartial and specialized medical evaluation of her current health status, including conducting the



medical examinations needed to determine her health status; iv. providing her the necessary treatment and medications prescribed by competent health personnel; and v. in light of the conditions of detention and health of the proposed beneficiary, evaluating the granting of alternative measures to deprivation of liberty;

- c. Consult and agree upon the measures to be adopted with the proposed beneficiary and her representatives;
- d. Report on the actions adopted to investigate the alleged events that led to adoption of this precautionary measure and thus prevent their recurrence.

Resolution No. 42/22 (GRANT)

PM 485-22 - Yolanda del Carmen González Escobar and her nuclear family, Nicaragua

On August 29, 2022, the IACHR granted precautionary measures in favor of Yolanda del Carmen González Escobar and her nuclear family, upon considering that she is in a serious and urgent situation entailing risk of irreparable harm to her rights. The request for precautionary measures alleges that the proposed beneficiary, who is identified or perceived as a political opponent of the current Nicaraguan government, has been subjected to threats, harassment, and constant surveillance by police and para-state agents from 2018 until the present. That situation intensified and she allegedly endured a violent raid, during which her family members were also harassed and threatened for participating in religious activities. 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 and personal integrity of Yolanda del Carmen González Escobar and her nuclear family. To that end, the State should both ensure that its agents respect the life and personal integrity of the beneficiaries and protect their rights in relation to acts attributable to third parties, in accordance with the standards established by international human rights law;
- b. Consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c. Report on actions taken to investigate the alleged events that led to adoption of this resolution and thus prevent their recurrence.

Resolution No. 47/22 (GRANT)

PM 608-22, 625-22 - Edder Oniel Muñoz Centeno and Nidia Lorena Barbosa Castillo, Nicaragua

On September 23, 2022, the IACHR granted precautionary measures in favor of Edder Oniel Muñoz Centeno and Nidia Lorena Barbosa Castillo, upon considering that they are in a serious and urgent situation entailing risk of irreparable harm to their rights in Nicaragua. The requests for precautionary measures allege that the proposed beneficiaries, who are identified or perceived as opponents of the current Nicaraguan government, are being held in the National Penitentiary System unit in Granada under inadequate conditions of detention and without receiving necessary, timely, and adequate medical care to treat their different ailments. Specifically, the Commission noted the particularly vulnerable situation of Ms. Barbosa Castillo as an elderly woman. Consequently, in accordance with Article 25 of its Rules of Procedure, the IACHR requested that Nicaragua:

- a. Adopt the necessary measures to protect the rights to life, personal integrity, and health of the proposed beneficiaries;
- b. Adopt the measures necessary to ensure that the conditions of detention of the proposed beneficiaries are consistent with applicable international standards on the matter, including: i. allowing contact with their attorneys and legal representatives; ii. ensuring that they are not subject to threats, intimidation, harassment, or assaults within the penitentiary; iii. ensuring access to adequate and specialized medical care and an immediate specialized medical assessment of the health status of each of them; iv. providing the treatments and medications necessary to treat their respective ailments; v. providing

- adequate food; and, vi. in light of the conditions of detention and health of the proposed beneficiaries, evaluating the granting of alternative measures to deprivation of liberty;
- c. Consult and agree upon the measures to be adopted with the proposed beneficiaries and their representatives; and
- d. Report on actions taken to investigate the alleged events that led to adoption of this resolution and thus prevent their recurrence.

## Resolution No. 49/22 (GRANT)

PM 652-22 - Juan Lorenzo Holmann Chamorro and his nuclear family, Nicaragua

On September 29, 2022, the IACHR decided to grant precautionary measures in favor of Juan Lorenzo Holmann Chamorro and his nuclear family. According to the request, the beneficiary—who is the reported general manager of the independent media outlet *Diario La Prensa*—is detained in the Judicial Assistance Directorate, known as "Nuevo Chipote," under inadequate conditions of detention and without receive necessary, timely, and adequate medical care to treat his health conditions. In addition, the Commission emphasized its concern regarding impacts on the right to freedom of expression in Nicaragua's current context and a series of actions against *Diario La Prensa*. Consequently, in accordance with Article 25 of its Rules of Procedure, the IACHR requested that Nicaragua:

- a. Adopt the necessary measures to protect the rights to life, personal integrity, and health of Mr. Juan Lorenzo Holmann Chamorro and the members of his nuclear family;
- b. Adopt the measures necessary to ensure that the beneficiary's conditions of detention are consistent with applicable international standards on the matter, including: i. ensuring that he is not subject to threats, intimidation, harassment, or assaults inside the penitentiary; iii. ensuring access to adequate and specialized medical care, and an immediate and specialized medical assessment of his health status; iv. providing the treatments and medications necessary to treat his ailments; and v. in light of the beneficiary's conditions of detention and health, evaluating the granting of alternative measures to deprivation of liberty;
- c. Adopt the measures necessary to allow Juan Lorenzo Holmann Chamorro to carry out his activities without being subject to acts of violence, intimidation, threats, or harassment in the performance of his work. The foregoing includes adopting measures allowing him to duly exercise his right to freedom of expression;
- d. Consult and agree upon measures to be adopted with the beneficiary and his representatives; and
- e. Report on actions taken to investigate the alleged events that led to adoption of this resolution and thus prevent their recurrence.

## Resolution No. 56/22 (LIFT)

PM 968-20 - Mariano Valle Peters, Nicaragua

The Inter-American Commission on Human Rights (IACHR) has decided to lift these precautionary measures in favor of Mr. Mariano Valle Peters, in Nicaragua. At the time of making the decision, the Commission assessed the change in circumstances and the request to have the measures lifted made by the representatives themselves. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures under the terms of Article 25 of its Rules of Procedure.

## Resolution No. 57/22 (GRANT)

PM 660-22 - José Santos Sánchez and his nuclear family, Nicaragua

On October 24, 2022, the IACHR decided to grant precautionary measures in favor of José Santos Sánchez and his nuclear family. According to the request, the beneficiary—who is reportedly identified or perceived as an opponent of the current Nicaraguan government—is being held in the facilities of the Jorge Navarro Penitentiary, known as *La Modelo*, under inadequate conditions of detention and without receiving necessary,

timely, and adequate medical care for treating his health conditions. In addition, the Commission emphasizes its concern regarding the alleged acts of physical and psychological torture against Mr. Santos Sánchez, which allegedly produced side effects that could be related to his current symptoms. Consequently, in accordance with Article 25 of its Rules of Procedure, the IACHR requested that Nicaragua:

- a. Adopt the necessary measures to protect the rights to life, personal integrity, and health of Mr. José Santos Sánchez and the members of his nuclear family;
- b. Adopt the measures necessary to ensure that the beneficiary's conditions of detention are consistent with applicable international standards on the matter, including: i. ensuring that he is not subject to threats, intimidation, harassment, or assaults inside the penitentiary; ii. ensuring access to adequate and specialized medical care and an immediate specialized assessment of his health status; iii. providing the treatments and medications needed to treat his ailments; iv. providing adequate food; and v. in light of the beneficiary's conditions of detention and health, evaluating the granting of alternative measures to the deprivation of liberty;
- c. Consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d. Report on actions taken to investigate the alleged events that led to adoption of this resolution and thus prevent their recurrence.

Resolution No. 58/22 (GRANT)  
PM 367-22 – E.A.G.A. and his family, Nicaragua

On October 26, 2022, the IACHR granted precautionary measures in favor of E.A.G.A. and his family unit, after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights. The request for precautionary measures alleges that the proposed beneficiary is identified or perceived as a political opponent of the current Nicaraguan government as a result of his participation as a leading member of organizations that have been allegedly in charge with financing civic protests, as well as his work as a lawyer in the defense of persons known as “political prisoners”. Due to the foregoing, the proposed beneficiary is reportedly being subjected to threats, harassment, and constant surveillance by police and parastatal agents since 2018 to date. 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 and personal integrity of E.A.G.A. and his family unit. To this end, the State must both ensure that state actors respect the beneficiaries' life and personal integrity, and protect their rights in relation to acts of risk attributable to third parties, in accordance with the standards established by international human rights law; take immediate measures to ensure the beneficiary is safe and can continue his legal defense work on behalf of persons detained in Nicaragua;
- 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 events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 64/22 (EXTENSION)  
Pm 693-18 – Katya Milady Reyes Ortiz, Nicaragua

On November 14, 2022, the IACHR decided to extend precautionary measures in favor of Katya Milady Reyes Ortiz. The request indicates that Ms. Reyes is a journalist and has been part of the Radio Darío team since 2016; and in that sense, she has been the subject of threats and harassment in the context of repression of independent journalism in Nicaragua. Upon analyzing the submissions of fact and law provided by the representatives and not disproved by the State, the Commission considered that the beneficiary is in a serious and urgent situation, given that from the applicable *prima facie* standard she is facing a risk of irreparable

harm to her rights. Consequently, based on Article 25 of its Rules of Procedure, the Commission requests that the State of Nicaragua:

- a. Adopt the necessary measures to guarantee the rights to life and personal integrity of Ms. Katya Milady Reyes Ortiz. In particular, the State must ensure that its agents respect the beneficiary's rights in accordance with the standards established by international human rights law, as well as in relation to acts of risk attributable to third parties;
- b. Adopt the necessary measures so that Ms. Katya Milady Reyes Ortiz can carry out her work as a journalist without being subjected to acts of intimidation, threats, or other acts of violence in the exercise thereof;
- 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 events that led to the adoption of the precautionary measures at hand.

Resolution No. 68/22 (GRANT)

PM 265-22; 859-22; 866-22 – Cynthia Samantha Jirón Padilla Ubieta, Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur, and Harry Bayardo Chávez Cerda, Nicaragua

On December 6, 2022, the IACHR granted precautionary measures in favor of Cynthia Samantha Jirón Padilla Ubieta and her family; Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur, and their respective families; and Harry Bayardo Chávez Cerda, after considering that they are in a serious and urgent situation presenting a risk of irreparable harm to their rights. The requests for precautionary measures allege that the beneficiaries are identified as political opponents of the current Nicaraguan government, have been deprived of their liberty since November 2021 and September 2022, in appalling conditions of detention and without receiving timely and adequate medical attention. Specifically, the Commission noted the special situation of vulnerability of Ms. Jeannine Horvilleur and Mr. Harry Chávez, due to their condition as elderly persons with underlying health problems. 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 Cynthia Samantha Jirón Padilla Ubieta and her family unit; Jeannine Horvilleur Cuadra, Ana Carolina Álvarez Horvilleur and their respective family units; and Harry Bayardo Chávez Cerda;
- b. Adopt the necessary measures to ensure that the beneficiaries' detention conditions are compatible with the applicable international standards in this area, including: i. ensuring that they are not subject to threats, intimidation, harassment, or assaults within the penitentiary center; ii. guaranteeing access to adequate and specialized medical care, and a specialized medical assessment is immediately carried out on their health situation; iii. granting the necessary treatments and medicines to treat their conditions; and iv. assessing the granting of alternative measures to the deprivation of liberty in light of the detention conditions and the beneficiaries' health;
- 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 similar events from reoccurring.

Resolution No. 71/22 (GRANT)

PM 873-21 – Moisés Alberto Silva González and his family, Nicaragua

On December 11, 2022, the IACHR granted precautionary measures in favor of Moisés Alberto Silva González and his family unit upon deciding that they are in a serious and urgent situation of risk of irreparable harm to their rights. The request for precautionary measures alleges that the proposed beneficiary is identified as a political opponent of the current Nicaraguan government, given his participation in civic protests and social movements. Due to the foregoing, the proposed beneficiary and his family members have reportedly been

subject to acts of threats, harassment, and surveillance by state and parastatal agents since 2018 to date. In accordance with Article 25 of the Rules of Procedure, the Commission requests Nicaragua to:

- a. Adopt the necessary measures to protect the rights to life and personal integrity of the proposed beneficiaries. To this end, the State must both ensure that state actors respect the beneficiaries' life and personal integrity, and protect their rights in relation to acts of risk attributable to third parties, in accordance with the standards established by international human rights law;
- 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 events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

Resolution No. 74/22 (GRANT)

PM 355-22 – Rodrigo José Navarrete Venegas and his family unit, Nicaragua

On December 19, 2022, the IACHR granted precautionary measures in favor of Rodrigo José Navarrete Vanegas and his family unit, after considering that they face a serious and urgent situation presenting a risk of irreparable harm to their rights. The request for precautionary measures alleges that the proposed beneficiary is identified or perceived as a political opponent of the current Government of Nicaragua, as a result of his action denouncing violations of the rights of people considered “political prisoners.” Mr. Rodrigo Navarrete has been detained since November 25, 2022, in the Jorge Navarro Penitentiary Center, being held incommunicado from his relatives and lawyers. 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 Rodrigo José Navarrete Vanegas and his family unit;
- b. Adopt the necessary measures to ensure that the beneficiary's detention conditions are compatible with the international standards applicable in the matter, inter alia: i. guarantee that he is not subjected to threats, intimidation, harassment, or attacks within the prison; ii. guarantee access to adequate and specialized medical care, and that a specialized medical evaluation be immediately performed to assess his health; iii. grant the necessary treatments and medicines to treat his health issues; and iv. assess alternative measures to deprivation of liberty in light of the beneficiary's detention conditions and health;
- c. Consult and agree upon the measures to be adopted 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 these events from reoccurring.

Resolution No. 76/22 (GRANT)

PM 991-22 – Oscar René Vargas Escobar, Nicaragua

On December 26, 2022, the IACHR granted precautionary measures in favor of Oscar René Vargas Escobar, upon considering that he is in a serious and urgent situation of risk of irreparable harm to his rights. The request for precautionary measures indicates that the proposed beneficiary is co-founder of the Sandinista National Liberation Front (FSLN), a political dissident and critic of the current Nicaraguan government. He has reportedly been deprived of liberty since November 22, 2022, and is held at the Directorate of Judicial Assistance in Managua. The Commission observed that the proposed beneficiary had not received medical attention to date, despite being an older adult and having previous illnesses. 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 Oscar René Vargas Escobar, taking into account that he is an older adult;

- b. Adopt the necessary measures to ensure that the beneficiary's detention conditions are compatible with the international standards applicable in the matter, including: i. guarantee that they are not subject to threats, intimidation, harassment, or attacks within the prison; ii. guarantee access to adequate and specialized medical care, and a specialized medical evaluation is immediately performed to assess his health; iii. grant the necessary treatments and medicines to treat his health issues; and iv. assess alternative measures to the deprivation of liberty in light of the beneficiary's detention conditions and health;
- c. Consult and agree upon the measures to be adopted with the beneficiaries 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.

## PERU

Resolution No. 75/22 (LIFT)  
PM 29-15 – Nazaria María Ugalde Alfaro, Peru

The Inter-American Commission on Human Rights (IACHR) has decided to lift these precautionary measures in favor of Nazaria María Ugalde Alfaro. At the time of taking the decision, the Commission assessed the measures that the State adopted internally and identified a factual change in the circumstances regarding Ms. Ugalde. 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.

## UNITED STATES

Resolution No. 10/22 (GRANT)  
PM 1170-21 - Melissa Lucio, United States

On February 18, 2022, the IACHR granted precautionary measures in favor of Melissa Lucio. According to the request, the beneficiary has been on death row in Texas, United States for 14 years. The request indicates that Ms. Lucio finds herself in a situation of risk given the imminent execution of the death penalty and her current conditions of confinement. The applicant also filed a petition alleging violations of the American Declaration on the Rights and Duties of Man with regard to Ms. Lucio's right to life, liberty, and personal security; right to equality before the law; right of the child to special protection; right to a fair trial; right to humane treatment while in custody; right to due process of law, and right not to receive cruel, infamous, or unusual punishment. After analyzing the allegations of fact and law submitted by the parties, the Commission considers that the information presented demonstrates prima facie the existence of a serious and urgent risk of irreparable harm to the rights to life and personal integrity of Ms. Lucio, in accordance with Article 25 of its Rules of Procedure. Moreover, in the event that Ms. Lucio is executed before the Commission has had the opportunity to examine the merits of her petition, any eventual decision would be rendered moot, which would result in a situation of irreparable harm. Consequently, the Commission requests that the United States of America:

- a. Adopt the measures necessary to protect the life and personal integrity of Melissa Lucio;
- b. Refrain from carrying out the death penalty on Melissa Lucio until the IACHR has had the opportunity to reach a decision on her petition;
- c. Ensure that Melissa Lucio's conditions of detention are consistent with international standards, giving special consideration to her personal conditions; and
- d. Agree on the measures to be adopted with the beneficiary and her representatives.

Resolution No. 12/22 (GRANT)  
PM 74-22 - Richard Eugene Glossip, United States

On March 3, 2022, the IACHR decided to grant precautionary measures in favor of Richard Eugene Glossip. According to the request, the beneficiary has been held for 23 years in solitary confinement on death row in the state of Oklahoma. The request indicates that Mr. Glossip is in a situation of risk given the imminent execution of the death penalty, and different dates have been scheduled for his execution. The applicant also filed a petition alleging violations of the American Declaration of the Rights and Duties of Man in relation to the rights of Mr. Richard Eugene Glossip to life, liberty, and personal security; right to a fair trial; right to humane treatment while in custody; right to due process of law; and the right not to receive cruel, infamous, or unusual punishment. Having analyzed the allegations of fact and law made by the parties, the Commission considers that the information presented demonstrates prima facie the existence of serious and urgent risk of irreparable harm to Mr. Glossip's rights to life and personal integrity, in accordance with Article 25 of its Rules of Procedure. Moreover, in the event that Mr. Glossip is executed before the Commission has the opportunity to examine the merits of his petition, any eventual decision would be rendered moot and would cause irreparable harm. Consequently, the Commission requests that the United States of America:

- a. Adopt the measures necessary to protect the life and personal integrity of Richard Eugene Glossip;
- b. Refrain from carrying out the death penalty on Richard Eugene Glossip until the IACHR has had the opportunity to reach a decision on his petition;
- c. Ensure that Richard Eugene Glossip's conditions of detention are consistent with international standards; and
- d. Agree on the measures to be adopted with the beneficiary and his representatives.

Resolution No. 22/22 (GRANT)

PM 331-22 - Clarence Wayne Dixon, United States

On May 10, 2022, the IACHR decided to grant precautionary measures in favor of Clarence Wayne Dixon. According to the request, he has been held in solitary confinement on death row in the state of Arizona. The request indicates that Mr. Dixon is in a situation of risk due to imminent execution of the death penalty, given that he is a person suffering from multiple mental and physical health conditions. The applicant also filed a petition alleging violations of the American Declaration on the Rights and Duties of Man in relation to Mr. Clarence Wayne Dixon's rights to life, liberty, and personal security; right to a fair trial; right to humane treatment during deprivation of liberty; right to due process; and right not to receive cruel, infamous, or unusual punishment. Due to the immediacy of the harm, in this matter precautionary measures are ordered without having previously sought relevant information from the United States (pursuant to the exception provided in Article 25.5 of the Commission's Rules of Procedure). Having analyzed the allegations of fact and law provided, the Commission considers that the information presented demonstrates prima facie the existence of serious and urgent risk of irreparable harm to Mr. Dixon's life and personal integrity, in accordance with Article 25 of its Rules of Procedure. Moreover, in the event that Mr. Dixon is executed before the Commission has the opportunity to examine the merits of his petition, any eventual decision would be rendered moot and would cause irreparable harm. Consequently, the Commission requests that the United States of America:

- a. Adopt the measures necessary to protect the life and personal integrity of Clarence Wayne Dixon;
- b. Refrain from executing the death penalty on Clarence Wayne Dixon until the IACHR has had the opportunity to reach a decision on his petition;
- c. Ensure that Clarence Wayne Dixon's conditions of detention are consistent with international standards, with special consideration given to his disabilities and medical condition; and
- d. Agree on the measures to be adopted with the beneficiary and his representatives.

Resolution No. 28/22 (LIFT)

PM 331-22 - Clarence Wayne Dixon, United States

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Mr. Clarence Wayne Dixon in the United States. When making the decision, the Commission observes

that the death penalty imposed on Mr. Clarence Wayne Dixon was executed. Upon analyzing the information available, the IACHR considered that there are no elements that would allow continued identification of compliance with the procedural requirements. In its assessment, the IACHR observed that execution of the death penalty represents a significant change in the factual circumstances that motivated the granting of precautionary measures. Consequently, the IACHR decided to lift these precautionary measures.

Resolution No. 44/22 (LIFT)

PM 789-04, 1026-04, 471-11 (partial) - Gregory Thompson and other persons, United States

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Gregory Thompson, Richard Michael Rossi, German Sinnistera, Robert L. Bolden, and Arboleda Ortiz in the United States. When making the decision, the Commission observes that the beneficiaries have died or their sentences have been commuted. The Commission assessed the actions taken by the State in implementing these measures and the information provided by the representatives. Upon analyzing the available information, the IACHR considered that there is no evidence that would allow continuing to identify compliance with the procedural requirements. In its assessment, the IACHR observed that the death of the beneficiaries represents a significant change in the factual circumstances that led to the granting of the precautionary measures.

Resolution No. 54/22 (LIFT)

PM 262-02, 465-11, 470-11, 357-11 - Abu-Ali Abdur' Rahman and three other people, United States

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Abu-Ali Abdur' Rahman, Virgilio Maldonado Rodríguez, Iván Teleguz, and Héctor Rolando Medina in the United States. Upon analyzing the information available, the IACHR considered that there is no evidence allowing continuing to identify compliance with the requirements of Article 25 of its Rules of Procedure. In its assessment, the IACHR observed that commutations of the death penalty represent a significant change in the factual circumstances that motivated the granting of precautionary measures at the time.

Resolution No. 78/22 (LIFT)

PM 384-02, 348-06, 177-14, 204-07, 736-17 and 250-17 - Roberto Moreno Ramos and five other persons, United States

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Roberto Moreno Ramos, Rubén Ramírez Cárdenas, Orlando Cordia Hall, Russell Bucklew, Charles Warner, and Lezmond C. Mitchell in the United States. At the time of taking the decision, the Commission notes that the beneficiaries have been executed even though the precautionary measures granted in their favor were in force and the IACHR issued Merits Reports whereby the responsibility of the State was determined, as appropriate. In its assessment, the IACHR also observed that the execution of sentences giving rise to the death penalty implies both a significant change in the factual circumstances that motivated the granting of precautionary measures, as well as a failure to implement them. The IACHR condemns the application of the death penalty to beneficiaries of precautionary measures.

Resolution No. 79/22 (LIFT)

PM 204-14, 489-15, 156-17, and 1048-20 - John Winfield and three others, United States

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of John Winfield, Alfredo Rolando Prieto, William Charles Morva, and Lisa Montgomery in the United States. At the time of the decision, the Commission observes that the beneficiaries have been executed despite the precautionary measures being in force and having requested that the State refrain from applying the death penalty while the Commission analyzed the related petitions. In its assessment, the IACHR also observed that the execution of sentences giving rise to the death penalty implies both a significant change in the factual circumstances that motivated the granting of precautionary measures, as well as a failure to implement them. The IACHR condemns



the application of the death penalty to persons benefiting from precautionary measures. Notwithstanding the lifting of the precautionary measures, the Commission continues with the analysis of the related petitions, as appropriate.

