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The Index of Individual Case Reports of the Inter-American Commission on Human Rights: 1994-1999

Richard J. Wilson

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THE INDEX OF INDIVIDUAL CASE REPORTS OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS: 1994-1999*

INTRODUCTION

RICHARD J. WILSON

In 1994, the American University Journal of International Law and Policy published an index to the individual case reports of the Inter-American Commission on Human Rights.¹ The Commission is made up of seven independent experts named by the Organization of American States and charged with oversight of human rights in the Americas.² That index covered the individual case reports, as decisions of the Commission in contentious cases are called, from 1968 through the Annual Report for 1994 (covering individual case reports from 1993). This index is a continuation of that effort, summarizing the individual case reports of the Commission from 1994 through 1999. In addition to the print edition of the initial index, an on-line version was posted to the Internet by agreement of the author and the Journal.³ This update, too, will appear on-line at the site of the law

* All references to "Art." refer to the American Convention unless specifically stated.

1. *Inter-American Commission on Human Rights: Individual Case Resolutions*, 10 AM. U. J. INT'L. L. & POL. 19 (1994). *Editor's Note*: The AMERICAN UNIVERSITY JOURNAL OF LAW AND POLICY became the AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW beginning with Volume 13 in 1997.

2. For good summaries of the work of the Commission and its sister organ, the Inter-American Court of Human Rights, as well as the human rights instruments of the system, see, Organization of American States, BASIC DOCUMENTS PERTAINING TO HUMAN RIGHTS IN THE INTER-AMERICAN SYSTEM (January 2000).

3. The on-line version is at <http://www.lumn.edu/humanrts/cases/com-missn.htm#1999>.

school's Center for Human Rights and Humanitarian Law, with links to the original site.

As with the first index, this effort has a very pragmatic objective: to make the jurisprudence of the Commission more accessible to those who litigate or do research on the individual case reports of the Commission. In 1994, in a short introduction to the original index, I documented the difficulties of conducting research on the decisions of the Commission.⁴ The issue, then and now, was both personal and academic. Students working under my supervision in the Washington College of Law's International Human Rights Law Clinic continue to carry a significant number of cases at the Commission, and I continue to write about the work of the Commission from an academic perspective.⁵ Thus, I have a stake in making the jurisprudence of the Commission accessible to my students and me. The commitment by the Journal of International Law's senior staff to publish both indices makes it possible to share this work with the rest of the world.

As with the first edition of the index, most of the time consuming labor in its compilation comes from a dedicated group of law students. This time around, the task was at least as daunting as the first volume of the index because the Commission has vastly increased its output in the last five years. This index, summarizing five years of decisions, is about the same size as the previous index, which covered nearly thirty years of the Commission's individual case reports. This update to the index was the work product of research assistants and editors of this journal, without whose help it would not have come into being.

The most significant contributions came from two of my Dean's Fellows, research assistants whose work was singularly devoted to updating entries in the index. They are Georgette Pinillos, who graduated in 1998, and Sarah Adair, who worked with me last year and this year became a senior editor of the International Law Review. Sarah and Braden Murphy, Executive Editor, coordinated the

4. Richard J. Wilson, *Researching the Jurisprudence of the Inter-American Commission on Human Rights: A Litigator's Perspective*, 10 AM. U. J. INT'L. L. & POL. 1 (1994).

5. See Richard J. Wilson & Jan Perlin, *The Inter-American Human Rights System: Activities During 1999 through October 2000*, 16 AM. U. INT'L. L. REV. 315 (2001).

work of a team of junior editors to complete the last updates. They share authorship in this work, and include Jamie Abrams, Lisa Barenholtz, Jennifer Beall, Rebecca Griffin, Michelle Pang, and Carlos Ferdinand.

This update is a bit different in format from the earlier index. The first index gave a short description of the case in a section called "Complaint." A second section, called "Action Taken" told in narrative style about the outcome of the case at the Commission, with reference there to the violations of particular articles of the American Convention on Human Rights or the American Declaration on the Rights and Duties of Man. This index uses three sections for each case entry: Complaint, Summary of the Case and Action Taken. The "Complaint" section sets out the articles of the American Convention or American Declaration that are alleged to have been violated. The "Summary of the Case" section sets out, sometimes in some detail, the nature of the claims made by the petitioner. The section on "Action Taken" sets out the last reported action of the Commission on the case, as of the date of publication of the case.

Finally, it is important to understand what the index is and what it is not. As with the first edition of the index, this update does not attempt to be a comprehensive guide to all actions taken by the Commission. It reports on two important aspects of the Commission's work: first, it covers the individual contentious case resolutions from the annual reports, and second, it focuses only on the alleged violations of the American Convention or American Declaration. It does not, for example, include any of the following important aspects of the Inter-American system for human rights protection:

- Decisions of the Inter-American Court of Human Rights;
- The Commission's topical or country reports, whether included in the annual reports or published separately;
- Procedural aspects of the Commission's action in the reported cases, except for friendly settlement decisions or decisions at the admissibility stage at the time of this publication.

A comprehensive index would include such important aspects of the Commission's actions.

This will be the last update of the index in this format. Since the time of the publication of the first index, the law school's Center for

Human Rights and Humanitarian Law has published an excellent and comprehensive index to the decisions of the Inter-American Court of Human Rights, both in print and on the Internet.⁶ The editors of that index have almost completed a similar work on the jurisprudence of the Commission, which should be available in an on-line edition in 2001. We at the Washington College of Law are proud to have made such significant contributions to the dissemination of comprehensive research materials on the protection of human rights in the Americas.

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6. The Internet version is available at: <http://www.wcl.american.edu/pub/humright/iadigest.html>. The same site contains a comprehensive database of the decisions of the Commission, with links to the Commission's own significantly improved web-site.

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I. FRIENDLY SETTLEMENTS

A. ARGENTINA: Ragnar Erland Hagelin, Case 11.308, Inter-Am. CHR No. 33/00

Complaint: Arts. 5, 8, 21, 48, 49

Summary of the Case: On October 20, 1988, Ragnar Hagelin brought action against Argentina seeking compensation for damages due to the State's claim that it did not know the location of his daughter, who disappeared in 1977 during the dictatorship. A \$250,000 judgement was set aside by the Federal Court of Appeals and Hagelin filed a petition against the State with the Commission alleging that his right to due process of law had been violated. The State and Hagelin reached an agreement proposed by the Commission.

Action Taken: The Commission worked out a friendly agreement for the parties, holding that the State would pay compensation for all losses relating to the unlawful imprisonment and disappearance of

the daughter; compensation fixed at \$701,797; once compensation was complete, Hagelin would close the case and waive any other claim related to the same event.

ARGENTINA: Carmen Aguiar de Lapaco, Case 12.05, Inter-Am. CHR No. 21/00

Complaint: Arts. 1, 8, 25, 48

Summary of the Case: Carmen Aguiar de Lapaco alleged that Argentine judicial authorities had denied her petition to determine what had happened to her daughter, who was detained and disappeared. In 1977, twelve armed men burst into Lapaco's home and took petitioner and her daughter to a detention center. Three days later the petitioner was released, but her daughter was forced to stay; it was the last time she saw her daughter. Lapaco petitioned the Ministry of Defense to release any information on the fate of disappeared persons. The petition was denied and Lapaco alleged that the ruling has denied her the right to truth and a fair trial.

Action Taken: The Commission declared the case admissible with the goal of seeking a friendly settlement. Both parties signed the agreement, which held that the government guaranteed the right to the truth, involving an exhaustion of all means to obtain information about disappeared persons; the federal courts had exclusive jurisdiction over such cases; the government would arrange for prosecutors to act as third parties who would develop a specialized search; petitioner stops all international proceedings.

ARGENTINA: Luis María Gotelli, Jr., Case 11.709, Inter-Am. CHR No. 68/99

Complaint: Arts. 5.3, 5.6, 8.1, 8.2, 11.1, 17, 24, 25.1

Summary of the Case: The parties reached a friendly settlement agreeing that Art. 8.1 was violated and the State agreed to disassociate the Petitioner's criminal proceedings. Eleven months later, the State had yet to comply with the terms of the settlement, thus the Petitioners sought to abandon the friendly settlement procedure and instead requested a report under Art. 50 of the Convention.

Action Taken: The Commission ruled it was competent to hear the Art. 8 claims, but all other claims were found inadmissible.

ARGENTINA: Paulo Christian Guardatti, Case 11.217, Inter-Am. CHR No. 31/97

Complaint: Arts. 4, 5, 7, 8

Summary of the Case: Mr. Guardatti was handcuffed and taken away by police after an altercation between them; Mr. Guardatti has not been seen since.

Action Taken: The parties signed an agreement which addresses indemnification and investigation. The amount of indemnification is to be determined by an Arbitral Court and a verdict on that amount will be submitted to international agencies for approval. The parties may object to the amount determined by the investigation. An ad hoc committee consisting of five members will verify the facts and will issue an opinion.

ARGENTINA: Horacio Verbitsky, Case 11.012, Inter-Am. CHR No. 22/94

Complaint: Arts. 8, 13, 24

Summary of the Case: Human rights violations occurred when Petitioner was convicted of the intent to defame the minister. Petitioner alleges that this ruling threatened the guarantee of freedom of the press.

Action Taken: Petitioner was convicted of a crime of "descato" for allegedly defaming Mr. Augusto Cesar Belluscio, Minister of the Supreme Court. The parties requested that the Commission supervise and monitor the settlement and successfully completed the friendly settlement in accordance with Arts. 48 and 49 of the Convention, and Art. 48 of the Commission's Regulation.

B. COLOMBIA: Faride Herrera Jaime, Oscar Ivan Andrade Salcedo, *et al.*; Case 11.531, Inter-Am. CHR No. 46/99

Complaint: Arts. 8, 25

Summary of the Case: The victims were riding in a vehicle on April 13, 1992 in Alto del Pozo when they were assaulted with grenades and rifle fire from a counterinsurgency patrol from the National Police without warning. The army was waiting for a guerrilla group that was supposed to be in the same type of vehicle but a different color.

Action Taken: The Commission availed themselves to the parties who reached a friendly settlement in which the families of the victims received compensation for harm suffered.

COLOMBIA: Roison Mora Rubiano, Case 11.525, Inter-Am. CHR No. 45/99

Complaint: Arts. 8, 25

Summary of the Case: On June 22, 1993, Roison Rubiano and two others were throwing stones in the road as they walked home from work. One stone accidentally hit an army vehicle as it passed under a bridge where the three were walking. The army gave chase as the three ran and all were shot from 200 meters. Mr. Rubiano was seriously injured and then died at the hospital.

Action Taken: The Commission availed itself to the parties and consequently an agreement was reached granting compensation to the surviving family members for the harm suffered.

C. GUATEMALA: Jose Sucunu Panjoj, Case 11.435, Inter-Am. CHR No. 19/00

Complaint: Arts. 1, 4, 5, 7, 25, 48, 49

Summary of the Case: Jose Sucunu Panjoj, a member of the Council of Ethnic Organizations, disappeared in 1994 and his whereabouts are unknown. Panjoj had been intimidated and criticized by members of the Civilian Self-Defense Patrols and local military commissions, including death threats against him and his family, until the time of his disappearance. His family submitted two failed petitions for habeas corpus.

Action Taken: The Commission declared the case admissible and developed an agreed-upon friendly settlement, which contained the following provisions: a complete investigation into Panjoj's disappearance; an investigation of all persons involved in the case; financial and medical assistance from the government to the Panjoj family.

GUATEMALA: Juan Chanay Pablo *et al.* (Colotenango), Case 11.212, Inter-Am. CHR No. 19/97

Complaint: Arts. 4, 12, 13, 15

Summary of the Case: The Petitioner claimed that residents of a town participated in a peaceful protest against the violent means used by the civil patrols and were fired upon arbitrarily by the civil patrol after the protest was over, killing one person and wounding several others. The civil patrol then obstructed the judicial proceedings initiated in response to this event by threatening, attacking and intimidating witnesses, parties and attorneys involved in the case.

Action Taken: Following the disbanding of the civil patrols by the Government a friendly settlement was reached. It stipulates that the Government will provide assistance to the community affected, and

will provide a lump sum compensation to the community to be divided among those adversely affected by the events (for medical, legal etc.); the Government guarantees that it will take the measures necessary to assure that justice is done regarding those responsible for the event.

D. PARAGUAY: Enxet-Lamenxay, Case 11.713, Inter-Am. CHR No. 90/99

Complaint: Arts. 8, 25, 21, 22

Summary of the Case: The 6,000 Enxet Indians, are an indigenous people who inhabit the Anglican Zone of the Paraguayan Chaco. Their main sustenance came from hunting, fishing, and gathering. They alleged that by 1950 the Paraguayan government had sold all the land in the Chaco to foreigners, which caused an invasion of their homes. The Enxet petitioned to regain their land and sought injunctions to prevent modification of the land. Occupants of the land failed to obey the injunction.

Action Taken: The Commission arranged a friendly settlement, agreed to by both parties, and stating that the government agreed to pay the Enxet the purchase price of the land; Paraguay recognized the existence of indigenous communities' right to land; the government was to hand over the land with minimal delay; and communities were to be given sanitary, medical, and educational assistance.

E. UNITED STATES: Richmond Hill, Case 9213, Inter-Am. CHR No. 3/96

Complaint: None Stated

Summary of the Case: A petition was filed by Disabled Peoples International for the bombing of Richmond Hill Insane Asylum in Grenada by United States military aircraft in 1983.

Action Taken: The Commission found the case was admissible, but the case was settled following the building of a new hospital and compensation paid to the victims.

II. CASES DEEMED ADMISSIBLE

A. ARGENTINA: Carlos A. López de Belva *et al.*, Case 11.755, Inter-Am. CHR No. 27/00

Complaint: Arts. 8, 9, 25

Summary of the Case: Petitioners, in their role as counsel for a

plaintiff, litigated a breach of contract civil suit in which the plaintiffs were ordered to pay damages. The judges, whom the Petitioners had brought successful disciplinary actions against, ordered an audit of the plaintiff's damage payments. The decisions of this audit resulted in criminal actions against the Petitioners as accessories to the crime of attempted fraud of the public administration and the Petitioners were sentenced to imprisonment and found ineligible to practice law. The Petitioners alleged they were convicted of a non-existent crime, unable to confront witnesses, and ordered to pay exorbitant fees. The state argued the case was inadmissible because authorities in Argentina were still examining the case.

Action Taken: The Commission held it was competent to hear all claims, except for allegations surrounding disciplinary actions taken against the judges.

ARGENTINA: Horacio Anibal Schillizzi Moreno, Case 11.732, Inter-Am. CHR No. 22/00

Complaint: Arts. 1, 5, 7, 8, 24, 25

Summary of the Case: Moreno was jailed for three days for obstructing justice after he requested several recusations before an Argentine court, which caused a six-month mortgage proceeding to carry out three years. Petitioners, on behalf of Moreno, argued that the penal nature of the imprisonment entitled Moreno to due process rights and Moreno was arbitrarily punished.

Action Taken: The Commission found the alleged violations of Arts. 1, 7, 8, and 25 admissible, but found violations of Arts. 5 and 24 inadmissible.

ARGENTINA: Eolo Margaroli *et al.*, Case 11.400, Inter-Am. CHR No. 104/99

Complaint: Arts. 8.1, 21

Summary of the Case: Petitioners were in the process of constructing an eight-story building when the municipality passed a street-widening ordinance requiring that the building be demolished. The Petitioners successfully brought an inverse expropriation action against the Municipality of Buenos Aires. After making the first payment, Buenos Aires passed an ordinance removing the declaration of eminent domain and revoking the requirement that the frontage be removed, thus entitling Buenos Aires to the return of the first payment and termination of all subsequent payments. The State ar-

gued that domestic remedies had not been exhausted because an extraordinary unconstitutionality appeal should have been filed.

Action Taken: The Commission concluded the case was admissible because all domestic remedies were exhausted when the Petitioners received a final ruling and an unconstitutionality appeal would not have resolved the alleged violations at issue.

ARGENTINA: María Merciadri De Morini, Case 11.307, Inter-Am. CHR No. 102/99

Complaint: Arts. 8, 23, 24, 25

Summary of the Case: In violation of the National Quota Law guaranteeing that women hold thirty percent of the elected seats, the Petitioner alleged that the Radical Civic Union placed two women on the electoral list in positions three and six, although only five deputies would be returned. The State argued that even though domestic remedies had been exhausted, the Petitioners did not raise allegations of any violations recognized by the Convention.

Action Taken: The Commission found the claims admissible.

ARGENTINA: Juan Francisco Bueno Alves, Case 11.425, Inter-Am. CHR No. 101/99

Complaint: Arts. 5, 7, 8, 25

Summary of the Case: After a series of civil and criminal complaints were filed surrounding a real-estate transaction involving the petitioner, officers arrested the Petitioner and his attorney. Petitioner brought claims alleging they were arbitrarily arrested and tortured by the officers.

Action Taken: In regard to the alleged threats, the Commission found the claim was inadmissible because the petitioner failed to exhaust all domestic remedies. The arbitrary arrest claim does not violate any rights protected by the Convention and is thus groundless. Claims relating to the torture, denial of a fair trial, and ineffective judicial recourse were found admissible.

ARGENTINA: Carmen Aguiar de Lapacó, Case 12.059, Inter-Am. CHR No. 70/99

Complaint: Arts. 1.1, 8.1, 25, Amer. Decl. of the Rights of Man II, XVIII

Summary of the Case: Twelve armed men took the Petitioner's daughter from her home and allegedly placed her in a detention site, where the Petitioner never saw her daughter again, despite many at-

tempts to find her. As reports surfaced of such detention centers, the new democratic government issued decrees calling for criminal action against the individuals responsible for the disappearances. The Petitioner brought various claims based on the rights of family members to know the fate of their loved ones.

Action Taken: The Commission decided all claims were admissible.

ARGENTINA: Norma Dominga Carpi De Szukalo, Case 11.707, Inter-Am. CHR No. 69/99

Complaint: Arts. 1, 2, 8.1, 21, 25

Summary of the Case: Petitioner alleged she was deprived of real property after the State used “pseudo attorneys” and notaries to falsify certified documents regarding the sale of three real estate properties. Petitioner argued that an eleven-year delay in civil proceedings violated the Code of Civil Procedure timelines and due process, despite the fact that ultimately the properties were repossessed and turned over to the heirs. The State argued the Petitioner failed to exhaust all legal remedies and failed to take accountability for procedural steps that could have been used to shorten the eleven-year delay.

Action Taken: Because the Petitioner recovered property in a civil suit, the property claims were found inadmissible as was the claim surrounding the Code of Civil Procedure time guidelines. The Commission found the claims brought under Art. 8.1 admissible.

ARGENTINA: Elba Clotilde Perrone *et al.*, Case 11.738, Inter-Am. CHR No. 67/98

Complaint: Arts. 1, 2, 8, 21, 24, Amer. Decl. of the Rights of Man Arts. XIV, XVII, XVIII, XXIII

Summary of the Case: Petitioners worked for the General Tax Directorate until they were illegally detailed and exiled by members of the Ministry of the Interior. When the de facto government left power, the Petitioners received partial indemnification for violations of personal freedom, but no indemnification in regards to their pre-existing employment relationships. Petitioners requested payment of all earnings they were denied between 1976-1982 and the recognition of their seniority. The State argued earnings were not recoverable because the suspension was unrelated to work and further that the Petitioners still have a domestic remedy available in noncontrac-

tual liability for damages.

Action Taken: The Commission found the claims admissible. The Commission held that because the Convention is the main applicable law, the rights protected under Art. XVII, XVIII, XXIII of the Declaration are appropriately dealt with through the analogous counterparts available under the Convention.

ARGENTINA: Hector Hugo Boleso, Case 11.774, Inter-Am. CHR No. 39/98

Complaint: Art. 8

Summary of the Case: Hector Hugo Bolesco, a labor judge, brought charges against the authorities of the Province of Corrientes for "altering the intangibility of his remuneration as a judge." Bolesco alleges the High Court of Justice took more than five years to issue a decision regarding the admissibility of the appeal.

Action Taken: The Commission found the case admissible. The Commission concluded that it has jurisdiction to hear the case and that, based on the facts, Bolesco may have a case for violations of Arts. 1.1, 8 and 25.

ARGENTINA: Walter David Bulacio, Case 11.752, Inter-Am. CHR No. 29/98

Complaint: Arts. 1(1), 4, 5, 7, 8, 25

Summary of the Case: On April 19, 1991, Walter Bulacio, 17 years of age, was arrested and taken to the juvenile section of the police station. Five days later he died. The autopsy noted blows from a hard instrument on his legs, face, and feet. Police Captain Esposito was arrested for 73 instances of aggravated unlawful deprivation of liberty.

Action Taken: The Commission found the case admissible. The Commission observed that over seven years have elapsed since April 1991, that the investigation into Bulacio's death has not resulted in those responsible being punished, that there has been an unwarranted delay in rendering a final judgement in the present case, and that the Commission is competent to hear the case.

ARGENTINA: Emiliano Castro Tortrino, Case 11.597, Inter-Am. No. 7/98

Complaint: Arts. 8, 25

Summary of the Case: Judge of the Argentine State engaged in proceedings that had the intended and successful result of a forced

disappearance. Petitioner alleges that Judge gave custody of Emiliano, an infant at the time, to a friend, although the minor had family members who could take care of him. Repeated attempts to recover the child resulted in intimidation and threats to the biological family, and did not result in the return of the child.

Action taken: The Commission concluded that the case involves potential violations by the Argentine State of Arts. 8.1 and 25 and is therefore admissible.

ARGENTINA: Ms. X, Case 10.506, Inter-Am. CHR No. 38/96

Complaint: Arts. 1, 5, 11, 24

Summary of the Case: Human rights violation occurred when Petitioners were subjected to vaginal inspections when visiting a prison.

Action Taken: The Commission considered the case admissible as it concerned violations of human rights recognized in the American Convention: the right to a family (Art. 17); the right to privacy, honor and dignity (Art. 11); and the right to physical integrity (Art. 5). The Commission also considered the violation of the rights of the child who was 13-years-old at the time of the event (Art. 19) even though the petitioner did not invoke this violation.

ARGENTINA: Election of National Senators for the Province of El Chaco, Case 12.135, Inter-Am. CHR No. 132/99

Complaint: Arts. 1, 8, 23, 24, 25

Summary of the Case: The events in question occurred under a transitory governmental regime by which provinces, through their legislatures, indirectly elected their senators.

Petitioners alleged that they successfully met the requirements necessary to serve as Senators of El Chaco. However, the State issued a resolution dismissing petitioners' claims and instating two others as senators because the petitioners' electoral alliance did not hold a majority. The State argued the petitioners failed to set forth sufficient facts proving violations of any part of the Convention.

Action Taken: The case was declared admissible on all claims.

B. BAHAMAS: Omar Hall, Case 12.068, Inter-Am. CHR No. 25/00

Complaint: Arts. 1, 2, 17, 18, 26

Summary of the Case: Petitioners brought a claim in opposition to the mandatory death sentence imposed on Hall after being convicted of murder. Petitioners sought to remove Hall from death row and amend the penal code to restrict death penalty to the most heinous

forms of murder and allow a sentencing hearing to address mitigating factors. The Petitioners allege that Hall did not receive a fair trial because of bias in the daily newspapers and television during the trial. Because the State did not respond to the Commission's communications, all facts are presumed to be true as stated by the petitioners.

Action Taken: Commission found the action admissible because the State waived its right to object to the admissibility of the petition.

BAHAMAS: Michael Edwards, Case 12.067, Inter-Am. CHR No. 24/00

Complaint: Amer. Decl. of the Rights of Man Arts. I, II, XVIII, XXVI

Summary of the Case: Edwards was convicted of armed robbery and murder and requested that the Commission issue precautionary measures to hold Edwards' execution pending a ruling by the Commission. Specifically, Edwards argued that he was denied the benefit of competent counsel and was unable to see all documents used against him. The Petitioners argued all domestic remedies had been exhausted because Edwards was indigent and no private funds or legal aid were provided for constitutional motions.

Action Taken: The Commission found the case admissible and the Bahamas agreed to allow "reasonable time," but not more than five years from the date of conviction, to allow the Commission to consider the claims.

BAHAMAS: Brian Schroeter *et al.*, Case 12.086, Inter-Am. CHR No. 123/99

Complaint: Arts. 4.1, 4.2, 4.6, 5, 7.5, 8.1, 8.2, 24, 25; Amer. Decl. of the Rights of Man Arts. I, II, XVII, XVIII, XI, XXV, XXVI

Summary of the Case: Petitioners brought claims challenging the State policy, which required the mandatory execution of convicted murderers, such as these victims. Petitioners alleged the Bahamas violated the victims' rights during the proceedings leading to the execution because there was a 26 month delay before trial, confessions were brought by allegedly coercive violence, and there was no available legal aid. Petitioners requested precautionary measures to prevent the irreparable damage that would result from subsequent executions while these proceedings are pending before the Commission.

Action Taken: Because the Bahamas have not ratified the Conven-

tion, all Convention claims were inadmissible. The Declaration is the Bahamas source of legal norms so the Commission is competent to hear claims regarding the alleged violation of the Declaration and all claims are admissible.

BAHAMAS: Trevor Fisher, Case 11.643, Inter-Am. CHR No. 30/98

Complaint: Arts. 1, 2, 11, 18, 25, 26

Summary of the Case: On October 4, 1990, Mr. Fisher was arrested for murder and placed on death row from that time on. The Bahamas has an automatic death penalty for all convicted of murder without allowance for extenuating circumstances. The petitioner claims this is a violation of Art. 26, cruel, infamous, or unusual punishment. The petitioner also points to appalling conditions in Fisher's place of detainment. Several stays of execution have been granted.

Action Taken: The Commission found the case admissible. The Commission agrees to provide reports to both parties and to maintain the precautionary measures issued by the Commission on April 1, 1998.

C. BRAZIL: Nova Brazilia Shantytown, Case 11.566, Inter-Am. CHR No. 78/98

Complaint: Arts. 1(1), 4

Summary of the Case: During a police raid in the shantytown of Nova Brazilia, police from Rio de Janeiro are said to have killed eight people who sought shelter in a house with drug traffickers. Six others were killed during the raid. Petitioner alleges the investigations have been unwarrantly delayed. The Office of Public Defenders claims that the dead were killed by rival drug traffickers.

Action Taken: The Commission found the case admissible. The Commission decided to continue its analysis given its jurisdiction to hear the case and issue a report, which will be sent to all parties.

BRAZIL: Corumbiara, Case 11.556, Inter-Am. CHR No. 77/98

Complaint: Arts. 1(1), 4, 5

Summary of the Case: Property ownership of Santa Elina hacienda in the city of Corumbiara was in dispute. When police arrived to evict families an armed clash ensued and 11 farm workers were killed along with 2 policemen. Many more were injured and arrested. Allegations of abuse and torture by police arose.

Action Taken: The Commission found the case admissible. The

Commission will continue to examine the relevant issues and will consider 1) any unwarranted delay in adjudication in the last three years, 2) that the investigation is still not complete, and 3) that there have been no arrests.

BRAZIL: Ovelário Tames, Case 11.516, Inter-Am. CHR No. 19/98

Complaint: Arts. 8, 25 ; Art. I of the Declaration

Summary of the Case: Mr. Tames was beaten to death by civil police officers inside a police station after his arrest.

Action Taken: The Commission declared the case admissible and continued examining the pertinent issues to decide the merits of the case.

BRAZIL: Edson Damio Calixto *et al.*, Case 11.285, 11.290, Inter-Am. CHR No. 18/98

Complaint: Arts. 8, 25; Art. I of the Declaration

Summary of the Case: Mr. Calixto was shot by three military police officers and as a consequence was left paralyzed from the waist down. Mr. Serrano was shot by a military police officer and is also now paralyzed from the waist down.

Action Taken: The Commission found both petitions admissible and decided to continue examining the issues of each case in order to decide on the merits.

BRAZIL: Aluisio Cavalcanti Junior and others, Case 11.286, 11.406, 11.407, 11.412, 11.413, 11.414, 11.415, 11.416, 11.417, Inter-Am. CHR No. 17/98

Complaint: Arts. 8, 25; Arts. I, XVIII, XXIV of the Declaration

Summary of the Case: Petitioners allege that Mr. Coutrim and other victims were killed by state military police officers. The alleged crimes were committed by the military police of Sao Paulo who have gone unpunished for their illegal acts against defenseless victims.

Action Taken: The Commission declared the petition admissible and decided to further examine the issues and merits of the case.

BRAZIL: Newton Coutinho Mendes *et al.*, Case 11.405, Inter-Am. CHR No. 33/97

Complaint: Arts. 4, 5, 25

Summary of the Case: The Petitioners allege that a death squad formed by large ranchers was involved in the murder, kidnapping,

and beating of persons involved in or suspected of being involved in land occupations in the region of Pará.

Action Taken: The Commission declared the case admissible pursuant to Arts. 46, 47 and 48 of the American Convention.

D. CHILE: Andres Azocar, et al; Case 11.863, Inter-Am. CHR No. 95/98

Complaint: Arts. 23, 24

Summary of the Case: Petitioners allege that the previous government of Chile set up arbitrary and anti-democratic institutions that would trap the new democratic regime so that it could not replace anti-democratic institutions without violating the democratic policies and laws espoused by the democratic party. Petitioners allege that it has not been possible to rescind these legal institutions, which makes it impossible to honor the democratic commitment undertaken by Chile. Specifically, the Petitioners request that the Commission declared a violation of the right to equal suffrage which guarantees that Senators will be democratically elected. Petitioners also argue that the people of Chile have been discriminated against in that they have not been allowed to democratically elect their own Senators. The State responded that it is not responsible for the previously arranged questionable processes brought forth in the complaint.

Action Taken: The Commission ruled the case admissible and would analyze the case on the merits.

CHILE: Juan Pablo Omedo Bustos, et. al., Case 11.803, Inter-Am. CHR No. 31/98

Complaint: Arts. 12, 13, 1.1, 2; Arts. 26, 27 of the Vienna Convention

Summary of the Case: After revising the film, "The Last Temptation of Christ," to include historical, cultural, and social factors of sufficient merit, the National Motion Picture Rating Board reclassified the film so as to allow patrons over the age of 18 to see the film. However, the Court of Appeals ruled in favor of a motion claiming that the film attacked the right to honor Christ as established in Art. 19.4 of the constitution. The Supreme Court upheld the decision thereby prohibiting showing of the film. The petitioner claimed that the Chilean State violated the freedom of thought and expression as guaranteed in Arts. 12 & 13 and Arts. 26 & 27 of the Vienna Convention.

Action Taken: The Commission found the case admissible. The Commission agreed that it has jurisdiction to hear the case and that it is admissible according to the requirements established in Arts. 46 and 47. The Commission will continue to push for a friendly settlement.

E. COLOMBIA: Alvaro Lobo Pacheco *et al.*, Case 11.603, Inter-Am. CHR No. 112/99

Complaint: Arts. 1.1, 4, 5, 7, 8, 25; Amer. Decl. of the Rights of Man Arts. I, XVIII, XXVI

Summary of the Case: The petitioners alleged that while traveling together, they were stopped by firearms being fired from a nearby military check-point. An officer allegedly forced the travelers on a detour, where a paramilitary group, alleged to be acting on behalf of the National Army subsequently seized them. Their belongings were taken and they were presumed to be the victims of a forced disappearance and remain missing today. Witnesses alleged the victims were executed, but the State argued the victims took the detour to hide contra-band and thus the State had no rule in the alleged events.

Action Taken: The Commission held the case was admissible.

COLOMBIA: James Zapata Valencia *et al.*, Case 10.916, Inter-Am. CHR No. 100/99

Complaint: Arts. 4, 5, 7, 8, 25

Summary of the Case: Petitioners alleged that the victims' involvement in a guerrilla movement caused the Intelligence Group of the National Police to detain the victims at a restaurant. Three days after the victims' disappearance, the victims were identified through a newspaper article reporting the finding of two unidentified corpses. Petitioners argued, based on eyewitness testimony placing the two agents in the restaurant at the time of the disappearances, that the agents were responsible for the victims' disappearances and executions. The state argued the persons identified in the witness' photo identification were not the men alleged to be guilty and domestic remedies have yet to be exhausted.

Action Taken: The Commission held the case was admissible because the State's arguments regarding the exhaustion of domestic remedies are closely linked to the merits of the case and thus will be deferred.

COLOMBIA: Marta Lucía Álvarez Giraldo, Case 11.656, Inter-Am.

CHR No. 71/99

Complaint: Arts. 5(1), 5(2), 11(1), 24

Summary of the Case: While serving a prison sentence, Giraldo requested permission for a visit from her female partner pursuant to Colombian legislation granting the right of inmates to intimate visits. The request was ultimately denied. Giraldo alleges that the refusal to authorize the visit was based on her sexual orientation and thus violates her rights under the above Articles. The State alleges that, based on Latin America's low tolerance for homosexuality, allowing homosexual visits would adversely affect the internal disciplinary regime of prison establishments.

Action Taken: The Commission declared the case admissible.

COLOMBIA: Cesar Chaparro Nivia & Vladimir Hincapie Galeano, Case 11.026, Inter-Am. CHR No. 30/99

Complaint: Arts. 4, 5, 25

Summary of the Case: Mr. Nivia & Mr. Galeano were arrested by the Administrative Department of Security (DAS) for membership in the Patriotic Union (UP). On February 29, 1992 DAS agents arrested the two men and took them to DAS facilities. On March 4, 1992 Mr. Nivia died at San Juan De Dios Hospital due to injuries he sustain while in the custody of the DAS. Mr. Galeano sustained a fractured foot and a bullet wound during the arrest and was also taken to San Juan de Dios Hospital. Formal investigations against 15 agents began on November 9, 1992 to look into allegations of torture and responsibility of Mr. Nivia's death. The petitioner alleges undue delay in resolving the criminal case and ineffectiveness in determining individual responsibility.

Action Taken: The Commission found the case admissible. The Commission decided to analyze the merits of the case and make any reports available to both parties.

COLOMBIA: Carlos Manuel Prada Gonzalez & Evelio Antionio Bolano Castro, Case 11.710, Inter-Am. CHR No. 84/98

Complaint: Arts. 1, 4, 5, 25

Summary of the Case: Mr. Prada and Mr. Gonzalez were shot and killed by military forces in Blanquicet. Both men were in the town for the purpose of negotiating the demobilization and re-entrance of *Corriente Renovacion Socialista* (CRS) members into civil society. They had an agreement with one military representative that the area

would be de-militarized. The military trial that followed found accused military personnel not guilty. Colombia's Supreme Court recently declared grave military crimes against humanity as criminal proceedings and restricts military jurisdiction over the violations.

Action Taken: The Commission found the case admissible. The Commission decided that it would continue its analysis and reiterated its interest in a friendly settlement in accordance with the proceeding and so places itself at the disposal of the parties to reach a friendly settlement.

COLOMBIA: Jose Bernardo Diaz *et al.*, Case 11.227, Inter-Am. CHR No. 5/97

Complaint: Arts. 3, 4, 5, 7, 8, 16, 23, 25

Summary of the Case: petitioners allege that members of the Patriotic Union have suffered systematic persecution in the form of extrajudicial disappearances, unfounded criminal prosecutions, attempted assassinations and threats in an attempt to eliminate the party as a political force; petitioners allege that these acts constitute genocide; petitioners assert that the State is responsible since Government agents have been involved in the persecution and in the Government has not taken the appropriate steps to ensure that the rights of the members of the Patriotic Union were upheld.

Action Taken: The Commission ruled that the case was admissible. However, the Commission also found that the facts alleged did not establish that the case fell within the current definition of genocide as the Petitioners did not show that they were persecuted because of their national, ethnic, or racial identity. Thus the Commission will not consider the merits of the genocide claim; petitioners have shown, however, systematic persecution and attempts to eliminate or intimidate the members of the Patriotic Union that have been tolerated by the State.

F. DOMINICAN REPUBLIC: Narciso González, Case 11.324, Inter-Am. CHR No. 16/98

Complaint: Arts. 4, 5

Summary of the Case: Mr. González, a journalist, attorney and university professor, was detained by Dominican military troops and disappeared after leaving a movie theater in Santo Domingo.

Action Taken: The Commission declared the case admissible, placed itself at the disposal of the parties to assist them with a

friendly settlement, and invited the parties to hold a hearing in October 1998.

G. ECUADOR: Dayra Maria Levoyer Jiminez, Case 11.992, Inter-Am. CHR No. 29/00

Complaint: Arts. 5, 7, 8, 25

Summary of the Case: The petitioner maintains that Mrs. Levoyer Jiménez was detained without judicial order and held in solitary confinement for 39 days, during which time she was subjected to psychological torture. She was held, without a judgment being rendered, for more than five years, with all of the charges against her eventually being dismissed.

Action Taken: The Commission declared the case admissible and concluded that there may have been an unwarranted delay in the judicial proceedings in this case and thus the petitioners are exempt from the requirement of exhausting domestic remedies.

ECUADOR: Ruth Garces Valladares, Case 11.778, Inter-Am. CHR No. 14/98

Complaint: Arts. 1, 5, 7, 8, 11, 25

Summary of the Case: Petitioner alleges that Ms. Ruth Garces Valladares was illegally deprived of her liberty; held incommunicado by the Ecuadorian police; was not promptly brought before a judge; has not been tried within a reasonable time; her right to be presumed innocent was not respected; she was tried twice for the same acts; and arbitrarily detained.

Action Taken: The Commission declared the case admissible and continued with an analysis of the merits.

ECUADOR: Bolivar Camacho Arboleda, Case 11.515, Inter-Am. CHR No. 13/97

Complaint: Arts. 7, 8, 25

Summary of the Case: The Petitioner was arrested in 1989 and held in prison until 1995 when the charges against him were dismissed. He was released and the Petition seeks damages for having been arbitrarily deprived of his liberty.

Action Taken: The Commission declared the case admissible.

ECUADOR: Victor Rosario Congo, Case 11.427, Inter-Am. CHR No. 12/97

Complaint: Arts. 4, 5, 25

Summary of the Case: The Petitioner filed a complaint alleging that the victim died as a result of mistreatment and attacks by agents of the state prison. The Petition also alleges attacks and physical mistreatment of prisoners. The victim, a prisoner who was mentally ill, was attacked, injured, denied medical care and placed in solitary confinement. By the time the requests for the victims' removal to a hospital were complied with (nearly a week later) it was too late, the victim died a few hours after he arrived at the hospital. The autopsy report determined that he died of malnutrition and dehydration.

Action Taken: The Commission considered only the admissibility of the case and found all the requirements were satisfied except the exhaustion of domestic remedies; however the case qualified under the exception of unjustified delay in the decision regarding the means of recourse (Art. 37.2(c)) and the case was admissible.

H. EL SALVADOR: Ramon Garcia-Prieto Giralt, Case 11.697, Inter-Am. CHR No. 27/99

Complaint: Arts. 1.1, 4, 5, 7.1, 8, 25

Summary of the Case: On June 4, 1994, Mr. Giralt was with his wife and five month old son in the city of San Salvador when a group of unidentified individuals, wearing military style clothing and masks murdered Mr. Giralt. Petitioners alleged that the individuals had military ties. The state claimed the suspects were common criminals and were not working for the State. Since the murder Mr. Giralt's family and lawyers have been threatened and watched. Since the murder, one accused had been acquitted, while one had been convicted and is serving a 30 year sentence. One other was held in preventive custody for years while the state's only action has been to gather evidence. One other suspect had still not been indicted. Petitioners alleged that the Court of Justice of the Peace had not acted with diligence in solving the case and alleged negligence on the part of the prosecution for allowing evidence to disappear. Petitioners also claimed false information was given to Mr. Giralt's family members about the case. The state claimed that every appropriate step was followed and that one person was sentenced to thirty years in jail. The state also claimed to have complied with every precautionary measure.

Action Taken: The Commission found the case admissible. The Commission will continue to urge the parties to reach a friendly settlement.

I. GRENADA: Paul Lallion, Case 11.765, Inter-Am. CHR No. 124/99

Compliant: Arts. 4, 5, 7, 8, 24; Arts. I, II, XVIII, XXVI of the Declaration.

Summary of the Case: Lallion was convicted of murder and a mandatory death sentence was imposed on him pursuant to the domestic law of Grenada. The petitioners allege that Lallion did not receive the benefits of his rights under Grenada law and the absence of legal aid for Lallion renders the domestic remedies unavailable and insufficient.

Action Taken: The Commission declared the case admissible and concluded that the claims under the Declaration are inadmissible but the petition was otherwise admissible.

J. GUATEMALA: Diego Velasquez Soc and Maias Valesquez, Case 11.677, Inter-Am. CHR No. 32/99

Complaint: Arts. 1.1, 4, 5, 8

Summary of the Case: On May 24, 1993, Pastor Velasquez Soc was murdered and his father, Mr. Velasquez was shot while returning from a religious vigil. Petitioners alleged that the killers were identified by witnesses as Civil Self-Defense Patrols (PAC) members with intimate ties to the Guatemalan Army and that after five years had passed the state still was in the initial investigative phase of the case. The surviving family members continued to be followed and threatened. The State argued that it sent agents out to investigate those accused, however, they were unable to locate those individuals who have not been seen in their communities. The State alleged that it has taken measures to disband the PAC and is not responsible for the case. Furthermore, the state alleged that the petitioners failed to exhaust all available remedies.

Action Taken: The Commission found the case admissible. The Commission decided to analyze the case on the merits and report the findings to both parties.

GUATEMALA: Plan de Sanchez Massacre, Case 11.763, Inter-Am. CHR No. 31/99

Complaint: Arts. 4, 5, 7, 8, 12, 13, 19, 21, 24, 25

Summary of the Case: On the morning of July 18, 1982, 60 armed men dressed in military uniforms and four “*judiciales*” entered Plan de Sanchez and rounded up all the girls ages 12 to 20 into one house

where they were raped and killed. The rest of the population was forced into another house which was blown up with two grenades and shot with continued gunfire. The houses and bodies were later set on fire. Small children were kicked and shot to death. Those who escaped returned to find the bodies burned beyond recognition. Local PAC members and survivors were ordered to bury the bodies in 21 mass grave pits. For days, soldiers continued to return to the Maya-Achi populated community to threaten any returnees. Survivors from the community left for several years. The soldiers had previously come to the community every so often to ask about the residents who would often hide from the PAC. Subsequently anthropologists had exhumed at least 84 bodies from the burial pits. The Petitioners alleged the massacre was carried out in accordance with the scorched earth campaign of the State designed to defeat the insurgent movement through the strategic eradication of its civilian support base. The State responded by acknowledging that the massacre was part of a civil war in which wrongs were committed by all. The State claimed that the judiciary was responsible for examining acts of the military and not the state. The State also argued that the petitioners failed to exhaust all domestic remedies before submitting petition to the Commission.

Action Taken: The Commission declared the case admissible and will analyze the case on its merits.

GUATEMALA: María Eugenia Morales de Sierra, Case 11.625, Inter-Am. CHR No. 28/98

Complaint: Arts. 1, 2, 17, 24

Summary of the Case: Petitioners allege that several provisions of the Civil Code of the Republic of Guatemala, which define the roles of each spouse within a marriage, violate the American Convention.

Action Taken: The Commission declared the petition admissible, expressed its intention to help the parties reach a friendly settlement, and decided to continue with an analysis of the merits.

GUATEMALA: Francisco Guarcas Cipriano, Case 11.275, Inter-Am. CHR No. 22/98

Complaint: Arts. 1.1, 4, 5, 7, 8, 16, 25

Summary of the Case: Petitioners have reported the disappearance of Mr. Guarcas, who was last seen in the company of four men, Civil Self-Defense Patrol collaborators and members of the army intelli-

gence.

Action Taken: The Commission declared the case admissible and invited the parties to initiate a friendly settlement.

GUATEMALA: José Sucunú Panjoj, Case 11.435, Inter-Am. CHR No. 21/98

Complaint: Arts. 1, 4, 5, 7, 25

Summary of the Case: Mr. Sucunú, an active member in the human rights and popular education programs of the Counsel of Ethnic Communities Runujel Junam (CERJ), disappeared on October 29, 1994 and has not been seen or heard of since that date.

Action Taken: Declaring the petition admissible, the Commission decided to continue with an analysis of the merits of the case and assist the parties to reach a friendly settlement.

GUATEMALA: Emilio Tec Pop, Case 11.312, Inter-Am. CHR No. 53/97

Complaint: Arts. 1, 5, 7, 8, 19, 25

Summary of the Case: Petitioner alleges that he was deprived of his personal liberty when he was detained, interrogated, and beaten by armed soldiers.

Action Taken: The Commission found the case was admissible and decided to facilitate a friendly settlement and continue an analysis of the issues in order to make a determination on the merits.

GUATEMALA: Myrna Mack, Case 10.636, Inter-Am. CHR No. 10/96

Complaint: Arts. 2, 4, 25

Summary of the Case: The petition alleged that the victim was murdered in the street by Government agents. The investigation that followed was inadequate and the police investigator who prepared the original report implicating military personnel and government agents was murdered. Soon thereafter, another very different report was issued.

Action Taken: The Commission considered the case admissible.

GUATEMALA: Roberto Lissardi and Dino Rossi, Case 10.508, Inter-Am. CHR No. 25/94

Complaint: Arts. 5, 7, 8, 25

Summary of the Case: Human rights violations occurred when the army illegally arrested Petitioners by kidnapping and mistreating Pe-

tioners during their detention.

Action Taken: The Commission considered the case admissible since it concerned the illegal arrest of Petitioners as a violation of their right to personal liberty (Art. 7); the treatment endured by Petitioners and the threats made against their lives was a violation of their right to humane treatment (Art. 5). The Commission found that if the Petitioners were to be accused of a crime, they should have been brought to trial legally under their right to judicial protection (Art. 25). The Commission recommended that the government carry out an in-depth and impartial inquiry for the purposes of clarifying the responsibilities of both the illegal arrest and treatment of the petitioners. The Commission also recommended that the state grant the victims appropriate compensation, and that the state take necessary measures to cease the practice of illegal arrests and ensure judicial protection.

GUATEMALA: Harris H. Whitbeck Piñol and 69 others, Case 10.804(b), Inter-Am. CHR No. 21/94

Complaint: Arts. 8, 25

Summary of the Case: Mr. Whitbeck filed a complaint against the government of Guatemala when a group of candidates (himself included) for the Parliament were not allowed to register as candidates because their presidential candidate (and the entire slate submitted) had been rejected by the Electoral Tribunal Register of Citizens. In the process he was also denied a right to a personal defense and to an impartial trial because he was not allowed to appeal since only political parties had standing to appeal (not individuals).

