

American University Washington College of Law

Digital Commons @ American University Washington College of Law

Articles in Law Reviews & Other Academic Journals

Scholarship & Research

2007

Inter-American System

Claudia Martin

Follow this and additional works at: https://digitalcommons.wcl.american.edu/facsch_lawrev



Part of the [Banking and Finance Law Commons](#), [Courts Commons](#), [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), and the [International Law Commons](#)

II INTER-AMERICAN SYSTEM

CLAUDIA MARTIN*

During the period covered by this report, the Inter-American Court on Human Rights (hereinafter the 'Court') issued several decisions on the merits, which include: case of *the Ituango Massacres vs Colombia*; *Ximenes-Lopes vs Brazil*; *Montero-Aranguren et al. (Detention Center of Catia) vs Venezuela*; *Claude Reyes et al. vs Chile*; *Servellón-García et al. vs Honduras*; *Goiburú et al. vs Paraguay*; *Almonacid-Arellano et al. vs Chile*; *Vargas-Areco vs Paraguay*; *Dismissed Congressional Employees (Aguado - Alfaro et al.) vs Peru*; *the Miguel Castro-Castro Prison vs Peru*; *Nogueira de Carvalho et al. vs Brazil* *La Cantuta vs Peru*; *the Rochela Massacre vs Colombia*; and *Bueno-Alves vs Argentina*. This list of decisions shows that the production of the Court has increased considerably in the last few years, thereby improving victim's access to a final decision by the Inter-American system within a shorter period of time.

The present report will analyse significant developments in the case-law of the Court regarding the right of access to State-held information as well as sexual violence against women and the prohibition of torture. In the two cases described in this report, *Claude Reyes vs Chile* and *Miguel Castro-Castro Prison vs Peru*, the Court confronts and analyses issues that it has never addressed in prior decisions.

The full text of the decisions mentioned in this report can be found in English in the website of the Inter-American Court at: www.corteidh.or.cr.

1. CHANGES IN THE PRACTICES OF THE COURT

Before moving to the analysis of the cases, it is important to note a few changes in the practices of the Court that represent a very important step toward improving the communication of its work. First, the Court has decided to reorganise and shorten its judgements to improve access to its decisions. Second, the Court is progressively incorporating the whole file of the case on-line to facilitate the analysis and study of its cases. Third, most of the Court's judgements are currently translated into English and, if appropriate, into another official language, such as Portuguese (for example,

* Claudia Martin is Co-Director of the Academy on Human Rights and Humanitarian Law and Professorial Lecturer in Residence, American University, Washington College of Law. She would like to thank the editing support and comments provided by Janette Allen.

the decisions against Brazil). The changes in the practices of the Court are worth praising because they were adopted as a result of an exchange of views with different representatives of civil society and show the interest of the Court in hearing and addressing concerns raised by the users of the Inter-American human rights system.

2. THE RIGHT OF ACCESS TO INFORMATION

In *Claude Reyes et al vs Chile*,¹ the Court for the first time found that the right to freedom of thought and expression enshrined in Article 13 of the American Convention on Human Rights (hereinafter 'American Convention' or 'Convention') protects the right of access to State-held information. This judgement has been considered a landmark decision and the first international ruling to recognise the right of access to information as a basic human right.

On 7 May 1998, Marcel Claude Reyes, Executive Director of Terram Foundation, submitted a request for information to the Foreign Investment Committee regarding the 'Rio Condor' project. The 'Rio Condor' project involved the development of a forestry complex, including a mechanised sawmill, a timber processing plant, manufacturing of boards and planks, a lumber chip recovery plant and an energy plant. The realisation of the project entailed a significant environmental impact and therefore attracted public debate and civil society accountability. The Foreign Investment Committee is 'a functionally-decentralized, public-law juridical person, with its own assets (...) linked to the President of the Republic through the Ministry of Economy, Development and Reconstruction.'² The Foreign Investment Committee is the body in charge of authorising the entry of foreign investment into Chile and negotiating the terms and conditions of contracts with private investors. In 1991, the Foreign Investment Committee approved the foreign investment applications and signed a contract with two foreign investors and one national investor to develop the 'Rio Condor' project.