## VENEZUELA

### Resolution No. 11/22 (FOLLOW-UP)

PM 150-19 - Concepción Palacios Maternity Hospital, Venezuela

The Inter-American Commission on Human Rights (IACHR) decides to issue this Follow-up Resolution on precautionary measures under the terms of Article 25 of its Rules of Procedure. The Commission laments the lack of response from the State regarding measures adopted to implement these precautionary measures. Based on the information available and assessed as a whole, it urgently calls on the State of Venezuela to adopt prompt measures for the implementation of the precautionary measures considering that the risk factors remain in effect under the terms of Article 25 of the Rules of Procedure.

### Resolution No. 36/22 (LIFT)

PM 382-21 – Ovidio Jesús Poggioli Pérez, Venezuela

The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Ovidio Jesús Poggioli Pérez, in Venezuela. At the time of making the decision, the Commission considered that the beneficiary had been released and observed that his situation substantially changed. The IACHR decided to lift these measures and considered the lack of response from the State as serious in regard to the specific implementation of measures adopted while these measures were in place.

### Resolution No. 52/22 (GRANT)

PM 637-22 - C.A.Z.S., Venezuela

On October 9, 2022, the IACHR granted precautionary measures in favor of C. A. Z. S. in Venezuela. The request for precautionary measures alleges that the proposed beneficiary has been deprived of liberty since March 2020 and, despite living with the Human Immunodeficiency Virus (HIV), he allegedly has not received the medications necessary for his treatment for the last two years. Upon analyzing the allegations of fact and law provided by the parties, the Commission considered that, on the basis of the applicable *prima facie* standard, Mr. C. A. Z. S. is in a serious and urgent situation, in that his rights, personal integrity, and health are at risk of irreparable harm. Consequently, in accordance with Article of the Rules of Procedure, the Commission requests that Venezuela:

- a. Adopt necessary measures to protect the rights to life, personal integrity, and health of Mr. C. A. Z. S. In particular, adopt immediate measures allowing him access to adequate medical treatment, including the medications necessary as prescribed by the respective health professionals, as well as diagnoses and examinations facilitating regular assessment of his health status, according to the applicable international standards;
- 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 events that led to adoption of this resolution and thus prevent their recurrence.

### Resolution No. 60/22 (FOLLOW-UP)

PM 258-20 – José Javier Tarazona Sánchez, Venezuela

Pursuant to the terms of Article 25 of its Rules of Procedure, the Inter-American Commission on Human Rights (IACHR) decides to issue this Modification and Follow-up Resolution regarding precautionary measures. The Commission regrets the lack of response from the State regarding the measures adopted to implement these precautionary measures. In view of the information available, which has been evaluated as a whole, the Commission decided to modify the precautionary measures, given the change in the circumstances

of the beneficiary's situation, as he is now in detention. In addition, taking into account his current situation of deprivation of liberty, the Commission urgently calls on the Bolivarian Republic of Venezuela to adopt prompt actions for the implementation of precautionary measures, considering that the risk factors remain in force under the terms of Article 25 of the Rules of Procedure.

Resolution No. 61/22 (GRANT)  
PM 54-22 - Deibis Esteban Mota Marrero, Venezuela

On October 31, 2022, the IACHR granted precautionary measures in favor of Deibis Esteban Mota Marrero with respect to Venezuela, considering that he is in a serious and urgent situation entailing risk of irreparable harm to his rights in Venezuela. The request for precautionary measures alleges that the proposed beneficiary, who is identified as a lieutenant colonel in the Venezuelan army, is allegedly deprived of liberty in the Central Center for Military Prosecutions (CENAPROMIL), also known as "Ramo Verde") without receiving the medical care needed for his health and under inadequate conditions of detention. In addition, his situation reportedly worsened due to the threats and mistreatment to which he was allegedly subjected by penitentiary agents. Upon analyzing the available information, the Commission considered that there was sufficiently justified compliance with the requirements contained in Article 25 of its Rules of Procedure and the Inter-American Convention to Prevent and Punish Torture. Therefore, it requested that Venezuela:

- a. Adopt the necessary measures to protect the rights to life, personal integrity, and health of Deibis Esteban Mota Marrero, ensuring, in particular, that he has access to medical treatment, as indicated by the respective independent physicians, and requiring the authorities to prepare a medical report corroborating the beneficiary's current health status;
- b. Adopt the measures necessary to ensure that his conditions of detention are consistent with the applicable international standards;
- c. Consult and agree upon the measures to be adopted with the proposed beneficiary and his representatives; and
- d. Report on the actions adopted to investigate the alleged events that led to adoption of this precautionary measure and thus prevent their recurrence.

Resolution No. 77/22 (GRANT)  
PM 333-21 – José Ernesto Lasorsa, Venezuela

On December 26, 2022, the IACHR decided to grant precautionary measures in favor of José Ernesto Lasorsa regarding Venezuela. The request indicates that the proposed beneficiary is a cancer patient in critical condition that has been deprived of liberty since September 15, 2020. It was indicated that he "urgently" requires chemotherapy treatment in order to prevent his health condition from worsening. However, he is not being provided the necessary medical attention. 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 Venezuela:

- a. Adopt the necessary measures to protect the rights to life, personal integrity, and health of José Ernesto Lasorsa. In particular, adopt immediate measures that allow access to adequate medical treatment, including the necessary medicines in accordance with corresponding health professionals' prescriptions, as well as the diagnoses and examinations for a regular evaluation of his health status, according to the applicable international standards;
- b. Consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- c. 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.

#### 4. Provisional Measures

457. Provisional measures are provided for in Article 63(2) of the American Convention on Human Rights, determining that in cases of extreme gravity and urgency, when it may be necessary to prevent irreparable harm to persons, the Inter-American Court of Human Rights may grant provisional measures. When a decision is made by the Inter-American Court to grant a provisional measure, monitoring of its implementation passes to the Court. In addition, the Commission, at the request of the Court, continues to provide periodic observations and relevant information regarding the implementation of the provisional measures.

458. In 2022, the IACHR submitted three new requests for provisional measures and one request for extension, from which three were granted by the I/A Court H.R., and one remains to be decided, as detailed below:

- **Request for extension in the [matter of Juan Sebastián Chamorro et al.](#)**

The Commission asked for an extension of the provisional measures in the matter of Juan Sebastián Chamorro et al. in May 2022,<sup>169</sup> in favor of nine persons deprived of liberty and their respective family groups protected by seven precautionary measures.

The nine persons identified are public figures and are perceived as being in opposition to the current Nicaraguan government. The request for an extension in this matter considered that the persons identified sought to ensure that the 2021 general elections were democratic and one of the proposed beneficiaries of the provisional measures was detained after having demonstrated interest in participating as a potential presidential candidate, a situation linked to the reasons why the provisional measures were originally granted in 2021.

The Commission considered that the rights of these nine persons were in a situation of extreme risk and exposed to being subject to imminent acts of violence and their nuclear families were exposed to suffering reprisals for the actions they were taking to demand justice. The IACHR did not receive information from the State regarding the implementation of suitable protective measures.

The Court granted the provisional measures on May 25, 2022.

- **Request for provisional measures in the matter of [Members of the Yanomami, Ye'kwana, and Munduruku Indigenous Peoples with respect to Brazil.](#)**

The IACHR requested provisional measures in favor of the Yanomami, Ye'kwana, and Munduruku Indigenous Peoples in Brazil in May 2022.<sup>170</sup> While the measures were in force, the IACHR received information on an exponential increase in the presence of unauthorized third parties on their lands, who were primarily engaged in mining and logging activities. In this context, it was observed that the Yanomami, Ye'kwana, and Munduruku indigenous peoples are exposed to murder, threats, violent attacks, sexual violence, and health impacts due to the spread of diseases such as malaria and COVID-19, in a context of scarce medical care and alleged contamination by mercury from mining.

In this scenario, the IACHR observed the existence of 1. a high level of reported violence; 2. frequent use of firearms and armed attacks; 3. possible reprisals; 4. death threats to indigenous people; 5. substantive irreparable harm, with injuries and deaths of indigenous

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<sup>169</sup> IACHR. [Press Release 108/22](#). IACHR requests that the I/A Court H.R. extend provisional measures for nine persons deprived of liberty in the electoral context in Nicaragua. May 18, 2022.

<sup>170</sup> IACHR. [Press Release 107/22](#). IACHR requests the I/A Court H.R. for provisional measures for the Yanomami, Ye'kwana, and Munduruku Indigenous Peoples in Brazil, given the extreme and serious risk they face. May 18, 2022.

people; and 6. impacts on the life and integrity of indigenous boys and girls, as well as women and girls who have been the victims of sexual violence.

The Commission considers that, although the State implemented some measures such as developing projects and action plans; sending medical supplies; conducting operations to remove unauthorized third parties from indigenous lands; and other measures, the members of the indigenous peoples identified allegedly remain in a situation of extremely serious and urgent risk of irreparable harm.

The Court granted the provisional measures on July 1, 2022.

- **Request for provisional measures in the [matter of 45 persons deprived of liberty in eight detention centers in Nicaragua](#).**

In September 2022,<sup>171</sup> the Commission requested provisional measures in favor of 45 persons deprived of liberty in eight detention centers in Nicaragua and their respective family groups. The persons identified participated in the demonstrations in 2018 and are considered opponents of the current Nicaraguan government. The requests for provisional measures involved 16 matters of precautionary measures. The eight detention centers in Nicaragua are: (1) the Jorge Navarro Prison Complex or “La Modelo;” (2) the Evaristo Vásquez Judicial Support Complex or Nuevo Chipote or “El Chipote;” (3) La Esperanza Comprehensive Women’s Penitentiary Facility (EPIM); (4) National Prison Service (SPN) Facility in Granada; (5) National Prison Service (SPN) Facility in Matagalpa of Waswalí (SPN); (6) National Prison Service (SPN) Facility in Chinandega; (7) National Prison Service (SPN) Facility in Jinotepe; and (8) Cuisalá Penitentiary Facility.

The Commission considered that the rights of these 45 individuals were in a situation of extreme risk and that they were exposed to being subject to imminent acts of violence, and their nuclear families were exposed to suffering reprisals due to the actions they are taking to demand justice. The IACHR did not receive information from the State regarding the implementation of suitable protective measures.

The Court granted the provisional measures on October 4, 2022.

- **Request for provisional measures in favor of persons deprived of liberty at the Evaristo de Moraes Penitentiary (PEM)**

On December 28, 2022,<sup>172</sup> the IACHR requested provisional measures in favor of persons deprived of liberty at the Evaristo de Moraes Penitentiary (PEM) in the state of Rio de Janeiro. The Evaristo de Moraes Penitentiary was originally an army tank depot. Subsequently, it came to house the custody of persons deprived of liberty. In 2019, the IACHR granted precautionary measures to persons deprived of liberty at PEM, in accordance with Article 25 of the IACHR Rules of Procedure, due to high levels of overcrowding, lack of adequate medical care and unsanitary conditions of detention, in addition to the high number of deaths, mostly occurring in unexplained circumstances.

The IACHR assessed that they are in a situation of extreme gravity and urgency of irreparable harm due to the overcrowding of the facility, the conditions of detention in which they are held and the difficulties of adequate and timely medical care.

At the end of 2022, the request remains pending decision by the Inter-American Court.

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<sup>171</sup> IACHR. [Press Release 200/22](#). IACHR asks the Inter-American Court for Temporary Measures for 45 Individuals Held at Eight Detention Facilities in Nicaragua. September 8, 2022.

<sup>172</sup> IACHR. [Press Release 285/22](#). IACHR asks the Inter-American Court of Human Rights for provisional measures in favor of persons deprived of liberty in Brazil. December 28th, 2022.

459. Durante 2022, the Commission also filed 92 legal briefs on provisional measures with the Inter-American Court. It should be emphasized that, in this work, the IACHR provided observations and information supporting requests for provisional measures filed directly with the Court by accredited representatives in cases being heard by the Court, in accordance with the Rules of Procedure of the I/A Court H.R. Notable in this regard are the urgent provisional measures processed with respect to Guatemala in the cases of Bámaca Velásquez, Maritza Urrutia, Plan de Sánchez Massacre, Chitay Nech et al., Río Negro Massacres, and Gudiel Álvarez et al. (“Diario Militar”) v. Guatemala; and the case of Gudiel Álvarez et al. (“Diario Militar”) v. Guatemala, which were granted by the Inter-American Court on July 8 and 11 and September 9, 2022, respectively.

460. In addition, the IACHR presented its oral observations in five hearings convened by the Court on the implementation of provisional measures in force or requests for provisional measures:

- March 18, 2022, Case of Vélez Loo v. Panama. Provisional Measures;
- April 1, 2022, Case of Barrios Altos and Case of La Cantuta v. Peru. Request for Provisional Measures;
- May 24, 2022, Case of Valenzuela Ávila and Case of Ruiz Fuentes et al. v. Guatemala. Provisional Measures and Supervision of Enforcement of Judgment;
- September 6, 2022, Cases of Bámaca Velásquez, Maritza Urrutia, Plan de Sánchez Massacre, Chitay Nech et al., Río Negro Massacres, and Gudiel Álvarez et al. (“Diario Militar”) v. Guatemala. Request for Provisional Measures;
- November 9, 2022. Together, matter of Juan Sebastián Chamorro et al with respect to Nicaragua; and matter of 45 persons deprived of liberty in eight detention centers with respect to Nicaragua. Provisional Measures.

461. In addition, on March 17 and 18, 2022 the Inter-American Commission joined the working visit conducted that the Inter-American Court made to the province of Darién in Panama, in the context of the provisional measures ordered by the Court in the Case of Vélez Loo. On March 17, a visit was conducted to the host community of Bajo Chiquito, as the first community to receive migrants. Later, a visit was made to the Lajas Blancas Migrant Reception Station, a special station providing COVID-19 care to migrants in transit that the State set up in the context of the pandemic. In addition, the San Vicente Migrant Reception Station, the final transit point in the Darien Forest, was visited. Those procedures and parallel meetings provided the opportunity to discuss with enforcement officials the State of Panama’s migration policies and to learn about the implementation of measures ordered by the Court, specifically those relating to the National Border Service. The following day, the Commission participated in the private hearing on supervision of provisional measures in Panama City, Panama.

## 5. Dissemination and transparency

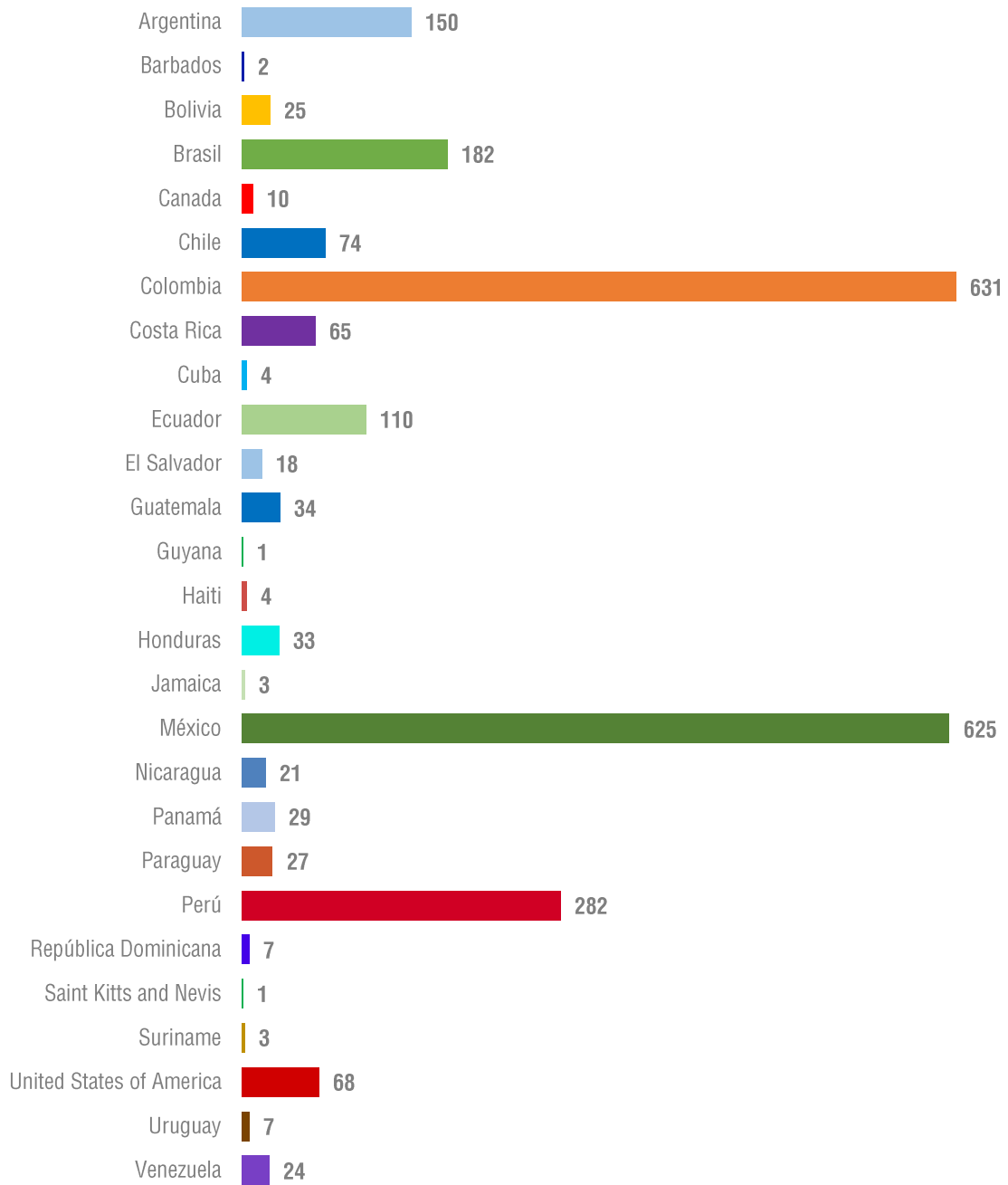
462. In 2022, the IACHR has continued its efforts to disseminate information regarding the precautionary measures mechanism and transparency regarding its operations with a view to expanding the knowledge of those who use the inter-American system and providing greater legal certainty. Thus, the Commission conducted a campaign to disseminate the [Informational Booklet on Precautionary Measures](#) on its social media platforms. It also kept updated the section of [its website for precautionary measures](#), publishing the resolutions adopted and the translations available, in addition to updating its [interactive map of precautionary measures granted](#) [in Spanish]. The IACHR also published a [video](#) regarding its on-site visit on behalf of the Tzotzil families in twenty-two communities identified in the municipalities of Chalchihuitán, Chenalhó, and Aldama in the state of Chiapas, Mexico (PM 882-17 and PM 284-18).

463. The Commission also disseminated information on precautionary measures by publishing 55 press releases to publicize decisions to grant, extend, and follow up measures in force.

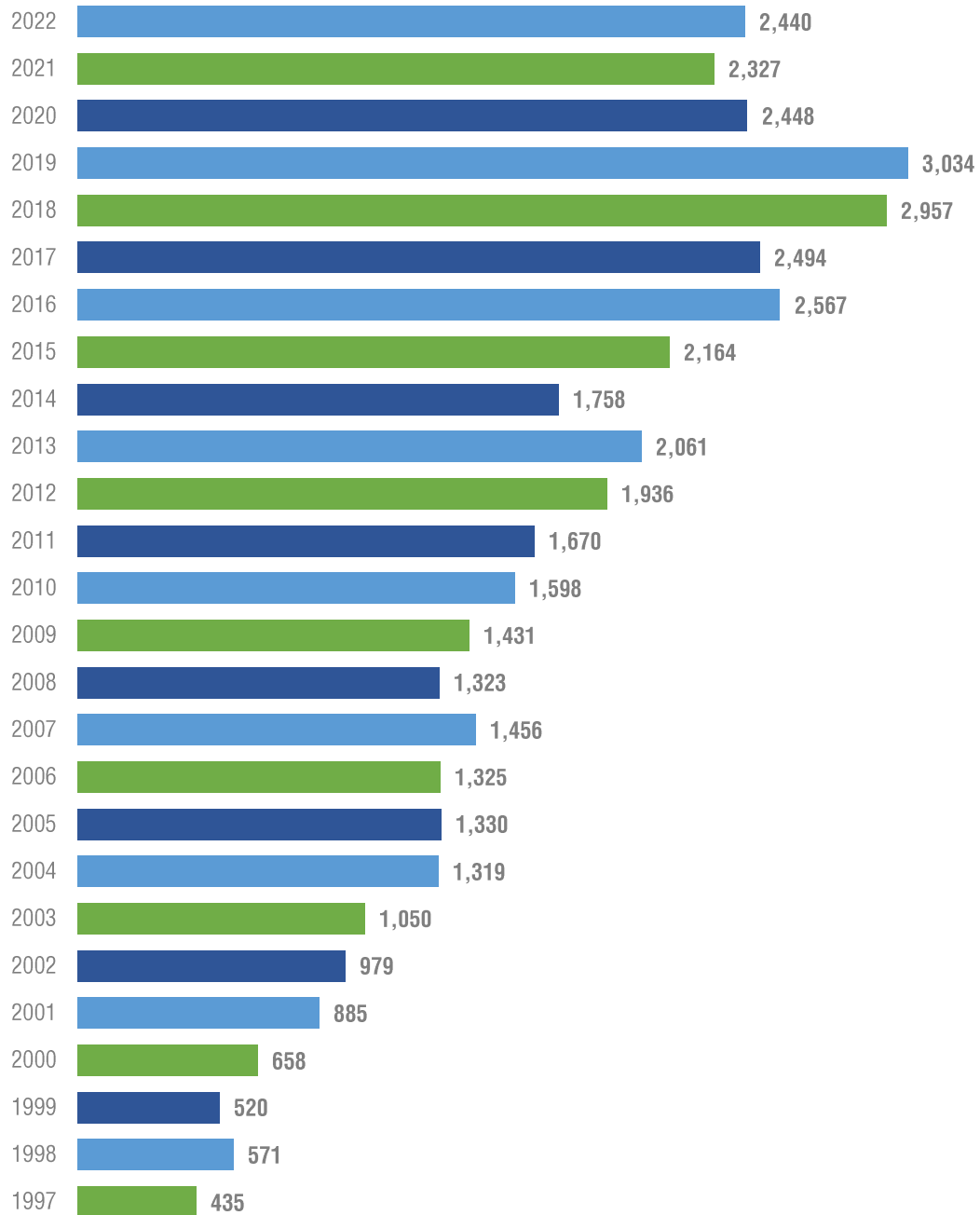
464. With regard to training on precautionary measures, in 2022 there 11 training sessions conducted for students, international organization staff, and civil society organizations; these sessions focused on topics such as LGBTI+, persons with disabilities, and countries such as Cuba, Colombia, Nicaragua, Saint Lucia, Costa Rica, and others. Such training sessions may focus on the process of requesting precautionary measures, on following up measures in force, or both.