Action Taken: The Commission determined that the case was admissible since it concerned violations of judicial guarantees (Arts. 2 and 8) and political rights (Art. 25). The Commission recommended that the government amend its election laws so as to provide expressly that candidates who are excluded may be replaced, in order to avoid unfortunate interpretations of the present law that involve violation of the political rights set forth in the American Convention.

K. JAMAICA: Whitley Dixon, Case 11.884, Inter-Am. CHR No. 28/99

Complaint: Arts. 4, 5, 8, 24, 25

Summary of the Case: Mr. Dixon was convicted of capital murder in the course of furtherance of an act of robbery and sentenced to

death under the Offenses Against the Person Act 1992. Petitioner questioned the mandatory nature of the death penalty in Jamaica and its violation of Arts. 4.1 (right to life). The Petitioner alleged that Mr. Dixon suffers from “querulant paranoia” and is no longer able to give rational instructions to his solicitor or to take an informed interest in his own case. Petitioners claimed that to execute Mr. Dixon while suffering from a mental illness amounts to cruel and unusual punishment. Rights allegedly violated by the State include: the right to life, right not to be subjected to torture, cruel or inhumane treatment, right to apply for amnesty, pardon, or commutation of sentence, and the right to judicial protection.

Action Taken: The Commission agreed to analyze the case and issue a precautionary measure pursuant to Art. 29.23 and request a stay of execution until the Commission has reviewed the merits of the case.

JAMAICA: Kevin Mykoo, Case 11.843, Inter-Am. CHR No. 90/98

Complaint: Arts. 1,4(1), 4(6) 5(1), 25(1)

Summary of the Case: The Government of Jamaica held Mr. Mykoo prisoner for 3 months while denying him permission to see a lawyer. During his detainment, the Petitioner alleged that Government agents tortured Mr. Mykoo in a successful effort to coerce a confession from him.

Action Taken: The Commission resolved that the Government of Jamaica violated Arts. 4(1), 4(6), 7(5), 8(1), 5(2), and 25(1).

JAMAICA: Leroy Lamey, Case 11.826, Inter-Am. CHR No. 89/98

Complaint: Arts. 4.1, 4.6, 5.1, 5.2, 24, 25.1; Arts. II, XXVI, XXVIII of the Declaration

Summary of the Case: Mr. Lamey was twice convicted of capital murder on separate occasions. Each conviction was reduced to non-capital murder. However, upon sentencing for the second murder Mr. Lamey was sentenced to death based on the Offenses Against the Person Act, in which a person convicted of murder twice can be sentenced to death. Mr. Lamey’s right to a fair trial, right to humane treatment, and right to judicial protection were allegedly violated because of the deplorable conditions of the prison and the lack of hearing to determine if the death penalty should be applied in Mr. Lamey’s case. Mr. Lamey was set to be executed on June 10, 1997, but was granted a stay of execution pending the outcome of investi-

gation by the Commission.

Action Taken: The Commission declared the case admissible.

JAMAICA: Milton Montique, Case 11.846 & Dalton Daley, Case 11.847, Inter-Am. CHR No. 88/98

Complaint: Arts. 4.1, 5.1, 7.5, 7.6, 8, 25.1; Arts. XXV, XXVI of the Declaration.

Summary of the Case: Both persons were arrested on April 1, 1992 and not brought to trial until October 31, 1994. During these years they were imprisoned at St. Catherine District Prison. Both did not have access to attorneys until after two months of incarceration and were incarcerated for one month before being brought before a judicial officer. Both were convicted of three offenses of capital murder and questions remain as to whether there was any evidence on which to convict. The petitioners alleged violations of: 1) the right to life, 2) the right to humane treatment, 3) the right to judicial protection, 4) the right to a fair trial, 5) the right to personal liberty.

Action Taken: The Commission declared the case admissible.

JAMAICA: Delford Gardener, Case 11.321, Inter-Am. CHR No. 7/97

Complaint: Arts. 5, 8; Arts. 7, 10 of the International Convention on Civil and Political Rights

Summary of the Case: Mr. Gardener was convicted and sentenced to death in a trial where he claims that the counsel briefed by him prior to trial did not appear at trial, and the judge denied his request for a continuance in order to obtain representation, but rather appointed new counsel right then and proceeded with the trial. Thus his counsel was not prepared, had not spoken with Mr. Gardener. Petitioner also claims that Mr. Gardener has been subjected to inhumane treatment in prison where he has been on death row for five and a half years.

Action Taken: The Commission looked only at the issue of exhaustion of domestic remedies as it relates to admissibility and found that Mr. Gardener had exhausted domestic remedies and the case is admissible.

L. MEXICO: Ana González Pérez *et al.*, Case 11.565, Inter-Am. CHR No. 129/99

Complaint: Arts. 5, 7, 8, 11, 19, 25

Summary of the Case: Allegedly, military personnel arbitrarily and

illegally detained three sisters and their mother for two hours for purposes of interrogation. The sisters were separated from their mother and were tortured, raped, and beaten several times by the military personnel. After receiving death threats, they were eventually released but remained in hiding for several weeks for fear of reprisal. The State denies that the events occurred.

Action Taken: The Commission declared the case admissible and concluded that exhaustion of domestic remedies may not have been possible in this case and would consider this petition in part to determine if the domestic remedies were in fact exhausted.

MEXICO: Sebastián Sánchez López *et al.*, Case 11.810, Inter-Am. CHR No. 74/99

Complaint: Arts. 4, 5, 7, 8, 12, 13, 16, 24, 25

Summary of the Case: A paramilitary group ambushed a group of indigenous peasants, ultimately killing two and contributing to the disappearance of another. Petitioners alleged that the domestic remedies available were ineffective because the response from the State was "brief, evasive, and incomplete." The State alleged that not all remedies were exhausted and the petition should be rendered inadmissible.

Action Taken: The Commission declared that the petition was admissible under Arts. 4, 5, 7, 8, and 25 but the petitioners failed to state a colorable claim of a violation of any rights under Arts. 12, 13, 16, and 24 and the petition was inadmissible under these Arts.

MEXICO: Loren Laroye Riebe Star, Case 11.610, Inter-Am. CHR No. 34/98

Complaint: Arts. 5, 7, 8, 11, 13, 15, 16, 21, 22, 25

Summary of the Case: On June 22, 1995, three separate but identical incidents of kidnapping, unwarranted invasive physical examinations took place against religious clergy by unidentified men at the Chiapas Judicial Police headquarters. Rev. Riebe, Rev. Baron Gutlein and Rev. Izal Elorz were forced from their car or office at gun point and taken to Chiapas where they were stripped of clothing and physically examined without the ability to use restrooms or to be informed of the reasons for their capture. Afterwards, they were taken by airplane to Mexico City where they were interrogated, accused of immigration violations and deported without the availability of a lawyer or the assistance of US immigration officials. Upon arrival in

Miami, the three reverends were informed of the charges against them and the reasons for their expulsion.

Action Taken: The Commission declared the case admissible.

MEXICO: Clemente Ayala Torres *et al.*, Case 10.545, Inter-Am. CHR No. 33/98

Complaint: Arts. 4, 5, 8, 11, 13, 21, 22, 23

Summary of the Case: During the elections of 1989, petitioner alleged that the Governor of Guerrero carried out attacks on protestors, was responsible for murder, excessive force, injuries, failure to investigate crimes, illegal deprivation of liberty and acts of defamation and calumny. The State argued that Petitioners failed to exhaust all legal remedies available in the State.

Action Taken: The Commission declared the case admissible and inadmissible with respect to certain claims. The Commission decided to analyze claims pertaining to cases of specific situations that provided IACHR with enough information as to the identity of victims and the remedies sought, but found that other cases described general situations with little information as to identities and the remedies sought, such that the IACHR would not be able to hear the case.

MEXICO: Manuel Manriquez San Agustin, Case 11.509, Inter-Am. CHR No. 9/97

Complaint: Arts. 1, 5, 7, 8, 25

Summary of the Case: The Petitioners allege the State was responsible for the illegal and arbitrary arrest for crimes in which no evidence existed. The Petition further alleges that the victims were tortured until they confessed. Murder trials were held based on the confessions, which resulted in a sentence of 27 years in prison. Further appeals denied.

Action Taken: The Commission only considered the issue of admissibility and found that since the case filed against the torturers had been filed for over 6 years and yet the investigation was still being conducted this qualified as an undue delay; additionally as to the conviction for murder petitioner has no further recourse under the Mexican judiciary.

MEXICO: Severiano Santiz Gomez, *et al.*, Case 11.411, Inter-Am. CHR No. 43/96

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: The Petition alleged the Army violently entered an indigenous community in Chiapas, forced inhabitants to gather together, held them and looted their houses. The Petition claims the Army then selected three men, tortured them and finally killed them.

Action Taken: The Commission only reviewed the admissibility of the case and found that it was admissible as remaining domestic remedies were subject to undue delay and other remedies proposed by the government would not afford petitioners effective remedy for the alleged violations.

M. NICARAGUA: Milton Garcia Fajardo, Case 11.381, Inter-Am. CHR No. 14/97

Complaint: Arts. 8, 10, 16, 25

Summary of the Case: Petitioners were fired from their jobs following a strike. A court ruled that their employer was required to re-hire them but did not.

Action Taken: The Commission only considered the issue of admissibility and found that Petitioners have no other remedy available either via the ILO or under further domestic administrative or judicial remedies.

N. PARAGUAY: José Víctor Dos Santos *et al.*, Case 11.506, Inter-Am. CHR No. 87/99

Complaint: Arts. 46, 47

Summary of the Case: Petitioners alleged that they were incarcerated for more than ten years without ever having been convicted or sentenced. One of the petitioners also alleged that he spent five months in a hospital as a result of torture he suffered when he was taken into custody.

Action Taken: The Commission concluded that there was an unjustified delay in the judicial proceedings since more than fourteen years elapsed since the proceedings were initiated. Thus, the rule requiring exhaustion of domestic remedies was not applicable in this case and the petition was therefore admissible.

O. PERU: Mariela Barreto Riofano, Case 12.095, Inter-Am. CHR No. 30/00

Complaint: Arts. 4, 5, 7, 8

Summary of the Case: The remains of the victim's body were discovered along the road. Allegedly, State security agents had tor-

tured, killed and dismembered the body of the victim. The State alleges that the Petition was inadmissible because the domestic remedies had not yet been exhausted and the subject of the Petition was pending in another international proceeding.

Action Taken: The Commission concluded that there was no duplication of procedures and since there was an unwarranted delay in the investigation, the exception to exhaustion of domestic remedies applied in this case.

PERU: Carlos Torres Benvenuto *et al.*, Case 12.034, Inter-Am. CHR No. 89/99

Complaint: Arts. 21, 24, 25

Summary of the Case: Petitioners were employed as officials in a state agency. Upon retirement, the petitioners began to receive a severance pension. Shortly thereafter, the amount of their pensions was arbitrarily reduced. The Supreme Court of Justice of Peru ordered the pensions to be reinstated to the original amount. This order was not complied with. The State alleged that pursuant to new economic policy guidelines, the judicial order was no longer applicable and the petition was inadmissible because domestic remedies were not exhausted and the period for submitting the claim had expired.

Action Taken: The Commission concluded that the petition was admissible because domestic remedies were not exhausted and the period for submission of the claim had not expired.

PERU: César Cabrejos Bernuy, Case 11.800, Inter-Am. CHR No. 75/99

Complaint: Art. 25

Summary of the Case: Bernuy was relieved of duty from the National Police as part of a supposed staff reorganization. A court order granted his reinstatement but the Police did not comply with the order. Bernuy alleged that the State infringed on his right to judicial protection. The State alleged that Bernuy failed to exhaust all domestic remedies and the case was thus inadmissible.

Action Taken: The Commission declared the case admissible.

PERU: Alan Garcia Perez, Case 11.688, Inter-Am. CHR No. 43/99

Complaint: Arts. 8, 9

Summary of the Case: Petitioner alleged that the rights of Mr. Perez were violated when a judge declared him guilty of contempt of court for having fled from charges of illegal enrichment and declared

the term of the statute of limitations on the corresponding criminal proceeding to be interrupted until Mr. Perez brought himself before the court. The petitioner alleged that Law No. 26.641 was passed by the Congress specifically directed at Mr. Perez and establishes that the statute of limitations will not run on his case when a judge has declared him in contempt of court. The petitioner alleged that this violates the constitution because laws passed are not retroactive and that the judicial process was interrupted for a political purpose. The state claimed that the petitioner had not exhausted all his remedies.

Action Taken: The Commission declared the case admissible.

PERU: La Cantuta, (Hugo Munuz Sanchez, Bertila Lozano Torres, Dora Oyague Fierro, Luis Enrique Ortiz Perea, *et al.*), Case 11.045, Inter-Am. CHR No. 42/99

Complaint: Arts. 4, 5, 7, 8, 25

Summary of the Case: On July 18, 1992, different factions of the Peruvian army entered the Enrique Guzman y Valle National University (La Cantuta) and abducted one professor and nine students in the middle of the night and executed them after first subjecting them to torture. Their bodies were buried in three graves along a highway. However, once a complaint was made to a congressman, the bodies were dug up, burned and moved to several different sites. News of the graves were reported by a magazine and investigation of the new grave sites revealed evidence of bones, hair, wallets, quick lime and keys. When Lt. Gen. Rodolfo Robles Espinoza denounced the violations publicly, he was fired, tried and threatened and had to seek asylum in Argentina. The military justice system intervened, allegedly to protect higher ranking army officials from prosecution, and several laws were passed granting the Army investigatory and forgiveness powers. The Petitioner argued that the military usurped Congressional powers, banned any new investigations and released all those being held in connection to the incidents. The State claimed no results have been developed from the investigations and that no one has been able to be identified as the perpetrators.

Action Taken: The Commission declared the case admissible and decided to postpone the decision on its competence *ratione materiae* regarding the possible masterminds behind the massacre until its in-depth report.

PERU: Lori Berenson, Case 11.876, Inter-Am. CHR No. 56/98

Complaint: Arts. 5, 7, 8, 25

Summary of the Case: US citizen Lori Berenson was arrested on November 30, 1995 and interrogated illegally for several days and nights by the police without counsel. She was questioned in the presence of a prosecutor and examining magistrate from the military without being told of the charges against her. At trial, the court did not inform her of the charges nor was she permitted to challenge the testimony or cross-examine witnesses. She was not allowed to produce any evidence in her favor and on January 11, 1996 she was sentenced to life imprisonment by a faceless military court. During her detention, Petitioner alleged Berenson was subjected to cruel and inhuman treatment.

Action Taken: The Commission declared the case admissible.

PERU: Pedro Huilca Tecse, Case 11.768, Inter-Am. CHR No. 55/98

Complaint: Art. 4.1

Summary of the Case: On December 18, 1992, Tecse was assassinated in front of his home by a group of men and women thought to be part of a government-supported paramilitary group called the Shining Path. Tecse was the Secretary General of the General Confederation of Workers, which took up workers rights and is disavowed by President Fujimori. Petitioner pointed to a video of former agent Mesmer Carles Talledo stating that the order to kill Tecse was given in his presence by General Juan Rivero Lozano to Major Santiago Martin Rivas. The State maintained that guilty persons were detained and convicted and that all domestic legal remedies were not exhausted.

Action Taken: The Commission declared the case admissible.

PERU: Leonor La Rosa Bustamante, Case 11.756, Inter-Am. CHR No. 54/98

Complaint: Art. 5; Art. 7 of the Inter-American Convention on the Prevention Punishment and Eradication of Violence Against Women

Summary of the Case: On February 8, 1997, Mrs. La Rosa Bustamante was kidnapped by members of the Peruvian Army Intelligence Service (SIE) and tortured in the basement headquarters by fellow SIE members. She was beaten, and shocked by electric current. Her hands, legs and arms were burned. She suffered nasal and vaginal hemorrhaging and received an injury to her spinal cord that has left her prostrate in a wheelchair. She has since been subject to

another attempted abduction while at a military hospital. Four members were convicted of the acts and sentenced to eight years in prison, though a higher military court overturned the judgment for two of the agents and acquitted them. The government contended that petitioners have not exhausted domestic remedies.

Action Taken: The Commission declared the case admissible.

PERU: Rodolfo Gerbert Asencios Lindo, Rodolfo Dynik Asencios Lindo, Marco Antonio Ambrosio Conha & Carlos Florentio Molero Coca, Case 11.182, Inter-Am. CHR No. 53/98

Complaint: Arts. 5, 7, 8

Summary of the Case: Petitioner argues that on April 30, 1992 university students were arrested in public while on their way to visiting relatives and that DINCOTE officers detained them until May 14, 1994. While incarcerated the young men were savagely tortured until they incriminated themselves by signing a false admission of guilt stating that they were arrested at a meeting place where they were planning terrorist activities. The men were charged but the 43rd Criminal court and the Public Prosecutor determined they were innocent. A writ for their release was issued but never acted upon. Subsequently the special Division of the Superior Court sentenced the men to 10 to 12 years in prison. The court was composed of "faceless" judges who did not consider the earlier court's reasoning. Petitioner alleged that the arrests and incarcerations are in retaliation for the actions of a father who is a judge.

Action Taken: The Commission declared the case admissible.

PERU: Manuel Aguirre Roca, Guillermo Rey Terry, & Delia Revoredo De Mur, Case 11.760, Inter-Am. CHR No. 35/98

Complaint: Arts. 8, 25

Summary of the Case: The full Congress dismissed several Justices based on charges that they "usurped the name of the Constitutional Court by deciding on the request of clarification filed by the Bar Association of Lima in unconstitutionality suit No. 002-96-TC." The Bar Association had filed an action of unconstitutionality against President Fujimori's run for re-election. The Constitutional Court issued its ruling that Art. 112 did not apply to President Fujimori and subsequently the Bar Association requested clarification on the ruling.

Action Taken: The Commission declared the case admissible.

PERU: Baruch Ivcher Bronstein, Case 11.762, Inter-Am. CHR No. 20/98

Complaint: Arts. 8, 13, 20(3), 21(1), 25

Summary of the Case: Mr. Baruch Ivcher Bornstein, a naturalized Peruvian citizen and majority shareholder of a television channel, alleges that he was wrongfully denied his right to citizenship.

Action Taken: The Commission decided that effective domestic remedies did not exist for the petitioner to exhaust and held that the it might eventually declare the petition inadmissible if, when examining the merits, it found a change in circumstances.

PERU: Walter Humberto Vásquez, Case 11.166, Inter-Am. CHR No. 46/97

Complaint: Arts. 8, 9, 23, 25

Summary of the Case: Mr. Humberto Vásquez, former Justice of the Supreme Court of Peru, alleges that he was arbitrarily removed from office along with twelve other Supreme Court Justices pursuant to a Decree Law issued on April 9, 1992.

Action Taken: The Commission declared the petition admissible given that petitioner had exhausted the available domestic remedies and given that the facts alleged tend to establish a violation of the rights guaranteed in the Convention.

PERU: Jaime Salinas, Case 11.084, Inter-Am. CHR No. 27/94

Complaint: Arts. 1, 5, 7, 8, 9, 15, 24, 25

Summary of the Case: The Petition alleged that victims were shot at, arrested illegally and arbitrarily. The Petitioners also claim that the victims were held incommunicado, tortured, and denied a fair trial.

Action Taken: The Commission considered violations of Arts. 5, 7, 8, 25. The Commission determined that the case was admissible since it concerned violations by the State for holding of Petitioners incommunicado as a violation of their rights to fair trial (Art. 8) and personal liberty (Art. 7). By assuming the Petitioners guilt, the State violated their right to be presumed innocent (Art. 8); the irregularities found in the trial that was conducted violated their right to a fair trial and to judicial protection (Art. 8, 25). As the government had not responded to any of these cases (or has responded only briefly on specific points of procedure), the Commission presumed by implication that the Government waived its rights to invoke questions as to

the admissibility of the action. Also, the absence of a response from the State presumed the facts presented by petitioners were not disputed by the Government and were true, absent evidence leading to a different conclusion.

P. SURINAME: Moiwana, Case 11.821, Inter-Am. CHR No. 26/00

Complaint: Arts. 1(1), 8(1), 25(1), 25(2); Arts. I, VII, IX, XXIII of the Declaration

Summary of the Case: In November 1986, the military began a "cleansing" operation in Eastern Suriname and ordered the civilians to evacuate the area. After many residents did not leave, an attack was launched on the village resulting in the death of forty people and the intentional destruction of property. The Petitioners claimed that there was an unwarranted delay of justice since more than ten years had passed since the petition was filed and thus the exception to the exhaustion of domestic remedies applied. The State never replied to the requests for comments.

Action Taken: The Commission declared that the case admissible.

Q. TRINIDAD & TOBAGO: Martin Reid, Case 12.052, Inter-Am. CHR No. 37/99

Complaint: Arts. 4, 5, 8, 24, 25

Summary of the Case: Petitioner was convicted of the murder of Ms. Fabrina Alleyne. Petitioner alleges that the failure of the prosecution to release to the defense prior to trial the eye witness statements made to the police made it impossible to impeach witnesses for inconsistencies. Also, the petitioner alleged that the mandatory death sentence violates Arts. 4, 5, & 24 and that the prison conditions violate international standards.

Action Taken: The Commission declared the case admissible.

TRINIDAD & TOBAGO: Mervyn Edmund, Case 12.042, Inter-Am. CHR No. 36/99

Complaint: Arts. 4.1, 4.2, 4.6, 5.1, 5.2, 7.5, 8.1, 8.2, 24, 25

Summary of the Case: Petitioner was convicted of the murder of Ms. Minerva Sampson and sentenced to death. Petitioner alleged his rights were violated by the state for having to wait three years for his trial, that the jury instructions at trial were given in error, that the mandatory imposition of the death penalty is unfair, that he had no right to be heard by an advisory committee and that there exists no system for verifying the conditions in which he is imprisoned.

Action Taken: The Commission declared the case admissible.

TRINIDAD & TOBAGO: Wilson Prince, Case 12.005, Inter-Am. CHR No. 35/99

Complaint: Arts. 4.1, 4.6, 5, 7.5, 8, 24

Summary of the Case: Petitioner was convicted for the murder of Ms. Ida Sebastian Richardson on November 6, 1993. Petitioner alleged that the mandatory imposition of the death penalty in all cases of murder is tantamount to cruel, inhuman and degrading punishment. Also, petitioner alleged that his post conviction prison conditions violate international standards and that he waited two years and eleven months to get to trial while being held in prison. The state requested that any submission by the Commission be given within six months if it is to be considered.

Action Taken: The Commission declared the case admissible.

TRINIDAD & TOBAGO: Indravani Pamela Ramjattan, Case 11.837, Inter-Am. CHR No. 92/98

Complaint: Arts. 4, 5, 8, 11

Summary of the Case: Petitioner was convicted of the murder of Alexander Jordan. Petitioner, at the age of 17, was sent to live with Alexander Jordan, age 33, by her parents against her will. They had six children together while petitioner alleged she was subjected to a reign of terror through physical and mental abuse. It is further alleged that petitioner was not at the scene of the murder, but that petitioner's lover and father of her unborn fetus, Denny Baptiste, struck the fatal blows that killed Mr. Jordan. Petitioner alleges that she has been kept from visits with her children, waited two years and six months before going to trial, and received no notice of the charges against her. Furthermore, petitioner alleges that she had little opportunity to prepare her defense as she visited with her attorney just twice before trial for twenty minutes and saw her attorney for 3-5 minutes on the day of the trial.

Action Taken: The Commission declared the case admissible.

TRINIDAD & TOBAGO: Denny Baptiste, Case 11.840, Inter-Am. CHR No. 91/98

Complaint: Arts. 5, 7, 8

Summary of the Case: Petitioner waited four years for trial and was convicted for the murder of Alexander Jordan. The petitioner alleges that the first time he met with his lawyer was just before his

hearing, one year after first being arrested. Also, the Petitioner alleged that Baptiste was allowed to meet with his attorney only five minutes during trial and the judge erred in his direction to the jury.

Action Taken: The Commission declared the case admissible.

TRINIDAD & TOBAGO: Anthony Garcia, Case 11.855, Inter-Am. CHR No. 45/98

Complaint: Arts. 4, 5, 8

Summary of the Case: Mr. Garcia was convicted of murdering Mr. Cyril Roberts and sentenced to death on October 30, 1996. The petitioner alleged that he was not allowed to consult with an attorney until 4 weeks after his arrest, was inadequately consulted during the preliminary hearing, inadequate opportunity to consult with counsel and that the jury was given improper directions.

Action Taken: The Commission declared the case admissible.

TRINIDAD & TOBAGO: Anderson Noel, Case 11.854, Inter-Am. CHR No. 44/98

Complaint: Arts. 4, 5, 7.5, 8

Summary of the Case: Petitioner alleged that he did not have a fair trial and was unfairly convicted because the judge instructed the jury wrongly as to the felony murder rule. Petitioner alleges that he would not have been convicted of murder because he had no intent to kill or cause serious injury.

Action Taken: The Commission declared the case admissible and requested provisional measures from the court and a stay of execution was issued as a result of the filing of a constitutional motion.

TRINIDAD & TOBAGO: Haniff Hilaire, Case 11.816, Inter-Am. CHR No. 43/98

Complaint: Arts. 5, 7, 8

Summary of the Case: The Petitioner was sentenced to death for the murder of Mr. Alexander Jordan and all requests for appeal were dismissed. Petitioner alleged that the police fabricated evidence against him, that the victim knew nothing of the deceased until he was questioned by police, that Hilaire was detained in custody awaiting trial for over 4 years, that Hilaire had inadequate defense, and that during trial Hilaire was only allowed several minutes a day with his lawyer.

Action Taken: The Commission declared the case admissible.

TRINIDAD & TOBAGO: Anthony Briggs, Case 11.815, Inter-Am. CHR No. 37/98

Complaint: Arts. 5, 7, 8

Summary of the Case: Petitioner was sentenced to death for the murder of Siewdath Ramkinssoon. Appeal of the convictions was dismissed. The appeal was based on the ground that a material irregularity had occurred in the course of the trial in that a prior inconsistent statement on oath of the witness was not put into evidence for the consideration of the jury.

Action Taken: The Commission declared the case admissible.

R. VENEZUELA: Reinaldo Figueredo Planchart, Case 1.298, Inter-Am. CHR No. 81/98

Complaint: Arts. 5, 8, 24, 25

Summary of the Case: The Petitioner was arrested for the charge of misappropriation of funds and embezzlement while he was Minister of the Presidential Secretariat and Minister of Foreign Affairs. It is alleged that he was investigated by the Office of Comptroller without his knowledge and that evidence gathered by the Office was given to the Supreme Court of Justice without giving the petitioner a chance to respond to it. Accordingly, Petitioner alleged that due process was not afforded and that no response was given to his request for an administrative inquiry into the charge against him. The commission requested the suspension of incarceration until it decided the merits of the case.

Action Taken: The Commission declared the case admissible.

III. CASES DEEMED INADMISSIBLE

A. ARGENTINA: Horacio Anibal Schillizzi Moreno, Case 11.732, Inter-Am. CHR No. 22/00

Complaint: Arts. 1, 5, 7, 8, 24, 25

Summary of the Case: Moreno was jailed for three days for obstructing justice after he requested several recusations before an Argentine court, which caused a six-month mortgage proceeding to carry out three years. Petitioners, on behalf of Moreno, argued that the penal nature of the imprisonment entitled Moreno to due process rights and Moreno was arbitrarily punished.

Action Taken: The Commission found the alleged violations of Arts. 1, 7, 8, and 25 admissible, but found Arts. 5 and 24 inadmissible.

ARGENTINA: Bernard Merens and family, Petition, Inter-Am. CHR No. 103/99

Complaint: Arts. 8(1), 25

Summary of the Case: Petitioners, a family who entirely constitutes a company, began construction on an urban real-estate development project. The new government then expropriated all of the land on which the company was developing. The remedies sought by the company were exhausted and the individual petitioners then sought additional remedies. The petitioners alleged violation of the right to effective recourse and judicial protection.

Action Taken: The Commission held that the Case was inadmissible because the remedies were already exhausted by the company as a business entity and the expropriation and trial did not personally concern the individuals appearing as petitioners before the Commission.

ARGENTINA: Norma Dominga Carpi De Szukalo, Case 11.707, Inter-Am. CHR No. 69/99

Complaint: Arts. 1, 2, 8.1, 21, 25

Summary of the Case: Petitioner alleged she was deprived of real property after the State used “pseudo attorneys” and notaries to falsify certified documents regarding the sale of three real estate properties. Petitioner argued that an eleven-year delay in civil proceedings violated the Code of Civil Procedure timelines and due process, despite the fact that ultimately the properties were repossessed and turned over to the heirs. The State argued the Petitioner failed to exhaust all legal remedies and failed to take accountability for procedural steps that could have been used to shorten the eleven-year delay.

Action Taken: Because the Petitioner recovered property in a civil suit, the property claims were found inadmissible as was the claim surrounding the Code of Civil Procedure time guidelines. The Commission found the claims brought under Art. 8.1 admissible.

ARGENTINA: Mevopal, S.A., Petition, Inter-Am. CHR No. 39.99

Complaint: Arts. 8, 21, 24

Summary of the Case: Mevopal, a construction company, sought

rescission of three contracts due to negligence and payment of damages from its contracts with Provincial Housing Institute in Buenos Aires. The Commission had to decide whether the Commission had *ratione personae* competence to examine the company as a legal entity.

Action Taken: The Commission declared the case inadmissible and decided that Mevopal had neither alleged nor proved that either its shareholders or any other physical person were victims of human rights violations, even though it may be a juridical person.

ARGENTINA: Victor Saldano, Petition, Inter-Am. CHR No. 38/99

Complaint: Arts. 44, 45; Arts. I, II, XVIII, XXIV, XXVI of the Declaration

Summary of the Case: The Commission rejected the petition *in limine litis* due to its lack of jurisdiction. Petitioner Lidia Guerrero filed the petition against Argentina for alleged violations to Mr. Saldano by the United States of America for the sentencing to death of Mr. Saldano. Petitioner alleged that the Republic of Argentine should bring an action against the United States for violating Mr. Saldano's human rights and that because it had not, Argentina was responsible for the violations of the right to life, right to a fair trial, right to judicial protection and failed in its obligations to protect those rights.

Action Taken: The Commission declared the case inadmissible and ruled that Argentina had no obligation to lodge a complaint against the United States merely on the basis of citizenship alone when a foreign state prosecutes a national for acts committed within the borders of the foreign state.

ARGENTINA: Carlos Garcia Saccone, Case 11.671, Inter-Am. CHR No. 8/98

Complaint: Art. 9 of the Additional Protocol; Arts. 11, 16 of the Declaration

Summary of the Case: Mr. Saccone, as the official representative of contributors to a retirement fund, filed an appeal at the Court of Appeals La Plata claiming that the Second Federal Court of Appeals had incorrectly reversed a previous ruling which would have resulted in the return of contributed funds.

Action Taken: The complaint was declared inadmissible pursuant to Art. 47 of the American Convention; insofar as Art. 21, the Peti-

tioner did not present evidence to demonstrate that the Federal Court of Appeals violated the right to property; if the interpretation of rules does not violate any of the rights protected by the American Convention, the Commission cannot review it. The Commission found that the complaint did not raise a colorable claim of a violation of Arts. 24 and 29 of the American Convention. The Commission determined that it is not competent to review the decision adopted by the judicial authorities of Argentina.

ARGENTINA: Ernesto Maximo Rodriguez, Case 10.382, Inter-Am. CHR No. 6/98

Complaint: Arts. 8, 11, 21, 25

Summary of the Case: The National Court of First Instance ordered the company Elcer S.A. and its attorney, Mr. Rodriguez, to pay a fine. Mr. Rodriguez appealed that courts decision. Ultimately, the Supreme Court rejected that appeal.

Action Taken: The complaint was declared groundless pursuant to Art. 47 of the American Convention. Art. 8(2) was deemed inapplicable because the measure imposed on the Petitioner was not of a criminal nature. The Commission further found that Art. 8(1) had not been violated and as a result did not find a violation of Art. 25, the right to judicial protection. The alleged violations of Arts. 11 and 21 were not substantiated by the Petitioner.

ARGENTINA: Santiago Marzioni, Case 11.673, Inter-Am. CHR No. 39/96

Complaint: Arts. 21, 24

Summary of the Case: The Petitioner was disabled in a work related accident and sought damages and a declaration of unconstitutionality of the Argentine compensation limits index; the Supreme Court refused to hear his petition; petitioner claims that the Supreme Court should have followed two prior cases it had decided where it found the compensation limits to be unconstitutional and awarded much higher damages; according to those cases he should have received approximately 81,000 pesos, rather than the 500 pesos he was awarded.

Action Taken: The Commission found the case inadmissible because the information available to the Commission disclosed no violation of the right to property (Art. 21), equal protection (Art. 24) or fair trial (Art. 8) or judicial protection (Art. 25).

B. BAHAMAS: Brian Schroeter *et al.*, Case 12.086, Inter-Am. CHR No. 123/99

Complaint: Arts. 4.1, 4.2, 4.6, 5, 7.5, 8.1, 8.2, 24, 25; Arts. I, II, XVII, XVIII, XI, XXV, XXVI of the Declaration

Summary of the Case: Petitioners brought claims challenging the State policy, which required the mandatory execution of convicted murderers, such as these victims. Petitioners alleged the Bahamas violated the victims' rights during the proceedings leading to the execution because there was a 26 month delay before trial, confessions were brought by allegedly coercive violence, and there was no available legal aid. Petitioners requested precautionary measures to prevent the irreparable damage that would result from subsequent executions while these proceedings are pending before the Commission.

Action Taken: Because the Bahamas have not ratified the Convention, all Convention claims were inadmissible. The Declaration is the Bahamas source of legal norms so the Commission is competent to hear claims regarding the alleged violation of the Declaration and all claims are admissible.

C. COLOMBIA: Jorge Enrique Benavides, Inter-Am. CHR No. 34/97

Complaint: Arts. 8, 23.1, 24, 25

Summary of the Case: Mr. Benavides applied for an open position as a magistrate for the Superior Court. After not being offered the position, Mr. Benavides presented an administrative complaint, which was rejected, and filed both a suit of legal protection and an action with the Constitutional Court, declaring unconstitutional the norms applied.

Action Taken: The Commission decided that the petition was inadmissible as it did not allege facts, which tended to establish any violation of the American Convention by Colombia.

COLOMBIA: Nelson Eduardo Jimenez Rueda, Inter-Am. CHR No. 4/97

Complaint: Arts. 8, 9, 10, 25

Summary of the Case: Petitioner's license to practice law was suspended for one year allegedly in violation of his rights, following his representation of a client with property interest in an apartment subject of a divorce proceeding between the client's uncle and his wife.

Action Taken: The Commission found the petition inadmissible because the facts presented did not establish a violation of the principle of legality and retroactivity (Art. 9), the right to due process (Art. 8) or the right to a defense (Art. 8).

D. COSTA RICA: Gilbert Bernard Little, Case 11.472, Inter-Am. CHR No. 85/98

Complaint: Art. 25

Summary of the Case: Mr. Little claimed he paid contributions for 30 years as a public-sector employee with the expectation of receiving a retirement pension and that he paid the necessary amount to receive a Treasury System pension but was denied his pension by the Supreme Court of Justice due to lack of active civil service at the time that he requested the pension.

Action Taken: The Commission declared the case inadmissible and decided that the allegations did not constitute a violation of the American Convention.

COSTA RICA: Emerita Montoya Gonzalez, Case 11.553, Inter-Am. CHR No. 48/96

Complaint: Arts. 1, 8, 24, 25

Summary of the Case: The Petitioner alleged that women were discriminated against by the municipalities organizing athletic events in that fewer categories were included for women, and lower prizes were awarded to women than were to men in the same categories. Petitioner alleged that although Costa Rica law does not allow such discrimination, these laws are not observed in practice.

Action Taken: The case was found to be inadmissible because the petitioner did not show that a law was applied to her detriment; the Commission thus found that the petitioner lacked standing and declared its incompetence *ratione personae* to consider the matter.

E. GRENADA: Paul Lallion, Case 11.765, Inter-Am. CHR No. 124/99

Complaint: Arts. 4, 5, 7, 8, 24; Arts. I, II, XVIII, and XXVI of the Declaration

Summary of the Case: Lallion was convicted of murder and a mandatory death sentence was imposed on him pursuant to the domestic law of Grenada. The petitioners allege that Lallion did not receive the benefits of his rights under Grenada law and the absence of legal aid for Lallion renders the domestic remedies unavailable

and insufficient.

Action Taken: The Commission declared the case admissible and concluded that the claims under the Declaration are inadmissible but the petition was otherwise admissible.

F. HONDURAS: Bendeck-Cohdinsa, Petition, Inter-Am. CHR No. 106/99

Complaint: Arts. 8, 21, 25

Summary of the Case: Petitioner's company won a public bid and was awarded the contract to purchase the property of a sawmill including the machinery and equipment and the right to forest resources in a designated area. Petitioner alleged that, after the bidding, the seller unjustly amended the terms of the contract to exclude the forest resources.

Action Taken: The Commission concluded that the case was inadmissible because although it has personal jurisdiction to consider this petition, the petition is inadmissible because a corporate entity and not the petitioner himself exhausted the domestic remedies.

HONDURAS: Juan Milla Bermudez, Case 11.208, Inter-Am. CHR No. 46/96

Complaint: Arts. 21, 24, 25

Summary of the Case: The Petitioner sold some land to INDECO - a company. Part of that land was appropriated by the government following a disastrous hurricane. INDECO sued petitioner for breaching his contract and not having delivered the entire property agreed to. Petitioner filed numerous defenses, including the expiration of the statute of limitations and that he delivered the property but it was then part of a taking by the government and not his responsibility. In the suit filed the Court of Appeals found for INDECO and forced petitioner to give up an equal amount of the land he currently owned to INDECO as compensation (land that was far more valuable than that originally sold). The Petitioner's appeals and writ for amparo were dismissed and the Court transferred ownership of petitioner's property to INDECO.

Action Taken: A review of the petition by the Commission would require it to act as a court of fourth instance with respect to the decision handed down by the Honduran judiciary as no violations of the Convention were found.

G. JAMAICA: Steve Shaw & Desmond Taylor, *et al.*, Case 12.018,

12.022, 12.024, 12.025, 12.026, 12.027, 12.029, Inter-Am. CHR No. 25/99

Complaint: Arts. 4, 5, 7, 8, 24, 25

Summary of the Case: The seven men included in this report were all convicted of capital murder and sentenced to death. Their petitions before the Privy Council for Special Leave were dismissed. The Commission had to decide the admissibility of the petitions when duplicate claims for each of the men were raised with the United Nations Human Rights Committee.

Action Taken: The Commission declared the case inadmissible.

JAMAICA: Neville Lewis, Case 11.825, Inter-Am. CHR No. 97/98

Complaint: Arts. 4, 5, 8, 10, 11, 21

Summary of the Case: Mr. Lewis was convicted of the crime of capital murder in 1994. Petitioner alleged that the execution of Mr. Lewis would constitute a reestablishment of the penalty after the 1988 moratorium on executions. Petitioner also alleged violations of the right to property, equal protection, torture, and right to dignity. Mr. Lewis petitioned the United Nation Human Rights Committee for violation of the International Covenant on Civil and Political Rights.

Action Taken: The Commission declared the case inadmissible and decided that due to the submission of a petition before the United Nations Human Rights Committee, Mr. Lewis's petition could not be considered due to the duplication of the claims. Also, the Commission ruled that the pendency of a constitutional claim prevented the further processing of claims.

JAMAICA: Peter Blaine, Case 11.827, Inter-Am. CHR No. 96/98

Complaint: Arts. 1, 5, 8

Summary of the Case: Mr. Blaine, convicted of murder, petitioned the United Nation Human Rights Committee for violations of the International Covenant on Civil and Political Rights, specifically Art. 10. Petitioner alleges Jamaica's mandatory death sentence, lack of access to legal counsel, subhuman detention facilities violate rights afforded under the American Convention.

Action Taken: The Commission declared the case inadmissible and ruled that Petitioner's claim on Arts. 8 and 4 are inadmissible and that his claims were duplicative of the claims before the UNHRC.

H. MEXICO: Sebastián Sánchez López *et al.*, Case 11.810, Inter-

Am. CHR No. 74/99

Complaint: Arts. 4, 5, 7, 8, 12, 13, 16, 24, 25

Summary of the Case: A paramilitary group ambushed a group of indigenous peasants, ultimately killing two and contributing to the disappearance of another. The petitioners, a human rights center, alleged that the domestic remedies available were ineffective because the response from the State was "brief, evasive, and incomplete." The State alleged that not all remedies were exhausted and the petition should be rendered inadmissible.

Action Taken: The Commission declared that the petition was admissible under Arts. 4, 5, 7, 8, and 25 but the petitioners failed to state a colorable claim of a violation of any rights under Arts. 12, 13, 16, and 24 and the petition was inadmissible under these Arts.

MEXICO: "Ojo de Agua" Cooperative, Case 11.701, Inter-Am. CHR No. 73/99

Complaint: Arts. 5, 8, 21, 25

Summary of the Case: Petitioners alleged that the Mexican authorities failed to comply with a presidential order granting a parcel of land to Mexican peasants. They further alleged that there was a delay in judicial proceedings which is injurious to their right to property. The State alleged that domestic remedies have not yet been exhausted.

Action Taken: The Commission concluded that the petition was inadmissible because domestic remedies were not exhausted and there was no demonstration of delay in judicial proceedings.

MEXICO: Gabriel Lastra Pedrero, Case 11.812, Inter-Am. CHR No. 24/99

Complaint: Arts. 8, 21, 25

Summary of the Case: Petitioner alleges that members of the Zapatista National Liberation Army entered his property and stole 200 head of cattle and that the Mexican government failed to punish those responsible since the act could affect the pending peace talks between the State and the alleged offenders. The State argues that the Petitioner has not exhausted available remedies.

Action Taken: The Commission declared the case inadmissible because it found no evidence that the Petitioner had exhausted any available legal remedy.

MEXICO: Clemente Ayala Torres *et al.*, Case 10.545, Inter-Am.

CHR No. 33/98

Complaint: Arts. 4, 5, 8, 11, 13, 21, 22, 23

Summary of the Case: During the elections of 1989, petitioner alleged that the Governor of Guerrero carried out attacks on protestors, was responsible for murder, excessive force, injuries, failure to investigate crimes, illegal deprivation of liberty and acts of defamation and calumny. The state argued that Petitioners failed to exhaust all legal remedies available in the State.

Action Taken: The Commission declared the case admissible and inadmissible with respect to certain claims. The Commission decided to analyze claims pertaining to cases of specific situations which provided IACHR with enough information as to the identity of victims and the remedies sought, but found that other cases described general situations with little information as to identities and the remedies sought, such that the IACHR would not be able to hear the case.

MEXICO: Anselmo Rios Aguilar, Case 11.507, Inter-Am. CHR No. 32/98

Complaint: Arts. 8, 21, 25

Summary of the Case: Mexico issued a decree for the expropriation of real estate belonging to Mr. Aguilar for public purposes for the Municipality of Melchor Ocampo. Appeals have been declared inadmissible with the exception of the Second Appellate Court of the Second Circuit, which deemed the petition to be admissible and nullified the decree. However, the Third Regional Chamber of the Stat's Administrative Dispute Resolution Court declared that possession was not granted even if ownership was returned.

Action Taken: The Commission declared the case inadmissible because the petition was not timely filed since the petitioner did not challenge the second decree of expropriation.

MEXICO: Luis Humberto Correa Mena, Case 11.537, Inter-Am. CHR No. 9/98

Complaint: Arts. 8, 23, 25

Summary of the Case: Petitioners allege that several irregularities were committed during the elections for Governor of Yucatan and that the judgments rendered after several suits are violations of the American Convention.

Action Taken: The Commission found that petitioners had not ex-

hausted the domestic remedies available and that the petition does not raise a colorable claim of a violation of any of the rights protected by the American Convention.

MEXICO: Jesus Armando Lara Preciado, Case 11.492, Inter-Am. CHR No. 45/96

Complaint: Art. XVIII of the Declaration

Summary of the Case: The Petitioner was in command of a vessel that sank in 1972 due to reasons beyond his control, he was nonetheless found responsible and sanctioned by the Navy to a demotion and no promotion for two years. This penalty was then extended for two more years and petitioner applied for a writ of amparo, which was granted. And the two year extension was found void. The Petitioner then applied for promotion and was denied. A second application was filed and was granted a second writ of amparo yet was denied a third time his promotion. Petitioner has never been allowed access to his personal files that are cited as the reason to deny his promotion.

Action Taken: The Commission found the case inadmissible because all the periods for submission of the complaint had expired.

I. PARAGUAY: Lino Cesar Oviedo, Case 12.013, Inter-Am. CHR No. 29/98

Complaint: Arts. 8, 11, 23, 24

Summary of the Case: Lino Cesar Oviedo, former Commander of the Army, was relieved of his post and charged with attempting a coup d'état. The Special Military Tribunal indicted him, decided there was no cause for oral proceedings, and sentenced him to ten years in military prison for "crimes against order and security in the Armed Forces and for insubordination." Oviedo appealed the sentence to the Supreme Court of Justice, which upheld the sentence. Oviedo claimed that remedies under domestic jurisdiction have been exhausted.

Action Taken: The Commission concluded that Oviedo did not present facts that establish a *prima facie* violation of rights by the Paraguayan State and pronounced the complaint inadmissible.

PARAGUAY: Tabacalera Boquerón S.A., Inter-Am. CHR No. 47/97

Complaint: Arts. 8.1, 16, 21.2, 24

Summary of the Case: Petitioners alleged an aggression against their assets regarding the registration of a brand name.

Action Taken: The Commission held that although petitioners had fulfilled the admissibility requirements under Art. 46 of the Convention, the Commission lacked jurisdiction over the rights of legal entities and over legal acts of a commercial nature.

J. PERU: Victor Alfredo Polay Campos, Case 11.048, Inter-Am. CHR No. 32/00

Complaint: Art. 47(d)

Summary of the Case: On June 10, 1992, Peruvian authorities detained Victor Alfredo Polay Campos, a member of a political-military guerrilla movement. The authorities detained him for 15 days and allegedly prohibited him from speaking to his attorney. He was transferred to a jail in cold temperatures without adequate clothing, where he received no daylight, improper food and medical treatment and could not see visitors. He was also subjected to brutal beatings and the application of electrical shock to the skull, abdomen, and testicles. He alleged cruel punishment and penalty without conviction and asked for the right to a fair trial and defense.