Two weeks after Mr Reyes' request, the Executive Vice President of the Foreign Investment Committee met with Mr Reyes and Mr Arturo Longton, a congressman, and provided them with some of the information requested. He also sent additional information to Mr Reyes and Mr Longton by fax. Considering the information provided incomplete, Mr Reyes sent two additional letters to the Executive Vice President reiterating his initial request, based on 'the obligation of transparency to which state agents are subject and the right of access to public information established in the State Constitution and in the international treaties signed and ratified by Chile.'³

¹ Inter-American Court of Human Rights, *Case of Claude Reyes et al. vs Chile*, Judgement of 19 September 2006, Series C, No. 151.

² *Ibidem*, para. 57(2).

³ *Ibidem*, para. 57(16).

The Foreign Investment Committee failed to respond to Mr Reyes' request or adopt a written decision denying the request and justifying the reasons for the rejection.

In July 1998, Mr Reyes, together with Mr Longton and Mr Sebastián Cox Urrejola from FORJA, an NGO, filed a 'writ of protection' (*recurso de protección*) before the Santiago Court of Appeals, alleging that the Foreign Investment Committee's refusal to fully disclose information regarding the development of the 'Rio Condor' project violated petitioners' rights to freedom of expression and access to information, protected by Articles 19(12) of the Chilean Constitution, 13(1) of the American Convention and 19(2) of the International Covenant on Civil and Political Rights. The Court found the application groundless and summarily rejected its consideration on the merits. The rules regulating the writ of protection procedure provide that if a petition is found groundless, petitioners may only submit a request for reconsideration with the same court, but that no other appeal is available. Petitioners submitted a request for reconsideration with the Santiago Court of Appeals, which was rejected. Moreover, they filed a 'remedy of complaint' (*recurso de queja*) with the Chilean Supreme Court arguing that the lower court had abused the process when rejecting the writ of protection. The Supreme Court found the request inadmissible.

At the time the facts of this case transpired, there was no recognition of the right of access to State-held information or procedure for accessing information held by administrative agencies in Chilean legislation. In 2005, an amendment to the Constitution acknowledged the public nature of information held by State entities and adopted the principle of disclosure of this information as a rule. The constitutional provision also established that exceptions to this principle could be only established if disclosure would affect due compliance with the functions of public agencies, the rights of private individuals or national security or interest. A draft law on access to public information was approved by the Chilean Senate in 2005, but had not been passed by the time the Court issued its decision in this case.

In the case under analysis, the Court concluded that the information requested by the petitioners was of public interest because it related to a foreign investment contract signed to develop a forestry exploitation project which aroused considerable public debate due to its potential environmental impact. In addition, the request sought information essential to assess the compliance of the Foreign Investment Committee – a State body – with existing regulations in the performance of its mandate.

First, the Court found that Article 13 of the American Convention, which recognises the right of individuals to 'seek' and 'receive' information, encompasses the right of access to State-held information. This right is not absolute, but can be subject to permissible restrictions as provided by the Convention. The Court also held that under this right, individuals may request access to State-held information without a need to show direct interest or personal involvement. A State may refuse access to that information on the basis of a legitimate restriction, but must provide the requesting individual with a reasoned denial. Similar to other aspects of the right to

freedom of thought and expression under Article 13, the right of access to information encompasses both an individual and a social dimension.⁴

Furthermore, the Court recognized a close relationship between the right of access to information and a democratic form of government. State actions should be governed by the principles of disclosure and transparency in public administration, thereby enabling individuals to oversee and participate in the decision-making process. Access to State-held information is essential to ensure individuals' participation in exercising such democratic control over public authorities.

Regarding permissible restrictions to the right of access to information, the Court stated that the restrictions must be established by law to ensure that the exercise of this right is not left at the discretion of public authorities. As the Court has established and reiterated, laws enacted with the purpose of restricting rights cannot be any type of legal norm, 'since that would be tantamount to admitting that fundamental rights can be restricted at the sole discretion of governmental authorities with no other formal limitation that such restrictions be set out in provisions of a general nature.'⁵ Laws restricting rights should be adopted 'for reasons of general interest and in accordance with the purpose for which such restrictions have been established.'⁶ Next, restrictions must have a legitimate aim. Under Article 13(2), the right of access to information may be restricted to ensure 'respect for the rights or reputations of others' or for 'the protection of national security, public order, or public health and morals.' Third, the restrictions must be necessary in a democratic society, that is to say, intended to satisfy a compelling public interest, and must be the least restrictive measure among a number of different existing options. 'In other words, the restriction must be proportionate to the interest that justifies it and must be appropriate for accomplishing this legitimate purpose, interfering as little as possible with the effective exercise of this right.'⁷ Finally, restrictions to the right of access to information must be interpreted in light of the principle of maximum disclosure of State's actions. This principle creates a presumption in favour of access that can only be overridden in very exceptional circumstances and subject to a limited system of exceptions.