**G. Annual statistics most representative of the Commission's work**

Petitions received by country  
**Total: 2,440**



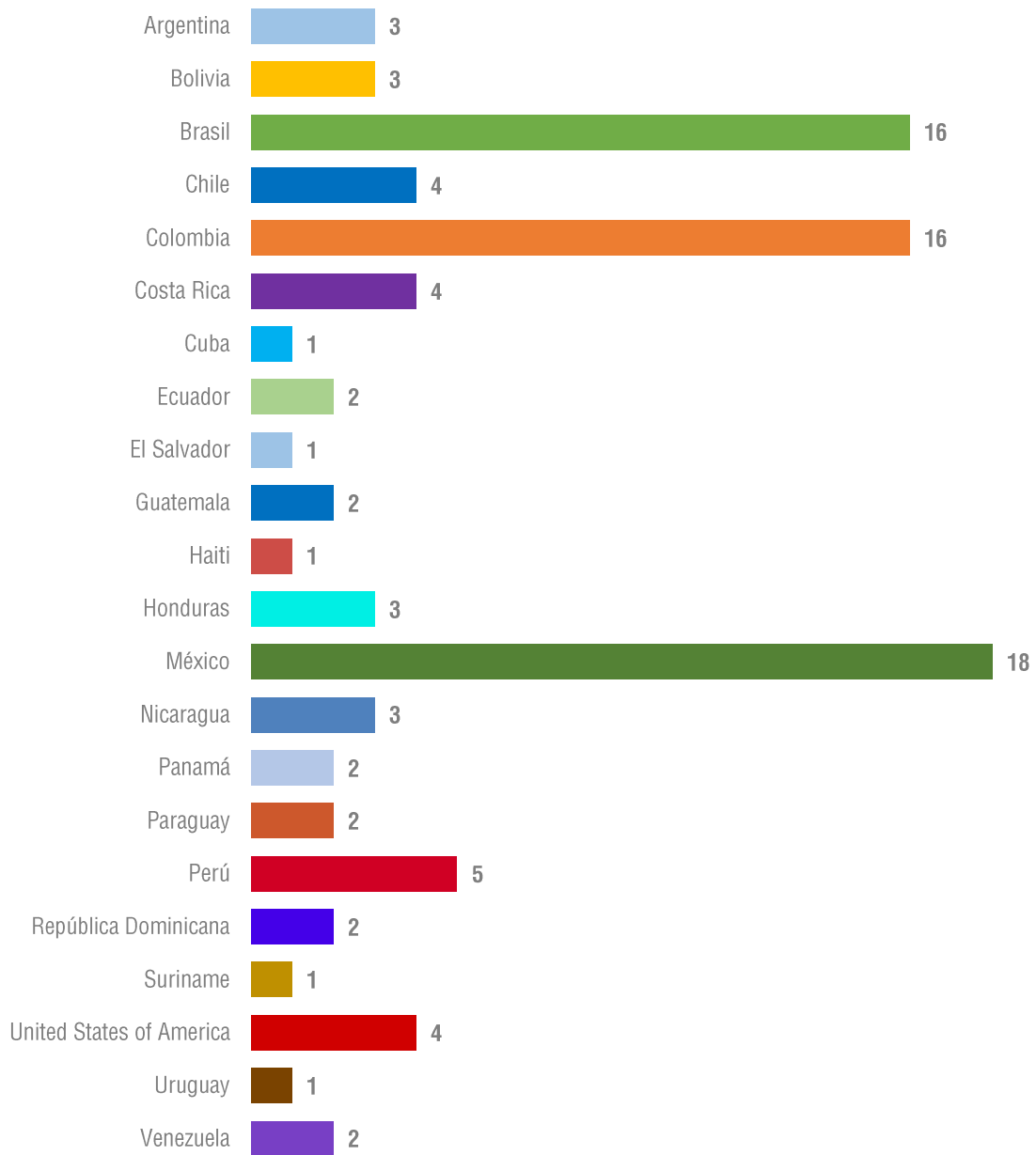
## Petitions received by Year





Petitions pending initial review by country

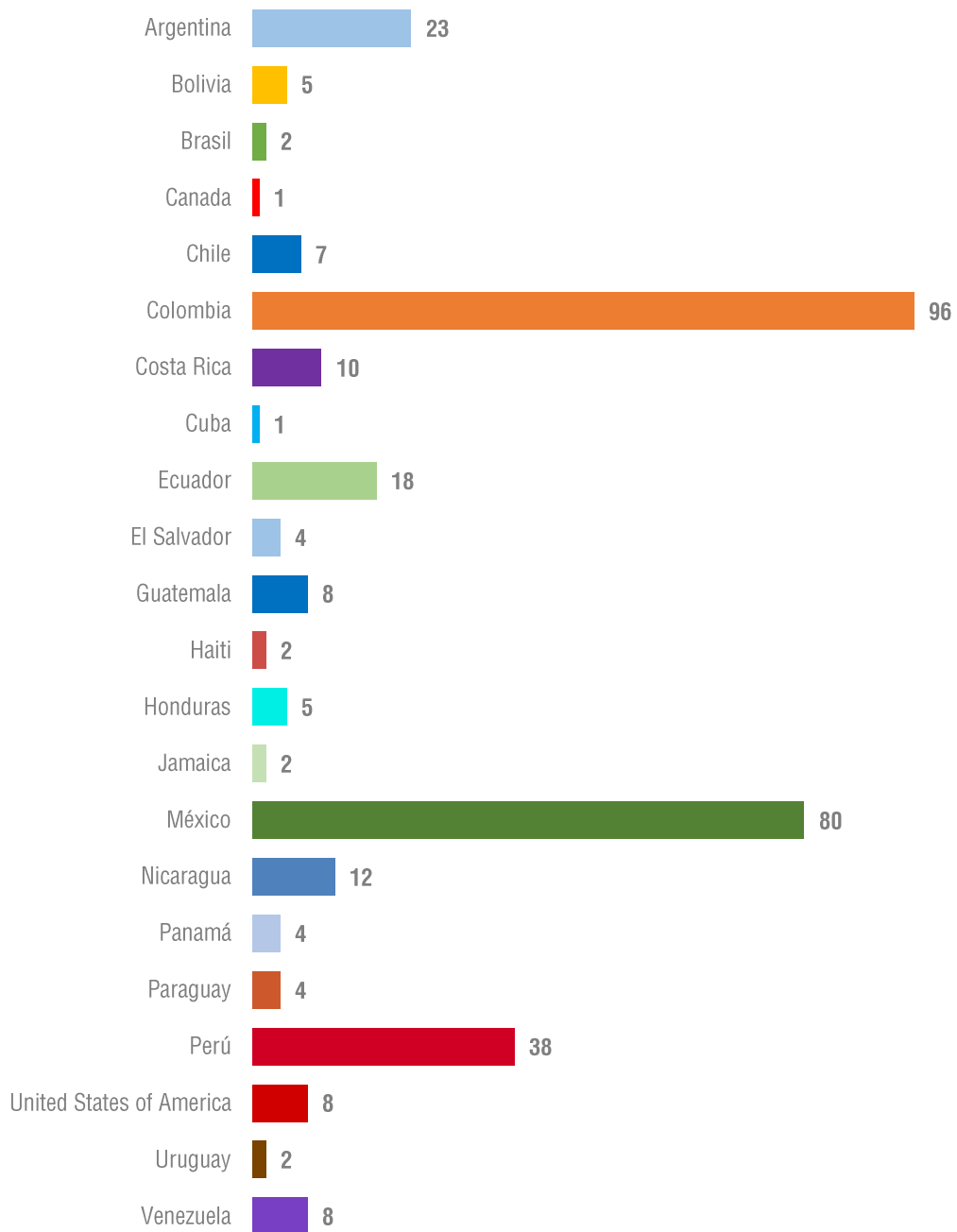
**Total: 96 \***



\* At the time of publication of this report, these figures have been significantly reduced.

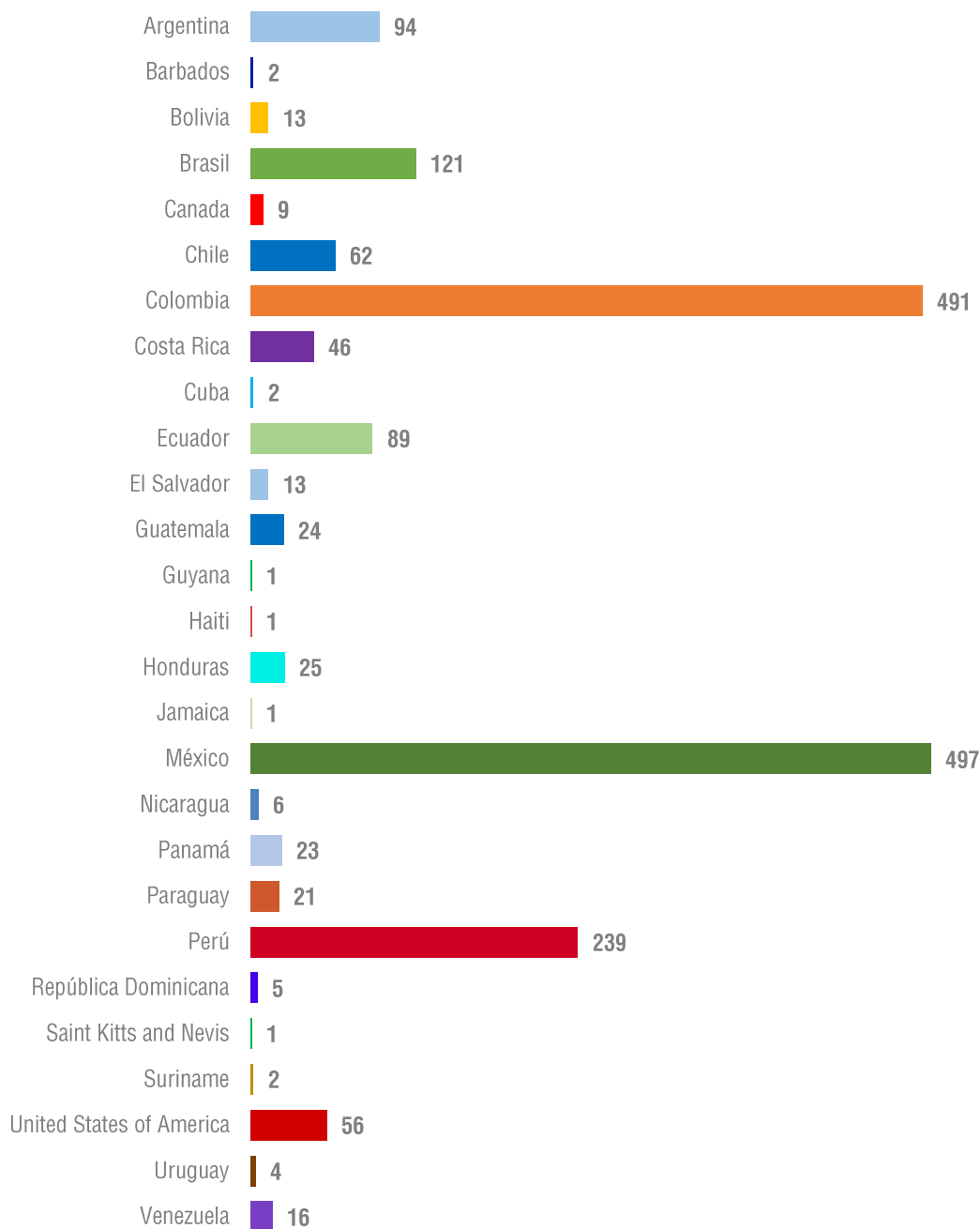
Decisions to open for processing by country

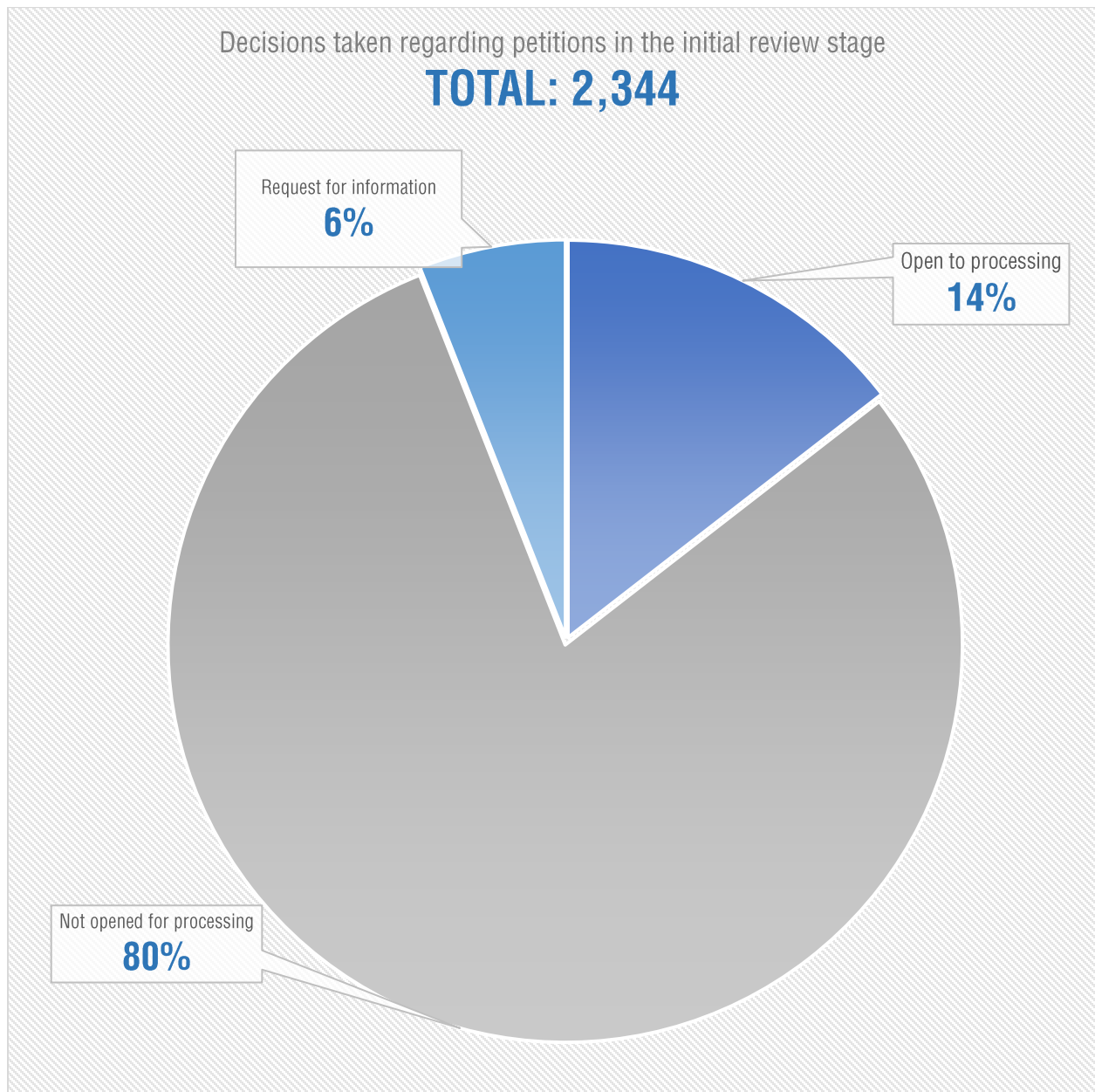
**Total: 340**



Petitions not opened for processing

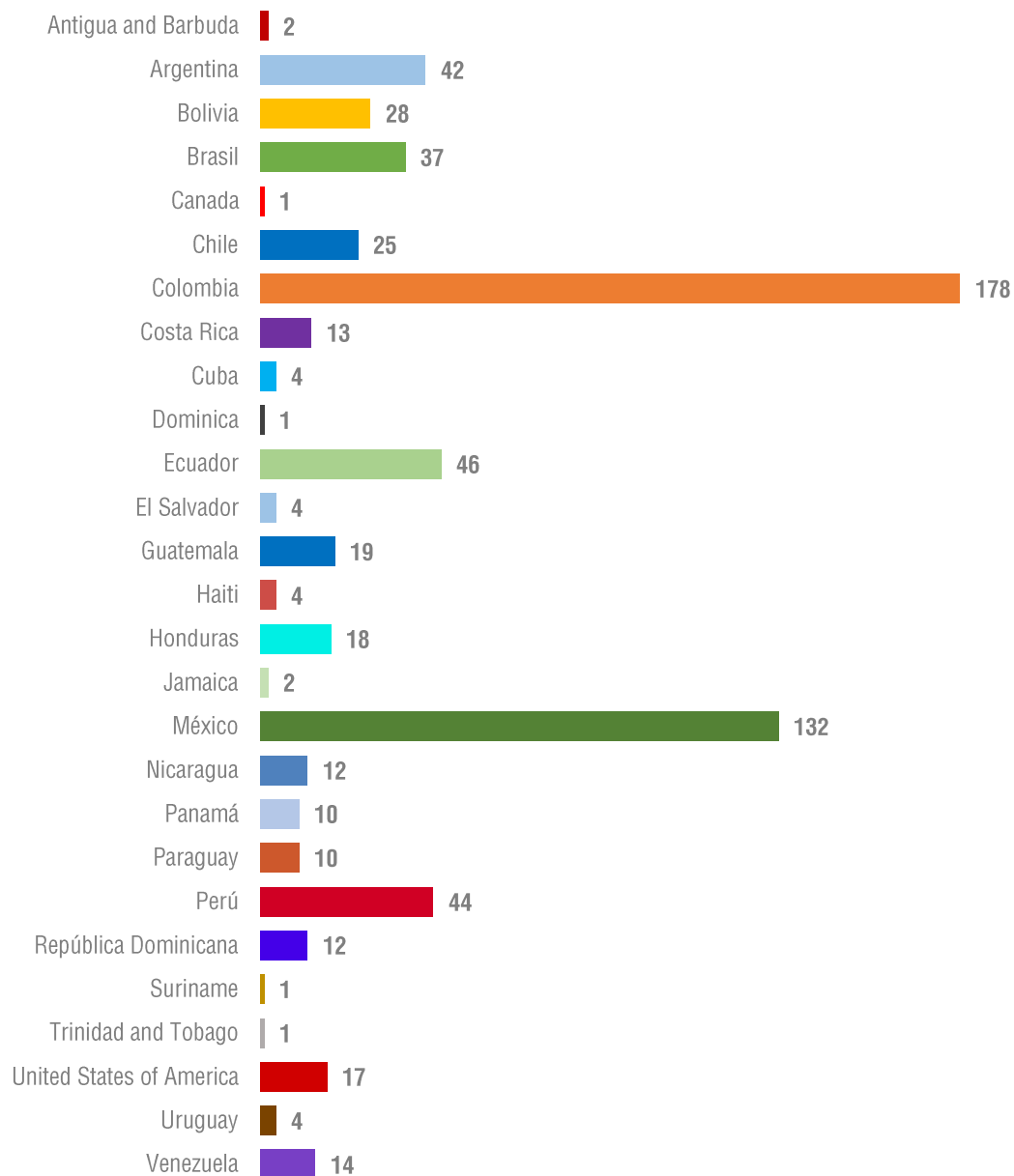
**Total: 1,864**





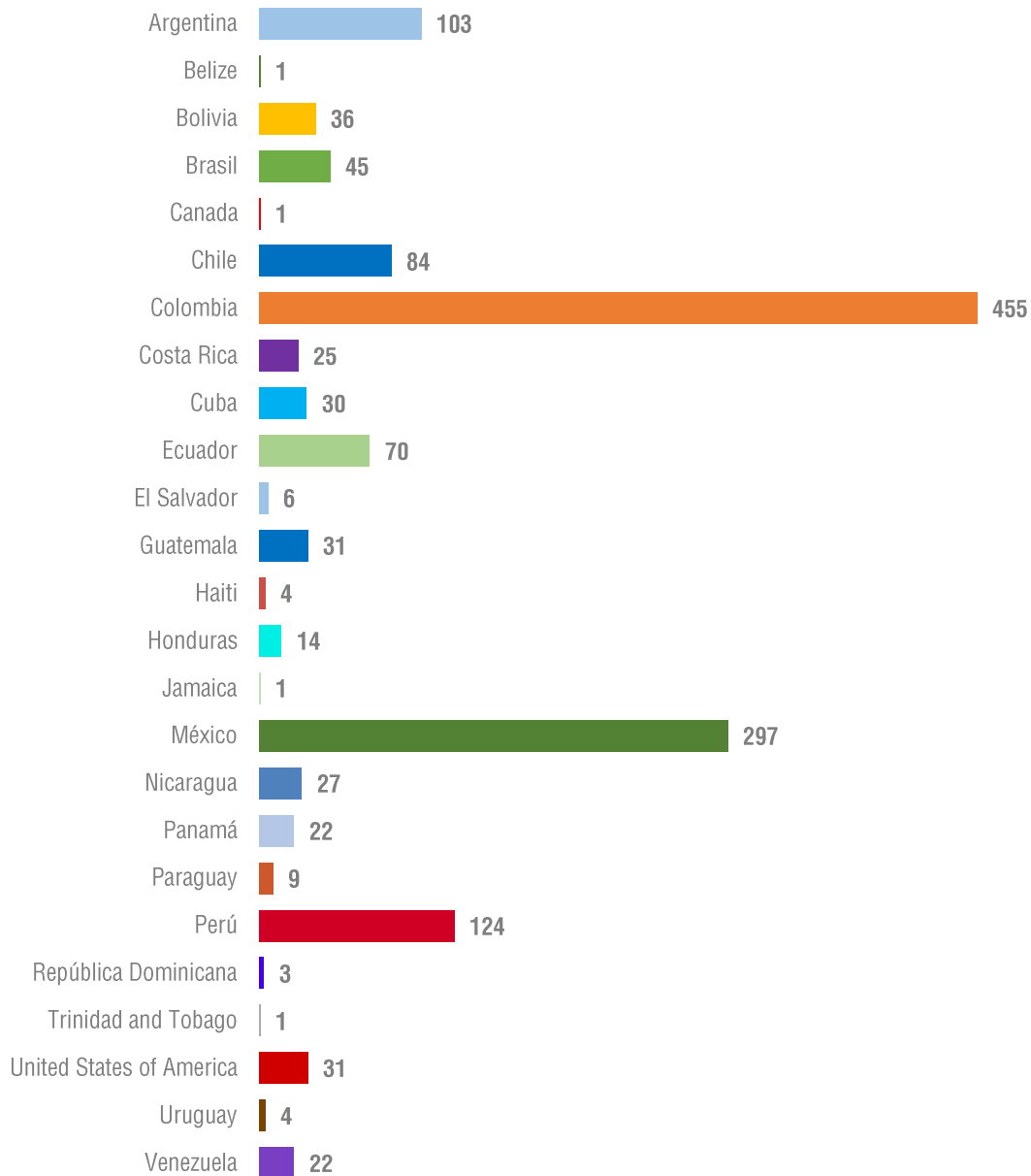
Notified decisions to open for processing