Action Taken: The Commission concluded, pursuant to Art. 47(d) of the Convention, that the claim was "substantially the same as one previously studied by the Commission and another international organization" and that such a claim was inadmissible.

PERU: Mariela Barreto Riofano, Case 12.095, Inter-Am. CHR No. 30/00

Complaint: Arts. 4, 5, 7, 8

Summary of the Case: The remains of the victim's body were discovered along the road. Allegedly, State security agents had tortured, killed and dismembered the body of the victim. The State alleges that the petition was inadmissible because the domestic remedies had not yet been exhausted and the subject of the petition was pending in another international proceeding.

Action Taken: The Commission concluded that there was no duplication of procedures and since there was an unwarranted delay in the investigation, the exception to exhaustion of domestic remedies applied in this case.

K. UNITED STATES: Cherokee Nation, Case 11.071, Inter-Am. CHR No. 6/97

Complaint: Arts. II, XXVI, XXVIII of the Declaration

Summary of the Case: Petitioners claim that they were forced to

accept a settlement with which they disagreed with the Government. The Petitioner also allege they were denied due process when a default judgment granted against the Government was vacated on the grounds of defective service.

Action Taken: The Commission found that the case was inadmissible because of failure to exhaust domestic remedies and allegations of indigence were insufficient to excuse the requirement of exhaustion of remedies.

L. VENEZUELA: Oscar Vila-Masot, Case 11.216, Inter-Am. CHR No. 87/98

Complaint: Arts. 1, 2, 5, 8, 22, 25

Summary of the Case: Mr. Vila-Masot was accused of fraud and aggravate misappropriation leading to the fraudulent bankruptcy of the Hotel El Doral. The Petitioner requested that the arrest warrant be declared null and void due to corruption, judicial terrorism, and judicial mafias. The Petitioner contended that the judicial process accorded would not be fair and unbiased. The State alleged that the Petitioner has not exhausted available remedies.

Action Taken: The Commission declared the case inadmissible and ruled that it was not an appellate court and would not sit in judgement to overturn judicial decisions and that it was only in existence to ensure that the judicial activity adheres to due process.

VENEZUELA: Gustavo Gomez Lopez, Case 11.703, Inter-Am. CHR No. 82/98

Complaint: Arts. 1, 5, 7, 8, 21, 25

Summary of the Case: Mr. Lopez was Chairman of the Board of Banco Latino of which the government intervened during the collapse of the country's banking system. Mr. Lopez was arrested for crimes against the public patrimony in connection with the banking crisis. Petitioner claimed that he was being punished for false charges by a corrupt and politicized legal system that was incapable of rendering a fair decision. He further alleged that the actions committed by him were legal until recent banking laws criminalized the acts. The State contended that Petitioner did not exhaust all available remedies.

Action Taken: The Commission declared the case inadmissible and ruled that the petitioner "has not even attempted to exercise the domestic remedies offered by Venezuelan law."

IV. NO VIOLATIONS FOUND

A. COLOMBIA: Carlos Alberto Marin Ramirez, Case 11.403, Inter-Am. CHR No. 48/98

Complaint: Arts. 2, 8, 24, 25

Summary of the Case: Petitioner, a Professor, alleged that he was terminated from Francisco Jose de Caldas District University in Santafe de Bogota and was denied the opportunity to appeal for reinstatement. The Petitioner alleged that failure by judicial divisions to consider claims constituted a violation of the right to judicial protection. The State contended that higher courts had reviewed the petitioner's claims and that an unfavorable judgment did not constitute a *per se* denial of justice.

Action Taken: The Commission found no evidence of an unfair trial and no violations of Arts. 8 or 25. The Commission also found no violations of Arts. 2 or 24 and that the failure of higher courts to review appeals was firmly grounded on legal principles of *res judicata*.

V. VIOLATIONS OF THE AMERICAN CONVENTION ON HUMAN RIGHTS

A. Article 1 - Obligation to Respect Rights

1. ARGENTINA: Jorge Luis Bronstein, *et al.* Cases 11.205, 11.236, 11.238, 11.242, 11.243, 11.244, 11.247, 11.248, 11.249, 11.251, 11.254, 11.255, 11.257, 11.248, 11.261, 11.263, 11.305, 11.320, 11.436, 11.330, 11.499, 11.504, Inter-Am. CHR No. 2/97

Complaint: Arts. 7, 8

Summary of the Case: The Commission decided to consolidate these petitions as a single package and consider them as a group. The Argentine State subjected individuals to preventive detention in lengths of stay that exceeded the allowable time under Art. 7.5, causing these detentions take on the nature of premature punishment, which constituted a violation under Art. 8.2

Action Taken: The Commission concluded that the Argentine State violated Arts. 7.5, 8.1, and 1.1 of the Convention.

ARGENTINA: X and Y, Case 10.506, Inter-Am. CHR No. 38/96

Complaint: Arts. 1, 5, 11, 24

Summary of the Case: Petitioners were repeatedly subjected to vaginal inspections prior to being allowed a physical contact visit with Mr. X, petitioner X's husband and Y's father; Y was 13 years old.

Action Taken: The Commission found a violation of Arts. 1, 5, 11, 17 & 19. The Commission examined whether the Government satisfied any of the requirements allowing for limitation of certain rights (Art. 32). The Commission interpreted these exceptions strictly, and established four further requirements that must be met before a vaginal search inspection is permitted. The Commission found that the rights of Petitioners were interfered with when the prison authorities systematically performed vaginal inspections on Ms. X and Y: they violated their right to physical and moral integrity (Art. 5), honor and dignity (Art. 11), right to family (Art. 17), and the rights of the child as regards Y (Art. 19).

2. CHILE: Hector Marcial and Garay Hermosilla and others, Case 10.843, Inter-Am. CHR No. 36/96

Complaint: Arts. 1, 2, 25

Summary of the Case: Petitioners initiated judicial proceedings for the arrest and subsequent disappearance (aggravated abduction) before the competent Criminal Court. The Criminal Court found that it was incompetent to hear the case as the persons charged were military personnel. The Court of Appeals affirmed the decision and denied the request for a substantive investigation, resulting in an 11-year suspension of the proceedings despite the evidence submitted. In 1989, pursuant to the Amnesty Decree Law the charges were dismissed. An appeal of the dismissal and the unconstitutionality of the Amnesty Decree was submitted to the Supreme Court which rejected the appeal. In doing so, it stated that civil actions for compensation were possible. However, Petitioners argued that this possibility was illusory, since in order to file a civil petition the petitioner must produce the *corpus delicti* and the guilty party must have been determined. Petitioners asked that the Commission declare the Amnesty Decree Law incompatible with the American Convention.

Action Taken: The Commission found a violation of Arts. 1, 2, 8, 25. The Commission found that the Amnesty Decree Law was incompatible with the American Convention and that since the Supreme Court affirmed the constitutionality of that law following the

entry into force of the American Declaration in Chile, the State was in violation of its obligation to respect and ensure the rights of all persons in Chile (Art. 1). The Commission also found that the judicial rulings of dismissal of the charges brought violated the petitioners right to justice (Arts. 8 and 25); the Commission recommended that the state of Chile amend its legislation to reflect the rights enshrined in the American Convention.

CHILE: Juan Meneses, Ricardo Lagos Salinas, Juan Alsina Hurtos, and Pedro Vergara Inostroza, Cases 11.228, 11.229, 11.231, and 11.282, Inter-Am. CHR No. 34/96

Complaint: Arts. 1, 8, 25; Art. XVII of the Declaration

Summary of the Case: Claims were raised against the constitutionality of Decree Law 2191 granting amnesty for various offences committed between 1973 and 1978. This report consolidated four such cases brought by Petitioners against the State for specific cases of arbitrary arrests and disappearances that were dismissed pursuant to the Amnesty Decree Law.

Action Taken: The Commission found a violation of Arts. 1, 2, 8, and 25, and that the Decree Law was incompatible with the Convention. The Commission also found that the affirmation of the constitutionality of that law by the Supreme Court was a violation of Chile's obligations under the Convention (Art. 1, 2); the judicial rulings of dismissal of the charges brought violate the petitioners right to justice (Arts. 8, 25), and that the Decree Law as it was applied in the judicial proceedings kept the petitioners from exercising their right to a fair trial to determine their civil rights (Art. 8).

3. COLOMBIA: Caloto, Case 11.101, Inter-Am. CHR No. 36/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On December 16, 1991, approximately eighty people belonging to the Paez indigenous community responded to a call to meet the new owners of the property. Heavily armed men, some of whom were wearing uniforms of the security forces went to the site of the meeting, gathered the people, identified the leaders, and shot them. In an attempt to flee, twenty others were killed. After the massacre, the homes of the community were burned and destroyed. Petitioners alleged that the failure to provide due judicial protection resulted in impunity for those responsible and un-

warranted delay in the investigation.

Action Taken: After the breakdown of a friendly settlement, the Commission determined that the State was responsible for violation of Arts. 4, 5, 7, 8, 25, and 1(1), and evaluated the measures taken to make reparation for the harm caused.

COLOMBIA: Amparo Tordecilla Trujillo, Case 10.337, Inter-Am. CHR No. 7/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25

Summary of the Case: On April 25, 1989, State agents detained Amparo Tordecilla. They forced her into a taxi owned by the Colombian Army, and proceeded to an undisclosed location. Her whereabouts were unknown. The alleged motive for the disappearance was the romantic relationship between Amparo and a leader of an armed dissident group. The agents involved were absolved of liability. Petitioners alleged a violation of the right to personal liberty and security, life, and the right to an impartial tribunal and judicial protection.

Action Taken: The Commission concluded that the Colombian State was responsible for violating Arts. 1(1), 4, 5, 7, 8, 25 and recommended a complete investigation, return of the victim's remains to the family, and reparation to the victim's family.

COLOMBIA: Los Uvos Massacre, Case 11.020, Inter-Am. CHR No. 35/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On April 7, 1991, members of the national army intercepted a bus at a checkpoint in Los Uvos township, made the passengers leave the bus, relieved them of their belongings, forced them to lie face-down on the road, and extrajudicially executed seventeen individuals with army-issue rifles. The two-year investigation was referred to the allegedly biased military criminal justice system, which petitioners claimed relieved them of the need to exhaust available domestic remedies.

Action Taken: Although a friendly settlement process broke down, recommendations during that process had been partially implemented and the Commission issued conclusions regarding violations of Arts 4, 5, 7, 8, 25 and 1(1) in light of the State's acceptance of responsibility.

COLOMBIA: Ul Musicue and Coicue, Case 9853, Inter-Am. CHR No. 4/98

Complaint: Arts 1, 5, 7, 8, 25

Summary of the Case: Mr. Ul Musicue and Mr. Coicue, members of the Paez indigenous community, were arbitrarily detained and mistreated by a Colombian Army unit.

Action Taken: The Commission concluded that the Colombian State violated the right to humane treatment (Art. 5), personal liberty (Art. 7), access to justice (Arts. 8 and 25), and failed to uphold its obligations established in Art. 1 of the American Convention. The Commission recommended a full investigation to find and submit those responsible to the appropriate judicial processes; the Commission also recommended the State to make full reparations for the violations found.

COLOMBIA: Tarcisio Medina Charry, Case 11.221, Inter-Am. CHR No. 3/98

Complaint: Arts. 3, 4, 5, 7, 8, 13, 25

Summary of the Case: Mr. Medina Charry was abducted by agents of the Republic of Colombia and subsequently.

Action Taken: The Commission held the Colombian state responsible for violating the right to juridical personality (Art. 3); the right to life (Art. 4); the right to humane treatment (Art. 5); the right to personal liberty (Art. 7); the right to a fair trial (Art. 8); the right to freedom of thought and expression (Art. 13); and the right to judicial protection (Art. 25). Furthermore, the Commission found that the state of Colombia failed to uphold its obligations as established in Arts. 1 and 2 of the Convention.

COLOMBIA: Hildegard Maria Feldman, Case 11.010, Inter-Am. CHR No. 15/95

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Petitioner, a Swiss missionary, and two local farmers were killed by the Colombian army when they shot into a house without warning those inside, and without ascertaining the identity of the house's occupants. They also executed the one farmer who was unarmed and injured.

Action Taken: The Commission found a violation of Arts. 1.1, 2, 4, 5, 8, and 25.

Military Court ignored the testimony of the witnesses as to the

manner in which the victims were executed and dismissed the cases using the justifications of self defense and unavoidable accident. The Commission found that the trial of military personnel for violations of human rights by military courts does not provide the guarantees of impartiality and independence required by the Convention for victims. (Art. 8) The Colombian Government never denied that members of the Army participated in the murder of the victims. The fact that that administrative action was taken against the military did not prove that a fair trial was administered nor does it exonerate the Colombian Government from responsibility for taking proper action for the crimes committed.

4. ECUADOR: Manuel García Franco, Case 10.258, Inter-Am. CHR No. 1/97

Complaint: Arts. 1(1), 4, 5, 7, 7.6, 8, 25

Summary of the Case: Mr. García Franco died as a result of the treatment to which he was subjected after having been abducted and tortured by two Naval officers and three members of the Ecuadorian Naval Marine.

Action Taken: Upon declaring the petition admissible, the Commission found that agents of the State of Ecuador were responsible for the disappearance of Mr. García Franco. The Commission held that state agents illegally and arbitrarily arrested and detained Mr. García Franco, violated his right to be brought before a judge, subjected him to treatment contemptuous to his inherent dignity as a human being, and deprived him of his right to life. The Commission found that Mr. García Franco's family was denied their right to access judicial protection and their right to be heard within a reasonable time and Mr. García Franco was denied the right to recognition as a person. The Commission recommended that the state of Ecuador undertake an investigation of the facts, take the necessary measures to inform the family of Mr. García Franco of the location of his remains, and redress the consequences of the violations found.

5. EL SALVADOR: Monsignor Oscar Arnulfo Romero y Galdamez, Case 11.481, Inter-Am. CHR No. 37/00

Complaint: Arts. 23, 24

Summary of the Case: On March 24, 1980, Monsignor Romero was shot dead by a sniper while he celebrated mass. The sniper was a member of a state operated death squad. Petitioners brought a claim

against El Salvador for the allegedly extrajudicial execution of the Archbishop of San Salvador by a state operated death squad. The State did not question the facts of the case but justified the release of any implicated persons pursuant to the general amnesty law.

Action Taken: The Commission found violations of Arts. 1(1), 2, 4, 8(1), 25, and recommended that the State prosecute all perpetrators, make reparation for the consequences of the violations, and nullify the general amnesty law through domestic legislation.

EL SALVADOR: Ignacio Ellacuria, et. al., Case 10.488, Inter-Am. CHR No. 136/99

Complaint: Arts. 1(1), 2, 4, 8(1), 13, 25

Summary of the Case: Six Jesuit priests, their cook and her daughter were shot by military personnel, and the murders were blamed on a dissident armed group.

Action Taken: The Commission found the State violated Arts. 1(1), 2, 4, 8(1), 13, 25.

The murders that took place in the morning at the priest's dormitory on the University campus constituted a violation of the victims' right to life (Art. 4). The State violated the right to judicial guarantees and effective judicial protection for the relatives of the victims and the members of the religious and academic community to which the victims belonged (Arts. 8, (1) and 25). The armed forces' planning of the murders and covering them up by, in part, blaming them on a dissident armed group, violated the relatives' the right to know the truth (Arts. 1(1), 8(10), 25, 13).

6. GUATEMALA: Joaquin Ortega et al, Case 10.586, Inter-Am. CHR No. 39/00

Complaint: Arts. 1(1), 4, 8, 25, 5, 7, 18

Summary of the Case: Seventy-one men, women, and children in 1990 and 1991 were kidnapped, in some cases tortured, and executed by members of and persons linked to the Guatemalan security forces.

Action Taken: The Commission found violations of Arts. 4, 8, 25, 7, 5, 1, 6, 19. During the years 1990 and 1991, State agents allegedly carried out extrajudicial executions and disappearances in order to physically eliminate their opponents and to repress, silence, and control the population as a whole. The Commission concluded that the Guatemalan State violated the victims' rights to life, judicial guarantees, personal liberty, and humane treatment. The State was

also responsible for violating the rights of the child.

GUATEMALA: Francisco Guarcas Cipriano, Case 11.275, Inter-Am. CHR No. 140/99

Complaint: Arts. 1(1), 4, 5, 7, 8, 16, 25

Summary of the Case: After renouncing his service in a civilian state-run armed group, the victim was last seen at a bus terminal with members of the group and has since disappeared.

Action Taken: The Commission found a violation of Arts. 1(1), 4, 5, 7, 3, 8, 25.

The victim's forced disappearance violated his right to personal liberty and the fundamental guarantee of habeas corpus rights. A disappearance of over five years also constitutes a violation of the right to be treated humanely (Art. 5), an arbitrary deprivation of liberty, and right to life. The Commission recommended that the State conduct a complete investigation into the disappearances of the victims and compensate the victims' families.

GUATEMALA: Samuel de la Cruz Gómez, Case 10.606, Inter-Am. CHR No. 11/98

Complaint: Arts. 1.1, 4, 5.1, 7, 8, 25

Summary of the Case: Mr. de la Cruz, a member of the Council of Ethnic Communities Runujel Junam (CERJ), was detained by men linked to the security forces of the State of Guatemala, and subsequently disappeared.

Action Taken: The Commission decided that the State of Guatemala was responsible for violations of the rights to juridical personality, to life, to humane treatment, to personal liberty, and to judicial guarantees and protection. The Commission recommended that the State of Guatemala carry out an investigation to find and submit those responsible to the appropriate judicial processes and that the State redress the consequences of the violations.

GUATEMALA: Ana Lucrecia Orellana Stormont, Case 9120, Inter-Am. CHR No. 56/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a university professor, was abducted, tortured, and subsequently disappeared. A criminal complaint was filed but her case was neither investigated nor clarified by the state.

Action Taken: The Commission found a violation of Arts. 1, 3, 4,

5, 7, 8, 25. The forced disappearance of the victim constituted a violation of her right to recognition as a person before the law, because when she was disappeared, she was placed outside of and excluded from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time and the fact that the victim is still disappeared, combined with the fact that the practice of disappearances often involves secret execution without trial, provided grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The placing of a hood sprayed with insecticide over the victim's head in order to induce asthma attacks constitutes a violation of the victim's right to humane treatment (Art. 5); the abduction and disappearance of the victim constituted violations of her right to liberty (Art. 7).

GUATEMALA: Axel Raul Lemus Garcia, Case 8076, Inter-Am. CHR No. 55/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a high school student, was abducted and beaten in the presence of many representatives of the media, and then disappeared; a writ of habeas corpus by his next of kin proved ineffective.

Action Taken: The Commission found violations of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constituted a violation of his right to recognition as a person before the law, because when he disappeared he was placed outside of and excluded from the juridical and institutional order of the state. This exclusion had the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time and the fact that the victim was still disappeared combined with the fact that the practice of disappearances often involves secret execution without trial provide grounds to assume that the victim had been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Luis Gustavo Marroquin, Case 8075, Inter-Am. CHR No. 54/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was abducted by heavily armed abductors in civilian dress and disappeared in 1982. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constituted a violation of his right to recognition as a person before the law because when he was disappeared he was placed outside of and excluded from the juridical and institutional order of the state. This exclusion had the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found that it was reasonable to presume that the passage of such a long time since the disappearance of the victim, combined with the fact that the practice of disappearances often involved secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constituted a violation of his right to liberty (Art. 7).

GUATEMALA: Maria Majia, Case 10.553, Inter-Am. CHR No. 32/96

Complaint: Arts. 1, 4, 5, 6, 8, 22, 25

Summary of the Case: Petitioners claimed that the victim was murdered and her husband assaulted and wounded in reprisal for their refusal to join the civilian patrols. Other people in the community were also threatened. They filed motions for personal appearance with the Human Rights Ombudsman and the regional justice of the peace, but the charges were not investigated.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 6, 8, 22, 25. The facts alleged were at no time disputed by the Government and the Commission accepted the brief responses of the Government as acknowledgment of the truth of the allegations. The threats to community members causing them to leave their homes, and the attack on the victim's husband constituted violations of the right to humane treatment (Art. 5). The persecution against those who leave the civilian patrols and the obligation to participate in them with no compensation is a form of forced labor (Art. 6). The forced displacement of 39 members of the community from their homes violates the right of freedom of movement and residence (Art. 22).

GUATEMALA: Diana Ortiz, Case 10.5266, Inter-Am. CHR No. 31/96

Complaint: Arts. 1, 5, 7, 8, 11, 12, 16, 25

Summary of the Case: The petitioner was an American nun who was followed, threatened, kidnapped, and tortured by agents of the Government.

Action Taken: The Commission found a violation of Arts. 1, 5, 7, 8, 11, 12, 16, 25. The inhumane treatment suffered by Sister Ortiz at the hands of agents of the Government fell within the definition of torture found in Art. 2 of the Convention on Torture, and violates her right to physical, mental and moral integrity (Art. 5). Because government agents have consistently denied the fact of the detention, the detention was necessarily carried out outside the boundaries of the law (Art. 7), and in kidnapping her the state also infringed her right to be taken without delay before a judge and to invoke the appropriate procedures to review the legality of her arrest (Art. 7). By placing her under surveillance and threatening her, the Government made her the object of arbitrary and abusive interference and attacked her honor and dignity when they violently abducted and tortured her. The Commission found that the Government attacked her dignity and honor by asserting that her accusations against the Government were fabricated (Art. 11). It was likely that the attacks on the victim were intended to punish her for her activities as a Church missionary and her work with the indigenous people (Art. 12), along with her association with members of GAM (Art. 16). The Government's inability to provide simple, swift and effective legal recourse to the victim violated her rights (Art. 25); and her rights to be heard by a competent and impartial tribunal were consistently blocked (Art. 8).

GUATEMALA: Arnoldo Juventino Cruz, Case 10.897, Inter-Am. CHR No. 30/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was abducted by Government agents and subsequently disappeared. There was no effective investigation to determine his whereabouts, and the alleged perpetrators are known to be tied to the Army but they have not been tried.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, as when he was disappeared he was placed outside of and excluded

from the juridical and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3); the Commission has found that it is reasonable to presume that the passage of such a long time and the fact that the victim is still disappeared combined with the fact that the practice of disappearances often involves secret execution without trial provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4); the abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Carlos Ranferi Gomez, Case 11.303, Inter-Am. CHR No. 29/96

Complaint: Arts. 1, 4, 5, 8, 13, 16, 22, 25

Summary of the Case: Petitioner claims that he was the victim of an attempt on his life by Government agents and that he has been denied legal protection

Action Taken: The Commission found violations of Arts. 1, 4, 5, 8, 13, 16, 22, 25.

The attempt on petitioners life is a violation of his right to life (Art. 4) and physical integrity (Art. 5); the threats made to him constitute a violation of his right to mental integrity (Art. 5); and his inability to continue his union work and show his social commitment in Guatemala constitute a violation of his moral integrity (Art. 5); the ineffective judicial protection provided by the government violates his right to a hearing (Art. 8) and of protection of his legal rights (Art. 25); the taking of the petitioners camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13); and the death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association, camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13); and the death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association (Art. 16); the attempt to stop petitioner at the airport from leaving the country violated his right of freedom of movement (Art. 22).

7. HONDURAS: Minors in detention, Case 11,491 Inter-Am. CHR No. 41/99

Complaint: Arts. 5, 7, 8, 25

Summary of the Case: Petitioners alleged the unlawful arrest of street children and their incarceration in Tegucigalpa's central prison facility. This practice is a violation of Art. 122(2) of the Constitution of Honduras and of Art. 37 of the United Nations Convention on the Rights of the Child. Petitioner stated that juveniles are routinely subjected to physical and sexual abuse in the cells of the Central Penitentiary.

Action Taken: The Commission notes that the Honduran State has taken positive steps to put an end to the practice of incarcerating juveniles in State prison. However, the Commission finds that Honduras has violated Arts. 1, 5, 7, 8, 25.

8. JAMAICA: Desmond McKenzie, *et al.*, Cases 12.023, 12.044, 12.107, 12.126, 12.146, Inter-Am. CHR No. 41/00

Complaint: Arts. 1, 4, 5, 7, 8, 24, 25

Summary of the Case: Six condemned men on death row for multiple non-capital crimes alleged human rights violations concerning the mandatory nature of the death sentence and due process issues

Action Taken: The Commission found a violation of Arts. 4(1), 5(1), 5(2), 8(1), 1(1), 4(6), 7(5), 5(4), 5(6), 8(2), 8, 25. Jamaica violated Arts. 4(1) and 4(6) because it is imposed the death sentence automatically without considering individual circumstances regarding either the crime itself or the personality of the offender. The Commission recommended that the State grant the victims an effective remedy, which may include commutation of sentence and compensation; adopt measures to ensure the death penalty is imposed in accordance to the Convention; and adopt measures to ensure the right to amnesty, pardon and the right to a fair hearing are given effect.

9. MEXICO: Pedro Peredo Valderrama, Case 11.103, Inter-Am. CHR No. 42/00

Complaint: Arts. 4, 5, 8, 10, 24, 25

Summary of the Case: Petitioners alleged the State failed to investigate the murder of Pedro Peredo Valderrama and therefore the perpetrators enjoyed impunity from punishment.

Action Taken: The Commission found a violation of Arts. 8, 25, 1(1). The Commission stated that Valderrama was murdered by three men in full view of his brothers. The subsequently authorized warrant for arrest was not carried out for almost nine years after the perpetrators had already fled the country. The Commission con-

cluded that the length of time and irregularities in the investigation benefited the known perpetrators and therefore, the State violated the right to judicial guarantees and to judicial protection (Arts. 8, 25). However, it did not find that the State was responsible for violation of the right to life, personal integrity or equal protection of the law.

MEXICO: Victor Manuel Oropeza, Case 11.740, Inter-Am. CHR No. 130/99

Complaint: Arts. 4, 5, 8, 24, 25

Summary of the Case: Petitioners alleged human rights violations against the State for its failure to investigate and prosecute the perpetrators in connection with the assassination of journalist Victor Manuel Oropeza.

Action Taken: The Commission found a violation of 8, 13, 25, 1(1). Victor Manuel Oropeza was murdered in his office by two men who allegedly committed the crime for the purpose of silencing his criticisms of the police, which had been published in a local newspaper. The Commission concluded that the State violated the right to his freedom of expression (Art. 13), and rights to a fair trial and judicial protection. (Arts. 8, 25). However, the Commission found no grounds against the State for the violation of rights to life, to humane treatment or to equal protection of the law because Oropeza had not reported any threats to competent authorities so the State could try to protect him.

MEXICO: Hector Felix Miranda, Case 11.739, Inter-Am. CHR No. 5/99

Complaint: Arts. 4(1), 4(6), 5, 7(5), 8, 24

Summary of the Case: Petitioner, a journalist, was assassinated in Tijuana, Mexico on his way to work. The material perpetrators of the crime were arrested and sentenced, though the intellectual author of the crime has yet to be found.

Action Taken: The Commission has no evidence that allows it to establish a case against the Government of Mexico. However the IACHR concluded that the state has, to the detriment of Petitioner and every citizen, violated Arts. 1(1), 8, 13, and 25 of the Convention.

MEXICO: Manuel Manriquez, Case 11.509, Inter-Am. CHR No. 2/99

Complaint: Arts. 1, 4, 5, 8

Summary of the Case: Members of the Judicial Police for the Federal District kidnapped Petitioner. Petitioner complains that the detention was illegal and arbitrary, and no arrest warrant was issued. Petitioner was severely tortured, and coerced into confessing that he had murdered Armand and Juventiino Lopez Velasco. Though Petitioner later recanted said confession, he was convicted of murder largely on that evidence, and is currently detained and serving sentence.

Action Taken: The Commission resolved that the Mexican State violated Arts. 5, 7, 8, 10, 25, and 1(1) of the American Convention on Human Rights.

MEXICO: Rolando and Anastasio Arteaga Perez, Case 11.543, Inter-Am. CHR No.1/98

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Members of the State Judicial Police and unidentified armed gunmen forcibly entered and searched houses in Petitioners' village, including that of Petitioners. The unidentified gunmen then inflicted gunshot wounds on the Petitioners and kidnapped them. Petitioners' bodies were later found, exhibiting clear signs of torture.

Action Taken: The Commission resolved that the Mexican State violated Arts. 1, 4, 5, 7, 8, 25

MEXICO: Jose Francisco Gallardo, Case 11.430, Inter-Am. CHR No. 43/96

Complaint: Arts. 1, 5, 7, 8, 11, 13, 25

Summary of the Case: The victim had been the recipient of threats, harassment, and intimidation by Government agents, was subject to arbitrary detention and imprisonment based on false accusations, and had been the victim of a defamation campaign.

Action Taken: The Commission found a violation of Arts. 1, 5, 7, 8, 11, 25. Through the detention and continuous submission of the victim to numerous unfounded preliminary inquiries and criminal cases with no justification, the government has failed to respect and guarantee his rights (Art. 1); specifically to liberty (Art. 7), by making statements blaming him for actions not proven the government has violated his right to honor and dignity (Art. 11), humane treatment (Art. 5), freedom of thought and expression (Art. 13) and his right to a fair hearing (Art. 8) and judicial protection (Art. 25).

MEXICO: Severiano & Hermelindo Santiz Gomez, Case 11.411, Inter-Am. CHR No. 48/97

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Mexican Army agents forcefully entered an Indian community in the municipality of Altamirano, in Chiapas State. Said agents burst into houses, beat the men they found there, dragged them out to a basketball court behind a Church and detained the men face down in the cement. The soldiers looted the houses and shops in the town and destroyed the health care center. The agents then proceeded to separate three of the inhabitants from the group, and proceeded to torture and eventually execute them. Their bodies were found one month later along a road leading from the town.

Action taken: The Commission concluded that the Mexican State violated Arts. 4, 5, 8, 25, and 1.1.

10. PERU: Carlos Molero Coca *et al.*, Case 11.182, Inter-Am. CHR No. 49/00

Complaint: Arts. 5, 7, 8

Summary of the Case: Human rights violation occurred when petitioners were detained, tortured, and subsequently sentenced to prison on terrorism charges at trials that were totally lacking in due judicial guarantees and that concluded with sentences handed down by “faceless” courts.

Action Taken: The Commission found a violation of Arts. 1(1), 5, 7, 8. The Commission concluded that the State violated: the right to personal freedom (Art. 7); the right to humane treatment (Art. 5); and the right to a fair trial (Art. 8). Due to these violations it can be implied that the State has not respected the rights and freedoms recognized herein and has not ensured to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms (Art. 1(1)). The Commission recommended that the State; conduct a investigation into the torture reported by petitioners and punish the guilty; make full amends committed against petitioners; compensate petitioners for the physical, moral and material harm arising from violations of their rights by the State and amend Decree Law No. 25475 in order to bring it into line with the American Convention.

PERU: Manuel Pacotaype Chaupin, Case 10.908, Inter-Am. CHR No. 47/00

Complaint: Arts. 1(1), 3, 4, 5, 7, 25

Summary of the Case: Human rights violation occurred when petitioners were detained and subsequently disappeared.

Action Taken: The Commission found that Arts. 1, 3, 4, 5, 7, 25 were violated by the State. The Commission concluded that the Peruvian State was responsible for violations of the right to liberty (Art. 7) by illegally and arbitrarily detaining the Petitioners and violating their recourse to a competent judge or court that would rule on the lawfulness of their arrest. The Petitioner's right to humane treatment (Art. 5) was violated, as shown by presumptive evidence that the Petitioners were defenseless as a result being denied and prevented from exercising their rights. The Commission found that the armed forces tortured the victims with a view of extracting information about subversive groups or units. The Commission found also that the right to life (Art. 4) was violated as shown by presumptive evidence that the Petitioners are dead given that nine years have elapsed since the petitioners' detention and disappearance. The right to judicial personality (Art. 3) was violated by excluding the petitioners from the legal and institutional framework due to their forced disappearance and the right to an effective judicial remedy (Art. 25) was violated by failing to comply with its obligation to investigate the facts of this case and initiate judicial proceedings. In addition, the Peruvian State had breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, 8, and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State carry out exhaustive and impartial investigation to determine the forced disappearance of the petitioners and punish the persons responsible for the disappearance. The Commission also recommended that the state void any domestic measures that impede investigation, prosecution and punishment of the persons responsible for the detention and forced disappearance of the petitioners; and grant timely and adequate reparation for the violations to the family members of the petitioners.

PERU: Alcides Sandoval Flores, *et al.*, Case 10.670, Inter-Am. CHR No. 43/00

Complaint: Arts. 5, 7, 8

Summary of the Case: On January 25, 1990, three Flores brothers

were detained with four other persons by members of the Army, and all three brothers have not been seen since.

Action Taken: The Commission found that the State violated Arts. 1, 4, 5, 7, 8, 25. The Commission concluded that the State, through members of the armed forces, detained the Flores brothers, did not release them and their whereabouts are now unknown as they have disappeared. The State is, therefore, responsible for violating the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Romer Morales Zegarra *et al.*, Case 10.827, 11.984, Inter-Am. CHR No. 57/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners were arbitrarily arrested in their homes by armed forces and subsequently disappeared.

Action Taken: The Commission declared that the State violated Arts. 1(1) 3, 4, 5, 7, 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25).

In addition, the Peruvian State breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention.

The Commission recommended that the State: initiate a serious

and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: Juan De La Cruz Núñez Santana *et al.*, Case 10.815, 10.905, 10.981, 10.995, 11.042, 11.136, Inter-Am. CHR No. 55/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners are arbitrarily arrested: after getting off a motorboat; on a bus; in the house; and or while returning home on his motorcycle and subsequently causing them to disappear.

Action Taken: The Commission concluded that the State had violated Arts. 1(1), 3, 4, 5, 7, 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art. 1(1)): Failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, and 25 of the Convention; and failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any do-

mestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: William León Laurente *et al.*, Case 10.807, 10.808, 10.809, 10.810, 10.879, 11.307, Inter-Am. CHR No. 54/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners are arbitrarily arrested: during the illegal entry into the house, while being beaten in the street outside of the petitioner's house; while leaving the offices of a corporation; while being beaten on the way back from the inscription as candidates in the municipal by-elections; after declaring at a neighborhood bar that the petitioner was going to lodge a complaint against the military for having tortured him and subsequently causing petitioners to disappear.

Action Taken: The Commission declared that the State violated Arts. 1(1), 3, 4, 5, 7, 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then "disappeared" by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25).

In addition, the Peruvian State has breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State to initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify

and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: David Palomiro Morales *et al.*, Case 10.551, Case 10.803, Case 10.821, Case 10.906, Case 11.180, Case 11.322, Inter-Am. CHR No. 53/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Government military forces arrested all named parties supposedly for not participating in civil self-defense patrols, and were taken away by said forces to a military base. The military forces denied making the arrests to Petitioners' families, and the parties' whereabouts being unknown, are considered disappeared. The Government denies that the victims have been arrested by either the Armed Forces or by the National Police Force. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the American Convention on Human Rights.

PERU: Raul Zevallos Loyaza, Victor Padilla Lujan and Nazario Taype Humant, Case 10,544, Case 10,745, Case 11,098, Inter-Am. CHR No. 52/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the armed forces intercepted Raul on his way home for another destination. He was arrested and transferred to a military base. Five days later, Victor and Nazario were arrested in public by members of the armed forces and taken to the same military base. The victims, never having been seen again, are considered disappeared persons. The Government now denies that the victims have been arrested by members of the armed forces. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the Convention.

PERU: Anetro Castillo Pezo *et al.*, Case 10.471, Case 10.955, Case 11.066, Case 11.014, Case 11.067, Case 11.070, Case 11.163, Inter-Am. CHR No. 51/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the armed forces moved into petitioners' village by vehicles and helicopters, causing general destruction, and arresting the 12 petitioners, who were then taken away by helicopter and never seen again. No reason was given for the arrests. The State maintained that it did not arrest the victims. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 3, 4, 5, 7, and 25 of the Convention.

PERU: Pastor Juscamaita Laura, Case 10.542, Inter-Am. CHR No. 19/99

Complaint: Arts. 4, 7

Summary of the Case: Members of the Peruvian Army arrested petitioner on charges of terrorism. The petitioner was taken to an Army base, and then to an army barrack. The State maintains that it did not arrest the victim. The Government arrested petitioner eight years ago, and has yet to account for petitioner's whereabouts. This is considered a case of forced disappearance.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 4, and 7.

PERU: Eudalio Lorenzo Manrique *et al.*, Case 10.824, 11.044, 11.124, 11.125, 11.175, Inter-Am. CHR No. 56/98

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurred when petitioners were arbitrarily arrested during illegal entry and search of house, with violence in house; at gunpoint in house; and/or while returning home from the market and subsequently causing them to disappear.

Action Taken: The Commission ruled that Arts. 1(1), 3, 4, 5, 7, 25 were violated by the State. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then "disappeared" by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead -- given that seven years have elapsed since their detention and disap-

pearance; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art. 1(1)): Failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, and 25 of the Convention; and failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: Héctor Pérez Salazaar, Case 10.562, Inter-Am. CHR No. 43/97

Complaint: Art. 4

Summary of the Case: The General Police and the Peruvian Army arrived at the town of Huancaya and collected the entire population in the town plaza. Mr. Héctor Pérez, an elderly and disabled man was unable to get to the plaza as quickly as the others. Evidence indicates the presumption of an extra-judicial execution with an attempted cover-up.

Action Taken: The Commission decided that the security forces of the State of Peru arbitrarily deprived Mr. Héctor Pérez of his life and violated their general obligation to respect and ensure the exercise of this right pursuant to Art. 1.1 of the American Convention. The Commission recommended that the Peruvian State conduct a full investigation to locate the remains of the victim and to find those responsible of his execution. Furthermore, the Commission recommended that the State declare Laws No. 26479 and No. 26492 to be without force and that it indemnify Mr. Héctor Pérez's family.

PERU: Angel Escobar Jurado, Case 10.521, Inter-Am. CHR No. 42/97

Complaint: Arts. 4, 7

Summary of the Case: Mr. Escobar Jurado was detained by five individuals, presumed members of the Armed Forces.

Action Taken: The Commission found that the armed forces had detained Mr. Escobar Jurado and for eight years were unable to account for his whereabouts. As a result, the Peruvian State was found responsible for violating the right to life, the right to personal liberty and its obligation to respect and ensure the exercise of these rights pursuant to Art. 1.1 of the American Convention. The Commission recommended that the State of Peru declare Laws No. 26479 and No. 26492 to be without force, that it carry out a full investigation of the facts, and that it provide reparations to the relatives of Mr. Escobar Jurado.

PERU: Estiles Ruíz Dávila, Case 10.491, Inter-Am. CHR No. 41/97

Complaint: Arts. 4, 7

Summary of the Case: Mr. Ruíz Dávila was detained and disappeared by Peruvian Army personnel while he was attending a funeral wake.

Action Taken: The Commission found that the State of Peru is responsible for violating the right to life and the right to personal liberty. The Commission found that the Peruvian State violated Art. 1.1 by failing to safeguard the exercise of the rights and guarantees of Ruíz Dávila and recommended that a serious and impartial investigation be carried out. The Commission also recommended that decree Laws No. 26479 and No. 26492 be declared without force, and that reparations be made to the victims relatives.

PERU: Martín Javier Roca Casas, Case 11.233, Inter-Am. CHR No. 39/97

Complaint: Arts. 4, 5, 7, 8, 25

Summary of the Case: Mr. Roca Casas left on October 5, 1993, and has not been seen or heard of since. He is considered "disappeared." The petitioner alleged that the State was responsible for Mr. Casas' disappearance.

Action Taken: The Commission found that when the Peruvian Navy detained Mr. Roca Casas, the Peruvian State became responsible for violating: the right to life (Art. 4); the right to humane treatment (Art. 5); the right to personal liberty (Art. 25); and the obligation to respect and ensure the exercise of these rights pursuant to Art. 1.1 of the American Convention.

PERU: Hugo Bestios Saavedra, Case 10.548, Inter-Am. CHR No. 38/97

Complaint: Arts. 1.1, 4.1, 5, 13.1, 25

Summary of the Case: Mr. Bustíos Saavedra, a journalist, was killed by members of the Peruvian military patrol while he and another journalist were investigating the murders of two residents of Ayacucho.

Action Taken: The Commission found that the State of Peru violated the rights to life, freedom of expression, and judicial protection of Mr. Bustíos Saavedra. The Commission also found that the Peruvian State was responsible for violating the rights to personal integrity, freedom of expression, and judicial protection of Mr. Rojas Arce, the journalist working with Mr. Bustios Saavedra. The Peruvian State was also found to have violated Art. 3 of the Geneva Convention. The Commission recommended that the State carry out a full investigation of the facts, that it adopt full reparations, and that it guarantee journalists the necessary protection in order to avoid similar occurrences.

PERU:Raquel Martin de Mejia, Case 10.970, Inter-Am. CHR No. 5/96

Complaint: Arts. 1, 4, 5, 7, 11, 25

Summary of the Case: In 1989 petitioner's husband was arbitrarily arrested, tortured, and executed by the military. Petitioner was raped by the same military personnel that arrested her husband. She filed a criminal charge with the local office of the Attorney General, and the case was subsequently transferred to a military court who ordered that action on the case be halted before any charges or investigation were even initiated. The local prosecutor filed charges in 1991, but no real action was taken in the investigation. Petitioner has also been charged with being a member of and supporting subversive groups; she presented evidence that these allegations are unfounded.

Action Taken: The Commission found a violation of Arts. 1, 5, 8, 11, 25. The state argued the inadmissibility of the case, but did not present any evidence on the merits. As such, the Commission was required to interpret the silence as an acknowledgment of the truth of the allegations. The Commission looked at the requirements laid out under the Inter-American Convention to Prevent and Punish Torture and found that the rape of petitioner satisfied all three elements and was a violation of Petitioner's right to humane treatment (Art. 5), as

well as a violation of her personal dignity (Art. 11). From a finding of these violations the Commission also inferred a violation of the state's obligation to respect these rights (Art. 1). The Government's failure to give the Petitioner access to such rights constituted a violation of her right to an effective recourse and to judicial protection (Art. 25). The institution of proceedings against Petitioner for terrorism without any evidence constituted a violation of Petitioner's right to be heard by an impartial tribunal and to the presumption of innocence (Art. 8).

PERU: Chumbivilcas, Case 10.559, Inter-Am. CHR No. 1/96

Complaint: Arts. 1, 4, 5, 7, 25; Art. I of the Declaration

Summary of the Case: The Petition alleged that a group of over 21 people from the Chumbivilcas province were executed, tortured and/or disappeared between April 20 and April 30, 1990 by members of the Peruvian Army.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 7, 8, 25. The right to life was a fundamental right, and if it is not respected by the government authorities then the entire system of human rights breaks down (Art. 1) and this right cannot be suspended under any circumstances (Art. 27). Torture followed by arbitrary executions carried out by members of the Army patrol constitute a clear violation of the right to life and humane treatment (Arts. 4 and 5) and thus implies a failure of the Government to carry out its obligations to respect and guarantee all the rights in the Convention (Art. 1). The arbitrary arrests carried out of defenseless persons without any justification, and the subsequent denial that these events occurred constitutes a violation of the right to personal liberty (Art. 7) and humane treatment (Art. 5) and due process (Art. 8). The information held by the Commission demonstrates that enough proof was compiled to demonstrate that the Army patrol was responsible for the acts that violated the fundamental rights of the people in Chumbivilcas, and the military authorities were obliged to identify those responsible so that they could be turned over to the judicial authorities. Instead of carrying out an investigation, the authorities denied the occurrence of these events, which constitutes a violation of the right to judicial protection (Art. 25).

11. UNITED STATES: Coard *et al.*, Case 10.951, Inter-Am. CHR No. 109/99

Complaint: Arts. 1, 2, 17, 18, 25, 26

Summary of the Case: Human rights violations occurred when petitioners, on behalf of 17 claimants, were detained and mistreated by military forces and subsequently deprived of their right to a fair trial.

Action Taken: A violation of Arts. 1, 17, 25 were found by the Commission. The Commission concluded that the petitioners were not afforded access to a review of the legality of their detention with the least possible delay and therefore the State violated Arts. 1, 17, and 25 of the Declaration. The Commission recommended that the State: conduct a investigation into the facts in order to determine and attribute responsibility to those accountable for violations; and review its practices and procedures in order to ensure adequate safeguards for detained civilian against armed forces.

B. Article 2 – Domestic Legal Effects

1. CHILE: Hector Marcial and Garay Hermosilla and others, Case 10.843, Inter-Am. CHR No. 36/96

Complaint: Arts. 1, 2, 25

Summary of the Case: Petitioners initiated judicial proceedings for the arrest and subsequent disappearance (aggravated abduction) before the competent Criminal Court; the Criminal Court found that it was incompetent to hear the case as the persons charged were military personnel. The Court of Appeals affirmed the decision and the request for a substantive investigation was denied resulting in an 11-year paralysis of the proceedings despite the abundant evidence that was submitted. In 1989 pursuant to the Amnesty Decree Law the charges were dismissed. An appeal of the dismissal and the unconstitutionality of the Amnesty law was submitted to the Supreme Court, which rejected the appeal. In doing so, it stated that civil actions for compensation were possible; however, these are only illusory because in order to file a civil petition the petitioner must produce the corpus *delecti* and the guilty party must have been determined. Petitioners ask that the Commission declare the Amnesty Decree Law incompatible with the American Convention.

Action Taken: The Commission found a violation of Arts. 1, 2, 8, 25. The Commission found that the Amnesty Decree Law was incompatible with the American Convention. Since the Supreme Court affirmed the constitutionality of that law following the entry into

force of the American Declaration in Chile, the State is in violation of its obligation to respect and ensure the rights of all persons in Chile (Art. 1). The judicial rulings of dismissal of the charges brought violate the petitioners right to justice (Art. 8, 25). The Commission recommended that the state of Chile amend its legislation to reflect the rights enshrined in the American Convention.

CHILE: Juan Meneses, Ricardo Lagos Salinas, Juan Alsina Hurtos, and Pedro Vergara Inostroza, Cases 11.228, 11.229, 11.231, and 11.282. Inter-Am. CHR No. 34/96

Complaint: Arts. 1, 8, 25; Art. XVII of the Declaration

Summary of the Case: Claims were raised against the constitutionality of Decree Law 2191 granting amnesty for various offences committed between 1973 and 1978. This report consolidates four such cases brought by petitioners against the State for specific cases of arbitrary arrests and disappearances that were dismissed pursuant to the Amnesty Decree Law.