In applying these principles to the present case, the Court found that the Foreign Investment Committee's refusal to provide full access to information under its control was not based on any law because there was no statute in Chile regulating the right of access at the time the facts of this case transpired. Second, the State was unable to demonstrate that the denial related to one of the authorized purposes under Article

⁴ For an explanation of these dimensions, see, *inter alia*, Inter-American Court of Human Rights, *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism* (Arts. 13 and 29 American Convention on Human Rights), Advisory Opinion OC-5/85 of 13 November 1985, Series A, No. 5, paras 30–33.

⁵ See, *inter alia*, Inter-American Court of Human Rights, *The Word 'Laws' in Article 30 of the American Convention on Human Rights*, Advisory Opinion OC-6/86 of 9 May 1986, Series A, No. 6, para. 26.

⁶ *Claude Reyes et al. vs Chile*, *supra* note 1, para. 89.

⁷ *Ibidem*, para. 91.

13(2) of the American Convention or that it was necessary in a democratic society since the Foreign Investment Committee failed to provide a written and reasoned decision on this matter. Moreover, Chile's failure to regulate the right of access to State-held information in its domestic legislation contravened the obligation to adopt the necessary measures to ensure the rights protected by the American Convention, as established in Article 2 of that treaty. Consequently, there was a violation of Articles 13(2) and 2 of the American Convention in this case.

The Court also held that the failure of the Foreign Investment Committee to provide a written and reasoned denial to the petitioners in the administrative and judicial proceedings violated their right to a fair trial. In previous case law, the Court has stated that Article 8(1) of the American Convention, which protects the right to a fair trial, encompasses the right to a reasoned decision whenever a determination of an individual right is at stake.⁸ In *Claude Reyes*, the Court concluded that the right to a reasoned decision is also applicable to administrative proceedings in which State entities decide on the scope of individual rights. In the present case, since petitioners' right of access to information was denied by a State entity without providing a written and reasoned justification for the rejection, there was a violation of petitioners' right to a fair trial.

Furthermore, the Court held that the decision of the Santiago Court of Appeals finding the writ of protection groundless without providing reasons for the rejection constituted an additional violation of Article 8(1). Also, the failure of the Appeals Court and the Supreme Court to rule on whether the denial of information by the Foreign Investment Committee constituted a violation of petitioners' right of access to State-held information violated their right to a simple and prompt remedy, as protected by Article 25 of the American Convention.

As part of the reparations, the Court did not award monetary compensation, but considered the judgement *per se* a sufficient form of reparation and moral satisfaction. The Court ordered additional remedies and guarantees of non-repetition. First, the Court ordered the State to provide the petitioners with the requested information or issue a written decision justifying the reasons for the denial. Second, the State must publish once in the official gazette and another newspaper with extensive national circulation the section on proven facts, the paragraphs finding violations of the Convention and the operative paragraphs of the decision. Third, the State must adopt the necessary measures to ensure the right of access to State-held information, including an appropriate administrative procedure for deciding requests of information that must be applied by duly trained officials. Finally, the Court ordered Chile to provide training to public entities, authorities and agents in charge of responding to requests for information on the laws and regulations governing this right, as well as permissible restrictions authorised by the American Convention.

⁸ See, *inter alia*, Inter-American Court of Human Rights, *Yatama vs Nicaragua*, Judgement of 25 June 2005, Series C, No. 127, paras 152–153.

3. SEXUAL VIOLENCE AGAINST WOMEN AND THE RIGHT NOT TO BE TORTURED OR SUBJECTED TO CRUEL, INHUMAN OR DEGRADING TREATMENT

In *Miguel Castro-Castro Prison vs Peru*,⁹ the Court for the first time incorporated a gender perspective into the analysis of human rights violations perpetrated against women inmates in a Peruvian prison. The Court stated that it would analyse this case in light of the fact that the violence used by State agents in this case affected women differently than men, and that some acts of violence were directed against women or affected women in greater proportion than men.