**Total: 681**



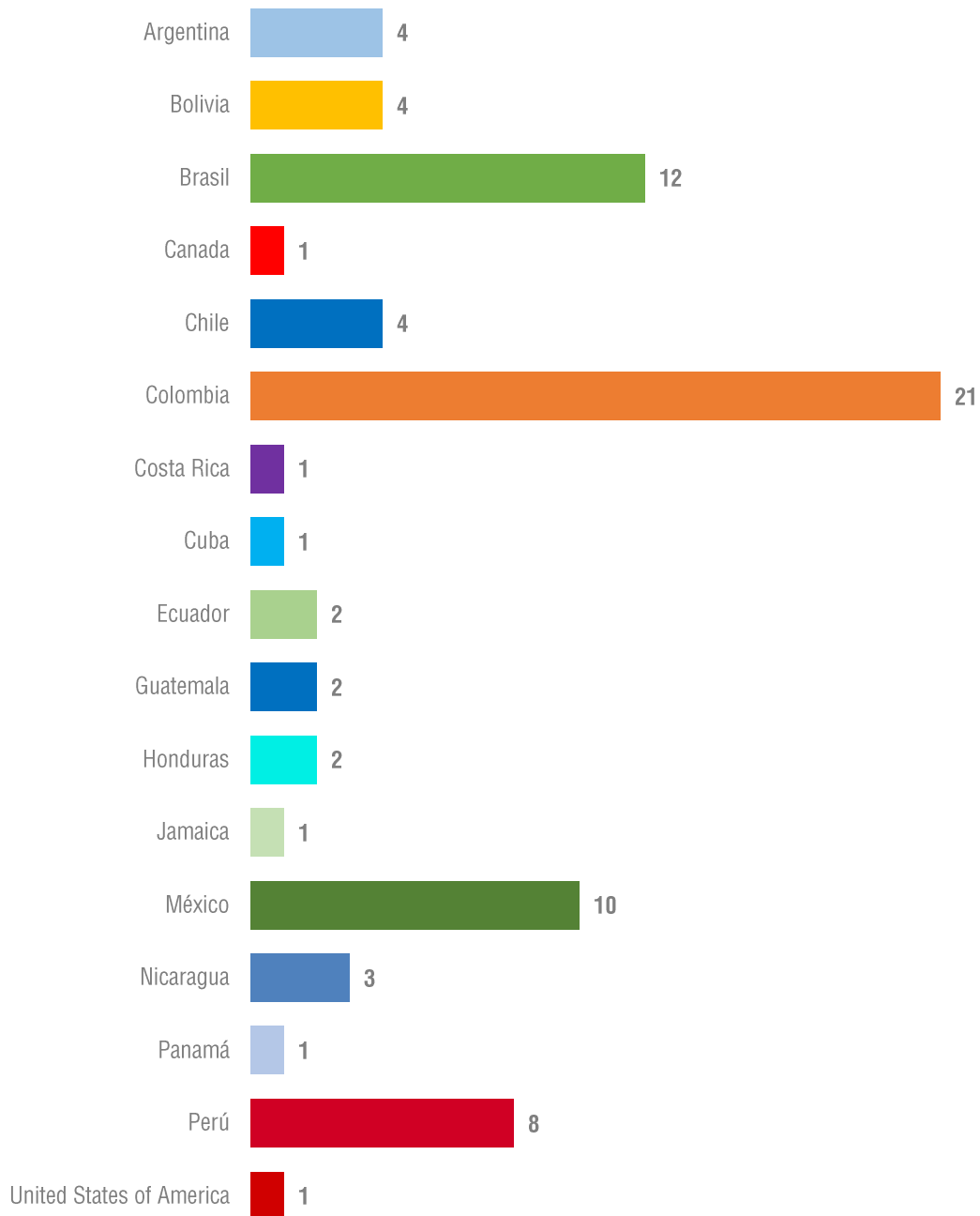
Petitions opened for processing, pending notification to the State

**Total: 1,446**



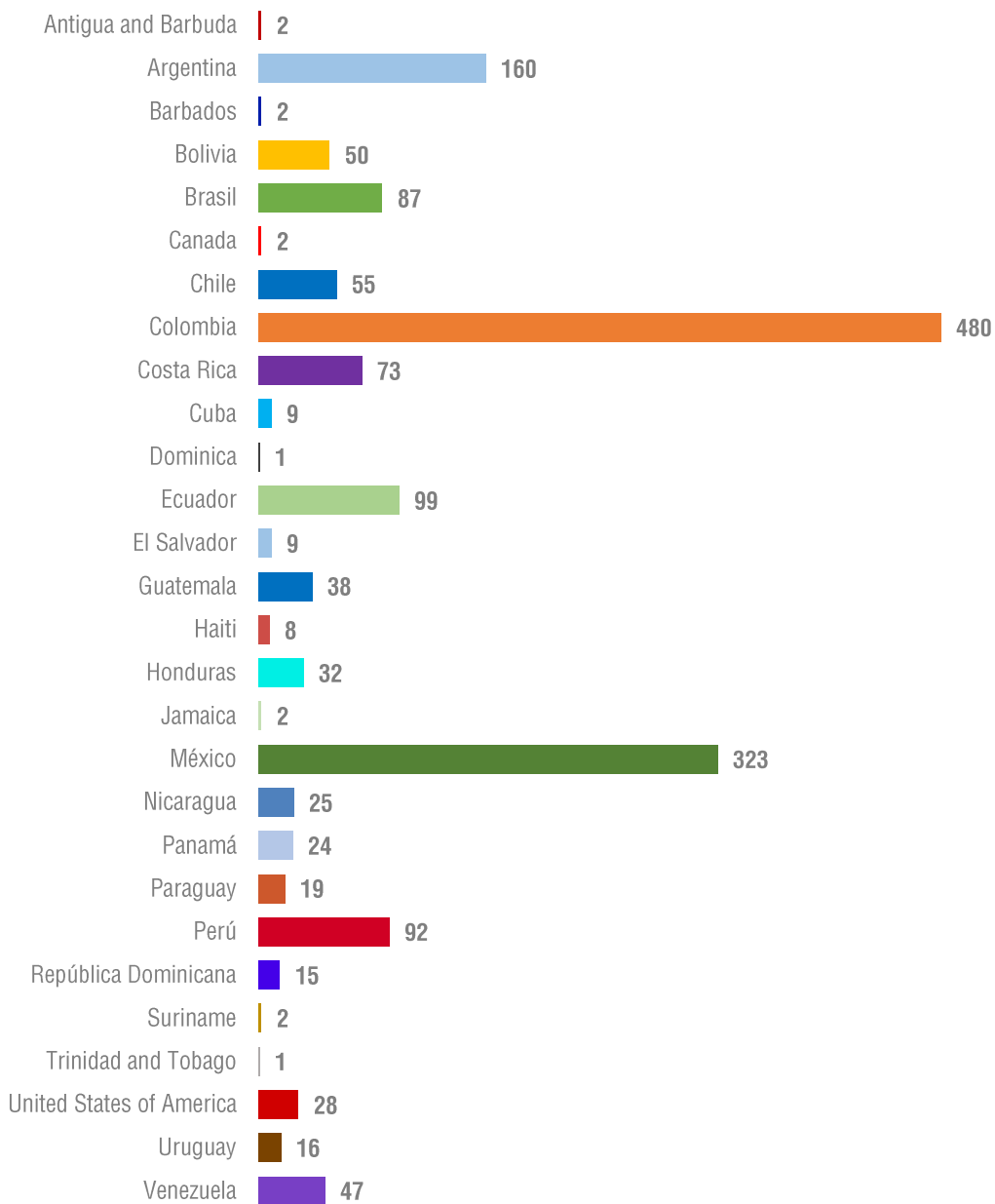
Petitions archived in the initial review stage

**Total: 78**



Petitions in admissibility at end of year

**Total: 1,701**

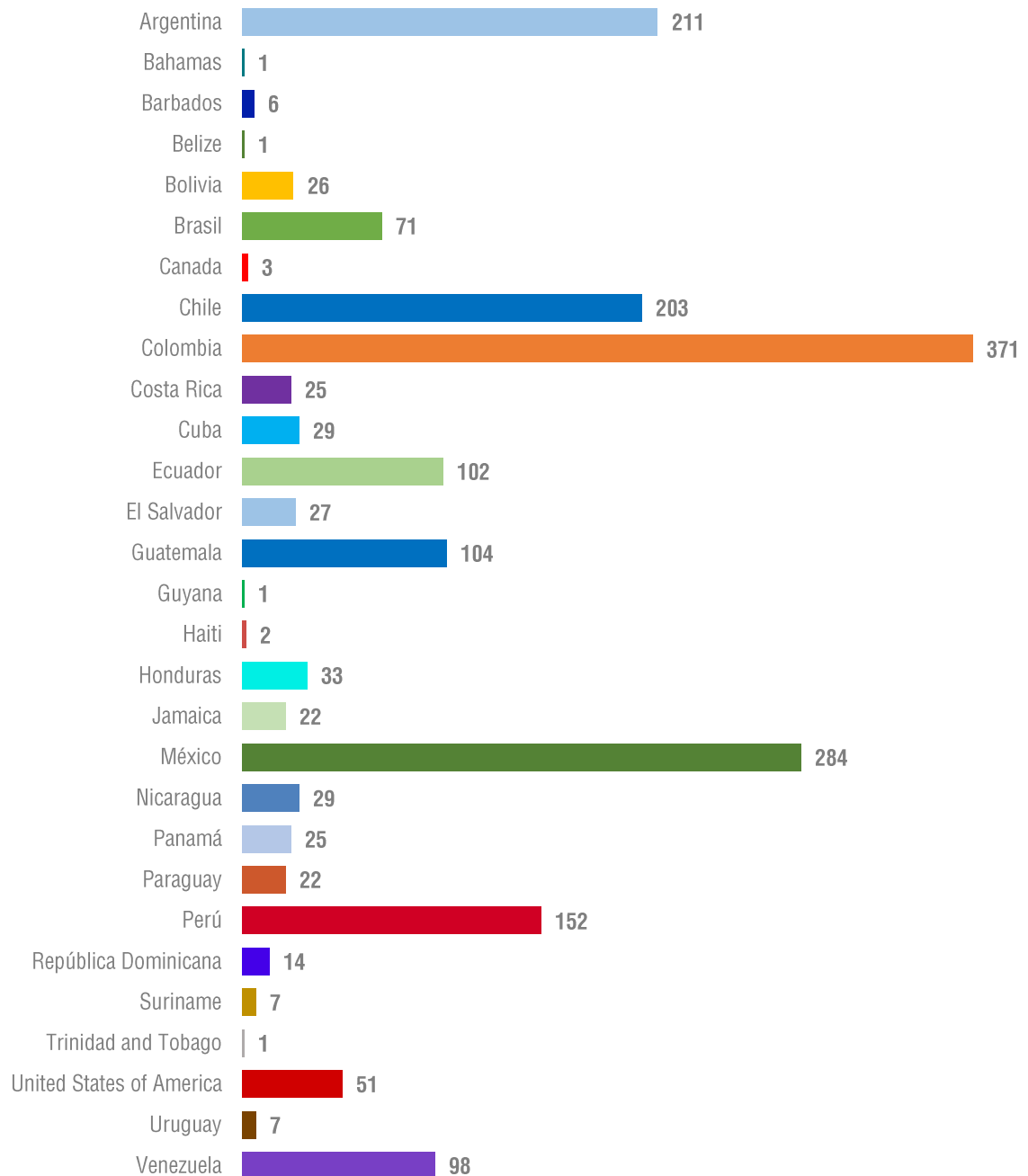


Petitions in the admissibility stage are those being processed. This is, those transmitted to the State in accordance to Article 30 of the IACHR's Rules of Procedure. This graph is different from the one published last year, which included the ones with a preliminary decision on opening for processing.



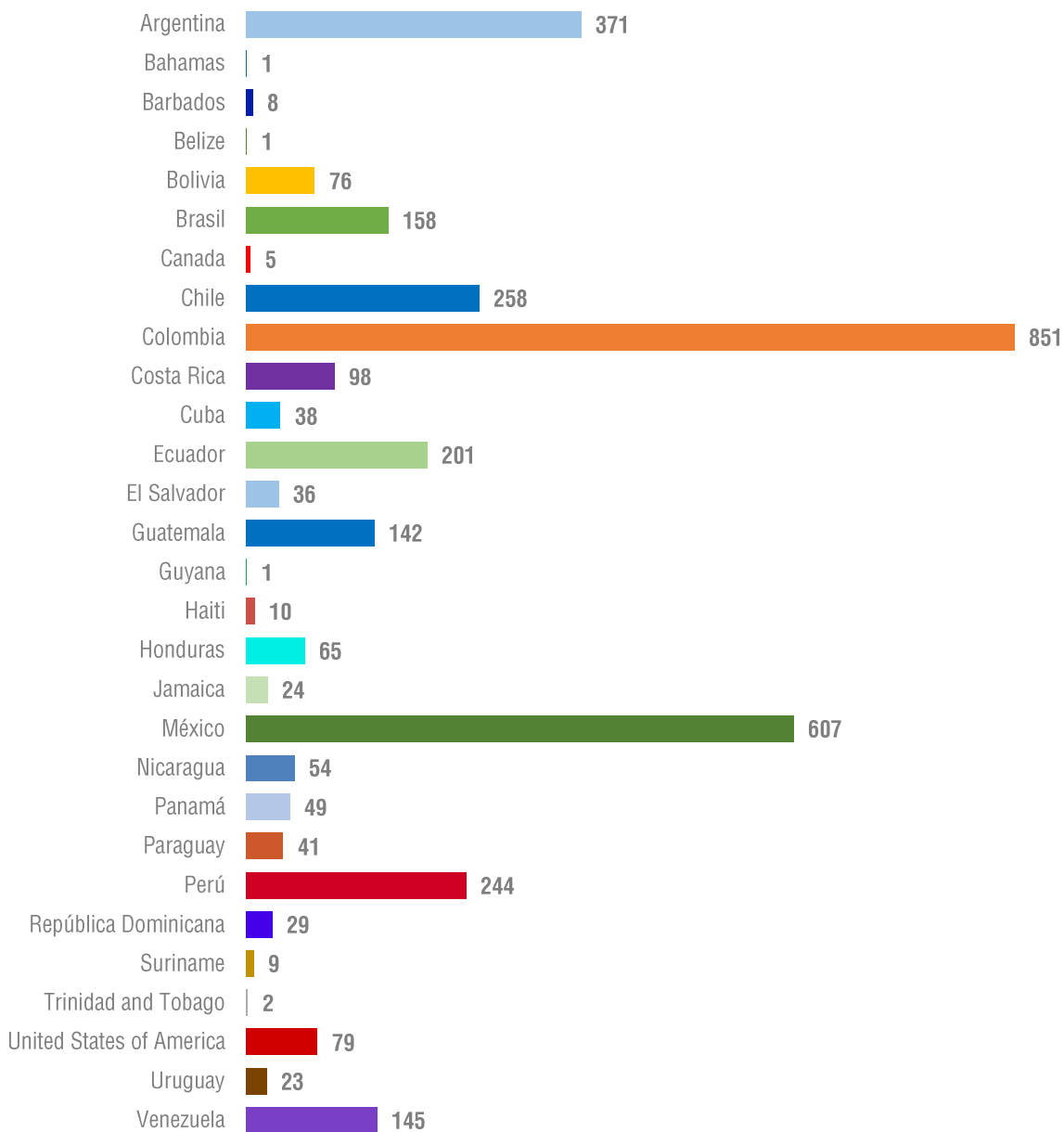
Cases in merits at end of year

**Total: 1,928**



Petitions and cases in admissibility and merits

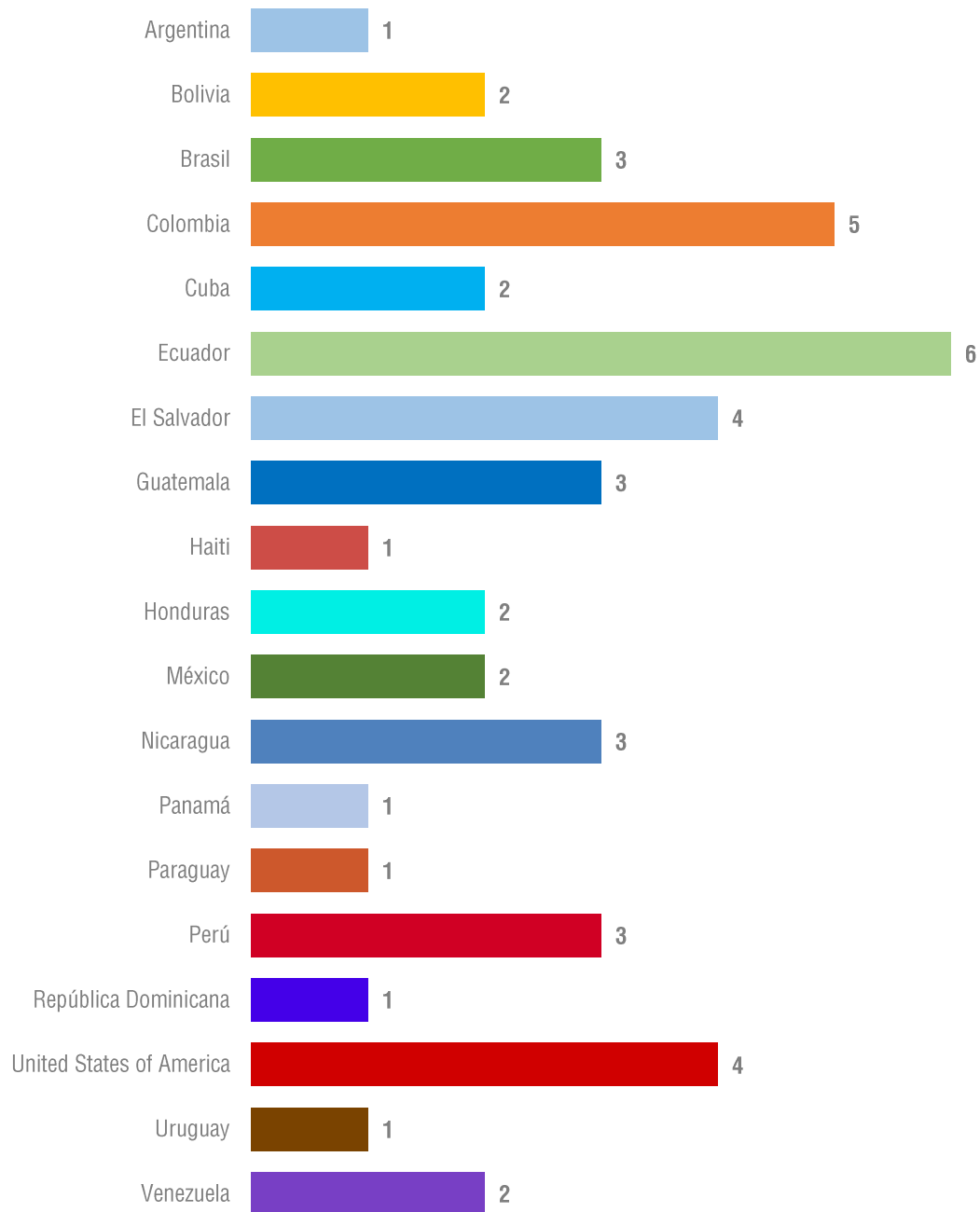
**Total: 3,629**



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.