Action Taken: The Commission found a violation of Arts. 1, 2, 8, 25. The Decree Law is incompatible with the American Convention and the affirmation of the constitutionality of that law by the Supreme Court is a violation of Chile's obligations under the Convention (Arts. 1, 2). The judicial rulings of dismissal of the charges brought violate the petitioners right to justice (Arts. 8, 25). The Decree Law as it was applied in the judicial proceedings kept the petitioners from exercising their right to a fair trial to determine their civil rights (Art. 8).

2. COLOMBIA: Arturo Ribón Avila, Case 11.142, Inter-Am. CHR No. 26/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Arturo Ribón and 10 others were killed during an armed confrontation between members of the Army, the Departamento Administrativo de Seguridad, the Police, the Police Intelligence of Colombia, and members of the armed dissident group M-19.

Action Taken: The Commission found the Colombian State responsible for violating: the rights to life (Art. 4); the right to humane treatment (Art. 5); the right to a fair trial (Art. 8), and the right to judicial protection (Art. 25). Furthermore, the Colombian State did not take the necessary measures to punish the police officers who com-

mitted the violations, which is a violation pursuant to Art. 2 of the American Convention. Finally, the Colombian State violated Art. 3 of the Geneva Convention by not respecting and guaranteeing the rights of persons who are placed hors de combat in an internal armed conflict.

COLOMBIA: Tarcisio Medina Charry, Case 11.221, Inter-Am. CHR No. 3/98

Complaint: Arts. 3, 4, 5, 7, 8, 13, 25

Summary of the Case: Mr. Medina Charry was disappeared by agents of the Republic of Colombia.

Action Taken: The Commission held that the Colombian state is responsible for violating: the right to juridical personality (Art. 3); the right to life (Art. 4); the right to humane treatment (Art. 5); the right to personal liberty (Art. 7); the right to a fair trial (Art. 8); the right to freedom of thought and expression (Art. 13); and the right to judicial protection (Art. 25). Furthermore, the Commission found that the state of Colombia failed to uphold its obligations as established in Arts. 1 and 2 of the Convention.

COLOMBIA: Hildegard Maria Feldman, Case 11.010, Inter-Am. CHR No. 15/95

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Petitioner, a Swiss missionary and two local farmers were murdered by the Colombian army that shot into a house with no warning to those inside and without being certain of who was inside, and executed one of the unarmed farmers.

Action Taken: The Commission found a violation of Arts. 1.1, 2, 4, 5, 8, and 25.

Military court ignored the testimony of the witnesses as to the manner in which the victims were executed and dismissed the cases using the justifications of self-defense and unavoidable accident; the trial of military personnel for violations of human rights by military courts does not provide the guarantees of impartiality and independence required by the Convention for victims (Art. 8). The Colombian Government never denied that members of the Army participated in the murder of the victims. The fact that administrative action was taken against the military does not prove that a fair trial was administered, nor does it exonerate the Colombian Government from responsibility for taking proper action for the crimes commit-

ted.

3. MEXICO: Tomas Porfirio Rondin, "AGUAS BLANCAS" Case 11.520, Inter-Am. CHR No. 49/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Members of the Judicial Police of Guerrero detained and forced members of the Rural Organization of Southern Sierra off their truck at the Vado de Aguas Blancas. A second truck arrived with more members who were told to disembark the truck and were summarily shot. Seventeen of them were executed without cause or provocation. The police officers then put weapons in the victims' hands to conceal the events. Petitioners contended that the investigation took a long time and that some serious irregularities occurred. The State contended that domestic remedies were not exhausted and were exercising their adequate domestic remedies.

Action Taken: The Commission concluded that the Mexican State has violated Arts. 2, 5, 8, 11, 25 of all members and Art. 4 with regard to those 17 arbitrarily deprived of life under the Convention.

C. Article 3 - Right to Juridical Personality

1. COLOMBIA: Tarcisio Medina Charry, Case 11.221, Inter-Am. CHR No. 3/98

Complaint: Arts. 3, 4, 5, 7, 8, 13, 25

Summary of the Case: Mr. Medina Charry was disappeared by agents of the Republic of Colombia.

Action Taken: The Commission held that the Colombian state is responsible for violating: the right to juridical personality (Art. 3); the right to life (Art. 4); the right to humane treatment (Art. 5); the right to personal liberty (Art. 7); the right to a fair trial (Art. 8); the right to freedom of thought and expression (Art. 13); and the right to judicial protection (Art. 25). Furthermore, the Commission found that the state of Colombia failed to uphold its obligations as established in Arts. 1 and 2 of the Convention.

2. GUATEMALA: Francisco Guarcas Cipriano, Case 11.275, Inter-Am. CHR No. 140/99

Complaint: Arts. 1(1), 4, 5, 7, 8, 16, 25

Summary of the Case: After renouncing his service in a civilian state-run armed group, the victim was last seen at a bus terminal with

members of the group and has since disappeared.

Action Taken: The Commission found a violation of Arts. 4, 5, 7, 3, 8, 25, 1(1)

The victim's forced disappearance violated his right to personal liberty and the fundamental guarantee of habeas corpus rights. A disappearance also constitutes a violation of the right to be treated humanely (Art. 5), an arbitrary deprivation of liberty, and right to life since the victim had not been seen or heard from in over five years. The Commission recommended that the State conduct a complete investigation into the disappearances of the victims and compensate the victims' families.

GUATEMALA: Ana Lucrecia Orellana Stormont, Case 9120, Inter-Am. CHR No. 56/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a university professor, was abducted, tortured and disappeared; a criminal complaint was filed but her case was neither investigated nor clarified by the state.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a violation of her right to recognition as a person before the law, as when she was disappeared she was placed outside of and excluded from the juridical and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the length of time and the fact that the victim is still disappeared combined with the practice of disappearances, which often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The placing of a hood sprayed with insecticide over the victims head in order to induce asthma attacks constitutes a violation of the victims right to humane treatment (Art. 5); the abduction and disappearance of the victim constitute a violation of her right to liberty (Art. 7).

GUATEMALA: Axel Raul Lemus Garcia, Case 8076, Inter-Am. CHR No. 55/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a high school student, was abducted, beaten in the presence of many representatives of the media,

then disappeared; a writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, as when he disappeared he was placed outside of and excluded from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time and the fact that the victim is still disappeared, combined with the fact that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Luis Gustavo Marroquin, Case 8075, Inter-Am. CHR No. 54/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was abducted and disappeared in 1982 by heavily armed abductors in civilian dress. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, as when he was disappeared he was placed outside of and excluded from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission has found that it is reasonable to presume that the passage of such a long time, the fact that the victim is still disappeared combined with the fact that the practice of disappearances often involves secret execution without trial provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Fransisco Jose Antonio Pratdesaba Barillas, Case 8074, Inter-Am. CHR No. 53/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was allegedly abducted by members of the army and disappeared in 1981. The state has neither investigated nor clarified the facts of his still unknown whereabouts, and the action taken by the state to ascertain his whereabouts was flawed and ineffective.

Action Taken: The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, as when he was disappeared he was placed outside of and excluded from the juridical and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission has found that it is reasonable to presume that the passage of such a long time, the fact that the victim is still disappeared, combined with the fact that the practice of disappearances often involves secret execution without trial provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Arnoldo Juventino Cruz, Case 10.897, Inter-Am. CHR No. 30/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was disappeared by Government agents and there was no effective investigation to determine his whereabouts; the alleged perpetrators are known to be tied to the Army but they have not been tried.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, as when he was disappeared he was placed outside of and excluded from the juridical and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3); the Commission has found that it is reasonable to presume that the passage of such a long time and the fact that the victim is still disappeared combined with the fact that the practice of disappearances often involves secret execution without trial provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of

his right to liberty (Art. 7).

3. PERU: Manuel Pacotaype Chaupin, Case 10.908, Inter-Am. CHR No. 47/00

Complaint: Arts. 1(1), 3, 4, 5, 7, 25

Summary of the Case: Human rights violation occurring when petitioners were detained and subsequently disappeared.

Action Taken: The Commission found that Arts. 1, 3, 4, 5, 7, 25 were violated by the State. The Commission concluded that the Peruvian State was responsible for violations of the right to liberty (Art. 7) by illegally and arbitrarily detaining the Petitioners and violating their recourse to a competent judge or court that would rule on the lawfulness of their arrest. The Petitioner's right to humane treatment (Art. 5) was violated, as shown by presumptive evidence that the Petitioners were defenseless as a result being denied and prevented from exercising their rights. The Commission found that the armed forces tortured the victims with a view of extracting information about subversive groups or units. The Commission found also that the right to life (Art. 4) was violated as shown by presumptive evidence that the Petitioners are dead given that nine years have elapsed since the petitioners' detention and disappearance. The right to judicial personality (Art. 3) was violated by excluding the petitioners from the legal and institutional framework due to their forced disappearance and the right to an effective judicial remedy (Art. 25) was violated by failing to comply with its obligation to investigate the facts of this case and initiate judicial proceedings. In addition, the Peruvian State had breached two obligations (Art. 1(1)): Failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, 8, and 25 of the Convention; and failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State carry out exhaustive and impartial investigation to determine the forced disappearance of the petitioners and punish the persons responsible for the disappearance. The Commission also recommended that the state void any domestic measures that impede investigation, prosecution and punishment of the persons responsible for the detention and forced disappearance of the petitioners; and grant timely and adequate reparation for the violations to the family members of the petitioners. Furthermore, the Commission recommended that the State

provide appropriate compensation to petitioner for moral and material damages and reinstate petitioner to his position as Justice of the Supreme Court of Peru along with all compensation related to his salary and financial benefits.

PERU: Manual Monago Carhuaricra and Eleazar Monago Laura, Case 10.826, Inter-Am. CHR No. 45/00

Complaint: Arts. 1(1), 5, 7, 8

Summary of the Case: On September 9, 1990, a father and son were taken from their home and detained by the military. Both men have since disappeared.

Action Taken: The Commission has found that Arts. 3, 4, 5, 7, 8 were violated.

The Commission concluded that the State, through members of the Peruvian Army, detained the victim and the victim had later disappeared at the hands of the force. The State is responsible for violations of the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Americo Zavala Martinez, Case 10.820, Inter-Am. CHR No. 44/00

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: On March 31, 1990, Martinez was detained by members of the military and has since disappeared.

Action Taken: The Commission found that Arts. 7, 5, 4, 3, 25 were violated. The State claims that Martinez was detained for hanging subversive posters but was released three days later when it was determined he would not be implicated in subversive activities. The petitioners alleged Martinez had not been seen since he was detained. Considering, in part, that there was a state practice of disappearances during 1989-1993, the Commission concluded that the State detained Martinez and was responsible for his disappearance. Consequently, the State violated Martinez's right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Romer Morales Zegarra *et al.*, Case 10.827, 11.984, Inter-Am. CHR No. 57/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners were arbitrarily arrested in their homes by armed forces and subsequently disappeared.

Action Taken: The Commission declared that the State violated Arts. 1(1) 3, 4, 5, 7, 25.

The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents; they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25).

In addition, the Peruvian State breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention.

The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: Juan De La Cruz Núñez Santana *et al.*, Case 10.815, 10.905, 10.981, 10.995, 11.042, 11.136, Inter-Am. CHR No. 55/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners are arbitrarily arrested: after getting off a motorboat; on a

bus; in the house; and or while returning home on his motorcycle and subsequently causing them to disappear.

Action Taken: The Commission concluded that the State had violated Arts. 1(1), 3, 4, 5, 7, 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents; they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: William León Laurente *et al.*, Case 10.807, 10.808, 10.809, 10.810, 10.879, 11.307, Inter-Am. CHR No. 54/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners are arbitrarily arrested: during the illegal entry into the house, while being beaten in the street outside of the petitioner’s house; while leaving the offices of a corporation; while being beaten on the way back from the inscription as candidates in the municipal

bye-elections; after declaring at a neighborhood bar, that the petitioner was going to lodge a complaint against the military for having tortured him and subsequently causing them to disappear.

Action Taken: The Commission declared that the State violated Arts. 1(1), 3, 4, 5, 7, 25.

The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25).

In addition, the Peruvian State has breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention.

The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: David Palomiro Morales *et al.*, Case 10.551, Case 10.803, Case 10.821, Case 10.906, Case 11.180, Case 11.322, Inter-Am. CHR No. 53/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Government Military forces arrested all

named parties supposedly for not participating in civil self-defense patrols, and were taken away by said forces to a military base. The Military forces denied making the arrests to Petitioners' families, and the parties' whereabouts being unknown, are considered disappeared. The Government denies that the victims have been arrested by either the Armed Forces or by the National Police Force. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the American Convention on Human Rights.

PERU: Raul Zevallos Loyaza, Victor Padilla Lujan and Nazario Taype Humant, Case 10,544, Case 10,745, Case 11,098, Inter-Am. CHR No. 52/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the Armed Forces intercepted Raul on his way home for another destination. He was arrested and transferred to a Military Base. Five days later, Victor and Nazario were arrested in public by members of the Armed Forces and taken to the same military base. The victims, never having been seen again, are considered disappeared persons. The Government now denies that the victims have been arrested by members of the Armed Forces. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the American Convention on Human Rights.

PERU: Anetro Castillo Pezo *et al.*, Case 10,471, Case 10,955, Case 11,066, Case 11,014, Case 11,067, Case 11,070, Case 11,163, Inter-Am. CHR No. 51/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the Armed Forces moved into Petitioners' village by vehicles and helicopters, causing general destruction, and arresting the 12 Petitioners, who were then taken away by helicopter and never seen again. No reason was given for the arrests. The State maintained that it did not arrest the victims. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the American Con-

vention on Human Rights.

PERU: Eudalio Lorenzo Manrique *et al.*, Case 10.824, 11.044, 11.124, 11.125, 11.175, Inter-Am. CHR No. 56/98

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners are arbitrarily arrested: during illegal entry and search of house; with violence in house; at gunpoint in house; and or while returning home from the market and subsequently causing them to disappear.

Action Taken: The Commission ruled that Arts. 1(1), 3, 4, 5, 7, 25 were violated by the State. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

D. Article 4 – Right to Life

1. ARGENTINA: Juan Carlos Abella, Case 11.137, Inter-Am. CHR

No. 55/97

Complaint: Arts. 4, 5.1, 7.5, 8, 24, 25

Summary of the Case: On January 23, 1989, 42 armed persons attacked the barracks of an Infantry Regime located at La Tablada, Buenos Aires. After the attack, State agents participated in the execution of four attackers, the disappearance of six attackers, and the torture of a number of others. Five attackers who were arrested and two who had voluntarily turned themselves in were tortured psychologically and physically and were later tried and convicted.

Action Taken: The Commission found the State responsible for violating the right to life, the right to humane treatment, the right to appeal a conviction to a higher court, and the right to a simple and effective remedy. The Commission recommended that the State conduct a full investigation into the events and identify and punish those responsible. It further recommended that the State take the necessary steps to make effective the judicial guarantee of the right to appeal for persons tried under Law 23.077 and repair the harm suffered.

2. BRAZIL: Carandiru, Case 11.291, Inter-Am. CHR No. 34 00

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: On October 2, 1992 a prison riot at the Carandiru detention center in Sao Paulo led to the death of 111 prisoners, with others seriously wounded in actions allegedly committed by the Sao Paulo military police. Sixteen months after the riot, proceedings had not been instituted against those responsible. The petition requested that the State be sanctioned for violations of the right to life and personal integrity, due process, and judicial protection.

Action Taken: The Commission found that a massacre had taken place in which the State violated the rights to life, personal integrity, due process, and judicial protection. The Commission recommended investigation of the events, punishment for responsible parties, compensation for the victims, and creation of steps to avoid similar violations.

BRAZIL: Marcos Aurelio de Oliveira, Case 11.599, Inter-Am. CHR No. 10/00

Complaint: Arts. 4, 8, 19, 22, 25

Summary of the Case: Marcos Aurelio de Oliveira, a minor, was allegedly killed by a civil policeman of the State of Rio de Janeiro,

while attempting to rob the driver of a car. The policeman had been following Marcos and shot him upon seeing the attempted robbery. The policeman then left the scene. An eyewitness testified to the policeman's responsibility, but after intimidation changed his testimony. The policeman discovered the witness and attempted to kill him. Two years after filing a petition, the police investigation had not been completed.

Action Taken: The Commission concluded that Marcos Aurelio de Oliveira was unlawfully executed and that the investigation was not properly conducted. The Commission recommended the trial and punishment of those responsible for the violations of the right to life, to fair trial, to rights of the child, to the freedom of movement and residence, and to judicial protection, as well as compensation to the victim's relatives.

BRAZIL: Newton Coutinho Mendes, Case 11.405, Inter-Am. CHR No. 59/99

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The complaint alleged that an assassination group established by large land owners in the southern part of Para murdered and terrorized "persons linked or suspected of links to the occupation of lands in the region and with advocacy of the rights of rural workers." Persons of differing occupations (merchants, priests, laborers) are said to have been terrorized, kidnapped, and threatened in an attempt to preserve the power of the larger land owners when rights are asserted in any way. The petition alleged that the local authorities are organized and implicated in these crimes so that justice can not be served. Gunmen hired by the estate owners have strong-armed local workers into working for the estate owners and then killing the laborers if they do not.

Action Taken: The Commission found that the Brazilian State is liable for violations of Arts. 4, 5, 8, 25. The Commission recommended that "the competent authorities set in motion the required mechanisms and guarantees for the conduct of an independent, complete, serious and impartial investigation of the events taking place in the southern region of the State of Para.." The Commission also reiterated the need for Brazil to take measures to ensure the rights to life, to humane treatment, and to a fair trial and judicial protection for all inhabitants.

3. COLOMBIA: Caloto, Case 11.101, Inter-Am. CHR No. 36/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On December 16, 1991, approximately eighty people belonging to the Paez indigenous community responded to a call to meet the new owners of the property. Heavily armed men, some of whom were wearing uniforms of the security forces went to the site of the meeting, gathered the people, identified the leaders, and shot them. In an attempt to flee, twenty others were killed. After the massacre, the homes of the community were burned and destroyed. Petitioners allege that the failure to provide due judicial protection has resulted in impunity for those responsible and unwarranted delay in the investigation.

Action Taken: After the breakdown of a friendly settlement, the Commission determined that the State is responsible for violation of Arts. 4, 5, 7, 8, 25, and 1(1) and evaluated the measures taken to make reparation for the harm caused.

COLOMBIA: Los Uvos Massacre, Case 11.020, Inter-Am. CHR No. 35/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On April 7, 1991, members of the national army intercepted a bus at a checkpoint in Los Uvos township, made the passengers leave the bus, took their belongings, forced them to lie face-down on the road, and extrajudicially executed seventeen individuals with army-issue rifles. The two-year investigation was referred to the allegedly biased military criminal justice system, which petitioners claimed relieved them of the need to exhaust available domestic remedies.

Action Taken: Although a friendly settlement process broke down, the state had partially implemented recommendations made during the process, and the Commission issued conclusions regarding violations of Arts. 4, 5, 7, 8, 25, and 1(1) in light of the State's acceptance of responsibility.

COLOMBIA: Amparo Tordecilla Trujillo, Case 10.337, Inter-Am. CHR No. 7/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25

Summary of the Case: On April 25, 1989, State agents detained

Amparo Tordecilla. They forced her into a taxi owned by the Colombian Army, and proceeded to an undisclosed location. Her whereabouts were unknown. The alleged motive for the disappearance was the romantic relationship between Amparo and a leader of an armed dissident group. The state absolved the agents involved of liability for the disappearance. Petitioners alleged a violation of the right to personal liberty and security, life, and the right to an impartial tribunal and judicial protection.

Action Taken: The Commission concluded that the Colombian State was responsible for violating Arts. 1(1), 4, 5, 7, 8, 25 and recommended a complete investigation, return of the victim's remains to the family, and reparation to the victim's family.

COLOMBIA: Santos Mendivelso Coconubo, Case 11.540, Inter-Am. CHR No. 62/99

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: In Turmeque, men dressed as peasants shot Mr. Mendivelso while he was walking from his home to the school where he taught. Mr. Mendivelso, a trade union activist, was allegedly linked to an armed dissident group. One suspect informed investigators that National Police agents carried out the execution. The state assigned the case to the military judiciary, who acquitted the four accused agents.

Action Taken: The Commission decided that the State of Colombia is responsible for violating Mr. Mendivelso's right to life and right to judicial protections. The Commission recommended that Colombia undertake serious and impartial investigations into the murder of Mr. Mendivelso and compensate his survivors for their loss.

COLOMBIA: Jose Alexis Fuentes Guerrero, et al, Case 11.519, Inter-Am. CHR No. 61/99

Complaint: Arts. 4, 8, 25

Summary of the Case: The petitioner claims that eight persons died as a result of an army unit's shooting at unarmed civilians in Puerto Lleras. Next, the army allegedly forced civilians out of their homes while the homes were pillaged. The following day, the army used the civilians as a shield in case of an attack by dissidents. Autopsies revealed that the victims died as a result of gunfire from a short distance. The military subsequently took over a criminal investigation and issued arrest warrants for 14 suspects, including a lieutenant in

the military. During the military trial, the jury acquitted the defendants. The Judge then declared the verdict to be against the evidence and submitted the decision to the Supreme Military Tribunal for review. The tribunal, however, issued a final decision, affirming the lower court's decision.

Action Taken: The Commission concluded that the Colombian State was responsible for the violation of the right to life under Art. 4 of the American Convention and the right to judicial guarantees under Arts. 8 and 25. The Commission recommends that Colombia conduct a serious and impartial investigation into the crimes at Puerto Lleras.

COLOMBIA: Alvaro Moreno Moreno, Case 11.019, Inter-Am. CHR No. 5/98

Complaint: Arts. 1, 4, 7, 8, 25

Summary of the Case: Petitioners allege that police agents detained and killed Mr. Moreno during an operation to find those responsible for an attack carried out against a Police center.

Action Taken: The Commission found that the Colombian state failed to comply with the Commission's recommendations to investigate and sanction and that the Colombian state had violated Mr. Moreno's right to life (Art. 4) and personal liberty (Art. 7) and the rights of his family members to a fair trial (Art. 8) and judicial protection (Art. 25). The Commission recommended that the Colombian State undertake a serious and impartial investigation to find those responsible for the violations, and submit those individuals to the appropriate criminal proceedings. Finally, the Commission recommended that the Colombian State adopt the necessary measures to make full reparations for the violations found.

COLOMBIA: Tarcisio Medina Charry, Case 11.221, Inter-Am. CHR No. 3/98

Complaint: Arts. 3, 4, 5, 7, 8, 13, 25

Summary of the Case: Agents of the Republic of Colombia were responsible for the disappearance of Mr. Medina Charry.

Action Taken: The Commission held that the Colombian state is responsible for violating the right to juridical personality (Art. 3), the right to life (Art. 4), the right to humane treatment (Art. 5), the right to personal liberty (Art. 7), the right to a fair trial (Art. 8), the right to freedom of thought and expression (Art. 13), and the right to judicial

protection (Art. 25). Furthermore, the Commission found that the state of Colombia failed to uphold its obligations as established in Arts. 1 and 2 of the American Convention.

COLOMBIA: Arturo Ribón Avila, Case 11.142, Inter-Am. CHR No. 26/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Arturo Ribón and ten others were killed during an armed confrontation between members of the Army, the Departamento Administrativo de Seguridad, the Police, the Police Intelligence of Colombia, and members of the armed dissident group M-19.

Action Taken: The Commission found the Colombian State responsible for violating the right to life (Art. 4), the right to humane treatment (Art. 5), the right to a fair trial (Art. 8), and the right to judicial protection (Art. 25). Furthermore, the Colombian State did not take the necessary measures to make effective the rights of persons to see justice done by punishing the police officers who committed the violations, a violation pursuant to Art. 2 of the American Convention. Finally, the Colombian State violated Art. 3 of the Geneva Convention by not respecting and guaranteeing the rights of persons who are placed hors de combat in an internal armed conflict.

COLOMBIA: Hildegard Maria Feldman, Case 11.010, Inter-Am. CHR No. 15/95

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The Colombian army killed a Swiss missionary and two local farmers when the army shot into a house with no warning to those inside and without being certain as to who was inside. One farmer was unarmed and injured.

Action Taken: The Commission found a violation of Arts. 1.1, 2, 4, 5, 8, and 25.

The Military court ignored the testimony of the witnesses as to the manner in which the victims were executed and dismissed the cases using the justifications of self defense and unavoidable accident. The trial of military personnel for violations of human rights by military courts does not provide the guarantees of impartiality and independence required by the Convention for victims. (Art. 8) The Colombian Government never denied that members of the Army participated in the murder of the victims. The fact that the state took administrative

action against the military does not prove that that state administered a fair trial nor does it exonerate the Colombian Government from responsibility for taking proper action for the crimes committed.

4. ECUADOR: Victor Rosario Congo, Case 11.427, Inter-Am. CHR No. 63/99

Complaint: Arts. 4, 5, 25

Summary of the Case: The State arrested Mr. Congo for robbery and assault and sent him to a correctional center in Machala. On September 14, 1990, he was attacked by a guard and suffered head wounds. As a result of the attack, Mr. Congo was in a demented state when the guards returned him to isolation, naked and incommunicado. On October 2, 1990, a doctor examined Mr. Congo and diagnosed him with Ganser's syndrome, a type of psychosis requiring a change of environment. Upon transfer to a mental facility, doctors immediately transferred Mr. Congo to a hospital due to his extreme dehydrated state. A few hours later he died from malnutrition, hydroelectrolytic imbalance, and heart and lung failure. The petition alleged that the State was responsible for lack of medical attention, isolation, and negligence.

Action Taken: The Commission found that the State violated Mr. Congo's rights to life, humane treatment, and judicial protection. It further recommended that Ecuador seriously and impartially investigate the cause of Mr. Congo's death and reimburse the survivors for their loss. Upon publication of the report, the Commission was informed that Mr. Congo's family was reimbursed for \$30,000. It further urged the competent state agencies to produce information leading to the prosecution of the responsible person or persons.

ECUADOR: Manuel García Franco, Case 10.258, Inter-Am. CHR No. 1/97

Complaint: Arts. 1(1), 4, 5, 7, 7.6, 8, 25

Summary of the Case: Mr. García Franco died as a result of his abduction and torture by two Naval officers and three members of the Ecuadorian Naval Marine.

Action Taken: Upon declaring the petition admissible, the Commission found that agents of the State of Ecuador were responsible for the disappearance of Mr. García Franco. The Commission held that state agents illegally and arbitrarily arrested and detained Mr. García Franco, violated his right to be brought before a judge, sub-

jected him to treatment contemptuous to his inherent dignity as a human being, and deprived him of his right to life. The Commission found that the state denied Mr. García Franco's family their right to access judicial protection and right to be heard within a reasonable time. The Commission also found that the state had denied Mr. García Franco the right to recognition as a person. The Commission recommended that the state of Ecuador undertake an investigation of the facts, take the necessary measures to inform the family of Mr. García Franco of the location of his remains, and redress the consequences of the violations found.

ECUADOR: Manuel Stalin Bolanos Quinones, Case 10.580, Inter-Am. CHR No. 10/95

Complaint: Arts. 4, 5, 8

Summary of the Case: Manuel Bolanos was arrested in his home and disappeared. Petitioners allege he was tortured and died during interrogation.

Action Taken: The Commission found violations of Arts. 1, 4, 7, 8, and 25. The victim was arbitrarily arrested without a warrant and without disclosing the true reason for his detention; the persons arresting him had no authority to do so. He was held at an irregular location and had no access to legal means and remedies to assert his rights (Art. 7). Petitioners never received information on the petition for a writ of habeas corpus that they filed, and it is assumed that the Government did not consider it (Art. 7). The State did not perform an investigation into the circumstances of the death of Mr. Bolanos (Art. 1). The death of Mr. Bolanos occurred because the State failed to fulfill its obligations under Art. 1 and while Mr. Bolanos was in their custody. Since the State has the burden of proving the exact circumstances of Mr. Bolanos' death. The Commission concluded that his right to life was violated (Art. 4). Petitioners did not provide copies of the statements upon which the allegations of torture were based and there is insufficient information in the file otherwise to find such a violation (Art. 5). The investigation of Mr. Bolanos death took four years because the State used insufficient means in the investigation—this is an unreasonable delay (Art. 8). The Government failed to provide simple, swift and effective legal recourse to the victims family - the truth about what happened to him, the circumstances of his detention and death and the location of his remains (Art. 25). The investigation into the facts of this case was carried out

by the military—they could not be impartial and independent in an investigation of other military personnel (Art. 8).

5. EL SALVADOR: Monsignor Oscar Arnulfo Romero y Galdamez, Case 11.481, Inter-Am. CHR No. 37/00

Complaint: Arts. 23, 24

Summary of the Case: On March 24, 1980, a sniper shot and killed Monsignor Romero while he celebrated mass. The sniper was a member of a state operated death squad. Petitioners brought a claim against El Salvador for the allegedly extrajudicial execution of the Archbishop of San Salvador by a State-operated death squad. The State did not question the facts of the case but justified the release of any implicated persons pursuant to the general amnesty law.

Action Taken: The Commission found violations of Arts. 1(1), 2, 4, 8(1), and 25, and recommended that the State prosecute all perpetrators, make reparation for the consequences of the violations, and nullify the general amnesty law through domestic legislation.

EL SALVADOR: Victor Hernandez Velasquez, Case 10,288, Inter-Am. CHR No. 1/99

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: Members of the armed forces extrajudicially executed Petitioner, violating his right to life and personal integrity. His body showed evidence of hanging and beating. The State coroner stated that there were no signs of torture and that the cause of death was asphyxiation.

Action Taken: The Commission finds that the Salvadorian State is responsible for violating Arts. 4, 5, and 25.

EL SALVADOR: Lucio Parada Cea, *et al.*, Case 10.480, Inter-Am. CHR No. 1/99

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: Elements of the Salvadoran Army forcibly arrested, interrogated, and tortured petitioners, resulting in their deaths. The Army gave no reason for the arrests.

Action Taken: The Commission found that the State of El Salvador violated Arts. 4, 5, 7(5), 8, and 25; Art. 3 of the Four Geneva Conventions of 1949; and Art. 4 of Protocol II.

6. GRENADA: Rudolph Baptiste, Case 11.743, Inter-Am. CHR No. 38/00

Complaint: Arts. 4(1), 4(6), 5(1), 5(2), 5(6), 8, 24; Arts. I, II, XVIII, XXVI of the Declaration

Summary of the Case: Petitioner, a death row inmate, contended that the mandatory nature of the death sentence, the poor condition of his detention, and inaccessibility of legal aid violated his human rights under the American Convention.

Action Taken: The Commission found violations of Arts. 4(1), 4(6), 5(1), 5(2), 5(6), 8, and 24.

The mandatory nature of the death penalty, based upon the category of crime without considering individual circumstances violated the petitioner's right to physical, mental, and moral integrity and subjected him to cruel, inhuman or degrading punishment pursuant to Arts. 4(1), 5(1), 5(2), and 8(1). By failing to provide Mr. Baptiste with an effective right to apply for amnesty, pardon or commutation of sentence, the State violated Art. 1(1). The conditions of the petitioner's detention failed to meet several of the minimum standards of treatment of prisoners (Art. 5(1)). The State violated the petitioner's rights by not providing legal representation for Constitutional Motions necessary for dealing effectively with legal issues such as the right to due process and the adequacy of prison conditions. The Commission requested that the State stay Mr. Baptiste's execution.

7. GUATEMALA: Joaquin Ortega *et al.*, Case 10.586, Inter-Am. CHR No. 39/00

Complaint: Arts. 1(1), 4, 8, 25, 5, 7, 18

Summary of the Case: Members of and persons linked to the Guatemalan security forces kidnapped, in some cases, tortured, and executed seventy-one men, women, and children in 1990 and 1991.

Action Taken: The Commission found violations of Arts. 4, 8, 25, 7, 5, 1, 6, and 19. In 1990 and 1991, State agents allegedly carried out extrajudicial executions and disappearances in order to physically eliminate their opponents and to repress, silence, and control the population as a whole. The Commission concluded that the Guatemalan State violated the victims' rights to life, judicial guarantees, personal liberty, and humane treatment. The State was also responsible for violating the rights of the child.

GUATEMALA: Francisco Guarcas Cipriano, Case 11.275, Inter-Am. CHR No. 140/99

Complaint: Arts. 4, 5, 7, 8, 16, 25, 1(1)

Summary of the Case: After renouncing his service in a civilian state-run armed group, the victim was last seen at a bus terminal with members of the group and has since disappeared.

Action Taken: The Commission found violations of Arts. 4, 5, 7, 3, 8, 25, and 1(1).

The victim's forced disappearance violated his right to personal liberty and the fundamental guarantee of habeas corpus rights. A disappearance also constitutes a violation of the right to be treated humanely (Art. 5), an arbitrary deprivation of liberty, and right to life since the victim had not been seen or heard from in over five years. The Commission recommended that the State conduct a complete investigation into the disappearances of the victims and compensate the victims' families.

GUATEMALA: Samuel de la Cruz Gómez, Case 10.606, Inter-Am. CHR No. 11/98

Complaint: Arts. 1.1, 4, 5.1, 7, 8, 25

Summary of the Case: Mr. de la Cruz, a member of the Council of Ethnic Communities Runujel Junam (CERJ), disappeared after men linked to the security forces of the State of Guatemala detained him.

Action Taken: The Commission decided that the State of Guatemala is responsible for violations of the right to juridical personality, right to life, right to humane treatment, right to personal liberty, and right to judicial guarantees and protection. The Commission recommended that the State of Guatemala carry out an investigation to find and submit those responsible to the appropriate judicial processes and that the State redress the consequences of the violations.

GUATEMALA: Ana Lucrecia Orellana Stormont, Case 9120, Inter-Am. CHR No. 56/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a university professor, disappeared after her abduction and torture. A criminal complaint was filed but the State neither investigated nor clarified her case.

Action Taken: The Commission found violations of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constitutes a violation of her right to recognition as a person before the law, because her disappearance placed her outside of and excluded her from the juridical and institutional order of the state. This exclusion has

the effect of denying the very existence of the victim, which as a human being is entitled to be recognized before the law (Art. 3). The Commission found it reasonable to assume that the victim had been killed in violation of her right to life because the victim was still missing after the passage of such a long time, and because the practice of disappearances often involves secret execution without trial (Art. 4). The placing of a hood sprayed with insecticide over the victim's head in order to induce asthma attacks constitutes a violation of the victim's right to humane treatment (Art. 5); the abduction and disappearance of the victim constitute a violation of her right to liberty (Art. 7).

GUATEMALA: Axel Raul Lemus Garcia, Case 8076, Inter-Am. CHR No. 55/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a high school student, disappeared after being abducted and beaten in the presence of many representatives of the media. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found violations of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, because his disappearance placed him outside of and excluded him from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time coupled with the facts that the victim is still disappeared and that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Luis Gustavo Marroquin, Case 8075, Inter-Am. CHR No. 54/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim disappeared in 1982 after his abduction by heavily armed men in civilian dress. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found violations of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, because his disappearance placed him outside of and excluded him from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time coupled with the facts that the victim is still disappeared and that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Fransisco Jose Antonio Pratdesaba Barillas, Case 8074, Inter-Am. CHR No. 53/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim disappeared in 1981 after his alleged abduction by members of the army. The state has neither investigated nor clarified the facts of his still unknown whereabouts. Additionally, the action taken by the state to ascertain his whereabouts was flawed and ineffective.

Action Taken: The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, because his disappearance placed him outside of and excluded him from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time coupled with the facts that the victim is still disappeared and that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Maria Majia, Case 10.553, Inter-Am. CHR No. 32/96

Complaint: Arts. 1, 4, 5, 6, 8, 22, 25

Summary of the Case: Petitioners claim that the victim was murdered and her husband was assaulted and wounded in reprisal for their refusal to join the civilian patrols; other people in the community also were threatened. Petitioners filed motions for personal appearance with the Human rights Ombudsman and the regional justice of the peace, but the State did not investigate the charges.

Action Taken: The Commission found violations of Arts. 1, 4, 5, 6, 8, 22, and 25. The government at no time disputed the facts alleged and the Commission takes the brief responses of the Government as acknowledgment of the truth of the allegations. The threats to community members causing them to leave their homes, and the attack on the victims husband constitute violations of the right to humane treatment (Art. 5). The persecution against those who leave the civilian patrols and the obligation to participate in them with no compensation is a form of forced labor (Art. 6). The forced displacement of 39 members of the community from their homes violates the right of freedom of movement and residence (Art. 22).

GUATEMALA: Arnaldo Juventino Cruz, Case 10.897, Inter-Am. CHR No. 30/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim disappeared after abduction by Government agents. There was no effective investigation to determine his whereabouts. The alleged perpetrators are known to be tied to the Army, but they have not been tried.

Action Taken: The Commission found violations of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, because his disappearance placed him outside of and excluded him from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time coupled with the facts that the victim is still disappeared and that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Carlos Ranferi Gomez, Case 11.303, Inter-Am. CHR No. 29/96

Complaint: Arts. 1, 4, 5, 8, 13, 16, 22, 25

Summary of the Case: Petitioner claims that he was the victim of an attempt on his life by Government agents and that he has been denied legal protection.

Action Taken: The Commission found violations of Arts. 1, 4, 5, 8, 13, 16, 22, and 25.

The attempt on the petitioner's life is a violation of his right to life (Art. 4) and physical integrity (Art. 5); the threats made to him constitute a violation of his right to mental integrity (Art. 5); his inability to continue his union work and show his social commitment in Guatemala constitute a violation of his moral integrity (Art. 5); the ineffective judicial protection provided by the government violates his right to a hearing (Art. 8) and of protection of his legal rights (Art. 25); the taking of the petitioners camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13); the death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association (Art. 16); and the attempt to stop petitioner at the airport from leaving the country violated his right of freedom of movement (Art. 22).

GUATEMALA: Juan Hernandez, Case 11.297, Inter-Am. CHR No. 28/96

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: The victim was convicted of disorderly conduct and sentenced to 30 days in prison. While there, he died of a cerebral edema and cholera. Petitioners claim that he did not receive proper medical care and though he was authorized to be transferred to a hospital, the transfer never took place. Petitioners solicited the courts to find the cause of the cerebral edema, whether the treatment he received was negligent, and why he was not transferred to a hospital. None of these requests were ever carried out.

Action Taken: The Government arbitrarily arrested the victim contrary to guarantees of the Guatemalan Constitution and failed to notify his next of kin of his imprisonment or of his death, in violation of his right to liberty (Art. 7). The Government failed to guarantee the victim's right to life or personal safety because they did not act diligently to protect his life and health while he was in their custody (Arts. 4, 5). In addition, the Government violated its obligation to

respect judicial guarantees (Art. 8) and to provide effective recourse (Art. 25).

GUATEMALA: Juan Hernandez, Case 11.297, Inter-Am. CHR No. 28/96

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: The victim was convicted of disorderly conduct and sentenced to 30 days in prison; while there, he died of a cerebral edema and cholera. Petitioners claim that he did not receive proper medical care and though he was authorized to be transferred to a hospital, the transfer never took place. Petitioners petitioned the courts to find the cause of the cerebral edema, whether the treatment he did receive was negligent, and why he was not transferred to a hospital; none of these requests were ever carried out.

Action Taken: The Government arbitrarily arrested the victim contrary to guarantees of the Guatemalan Constitution and also failed to notify his next of kin of his imprisonment or of his death in violation of the victim's right to liberty (Art. 7). The Government failed to guarantee his right to life or personal safety and did not act diligently to protect his life and health while he was in their custody (Arts. 4, 5). In addition, the Government violated its obligation to respect judicial guarantees (Art. 8) and to provide effective recourse (Art. 25).

GUATEMALA: Roberto Lissardi and Dino Rossi, Case 10.508, Inter-Am. CHR No. 25/94

Complaint: Arts. 5, 7, 25

Summary of the Case: The army illegally arrested the petitioners, who were kidnapped, held and then released. Following their release, the petitioners were followed and others were asked questions about them.

Action Taken: The Commission found violations of Arts. 5, 7, 25. The treatment the Petitioners had to endure and the threats they received constituted a violation of Art. 5. The Commission recommended that the government of Guatemala carry out separate inquiries of both the illegal arrest and the subsequent denial of justice. In addition, the Commission also recommended that the state grant the Petitioners appropriate compensation and to take measures to ensure that these practices cease.

8. HAITI: Jean-Claude Pierre, *et al.*, Case 11.378, Inter-Am. CHR No. 8/00

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: State agents brutally beat and shot a father and son in the street, resulting in the father's death and serious injury to the son.

Action Taken: The Commission found a violation of Arts. 4, 5, 8, 25. Based on evidence from eyewitnesses and other similar incidents occurring at the time, including *inter alia* the excessive use of force to enter into the petitioners' house at night, the Commission was able to conclude that the attackers were members of the de facto military government and therefore, violated the victims' right to life and the right to physical integrity. The Commission recommended the State investigate the incident and compensate the relatives of the father who was killed.

9. JAMAICA: Desmond McKenzie, *et al.*, Cases 12.023, 12.044, 12.107, 12.126, 12.146, Inter-Am. CHR No. 41/00

Complaint: Arts. 1, 4, 5, 7, 8, 24, 25

Summary of the Case: Six condemned men on death row for multiple non-capital crimes alleged human rights violations concerning the mandatory nature of the death sentence and due process issues.

Action Taken: The Commission found a violation of Arts. 4(1), 5(1), 5(2), 8(1), 1(1), 4(6), 7(5), 5(4), 5(6), 8(2), 8, 25. Jamaica violated Arts. 4(1) and 4(6) because it imposed the death sentence automatically without considering individual circumstances regarding either the crime itself or the personality of the offender. The Commission recommended that the State grant the victims an effective remedy, which may include commutation of sentence and compensation. The State should also adopt measures to ensure the death penalty is imposed in accordance with the Convention, and ensure that the right to amnesty, pardon, and a fair hearing are given full effect.

10. MEXICO: Rolando and Anastasio Arteaga Perez, Case 11.543, Inter-Am. CHR No.1/98

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Members of the State Judicial Police and unidentified armed men forcibly entered and searched houses in Petitioners' village, including those of the Petitioners. The unidentified

gunmen then inflicted gunshot wounds on the Petitioners and kidnapped them. Petitioners' bodies were later found, exhibiting clear signs of torture.

Action Taken: The Commission resolved that the Mexican State violated Arts. 1, 4, 5, 7, 8, 25.

MEXICO: Tomas Porfirio Rondin, "AGUAS BLANCAS" Case 11.520, Inter-Am. CHR No. 49/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Members of the Judicial Police of Guerrero detained and forced members of the Rural Organization of Southern Sierra off their truck at the Vado de Aguas Blancas. A second truck arrived with more members, who were told to disembark the truck, but were summarily shot – 17 of them were executed without cause or provocation. The police officers then put weapons in the hands of the victims in order to conceal the events. Petitioners contended that the investigation took a long time and that some serious irregularities occurred, while the State contended that domestic remedies were not exhausted.

Action Taken: The Commission concluded that the Mexican State violated Arts. 2, 5, 8, 11, 25 of all members and Art. 4 with regard to those 17 arbitrarily deprived of life under the American Convention on Human Rights.

MEXICO: Severiano and Hermelindo Santiz Gomez, Case 11.411, Inter-Am. CHR No. 48/97

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Mexican Army agents forcefully entered an Indian community in the municipality of Altamirano in Chiapas State. The agents broke into numerous houses, beat the men they found there, dragged them out to a basketball court behind a Church, and detained the men face down in the cement. The soldiers looted the houses and shops in the town and destroyed the health care center. The agents separated three of the inhabitants from the group and proceeded to torture and eventually execute those three. Their bodies were found one month later along a road leading from the town.

Action taken: The Commission concluded that the Mexican State violated Arts. 4, 5, 8, 25, and 1.1.

11. NICARAGUA: Arges Sequeira Mangas, Case 11.218, Inter-Am. CHR No. 52/97

Complaint: Arts. 1, 2, 4, 5, 8, 25

Summary of the Case: Mr. Sequeira Mangas, President of the National Association of Property Seizure Victims and member of the board of directors of the Supreme Private Enterprise Council was murdered by unknown persons. An armed group called Punitive Forces of the Left claimed responsibility for the murder.

Action Taken: The Commission found the Nicaraguan state liable for violating the right to life, the right to a fair trial, and the right to judicial protection of Mr. Sequeira Mangas. The Commission recommended that the State revoke the amnesty granted to those responsible and that it undertake a full investigation to bring the police authorities who failed to carry out the arrest orders issued by the Judiciary to trial. The Commission also recommended that the Nicaraguan State pay compensation to the victims relatives.

12. PERU: Manuel Pacotaype Chaupin, Case 10.908, Inter-Am. CHR No. 47/00

Complaint: Arts. 1(1), 3, 4, 5, 7, 25

Summary of the Case: Human rights violations occurred when petitioners were detained and subsequently disappeared.

Action Taken: The Commission found that Arts. 1, 3, 4, 5, 7, 25 were violated by the State. The Commission concluded that the Peruvian State was responsible for violations of the right to liberty (Art. 7) for illegally and arbitrarily detaining the Petitioners and violating their recourse to a competent judge or court that could rule on the lawfulness of their arrest. Presumptive evidence that the Petitioners were defenseless as a result being denied and prevented from exercising their rights proved a violation of the Petitioner's right to humane treatment (Art. 5). The Commission found that the armed forces tortured the victims in order to extract information about subversive groups or units. The Commission presumed the Petitioner's death from the fact that nine years had elapsed since the petitioners' detention and disappearance, thus violating the Petitioner's right to life (Art. 4). The right to judicial personality (Art. 3) was violated by excluding the Petitioners from the legal and institutional framework during their forced disappearance. Furthermore, the right to an effective judicial remedy (Art. 25) was violated by failing to comply with its obligation to investigate the facts of the case and initiate judicial proceedings. In addition, the Peruvian State breached two obligations (Art. 1(1)). First, by failing to take responsibility for the

acts of its agents of public authority, and therefore violating the rights of those petitioners under Arts. 3, 4, 5, 7, 8, and 25 of the Convention. Second, by failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State carry out exhaustive and impartial investigation to determine the forced disappearance of the petitioners and punish the persons responsible for the disappearance. The Commission also recommended that the State void any domestic measures that impede investigation, prosecution, and punishment of the persons responsible for the detention and forced disappearance of the petitioners. Finally, the Commission recommended that the State grant timely and adequate reparation to the family members of the Petitioners.

