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News From the Inter-American System

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News From the Inter-American System

by Claudia Martin and Xavier Mena

The Inter-American Commission on Human Rights

The Inter-American Commission on Human Rights held its 850th session between January 31 and February 11, 1994. The following new officers were elected to the Commission: Professor W. Michael Reisman, Chairman; Dr. Alvaro Tirado Mejía, First Vice Chairman; and Leo Valladares Lanza, Second Vice Chairman. Professor Claudio Grossman of Chile (Acting Dean of the Washington College of Law, The American University) and Ambassador John Donaldson from Trinidad and Tobago, began their tenure as Members of the Commission on January 1, 1994.

At the session, the Commission approved the Special Report on the Human Rights Situation in Haiti and the Special Report on the Human Rights Situation in El Salvador. In February, it published a Special Report on the Human Rights Situation in Colombia, which focused on violations identified during the Commission's on-site visit in May 1992.

The Commission further decided to develop comparative studies on the compatibility of member states' national legislation, in the areas of protection of women's rights and prisoners rights, with the American Convention on Human Rights. Professors Grossman and Reisman were named rapporteurs for the investigations.

The Inter-American Court

The Court is currently working on the following cases:

1. *Neira Alegria et al. v. Perú*

Facts: Víctor Neira Alegría, Edgar Zenteno-Escobar, and William Zenteno-Escobar were charged with the commission of terrorist acts and detained at the San Juan Bautista prison. Following a riot, the Government placed the prison under the control of the Joint Staff of the Army. The three men have not been seen since that time.

• Stage of the proceedings: The Court will render its final decision on June 17, 1994.

2. *Isidro Caballero and María del Carmen Santana v. Colombia*

Facts: Isidro Caballero Delgado and María del Carmen Santana, members of Movimiento 19 de Abril, formerly a rebel group and now a political party, were seized by the military while enlisting community support. Their whereabouts are still unknown and legal inquiries by their next of kin have proven fruitless.

• Stage of the proceedings: The Court issued a decision on Columbia's preliminary objections on January 21, 1994, and determined to consider the merits of the case at a later time.

3. *Advisory Opinion No. 14*

On January 21, 1994, the Court held a public hearing on the following questions submitted by the Inter-American Commission:

• 1. When a state party to the American Convention on Human Rights passes a law

that manifestly violates the obligations the state accepted upon ratification of the Convention, what would be the juridical effect of this law in light of the state's international obligations?

• 2. When a state passes a law whose implementation, on the part of agents or functionaries of that state, manifestly violates the Convention, what are the obligations and responsibilities of such agents and functionaries?

This year, to date, the Commission referred the following two cases to the Court.

1. *Jean Paul Genie v. Nicaragua*

Facts: On October 28, 1990, Jean Paul Genie was killed by General Humberto Ortega's bodyguards. Despite evidence as to the culpability for the killing and the identification of the perpetrators, the case was denied a full hearing by the judicial system and referred to a military tribunal as opposed to a civil court.

2. *José Indalecio Guerrero et al. (El Amparo) v. Venezuela*

Facts: On October 29, 1988, the members of Policía PTJ y DIDIP (Judicial Technical Police) killed 14 fishermen near the Venezuelan-Columbian border. Although those responsible were ordered to be arrested, the case has yet to be resolved and the perpetrators have yet to be punished.

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