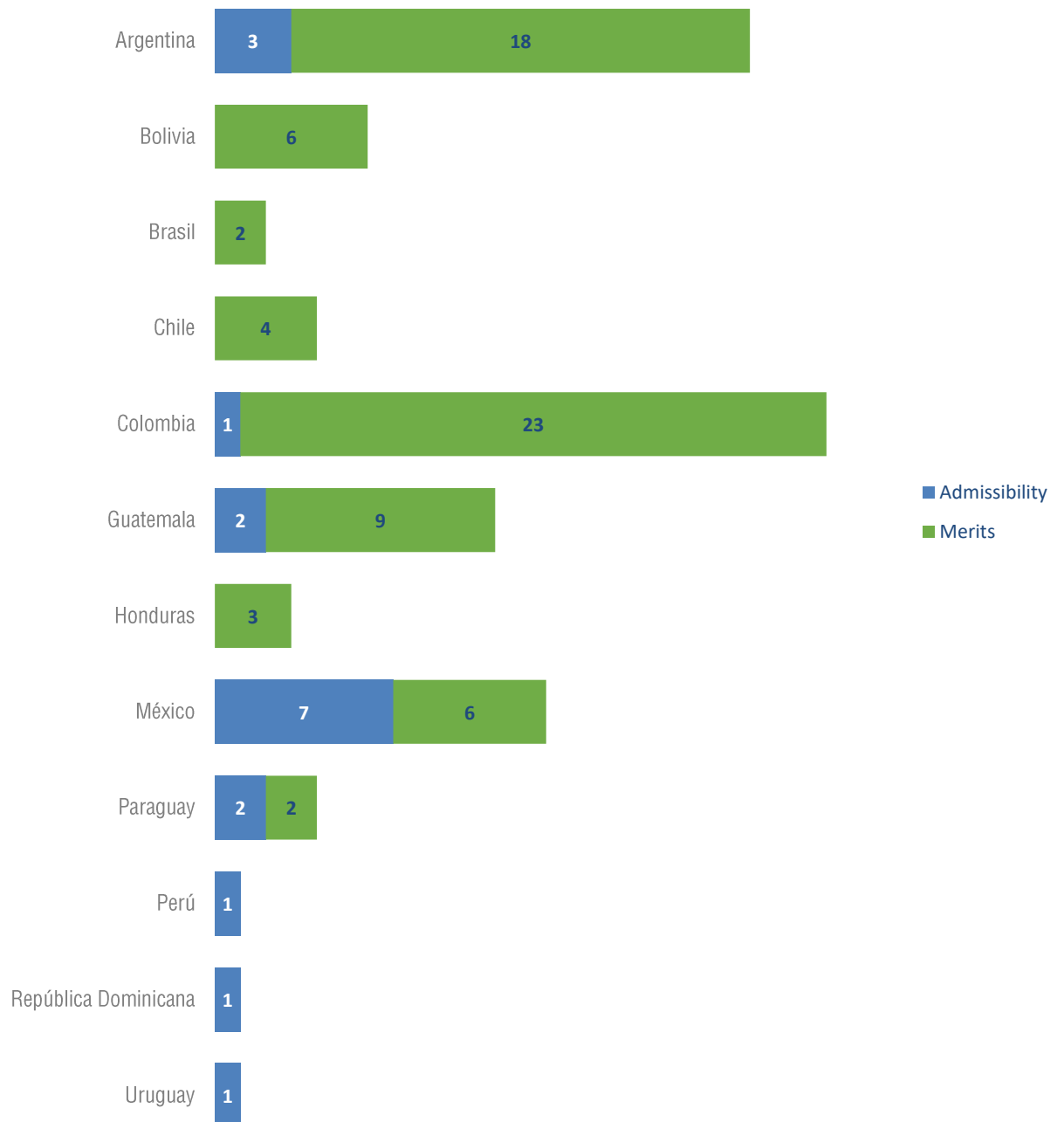
Hearings before the IACHR by country

**Total: 47**

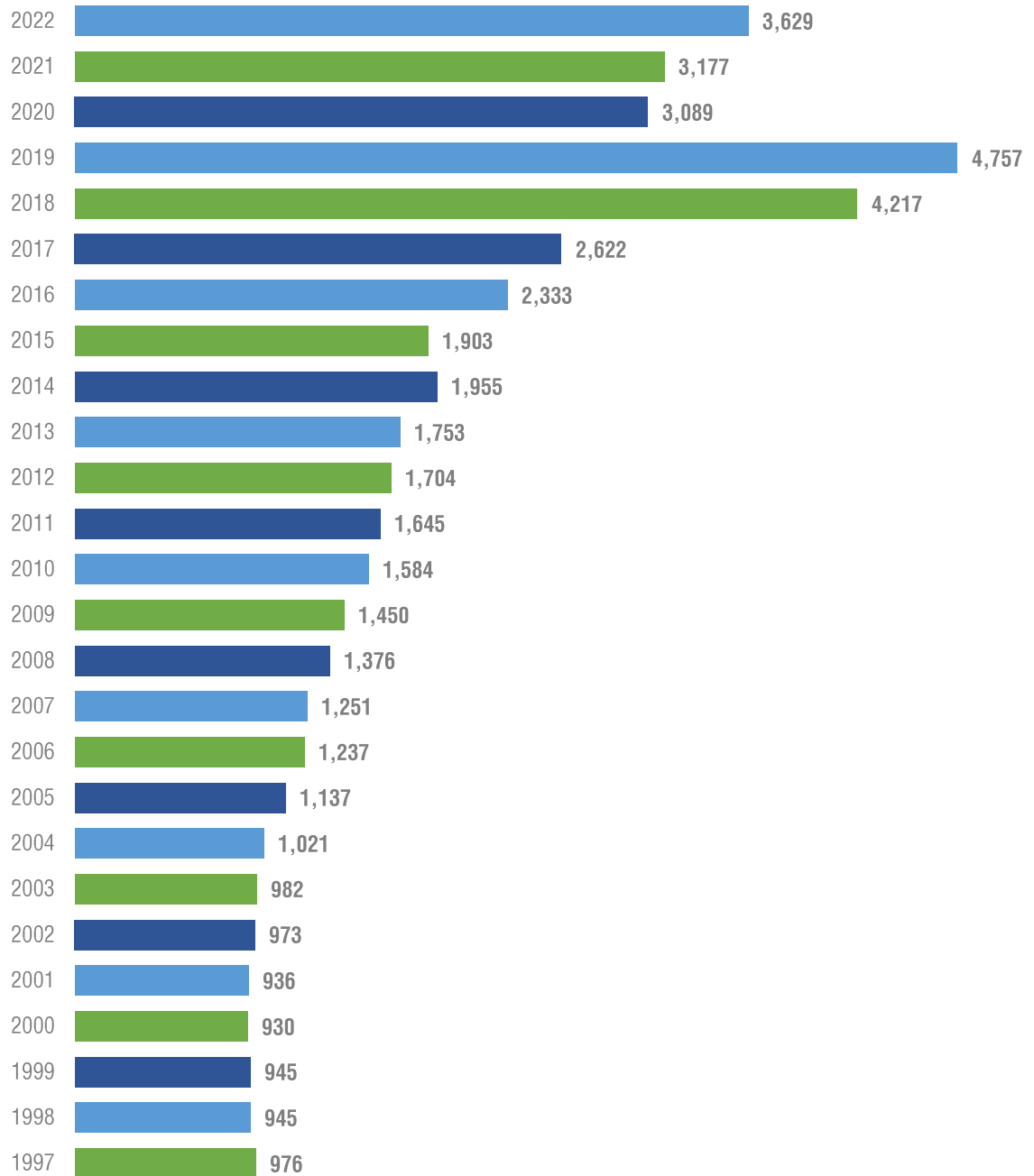


Petitions and cases in friendly settlement procedure at end of year

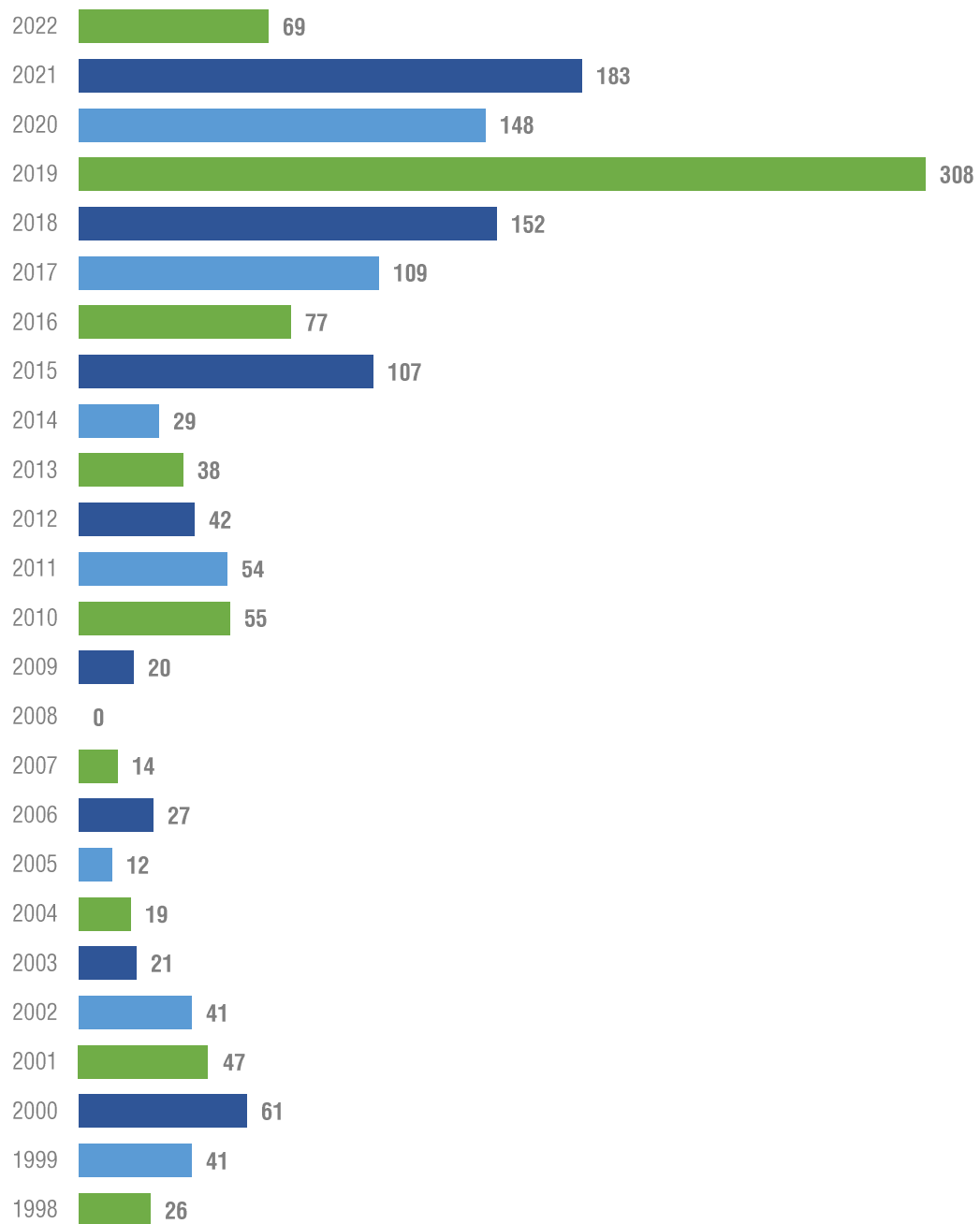
**Total: 91**



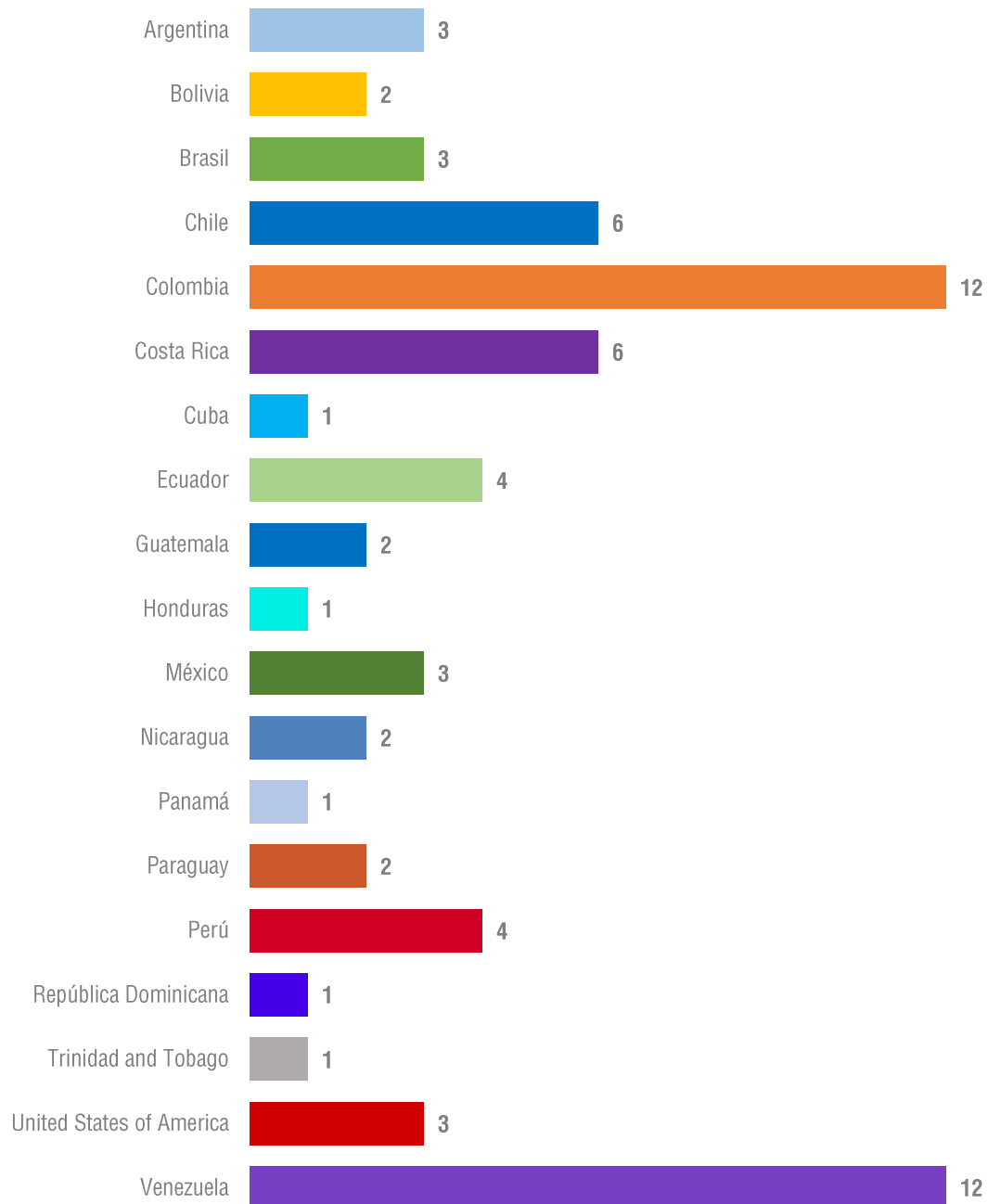
Case docket at the end of every year  
**Admissibility and Merits**



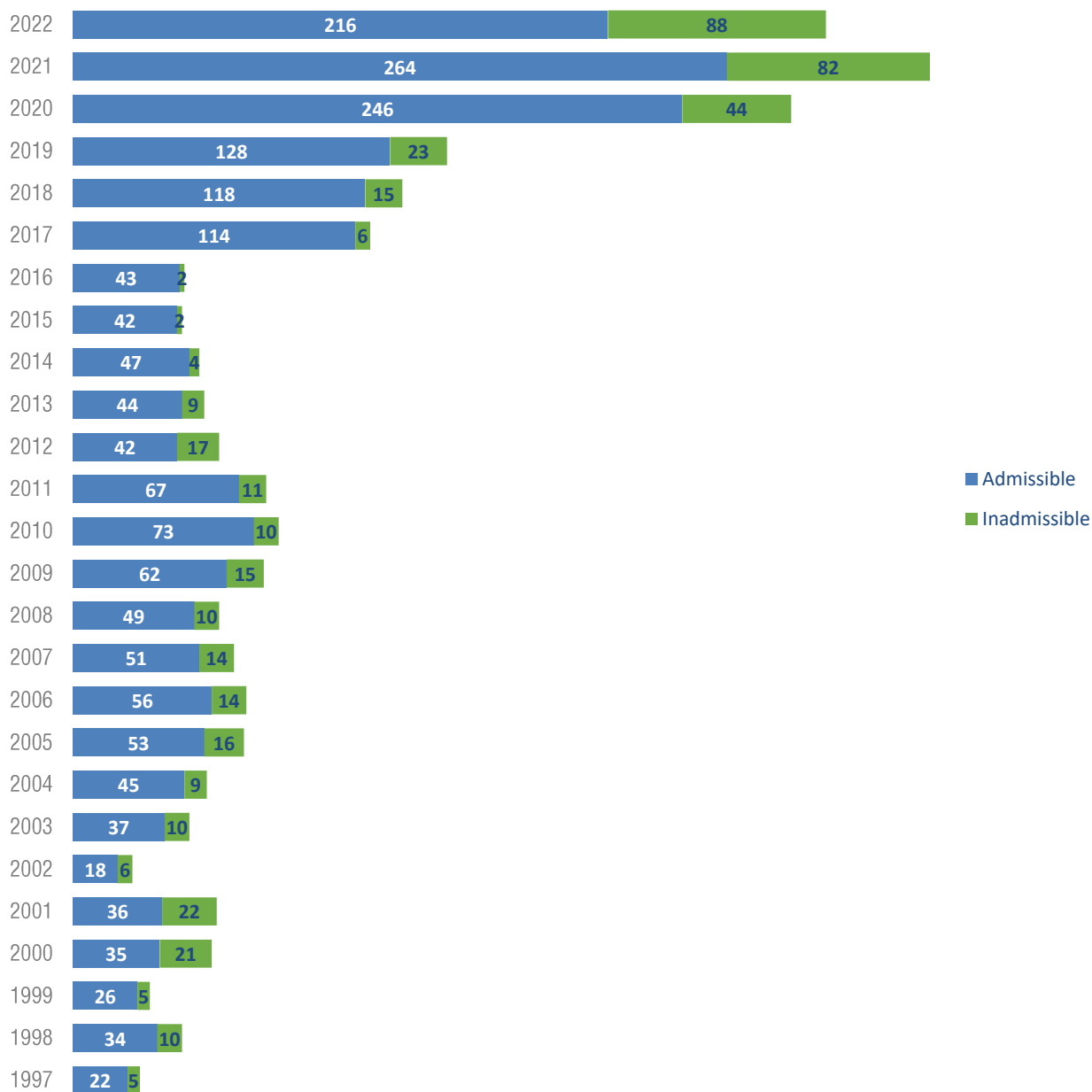
### Cases archived by Year



Cases archived by country  
**Total: 69**



### Reports on admissibility adopted by Year

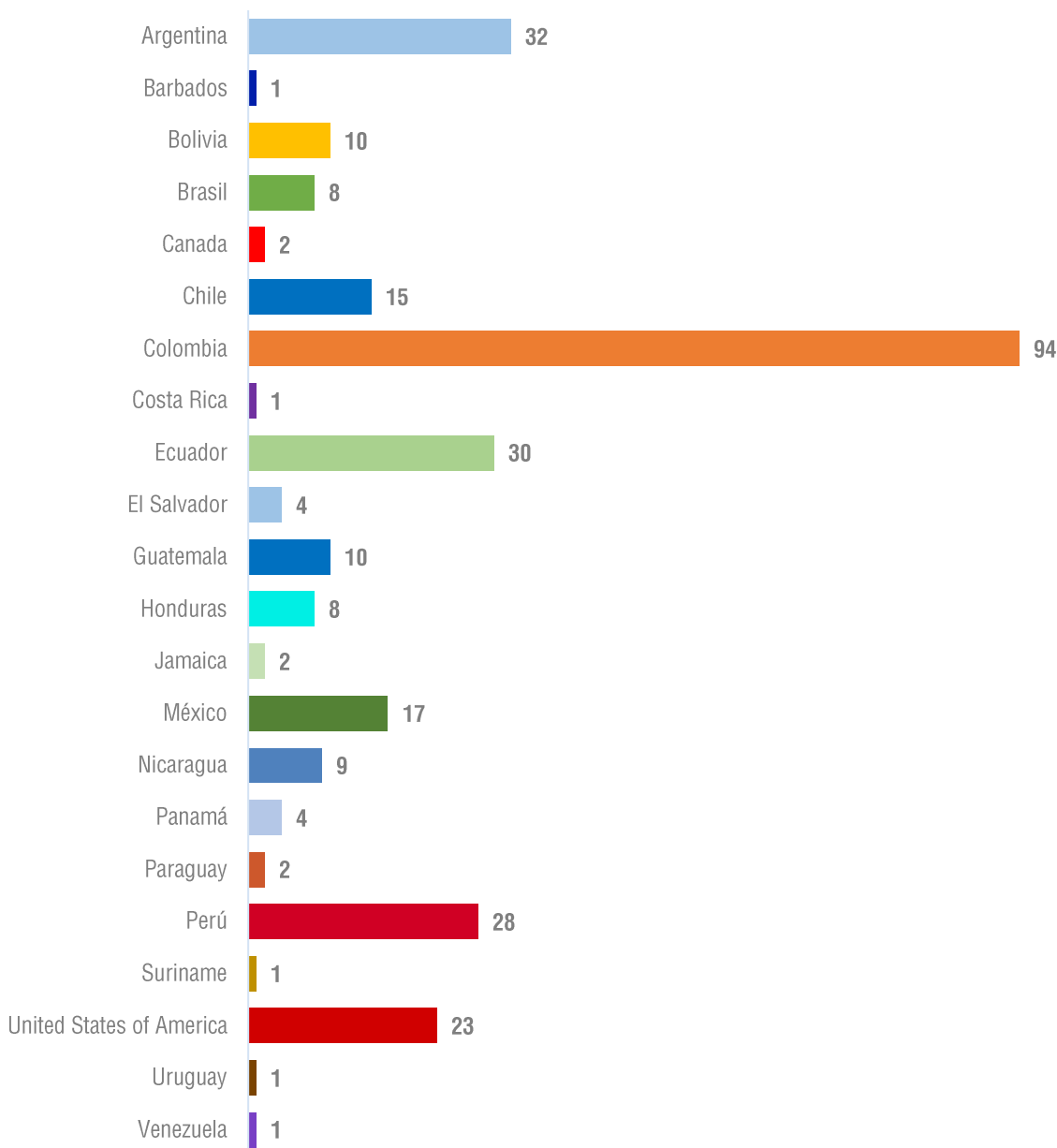


Admissibility is the stage in which the IACHR determines if a petition meets the admissibility requirements set forth in Articles 46 and 47 of the American Convention on Human Rights, in accordance with the procedure established in Articles 30 and 36 of the Rules of Procedure of the Commission.



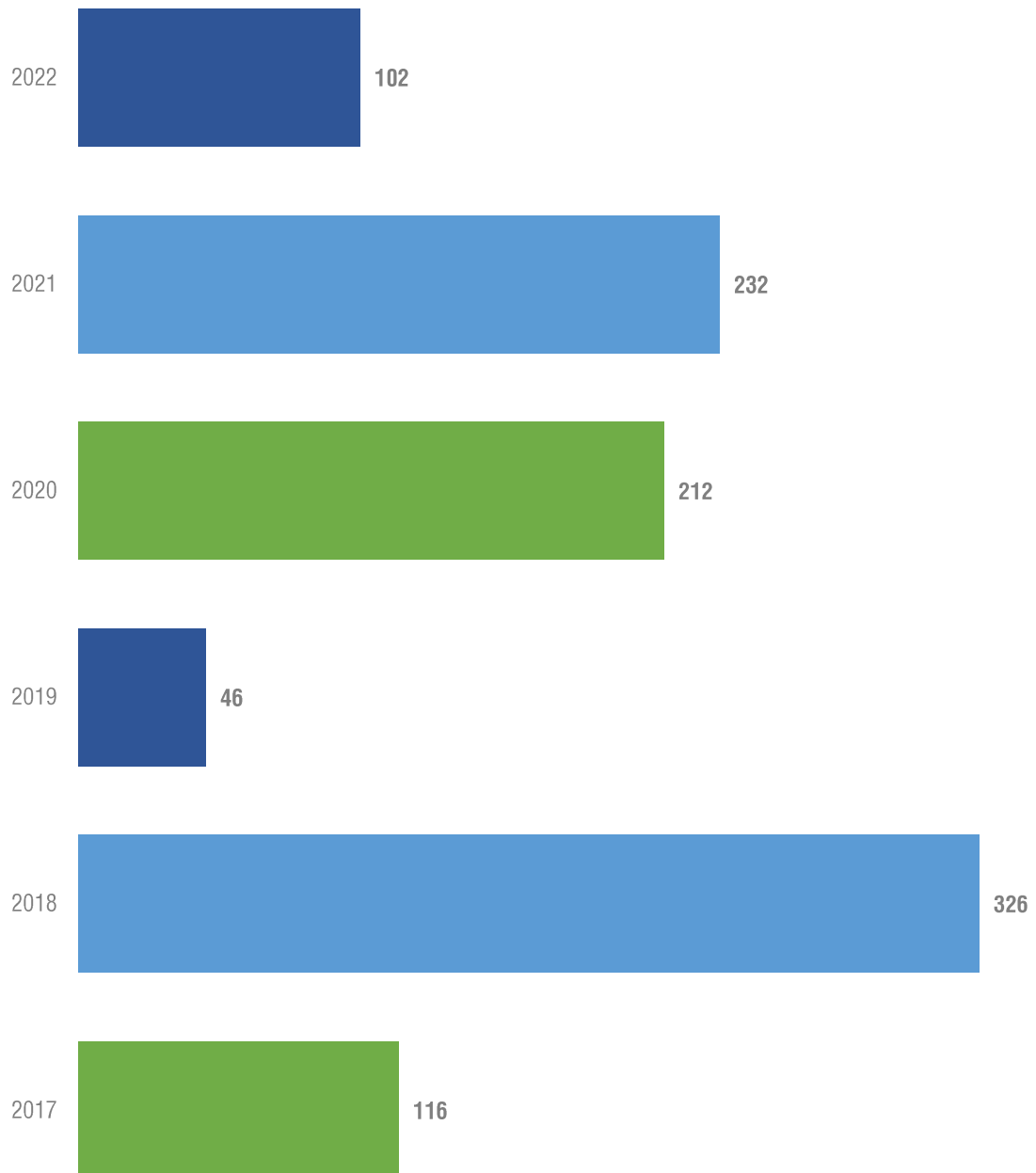
Reports on admissibility adopted by country