PERU: Manual Monago Carhuaricra and Eleazar Monago Laura, Case 10.826, Inter-Am. CHR No. 45/00

Complaint: Arts. 1(1), 5, 7, 8

Summary of the Case: On September 9, 1990, a father and son were taken from their home and detained by the military. Both men have since disappeared.

Action Taken: The Commission has found that Arts. 3, 4, 5, 7, 8 were violated.

The Commission concluded that the State, through members of the Peruvian Army, detained the victim, who later disappeared at the hands of the force. The State is responsible for violations of the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Americo Zavala Martinez, Case 10.820, Inter-Am. CHR No. 44/00

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: On March 31, 1990, Martinez was detained by members of the military and has since disappeared.

Action Taken: The Commission found that Arts. 7, 5, 4, 3, 25 were violated. The State claims that Martinez was detained for hanging subversive posters but was released three days later when it was determined he would not be implicated in subversive activities. The petitioners alleged that Martinez had not been seen since he was detained. Considering, in part, that there was a state practice of disap-

pearances during 1989-1993, the Commission concluded that the State detained Martinez and was responsible for his disappearance. Consequently, the State violated Martinez's right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Alcides Sandoval Flores, *et al.*, Case 10.670, Inter-Am. CHR No. 43/00

Complaint: Arts. 5, 7, 8

Summary of the Case: On January 25, 1990, three Flores brothers were detained with four other persons by members of the Army, and all three men have not been seen since.

Action Taken: The Commission found that the State violated Arts. 1, 4, 5, 7, 8, 25.

The Commission concluded that the State, through members of the armed forces, detained the Flores brothers, whose whereabouts are now unknown, as they have disappeared. The State is, therefore, responsible for violating the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Raul Zevallos Loyaza, Victor Padilla Lujan and Nazario Taype Humant, Case 10,544, Case 10,745, Case 11,098, Inter-Am. CHR No. 52/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the Armed Forces intercepted Raul on his way home for another destination, arrested him, and transferred him to a Military Base. Five days later, Victor and Nazario were arrested in public by members of the Armed Forces and taken to the same military base. The victims, never having been seen again, are considered disappeared persons. The Government now denies that the victims have been arrested by members of the Armed Forces. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the American Convention on Human Rights.

PERU: Anetro Castillo Pezo *et al.*, Case 10,471, Case 10,955, Case

11,066, Case 11,014, Case 11,067, Case 11,070, Case 11,163, Inter-Am. CHR No. 51/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the Armed Forces moved into Petitioners' village by vehicles and helicopters, causing general destruction, and arresting the 12 Petitioners, who were then taken away by helicopter and never seen again. No reason was given for the arrests, and the State maintained that it did not arrest the victims. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the American Convention on Human Rights.

PERU: Pastor Juscamaita Laura, Case 10.542, Inter-Am. CHR No. 19/99

Complaint: Arts. 4, 7

Summary of the Case: Members of the Peruvian Army arrested Petitioner on charges of terrorism. The Petitioner was taken to an Army base and then to an Army barrack. The State maintains that it did not arrest the victim. The Government arrested Petitioner 8 years ago, and has yet to account for his whereabouts. This is considered a case of forced disappearance.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 4, 7, and 1(1).

PERU: Eudalio Lorenzo Manrique *et al.*, Case 10.824, 11.044, 11.124, 11.125, 11.175, Inter-Am. CHR No. 56/98

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violations occur when petitioners are arbitrarily arrested during an illegal entry and search of house, with violence and at gunpoint in house, or while en route from the market, petitioners disappear.

Action Taken: The Commission ruled that Arts. 1(1) 3, 4, 5, 7, 25 were violated by the State. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which the Peruvian State is held responsible. The state violated the right to jurisdictional personality (Art. 3) when petitioners were detained and then "disappeared" under the direction of State agents, and were excluded from the legal and institutional framework of the State. The state violated the right to

life (Art. 4), when sufficient evidence exists to support the presumption that the petitioners are dead, given that seven years have elapsed since their detention and disappearance. The state also violated the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned, and violated the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, and 25 of the Convention, and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners, identify and punish those responsible for the detention and disappearance of the petitioners, suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners, and to grant appropriate reparations to the relatives of the petitioners.

PERU: Héctor Pérez Salazaar, Case 10.562, Inter-Am. CHR No. 43/97

Complaint: Art. 4

Summary of the Case: The General Police and the Peruvian Army arrived to the town of Huancaya and collected the entire population in the towns plaza. Mr. Héctor Pérez, an elderly and disabled man was unable to get to the plaza as quickly as others. Evidence indicates the presumption of an extra-judicial execution with an attempted cover-up.

Action Taken: The Commission decided that the security forces of the State of Peru arbitrarily deprived Mr. Héctor Pérez of his life and violated their general obligation to respect and ensure the exercise of this right pursuant to Art. 1.1 of the American Convention. The Commission recommended that the Peruvian State conduct a full investigation to locate the remains of the victim and to find those responsible of his execution. Furthermore, the Commission recommended that the State declare Laws No. 26479 and No. 26492 to be without force and that it indemnify Mr. Héctor Pérez's family.

PERU: Angel Escobar Jurado, Case 10.521, Inter-Am. CHR No. 42/97

Complaint: Arts. 4, 7

Summary of the Case: Mr. Escobar Jurado was detained by five individuals, presumed members of the Armed Forces.

Action Taken: The Commission found that the Armed Forces had detained Mr. Escobar Jurado and for eight years were unable to account for his whereabouts. As a result, the Peruvian State was found responsible for violating the right to life, the right to personal liberty and its obligation to respect and ensure the exercise of these rights pursuant to Art. 1.1 of the American Convention. The Commission recommended that the State of Peru declare Laws No. 26479 and No. 26492 to be without force, that it carry out a full investigation of the facts, and that it provide reparations to the relatives of Mr. Escobar Jurado.

PERU: Estiles Ruíz Dávila, Case 10.491, Inter-Am. CHR No. 41/97

Complaint: Arts. 4, 7

Summary of the Case: Mr. Ruíz Dávila was detained and abducted by Peruvian Army personnel while he was attending a funeral wake.

Action Taken: The Commission found that the State of Peru is responsible for violating the right to life and the right to personal liberty. The Commission found that the Peruvian State violated Art. 1.1 by failing to safeguard the rights and guarantees of Ruíz Dávila and recommended that a serious and impartial investigation be carried out. The Commission also recommended that Laws No. 26479 and No. 26492 be declared without force, and that reparations be made to the victims relatives.

PERU: Camilo Alarcón Espinoza *et al.*, Cases 10.941, 10.942, 10.944, 10.945, Inter-Am. CHR No. 40/97

Complaint: Arts. 4, 5, 7, 8, 25

Summary of the Case: Mr. Alarcón Espinoza was detained and abducted by members of the Peruvian army.

Action Taken: The Commission found that the Peruvian State was responsible for violating the right to juridical personality, the right to life, the right to humane treatment, the right to liberty, the right to due process, and the right to an effective judicial remedy. The Commission recommended that the Peruvian State investigate the case in order to determine the victims' whereabouts, that the State declare

Laws No. 26.479 and No. 26.492 to be without force, and that it compensate the relatives of the victims.

PERU: Martín Javier Roca Casas, Case 11.233, Inter-Am. CHR No. 39/97

Complaint: Arts. 4, 5, 7, 8, 25

Summary of the Case: Mr. Roca Casas disappeared on October 5, 1993 and has not been seen or heard of since. The Petitioner alleged that the State was responsible for the disappearance of Mr. Casas.

Action Taken: The Commission found that when the Peruvian Navy detained Mr. Roca Casas, the Peruvian State became responsible for violating the right to life (Art. 4), the right to humane treatment (Art. 5), the right to personal liberty (Art. 25), and the obligation to respect and ensure the exercise of these rights pursuant to Art. 1.1 of the American Convention.

PERU: Hugo Bestios Saavedra, Case 10.548, Inter-Am. CHR No. 38/97

Complaint: Arts. 1.1, 4.1, 5, 13.1, 25

Summary of the Case: Mr. Bustíos Saavedra, a journalist, was killed by members of the Peruvian military patrol while he and another journalist were investigating the murders of two residents of Ayacucho.

Action Taken: The Commission found that the State of Peru violated the rights to life, freedom of expression, and judicial protection of Mr. Bustíos Saavedra. The Commission also found that the Peruvian State was responsible for violating the rights to personal integrity, freedom of expression, and judicial protection of Mr. Rojas Arce, the journalist working with Mr. Bustíos Saavedra. The Peruvian State was also found to have violated Art. 3 of the Geneva Convention. The Commission recommended that the State carry out a full investigation of the facts, that it adopt full reparations, and that it guarantee journalists the necessary protection in order to avoid similar occurrences.

PERU: Chumbivilcas, Case 10.559, Inter-Am. CHR No. 1/96

Complaint: Arts. 1, 4, 5, 7, 25; Art. I of the American Declaration

Summary of the Case: The Petition alleged that more than 21 people from the Chumbivilcas province were executed, tortured and/or abducted between April 20 and April 30, 1990 by members of the Peruvian Army.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 7, 8, 25. The right to life was a fundamental right, and if it is not respected by the government authorities then the entire system of human rights breaks down (Art. 1) and this right cannot be suspended under any circumstances (Art. 27). Torture followed by arbitrary executions carried out by members of the army patrol constitute a clear violation of the right to life and humane treatment (Art. 4 & 5) and thus implies a failure of the Government to carry out its obligations to respect and guarantee all the rights under the Convention (Art. 1). The arbitrary arrests, and the subsequent denial that these events occurred constitutes a violation of the right to personal liberty (Art. 7) and humane treatment (Art. 5) and due process (Art. 8). The information held by the Commission demonstrates that enough proof was compiled to demonstrate that the army patrol was responsible for acts that violated the fundamental rights of the people in Chumbivilcas, and the military authorities were obligated to identify those responsible so that they could be turned over to the judicial authorities. Instead of carrying out an investigation the authorities denied the occurrence of these events, in violation of the right to judicial protection (Art. 25).

13. VENEZUELA: Eleazar Ramón Mavares, Case 11.068, Inter-Am. CHR No. 49/96

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The Petition alleged that Mr. Ramón Mavares was killed by members of the Metropolitan Police of the Federal District of Caracas.

Action Taken: The Commission found the State of Venezuela responsible for violating the right to life, personal integrity, judicial guarantees, and judicial protection and for violating Art. 27.2 of the Convention, which provides that suspension of constitutional guarantees does not authorize the suspension of fundamental rights. The Commission recommended that the State conduct a full investigation to punish those responsible, that it discipline the members of the security force involved in this case, that it initiate an inquiry to determine the identity of the victim and clarify the cause of death, and that it pay damages to the victim's family.

E. Article 5 - Right to Humane Treatment

1. ARGENTINA: Juan Carlos Abella, Case 11.137, Inter-Am. CHR No. 55/97

Complaint: Arts. 4, 5.1, 7.5, 8, 24, 25

Summary of the Case: On January 23, 1989, forty two armed persons attacked the barracks of an Infantry Regime located at La Tablada, Buenos Aires. After the attack, State agents participated in the execution of four attackers, the disappearance of six attackers, and the torture of a number of others. Five attackers who were arrested and two who had voluntarily turned themselves in were tortured psychologically and physically and were later tried and convicted.

Action Taken: The Commission found the State responsible for violating the right to life, the right to humane treatment, the right to appeal a conviction to a higher court, and the right to a simple and effective remedy. The Commission recommended that the State conduct a full investigation into the events and identify and punish those responsible. It further recommended that the State take the necessary steps to make effective the judicial guarantee of the right to appeal for persons tried under Law 23.077 and make reparations for the harm suffered.

ARGENTINA: X and Y, Case 10.506, Inter-Am. CHR No. 38/96

Complaint: Arts. 1, 5, 11, 24

Summary of the Case: Petitioners were repeatedly subjected to vaginal inspections prior to being allowed a physical contact visit with Mr. X, petitioner X's husband and Y's father; Y was 13 years old.

Action Taken: The Commission found a violation of Arts. 1, 5, 11, 17 & 19. The Commission examined whether the Government satisfied any of the requirements for limiting certain rights (Art. 32), and in interpreting these exceptions, strictly established four additional requirements before a vaginal search inspection can take place. The Commission found that the rights of petitioners were interfered with: when the prison authorities systematically performed vaginal inspections on X and Y, they violated their right to physical and moral integrity (Art. 5), honor and dignity (Art. 11), right to family (Art. 17), and the rights of a child with respect to Y (Art. 19).

2. BRAZIL: Carandiru, Case 11.291, Inter-Am. CHR No. 34/00

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: On October 2, 1992 a prison riot at the Carandiru detention center in Sao Paulo led to the death of 111 prisoners, with others seriously wounded in actions allegedly committed by the Sao Paulo military police. Sixteen months after the riot, proceedings had not been instituted against those responsible. The petition requested that the State be sanctioned for violations of the right to life and personal integrity, due process, and judicial protection.

Action Taken: The Commission found that a massacre had taken place in which the State violated the rights to life, personal integrity, due process, and judicial protection. The Commission recommended investigation of the events, punishment for responsible parties, compensation for the victims, and development of regulations to avoid similar violations.

BRAZIL: Newton Coutinho Mendes, Case 11.405, Inter-Am. CHR No. 59/99

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The complaint alleged that an assassination group established by large land owners in the southern part of Para murdered and terrorized "persons linked or suspected of links to the occupation of lands in the region and with advocacy of the rights of rural workers." Persons of differing occupations (merchants, priests, laborers) are said to have been terrorized, kidnapped, and threatened in an attempt to preserve the power of the larger land owners. The petition alleged that the local authorities were organized and implicated in these crimes such that justice cannot be served. Gunmen hired by the estate owners have strong-armed local workers into working for the estate owners and killing the laborers if they do not.

Action Taken: The Commission found that the Brazilian State is liable for violations of Arts. 4, 5, 8, and 25. The Commission recommended that "the competent authorities set in motion the required mechanisms and guarantees for the conduct of an independent, complete, serious and impartial investigation of the events taking place in the southern region of the State of Para." The Commission also reiterated the need for Brazil to take measures to ensure the rights to life, to humane treatment, and to a fair trial and judicial protection for all inhabitants.

3. COLOMBIA: Caloto, Case 11.101, Inter-Am. CHR No. 36/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On December 16, 1991, approximately eighty people belonging to the Paez indigenous community responded to a call to meet the new owners of the property. Heavily armed men, some of whom were wearing uniforms of the security forces went to the site of the meeting, gathered the people, identified the leaders, and shot them. In an attempt to flee, twenty others were killed. After the massacre, the homes of the community were burned and destroyed. Petitioners allege that the failure to provide due judicial protection has resulted in impunity for those responsible and unwarranted delay in the investigation.

Action Taken: After the breakdown of a friendly settlement, the Commission determined that the State is responsible for violation of Arts. 4, 5, 7, 8, 25, and 1(1) and evaluated the measures taken to make reparation for the harm caused.

COLOMBIA: Los Uvos Massacre, Case 11.020, Inter-Am. CHR No. 35/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On April 7, 1991, members of the national army intercepted a bus at a checkpoint in Los Uvos township, made the passengers leave the bus, took their belongings, forced them to lie face-down on the road, and extrajudicially executed seventeen individuals with army-issue rifles. The two-year investigation was referred to the allegedly biased military criminal justice system, which petitioners claimed relieved them of the need to exhaust available domestic remedies.

Action Taken: Although a friendly settlement was not achieved, recommendations during the settlement process had been partially implemented. The Commission issued conclusions regarding violations of Arts. 4, 5, 7, 8, 25, and 1(1) in light of the State's acceptance of responsibility.

COLOMBIA: Amparo Tordecilla Trujillo, Case 10.337, Inter-Am. CHR No. 7/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25

Summary of the Case: On April 25, 1989, State agents detained

Amparo Tordecilla. They forced her into a taxi owned by the Colombian Army, and took her to an undisclosed location. The alleged motive for the disappearance was the romantic relationship between Amparo and a leader of an armed dissident group. The agents involved were absolved of liability. Petitioners alleged a violation of the right to personal liberty and security, life, and the right to an impartial tribunal and judicial protection.

Action Taken: The Commission concluded that the Colombian State was responsible for violating Arts. 1(1), 4, 5, 7, 8, and 25 and recommended a complete investigation, return of the victim's remains to the family, and reparation to the victim's family.

COLOMBIA: Ul Musicue and Coicue, Case 9853, Inter-Am. CHR No. 4/98

Complaint: Arts. 1, 5, 7, 8, 25

Summary of the Case: Mr. Ul Musicue and Mr. Coicue, members of the Paez indigenous community, were arbitrarily detained and mistreated by a Colombian Army unit.

Action Taken: The Commission concluded that the Colombian State violated the right to humane treatment (Art. 5), personal liberty (Art. 7), access to justice (Arts. 8 and 25), and failed to uphold its obligations established in Art. 1 of the American Convention; the Commission recommended a full investigation to find and submit those responsible to the appropriate judicial processes; the Commission also recommended the State to make full reparations for the violations found.

COLOMBIA: Tarcisio Medina Charry, Case 11.221, Inter-Am. CHR No. 3/98

Complaint: Arts. 3, 4, 5, 7, 8, 13, 25

Summary of the Case: Mr. Medina Charry was abducted by agents of the Republic of Colombia.

Action Taken: The Commission held that the Colombian State is responsible for violating the right to juridical personality (Art. 3), the right to life (Art. 4), the right to humane treatment (Art. 5), the right to personal liberty (Art. 7), the right to a fair trial (Art. 8), the right to freedom of thought and expression (Art. 13) and the right to judicial protection (Art. 25). Furthermore, the Commission found that the state of Colombia failed to uphold its obligations as established in Art. 1 and 2 of the American Convention.

COLOMBIA: Arturo Ribón Avila, Case 11.142, Inter-Am. CHR No. 26/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Arturo Ribón and ten others were killed during an armed confrontation between members of the Army, the Departamento Administrativo de Seguridad, the Police, the Police Intelligence of Colombia, and members of the armed dissident group M-19.

Action Taken: The Commission found the Colombian State responsible for violating the rights to life (Art. 4), humane treatment (Art. 5), a fair trial (Art. 8), and judicial protection (Art. 25). Furthermore, the Colombian State did not take the necessary measures to make effective the rights of persons to see justice done by punishing the police officers who committed the violations; a violation pursuant to Art. 2 of the American Convention. Finally, the Colombian State violated Art. 3 of the Geneva Convention by not respecting and guaranteeing the rights of persons who are placed hors de combat in an internal armed conflict.

COLOMBIA: Hildegard Maria Feldman, Case 11.010, Inter-Am. CHR No. 15/95

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: A Swiss missionary and two local farmers were murdered by the Colombian army when they shot into a house with no warning to those inside and without being certain who was inside, and executed one farmer who was injured and unarmed.

Action Taken: The Commission found a violation of Arts. 1.1, 2, 4, 5, 8, and 25. The military court ignored the testimony of the witnesses as to the manner in which the victims were executed and dismissed the cases using the justifications of self defense and unavoidable accident. The trial of military personnel for violations of human rights by military courts does not provide the guarantees of impartiality and independence required by the Convention for victims. (Art. 8) The Colombian Government never denied that members of the Army participated in the murder of the victims. The fact that administrative action was taken against the military neither proves that a fair trial was administered, nor exonerates the Colombian Government from the responsibility of taking proper action for the crimes committed.

4. ECUADOR: Ruth Posario Garces Vallardes, Case 11,788, Inter-Am. CHR No. 64/99

Complaint: Arts. 1, 5, 7, 8, 11, 24, 25

Summary of the Case: The petitioner was detained as part of "Operation Cyclone" in which Ecuadorian National Police detained several persons presumed to be involved in the drug trade. She was arrested, tried and convicted. The petitioner complained that she was arrested without a warrant, and that she was subsequently, and as a consequence, illegally detained.

Action Taken: The Commission noted with satisfaction that the Ecuadorian State has shown signs of being engaged in activities directed to comply with the Commission's recommendations. However, the Commission finds that the State of Ecuador violated Arts. 5(2), 7(2), 7(3), 7(4), 7(5), 7(6), 8(1), 8(2), 25, and 1(1) of the American Convention on Human Rights.

ECUADOR: Victor Rosario Congo, Case 11.427, Inter-Am. CHR No. 63/99

Complaint: Arts. 4, 5, 25

Summary of the Case: Mr. Congo was arrested for robbery and assault and sent to a correctional center in Machala. On September 14, 1990, he was attacked by a guard and suffered head wounds. Mr. Congo was in a demented state and was returned to isolation naked. On October 2, 1990, Mr. Congo was examined by a doctor who diagnosed him with Ganser's syndrome, a type of psychosis requiring a change of environment. Upon transfer to a mental facility, doctors immediately transferred Mr. Congo to a hospital due to his extreme dehydrated state. A few hours later he died from malnutrition, hydroelectrolytic imbalance, heart and lung failure. The petition alleged that the State was responsible for lack of medical attention, isolation and negligence.

Action Taken: The Commission found that the State violated the right to life, humane treatment and judicial protection of Mr. Congo. It recommended that Ecuador seriously and impartially investigate the cause of Mr. Congo's death and reimburse the survivors for their loss. Upon publication of the report, the Commission was informed that Mr. Congo's family was reimbursed for \$30,000. It further urged the competent state agencies to produce information leading to the prosecution of the responsible individuals.

ECUADOR: Manuel García Franco, Case 10.258, Inter-Am. CHR No. 1/97

Complaint: Arts. 1(1), 4, 5, 7, 7.6, 8, 25

Summary of the Case: Mr. García Franco died as a result of the treatment to which he was subjected after having been abducted and tortured by two Naval officers and three members of the Ecuadorian Naval Marine.

Action Taken: Upon declaring the petition admissible, the Commission found that agents of the State of Ecuador were responsible for the disappearance of Mr. García Franco. The Commission held that state agents illegally and arbitrarily arrested and detained Mr. García Franco, violated his right to be brought before a judge, subjected him to treatment contemptuous to his inherent dignity as a human being, and deprived him of his right to life. The Commission found that Mr. García Francos' family was denied their right to access judicial protection and their right to be heard within a reasonable time and that Mr. García Franco was denied the right to recognition as a person. The Commission recommended that the state of Ecuador undertake an investigation of the facts, take the necessary measures to inform the family of Mr. García Franco of the location of his remains, and redress the consequences of the violations found.

ECUADOR: Manuel Stalin Bolanos Quinones, Case 10.580, Inter-Am. CHR No. 10/95

Complaint: Arts. 4, 5, 8

Summary of the Case: Manuel Bolanos was arrested in his home and disappeared; petitioners allege he was tortured and died during interrogation

Action Taken: The Commission found a violation of Arts. 1, 4, 7, 8, and 25. The victim was arbitrarily arrested with no warrant and without disclosing the true reason for his detention. The persons arresting him had no authority to do so, and he was held at an irregular location and with no access to legal means and remedies to assert his rights (Art. 7). Petitioners never received information regarding a petition for a writ of habeas corpus that was filed and it is assumed that the Government did not consider it (Art. 7). The state did not perform an investigation into the circumstances of the death of Mr. Bolanos (Art. 1). The death of Mr. Bolanos occurred while the state was failing to fulfill its obligations under Art. 1 and while Mr. Bolanos was in their custody. Since the state has the burden of proving

the exact circumstances of his death and they have failed to do so here the Commission concluded that his right to life was violated (Art. 4). Petitioners did not provide copies of the statements upon which the allegations of torture were based and there is insufficient information in the file otherwise to find such a violation (Art. 5). The investigation of Mr. Bolanos' death took four years and insufficient means were used in the investigation—this is an unreasonable delay (Art. 8). The Government failed to provide simple, swift and effective legal recourse to the victim's family, i.e., the truth about what happened to him, the circumstances of his detention and death and the location of his remains (Art. 25). The investigation into the facts of this case was carried out by the military—they could not be impartial and independent in an investigation of other military personnel (Art. 8).

5. EL SALVADOR: Victor Hernandez Velasquez, Case 10,288, Inter-Am. CHR No. 1/99

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: Armed Forces members extrajudicially executed the Petitioner, violating his right to life and personal integrity. His body showed evidence of hanging and beating. The State coroner stated that there were no signs of torture and that the cause of death was asphyxiation.

Action Taken: The Commission found the Salvadorian State responsible for violating Arts. 4, 5, and 25.

EL SALVADOR: Lucio Parada Cea, *et al.*, Case 10.480, Inter-Am. CHR No. 1/99

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: Members of the Salvadoran Army detained the Petitioners. The Petitioners were forcibly arrested and then interrogated and tortured, resulting in their deaths. There was no reason given for the arrests.

Action Taken: The Commission found that the State of El Salvador violated Arts. 4, 5, 7(5), 8, 25; and Art. 3 of the Four Geneva Conventions of 1949; and Art. 4 of the Protocol II.

EL SALVADOR: Comadres, Case 10.948, Inter-Am. CHR No. 13/96

Complaint: Arts. 4, 5, 7, 11, 13, 21, 25

Summary of the Case: The Petitioners cited numerous instances of

violent attacks, torture, and persecution by government agents against the Comadres (Committee to offer support to mothers and families of disappeared persons), its members, and its offices.

Action taken: The Commission found a violation of Arts. 5, 7, 11, 16, 21, 25. As the Government did not respond, the Commission evaluated each of the incidents cited by the petitioners for credibility and consistency and therefrom judged whether to adopt the alleged facts as true. They called for the Government to conduct a full investigation and to compensate petitioners for the violation of the above rights and to the victims and their families for their losses.

6. GRENADA: Rudolph Baptiste, Case 11.743, Inter-Am. CHR No. 38/00

Complaint: Arts. 4(1), 4(6), 5(1), 5(2), 5(6), 8, 24; Arts. I, II, XVIII, XXVI of the Declaration

Summary of the Case: Petitioner, a death row inmate, contended that the mandatory nature of the death sentence, the poor condition of his detention, and inaccessibility of legal aid for Constitutional Motions violate his human rights under the American Convention.

Action Taken: The Commission found violation of Arts. 4(1), 4(6), 5(1), 5(2), 5(6), 8, 24.

The mandatory nature of the death penalty, based upon the category of crime without considering individual circumstances involved, violated the petitioner's right to physical, mental, and moral integrity and subjected him to cruel, inhuman or degrading punishment pursuant to Arts. 4(1), 5(1), 5(2), and 8(1). By failing to provide Mr. Baptiste with an effective right to apply for amnesty, pardon or commutation of sentence, the State violated Art. 1(1). The conditions of the petitioner's detention failed to meet several of the minimum standards of treatment of prisoners (Art. 5(1)). The State violated the petitioner's rights by not providing legal representation for Constitutional Motions necessary for dealing effectively with legal issues such as the right to due process and the adequacy of prison conditions. The Commission requested that the State stay Mr. Baptiste's execution.

7. GUATEMALA: Joaquin Ortega et al, Case 10.586, Inter-Am. CHR No. 39/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 18, 25

Summary of the Case: Seventy-one men, women, and children in

1990 and 1991 were kidnapped, tortured, and executed by members of and persons linked to the Guatemalan security forces.

Action Taken: The Commission found violations of Arts. 4, 8, 25, 7, 5, 1, 6, 19. During the years 1990 and 1991, State agents allegedly carried out extrajudicial executions and abductions in order to physically eliminate their opponents and to repress, silence, and control the population as a whole. The Commission concluded that the Guatemalan State violated the victims' rights to life, judicial guarantees, personal liberty, and humane treatment. The State was also responsible for violating the rights of the child.

GUATEMALA: Francisco Guarcas Cipriano, Case 11.275, Inter-Am. CHR No. 140/99

Complaint: Arts. 1(1), 4, 5, 7, 8, 16, 25

Summary of the Case: After renouncing his service in a civilian state-run armed group, the victim was last seen at a bus terminal with members of the group.

Action Taken: The Commission found a violation of Arts. 4, 5, 7, 3, 8, 25, 1(1).

The victim's forced disappearance violated his right to personal liberty and the fundamental guarantee of habeas corpus rights. A disappearance also constitutes a violation of the right to be treated humanely (Art. 5), an arbitrary deprivation of liberty, and right to life since the victim had not been seen or heard from in over five years. The Commission recommended that the State conduct a complete investigation into the disappearance of the victim and compensate the victim's family.

GUATEMALA: Samuel de la Cruz Gómez, Case 10.606, Inter-Am. CHR No. 11/98

Complaint: Arts. 1.1, 4, 5.1, 7, 8, 25

Summary of the Case: Mr. de la Cruz, a member of the Council of Ethnic Communities Runujel Junam (CERJ), was detained and abducted by men linked to the security forces of the State of Guatemala.

Action Taken: The Commission decided that the State of Guatemala was responsible for violations of the rights to juridical personality, to life, to humane treatment, to personal liberty, and to judicial guarantees and protection. The Commission recommended that the State of Guatemala conduct an investigation to find and submit those

responsible to the appropriate judicial processes and that the State redress the consequences of the violations.

GUATEMALA: Ana Lucrecia Orellana Stormont, Case 9120, Inter-Am. CHR No. 56/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a university professor, was abducted, tortured and remains missing. A criminal complaint was filed but her case was neither investigated nor clarified by the state.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a violation of her right to recognition as a person before the law, as when she was disappeared she was placed outside of and excluded from the juridical and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time and the fact that the victim is still missing, combined with the fact that the practice of abductions often involves secret execution without trial provide grounds to assume that the victim has been killed in violation of her right to life (Art. 4). The placing of a hood spayed with insecticide over the victim's head in order to induce asthma attacks constitutes a violation of the victim's right to humane treatment (Art. 5); the abduction and disappearance of the victim constitute a violation of her right to liberty (Art. 7).

GUATEMALA: Axel Raul Lemus Garcia, Case 8076, Inter-Am. CHR No. 55/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a high school student, was abducted, beaten in the presence of many representatives of the media, and then abducted. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The abduction of the victim constituted a violation of his right to recognition as a person before the law, because when he disappeared he was placed outside of and excluded from the juridical and institutional order of the state. This exclusion had the effect of denying the existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it rea-

sonable to presume that the passage of such a long time and the fact that the victim is still missing, combined with the fact that the practice of abductions often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Luis Gustavo Marroquin, Case 8075, Inter-Am. CHR No. 54/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was abducted in 1982 by heavily armed abductors in civilian dress. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, as when he was disappeared he was placed outside of and excluded from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission has found that it is reasonable to presume that the passage of such a long time, the fact that the victim is still missing, combined with the fact that the practice of abductions often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constituted a violation of his right to liberty (Art. 7).

GUATEMALA: Maria Majia, Case 10.553, Inter-Am. CHR No. 32/96

Complaint: Arts. 1, 4, 5, 6, 8, 22, 25

Summary of the Case: The petitioners claimed that the victim was murdered and that her husband was assaulted and wounded in reprisal for their refusal to join the civilian patrols. Other people in the community were also threatened. They filed motions for personal appearance with the Human rights Ombudsman and the regional justice of the peace, but the charges were not investigated.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 6, 8, 22, 25. The facts alleged were at no time disputed by the Government and the Commission considered the insufficient responses of

the Government as acknowledgment of the truth of the allegations. The threats to community members causing them to leave their homes, and the attack on the victims husband constitute violations of the right to humane treatment (Art. 5). The persecution against those who leave the civilian patrols and the obligation to participate in them with no compensation is a form of forced labor (Art. 6). The forced displacement of 39 members of the community from their homes violates the right of freedom of movement and residence (Art. 22).

GUATEMALA: Diana Ortiz, Case 10.5266, Inter-Am. CHR No. 31/96

Complaint: Arts. 1, 5, 7, 8, 11, 12, 16, 25

Summary of the Case: The Petitioner an American nun, was followed, threatened, kidnapped, and tortured by agents of the Government.

Action Taken: The Commission found a violation of Arts. 1, 5, 7, 8, 11, 12, 16, 25. The inhumane treatment suffered by Sister Ortiz at the hands of agents of the Government falls within the definition of torture found in Art. 2 of the Convention on torture and violates her right to physical, mental and moral integrity (Art. 5). Because government agents have consistently denied the fact of the detention, the detention was necessarily carried out outside the boundaries of the law (Art. 7). In kidnapping her, the state also infringed upon her right to be taken without delay before a judge and to invoke the appropriate procedures to review the legality of her arrest (Art. 7). By placing her under surveillance and threatening her, the Government made her the object of arbitrary and abusive interference, and attacked her honor and dignity when they abducted and tortured her, as well as in their accusations that her accusations against the Government were fabricated (Art. 11). It is likely that the attacks on the victim were intended to punish her for her activities as a Church missionary and her work with the indigenous people (Art. 12) along with her association with members of GAM (Art. 16). The Government's inability to provide simple, swift and effective legal recourse to the victim violated her rights (Art. 25), and her right to be heard by a competent and impartial tribunal were consistently blocked (Art. 8).

GUATEMALA: Arnoldo Juventino Cruz, Case 10.897, Inter-Am. CHR No. 30/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was abducted by Government agents and there was no effective investigation to determine his whereabouts; the alleged perpetrators are known to be tied to the Army but they have not been tried.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, as when he was abducted he was placed outside of and excluded from the judicial and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission has found that it is reasonable to presume that after the passage of such a long time and the fact that the victim is still missing, combined with the fact that the practice of disappearances often involve secret executions without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Carlos Ranferi Gomez, Case 11.303, Inter-Am. CHR No. 29/96

Complaint: Arts. 1, 4, 5, 8, 13, 16, 22, 25

Summary of the Case: The petitioner claims that he was the victim of an attempt on his life by Government agents and that he has been denied legal protection.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 8, 13, 16, 22, 25. The attempt on the petitioner's life is a violation of his right to life (Art. 4) and physical integrity (Art. 5). The threats made to him constitute a violation of his right to mental integrity (Art. 5), and his inability to continue his union work and show his social commitment in Guatemala constitute a violation of his moral integrity (Art. 5). The ineffective judicial protection provided by the government violates his right to a hearing (Art. 8) and of protection of his legal rights (Art. 25). The taking of the petitioner's camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13), and the death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association (Art. 1). The taking of the petitioner's camera equipment and the attack on him are violations of his right to freedom of thought and

speech (Art. 13); and the death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association (Art. 16). The attempt to stop Petitioner at the airport from leaving the country violated his right of freedom of movement (Art. 22).

GUATEMALA: Juan Hernandez, Case 11.297, Inter-Am. CHR No. 28/96

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: The victim was convicted of disorderly conduct and sentenced to thirty days in prison. While there he died of a cerebral edema and cholera. Petitioners claim that he did not receive proper medical care and though he was authorized to be transferred to a hospital, the transfer never took place. Petitioners petitioned the courts to find the cause of the cerebral edema, whether the treatment received was negligent, and why he was not transferred to a hospital. None of these requests were ever carried out.

Action Taken: The Government initially arbitrarily arrested the victim contrary to guarantees of the Guatemalan Constitution, and also failed to notify his next of kin of his imprisonment or of his death in violation of his right to liberty (Art. 7). The Government failed to guarantee his right to life or personal safety and they did not act diligently to protect the victims life and health while he was in their custody (Arts. 4, 5). The Government violated its obligation to respect judicial guarantees (Art. 8) and to provide effective recourse (Art. 25).

8. HAITI: Jean-Claude Pierre, *et al.*, Case 11.378, Inter-Am. CHR No. 8/00

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: A father and son were beaten and shot in the street by state agents. As a result, the father died and the son sustained serious injuries.

Action Taken: The Commission found a violation of Arts. 4, 5, 8, 25. Based on the evidence of eyewitnesses and other similar incidents occurring at the time, including, among other things, the excessive use of force to enter into the petitioners' house at night, the Commission was able to conclude that the attackers were members of the *de facto* military government. Therefore, the government violated the victims' right to life and the right to physical integrity.

The Commission recommended the State investigate the incident and compensate the relatives of the father who was killed.

9. HONDURAS: Minors in detention, Case 11.491 Inter-Am. CHR No. 41/99

Complaint: Arts. 5, 7, 8, 25

Summary of the Case: Petitioners alleged the unlawful arrest of street children and their incarceration in Tegucigalpa's central prison facility. This practice is a violation of Art. 122(2) of the Constitution of Honduras and of Art. 37 of the United Nations Convention on the Rights of the Child. Petitioner stated that juveniles are routinely subjected to physical and sexual abuse in the cells of the Central Penitentiary.

Action Taken: The Commission notes that the Honduran State has taken positive steps to put an end to the practice of incarcerating juveniles in State prison. However, the Commission finds that the State of Honduras has violated Arts. 1, 5, 7, 8, 25.

10. JAMAICA: Desmond McKenzie, *et al.*, Cases 12.023, 12.044, 12.107, 12.126, 12.146, Inter-Am. CHR No. 41/00

Complaint: Arts. 1, 4, 5, 7, 8, 24, 25

Summary of the Case: Six condemned men sentenced to death row for multiple non-capital crimes alleged human rights violations concerning the mandatory nature of the death sentence and other due process issues.

Action Taken: The Commission found a violation of Arts. 4(1), 5(1), 5(2), 8(1), 1(1), 4(6), 7(5), 5(4), 5(6), 8(2), 8, 25. Jamaica violated Arts. 4(1) and 4(6) because it is imposed the death sentence automatically without considering individual circumstances regarding either the crime itself or the personality of the offender. The Commission recommended that the State grant the victims an effective remedy, which may include commutation of sentence and compensation; adoption of measures to ensure the death penalty is imposed in accordance with the Convention; and the adoption of measures to ensure the right to amnesty, pardon, and the right to a fair hearing.

11. MEXICO: Loren Laroye Riebe Star, *et al.*, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners state that Fathers Riebe, Gut-

tlein, and Elorz were individually abducted and taken by gun point to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom, and then were driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City where they were interrogated by Mexican immigration officers. Consulate representatives and a lawyer were present but not permitted to take part in the interrogation. Shortly afterwards, the priests were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging the people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all the Articles brought forth in the petition, including the right to protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Convention.

MEXICO: Manuel Manriquez, Case 11.509, Inter-Am. CHR No. 2/99

Complaint: Arts. 1, 4, 5, 8

Summary of the Case: Members of the Judicial Police for the Federal District kidnapped Petitioner. Petitioner complains that the detention was illegal and arbitrary, and no arrest warrant was issued. Petitioner was severely tortured, and coerced into confessing that he had murdered Armand and Juventino Lopez Velasco. Though Petitioner later recanted the confession, he was convicted of murder largely on that evidence, and is currently detained and serving his sentence.

Action Taken: The Commission resolved that the Mexican State violated Arts. 5, 7, 8, 10, 25, and 1(1) of the American Convention on Human Rights.

MEXICO: Rolando and Anastasio Arteaga Perez, Case 11.543, Inter-Am. CHR No. 1/98

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Members of the State Judicial Police and unidentified gunmen forcibly entered and searched houses in Petitioners' village, including that of Petitioners. The unidentified gun-

men then inflicted gunshot wounds on the Petitioners and kidnapped them. Petitioners' bodies were later found, exhibiting clear signs of torture.

Action Taken: The Commission resolved that the Mexican State violated Arts. 1, 4, 5, 7, 8, and 25.

MEXICO: Tomas Porfirio Rondin, "AGUAS BLANCAS" Case 11.520, Inter-Am. CHR No. 49/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Members of the Judicial Police of Guerrero detained and forced members of the Rural Organization of Southern Sierra (ROSS) off their truck at the Vado de Aguas Blancas. A second truck arrived with more ROSS members who were told to disembark the truck, and were summarily shot. Seventeen of them were executed without cause or provocation. The police officers then put weapons in the hands in the victims to conceal the events. Petitioners contended that the investigation took too long time and that some serious irregularities occurred. The State contended that they were exercising their adequate domestic remedies.

Action Taken: The Commission concluded that the Mexican State violated Arts. 2, 5, 8, 11, 25 with respect to all members and Art. 4 with regard to those seventeen arbitrarily deprived of life under the American Convention on Human Rights.

MEXICO: Severiano & Hermelindo Santiz Gomez, Case 11.411, Inter-Am. CHR No. 48/97

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Mexican Army agents forcefully entered an Indian community in the municipality of Altamirano, in Chiapas State. Said agents burst into houses, beat the men they found there, dragged them out to a basketball court behind a Church and detained the men face down in the cement. The soldiers looted the houses and shops in the town and destroyed the health care center. The agents then proceeded to separate three of the inhabitants from the group, and to torture and eventually execute those three. Their bodies were found one month later along a road leading from the town.

Action taken: The Commission concluded that the Mexican State violated Arts. 4, 5, 8, 25, and 1.1.

MEXICO: Jose Francisco Gallardo, Case 11.430, Inter-Am. CHR No. 43/96

Complaint: Arts. 1, 5, 7, 8, 11, 13, 25

Summary of the Case: The victim has been the recipient of threats, harassment and intimidation by Government agents. He was subject to arbitrary detention and imprisonment based on false accusations and has been the victim of a defamation campaign.

Action Taken: The Commission found a violation of Arts. 1, 5, 7, 8, 11, 25. Through the detention and continuous submission of the victim to numerous unfounded preliminary inquiries and criminal cases with no justification, the government has failed to respect and guarantee his rights (Art. 1) specifically to liberty (Art. 7). By making statement blaming him for actions not proven, the government has violated his right to honor and dignity (Art. 11), humane treatment (Art. 5), freedom of thought and expression (Art. 13), his right to fair hearing (Art. 8), and judicial protection (Art. 25).

12. PERU: Carlos Molero Coca *et al.*, Case 11.182, Inter-Am. CHR No. 49/00

Complaint: Arts. 5, 7, 8

Summary of the Case: Human rights violation occurred when petitioners were detained, tortured and subsequently sentenced to prison on terrorism charges at trials that were totally lacking in judicial guarantees and that concluded with sentences handed down by “faceless” courts.

Action Taken: The Commission found a violation of Arts. 1(1), 5, 7, 8. The Commission concluded that the State violated: the right to personal freedom (Art. 7); the right to humane treatment (Art. 5); and the right to a fair trial (Art. 8). Due to these violations it can be implied that the State has not respected the rights and freedoms recognized herein and has not ensured to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms (Art. 1(1)). The Commission recommended that the State conduct an investigation into the torture reported by petitioners and punish the guilty; make full amends for violations committed against petitioners; compensate petitioners for the physical, moral and material harm arising from violations of their rights by the State, and; amend Decree Law No. 25475 in order to bring it into line with the American Convention.

PERU: Manuel Pacotaype Chaupin, Case 10.908, Inter-Am. CHR No. 47/00

Complaint: Arts. 1(1), 3, 4, 5, 7, 25

Summary of the Case: Petitioners claimed that human rights violations occurred when they were detained and subsequently disappeared.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 25. The Commission concluded that the Peruvian State was responsible for violations of the right to liberty (Art. 7) by illegally and arbitrarily detaining the Petitioners and violating their recourse to a competent judge or court that would rule on the lawfulness of their arrest. The Petitioner's right to humane treatment (Art. 5) was violated, as shown by presumptive evidence that the Petitioners were defenseless as a result being prevented from exercising their rights. The Commission found that the armed forces tortured the victims with a view of extracting information about subversive groups or units. The Commission found also that the right to life (Art. 4) was violated as shown by presumptive evidence that the Petitioners are dead, given that nine years have elapsed since the Petitioners' detention and disappearance. The right to judicial personality (Art. 3) was violated by excluding the petitioners from the legal and institutional framework due to their forced disappearance. The right to an effective judicial remedy (Art. 25) was violated by failing to comply with its obligation to investigate the facts of this case and initiate judicial proceedings. In addition, the Peruvian State had breached two obligations (Art. 1(1)): (1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those Petitioners in relation to Arts. 3, 4, 5, 7, 8 and 25 of the Convention, and (2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State carry out exhaustive and impartial investigation to determine the forced disappearance of the petitioners and punish the persons responsible for the disappearance. The Commission also recommended that the state void any domestic measures that impede investigation, prosecution and punishment of the persons responsible for the detention and forced disappearance of the petitioners; and grant timely and adequate reparation for the violations to the family members of the petitioners.

PERU: Manual Monago Carhuaricra and Eleazar Monago Laura, Case 10.826, Inter-Am. CHR No. 45/00

Complaint: Arts. 1(1), 5, 7, 8

Summary of the Case: On September 9, 1990, a father and son were taken from their home and detained by the military. Both men have since disappeared.

Action Taken: The Commission has found that Arts. 3, 4, 5, 7, 8 were violated. The Commission concluded that the State, through members of the Peruvian Army, detained the victim who later disappeared at the hands of the force. The State violated the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Alcides Sandoval Flores, *et al.*, Case 10.670, Inter-Am. CHR No. 43/00

Complaint: Arts. 5, 7, 8

Summary of the Case: On January 25, 1990, three Flores brothers were detained with four other persons by members of the Army. All three men have not been seen since.

Action Taken: The Commission found that the State violated Arts. 1, 4, 5, 7, 8, 25. The Commission concluded that the State, through members of the armed forces, detained the Flores brothers. Their whereabouts have been unknown since their disappearance. The State is, therefore, responsible for violating the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Romer Morales Zegarra *et al.*, Case 10.827, 11.984, Inter-Am. CHR No. 57/99

Complaint: Art. 4

Summary of the Case: Petitioners were arbitrarily arrested in their homes by armed forces and subsequently disappeared.

Action Taken: The Commission declared that the State violated Arts. 1(1), 3, 4, 5, 7, and 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the Petitioners. The Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence supports the presumption that the Petitioners are dead – given that seven years

have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the Petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25).

In addition, the Peruvian State breached two obligations: failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention; and failing to ensure free and full exercise of the rights and freedoms recognized under the Convention.

The Commission recommended that the State initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the Petitioners; identify and punish those responsible for the detention and disappearance of the

Petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the Petitioners; and to grant appropriate reparations to the relatives of the Petitioners.

PERU: Juan De La Cruz Núñez Santana *et al.*, Case 10.815, 10.905, 10.981, 10.995, 11.042, 11.136, Inter-Am. CHR No. 55/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Petitioners were arbitrarily arrested and subsequently disappeared.