On 6 May 1992, officers of the Peruvian security forces started an ‘operative’ in pavilion 1A and 4B of the Miguel Castro-Castro Prison located in Lima, Peru, which ended with 41 inmates dead and more than 180 injured. The facts of this case transpired during the internal armed conflict that affected Peru from the early 1980s to the end of 2000. In that context, Peruvian prisons, particularly those where members of *Sendero Luminoso* (Shining Path) or other armed groups were detained, became part of the conflict. At the time of the events, pavilion 1A was occupied by about 135 female inmates and 50 male inmates, while pavilion 4B was occupied by 400 male inmates. Inmates in both pavilions were accused or convicted of terrorism and were allegedly members of *Sendero Luminoso*. The official objective justifying the ‘operative’ – known as ‘Operative Transfer 1’ – was to transfer inmates who were in pavilion 1A of the Miguel Castro-Castro Prison to another maximum-security prison for women. Though the State and the Inter-American Commission on Human Rights (hereinafter ‘Commission’) argued that force was used to avoid resistance to the transfer, the Court concluded that there was no evidence suggesting that the inmates were organizing a riot or involved in any other situation that would have required legitimate use of force by State agents. Moreover, the Court stated that there was no conclusive evidence regarding the inmates’ possession and use of weapons. Ultimately, the Court concluded that the ‘operative’ was carried out with the sole intention of endangering the life and integrity of the inmates that were located in pavilions 1A and 4B of the Miguel Castro-Castro Prison and was planned and authorised at the highest levels of the government.

The first action in the ‘operative’, carried out at dawn on 6 May 1992, involved the use of extreme force and explosives that caused the partial destruction of the pavilions. Later, the police officers took control of the prison rooftops, made wholes through them and started firing with weapons against the inmates. The actions were initially directed against pavilion 1A where the female inmates were detained but later extended to pavilion 4B, once the female prisoners moved there and were helped by

⁹ Inter-American Court of Human Rights, *Miguel Castro-Castro Prison vs Peru*, Judgement of 25 November 2006, Series C, No. 160.

the male prisoners. In the four days that the incursion lasted, State officials used war weapons, explosives, tear gas, as well as vomiting and paralysing bombs. Moreover, many inmates received injuries from the splinters caused by the bullets and grenades which impacted against the walls. The last day of the incursion, a number of inmates came out of the prison and requested that the State officers stop shooting. They were received with a burst of bullets, and the majority of the inmates died. Among those that survived and remained in custody of State agents, some were later separated from the group and executed.

After the end of the incursion, the surviving inmates were forced to remain in the yard of the prison centre, lying face down on the ground, without proper clothing for a number of days. They were subjected to constant beatings and verbal aggressions and received almost no food during this period. Among the inmates who were kept under these conditions were injured people and pregnant women who received a treatment similar to that of the other inmates. Some female inmates were transferred to other prisons, while the male prisoners were relocated in the Miguel Castro-Castro Prison and other prisons. All of them were subjected to constant physical and psychological mistreatment. The female inmates were not permitted to have contact with the outside world or with other inmates. They were prohibited from reading, studying or carrying out any manual work, and they lacked access to products of personal hygiene, such as soap, toilet paper, feminine pads or additional underwear. Moreover, the cells that housed them did not have any light, and food was scarce. The inmates were subjected to constant inspections during which they were beaten, kicked and given electrical shocks. Three women, who were pregnant at the time of incarceration, did not receive medical attention until they were taken to the hospital for the delivery; one of them did not receive post-partum medical attention.

Initially, the police investigation of the facts that transpired in the Miguel Castro-Castro Prison concluded that police personnel that participated in the attacks acted in compliance with applicable rules. In 2002, a specialised prosecutor's office,¹⁰ established to investigate gross violations of human rights, ordered that the police investigation be extended. Later, the specialised prosecutor's office filed charges against several members of the National Police. Though the investigation has continued, there had not been convictions or reparation granted to the victims by the time the decision in this case was adopted. In 2006, the court in charge of the case ordered the opening of an investigation against Alberto Fujimori-Fujimori – then President of Peru – for the death of the 41 victims that lost their lives in the Miguel Castro-Castro Prison.