**Total: 303**

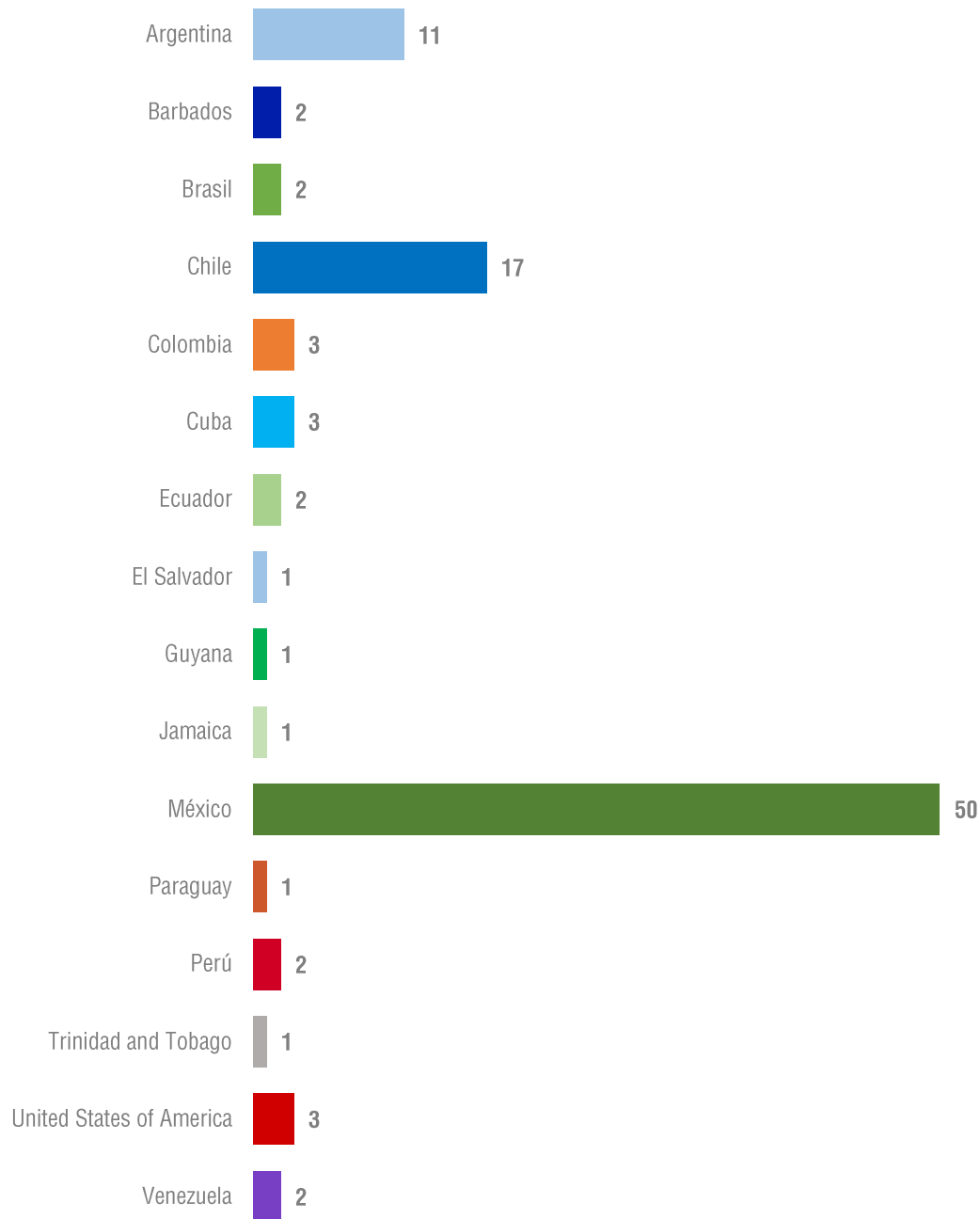


Admissibility is the stage in which the **IACHR** determines if a petition meets the requirements set forth in Articles 46 and 47 of the American Convention. Merits is the stage in which the **IACHR** decides on the merits of the case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights.

Application of resolution 1/16  
by Year

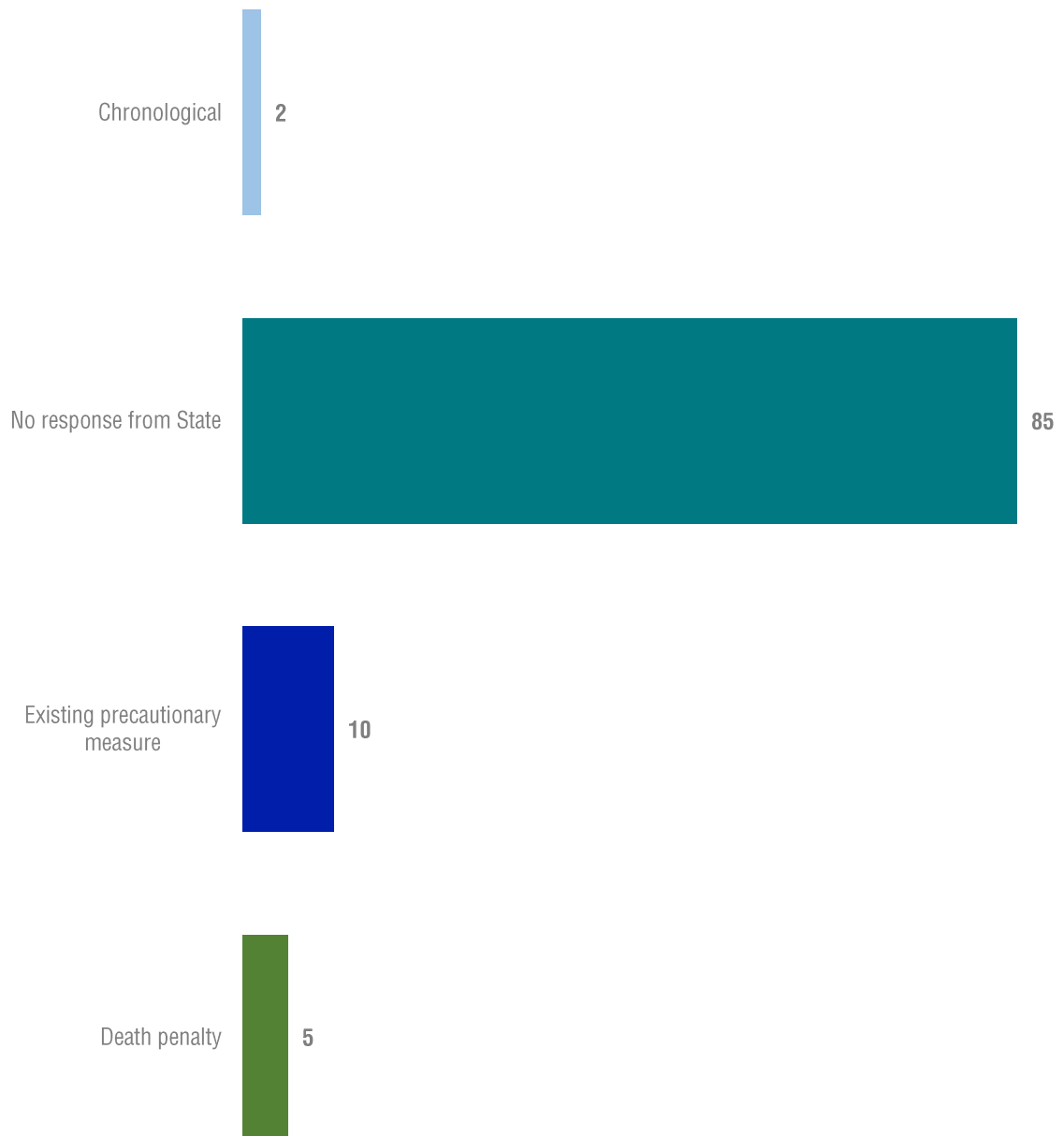


Application of Resolution 1/16 by country  
**Total: 102**

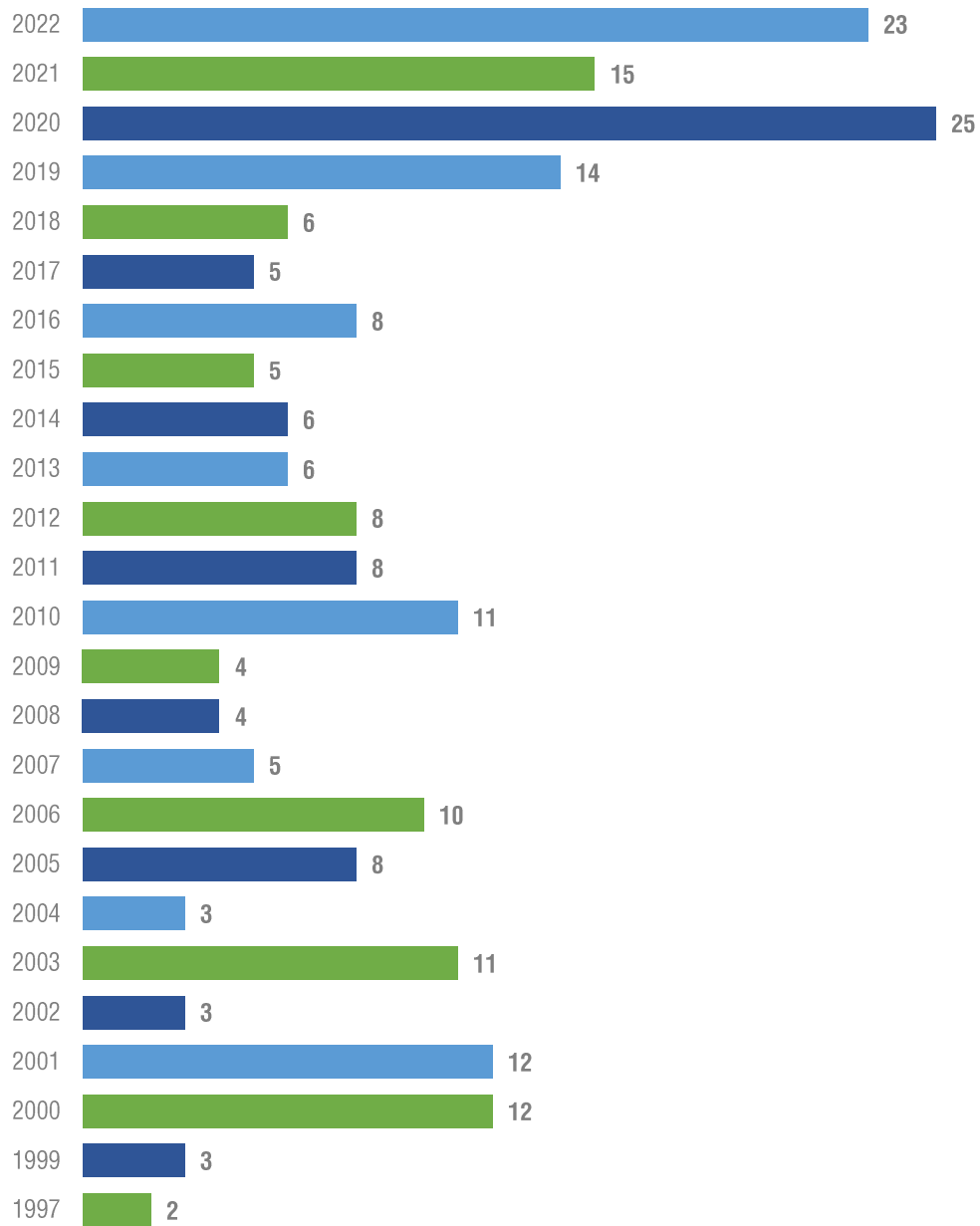


Application of Resolution 1/16 by category

**Total: 102**



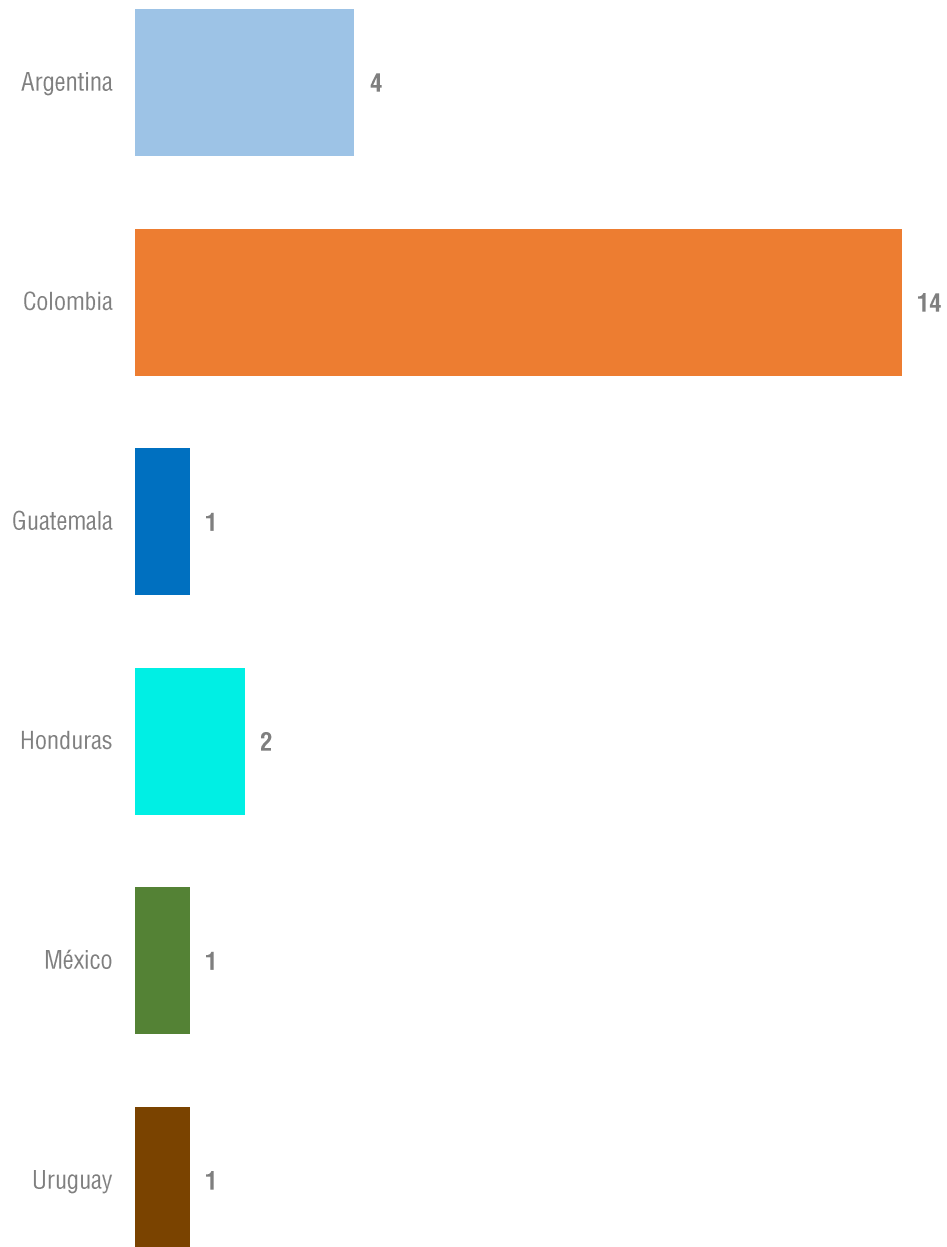
### Reports on friendly settlement published per year



A petition or case can, at any time in the admissibility or merits stage, enter into a friendly settlement process between the parties.

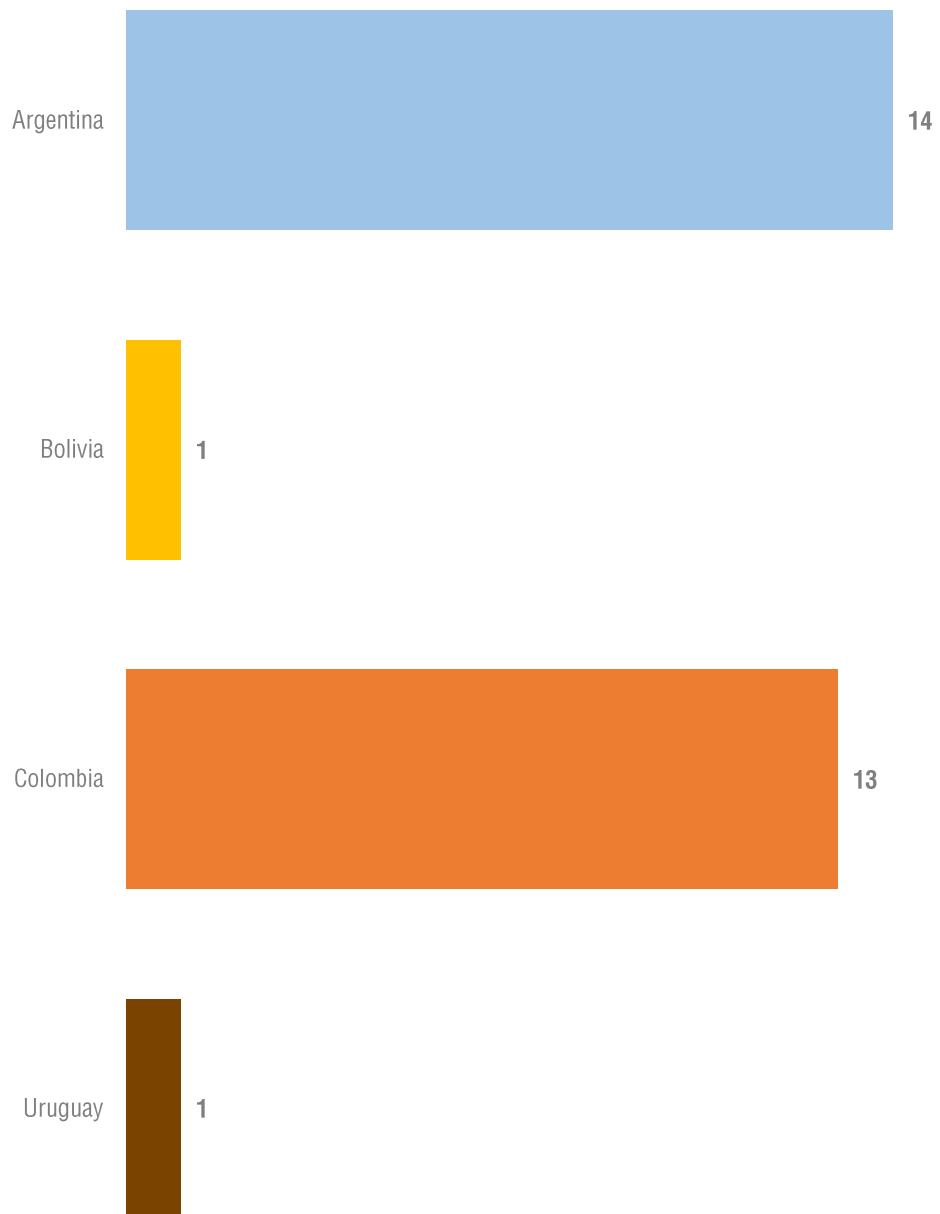
Reports on friendly settlement published by country