Action Taken: The Commission concluded that the State had violated Arts. 1(1), 3, 4, 5, 7, 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the Petitioners. The Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when Petitioners were detained and then “disappeared” by State agents, and they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that Petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of Petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when Peti-

tioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art. 1(1)): (1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of Petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention; and (2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of Petitioners; identify and punish those responsible for the detention and disappearance of Petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of Petitioners; and grant appropriate reparations to the relatives of Petitioners.

PERU: William León Laurente *et al.*, Case 10.807, 10.808, 10.809, 10.810, 10.879, 11.307, Inter-Am. CHR No. 54/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Petitioners were arbitrarily arrested during the illegal entry into Petitioner's house, after being beaten in the street outside of their house; while leaving the offices of a corporation, after being beaten on the way back from the inscription as candidates in the municipal bye-elections; after declaring at a neighborhood bar, that the petitioner was going to lodge a complaint against the military for having tortured him and subsequently causing them to disappear.

Action Taken: The Commission declared that the State violated Arts. 1(1), 3, 4, 5, 7, 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of Petitioners. The Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when Petitioners were detained and then "disappeared" by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence supports the presumption that the Petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the Petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the

Petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25).

In addition, the Peruvian State has breached two obligations (Art. 1(1)): (1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention; and (2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the Petitioners; identify and punish those responsible for the detention and disappearance of the Petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the Petitioners; and grant appropriate reparations to the relatives of the petitioners.

PERU: David Palomiro Morales *et al.*, Case 10.551, Case 10.803, Case 10.821, Case 10.906, Case 11.180, Case 11.322, Inter-Am. CHR No. 53/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Government Military forces arrested all named parties supposedly for not participating in civil self-defense patrols. The parties were then taken away by said forces to a military base. The Military forces denied making the arrests to Petitioners' families. The parties have disappeared. The Government denies that the victims have been arrested by either the Armed Forces or by the National Police Force. The OAS declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the American Convention on Human Rights.

PERU: Raul Zevallos Loyaza, Victor Padilla Lujan and Nazario Taype Humant, Case 10.544, Case 10.745, Case 11.098, Inter-Am. CHR No. 52/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the Armed Forces intercepted Raul on his way home. He was arrested and transferred to a Military Base. Five days later, Victor and Nazario were arrested in public by members of the Armed Forces and taken to the same military base.

The victims, never having been seen again, are considered disappeared persons. The Government now denies that the victims have been arrested by members of the Armed Forces. The OAS declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the American Convention on Human Rights.

PERU: Anetro Castillo Pezo *et al.*, Case 10.471, Case 10.955, Case 11.066, Case 11.014, Case 11.067, Case 11.070, Case 11.163, Inter-Am. CHR No. 51/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the Armed Forces moved into Petitioners' village by vehicles and helicopters, causing general destruction, and arresting the twelve Petitioners, who were then taken away by helicopter and never seen again. No reason was given for the arrests. The State denied arresting the victims. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the American Convention on Human Rights.

PERU: Eudalio Lorenzo Manrique *et al.*, Case 10.824, 11.044, 11.124, 11.125, 11.175, Inter-Am. CHR No. 56/98

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Petitioners were arbitrarily arrested during an illegal entry and search of their house; at gunpoint in house; and/or while returning home from the market. They have subsequently disappeared.

Action Taken: The Commission ruled that the State violated Arts. 1(1) 3, 4, 5, 7, 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the Petitioners. The Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then "disappeared" by State agents; excluding Petitioners from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the Petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to personal liberty, security and right to recourse to a competent

judge or court that will rule the lawfulness of their arrest (Art. 7) when the Petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art. 1(1)): (1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those Petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention and (2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the Petitioners; identify and punish those responsible for the detention and disappearance of the Petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the Petitioners; and grant appropriate reparations to the relatives of the Petitioners.

PERU: Camilo Alarcón Espinoza et al, Cases 10.941, 10.942, 10.944, 10.945, Inter-Am. CHR No. 40/97

Complaint: Arts. 4, 5, 7, 8, 25

Summary of the Case: Mr. Alarcón Espinoza was detained and abducted by members of the Peruvian army.

Action Taken: The Commission found that the Peruvian State was responsible for violating the right to judicial personality, the right to life, the right to humane treatment, the right to liberty, the right to due process, and the right to an effective judicial remedy. The Commission recommended that the Peruvian State investigate the case in order to determine the victim's whereabouts, declare Laws No. 26.479 and No. 26.492 to be without force, and that it compensate the relatives of the victim.

PERU: Martín Javier Roca Casas, Case 11.233, Inter-Am. CHR No. 39/97

Complaint: Arts. 4, 5, 7, 8, 25

Summary of the Case: Mr. Roca Casas disappeared on October 5, 1993 and has not been seen or heard of since. The Petitioner alleged that the State was responsible for Mr. Casas' disappearance.

Action Taken: The Commission found that when the Peruvian Navy detained Mr. Roca Casas, the Peruvian State became responsible for violating the right to life (Art. 4), the right to humane treat-

ment (Art. 5), the right to personal liberty (Art. 25), and the obligation to respect and ensure the exercise of these rights pursuant to Art. 1.1 of the American Convention.

PERU: Raquel Martin de Mejia, Case 10.970, Inter-Am. CHR No. 5/96

Complaint: Arts. 1, 4, 5, 7, 11, 25

Summary of the Case: In 1989 Petitioner's husband was arbitrarily arrested by the military, tortured and executed. Petitioner was raped by the same military personnel that arrested her husband. She filed a criminal charge with the local office of the Attorney General, and the case was subsequently transferred to a military court, who ordered that action on the case be halted before any charges or investigation were even initiated. The local prosecutor filed charges in 1991, but no real action was taken in the investigation. Petitioner has also been charged with being a member and supporting subversive groups. She presented evidence that these allegations are unfounded.

Action Taken: The Commission found a violation of Arts. 1, 5, 8, 11, 25. The State argued the inadmissibility of the case, but did not present any evidence on the merits. As such, the Commission was required to interpret the silence as an acknowledgment of the truth of the allegations. The Commission looked at the requirements laid out under the Inter-American Convention to Prevent and Punish Torture and found that the rape of Petitioner satisfied all three elements and was a violation of Petitioner's right to humane treatment (Art. 5), as well as a violation of her personal dignity (Art. 11). From a finding of these violations, the Commission also inferred a violation of the State's obligation to respect these rights (Art. 1). The Government's failure to give the Petitioner access to such rights constituted a violation of her right to an effective recourse and to judicial protection (Art. 25). The institution of proceedings against Petitioner for terrorism without any evidence constituted a violation of Petitioner's right to be heard by an impartial tribunal and to the presumption of innocence (Art. 8).

PERU: Chumbivilcas, Case 10.559, Inter-Am. CHR No. 1/96

Complaint: Arts. 1, 4, 5, 7, 25; Art. I of the Declaration

Summary of the Case: The Petitioners alleged that a group of over twenty-one people from the Chumbivilcas province were executed, tortured and/or disappeared between April 20 and April 30, 1990 by

members of the Peruvian Army.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 7, 8, 25. The right to life is a fundamental right, and if it is not respected by government authorities then the entire system of human rights breaks down (Art. 1). This right cannot be suspended under any circumstances (Art. 27). Torture followed by arbitrary executions carried out by members of the Army patrol constitute a clear violation of the right to life and humane treatment (Arts. 4 and 5). This implies a failure of the Government to carry out its obligations to respect and guarantee all the rights in the Convention (Art. 1). The arbitrary arrests carried out of defenseless persons without any justification, and the subsequent denial that these events occurred constitutes a violation of the right to personal liberty (Art. 7), humane treatment (Art. 5) and due process (Art. 8). The information held by the Commission demonstrates that enough proof was compiled to demonstrate that the Army patrol was responsible for the acts that violated the fundamental rights of the people in Chumbivilcas, and the military authorities were obliged to identify those responsible so that they could be turned over to the judicial authorities. Instead of carrying out an investigation, authorities denied the occurrence of these events, in violation of the right to judicial protection (Art. 25).

PERU: Alan García, Case 11.006, Inter-Am. CHR No. 1/95

Complaint: Arts. 7, 11, 19

Summary of the Case: The petition alleged human rights violations occurred during the illegal entry into Petitioner's house, his arrest, and the detention of his wife and children.

Action Taken: The Commission found violation of Arts. 5, 7, 8, 11, 19. The entry into Petitioners house and the illegal detention of his family violated Art. 5, which proscribes extending the punishment to the family of the person alleged to be guilty. The arrests, which were carried out by Army soldiers who had no such authority, violated Art. 7, guaranteeing the rights to personal security. These violations compounded by the shots fired within Petitioners house, render his arrest arbitrary and unlawful, thus violating his right to personal security (Art. 7). The Government also violated the Petitioners right to judicial guarantees and right to due process (Art. 8), as the two cases against him used illegally obtained evidence, and ignored his right to immunity as a Senator for life (failure to follow impeachment procedure first). The Commission stated that Art. 8

does not only guarantee privacy, but also the inviolability of the domicile. Thus the warrantless search of Petitioners house and the seizure of his private papers by the Peruvian Army were in violation of Art. 8. The deprivation of freedom of Petitioners children was found to be a particularly repugnant violation of Art. 19.

13. VENEZUELA: Eleazar Ramón Mavares, Case 11.068, Inter-Am. CHR No. 49/96

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The Petition alleged that Mr. Ramón Mavares was killed by members of the Metropolitan Police of the Federal District of Caracas.

Action Taken: The Commission found the State of Venezuela responsible for violating the right to life, personal integrity, judicial guarantees, and judicial protection. The State also violated Art. 27.2 of the Convention, which provides that suspension of constitutional guarantees does not authorize the suspension of fundamental rights. The Commission recommended that the State conduct a full investigation to punish those responsible; discipline the members of the security force involved in this case; initiate an inquiry to determine the identification of the victims body and clarify the cause of death, and pay indemnity to the victims family.

F. Article 6 - Freedom from Slavery

G. Article 7 - Right to Personal Liberty

1. ARGENTINA: Jorge Luis Bronstein, *et al.* Cases 11.205, 11.236, 11.238, 11.242, 11.243, 11.244, 11.247, 11.248, 11.249, 11.251, 11.254, 11.255, 11.257, 11.248, 11.261, 11.263, 11.305, 11.320, 11.436, 11.330, 11.499, 11.504, Inter-Am. CHR No. 2/97

Complaint: Arts. 7, 8

Summary of the Case: The Commission decided to consolidate these petitions as a single package and consider them as a group. The Argentine State subjected individuals to preventive detention in lengths of stay that exceed the allowable time under Art. 7.5, causing these detentions take on the nature of premature punishment, which constitutes a violation under Art. 8.2.

Action Taken: The Commission concluded that the Argentine State

violated Arts. 7.5, 8.1, and 1.1 of the American Convention of Human Rights.

ARGENTINA: Jorge Alberto Giménez, Case 11.245, Inter-Am. CHR No. 12/96

Complaint: Arts. 7(5), 8(2)

Summary of the Case: Petitioner was forced in preventive custody in absence of a sentence.

Action Taken: The Commission found violations of Arts. 7 and 8. The Petitioner's claim met the requirements of formal admissibility. The Commission was competent to hear the case based on violations of human rights recognized in the Convention: the right to trial within a reasonable period of time or to be released without prejudice to the continuation of the proceedings (Art. 7) and; the right to judicial guarantees including the right to be presumed innocent during such time as guilt has not been legally established (Art. 8).

2. COLOMBIA: Caloto, Case 11.101, Inter-Am. CHR No. 36/00

Complaint: Arts. 4, 5, 7, 8, 25, 1(1); Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On December 16, 1991, approximately eighty people belonging to the Paez indigenous community responded to a call to meet the new owners of the property. Heavily armed men, some of whom were wearing security force uniforms went to the site of the meeting, gathered the people, identified the leaders, and shot them. In an attempt to flee, twenty others were killed. After the massacre, the homes of the community were burned and destroyed. Petitioners allege that the failure to provide due judicial protection has resulted in impunity for those responsible and unwarranted delay in the investigation.

Action Taken: After the breakdown of a friendly settlement, the Commission determined that the State is responsible for violation of Arts. 4, 5, 7, 8, 25, and 1(1). The Commission evaluated the measures taken to make reparation for the harm caused.

COLOMBIA: Los Uvos Massacre, Case 11.020, Inter-Am. CHR No. 35/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On April 7, 1991, members of the national army intercepted a bus at a checkpoint in Los Uvos township, made

the passengers leave the bus, relieved them of their belongings, forced them to lie face-down on the road, and extrajudicially executed seventeen individuals with army-issue rifles. The two-year investigation was referred to the allegedly biased military criminal justice system, which petitioners claimed relieved them of the need to exhaust available domestic remedies.

Action Taken: Although a friendly settlement process broke down, recommendations during that process had been partially implemented and the Commission issued conclusions regarding violations of Arts. 4, 5, 7, 8, 25 and 1(1) in light of the State's acceptance of responsibility.

COLOMBIA: Amparo Tordecilla Trujillo, Case 10.337, Inter-Am. CHR No. 7/00

Complaint: Arts. 1(1) 4, 5, 7, 8, 25

Summary of the Case: On April 25, 1989, State agents detained Amparo Tordecilla. They forced her into a taxi owned by the Colombian Army, and proceeded to an undisclosed location. Her whereabouts are unknown. The alleged motive for the disappearance was the romantic relationship between Amparo and a leader of an armed dissident group. The agents involved were absolved of liability. Petitioners alleged a violation of the right to personal liberty and security, life, and the right to an impartial tribunal and judicial protection.

Action Taken: The Commission concluded that the Colombian State was responsible for violating Arts. 1(1), 4, 5, 7, 8, 25. It recommended a complete investigation, return of the victim's remains to the family, and reparation to the victim's family.

COLOMBIA: Alvaro Moreno Moreno, Case 11.019, Inter-Am. CHR No. 5/98

Complaint: Arts. 1, 4, 7, 8, 25

Summary of the Case: Petitioners allege that Mr. Moreno was detained and killed by Police agents during an operation aimed at finding those responsible for an attack carried out against a Police center.

Action Taken: The Commission found that the Colombian state failed to comply with its recommendations to investigate and sanction. The Commission determined the State violated Mr. Moreno's right to life (Art. 4), personal liberty (Art. 7), the rights of his family

members to a fair trial (Art. 8), and judicial protection (Art. 25). The Commission recommended that the Colombian State undertake a serious and impartial investigation to find those responsible for the violations and submit those individuals to the appropriate criminal proceedings. Finally the Commission recommended that the Colombian State adopt the necessary measures to make full reparation for the violations found.

COLOMBIA: Ul Musicue and Coicue, Case 9853, Inter-Am. CHR No. 4/98

Complaint: Arts. 1, 5, 7, 8, 25

Summary of the Case: Mr. Ul Musicue and Mr. Coicue, members of the Paez indigenous community, were arbitrarily detained and mistreated by a Colombian Army unit.

Action Taken: The Commission concluded that the Colombian State violated the right to humane treatment (Art. 5), personal liberty (Art. 7), access to justice (Arts. 8 and 25), and failed to uphold its obligations established in Art. 1 of the American Convention. The Commission recommended a full investigation to find and submit those responsible to the appropriate judicial processes. The Commission also recommended that the State make full reparations for the violations found.

COLOMBIA: Tarcisio Medina Charry, Case 11.221, Inter-Am. CHR No. 3/98

Complaint: Arts. 3, 4, 5, 7, 8, 13, 25

Summary of the Case: Mr. Medina Charry was abducted by agents of the Republic of Colombia.

Action Taken: The Commission held that the Colombian State is responsible for violating the right to judicial personality (Art. 3), the right to life (Art. 4), the right to humane treatment (Art. 5), the right to personal liberty (Art. 7), the right to a fair trial (Art. 8), the right to freedom of thought and expression (Art. 13), and the right to judicial protection (Art. 25). Furthermore, the Commission found that Colombia failed to uphold its obligations as established in Arts. 1 and 2 of the American Convention.

3. DOMINICAN REPUBLIC: Luis Lizardo Cabrera, Case 10.382, Inter-Am. CHR No. 35/96

Complaint: Arts. 5, 7, 8

Summary of the Case: Mr. Lizardo Cabrera was arrested on May

4, 1989 by the National Police and was confined and tortured for five days. Although several petitions have been lodged on Mr. Lizardo Cabrerías' behalf by different judges requesting his release, the National Police refuses to release him.

Action Taken: The Commission found that the State of the Dominican Republic had violated the right to personal liberty, the right to a hearing, the right to be presumed innocent, and the right to judicial protection. The Commission recommended that the State formally dismiss the charges against Mr. Lizardo Cabrera, that it sanction the police authorities responsible, and that it grant fair compensation to the injured parties.

4. ECUADOR: Ruth Posario Garces Vallardes, Case 11,788, Inter-Am. CHR No. 64/99

Complaint: Arts. 1, 5, 7, 8, 11, 24, 25

Summary of the Case: Petitioner was detained as part of "Operation Cyclone" in which Ecuadorian National Police detained several persons presumed to be involved in the drug trade. She was arrested, tried and convicted. Petitioner complains that she was arrested without a warrant, and that she was subsequently, and as a consequence, illegally detained.

Action Taken: The Commission noted with satisfaction that the Ecuadorian State has shown signs of being engaged in activities directed to comply with the Commission's recommendations. However, the Commission finds that the State of Ecuador violated Arts. 1(1), 5(2), 7(2), 7(3), 7(4), 7(5), 7(6), 8(1), 8(2), 25 of the Convention.

ECUADOR: Manuel García Franco, Case 10.258, Inter-Am. CHR No. 1/97

Complaint: Arts. 1(1), 4, 5, 7, 7.6, 8, 25

Summary of the Case: Mr. García Franco died as a result of the treatment to which he was subjected after having been abducted and tortured by two Naval officers and three members of the Ecuadorian Naval Marine.

Action Taken: Upon declaring the petition admissible, the Commission found that agents of the State of Ecuador were responsible for the disappearance of Mr. García Franco. The Commission held that State agents illegally and arbitrarily arrested and detained Mr. García Franco, violated his right to be brought before a judge, sub-

jected him to treatment contemptuous to his inherent dignity as a human being, and deprived him of his right to life. The Commission found that Mr. García Francos' family was denied their right to access judicial protection, their right to be heard within a reasonable time, and that Mr. García Franco was denied the right to recognition as a person. The Commission recommended that the State of Ecuador undertake an investigation of the facts, take the necessary measures to inform the family of Mr. García Franco of the location of his remains, and redress the consequences of the violations found.

ECUADOR: Manuel Stalin Bolanos Quinones, Case 10.580, Inter-Am. CHR No. 10/95

Complaint: Arts. 4, 5, 8

Summary of the Case: Manuel Bolanos was arrested in his home and disappeared. Petitioners allege he was tortured and died during interrogation.

Action Taken: The Commission found a violation of Arts. 1, 4, 7, 8, and 25. The victim was arbitrarily arrested without a warrant and without disclosing the true reason for his detention. The persons arresting him had no authority to do so. He was held at an irregular location and without access to legal means and remedies to assert his rights (Art. 7). Petitioners never received information on the petition for a writ of habeas corpus they filed and it is assumed that the Government did not consider it (Art. 7). The State did not perform an investigation into the circumstances of the death of Mr. Bolanos (Art. 1). The death of Mr. Bolanos occurred while the State was failing to fulfill its obligations under Art. 1 and while Mr. Bolanos was in their custody. Since the State has the burden of proving the exact circumstances of his death and they have failed to do so, the Commission concluded that his right to life was violated (Art. 4). Petitioners did not provide copies of the statements upon which the allegations of torture were based and there is insufficient information in the file otherwise to find such a violation (Art. 5). The investigation of Mr. Bolanos' death took four years and insufficient means were used in the investigation—this is an unreasonable delay (Art. 8). The Government failed to provide simple, swift and effective legal recourse to the victims family—the truth about what happened to him, the circumstances of his detention and death and the location of his remains (Art. 25). The investigation into the facts of this case was carried out by the military. They could not be impartial and independent in an

investigation of other military personnel (Art. 8).

5. EL SALVADOR: Lucio Parada Cea, *et al.*, Case 10.480, Inter-Am. CHR No. 1/99

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: Elements of the Salvadoran Army detained Petitioners. Petitioners were forcibly arrested and then interrogated and tortured, resulting in their deaths. There was no reason given for the arrests.

Action Taken: The Commission found that the State of El Salvador violated Arts. 4, 5, 7(5), 8, 25; Art. 3 of the Four Geneva Conventions of 1949 and; Art. 4 of the Protocol II.

EL SALVADOR: Comadres, Case 10.948, Inter-Am. CHR No. 13/96

Complaint: Arts. 4, 5, 7, 11, 13, 21, 25

Summary of the Case: Petitioners cite numerous instances of violent attacks, torture, and persecution by Government agents against the Comadres (a committee to offer support to mothers and families of disappeared persons), its members and its offices.

Action taken: The Commission found a violation of Arts. 5, 7, 11, 16, 21, 25. As the Government did not respond, the Commission evaluated each of the incidents cited by the Petitioners for credibility and consistency and therefrom judged whether to adopt the alleged facts as true. They called for the Government to conduct a full investigation and to compensate Petitioners for the violation of the above rights and to the victims and their families for their losses.

6. GUATEMALA: Joaquin Ortega et al, Case 10.586, Inter-Am. CHR No. 39/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 18, 25

Summary of the Case: Seventy-one men, women, and children in 1990 and 1991 were kidnapped, tortured, and executed by members of and persons linked to the Guatemalan security forces.

Action Taken: The Commission found violations of Arts. 4, 8, 25, 7, 5, 1, 6, 19. During the years 1990 and 1991, State agents allegedly carried out extrajudicial executions and disappearances in order to physically eliminate their opponents and to repress, silence, and control the population as a whole. The Commission concluded that the Guatemalan State violated the victims' rights to life, judicial guarantees, personal liberty, and humane treatment. The State was

also responsible for violating the rights of the child.

GUATEMALA: Francisco Guarcas Cipriano, Case 11.275, Inter-Am. CHR No. 140/99

Complaint: Arts. 1(1), 4, 5, 7, 8, 16, 25

Summary of the Case: After renouncing his service in a civilian state-run armed group, the victim was last seen at a bus terminal with members of the group and has since disappeared.

Action Taken: The Commission found a violation of Arts. 1(1), 4, 5, 7, 3, 8, 25. The victim's forced disappearance violated his right to personal liberty and the fundamental guarantee of habeas corpus rights. A disappearance also constitutes a violation of the right to be treated humanely (Art. 5), an arbitrary deprivation of liberty, and right to life since the victim had not been seen or heard from in over five years. The Commission recommended that the State conduct a complete investigation into the disappearances of the victims and compensate the victims' families.

GUATEMALA: Samuel de la Cruz Gómez, Case 10.606, Inter-Am. CHR No. 11/98

Complaint: Arts. 1.1, 4, 5.1, 7, 8, 25

Summary of the Case: Mr. de la Cruz, a member of the Council of Ethnic Communities Runujel Junam (CERJ), was detained and abducted by men linked to the security forces of the State of Guatemala.

Action Taken: The Commission decided that the State of Guatemala is responsible for violations of the rights to judicial personality, to life, to humane treatment, to personal liberty, and to judicial guarantees and protection. The Commission recommended that the State of Guatemala carry out an investigation to find and submit those responsible to the appropriate judicial processes and that the State redress the consequences of the violations.

GUATEMALA: Ana Lucrecia Orellana Stormont, Case 9120, Inter-Am. CHR No. 56/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a university professor, was abducted, tortured and disappeared. A criminal complaint was filed, but her case was neither investigated nor clarified by the state.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a

violation of her right to recognition as a person before the law. When she was disappeared she was placed outside of, and excluded from, the judicial and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that after the passage of such a long time and the fact that the victim is still disappeared, combined with the fact that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of right to life (Art. 4). The placing of a hood spayed with insecticide over the victim's head in order to induce asthma attacks constitutes a violation of the victims right to humane treatment (Art. 5). The abduction and disappearance of the victim constitute a violation of her right to liberty (Art. 7).

GUATEMALA: Axel Raul Lemus Garcia, Case 8076, Inter-Am. CHR No. 55/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a high school student, was abducted and beaten in the presence of many representatives of the media. He then disappeared. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law. When he disappeared he was placed outside of, and excluded from, the judicial and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that after the passage of such a long time and the fact that the victim is still disappeared, combined with the fact that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Luis Gustavo Marroquin, Case 8075, Inter-Am. CHR No. 54/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was abducted and disappeared in 1982 by heavily armed abductors in civilian dress. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law. When he was abducted he was placed outside of, and excluded from, the judicial and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being, entitled to be recognized before the law (Art. 3). The Commission found that it is reasonable to presume that after the passage of such a long time, the fact that the victim is still disappeared, combined with the fact that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Fransisco Jose Antonio Pratdesaba Barillas, Case 8074, Inter-Am. CHR No. 53/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was allegedly abducted and had disappeared in 1981 by members of the army. The State has neither investigated nor clarified the facts of his still unknown whereabouts. The action taken by the state to ascertain his whereabouts was flawed and ineffective.

Action Taken: The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law. When he disappeared he was placed outside of, and excluded from, the judicial and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found that it is reasonable to presume that after the passage of such a long time, the fact that the victim is still disappeared, combined with the fact that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Maria Majia, Case 10.553, Inter-Am. CHR No. 32/96

Complaint: Arts. 1, 4, 5, 6, 8, 22, 25

Summary of the Case: Petitioners claim that the victim was murdered and her husband was assaulted and wounded in reprisal for their refusal to join the civilian patrols. Other people in the community were also threatened. They filed motions for personal appearance with the Human Rights Ombudsman and the regional justice of the peace, but the charges were not investigated.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 6, 8, 22, 25. The facts alleged were at no time disputed by the Government and the Commission takes the brief responses of the Government as acknowledgment of the truth of the allegations. The threats to community members causing them to leave their homes, and the attack on the victims husband constitute violations of the right to humane treatment (Art. 5). The persecution against those who leave the civilian patrols and the obligation to participate in them with no compensation is a form of forced labor (Art. 6). The forced displacement of thirty-nine members of the community from their homes violates the right of freedom of movement and residence (Art. 22).

GUATEMALA: Diana Ortiz, Case 10.5266, Inter-Am. CHR No. 31/96

Complaint: Arts. 1, 5, 7, 8, 11, 12, 16, 25

Summary of the Case: Petitioner, an American nun, was followed, threatened, kidnapped, and tortured by agents of the Government.

Action Taken: The Commission found violations of Arts. 1, 5, 7, 8, 11, 12, 16, 25. The inhumane treatment suffered by Sister Ortiz at the hands of Government agents falls within the definition of torture found in Art. 2 of the Convention on torture and violates her right to physical, mental, and moral integrity (Art. 5); because government agents have consistently denied the fact of the detention, the detention was necessarily carried out outside the boundaries of the law (Art. 7) and in kidnapping her the state also infringed her right to be taken without delay before a judge and to invoke the appropriate procedures to review the legality of her arrest (Art. 7); by placing her under surveillance and threatening her the Government made her the object of arbitrary and abusive interference and attacked her honor and dignity when they violently abducted and tortured her, as well as

in their accusations that her accusations against the Government were fabricated (Art. 11); it is likely that the attacks on the victim were intended to punish her for her activities as a Church missionary and her work with the indigenous people (Art. 12) and her association with members of GAM (Art. 16); the Government's inability to provide simple, swift and effective legal recourse to the victim violated her rights (Art. 25); and her rights to be heard by a competent and impartial tribunal were consistently blocked (Art. 8).

GUATEMALA: Arnoldo Juventino Cruz, Case 10.897, Inter-Am. CHR No. 30/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was disappeared by Government agents and there was no effective investigation to determine his whereabouts; the alleged perpetrators are known to be tied to the Army, but they have not been tried.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, 25. The forced disappearance of the victim, which removed and excluded him from the judicial and institutional order of the state, constitutes a violation of his right to recognition as a person before the law. The effect of such action denies the very existence of the victim as a human being entitled to be recognized before the law (Art. 3); the Commission has found it reasonable to presume that the passage of such a long period of time, that the victim is still missing, and that disappearances often involve secret execution without trial indicates that the victim has been killed in violation of his right to life (Art. 4); the abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Juan Hernandez, Case 11.297, Inter-Am. CHR No. 28/96

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: The victim was convicted of disorderly conduct and sentenced to thirty days in prison, where he died of a cerebral edema and cholera. Petitioners claim that he did not receive proper medical care. Although he was authorized to be transferred to a hospital, the transfer never occurred. Petitioners urged the courts to determine the cause of the cerebral edema, whether the treatment he did receive was negligent, and why the victim was not transferred to a hospital. None of these requests were ever carried out.

Action Taken: The Government initially arbitrarily arrested the victim contrary to the guarantees of the Guatemalan Constitution and failed to notify his next of kin of his imprisonment or of his death in violation of his right to liberty (Art. 7); the Government also failed to guarantee his right to life or personal safety and to act diligently to protect the victim's life and health while he was in their custody (Arts. 4, 5); the Government violated its obligation to respect judicial guarantees (Art. 8) and to provide effective recourse (Art. 25).

GUATEMALA: Roberto Lissardi and Dino Rossi, Case 10.508, Inter-Am. CHR No. 25/94

Complaint: Arts. 5, 7, 25

Summary of the Case: Petitioners were illegally arrested by the Army; they were kidnapped, held, and then released. Subsequently, they were followed and others were asked questions about them.

Action Taken: The Commission found violations of Arts. 5, 7, 25. The treatment endured by the Petitioners and the threats made against them constituted a violation of Art. 5. The Commission recommended that the government of Guatemala carry out separate inquiries of both the illegal arrest and the subsequent denial of justice. The Commission also recommended that the State both grant the Petitioners appropriate compensation and take measures to ensure that these practices cease.

7. HONDURAS: Minors in detention, Case 11.491 Inter-Am. CHR No. 41/99

Complaint: Arts. 5, 7, 8, 25

Summary of the Case: Petitioners alleged the unlawful arrest of street children and their incarceration in Tegucigalpa's central prison facility violates of Art. 122(2) of the Constitution of Honduras and Art. 37 of the United Nations Convention on the Rights of the Child. Petitioner stated that juveniles are routinely subjected to physical and sexual abuse in the cells of the Central Penitentiary.

Action Taken: The Commission notes that the Honduran State has taken positive steps to put an end to the practice of incarcerating juveniles in State prison. However, the Commission finds that the State of Honduras has violated Arts. 1, 5, 7, 8, 25.

8. JAMAICA: Desmond McKenzie, *et al.*, Cases 12.023, 12.044, 12.107, 12.126, 12.146, Inter-Am. CHR No. 41/00

Complaint: Arts. 1, 4, 5, 7, 8, 24, 25

Summary of the Case: Six men condemned to death row for multiple non-capital crimes alleged human rights violations concerning the mandatory nature of the death sentence and due process issues.

Action Taken: The Commission found a violation of Arts. 4(1), 5(1), 5(2), 8(1), 1(1), 4(6), 7(5), 5(4), 5(6), 8(2), 8, 25. Jamaica violated Arts. 4(1) and 4(6) by imposing the death sentence automatically without considering individual circumstances regarding either the crime itself or the personality of the offender. The Commission recommended that the State grant the victims an effective remedy, which may include commutation of sentence and compensation; adopt measures to ensure the death penalty is imposed in accordance to the Convention; and adopt measures to ensure the right to amnesty, pardon and the right to a fair hearing are given effect.

9. MEXICO: Loren Laroye Riebe Star, et al, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners stated that Fathers Riebe, Guttlein, and Elorz were individually abducted and taken at gunpoint to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom, and then driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City where they were interrogated by Mexican immigration officers. Consulate, representatives and a lawyer were present but prohibited from participating in the interrogation. A short time later, the priests were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging the people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all of the Articles brought forth in the petition, including the right to protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Art. of the American Convention.

MEXICO: Manuel Manriquez, Case 11.509, Inter-Am. CHR No. 2/99

Complaint: Arts. 1, 4, 5, 8

Summary of the Case: Members of the Judicial Police for the Federal District kidnapped Petitioner. Petitioner claims that the detention was illegal and arbitrary, and no arrest warrant was issued. Petitioner was severely tortured and coerced into confessing that he had murdered Armand and Juventino Lopez Velasco. Though Petitioner later recanted his confession, he was convicted of murder largely on that evidence. He is currently detained and serving sentence.

Action Taken: The Commission resolved that the Mexican State violated Arts. 5, 7, 8, 10, 25, and 1(1) of the American Convention on Human Rights.

MEXICO: Rolando and Anastasio Arteaga Perez, Case 11.543, Inter-Am. CHR No.1/98

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Members of the State Judicial Police and unidentified armed men forcibly entered and searched houses in Petitioners' village, including those of the Petitioners. The unidentified gunmen inflicted gunshot wounds on the Petitioners and kidnapped them. Petitioners' bodies were later found, exhibiting clear signs of torture.

Action Taken: The Commission resolved that the Mexican State violated Arts. 1, 4, 5, 7, 8, 25.

MEXICO: Jose Francisco Gallardo, Case 11.430, Inter-Am. CHR No. 43/96

Complaint: Arts. 1, 5, 7, 8, 11, 13, 25

Summary of the Case: The victim has been the subject of threats, harassment, and intimidation by Government agents, arbitrary detention and imprisonment based on false accusations, and of a defamation campaign.

Action Taken: The Commission found violations of Arts. 1, 5, 7, 8, 11, 25. In light of the detention and continuous submission of the victim to numerous unfounded preliminary inquiries and unjustified criminal cases, the government has failed to respect and guarantee his rights (Art. 1); to liberty (Art. 7), by making statements blaming the victim for actions not proven the Government has violated his right to honor and dignity (Art. 11), humane treatment (Art. 5), freedom of thought and expression (Art. 13) the right to fair hearing (Art. 8) and judicial protection (Art. 25).

10. PERU: Carlos Molero Coca et al, Case 11.182, Inter-Am. CHR

No. 49/00

Complaint: Arts. 5, 7, 8

Summary of the Case: Human rights violation when petitioners were detained, tortured, and subsequently sentenced to prison on terrorism charges at trials that were totally lacking in due judicial guarantees and that concluded with sentences handed down by "faceless" courts.

Action Taken: The Commission found a violation of Arts. 1(1), 5, 7, 8. The Commission concluded that the State violated: the right to personal freedom (Art. 7); the right to humane treatment (Art. 5); and the right to a fair trial (Art. 8). These violations demonstrate that the State has not respected the rights and freedoms recognized herein and has not ensured all persons subject to their jurisdiction the free and full exercise of those rights and freedoms (Art. 1(1)). The Commission recommended that the State: conduct an investigation into the torture reported by petitioners and punish the perpetrators; make full amends committed against petitioners; compensate petitioners for the physical, moral and material harm arising from violations of their rights by the State, and amend Decree Law No. 25475 to comply with the American Convention.

PERU: Manuel Pacotaype Chaupin, Case 10.908, Inter-Am. CHR No. 47/00

Complaint: Arts. 1(1), 3, 4, 5, 7, 25

Summary of the Case: Human rights violation occurred when petitioners were detained and subsequently disappeared.

Action Taken: The Commission found that the state violated Arts. 1, 3, 4, 5, 7, 25. The Commission concluded that the Peruvian State was responsible for violations of the right to liberty (Art. 7) resulting from the illegal and arbitrary detention of the Petitioners and obstructing their recourse to a competent judge or court that would rule on the lawfulness of their arrest. The commission also determined the Petitioner's right to humane treatment (Art. 5) was violated based on the presumptive evidence that the Petitioners were defenseless as a result being denied and prevented from exercising their rights. The Commission found that the armed forces tortured the victims with a view of extracting information about subversive groups or units. The Commission found that the right to life (Art. 4) was violated as shown by presumptive evidence that the Petitioners are dead given that nine years have elapsed since the petitioners' detention and dis-

appearance. The right to judicial personality (Art. 3) was violated by excluding the petitioners from the legal and institutional framework due to their forced disappearance and the right to an effective judicial remedy (Art. 25) was violated by failing to comply with its obligation to investigate the facts of this case and initiate judicial proceedings. In addition, the Peruvian State had breached two obligations (Art. 1(1)): Failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, 8 and 25 of the Convention; and failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State execute an exhaustive and impartial investigation to determine the forced disappearance of the petitioners and punish the persons responsible for the disappearance. The Commission also recommended that the state nullify any domestic measures that impede investigation, prosecution, and punishment of the persons responsible for the detention and forced disappearance of the petitioners; and grant timely and adequate reparation for the violations to the family members of the petitioners.

PERU: Manual Monago Carhuaricra and Eleazar Monago Laura, Case 10.826, Inter-Am. CHR No. 45/00

Complaint: Arts. 1(1), 5, 7, 8

Summary of the Case: On September 9, 1990, a father and son were taken from their home and detained by the military. Both men have since disappeared.

Action Taken: The Commission has found that Arts. 3, 4, 5, 7, 8, and 25 were violated.

The Commission concluded that the State, through members of the Peruvian Army, detained the victim who later disappeared at the hands of the force. The State is responsible for violations of the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Americo Zavala Martinez, Case 10.820, Inter-Am. CHR No. 44/00

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: On March 31, 1990, Martinez was detained by members of the military and has since disappeared.

Action Taken: The Commission found that Arts. 3, 4, 5, 7, 25 were violated. The State claims that Martinez was detained for hanging subversive posters but was released three days later when it was determined he would not be implicated in subversive activities. The petitioners alleged Martinez had not been seen since he was detained. Considering, in part, that there was a state practice of disappearances during 1989-1993, the Commission concluded that the State detained Martínez and was responsible for his disappearance. Consequently, the State violated Martinez's right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Alcides Sandoval Flores, *et al.*, Case 10.670, Inter-Am. CHR No. 43/00

Complaint: Arts. 5, 7, 8

Summary of the Case: On January 25, 1990, three Flores brothers were detained with four other persons by members of the Army, and all three men have not been seen since.

Action Taken: The Commission found that the State violated Arts. 1, 4, 5, 7, 8, 25.

The Commission concluded that the State, through members of the armed forces, detained the Flores brothers, whose whereabouts are now unknown as they have disappeared. The State is, therefore, responsible for violating the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Romer Morales Zegarra *et al.*, Case 10.827, 11.984, Inter-Am. CHR No. 57/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners were arbitrarily arrested in their homes by armed forces and subsequently disappeared.

Action Taken: The Commission declared that the State violated Arts. 1(1) 3, 4, 5, 7, 25.

The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the

right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25).

In addition, the Peruvian State breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention.

The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: Juan De La Cruz Núñez Santana *et al.*, Case 10.815, 10.905, 10.981, 10.995, 11.042, 11.136, Inter-Am. CHR No. 55/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners are arbitrarily arrested: after getting off a motorboat; on a bus; in the house; and or while returning home on his motorcycle and subsequently causing them to disappear.

Action Taken: The Commission concluded that the State had violated Arts. 1(1), 3, 4, 5, 7, 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State

agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: William León Laurente *et al.*, Case 10.807, 10.808, 10.809, 10.810, 10.879, 11.307, Inter-Am. CHR No. 54/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners are arbitrarily arrested: during the illegal entry into the house, while being beaten in the street outside of the petitioner's house; while leaving the offices of a corporation; while being beaten on the way back from the inscription as candidates in the municipal bye-elections; after declaring at a neighborhood bar, that the petitioner was going to lodge a complaint against the military for having tortured him and subsequently causing them to disappear.

Action Taken: The Commission declared that the State violated Arts. 1(1), 3, 4, 5, 7, 25.

The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the

right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25).

In addition, the Peruvian State has breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: David Palomiro Morales *et al.*, Case 10.551, Case 10.803, Case 10.821, Case 10.906, Case 11.180, Case 11.322, Inter-Am. CHR No. 53/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Government Military forces arrested all named parties supposedly for not participating in civil self-defense patrols, and were taken away by said forces to a military base. The Military forces denied making the arrests to Petitioners’ families, and the parties’ whereabouts being unknown, are considered disappeared. The Government denies that the victims have been arrested by either the Armed Forces or by the National Police Force. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 3, 4, 5, 7, 25, and 1(1) of the American Con-

vention on Human Rights.

PERU: Raul Zevallos Loyaza, Victor Padilla Lujan and Nazario Taype Humant, Case 10,544, Case 10,745, Case 11,098, Inter-Am. CHR No. 52/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the Armed Forces intercepted Raul on his way home for another destination. He was arrested and transferred to a Military Base. Five days later, Victor and Nazario were arrested in public by members of the Armed Forces and taken to the same military base. The victims, never having been seen again, are considered disappeared persons. The Government now denies that the victims have been arrested by members of the Armed Forces. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 3, 4, 5, 7, 25, of the Convention.

PERU: Anetro Castillo Pezo *et al.*, Case 10,471, Case 10,955, Case 11,066, Case 11,014, Case 11,067, Case 11,070, Case 11,163, Inter-Am. CHR No. 51/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the Armed Forces moved into Petitioners' village by vehicles and helicopters, causing general destruction, and arresting the 12 Petitioners, who were then taken away by helicopter and never seen again. No reason was given for the arrests. The State maintained that it did not arrest the victims. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 3, 4, 5, 7, 25 of the Convention.

PERU: Rodolfo Robles Espinoza and Sons, Case 11.317, Inter-Am. CHR No. 20/99

Complaint: Arts. 1(1), 7, 8, 11, 13, 25

Summary of the Case: At the hands of the Armed Forces, Petitioner, a General in the Army, was subject to reprisal through criminal prosecutions, a campaign against his good name, reprisals through disciplinary measures, and an abduction from which he was later released. His sons were also the victims of reprisals through disciplinary measures. These hostile acts were undertaken against him and his family in retaliation for reporting on "death squads" set

up by the Peruvian National Intelligence Service (NIN).

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 7, 8, 11, 13, 25, and 1(1) of the American Convention of Human Rights.

PERU: Pastor Juscamaita Laura, Case 10.542, Inter-Am. CHR No. 19/99

Complaint: Arts. 4, 7

Summary of the Case: Members of the Peruvian Army arrested Petitioner on charges of terrorism. The Petitioner was taken to an Army base, and then to an army barrack. The State maintains that it did not arrest the victim. The Government arrested Petitioner eight years ago, and has yet to account for his whereabouts. This is considered a case of forced disappearance.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 4, 7, and 1(1).

PERU: Eudalio Lorenzo Manrique *et al.*, Case 10.824, 11.044, 11.124, 11.125, 11.175, Inter-Am. CHR No. 56/98

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violations occur when petitioners are arbitrarily arrested: during illegal entry and search of house; with violence in house; at gunpoint in the house; and or while returning home from the market and subsequently causing them to disappear.

Action Taken: The Commission ruled that Arts. 1(1) 3, 4, 5, 7, 25 were violated by the State. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is held responsible for. The State violated the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art.

1(1)): Failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention; and failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: Angel Escobar Jurado, Case 10.521, Inter-Am. CHR No. 42/97

Complaint: Arts. 4, 7

Summary of the Case: Mr. Escobar Jurado was detained by five individuals, presumed members of the Armed Forces.

Action Taken: The Commission found that the Armed Forces had detained Mr. Escobar Jurado and for eight years were unable to account for his whereabouts. As a result, the Peruvian State was found responsible for violating the right to life, the right to personal liberty and its obligation to respect and ensure the exercise of these rights pursuant to Art. 1.1 of the American Convention. The Commission recommended that the State of Peru declare Laws No. 26479 and No. 26492 to be without force, that it carry out a full investigation of the facts, and that it provide reparations to the relatives of Mr. Escobar Jurado.

PERU: Estiles Ruíz Dávila, Case 10.491, Inter-Am. CHR No. 41/97

Complaint: Arts. 4, 7

Summary of the Case: Mr. Ruíz Dávila was detained and disappeared by Peruvian Army personnel while he was attending a funeral wake.

Action Taken: The Commission found that the State of Peru is responsible for violating the right to life and the right to personal liberty. The Commission found that the Peruvian State violated Arts. 1.1 by failing to safeguard the exercise of the rights and guarantees of Ruíz Dávila and recommended that a serious and impartial investigation be carried out. The Commission also recommended that de-

cree Laws No. 26479 and No. 26492 be declared without force, and that reparations be made to the victims relatives.

PERU:Raquel Martin de Mejia, Case 10.970, Inter-Am. CHR No. 5/96

Complaint: Arts. 1, 4, 5, 7, 11, 25

Summary of the Case: In 1989 petitioner's husband was arbitrarily arrested by the military, tortured and executed; petitioner was raped by the same military personnel that arrested her husband; she filed a criminal charge with the local office of the Attorney General, and the case was subsequently transferred to a military court who ordered that action on the case be halted before any charges or investigation were even initiated; the local prosecutor filed charges in 1991, but no real action was taken in the investigation; petitioner has also been charged with being a member and supporting subversive groups; she presented evidence that these allegations are unfounded.

Action Taken: The Commission found a violation of Arts. 1, 5, 8, 11, and 25. The State argued the inadmissibility of the case, but did not present any evidence on the merits. As such, the Commission was required to interpret the silence as an acknowledgment of the truth of the allegations. The Commission looked at the requirements laid out under the Inter-American Convention to Prevent and Punish Torture and found that the rape of petitioner satisfied all three elements and was a violation of petitioner's right to humane treatment (Art. 5), as well as a violation of her personal dignity (Art. 11). From a finding of these violations the Commission also inferred a violation of the State's obligation to respect these rights (Art. 1). The Government's failure to give the petitioner access to such rights constituted a violation of her right to an effective recourse and to judicial protection (Art. 25). The institution of proceedings against Petitioner for terrorism without any evidence constituted a violation of Petitioner's right to be heard by an impartial tribunal and to the presumption of innocence (Art. 8).

PERU: Chumbivilcas, Case 10.559, Inter-Am. CHR No. 1/96

Complaint: Arts. 1, 4, 5, 7, 25; Art. I of the American Declaration

Summary of the Case: The Petition alleged that a group of over 21 people from the Chumbivilcas province were executed, tortured and/or disappeared between April 20 and April 30, 1990 by members of the Peruvian Army.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 7, 8, and 25. The right to life was a fundamental right, and if it is not respected by the government authorities then the entire system of human rights breaks down (Art. 1) and this right cannot be suspended under any circumstances (Art. 27). Torture followed by arbitrary executions carried out by members of the Army patrol constitute a clear violation of the right to life and humane treatment (Arts. 4 and 5) and thus implies a failure of the Government to carry out its obligations to respect and guarantee all the rights in the Convention (Art. 1). The arbitrary arrests carried out of defenseless persons without any justification, and the subsequent denial that these events occurred constitutes a violation of the right to personal liberty (Art. 7) and humane treatment (Art. 5) and due process (Art. 8). The information held by the Commission demonstrates that enough proof was compiled to demonstrate that the Army patrol was responsible for the acts that violated the fundamental rights of the people in Chumbivilcas, and the military authorities were obliged to identify those responsible so that they could be turned over to the judicial authorities. Instead of carrying out an investigation the authorities denied the occurrence of these events, in violation of the right to judicial protection (Art. 25).