The State only recognised partial international responsibility as to the facts and applicable law in this case. The Court, therefore, decided to rule on the issues that remained in contention, which included the facts that occurred after the incursion

¹⁰ The specialised prosecutor's office name in Spanish is *Fiscalía Especializada para Desapariciones Forzadas, Ejecuciones Extrajudiciales y Exhumación de Fosas Clandestinas* (Specialised Prosecutors' Office for Forced Disappearances, Extrajudicial Killings and Exhumation of Clandestine Graves).

at the Miguel Castro-Castro Prison, the victims' rights violated in this case, the identification of the alleged victims and the scope of reparations.

The Court, for the first time, considered the gender of the victims as an element of the analysis when establishing whether the female inmates' right not to be tortured or subject to cruel, inhuman or degrading treatment was violated as a result of the violence used against this particular group. Moreover, the Court used the standards established in the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women (hereinafter 'Violence Against Women Convention') and the Convention on the Elimination of all Forms of Discrimination Against Women – both ratified by Peru – as parameters of interpretation when determining the scope of Article 5 of the American Convention, which protects the right to personal integrity.

In the first prong of the analysis regarding the violation of Article 5 of the American Convention, the Court found that the use of excessive and illegitimate force as well as the type of weapons, explosives and gases used against all the inmates in the Miguel Castro-Castro Prison implied a breach of their right to humane treatment. This situation exposed the victims to psychological torture resulting from 'the constant threats and the real danger generated by the state's actions, which could [have] result[ed] in their death and serious injuries to their physical integrity.'¹¹ Additionally, during the four days of the 'operative', the inmates were deprived of food, water, electricity and medical attention, which also affected their physical integrity. Furthermore, three pregnant women, who were also subjected to the above-mentioned conditions, experienced an additional suffering of their own by knowing that the lives of their unborn children were endangered as a result of the attacks and the deprivation of basic food and medical attention. The Court concluded that the female victims were protected not only by the provisions of Article 5, but also by Article 7 of the Violence Against Women Convention which creates an obligation to ensure that State authorities abstain from actions that imply any violence against women.

Second, the Court found that the treatment received by the inmates after the attack, and during their transfer to other criminal centres and hospitals, constituted inhumane treatment in violation of Article 5. The inmates were kept lying outside the prison facilities with their faces down, without appropriate clothing, with almost no food and no medical attention for a period of time that extended in some cases up to 13 days. Those that were transferred to medical facilities or other prisons continued to be mistreated through beatings and other aggressions. The Court emphasised that the three pregnant women had experienced similar treatment but had suffered even greater anguish because State agents did not take into consideration their specific condition.

¹¹ *Miguel Castro-Castro Prison vs Peru*, *supra* note 9, para. 288.

Third, the Court concluded that the lack of adequate medical attention for the inmates that were transferred to hospitals caused additional psychological and physical suffering and resulted in chronic suffering. Furthermore, injured inmates were stripped of their clothing once they arrived in the hospital and forced to remain naked for a prolonged period of time while they were watched by State agents. This situation implied a violation of their right to personal dignity. The Court concluded that in the case of the six injured female inmates, this treatment –forcing them to remain naked, covered only by a sheet, while being surrounded and observed by armed men – additionally constituted sexual violence. This situation was aggravated by the fact that the women were not allowed to clean themselves, and when using the restroom, were in the company of armed men who pointed at them with weapons. The Court held that sexual violence according to international case-law and the Violence Against Women Convention, ‘consists of action with a sexual nature committed with a person without their consent, which besides including the physical invasion of the human body, may include acts that do not imply penetration or even any physical contact whatsoever.’¹² The sexual violence experienced by the female inmates caused them to fear that further actions could be taken against them by State agents, which resulted in serious psychological and moral suffering. Finally, the Court found that at least one of the female inmates was subjected to a finger vaginal inspection carried out by several hooded men at the same time and in a very abrupt manner. This situation constituted rape, defined as any ‘act of vaginal or anal penetration, without the victim’s consent, through the use of other parts of the aggressor’s body, as well as oral penetration with the virile member.’¹³ The Court concluded that the rape constituted torture in violation of Article 5 of the American Convention.

Next, the Court held that the conditions of detention and the treatment received by the inmates who were relocated within the Miguel Castro-Castro Prison or transferred to other prison facilities caused them severe suffering resulting in physical and psychological torture in violation of Articles 5 of the American Convention and 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture (hereinafter ‘Torture Convention’). The Court acknowledged that these conditions affected the female victims in a greater proportion than men, given their gender. First, the Court considered that the severe solitary confinement had aggravating effects on the inmates who were mothers because they were prevented from having communication with their children for prolonged periods of time. Also, lack of consideration of the female inmates’ needs caused additional suffering to these prisoners since they were not provided with feminine pads and were not given sufficient access to toilets to maintain their hygiene during their menstrual periods. Moreover, pregnant inmates who later delivered their children in prison were not provided pre-natal or post-

¹² *Ibidem*, para. 306.