**Total: 23**

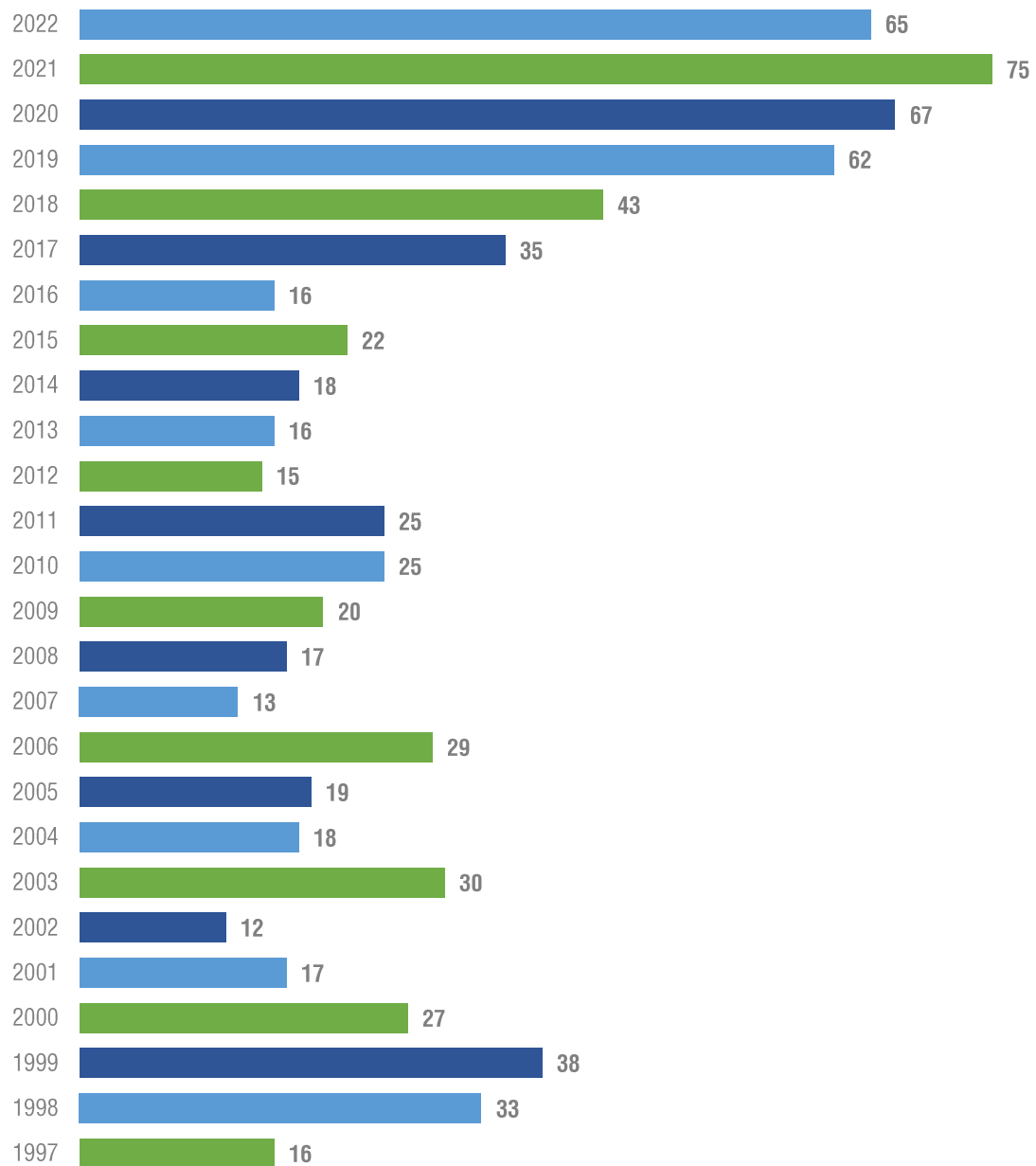


Friendly settlement agreements signed by country

**Total: 29**



## Reports on the merits approved per Year

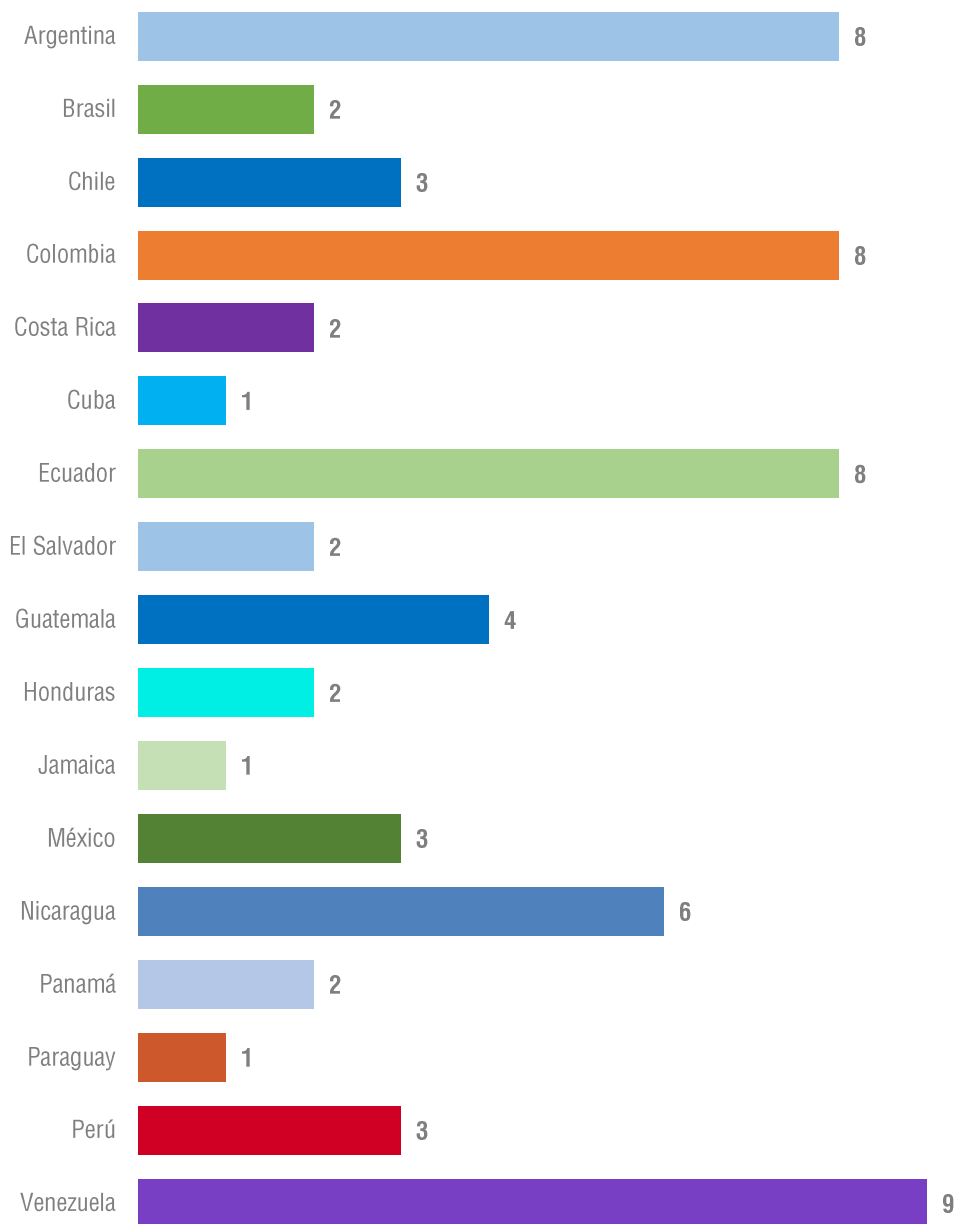


Merits is the stage in which the **IACHR** decides on the merits of the case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the Commission.



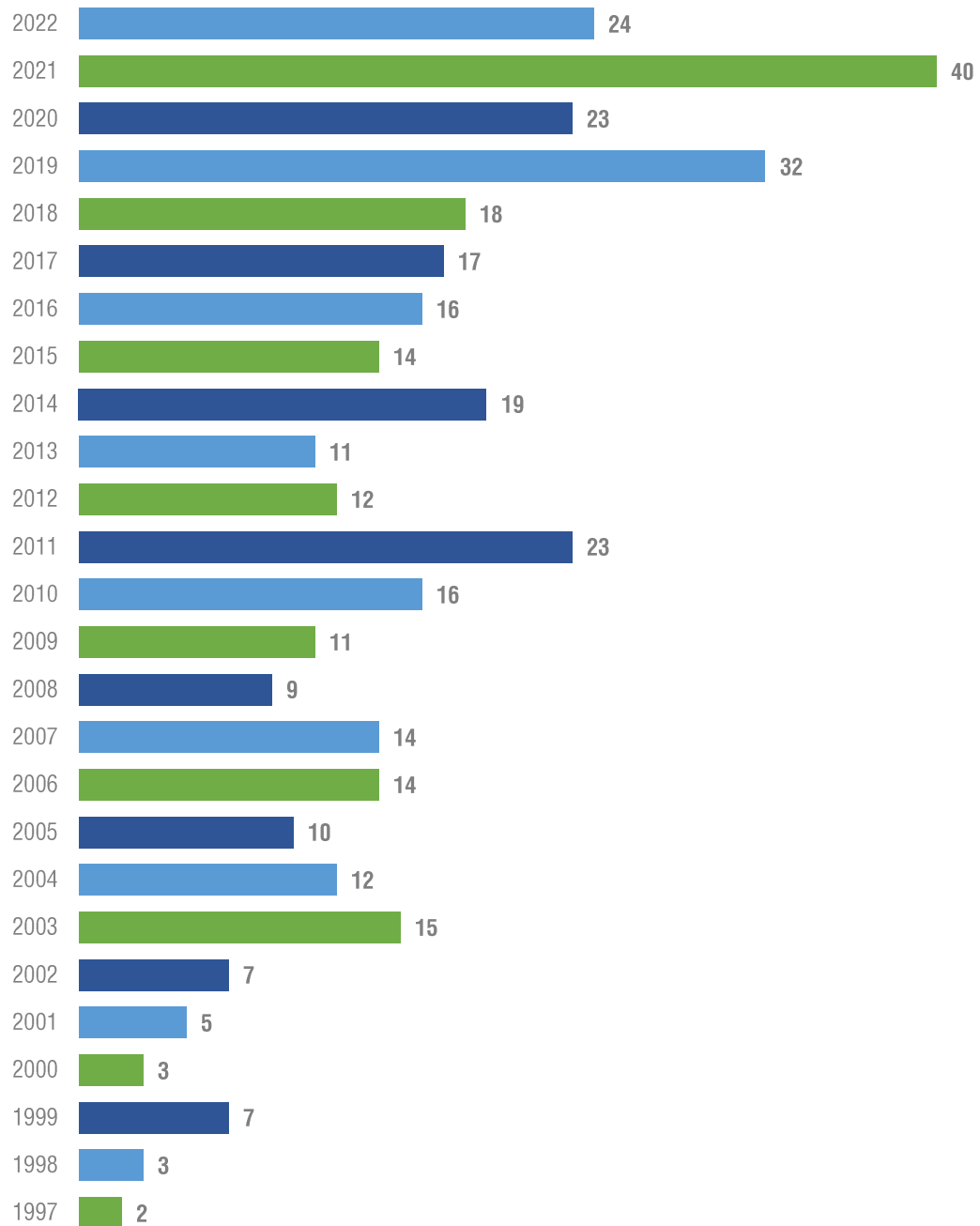
Reports on the merits adopted by country

**Total: 65**



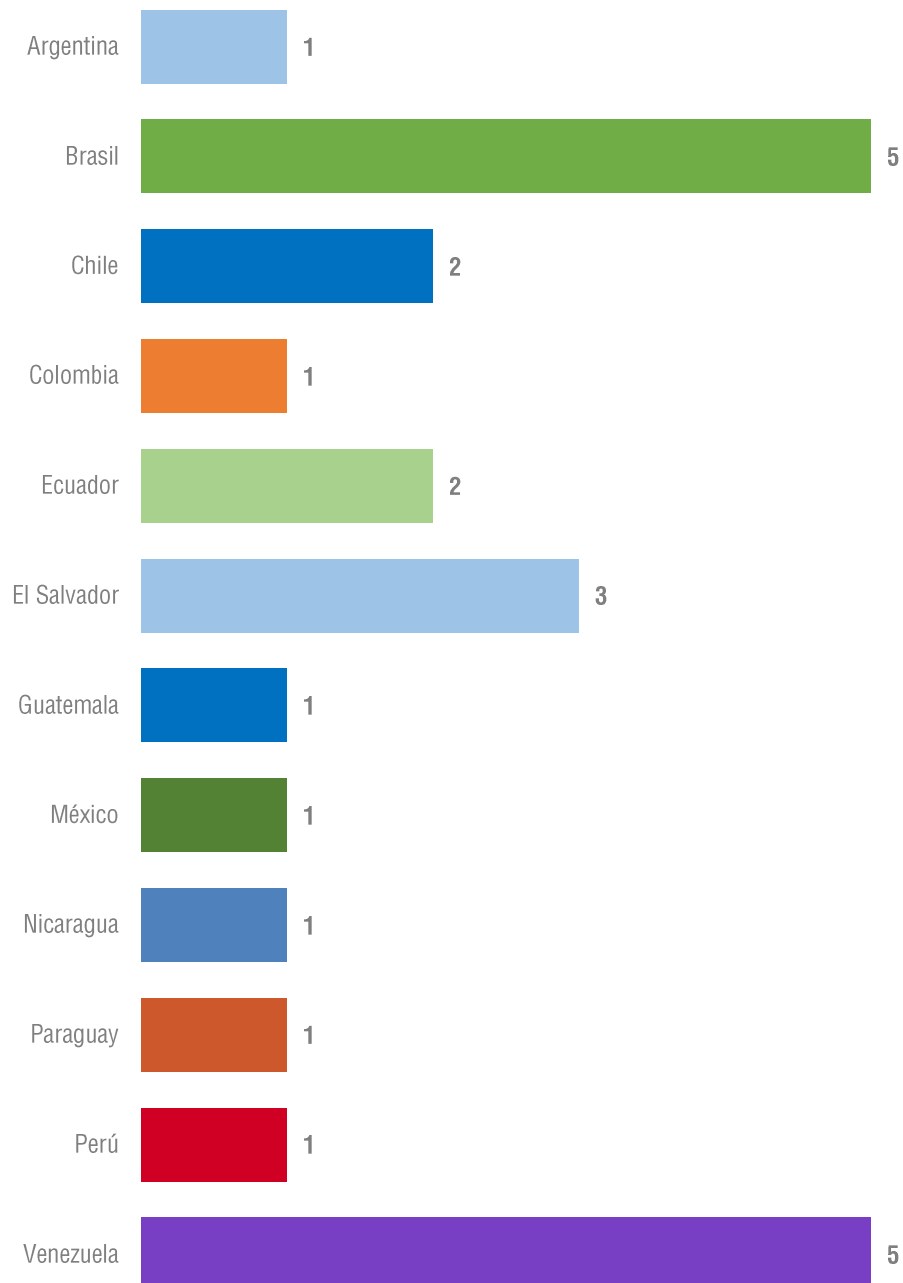
Merits is the stage in which the **IACHR** decides on the merits of the case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the Commission.

### Cases submitted to the Court each Year



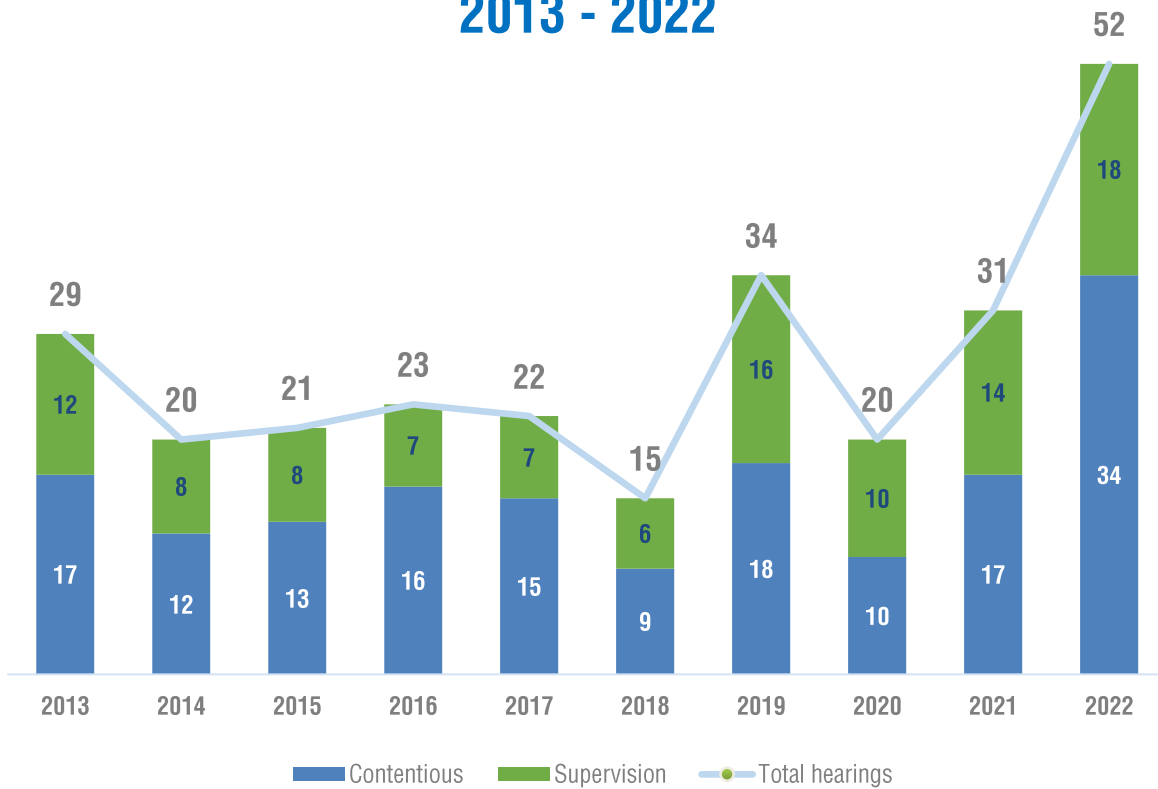
Cases submitted to the I/A Court H.R. by country

**Total: 24**



Hearings in which the IACHR participates in the I/A Court H.R.

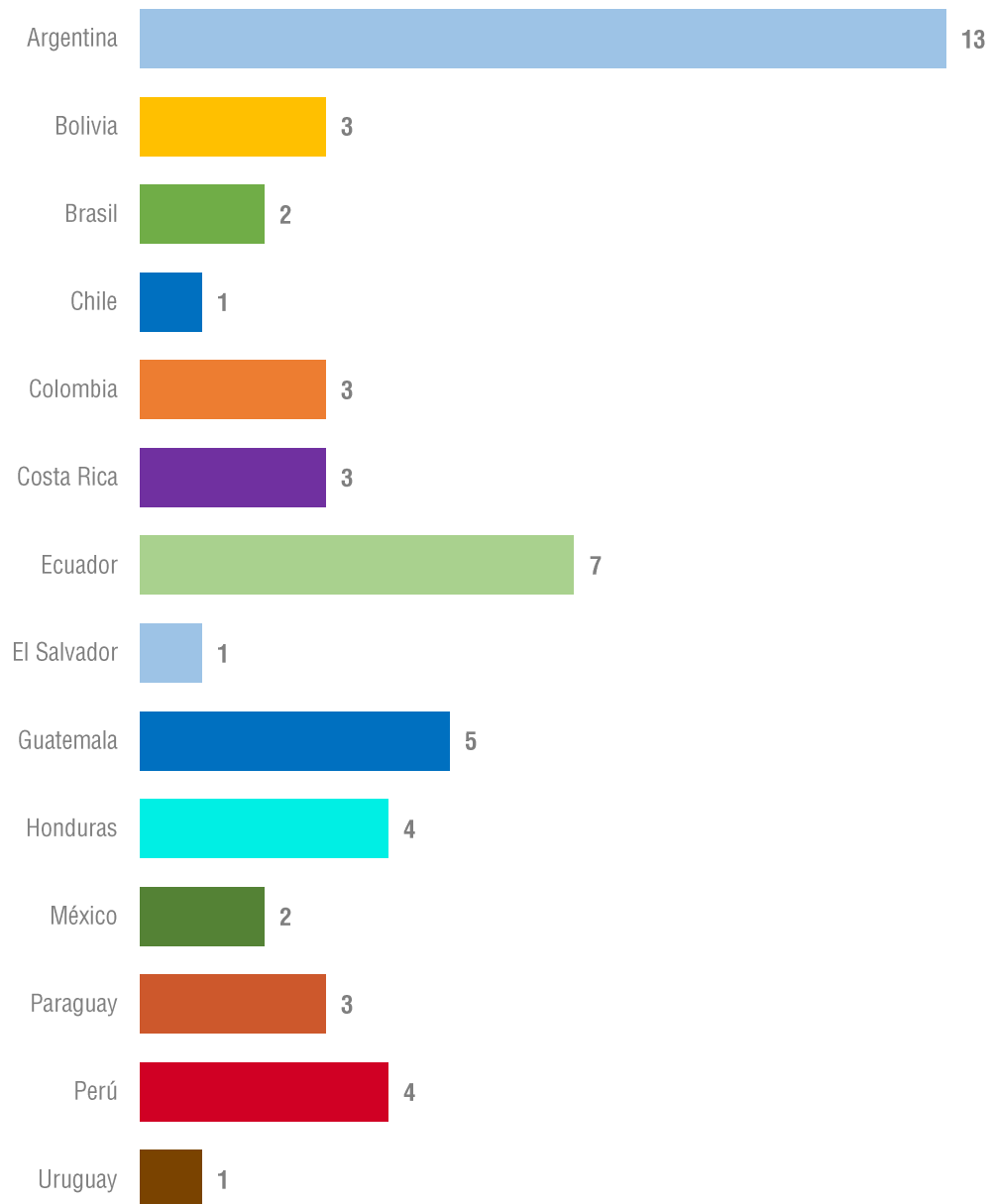
2013 - 2022



**Note:** The chart reflects the number of hearings of cases pending or supervised before the I/A Court H.R.

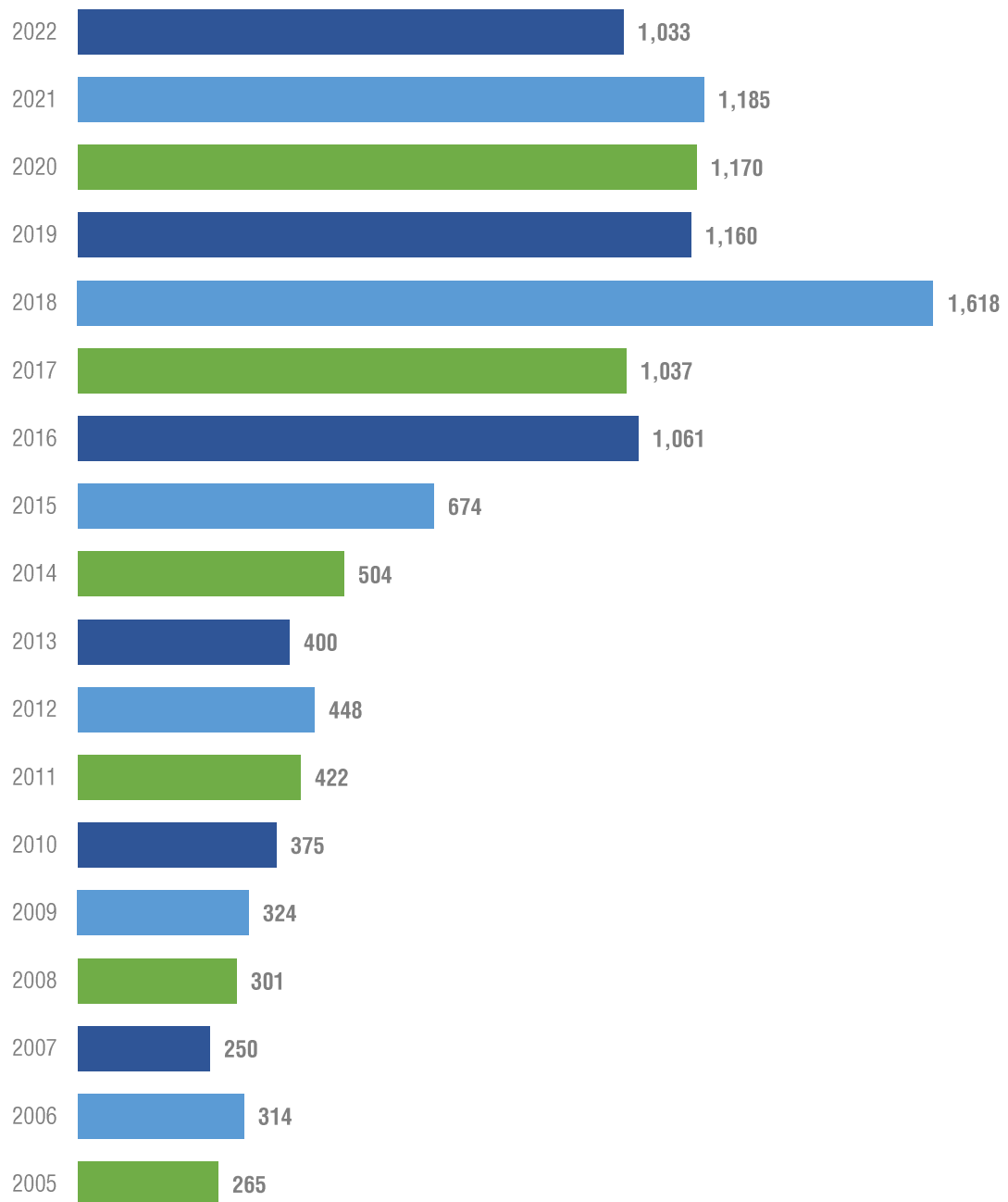
Hearings before the I/A Court H.R. by country \*