PERU: Alan García, Case 11.006, Inter-Am. CHR No. 1/95

Complaint: Arts. 7, 11, 19

Summary of the Case: The petition alleged human rights violations occurred during the illegal entry into Petitioners house, his arrest, and the detention of his wife and children.

Action Taken: The Commission found violation of Arts. 5, 7, 8, 11, and 19. The entry into Petitioners house and the illegal detention of his family violated Art. 5 that proscribes extending the punishment to the family of the person alleged to be guilty; the arrests that violated Art. 7 guaranteeing the rights to personal security, were carried out by Army soldiers who had no such authority; compounded by the shots fired within Petitioners house render his arrest arbitrary and unlawful, thus violating his right to personal security (Art. 7); the Government also violated the Petitioners right to judicial guarantees and right to due process (Art. 8), as the two cases against him used illegally obtained evidence, and ignoring his right to immunity as a Senator for life (failure to follow impeachment procedure first). The Commission stated that Art. 8 does not only guarantee privacy,

but also the inviolability of the domicile. Thus the warrantless search of Petitioners house and the seizure of his private papers by the Peruvian Army were in violation of Art. 8; the deprivation of freedom of Petitioners children was found to be a violation of Art. 19 (and was particularly repugnant.)

11. TRINIDAD & TOBAGO: Anthony Briggs, Case 11.815, Inter-Am. CHR No. 58/99

Complaint: Arts. 5, 7, 8

Summary of the Case: Petitioner claims that the circumstances surrounding the conviction death sentence of Anthony Briggs are in violation of his right to bring the defendant to trial within a reasonable time, right to humane conditions of imprisonment, right to adequate counsel, and the right to a fair trial. Anthony Briggs was sentenced to death for the murder of Siewdath Ramkissoo on March 17, 1993. Anthony Briggs spent twenty-three hours a day for fifteen months confined to a 6' x 8' cell with ten other inmates and a plastic pail for sanitary purposes. He was arrested three years and three months before his trial. He also submits that he never met with his counsel and only met with his trial attorney once.

Action Taken: The Commission determined that the petitioner did not establish sufficient evidence to prove a violation of Arts. 5, 8(1, & 2). The Commission did find that the period of over three years between arrest and conviction was a violation of Art. 7.

H. Article 8 – Right to Fair Trial

1. ARGENTINA: Juan Carlos Abella, Case 11.137, Inter-Am. CHR No. 55/97

Complaint: Arts. 4, 5.1, 7.5, 8, 24, 25

Summary of the Case: On January 23, 1989, forty-two armed persons attacked the barracks of an Infantry Regime located at La Tablada, Buenos Aires. After the attack, State agents participated in the execution of four attackers, the disappearance of six attackers, and the torture of a number of others. Five attackers who were arrested and two who had voluntarily turned themselves in were tortured psychologically and physically and were later tried and convicted.

Action Taken: The Commission found the State responsible for violating the right to life, the right to humane treatment, the right to

appeal a conviction to a higher court, and the right to a simple and effective remedy. The Commission recommended that the State conduct a full investigation into the events and identify and punish those responsible. It further recommended that the State take the necessary steps to make the judicial guarantee of the right to appeal effective for persons tried under Law 23.077 and make reparations for the harm suffered.

ARGENTINA: Gustavo Carranza, Case 10.087, Inter-Am. CHR No. 30/97

Complaint: Arts. 8, 11, 23(1)(c), 25

Summary of the Case: Mr. Carranza alleges that the Supreme Court wrongfully refused to hear his appeal against a decision of the Superior Court of Justice of the Province of Chubut which had refused to nullify a decree issued by the previous military government that had ordered his removal.

Action Taken: The Commission found that when the Argentine courts precluded a decision on the merits of Mr. Carranza claim, Argentina violated his rights to a fair trial and to judicial protection; the Commission recommended that petitioner be compensated for the violations.

ARGENTINA: Jorge Luis Bronstein, *et al.* Cases 11.205, 11. 236, 11.238, 11.242, 11.243, 11.244, 11.247, 11.248, 11.249, 11.251, 11.254, 11.255, 11.257, 11.248, 11.261, 11.263, 11.305, 11.320, 11.436, 11.330, 11.499, 11.504, Inter-Am. CHR No. 2/97

Complaint: Arts. 7, 8

Summary of the Case: The Commission has decided to consolidate these petitions as a single package and consider them as a group. Argentina has subjected individuals to preventive detention in stays exceed the allowable time under Art. 7.5, causing these detentions to act as premature punishment, which constitutes violates Art. 8.2.

Action Taken: The Commission concluded that Argentina has violated Arts. 7.5, 8.1, and 1.1 of the American Convention of Human Rights.

ARGENTINA: Jorge Alberto Giménez, Case 11.245, Inter-Am. CHR No. 12/96

Complaint: Arts. 7(5), 8(2)

Summary of the Case: Human rights violation occurring when petitioner is in preventive custody without a sentence.

Action Taken: The Commission found violations of Arts. 7 and 8. The petitioner's claim meet the requirements of formal admissibility and the Commission was competent to hear the case based on violations of human rights recognized in the American Convention: the right to trial within a reasonable period of time or to be released without prejudice to the continuation of the proceedings (Art. 7) and the right to judicial guarantees including the right to be presumed innocent during such time as guilt has not been legally established (Art. 8).

2. BRAZIL: Carandiru, Case 11.291, Inter-Am. CHR No. 34/00

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: On October 2, 1992 a prison riot at the Carandiru detention center in Sao Paulo led to the death of 111 prisoners, with others seriously wounded in actions allegedly committed by the Sao Paulo military police. Sixteen months after the riot, proceedings had not been instituted against those responsible. The petition requested that the State be sanctioned for violations of the right to life and personal integrity, due process, and judicial protection.

Action Taken: The Commission found that a massacre had taken place in which the State violated the rights to life, personal integrity, due process, and judicial protection. The Commission recommended investigation of the events, punishment for responsible parties, compensation for the victims, and development of regulations to avoid similar violations.

BRAZIL: Marcos Aurelio de Oliveira, Case 11.599, Inter-Am. CHR No. 10/00

Complaint: Arts. 4, 8, 19, 22, 25

Summary of the Case: Marcos Aurelio de Oliveira, a minor, was allegedly killed by a civil policeman of the State of Rio de Janeiro, while attempting to rob the driver of a car. The policeman had been following Marcos and upon seeing the attempted robbery, shot him. The policeman then left the scene. An eyewitness that the policeman was responsible, but after intimidation changed his testimony. The policeman discovered the witness and attempted to kill him. Two years after filing a petition, the police investigation had not been completed.

Action Taken: The Commission concluded that Marcos Aurelio de Oliveira was unlawfully executed and that the investigation was not

properly conducted. The Commission recommended the trial and punishment of those responsible for the violations of the right to life, to fair trial, to rights of the child, to the freedom of movement and residence, and to judicial protection, as well as compensation to the victim's relatives.

BRAZIL: Alonso Eugenio da Silva, Case 11.598, Inter-Am. CHR No. 9/00

Complaint: Arts. 8, 25; Arts. I, XVIII, XXV, XXVI of the Declaration

Summary of the Case: On March 8, 1992, Alonso Eugenio da Silva, a 16 year-old, was shot and killed by a military policeman of the State of Rio de Janeiro in a restaurant, during an attempted arrest for an alleged robbery. Three and a half years after the death, police inquiry into the events had not concluded, resulting in the exhaustion of domestic remedies.

Action Taken: The Commission found that the petitioner exhausted domestic remedies and held the acts in question were a violation of the right to life, to fair trial, to protection against arbitrary arrest, to due process, and to judicial protection. The Commission recommended a complete investigation, trial and conviction of responsible parties, and compensation to the relatives of the victim.

BRAZIL: Newton Coutinho Mendes, Case 11.405, Inter-Am. CHR No. 59/99

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The complaint alleged that an assassination group established by large land owners in the southern part of Para murdered and terrorized "persons linked or suspected of links to the occupation of lands in the region and with advocacy of the rights of rural workers." Persons of differing occupations (merchants, priests, laborers) are said to have been terrorized, kidnapped, and threatened in an attempt to preserve the power of the larger land owners when rights are asserted in any way. The petition alleged that the local authorities are organized and implicated in these crimes so that justice can not be served. Gunmen hired by the estate owners have strong-armed local workers into working for the estate owners and then killing the laborers if they do not.

Action Taken: The Commission found that Brazil is liable for violations of Arts. 4, 5, 8, and 25. The Commission recommended that

“the competent authorities set in motion the required mechanisms and guarantee that keep an independent, complete, serious and impartial investigation of the events taking place in the southern region of the State of Para.” The Commission also reiterated the need for Brazil to take measures to ensure the rights to life, to humane treatment, and to a fair trial and judicial protection for all inhabitants.

BRAZIL: João Canuto de Oliveira, Case 11.287, Inter-Am. CHR No. 24/98

Complaint: Arts. 8, 25

Summary of the Case: The Petitioner alleged the State was responsible for the death of Mr. Canuto de Oliveira. Mr. Canuto de Oliveira was president of the Río María del Sur when he and his two sons were assassinated by two gunmen.

Action Taken: The Commission declared the Brazilian State responsible for violating the rights to life, freedom, and personal and safety, and the right to justice (Arts. I and XXVIII of the Declaration), and the rights to judicial guarantees (Art. 8) and judicial protection (Art. 25) of the Convention.

3. CHILE: Carmelo Soria Espinoza, Case 11.725, Inter-Am. CHR No. 133/99

Complaint: Arts. 8, 25, 32; Art. I of the Declaration

Summary of the Case: On July 14, 1976, Carmelo Soria Espinoza, chief of the editorial and publications section of the Latin American Demographic Center (CELADE) in Chile and an United Nations official, was leaving work and kidnapped by security agents of the *Dirección de Inteligencia Nacional*. He was murdered and his body and car were left in a stream. Although the agents responsible were identified, criminal prosecution was dismissed under the self-amnesty law. The victim's family alleged a violation of their right to justice.

Action Taken: The Commission concluded that it had jurisdiction to hear the case and that based on the facts, the Chilean State violated Art. I of the Declaration, and Arts. 1, 8, 25, and 32 of the Convention.

CHILE: Hector Marcial and Garay Hermosilla, *et al.*, Case 10.843, Inter-Am. CHR No. 36/96

Complaint: Arts. 1, 2, 25

Summary of the Case: Petitioners initiated judicial proceedings for

the arrest and subsequent disappearance (aggravated abduction) before the competent Criminal Court. The Criminal Court found that it was incompetent to hear the case as the persons charged were military personnel. The Court of Appeals affirmed the decision and the request for a substantive investigation was denied resulting in an eleven-year paralysis of the proceedings despite the abundant evidence that was submitted. In 1989, pursuant to the Amnesty Decree Law, the charges were dismissed. An appeal of the dismissal and the unconstitutionality of the Amnesty law was submitted to the Supreme Court, which rejected the appeal. In doing so, it stated that civil actions for compensation were possible; however these are only illusory since in order to file a civil petition the petitioner must produce the corpus *delecti* and the guilty party must have been determined. Petitioners asked that the Commission declare the Amnesty Decree Law incompatible with the American Convention.

Action Taken: The Commission found a violation of Arts. 1, 2, 8, and 25. The Commission found that the Amnesty Decree Law was incompatible with the American Convention and that since the Supreme Court affirmed the constitutionality of that law following the entry into force of the American Declaration in Chile, the State was in violation of its obligation to respect and ensure the rights of all persons in Chile (Art. 1); the judicial rulings violate the petitioners right to justice (Art. 8, 25). The Commission recommended that the state of Chile amend its legislation to reflect the rights enshrined in the American Convention.

CHILE: Juan Meneses, Ricardo Lagos Salinas, Juan Alsina Hurtos, and Pedro Vergara Inostroza, Cases 11.228, 11.229, 11.231, and 11.282. Inter-Am. CHR No. 34/96

Complaint: Arts. 1, 8, 25; Arts. XVII of the Declaration

Summary of the Case: Claims were raised against the constitutionality of Decree Law 2191 granting amnesty for various offences committed between 1973 and 1978. This report consolidated four such cases brought by petitioners against the State for specific cases of arbitrary arrests and disappearances that were dismissed pursuant to the Amnesty Decree Law.

Action Taken: The Commission found a violation of Arts. 1, 2, 8, and 25. The Decree Law is incompatible with the American Convention and the affirmation of the constitutionality of that law by the Supreme Court is a violation of Chile's obligations under the Con-

vention (Arts. 1, 2); the judicial rulings of dismissal of the charges brought violate the petitioners right to justice (Arts. 8, 25); the Decree Law as it was applied in the judicial proceedings kept the petitioners from exercising their right to a fair trial to determine their civil rights (Art. 8).

4. COLOMBIA: Caloto, Case 11.101, Inter-Am. CHR No. 36/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On December 16, 1991, approximately eighty people belonging to the Paez indigenous community responded to a call to meet the new owners of the property. Heavily armed men, some of whom were wearing uniforms of the security forces went to the site of the meeting, gathered the people, identified the leaders, and shot them. In an attempt to flee, twenty others were killed. After the massacre, the homes of the community were burned and destroyed. Petitioners allege that the failure to provide due judicial protection has resulted in impunity for those responsible and unwarranted delay in the investigation.

Action Taken: After the breakdown of a friendly settlement, the Commission determined that the State is responsible for violation of Arts. 1(1), 4, 5, 7, 8, and 25 of the Convention, and evaluated the measures taken to make reparation for the harm caused.

COLOMBIA: Los Uvos Massacre, Case 11.020, Inter-Am. CHR No. 35/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On April 7, 1991, members of the national army intercepted a bus at a checkpoint in Los Uvos township, made the passengers leave the bus, relieved them of their belongings, forced them to lie face-down on the road, and extrajudicially executed seventeen individuals with army-issue rifles. The two-year investigation was referred to the allegedly biased military criminal justice system, which petitioners claimed relieved them of the need to exhaust available domestic remedies.

Action Taken: Although a friendly settlement process broke down, recommendations during that process had been partially implemented and the Commission issued conclusions regarding violations of Arts. 1(1), 4, 5, 7, 8, and 25 of the Convention in light of the

State's acceptance of responsibility.

COLOMBIA: Amparo Tordecilla Trujillo, Case 10.337, Inter-Am. CHR No. 7/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25

Summary of the Case: On April 25, 1989, State agents detained Amparo Tordecilla. They forced her into a taxi owned by the Colombian Army, and proceeded to an undisclosed location. Her whereabouts were unknown. The alleged motive for the disappearance was the romantic relationship between Amparo and a leader of an armed dissident group. The agents involved were absolved of liability. Petitioners alleged a violation of the right to personal liberty and security, life, and the right to an impartial tribunal and judicial protection.

Action Taken: The Commission concluded that the Colombian State was responsible for violating Arts. 1(1), 4, 5, 7, 8, 25 of the Convention and recommended a complete investigation, return of the victim's remains to the family, and reparation to the victim's family.

COLOMBIA: Jose Alexis Fuentes Guerrero, et al, Case 11.519, Inter-Am. CHR No. 61/99

Complaint: Arts. 4, 8, 25

Summary of the Case: The petitioner claims that eight people died because of an Army unit shooting at unarmed civilians in Puerto Lleras. Next the army allegedly forced civilians out of their homes while the homes were pillaged. The following day the army used the civilians as a shield in case of an attack by dissidents. Autopsies revealed that victims died as a result of gunfire from a short distance. The military subsequently took over a criminal investigation and issued 14 warrants for arrests included a Lieutenant. During the military trial, the jury acquitted the defendants after which the Judge declared the verdict to be against the evidence and submitted the decision to the Supreme Military Tribunal for review. The tribunal affirmed the lower court's decision, which was final.

Action Taken: The Commission concluded that the Colombian State was responsible for violating the right to life under Art. 4 of the Convention, and the right to judicial guarantees under Arts. 8 and 25 of the Convention. The Commission recommends that Colombia conduct a serious and impartial investigation into the crimes at Puerto Lleras.

COLOMBIA: Alvaro Moreno Moreno, Case 11.019, Inter-Am. CHR No. 5/98

Complaint: Arts. 1, 4, 7, 8, 25

Summary of the Case: Petitioners allege that Mr. Moreno was detained and killed by police agents during in operation aiming to find those responsible for an attack carried out against a Police center.

Action Taken: The Commission found that the Colombian State failed to comply with its recommendations to investigate and sanction, and violated Mr. Moreno's right to life (Art. 4) and personal liberty (Art. 7) and the rights of his family members to a fair trial (Art. 8) and judicial protection (Art. 25); the Commission recommended that Colombia undertake a serious and impartial investigation to find those responsible for the violations; and submit those individuals to the appropriate criminal proceedings; finally the Commission recommended that Columbia adopt the necessary measures to make full reparation for the violations found.

COLOMBIA: Ul Musicue and Coicue, Case 9853, Inter-Am. CHR No. 4/98

Complaint: Arts. 1, 5, 7, 8, 25

Summary of the Case: Mr. Ul Musicue and Mr. Coicue, members of the Paez indigenous community, were arbitrarily detained and mistreated by a Colombian Army unit.

Action Taken: The Commission concluded that the Colombian State violated the right to humane treatment (Art. 5), personal liberty (Art. 7), access to justice (Arts. 8 and 25), and failed to uphold its obligations established in Art. 1 of the American Convention; the Commission recommended a full investigation to find and submit those responsible to the appropriate judicial processes; the Commission also recommended the State to make full reparations for the violations found.

COLOMBIA: Tarcisio Medina Charry, Case 11.221, Inter-Am. CHR No. 3/98

Complaint: Arts. 3, 4, 5, 7, 8, 13, 25

Summary of the Case: Mr. Medina Charry was disappeared by agents of the Republic of Colombia.

Action Taken: The Commission held that Columbia is responsible for violating the right to juridical personality (Art. 3), the right to life (Art. 4), the right to humane treatment (Art. 5), the right to personal

liberty (Art. 7), the right to a fair trial (Art. 8), the right to freedom of thought and expression (Art. 13) and the right to judicial protection (Art. 25). The Commission also found that Colombia failed to uphold its obligations as established in Arts. 1 and 2 of the American Convention.

COLOMBIA: Arturo Ribón Avila, Case 11.142, Inter-Am. CHR No. 26/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Arturo Ribón and ten others were killed during an armed confrontation between members of the Army, the Departamento Administrativo de Seguridad, the Police, the Police Intelligence of Colombia, and members of the armed dissident group M-19.

Action Taken: The Commission found the Colombian State responsible for violating the rights to life (Art. 4), humane treatment (Art. 5), a fair trial (Art. 8), and judicial protection (Art. 25). Moreover, Colombia did not take the necessary measures to make effective the rights of persons to see justice done by punishing the police officers who committed the violations, against Art. 2 of the American Convention. Finally, the Colombian State violated Art. 3 of the Geneva Convention by not respecting and guaranteeing the rights of persons who are placed hors de combat in an internal armed conflict.

COLOMBIA: Hildegard Maria Feldman, Case 11.010, Inter-Am. CHR No. 15/95

Complaint: Arts. 4, 5, 8 and 25

Summary of the Case: Petitioner a Swiss missionary and two local farmers were murdered by the Colombian army when they shot into a house with no warning to those inside and without being certain who was inside, and executed the one farmer who was unarmed and injured.

Action Taken: The Commission found a violation of Arts. 1.1, 2, 4, 5, 8, and 25.

The military court ignored the testimony of the witnesses as to the manner in which the victims were executed and dismissed the cases using the justifications of self defense and unavoidable accident; the trial of military personnel for violations of human rights by military courts does not provide the guarantees of impartiality and independence required by the Convention for victims (Art. 8). The Colom-

bian Government never denied that members of the Army participated in the murder of the victims; the fact that administrative action was taken against the military does not prove that a fair trial was administered nor does it exonerate the Colombian Government from responsibility for taking proper action for the crimes committed.

5. ECUADOR: Ruth Posario Garces Vallardes, Case 11,788, Inter-Am. CHR No. 64/99

Complaint: Arts. 1, 5, 7, 8, 11, 24, 25

Summary of the Case: Petitioner was detained as part of "Operation Cyclone" in which Ecuadorian National Police detained several persons presumed to be involved in the drug trade. She was arrested, tried and convicted. Petitioner complains that she was arrested without a warrant, and that she was subsequently, and as a consequence, illegally detained.

Action Taken: The Commission noted with satisfaction that Ecuadorian State had shown signs of being engaged in activities directed to comply with the Commission's recommendations. However, the Commission found that the State of Ecuador violated Arts. 5(2), 7(2), 7(3), 7(4), 7(5), 7(6), 8(1), 8(2), 25, and 1(1) of the Convention.

ECUADOR: Manuel García Franco, Case 10.258, Inter-Am. CHR No. 1/97

Complaint: Arts. 1(1), 4, 5, 7, 7.6, 8, 25

Summary of the Case: Mr. García Franco died as a result of the treatment to which he was subjected after having been abducted and tortured by two Naval officers and three members of the Ecuadorian Naval Marine.

Action Taken: Upon declaring the petition admissible, the Commission found that agents of the State of Ecuador were responsible for the disappearance of Mr. García Franco. The Commission held that state agents illegally and arbitrarily arrested and detained Mr. García Franco, violated his right to be brought before a judge, subjected him to treatment contemptuous to his inherent dignity as a human being, and deprived him of his right to life. The Commission found that Mr. García Franco's family was denied their right to access judicial protection and their right to be heard within a reasonable time and Mr. García Franco was denied the right to recognition as a person. The Commission recommended that the state of Ecuador undertake an investigation of the facts, take the necessary meas-

ures to inform the family of Mr. García Franco of the location of his remains, and redress the consequences of the violations found.

ECUADOR: Manuel Stalin Bolanos Quinones, Case 10.580, Inter-Am. CHR No. 10/95

Complaint: Arts. 4, 5, 8

Summary of the Case: Manuel Bolanos was arrested in his home and disappeared; petitioners allege he was tortured and died during interrogation.

Action Taken: The Commission found a violation of Arts. 1, 4, 7, 8, and 25. The victim was arbitrarily arrested with no warrant and without disclosing the true reason for his detention; the persons arresting him had no authority to do so, he was held at an irregular location and with no access to legal means and remedies to assert his rights (Art. 7). Petitioners never received information on the petition for a writ of habeas corpus they filed and it is assumed that the Government did not consider it (Art. 7). The state did not perform an investigation into the circumstances of the death of Mr. Bolanos (Art. 1). The death of Mr. Bolanos occurred while the state was failing to fulfill its obligations under Art. 1 and while Mr. Bolanos was in their custody. Since the state had the burden of proving the exact circumstances of his death and they have failed to do so here the Commission concluded that his right to life was violated (Art. 4). Petitioners did not provide copies of the statements upon which the allegations of torture were based and there was insufficient information in the file otherwise to find such a violation (Art. 5). The investigation of Mr. Bolanos' death took four years and insufficient means were used in the investigation—that was an unreasonable delay (Art. 8). The Government failed to provide simple, swift and effective legal recourse to the victim's family—the truth about what happened to him, the circumstances of his detention and death and the location of his remains (Art. 25). The investigation into the facts of this case was carried out by the military—they could not be impartial and independent in an investigation of other military personnel (Art. 8).

6. EL SALVADOR: Monsignor Oscar Arnulfo Romero y Galdamez, Case 11.481, Inter-Am. CHR No. 37/00

Complaint: Arts. 23, 24

Summary of the Case: On March 24, 1980, Monsignor Romero was shot dead by a sniper while he celebrated mass. The sniper was

a member of a state operated death squad. Petitioners brought a claim against El Salvador for the allegedly extrajudicial execution of the Archbishop of San Salvador by a state operated death squad. The State did not question the facts of the case but justified the release of any implicated persons pursuant to the general amnesty law.

Action Taken: The Commission found violations of Arts. 1(1), 2, 4, 8(1), and 25, and recommended that the State prosecute all perpetrators, make reparation for the consequences of the violations, and nullify the general amnesty law through domestic legislation.

EL SALVADOR: Ignacio Ellacuria, et. al., Case 10.488, Inter-Am. CHR No. 136/99

Complaint: Art. 1(1), 2, 4, 8(1), 13, 25

Summary of the Case: Six Jesuit priests, their cook and her daughter were shot by military personnel, and the murders were blamed on a dissident armed group.

Action Taken: The Commission found the State violated Arts. 1(1), 2, 4, 8(1), 13, and 25. The murders that took place in the morning at the priest's dormitory on the University campus constituted a violation of the victims' right to life (Art. 4). The State violated the right to judicial guarantees and effective judicial protection for the relatives of the victims and the members of the religious and academic community to which the victims belonged (Arts. 8(1) and 25). The armed forces' planning of the murders and covering them up by, in part, blaming them on a dissident armed group violated the relatives' right to know the truth (Arts. 1(1), 8(10), 13, 25).

EL SALVADOR: Lucio Parada Cea, et al., Case 10.480, Inter-Am. CHR No. 1/99

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: Elements of the Salvadoran Army detained Petitioners. Petitioners were forcibly arrested and then interrogated and tortured, resulting in their deaths. There was no reason given for the arrests.

Action Taken: The Commission found that the State of El Salvador violated Arts. 4, 5, 7(5), 8, 25; and Art. 3 of the Four Geneva Conventions of 1949; and Art. 4 of the Protocol II.

7. GRENADA: Rudolph Baptiste, Case 11.743, Inter-Am. CHR No. 38/00

Complaint: Arts. 4(1), 4(6), 5(1), 5(2), 5(6), 8, 24; Arts. I, II,

XVIII, XXVI of the Declaration

Summary of the Case: Petitioner, a death row inmate, contended that the mandatory nature of the death sentence, the poor condition of his detention, and inaccessibility of legal aid for Constitutional Motions violated his human rights under the American Convention.

Action Taken: The Commission found violation of Arts. 4(1), 4(6), 5(1), 5(2), 5(6), 8, 24. The mandatory nature of the death penalty, based upon the category of crime without considering individual circumstances involved, violated the petitioner's right to physical, mental, and moral integrity and subjected him to cruel, inhuman or degrading punishment pursuant to Arts. 4(1), 5(1), 5(2), and 8(1). By failing to provide Mr. Baptiste with an effective right to apply for amnesty, pardon or commutation of sentence, the State violated Art. 1(1). The conditions of the petitioner's detention failed to meet several of the minimum standards of treatment of prisoners (Art. 5(1)). The State violated the petitioner's rights by not providing legal representation for Constitutional Motions necessary for dealing effectively with legal issues such as the right to due process and the adequacy of prison conditions. The Commission requested that the State stay Mr. Baptiste's execution.

8. GUATEMALA: Joaquin Ortega et al, Case 10.586, Inter-Am. CHR No. 39/00

Complaint: Arts. 1(1), 4, 8, 25, 5, 7, 18

Summary of the Case: Seventy-one men, women, and children in 1990 and 1991 were kidnapped, tortured, and executed by members of and persons linked to the Guatemalan security forces.

Action Taken: The Commission found violations of Arts. 4, 8, 25, 7, 5, 1, 6, 19. During the years 1990 and 1991, State agents allegedly carried out extrajudicial executions and disappearances in order to physically eliminate their opponents and to repress, silence, and control the population as a whole. Commission concluded that the Guatemalan State violated the victims' rights to life, judicial guarantees, personal liberty, and humane treatment. The State was also responsible for violating the rights of the child.

GUATEMALA: Francisco Guarcas Cipriano, Case 11.275, Inter-Am. CHR No. 140/99

Complaint: Arts. 1(1), 4, 5, 7, 8, 16, 25

Summary of the Case: After renouncing his service in a civilian

state-run armed group, the victim was last seen at a bus terminal with members of the group and has since disappeared.

Action Taken: The Commission found a violation of Arts. 4, 5, 7, 3, 8, 25. The victim's forced disappearance violated his right to personal liberty and the fundamental guarantee of habeas corpus rights. A disappearance also constitutes a violation of the right to be treated humanely (Art. 5), an arbitrary deprivation of liberty, and the right to life since the victim had not been seen or heard from in over five years. The Commission recommended that the State conduct a complete investigation into the disappearances of the victims and compensate the victims' families.

GUATEMALA: Samuel de la Cruz Gómez, Case 10.606, Inter-Am. CHR No. 11/98

Complaint: Arts. 1.1, 4, 5.1, 7, 8, 25

Summary of the Case: Mr. de la Cruz, a member of the Council of Ethnic Communities Runujel Junam (CERJ), was detained by Guatemalan security forces and subsequently disappeared.

Action Taken: The Commission decided that the State of Guatemala is responsible for violations of the rights to juridical personality, to life, to humane treatment, to personal liberty, and to judicial guarantees and protection. The Commission recommended that the State of Guatemala carry out an investigation to find those responsible and submit them to the appropriate judicial processes and that the State redress the consequences of the violations.

GUATEMALA: Ana Lucrecia Orellana Stormont, Case 9120, Inter-Am. CHR No. 56/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a university professor, was abducted, tortured and disappeared; a criminal complaint was filed but her case was neither investigated nor clarified by the state.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constitutes a violation of her right to recognition as a person before the law, as when she disappeared she was placed outside of and excluded from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a

long time and the fact that the victim was still missing combined with the fact that the practice of disappearances often involves secret execution without trial provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The placing of a hood sprayed with insecticide over the victims head in order to induce asthma attacks constitutes a violation of the victim's right to humane treatment (Art. 5); the abduction and disappearance of the victim constituted a violation of her right to liberty (Art. 7).

GUATEMALA: Axel Raul Lemus Garcia, Case 8076, Inter-Am. CHR No. 55/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a high school student, was abducted beaten in the presence of many representatives of the media. The victim then disappeared. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constituted a violation of his right to recognition as a person before the law, as when he disappeared he was placed outside of and excluded from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time and the fact that the victim was still missing combined with the fact that the practice of disappearances often involves secret execution without trial provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constituted a violation of his right to liberty (Art. 7).

GUATEMALA: Luis Gustavo Marroquin, Case 8075, Inter-Am. CHR No. 54/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was abducted in 1982 by heavily armed abductors in civilian dress. He subsequently disappeared. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, as

when he was abducted he was placed outside of and excluded from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found that it was reasonable to presume that the passage of such a long time, the fact that the victim was still missing combined with the fact that the practice of disappearances often involves secret execution without trial provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Maria Majia, Case 10.553, Inter-Am. CHR No. 32/96

Complaint: Arts. 1, 4, 5, 6, 8, 22, 25

Summary of the Case: Petitioners claim that the victim was murdered and her husband was assaulted and wounded in reprisal for their refusal to join the civilian patrols. Other people in the community were also threatened. They filed motions for personal appearance with the Human Rights Ombudsman and the regional justice of the peace, but the charges were not investigated.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 6, 8, 22, and 25. The facts alleged were at no time disputed by the Government and the Commission took the brief responses of the Government as acknowledgment of the truth of the allegations. The threats to community members causing them to leave their homes and the attack on the victim's husband constitute violations of the right to humane treatment (Art. 5). The persecution against those who leave the civilian patrols and the obligation to participate in them with no compensation is a form of forced labor (Art. 6). The forced displacement of 39 members of the community from their homes violates the right of freedom of movement and residence (Art. 22).

GUATEMALA: Diana Ortiz, Case 10.5266, Inter-Am. CHR No. 31/96

Complaint: Arts. 1, 5, 7, 8, 11, 12, 16, 25

Summary of the Case: Petitioner an American nun, was followed, threatened, kidnapped, and tortured by agents of the Government.

Action Taken: The Commission found a violation of Arts. 1, 5, 7,

8, 11, 12, 16, and 25. The inhumane treatment suffered by Sister Ortiz at the hands of Government Agents falls within the definition of torture found in Art. 2 of the Convention on torture and violates her right to physical, mental and moral integrity (Art. 5). Because government agents have consistently denied the fact of the detention, the detention was necessarily carried out outside the boundaries of the law (Art. 7). In kidnapping her, the state also infringed her right to be taken without delay before a judge and to invoke the appropriate procedures to review the legality of her arrest (Art. 7). By placing her under surveillance and threatening her, the Government made her the object of arbitrary and abusive interference and attacked her honor and dignity when they violently abducted and tortured her, as well as in their accusations that her accusations against the Government were fabricated (Art. 11). It is likely that the attacks on the victim were intended to punish her for her activities as a Church missionary and her work with the indigenous people (Art. 12) and her association with members of GAM (Art. 16). The Governments inability to provide simple, swift, and effective legal recourse to the victim violated her rights (Art. 25). Her right to be heard by a competent and impartial tribunal was consistently blocked (Art. 8).

GUATEMALA: Arnolando Juventino Cruz, Case 10.897, Inter-Am. CHR No. 30/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: Government agents abducted the victim and there was no effective investigation to determine his whereabouts. The alleged perpetrators are known to be connected to the Army but they have not been tried.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constituted a violation of his right to recognition as a person before the law. When he was abducted he was placed outside of and excluded from the juridical and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission has found that it was reasonable to presume that the passage of such a long time and the fact that the victim was still missing combined with the fact that the practice of disappearances often involves secret execution without trial provided grounds to assume that the victim was killed in violation of his right to life (Art. 4). The abduction and

disappearance of the victim constituted a violation of his right to liberty (Art. 7).

GUATEMALA: Carlos Ranferi Gomez, Case 11.303, Inter-Am. CHR No. 29/96

Complaint: Arts. 1, 4, 5, 8, 13, 16, 22, 25

Summary of the Case: Petitioner claims that he was the victim of an attempt on his life by Government agents and that he has been denied legal protection.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 8, 13, 16, 22, and 25.

The attempt on petitioner's life was a violation of his right to life (Art. 4) and physical integrity (Art. 5). The threats made to him constitute a violation of his right to mental integrity (Art. 5); and his inability to continue his union work and show his social commitment in Guatemala constitutes a violation of his moral integrity (Art. 5). The ineffective judicial protection provided by the government violated his right to a hearing (Art. 8) and protection of his legal rights (Art. 25). The taking of the petitioner's camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13). The death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association (Art. 13). The death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association (Art. 16). The attempt to stop petitioner at the airport from leaving the country violated his right of freedom of movement (Art. 22).

GUATEMALA: Juan Hernandez, Case 11.297, Inter-Am. CHR No. 28/96

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: The victim was convicted of disorderly conduct and sentenced to 30 days in prison. While there, he died of a cerebral edema and cholera. Petitioners claim that he did not receive proper medical care and though he was authorized to be transferred to a hospital, the transfer never took place. Petitioners petitioned the courts to find the cause of the cerebral edema and whether the treatment he did receive was negligent. The court attempted to ascertain why he was not transferred to a hospital; none of these requests were ever carried out.

Action Taken: The Government initially arbitrarily arrested the victim contrary to guarantees of the Guatemalan Constitution, and also failed to notify his next of kin of his imprisonment or of his death in violation of his right to liberty (Art. 7). The Government failed to guarantee his right to life or personal safety and they did not act diligently to protect the victim's life and health while he was in their custody (Arts. 4, 5). The Government violated its obligation to respect judicial guarantees (Art. 8) and to provide effective recourse (Art. 25).

9. HAITI: Jean-Claude Pierre, *et al.*, Case 11.378, Inter-Am. CHR No. 8/00

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: A son and his father were beaten and shot in the street by state agents, resulting in his father's death and serious injury to the son.

Action Taken: The Commission found a violation of Arts. 4, 5, 8, and 25. Based on evidence of eyewitnesses and other similar incidents occurring at the time, including the excessive use of force to enter into the petitioners' house at night, the Commission was able to conclude that the attackers were members of the *de facto* military government. Therefore, the government violated the victims' right to life and the right to physical integrity. The Commission recommended the State investigate the incident and compensate the relatives of the father who was killed.

10. HONDURAS: Minors in detention, Case 11.491 Inter-Am. CHR No. 41/99

Complaint: Arts. 5, 7, 8, 25

Summary of the Case: Petitioners alleged the unlawful arrest of street children and their incarceration in Tegucigalpa's central prison facility. This practice is a violation of Art. 122(2) of the Constitution of Honduras and of Art. 37 of the United Nations Convention on the Rights of the Child. Petitioner stated that juveniles were routinely subjected to physical and sexual abuse in the cells of the Central Penitentiary.

Action Taken: The Commission notes that the Honduran State has taken positive steps to put an end to the practice of incarcerating juveniles in State prison. However, the Commission found that the State of Honduras has violated Arts. 1, 5, 7, 8, and 25.

11. JAMAICA: Desmond McKenzie, *et al.*, Cases 12.023, 12.044, 12.107, 12.126, 12.146, Inter-Am. CHR No. 41/00

Complaint: Arts. 1, 4, 5, 7, 8, 24, 25

Summary of the Case: Six condemned men were on death row for multiple non-capital crimes alleged human rights violations concerning the mandatory nature of the death sentence and due process issues.

Action Taken: The Commission found a violation of Arts. 4(1), 5(1), 5(2), 8(1), 1(1), 4(6), 7(5), 5(4), 5(6), 8(2), 8, and 25. Jamaica violated Arts. 4(1) and 4(6) because it is imposed the death sentence automatically without considering individual circumstances regarding either the crime itself or the personality of the offender. The Commission recommended that the State grant the victims an effective remedy, which may include commutation of sentence and compensation. In addition, the State should adopt measures to ensure the death penalty is imposed in accordance to the Convention and adopt measures to ensure the right to amnesty, pardon and the right to a fair hearing are given effect.

12. MEXICO: Pedro Peredo Valderrama, Case 11.103, Inter-Am. CHR No. 42/00

Complaint: Arts. 4, 5, 8, 10, 24, 25

Summary of the Case: Petitioners alleged the State failed to investigate the murder of Pedro Peredo Valderrama and therefore, the perpetrators enjoyed impunity from punishment.

Action Taken: The Commission found a violation of Arts. 1(1), 8, and 25. The Commission stated that Valderrama was murdered by three men in full view of his brothers. The subsequently authorized warrant for arrest was not carried out for almost nine years, after the perpetrators had already fled the country. The Commission concluded that length of time and irregularities in the investigation benefited the known perpetrators and therefore, the State violated the right to judicial guarantees and to judicial protection (Arts. 8, 25). However, it did not find that the State was responsible for the violation of the right to life, personal integrity or equal protection of the law.

MEXICO: Victor Manuel Oropeza, Case 11.740, Inter-Am. CHR No. 130/99

Complaint: Arts. 4, 5, 8, 24, 25

Summary of the Case: Petitioners alleged human rights violations against the State for its failure to investigate and prosecute the perpetrators in connection to the assassination of journalist Victor Manuel Oropeza.

Action Taken: The Commission found a violation of Arts. 1(1), 8, 13, 25. Victor Manuel Oropeza was murdered in his office by two men who allegedly committed the crime for the purpose of silencing his criticisms of the police, as published in a local newspaper. The Commission concluded that the State violated the right to his freedom of expression (Art. 13) and rights to a fair trial and judicial protection. (Arts. 8 and 25). However, the Commission found no grounds against the State for the violation of rights to life, to humane treatment or to equal protection of the law because Oropeza had not reported any threats to competent authorities in order for the State to try to protect him.

MEXICO: Loren Laroye Riebe Star, et al, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners stated that Fathers Riebe, Guttlein, and Elorz were individually abducted and taken at gunpoint to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom and then were driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City, where Mexican immigration officers interrogated them. Consulate, representatives and a lawyer were present but were not permitted to take part in the interrogation. Shortly afterwards, the priests were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging the people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all of the articles brought forth in the petition, including the right to protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Articles of the American Convention.

MEXICO: Clemente Ayala Torres, et al, Case 10.545, Inter-Am. CHR No. 48/99

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The Petitioners alleged that the Governor of Guerrero, Jose Fransico Ruiz Massieu, allowed violations of human rights to occur in connection with the elections of December 3, 1989. Specifically, Petitioners claimed that voting rights were denied, political killings were ordered, victims were arbitrarily arrested, tortured, and made to disappear. Investigations into at least fifteen victims have not led to the arrest and prosecution of those responsible. The State charged that the Petitioners failed to state claims for which the State can be held accountable. The State has maintained that it did prosecute some of those responsible.

Action Taken: The Commission concluded that the Mexican State is responsible for violating Arts. 8, and 25 for failing to seriously investigate the human rights violations of the petitioners. Further evidence did not establish that the State violated the right to life, personal liberty, or integrity of the victims. The Commission recommended that the State conduct a serious investigation into the deaths, disappearances, and human rights violations of the victims named in the petition.

MEXICO: Hector Felix Miranda, Case 11.739, Inter-Am. CHR No. 5/99

Complaint: Arts. 4(1), 4(6), 5, 7(5), 8, 24

Summary of the Case: Petitioner, a journalist, was assassinated in Tijuana, Mexico on his way to work. The material perpetrators of the crime were arrested and sentenced, though the intellectual author of the crime has not yet been found.

Action Taken: The Commission has no evidence that allows it to establish a case against the Government of Mexico. However, the IACHR concluded that the state has, to the detriment of Petitioner and every citizen, violated Arts. 1(1), 8, 13, 25 of the Convention.

MEXICO: Manuel Manriquez, Case 11.509, Inter-Am. CHR No. 2/99

Complaint: Arts. 1, 4, 5, 8

Summary of the Case: Members of the Judicial Police for the Federal District kidnapped Petitioner. Petitioner complains that the detention was illegal and arbitrary, and that no arrest warrant was is-

sued. Petitioner was severely tortured and coerced into confessing that he had murdered Armand and Juventiino Lopez Velasco. Though Petitioner later recanted said confession, he was convicted of murder largely on that evidence and is currently detained and serving sentence.

Action Taken: The Commission resolved that the Mexican State violated Arts. 1(1), 5, 7, 8, 10, 25 of the Convention.

MEXICO: Rolando and Anastasio Arteaga Perez, Case 11.543, Inter-Am. CHR No.1/98

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Members of the State Judicial Police and unidentified armed men forcibly entered and searched houses in Petitioners' village, including that of the Petitioners. The unidentified gunmen then inflicted gunshot wounds on the Petitioners and kidnapped them. Petitioners' bodies were later found, exhibiting clear signs of torture.

Action Taken: The Commission resolved that the Mexican State violated Arts. 1, 4, 5, 7, 8, and 25.

MEXICO: Tomas Porfirio Rondin, "AGUAS BLANCAS" Case 11.520, Inter-Am. CHR No. 49/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Members of the Judicial Police of Guerrero detained and forced members of the Rural Organization of Southern Sierra off their truck at the Vado de Aguas Blancas. A second truck arrived with more members who were told to disembark the truck. They were then summarily shot and 17 of them were executed without cause or provocation. The police officers put weapons in the hands of the victims to conceal the events. Petitioners contended that the investigation took a long time and that some serious irregularities occurred. The State contended that domestic remedies had not been exhausted and that they were exercising their domestic remedies through this action.

Action Taken: The Commission concluded that the Mexican State has violated Arts. 2, 5, 8, 11, and 25 of all members, and Art. 4 with regard to those 17 arbitrarily deprived of life under the American Convention on Human Rights.

MEXICO: Severiano & Hermelindo Santiz Gomez, Case 11.411, Inter-Am. CHR No. 48/97

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Mexican Army agents forcefully entered an Indian community in the municipality of Altamirano, in Chiapas State. Said agents burst into houses, beat the men they found there, dragged them out to a basketball court behind a Church, and detained the men face down in the cement. The soldiers looted the houses and shops in the town and destroyed the health care center. The agents then proceeded to separate three of the inhabitants from the group and proceeded to torture and eventually execute those three. Their bodies were found one month later along a road leading from the town.

Action taken: The Commission concluded that the Mexican State violated Arts. 1(1), 4, 5, 8, 25.

MEXICO: Jose Francisco Gallardo, Case 11.430, Inter-Am. CHR No. 43/96

Complaint: Arts. 1, 5, 7, 8, 11, 13, 25

Summary of the Case: The victim has received threats, harassment and intimidation by Government agents, was subjected to arbitrary detention and imprisonment based on false accusations, and has been the victim of a defamation campaign.

Action Taken: The Commission found a violation of Arts. 1, 5, 7, 8, 11, and 25. Through the detention and continuous submission of the victim to numerous unfounded preliminary inquiries and criminal cases with no justification, the government has failed to respect and guarantee his rights (Art. 1), specifically to liberty (Art. 7). By blaming him for actions not proven, the government has violated his right to honor and dignity (Art. 11), humane treatment (Art. 5), freedom of thought and expression (Art. 13) and his right to fair hearing (Art. 8) and judicial protection (Art. 25).

13. NICARAGUA: Arges Sequeira Mangas, Case 11.218, Inter-Am. CHR No. 52/97

Complaint: Arts. 1, 2, 4, 5, 8, 25

Summary of the Case: Mr. Sequeira Mangas, President of the National Association of Property Seizure Victims and member of the board of directors of the Supreme Private Enterprise Council was murdered by unknown persons. The responsibility for the murder was claimed by an armed group, the Punitive Forces of the Left.

Action Taken: The Commission found the Nicaraguan state liable

for violating the right to life, the right to a fair trial, and the right to judicial protection of Mr. Sequeira Mangas. The Commission recommended that the State punish the amnesty granted to those responsible and that it undertake a full investigation to bring to trial the police authorities who failed to carry out the arrest orders issued by the Judiciary. The Commission recommended that the Nicaraguan state pay compensation to the victims' relatives.

14. PANAMA: Jueces de Chiriqui, Case 10.026, Inter-Am. CHR No. 28/94

Complaint: Arts. 8, 25

Summary of the Case: Judges were dismissed without due process, such as when the Municipal Court judge for refusing to rule on a case as directed by the President of the Superior Court and the Circuit Court judges for refusing to summarily fire the Municipal Court judge. These dismissals also contravened the independence of the judiciary, the irremovability without due cause, and the sacred privilege of maternity.

Action Taken: The Commission found a violation of Arts. 8, 23, and 25. The suspension of the guarantees of tenure and independence left the judges without the guarantees of Arts. 8, 23 and 25. The firing of the judges constituted violations of the right to judicial guarantees (Art. 8) and to have equal access to public service (Art. 23.1). The Commission recommended that the state reinstate the judges, compensate each of them for economic and professional harm, and continue to pursue the reestablishment and safeguarding of the independence of the judiciary.