¹³ *Ibidem*, para. 310.

partum health care. These conditions implied an additional violation of their right to humane treatment.

Regarding the victims' next of kin, the Court found that the treatment received by the family members of the inmates during and after the military incursion in the Miguel Castro-Castro Prison breached Article 5(1) of the American Convention. The Court recognised the special situation of children whose mothers remained in prolonged solitary confinement and held that this resulted in additional damage to them as a consequence of the deprivation of contact and relationship with their mothers for long periods of time.

Besides the right not to be subjected to torture, the Court also found violations of the right to life and the rights to a fair trial and judicial protection, as protected by Articles 4, 25 and 8(1), in relation to Article 1(1) of the American Convention, 7 of the Violence Against Women Convention, and 1, 6 and 8 of the Torture Convention. In regard to the right to life, the Court stated that in cases where force is used to maintain public order or suppress a riot, the Court assesses, on the basis of the facts, whether or not the force used is legitimate and proportional to the needs of the situation. In the present case, the Court established that there were no reasons to use force against the inmates in the Miguel Castro-Castro Prison because it was never proved that they were rioting or part of a mutiny. Moreover, there is no conclusive evidence that the inmates had weapons. The Court therefore concluded that the force used by State agents had no basis or legitimacy, but was intended to endanger the life and integrity of the inmates in the prison. Thus, there was an arbitrary deprivation of life of the 41 inmates who perished in the 'operative', in breach of Article 4(1) of the Convention.

The Court considered that the duty to ensure the victims access to judicial protection in this case arises out of the protections afforded by the American Convention and the specific provisions included in the Violence Against Women Convention and the Torture Convention, with respect to the obligation to investigate acts of violence against women and torture. Though in recent years the State has made efforts to identify and punish the perpetrators of the inmate human rights violations by opening a criminal investigation, the Court found several shortcomings in the proceedings that contributed to the prevailing impunity in this case. First, the criminal investigation that is being carried out by the State fails to cover all the facts of the case, including the planning of the operation and the facts that transpired after the incursion was completed. Second, the omissions that occurred in the initial recovery, preservation and analysis of the evidence have affected the development of the investigation. Third, the time elapsed since the facts of this case transpired and the opening of a criminal investigation violates the right of victims to be afforded judicial protection for human rights violations within a reasonable time. This long delay has also affected the victims' right to obtain monetary compensation since in Peruvian legislation the civil reparation for damages resulting from a crime is subject to the determination of that crime in a criminal proceeding. Finally, the Court concluded that at the time the

events at the Miguel Castro-Castro Prison occurred, the commission of crimes against humanity, such as murder and torture, perpetrated within the context of a generalised and systematic attack against the civilian population constituted a violation of a *jus cogens* norm and therefore encompassed the obligation to prosecute these crimes. Since the crimes perpetrated against the civilian population of inmates housed in the Miguel Castro-Castro Prison were carried out in the context of a systematic practice of killing and torturing individuals accused or convicted of crimes of terrorism or treason, the Court found that these acts constituted crimes against humanity. Thus, the State has a duty to investigate and punish the perpetrators of these crimes.

As part of the reparations, the Court granted pecuniary and non-pecuniary compensation. The Court recognised in the determination of damages the aggravated suffering experienced by the female victims in this case, including the three pregnant inmates, the six victims of sexual violence and the inmate who was raped in the hospital while receiving medical treatment. The Court also granted other measures of reparation which included, *inter alia*, the duty of the State to complete the investigation and identify, prosecute and punish the perpetrators. The Court additionally ordered the State to complete the following: publicly acknowledge its international responsibility in the perpetration of the human rights violations inflicted upon the inmates in the Miguel Castro-Castro Prison; publish parts of the judgement in the official gazette and another newspaper of national circulation and broadcast the same parts of the judgement through a radio and television channel on at least two occasions; provide medical and psychological treatment without cost and through specialized health institutions to the victims and their next of kin; and organise human rights education programmes for members of the Peruvian police force on the international standards applicable to the treatment of inmates in penitentiary centres.