**Total: 52**



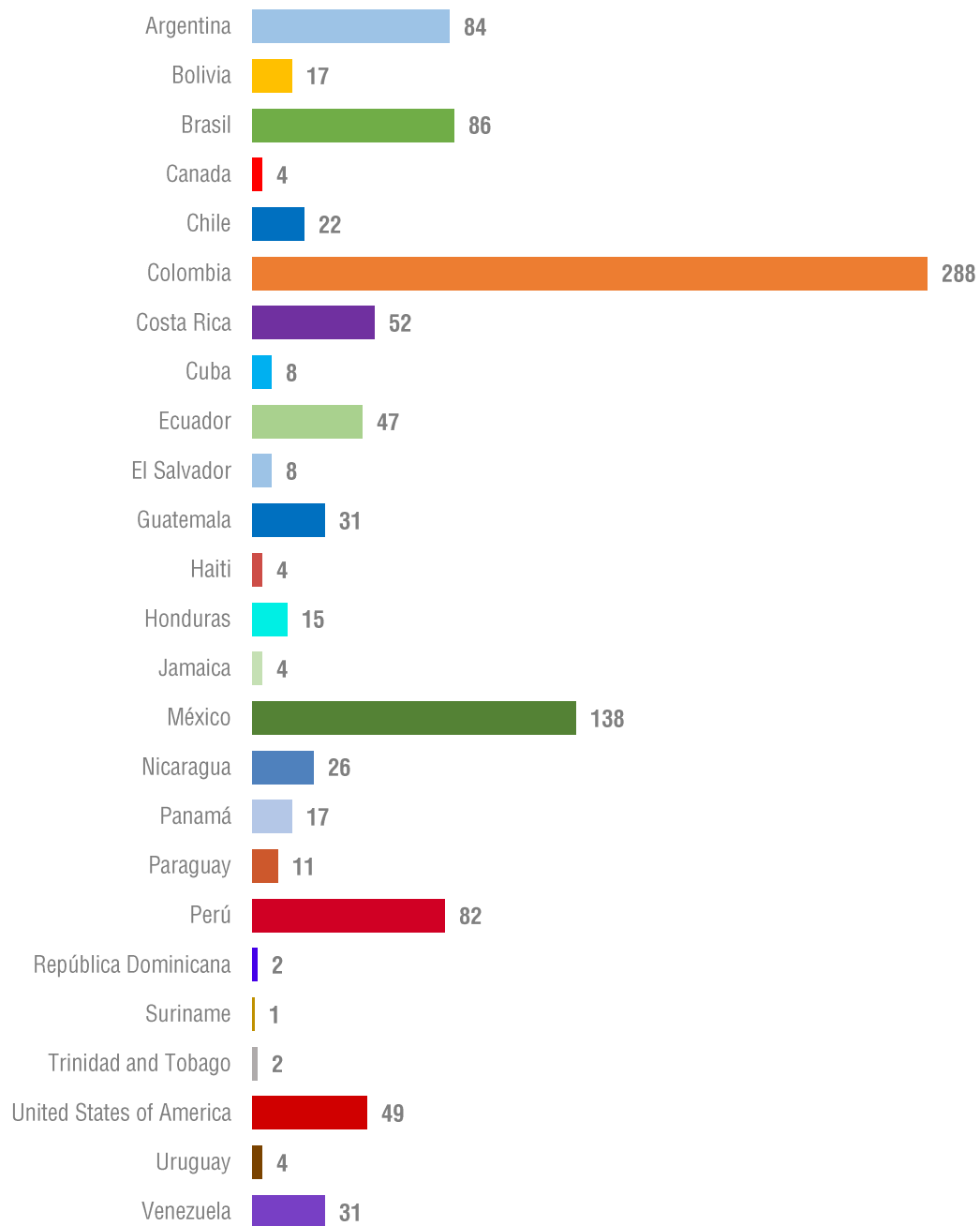
\* The number refers to hearings related to contentious cases in process or under the supervision of judgment.

### Requests for precautionary measures received by Year

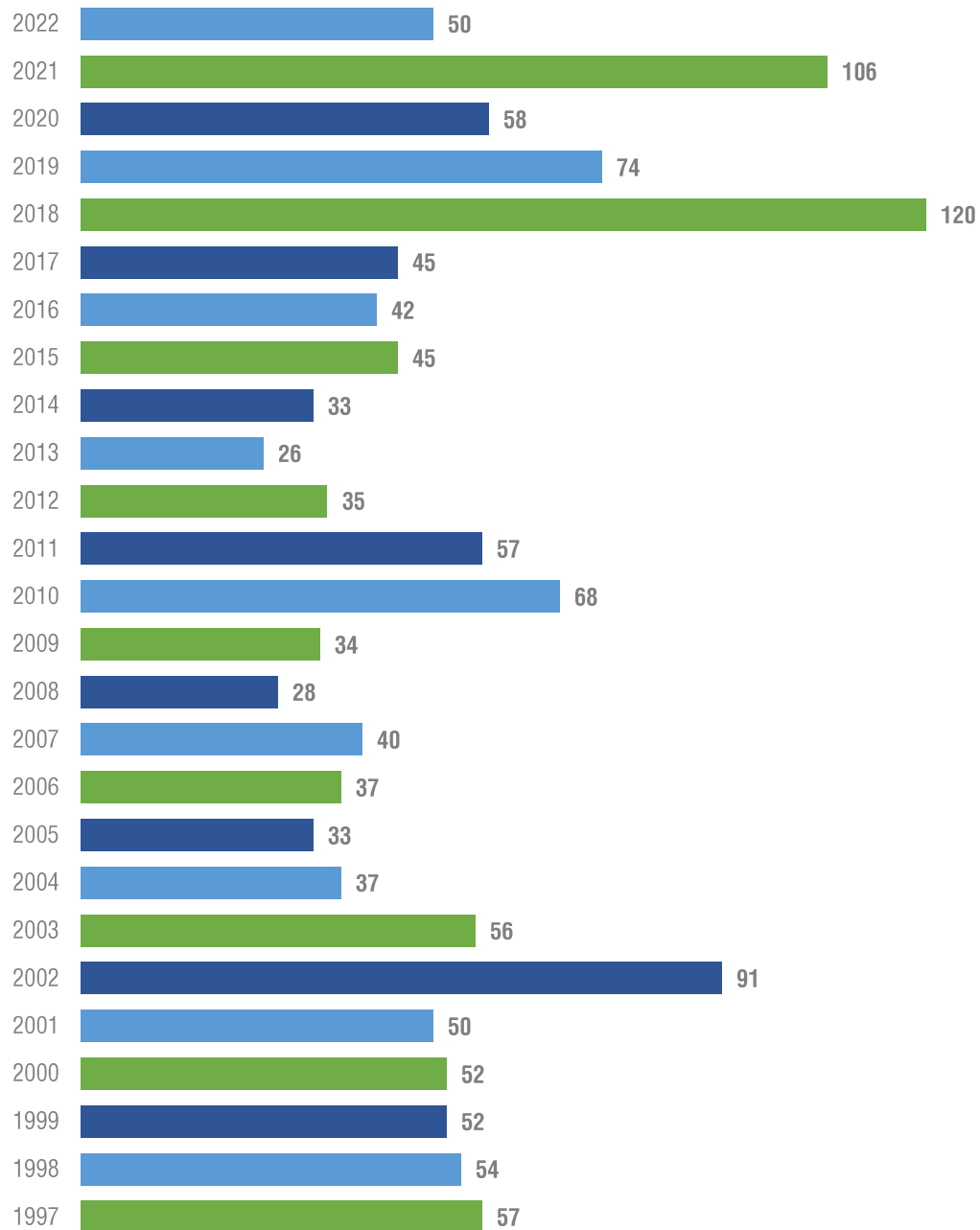


Requests for precautionary measures received by country

**Total: 1,033**



Precautionary measures granted or extended  
**per Year\***

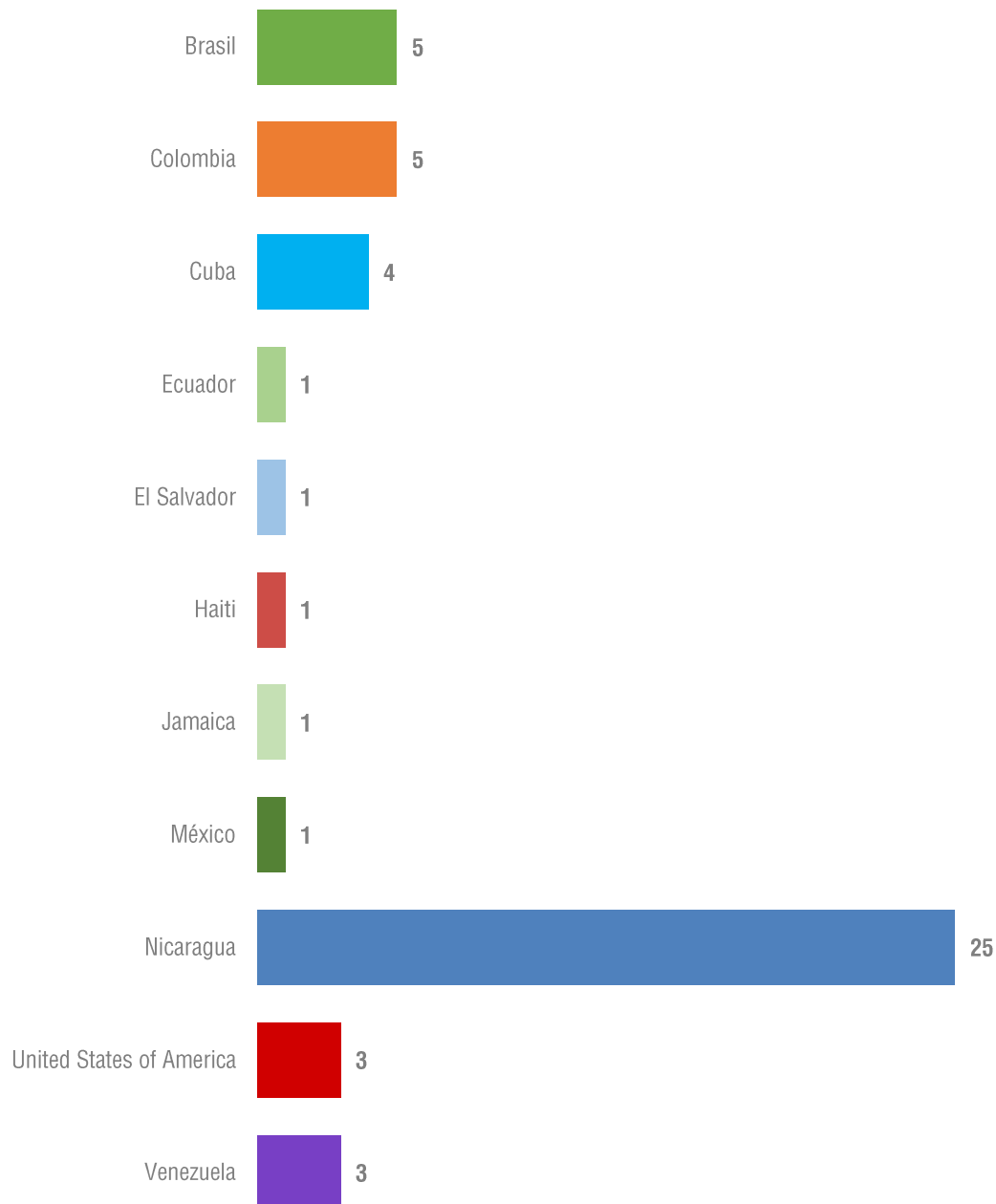


\* Precautionary measures granted may include requests presented in previous years



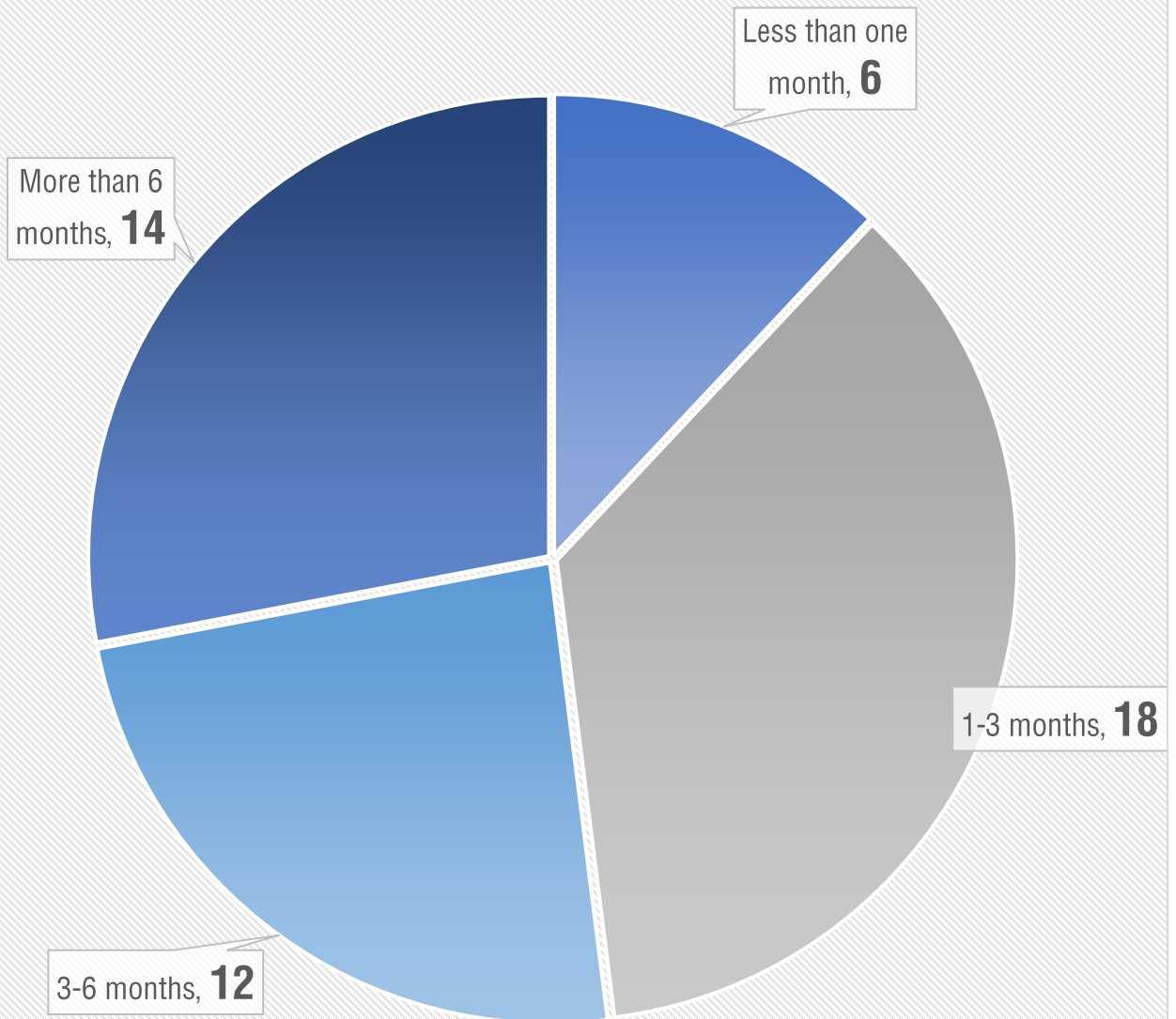
Precautionary measures granted or extended per country

**Total: 50**



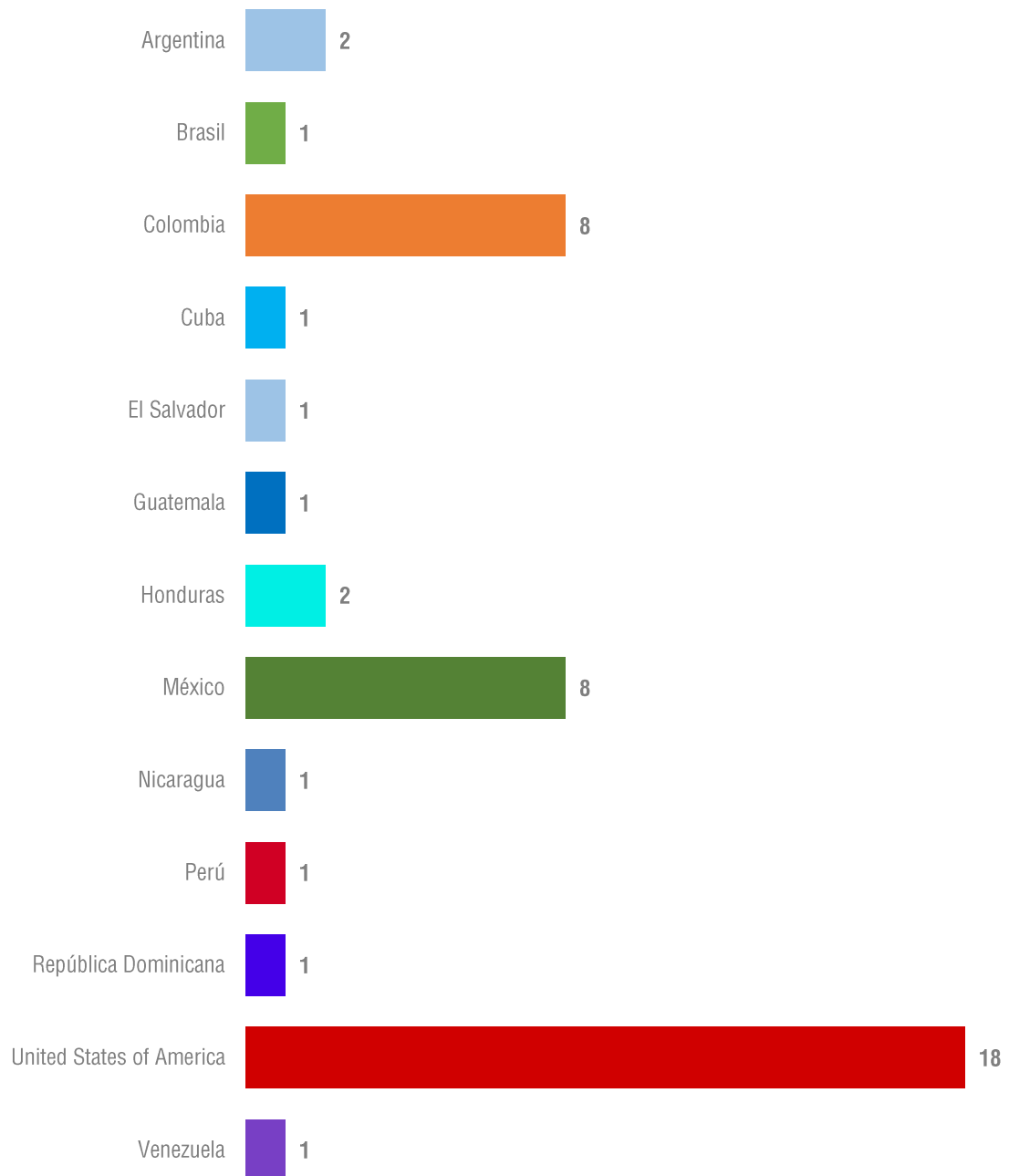
\* The total may also include decisions of requests received in previous years

### Granting or extention time

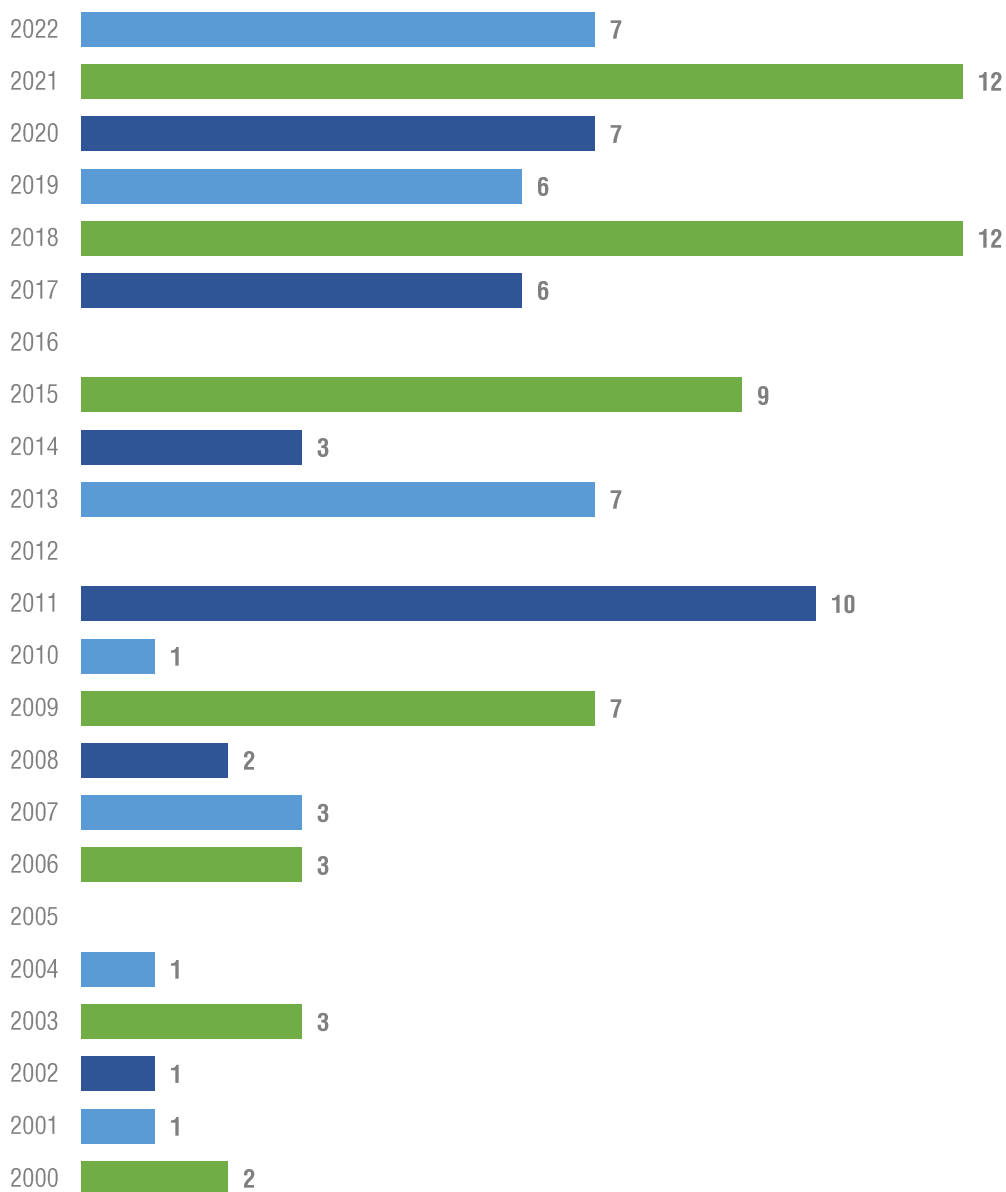


Precautionary measures lifted by country

**Total: 46**



### Thematic reports approved each Year



In 2019 the **IACHR** approved 5 thematic reports and 1 country report.

In 2020 the **IACHR** approved 6 thematic reports and 1 country report. The thematic reports of the **IACHR** include other documents and studies.

In 2021 the **IACHR** approved 8 thematic reports and 2 country reports.