15. PERU: Carlos Molero Coca et al, Case 11.182, Inter-Am. CHR No. 49/00

Complaint: Arts. 5, 7, 8

Summary of the Case: Human rights violations occurred when petitioners were detained, tortured, and subsequently sentenced to prison on terrorism charges at trials that were totally lacking in due judicial guarantees and that concluded with sentences handed down by "faceless" courts.

Action Taken: The Commission found a violation of Arts. 1(1), 5, 7, 8. The Commission concluded that the State violated: the right to personal freedom (Art. 7), the right to humane treatment (Art. 5), and the right to a fair trial (Art. 8). Due to these violations it can be im-

plied that the State has not respected the rights and freedoms recognized herein and has not ensured to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms (Art. 1(1)). The Commission recommended that the State: conduct an investigation into the torture reported by petitioners and punish the guilty parties, make full amends committed against petitioners, compensate petitioners for the physical, moral and material harm arising from violations of their rights by the State and amend Decree Law No. 25475, in order to bring it into line with the American Convention.

PERU: Walter Vásquez Vejarano, Case 11.166, Inter-Am. CHR No. 48/00

Complaint: Arts. 8, 9, 23, 25

Summary of the Case: Human rights violations occurred when petitioner and twelve other justices were removed from their posts as justices or magistrates of Peru's Supreme Court of Justice.

Action Taken: The Commission found that Arts. 8, 9, 23, 24, and 25 were violated. The Commission concluded that the issuance of the Decree-Law 25.42 that caused the removal of the petitioner and 12 other justices of Peru's Supreme Court of Justice is in violation of the right to judicial guarantees (Art. 8), which guarantees of due process and the right of all other people of Peru to an independent and impartial judiciary. In addition, the law violated the right to judicial protection (Art. 25), where access was denied to a simple and prompt remedy that would have protected petitioner from his removal. The law violated political rights (Art. 23), where the disregard of the requisites and procedures legally established deprived petitioner to have access, under general conditions of equality, to the public service of his country. The principle of legality and freedom from ex post facto laws (Art. 9) were denied, as petitioner was not removed from office on legitimate ground provided for in the law. Additionally, the law violated the right to equal protection under the law (Art. 24). The Commission recommended that the State provide appropriate compensation to petitioner for moral and material damages and reinstate petitioner to his position as Justice of the Supreme Court of Peru, along with all compensation related to his salary and financial benefits.

PERU: Manual Monago Carhuaricra and Eleazar Monago Laura,

Case 10.826, Inter-Am. CHR No. 45/00

Complaint: Arts. 1(1), 5, 7, 8

Summary of the Case: On September 9, 1990, a father and son were taken from their home and detained by the military. Both men have since disappeared.

Action Taken: The Commission has found that Arts. 3, 4, 5, 7, and 8 were violated. The Commission concluded that the State, through members of the Peruvian Army, detained the victim and the victim had later disappeared at the hands of the force. The State is responsible for violations of the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Alcides Sandoval Flores, *et al.*, Case 10.670, Inter-Am. CHR No. 43/00

Complaint: Arts. 5, 7, 8

Summary of the Case: On January 25, 1990, three Flores brothers were detained with four other people by members of the Army, and all three men have not been seen since.

Action Taken: The Commission found that the State violated Arts. 1, 4, 5, 7, 8, and 25. The Commission concluded that the State, through members of the armed forces, detained the Flores brothers and did not release them. As a result, their whereabouts are now unknown, as they have disappeared. The State is, therefore, responsible for violating the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Rodolfo Robles Espinoza and Sons, Case 11.317, Inter-Am. CHR No. 20/99

Complaint: Arts. 1(1), 7, 8, 11, 13, 25

Summary of the Case: At the hands of the Armed Forces, Petitioner, a General in the Army, was subject to reprisal through criminal prosecutions, a campaign against his good name, reprisals through disciplinary measures, and an abduction from which he was later released. His sons were also the victims of reprisals through disciplinary measures. These hostile acts were undertaken against him and his family in retaliation for reporting on "death squads" set up by the Peruvian National Intelligence Service (NIN).

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 7, 8, 11, 13, and 25 the Convention.

PERU: Camilo Alarcón Espinoza et al, Cases 10.941, 10.942, 10.944, 10.945, Inter-Am. CHR No. 40/97

Complaint: Arts. 4, 5, 7, 8, 25

Summary of the Case: Mr. Alarcón Espinoza was detained and caused to disappear by members of the Peruvian army.

Action Taken: The Commission found that the Peruvian state was responsible for violating the right to juridical personality, the right to life, the right to humane treatment, the right to liberty, the right to due process, and the right to an effective judicial remedy. The Commission recommended that the Peruvian State investigate the case in order to determine the victim's whereabouts, that the State declare Laws No. 26.479 and No. 26.492 to be without force, and that it compensate the relatives of the victims.

PERU: Chumbivilcas, Case 10.559, Inter-Am. CHR No. 1/96

Complaint: Arts. 1, 4, 5, 7, 25; Art. I of the Declaration

Summary of the Case: The Petition alleged that a group of over 21 people from the Chumbivilcas province were executed, tortured and/or disappeared between April 20 and April 30, 1990 by members of the Peruvian Army.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 7, 8, and 25. The right to life was a fundamental right, and if it is not respected by the government authorities then the entire system of human rights breaks down (Art. 1) and this right cannot be suspended under any circumstances (Art. 27). Torture, followed by arbitrary executions carried out by members of the Army patrol, constitutes a clear violation of the right to life and humane treatment (Arts. 4 & 5). This treatment implies a failure of the Government to carry out its obligations to respect and guarantee all the rights in the Convention (Art. 1). The arbitrary arrests carried out on defenseless persons without any justification and the subsequent denial that these events occurred constitutes a violation of the right to personal liberty (Art. 7), humane treatment (Art. 5), and due process (Art. 8). The information held by the Commission illustrates that enough proof was compiled to demonstrate that the Army patrol was responsible for the acts that violated the fundamental rights of the people in Chumbivilcas. The military authorities were obliged to identify those responsi-

ble so that they could be turned over to the judicial authorities. Instead of carrying out an investigation, the authorities denied the occurrence of these events, in violation of the right to judicial protection (Art. 25).

PERU: Alan García, Case 11.006, Inter-Am. CHR No. 1/95

Complaint: Arts. 7, 11, 19

Summary of the Case: The petition alleged that human rights violations occurred during the illegal entry into Petitioners house, his arrest, and the detention of his wife and children.

Action Taken: The Commission found violation of Arts. 5, 7, 8, 11, and 19. The entry into Petitioner's house and the illegal detention of his family violated Art. 5, which proscribes extending the punishment to the family of the person alleged to be guilty. The arrests that violated Art. 7, guaranteeing the rights to personal security, were carried out by Army soldiers who had no such authority. Additionally, the shots fired within Petitioner's house rendered his arrest arbitrary and unlawful, thus violating his right to personal security (Art. 7). The Government also violated the Petitioner's right to judicial guarantees and right to due process (Art. 8), as the two cases against him used illegally obtained evidence, and ignored his right to immunity as a Senator for life (failure to follow impeachment procedure first). The Commission stated that Art. 8 does not only guarantee privacy, but also the inviolability of the domicile. Thus the warrantless search of Petitioner's house and the seizure of his private papers by the Peruvian Army were in violation of Art. 8; the deprivation of freedom of Petitioner's children was found to be a violation of Art. 19 (and was particularly repugnant.)

16. VENEZUELA: Reinaldo Figueredo Planchart, Case 11.298, Inter-Am. CHR No. 50/00

Complaint: Arts. 5(1), (2) (b), (d), (f), (h), (4), (5), 8(1), 25(1)

Summary of the Case: The Petitioner alleged that human rights violations occurred during the investigations and prosecution of petitioner for the crimes of misappropriation and embezzlement of funds.

Action Taken: The Commission found that Arts. 8(1), 8(2)(b), (d), (f), (h), 8(5), and 25(1) had been violated. The Commission concluded that the prosecutor violated petitioner's right to due process and access to domestic remedies (Arts. 8 and 25). These rights included his right to a hearing by a competent tribunal, with guarantees

of the right of defense and access to domestic remedies (Arts. 8(1), 8(2), (d), and 25(1)). Additional rights include his right to be presumed innocent (Art. 8(2)), his right to prior notification in detail of the charges, the right of the defense to examine eye witnesses, and the right of the parties to proceedings with full equality (Art. 8(2)(b)(f)). Petitioner also has the right to appeal the judgment to a higher court (Art. 8(2)(h)), the right to a public proceeding (Art. 8(5)), and the right to an impartial tribunal (Art. 8(1)). The Commission recommends the State to vacate the prosecution of petitioner, rescind the warrant issued for the arrest, and grant him a new trial with full guarantees of due process.

VENEZUELA: Eleazar Ramón Mavares, Case 11.068, Inter-Am. CHR No. 49/96

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The Petitioner alleged that Mr. Ramón Mavares was killed by members of the Metropolitan Police of the Federal District of Caracas.

Action Taken: The Commission found the State of Venezuela responsible for violating the right to life, personal integrity, judicial guarantees, and judicial protection and for violating Art. 27.2 of the Convention, which provides that suspension of constitutional guarantees does not authorize the suspension of fundamental rights. The Commission recommended that the State conduct a full investigation to punish those responsible, discipline the members of the security force involved in this case, initiate an inquiry to determine the identification of the victims body, clarify the cause of death, and pay indemnity to the victims family.

I. Article 9 – Freedom from Ex Post Facto Law

1. PERU: Walter Vásquez Vejarano, Case 11.166, Inter-Am. CHR No. 48/00

Complaint: Arts. 8, 9, 23, 25

Summary of the Case: Human rights violations occurred when petitioner and twelve other justices were removed from their posts as justices or magistrates of Peru's Supreme Court of Justice.

Action Taken: The Commission found that Arts. 8, 9, 23, 24, and 25 were violated. The Commission concluded that the issuance of the Decree-Law 25.423 that caused the removal of the petitioner, to-

gether with 12 other justices of Peru's Supreme Court of Justice, is in violation of the right to judicial guarantees (Art. 8). This right, where the basic guarantees of due process, and the right of all other people of Peru to an independent and impartial judiciary was denied. In addition, other violations include the right to judicial protection (Art. 25), where access was denied to a simple and prompt remedy that would have protected petitioner from his removal, political rights (Art. 23), where the disregard of the requisites and procedures legally established deprived petitioner to have access, to the public service of his country, the principle of legality and freedom from ex post facto laws (Art. 9) as petitioner was not removed from office on legitimate ground provided for in the law, and the right to equal protection under the law (Art. 24). The Commission recommended that the State provide appropriate compensation to petitioner for moral and material damages and reinstate petitioner to his position as Justice of the Supreme Court of Peru along with all compensation related to his salary and financial benefits.

J. Article 10 – Right to Compensation

K. Article 11 – Right to Privacy

1. ARGENTINA: X and Y, Case 10.506, Inter-Am. CHR No. 38/96

Complaint: Arts. 1, 5, 11, 24

Summary of the Case: Petitioners were repeatedly subjected to vaginal inspections prior to being allowed a physical contact visit with Mr. X, Petitioner X's husband and Y's father; Y was 13 years old.

Action Taken: The Commission found a violation of Arts. 1, 5, 11, 17, and 19. The Commission examined whether the Government satisfied any of the requirements allowing for limitation of certain rights (Art. 32). In interpreting these exceptions strictly and establishing four further requirements before a vaginal search inspection can take place, the Commission found that the rights of petitioners were violated. In addition, when the prison authorities systematically performed vaginal inspections on Ms. X and Y, they violated their right to physical and moral integrity (Art. 5), honor and dignity (Art. 11), right to family (Art. 17), and the rights of the child as regards Y (Art. 19).

2. EL SALVADOR: Comadres, Case 10.948, Inter-Am. CHR No. 13/96

Complaint: Arts. 4, 5, 7, 11, 13, 21, 25

Summary of the Case: Petitioners cite numerous instances of violent attacks, torture, and persecution by Government agents against the Comadres (Committee to offer support to mothers and families of disappeared persons), its members and its offices.

Action taken: The Commission found a violation of Arts. 5, 7, 11, 16, 21, 25. As the Government did not respond, the Commission evaluated each of the incidents cited by the Petitioners for credibility and consistency. Then they judged whether to adopt the alleged facts as true. They called for the Government to conduct a full investigation and to compensate Petitioners for the violation of the above rights and to the victims and their families for their losses.

3. GUATEMALA: Diana Ortiz, Case 10.5266, Inter-Am. CHR No. 31/96

Complaint: Arts. 1, 5, 7, 8, 11, 12, 16, 25

Summary of the Case: Petitioner, an American nun, was followed, threatened, kidnapped, and tortured by agents of the Government.

Action Taken: The Commission found a violation of Arts. 1, 5, 7, 8, 11, 12, 16 and 25. The inhumane treatment suffered by Sister Ortiz at the hands of agents of the Government falls within the definition of torture found in Art. 2 of the Convention on torture and violates her right to physical, mental and moral integrity (Art. 5). Because Government agents have consistently denied the fact of the detention, so the detention was necessarily carried out outside the boundaries of the law (Art. 7). In kidnapping her the state also infringed her right to be taken without delay before a judge and infringed her right to invoke the appropriate procedures to review the legality of her arrest (Art. 7). They did so by placing her under surveillance and threatening her. Additionally, the Government made her the object of arbitrary and abusive interference and attacked her honor and dignity when they violently abducted and tortured her. Additionally, they claimed that her accusations against the Government were fabricated (Art. 11). It is likely that the attacks on the victim were intended to punish her for her activities as a Church missionary, her work with the indigenous people (Art. 12) and her association with members of GAM (Art. 16). The Government's inability to provide simple, swift and effective legal recourse to the victim

violated her rights (Art. 25). Also, her rights to be heard by a competent and impartial tribunal were consistently blocked (Art. 8).

4. MEXICO: Loren Laroye Riebe Star, et al, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners stated that Fathers Riebe, Guttlein, and Elorz were individually abducted and taken at gunpoint to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom and then were driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City, where Mexican immigration officers interrogated them. Consulate, representatives and a lawyer were present but were not permitted to take part in the interrogation. Shortly afterwards, the priests were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging the people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all of the articles brought forth in the petition, including the right to protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Articles of the American Convention.

MEXICO: Tomas Porfirio Rondin, "AGUAS BLANCAS" Case 11.520, Inter-Am. CHR No. 49/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Members of the Judicial Police of Guerrero detained and forced members of the Rural Organization of Southern Sierra off their truck at the Vado de Aguas Blancas. A second truck arrived with more members who were told to disembark the truck. They were then summarily shot and 17 of them were executed without cause or provocation. The police officers put weapons in the hands of the victims to conceal the events. Petitioners contended that the investigation took a long time and that some serious irregularities occurred. The State contended that domestic remedies had not been exhausted and that they were exercising their domestic remedies

through this action.

Action Taken: The Commission concluded that the Mexican State has violated Arts. 2, 5, 8, 11, and 25 of all members, and Art. 4 with regard to those 17 arbitrarily deprived of life under the American Convention on Human Rights.

MEXICO: Jose Francisco Gallardo, Case 11.430, Inter-Am. CHR No. 43/96

Complaint: Arts. 1, 5, 7, 8, 11, 13, 25

Summary of the Case: The victim has been threatened, harassed and intimidated by Government agents, was subject to arbitrary detention and imprisonment based on false accusations, and has been the victim of a defamation campaign.

Action Taken: The Commission found a violation of Arts. 1, 5, 7, 8, 11, and 25. Through the detention and continuous submission of the victim to numerous unfounded preliminary inquiries and criminal cases with no justification the government has failed to respect and guarantee his rights (Art. 1); specifically to liberty (Art. 7), by making statement blaming him for actions not proven the government has violated his right to honor and dignity (Art. 11), humane treatment (Art. 5), freedom of thought and expression (Art. 13) and his right to fair hearing (Art. 8) and judicial protection (Art. 25).

5. PERU: Rodolfo Robles Espinoza and Sons, Case 11.317, Inter-Am. CHR No. 20/99

Complaint: Arts. 1(1), 7, 8, 11, 13, 25

Summary of the Case: At the hands of the Armed Forces, Petitioner, a General in the Army, was subject to reprisal through criminal prosecutions, a campaign against his good name, reprisals through disciplinary measures, and an abduction from which he was later released. His sons were also the victims of reprisals through disciplinary measures. These hostile acts were undertaken against him and his family in retaliation for reporting on "death squads" set up by the Peruvian National Intelligence Service (NIN).

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 7, 8, 11, 13, and 25 of the Convention.

PERU: Raquel Martin de Mejia, Case 10.970, Inter-Am. CHR No. 5/96

Complaint: Arts. 1, 4, 5, 7, 11, 25

Summary of the Case: In 1989, petitioner's husband was arbitrar-

ily arrested by the military, tortured and executed; petitioner was raped by the same military personnel that arrested her husband; she filed a criminal charge with the local office of the Attorney General, and the case was subsequently transferred to a military court who ordered that action on the case be halted before any charges or investigation were even initiated; the local prosecutor filed charges in 1991, but no real action was taken in the investigation; petitioner has also been charged with being a member and supporting subversive groups; she presented evidence that these allegations are unfounded.

Action Taken: The Commission found a violation of Arts. 1, 5, 8, 11, and 25. The state argued the inadmissibility of the case, but did not present any evidence on the merits. As such, the Commission was required to interpret the silence as an acknowledgment of the truth of the allegations. The Commission looked at the requirements laid out under the Inter-American Convention to Prevent and Punish Torture and found that the rape of petitioner satisfied all three elements and was a violation of Petitioner's right to humane treatment (Art. 5), as well as a violation of her personal dignity (Art. 11). From a finding of these violations the Commission also inferred a violation of the state's obligation to respect these rights (Art. 1). The Government's failure to give the Petitioner access to such rights constituted a violation of her right to an effective recourse and to judicial protection (Art. 25). The institution of proceedings against Petitioner for terrorism without any evidence constituted a violation of Petitioner's right to be heard by an impartial tribunal and to the presumption of innocence (Art. 8).

PERU: Alan García, Case 11.006, Inter-Am. CHR No. 1/95

Complaint: Arts. 7, 11, 19

Summary of the Case: The petition alleged human rights violations occurred during the illegal entry into Petitioner's house, his arrest, and the detention of his wife and children.

Action Taken: The Commission found there were violations of Arts. 5, 7, 8, 11, and 19. The entry into petitioners house and the illegal detention of his family violated Art. 5, which proscribes extending the punishment to the family of the person alleged to be guilty. The arrests that violated Art. 7, guaranteeing the rights to personal security, were carried out by Army soldiers who had no such authority. This deprivation was compounded by the shots fired within petitioner's house render his arrest arbitrary and unlawful,

thus violating his right to personal security (Art. 7). The Government also violated the petitioner's right to judicial guarantees and the right to due process (Art. 8), as the two cases against him used illegally obtained evidence, and ignored his right to immunity as a Senator for life (failure to follow impeachment procedure first). The Commission stated that Art. 8 does not only guarantee privacy, but also the inviolability of the domicile. Thus, the warrantless search of petitioner's house and the seizure of his private papers by the Peruvian Army were in violation of Art. 8. The deprivation of freedom of petitioner's children was found to be a violation of Art. 19 (and was particularly repugnant.)

L. Article 12 – Freedom of Conscience and Religion

1. GUATEMALA: Diana Ortiz, Case 10.5266, Inter-Am. CHR No. 31/96

Complaint: Arts. 1, 5, 7, 8, 11, 12, 16, 25

Summary of the Case: Petitioner an American nun, was followed, threatened, kidnapped, and tortured by agents of the Government.

Action Taken: The Commission found violations of Arts. 1, 5, 7, 8, 11, 12, 16, and 25. The inhumane treatment suffered by Sister Ortiz at the hands of agents of the Government falls within the definition of torture found in Art. 2 of the Convention on Torture, and violates her right to physical, mental and moral integrity (Art. 5). Because government agents have consistently denied the fact of the detention, the detention was necessarily carried out outside the boundaries of the law (Art. 7), and in kidnapping her the state also infringed upon her right to be taken without delay before a judge and to invoke the appropriate procedures to review the legality of her arrest (Art. 7). By placing her under surveillance and threatening her, the Government made her the object of arbitrary and abusive interference and attacked her honor and dignity when they violently abducted and tortured her, and alleged that her accusations against the Government were fabricated (Art. 11). It is likely that the attacks on the victim were intended to punish her for her activities as a Church missionary, her work with the indigenous people (Art. 12) and her association with members of GAM (Art. 16). The Government's inability to provide simple, swift and effective legal recourse to the victim violated her rights (Art. 25), and her rights to be heard by a competent and impartial tribunal were consistently blocked (Art. 8).

2. MEXICO: Loren Laroye Riebe Star, et al, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners state that Fathers Riebe, Guttlein, and Elorz were individually abducted and taken by gunpoint to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom and then were driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City where they were interrogated by Mexican immigration officers. The Consulate, representatives and a lawyer were present but not permitted to take part in the interrogation. Shortly afterwards, the priests were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging the people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all the Articles brought forth in the petition, including the right to protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Articles of the American Convention.

M. Article 13 – Freedom of Thought and Expression

1. CHILE: Francisco Martoreli, Case 11.230, Inter-Am. CHR No. 11/96

Complaint: Art. 13

Summary of the Case: On the eve of the release of a book, a Chilean businessman petitioned the Chilean court for an injunction putting a stop to the book's release on the grounds that it violated his right to privacy and requested that the book be banned. Petitioner filed an appeal with the Supreme Court who denied it and banned the circulation of the book. Charges were subsequently filed for defamation and slander in the criminal courts against petitioner; these cases have been pending resolution since 1993.

Action Taken: The Commission found a violation of Art. 13. The decision to ban the book was an unlawful restriction of the right to freedom of expression in the form of an act of prior censorship (Art. 13). The Commission recognized the Governments argument that

Art. 11 guarantees the right to honor and dignity, but did not accept the argument that this right is higher than the right to freedom of expression (Art. 13); there was a big procedural issue in this case - the Commission issued two final reports - one on March 1 which petitioner alleged had grave errors in the presentation of facts and one where the Commission issued a second final report on May 3; report included dissent on this procedural issue and the response of the Government.

2. COLOMBIA: Tarcisio Medina Charry, Case 11.221, Inter-Am. CHR No. 3/98

Complaint: Arts. 3, 4, 5, 7, 8, 13, 25

Summary of the Case: Mr. Medina Charry was abducted by agents of the Republic of Colombia.

Action Taken: The Commission held that the Colombian state is responsible for violating the right to juridical personality (Art. 3), the right to life (Art. 4), the right to humane treatment (Art. 5), the right to personal liberty (Art. 7), the right to a fair trial (Art. 8), the right to freedom of thought and expression (Art. 13) and the right to judicial protection (Art. 25). Furthermore, the Commission found that the state of Colombia failed to uphold its obligations as established in Arts. 1 and 2 of the American Convention.

3. EL SALVADOR: Ignacio Ellacuria, et. al., Case 10.488, Inter-Am. CHR No. 136/99

Complaint: Art. 1(1), 2, 4, 8(1), 13, 25

Summary of the Case: Six Jesuit priests, their cook and her daughter were shot by military personnel, and the murders were blamed on a dissident armed group.

Action Taken: The Commission found the State violated Arts. 1(1), 2, 4, 8(1), 13, 25. The murders that took place in the morning at the priests' dormitory on the University campus constituted a violation of the victims' right to life (Art. 4). The State violated the right to judicial guarantees and effective judicial protection for the relatives of the victims and the members of the religious and academic community to which the victims belonged (Arts. 8, (1) and 25). The armed forces' planning of the murders, and the subsequent cover-up blaming them on a dissident armed group, violated the relatives' the right to know the truth (Arts. 1(1), 8(10), 25, 13).

EL SALVADOR: Comadres, Case 10.948, Inter-Am. CHR No.

13/96

Complaint: Arts. 4, 5, 7, 11, 13, 21, 25

Summary of the Case: Petitioners cite numerous instances of violent attacks, torture, and persecution by Government agents against the Comadres (Committee to offer support to mothers and families of disappeared persons), its members and its offices.

Action taken: The Commission found a violation of Arts. 5, 7, 11, 16, 21, and 25. As the Government did not respond, the Commission evaluated each of the incidents cited by the petitioners for credibility and consistency and therefrom judged whether to adopt the alleged facts as true. They called for the Government to conduct a full investigation and to compensate petitioners for the violation of the above rights and to the victims and their families for their losses.

4. GRENADA: Steve Clark, Case 10.325, Inter-Am. CHR No. 2/96

Complaint: Art. 13 (not specifically cited in complaint by petitioners)

Summary of the Case: Petitioners had four boxes of books confiscated at the airport in Grenada upon their entry from the United States. A number of the books had been banned by the Government.

Action Taken: The Commission found a violation of Art. 13. The freedom of thought and expression has two aspects: the right to receive and impart information. By seizing and banning the books, the Government is imposing prior censorship on the freedom of expression and thus violating both aspects of the freedom of thought and expression. The Government did not demonstrate that the contents of any of the books fell within the exceptions (Art. 13).

5. GUATEMALA: Carlos Ranferi Gomez, Case 11.303, Inter-Am. CHR No. 29/96

Complaint: Arts. 1, 4, 5, 8, 13, 16, 22, 25

Summary of the Case: Petitioner claims that he was the victim of an attempt on his life by Government agents and that he has been denied legal protection.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 8, 13, 16, 22, and 25. The attempt on petitioner's life is a violation of his right to life (Art. 4) and physical integrity (Art. 5). The threats made to him constitute a violation of his right to mental integrity (Art. 5), and his inability to continue his union work and show his social commitment in Guatemala constitute a violation of his moral

integrity (Art. 5). The ineffective judicial protection provided by the government violates his right to a hearing (Art. 8) and of protection of his legal rights (Art. 25). The taking of the petitioner's camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13); and the death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association. The attempt to stop petitioner at the airport from leaving the country violated his right of freedom of movement (Art. 22).

6. MEXICO: Victor Manuel Oropeza, Case 11.740, Inter-Am. CHR No. 130/99

Complaint: Arts. 4, 5, 8, 24, 25

Summary of the Case: Petitioners alleged human rights violations against the State for its failure to investigate and prosecute the perpetrators in connection with the assassination of journalist Victor Manuel Oropeza.

Action Taken: The Commission found a violation of Arts. 1(1), 8, 13, and 25. Victor Manuel Oropeza was murdered in his office by two men who allegedly committed the crime for the purpose of silencing his criticisms of the police published in a local newspaper. The Commission concluded that the State violated the right to his freedom of expression (Art. 13), and rights to a fair trial and judicial protection. (Arts. 8 and 25). However, the Commission found no grounds against the State for the violation of rights to life, to humane treatment or to equal protection of the law because Oropeza had not reported any threats to competent authorities so the State could try to protect him.

MEXICO: Loren Laroye Riebe Star, et al, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners state that Fathers Riebe, Guttlein, and Elorz were individually abducted and taken by gun point to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom and then were driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City where they were interrogated by Mexican immigration officers. Consulate, representatives and a lawyer were present but not permitted to take part in the interrogation. Shortly afterwards, the priests

were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging the people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all the Articles brought forth in the petition, including the right to protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Articles of the American Convention.

MEXICO: Hector Felix Miranda, Case 11.739, Inter-Am. CHR No. 5/99

Complaint: Arts. 4(1), 4(6), 5, 7(5), 8, 24

Summary of the Case: Petitioner, a journalist was assassinated in Tijuana, Mexico on his way to work. Although, the main perpetrators of the crime were arrested and sentenced, though the intellectual author of the crime has yet to be found.

Action Taken: The Commission has no evidence that allows it to establish a case against the Government of Mexico. However the IACHR concluded that the state has, to the detriment of Petitioner and every citizen, violated Arts. 1(1), 8, 13, and 25 of the Convention.

MEXICO: Jose Francisco Gallardo, Case 11.430, Inter-Am. CHR No. 43/96

Complaint: Arts. 1, 5, 7, 8, 11, 13, 25

Summary of the Case: The victim has been the recipient of threats, harassment and intimidation by Government agents, was subject to arbitrary detention and imprisonment based on false accusations and has been the victim of a defamation campaign.

Action Taken: The Commission found a violation of Arts. 1, 5, 7, 8, 11, and 25. Through the detention and continuous submission of the victim to numerous unfounded preliminary inquiries and criminal cases with no justification the government has failed to respect and guarantee his rights (Art. 1); specifically to liberty (Art. 7). By making statements blaming him for actions not proven, the government has violated his right to honor, dignity (Art. 11), humane treatment (Art. 5), freedom of thought and expression (Art. 13) and his right to

fair hearing (Art. 8) and judicial protection (Art. 25).

7. PERU: Rodolfo Robles Espinoza and Sons, Case 11.317, Inter-Am. CHR No. 20/99

Complaint: Arts. 1(1), 7, 8, 11, 13, 25

Summary of the Case: At the hands of the Armed Forces, Petitioner, a General in the Army, was subject to reprisal through criminal prosecutions, a campaign against his good name, reprisals through disciplinary measures, and an abduction from which he was later released. His sons were also the victims of reprisals through disciplinary measures. These hostile acts were undertaken against him and his family in retaliation for reporting on "death squads" set up by the Peruvian National Intelligence Service (NIN).

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 7, 8, 11, 13, and 25 of the Convention.

PERU: Hugo Bestios Saavedra, Case 10.548, Inter-Am. CHR No. 38/97

Complaint: Arts. 1.1, 4.1, 5, 13.1, 25

Summary of the Case: Mr. Bustíos Saavedra, a journalist, was killed by members of the Peruvian military patrol while he and another journalist were investigating the murders of two residents of Ayacucho.

Action Taken: The Commission found that the State of Peru violated the rights to life, freedom of expression, and judicial protection of Mr. Bustíos Saavedra. The Commission also found that the Peruvian State was responsible for violating the rights to personal integrity, freedom of expression, and judicial protection of Mr. Rojas Arce, the journalist working with Mr. Bustíos Saavedra. The Peruvian State was also found to have violated Art. 3 of the Geneva Convention. The Commission recommended that the State carry out a full investigation of the facts, that it adopt full reparations, and that it guarantee journalists the necessary protection in order to avoid similar occurrences.

N. Article 14 – Right of Reply

O. Article 15 – Right of Assembly

P. Article 16 – Freedom of Association

1. GUATEMALA: Diana Ortiz, Case 10.5266, Inter-Am. CHR No. 31/96

Complaint: Arts. 1, 5, 7, 8, 11, 12, 16, 25

Summary of the Case: Petitioner an American nun, was followed, threatened, kidnapped, and tortured by agents of the Government.

Action Taken: The Commission found a violation of Arts. 1, 5, 7, 8, 11, 12, 16, and 25. The inhumane treatment suffered by Sister Ortiz at the hands of agents of the Government falls within the definition of torture found in Art. 2 of the Convention on torture and violates her right to physical, mental and moral integrity (Art. 5); because government agents have consistently denied the fact of the detention, the detention was necessarily carried out outside the boundaries of the law (Art. 7) and in kidnapping her the state also infringed her right to be taken without delay before a judge and to invoke the appropriate procedures to review the legality of her arrest (Art. 7); by placing her under surveillance and threatening her the Government made her the object of arbitrary and abusive interference and attacked her honor and dignity when they violently abducted and tortured her, as well as in their accusations that her accusations against the Government were fabricated (Art. 11); it is likely that the attacks on the victim were intended to punish her for her activities as a Church missionary and her work with the indigenous people (Art. 12) and her association with members of GAM (Art. 16); the Government's inability to provide simple, swift and effective legal recourse to the victim violated her rights (Art. 25); and her rights to be heard by a competent and impartial tribunal were consistently blocked (Art. 8).

GUATEMALA: Carlos Ranferi Gomez, Case 11.303, Inter-Am. CHR No. 29/96

Complaint: Arts. 1, 4, 5, 8, 13, 16, 22, 25

Summary of the Case: petitioner claims that he was the victim of an attempt on his life by Government agents and that he has been denied legal protection

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 8, 13, 16, 22, and 25.

The attempt on petitioners life is a violation of his right to life (Art. 4) and physical integrity (Art. 5); the threats made to him constitute a violation of his right to mental integrity (Art. 5); and his inability to continue his union work and show his social commitment

in Guatemala constitute a violation of his moral integrity (Art. 5); the ineffective judicial protection provided by the government violates his right to a hearing (Art. 8) and of protection of his legal rights (Art. 25); the taking of the petitioners camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13); and the death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association (Art. camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13); and the death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association (Art. 16); the attempt to stop petitioner at the airport from leaving the country violated his right of freedom of movement (Art. 22).

2. MEXICO: Loren Laroye Riebe Star, et al, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners state that Fathers Riebe, Guttlein, and Elorz were individually abducted and taken by gun point to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom and then were driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City where they were interrogated by Mexican immigration officers. Consulate, representatives and a lawyer were present but not permitted to take part in the interrogation. Shortly afterwards, the priests were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging the people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all the Art. brought forth in the petition, including the right to protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Art. of the American Convention.

Q. Article 17 – Rights of the Family

1. ARGENTINA: X and Y, Case 10.506, Inter-Am. CHR No.

38/96

Complaint: Arts. 1, 5, 11, 24

Summary of the Case: Petitioners were repeatedly subjected to vaginal inspections prior to being allowed a physical contact visit with Mr. X, Petitioner X's husband and Y's father; Y was 13 years old.

Action Taken: The Commission found a violation of Arts. 1, 5, 11, 17, and 19. The Commission examined whether the Government satisfied any of the requirements allowing for limitation of certain rights (Art. 32). In interpreting these exceptions strictly and establishing four further requirements before a vaginal search inspection can take place the Commission found that the rights of petitioners were interfered with when the prison authorities systematically performed vaginal inspections on Ms. X and Y they violated their right to physical and moral integrity (Art. 5), honor and dignity (Art. 11), right to family (Art. 17), and the rights of the child as regards Y (Art. 19).

2. UNITED STATES: Coard *et al.*, Case 10.951, Inter-Am. CHR No. 109/99

Complaint: Arts. 1, 2, 17, 18, 25, 26

Summary of the Case: Human rights violation occurring when petitioners, on behalf of 17 claimants were detained and mistreated by military forces and subsequently deprived of their right to a fair trial.

Action Taken: The Commission found violations of Arts. 1, 17, and 25 were found by the Commission. The Commission concluded that the petitioners were not afforded access to a review of the legality of their detention with the least possible delay and therefore the State violated Arts. 1, 17, and 25 of the Declaration. The Commission recommended that the State: conduct a investigation into the facts in order to determine and attribute responsibility to those accountable for violations and review its practices and procedures in order to ensure adequate safeguards for detained civilian against armed forces.

R. Article 18 – Right to a Name

S. Article 19 – Right of the Child

1. ARGENTINA: X and Y, Case 10.506, Inter-Am. CHR No.

38/96

Complaint: Arts. 1, 5, 11, 24*Summary of the Case:* Petitioners were repeatedly subjected to vaginal inspections prior to being allowed a physical contact visit with Mr. X, petitioner Xs husband and Ys father; Y was 13 years old.*Action Taken:* The Commission found a violation of Arts. 1, 5, 11, 17, and 19. The Commission examined whether the Government satisfied any of the requirements allowing for limitation of certain rights (Art. 32) and in interpreting these exceptions strictly and establishing four further requirements before a vaginal search inspection can take place the Commission found that the rights of petitioners were interfered with when the prison authorities systematically performed vaginal inspections on Ms. X and Y they violated their right to physical and moral integrity (Art. 5), honor and dignity (Art. 11), right to family (Art. 17), and the rights of the child as regards Y (Art. 19).

2. BRAZIL: Marcos Aurelio de Oliveira, Case 11.599, Inter-Am. CHR No. 10/00

Complaint: Arts. 4, 8, 19, 22, 25*Summary of the Case:* Marcos Aurelio de Oliveira, a minor, was allegedly killed by a civil policeman of the State of Rio de Janeiro, while attempting to rob the driver of a car. The policeman had been following Marcos and upon seeing the attempted robbery, shot him. The policeman then left the scene. An eyewitness testified to the policeman's responsibility, but after intimidation, changed his testimony. The policeman discovered the witness and attempted to kill him. Two years after filing a petition, the police investigation had not been completed.*Action Taken:* The Commission concluded that Marcos Aurelio de Oliveira was unlawfully executed and that the investigation was not properly conducted. The Commission recommended the trial and punishment of those responsible for the violations of the right to life, to fair trial, to rights of the child, to the freedom of movement and residence, and to judicial protection, as well as compensation to the victim's relatives.

3. GUATEMALA: Joaquin Ortega et al, Case 10.586, Inter-Am. CHR No. 39/00

Complaint: Arts. 1(1), 4, 8, 25, 5, 7, 18

Summary of the Case: Seventy-one men, women, and children in 1990 and 1991 were kidnapped, tortured, and executed by members of and persons linked to the Guatemalan security forces.

Action Taken: The Commission found violations of Arts. 1, 4, 5, 6, 7, 8, 19, and 25. During the years 1990 and 1991, State agents allegedly carried out extrajudicial executions and disappearances in order to physically eliminate their opponents to repress, silence, and control the population as a whole. Commission concluded that the Guatemalan State violated the victims' rights to life, judicial guarantees, personal liberty, and humane treatment. The State was also responsible for violating the rights of the child.

GUATEMALA: Isabela Velasquez *et al.*, Cases 10.588, 10.608, 10.796, 10.856, Inter-Am. CHR No. 34/00

Complaint: Arts. 1(1), 3, 4, 5, 7, 8, 19, 25

Summary of the Case: Five petitions alleged that the victim or victims had been abducted by soldiers of the Guatemalan Army or individuals linked with the Guatemalan security forces (consolidated by the Commission into one report). The victims named have disappeared and their whereabouts are unknown.

Action Taken: The Commission found the State violated of 1(1), 3, 4, 5, 7, 8, 19, and 25. The Commission concluded, based on the totality of the evidence in the five petitions that the State agents were directly involved in the disappearance of the victims. A disappearance directly opposes the requirements of lawful deprivation of liberty. An individual who is disappeared is also deprived of the right to be taken without delay before a judge and to invoke the appropriate procedures to obtain a review of the legality of the detention (Art. 7). A disappearance is also an implicit violation of the right to be treated humanely (Art. 5) in that the victim is taken with force, detained under conditions, and held without contact from the outside world and without any form of aid or protection.

4. PERU: Alan García, Case 11.006, Inter-Am. CHR No. 1/95

Complaint: Arts. 7, 11, 19

Summary of the Case: The petition alleged human rights violations occurred during the illegal entry into Petitioners house, his arrest, and the detention of his wife and children.

Action Taken: The Commission found violation of Arts. 5, 7, 8, 11, and 19. The entry into Petitioners house and the illegal detention

of his family violated Art. 5 that proscribes extending the punishment to the family of the person alleged to be guilty; the arrests that violated Art. 7 guaranteeing the rights to personal security, were carried out by Army soldiers who had no such authority; compounded by the shots fired within Petitioners house render his arrest arbitrary and unlawful, thus violating his right to personal security (Art. 7); the Government also violated the Petitioners right to judicial guarantees and right to due process (Art. 8), as the two cases against him used illegally obtained evidence, and ignoring his right to immunity as a Senator for life (failure to follow impeachment procedure first). The Commission stated that Art. 8 does not only guarantee privacy, but also the inviolability of the domicile. Thus the warrantless search of Petitioners house and the seizure of his private papers by the Peruvian Army were in violation of Art. 8; the deprivation of freedom of Petitioners children was found to be a violation of Art. 19 (and was particularly repugnant.)

T. Article 20 – Right to Nationality

U. Article 21 – Right to Property

1. EL SALVADOR: Comadres, Case 10.948, Inter-Am. CHR No. 13/96

Complaint: Arts. 4, 5, 7, 11, 13, 21, 25

summary of case: petitioners cite numerous instances of violent attacks, torture, and persecution by Government agents against the Comadres (Committee to offer support to mothers and families of disappeared persons), its members and its offices.

Action taken: The Commission found a violation of Arts. 5, 7, 11, 16, 21, and 25. As the Government did not respond, the Commission evaluated each of the incidents cited by the petitioners for credibility and consistency and therefrom judged whether to adopt the alleged facts as true. They called for the Government to conduct a full investigation and to compensate petitioners for the violation of the above rights and to the victims and their families for their losses.

2. MEXICO: Loren Laroye Riebe Star, et al, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners state that Fathers Riebe, Gut-

tlein, and Elorz were individually abducted and taken by gun point to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom and then were driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City where they were interrogated by Mexican immigration officers. Consulate, representatives and a lawyer were present but not permitted to take part in the interrogation. Shortly afterwards, the priests were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging the people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all the Art. brought forth in the petition, including the right to protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Art. of the American Convention.

V. Article 22 – Freedom of Movement and Residence

1. BRAZIL: Marcos Aurelio de Oliveira, Case 11.599, Inter-Am. CHR No. 10/00

Complaint: Arts. 4, 8, 19, 22, 25

Summary of the Case: Marcos Aurelio de Oliveira, a minor, was allegedly killed by a civil policeman of the State of Rio de Janeiro, while attempting to rob the driver of a car. The policeman had been following Marcos and upon seeing the attempted robbery, shot him. The policeman then left the scene. An eyewitness testified to the policeman's responsibility, but after intimidation changed his testimony. The policeman discovered the witness and attempted to kill him. Two years after filing a petition, the police investigation had not been completed.

Action Taken: The Commission concluded that Marcos Aurelio de Oliveira was unlawfully executed and that the investigation was not properly conducted. The Commission recommended the trial and punishment of those responsible for the violations of the right to life, to fair trial, to rights of the child, to the freedom of movement and residence, and to judicial protection, as well as compensation to the victim's relatives.

2. GUATEMALA: Maria Majia, Case 10.553, Inter-Am. CHR No. 32/96

Complaint: Arts. 1, 4, 5, 6, 8, 22, 25

Summary of the Case: petitioners claim that the victim was murdered and her husband was assaulted and wounded in reprisal for their refusal to join the civilian patrols; other people in the community were also threatened; they filed motions for personal appearance with the Human rights Ombudsman and the regional justice of the peace, but the charges were not investigated.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 6, 8, 22, and 25. The facts alleged were at no time disputed by the Government and the Commission takes the brief responses of the Government as acknowledgment of the truth of the allegations. The threats to community members causing them to leave their homes, and the attack on the victims husband constitute violations of the right to humane treatment (Art. 5). The persecution against those who leave the civilian patrols and the obligation to participate in them with no compensation is a form of forced labor (Art. 6). The forced displacement of 39 members of the community from their homes violates the right of freedom of movement and residence (Art. 22).

GUATEMALA: Carlos Ranferi Gomez, Case 11.303, Inter-Am. CHR No. 29/96

Complaint: Arts. 1, 4, 5, 8, 13, 16, 22, 25

Summary of the Case: Petitioner claims that he was the victim of an attempt on his life by Government agents and that he has been denied legal protection.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 8, 13, 16, 22, and 25. The attempt on petitioners life is a violation of his right to life (Art. 4) and physical integrity (Art. 5); the threats made to him constitute a violation of his right to mental integrity (Art. 5); and his inability to continue his union work and show his social commitment in Guatemala constitute a violation of his moral integrity (Art. 5); the ineffective judicial protection provided by the government violates his right to a hearing (Art. 8) and of protection of his legal rights (Art. 25); the taking of the petitioners camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13); and the death threats and attack that sought to have him cease his union activity are a violation of his

right to freedom of association (Art. camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13); and the death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association (Art. 16); the attempt to stop petitioner at the airport from leaving the country violated his right of freedom of movement (Art. 22).

3. MEXICO: Loren Laroye Riebe Star, et al, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners state that Fathers Riebe, Guttlein, and Elorz were individually abducted and taken by gun point to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom and then were driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City where they were interrogated by Mexican immigration officers. Consulate, representatives and a lawyer were present but not permitted to take part in the interrogation. Shortly afterwards, the priests were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging the people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all the Art. brought forth in the petition, including the right to protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Art. of the American Convention.

W. Article 23 – Right to Participate in Government

1. CHILE: Andres Aylwin Azocar *et. al.*, Case 11.863, Inter-Am. CHR No. 137/99

Complaint: Arts. 23, 24

Summary of the Case: Petitioners alleged that Art. 45 of the Chilean Constitution, allowing for the designation of Senators outside of the provisions on universal suffrage, violated the concept of “equal suffrage.” Designated Senators are chosen by a very small number

of persons, while the senators elected by popular vote require the endorsement of 120,000 citizens.

Action Taken: The Commission found that the Chilean State violated the rights to political participation and to equality without discrimination, and recommended that the State adopt necessary measures to bring its internal legal order into line with the provisions of the Convention.

2. PERU: Walter Vásquez Vejarano, Case 11.166, Inter-Am. CHR No. 48/00

Complaint: Arts. 8, 9, 23, 25

Summary of the Case: A human rights violation occurred when petitioner and twelve other justices were removed from their posts as justices or magistrates of Peru's Supreme Court of Justice.

Action Taken: The Commission found that Arts. 8, 9, 23, 24, and 25 were violated. The Commission concluded that the issuance of the Decree-Law 25.423 that caused the removal of the petitioner, together with 12 other justices of Peru's Supreme Court of Justice is in violation of: the right to judicial guarantees (Art. 8), where the basic guarantees of due process and the right of all other people of Peru to an independent and impartial judiciary was denied; the right to judicial protection (Art. 25), where access was denied to a simple and prompt remedy that would have protected petitioner from his removal; political rights (Art. 23), where the disregard of the requisites and procedures legally established deprived petitioner to have access, under general conditions of equality, to the public service of his country; the principle of legality and freedom from ex post facto laws (Art. 9), as petitioner was not removed from office on legitimate ground provided for in the law, and the right to equal protection under the law (Art. 24). The Commission recommended that the State provide appropriate compensation to petitioner for moral and material damages and reinstate petitioner to his position as Justice of the Supreme Court of Peru along with all compensation related to his salary and financial benefits.

X. Article 24 – Right to Equal Protection

1. GRENADA: Rudolph Baptiste, Case 11.743, Inter-Am. CHR No. 38/00

Complaint: Arts. 4(1), 4(6), 5(1), 5(2), 5(6), 8, 24; Arts. I, II,

XVIII, XXVI of the Declaration

Summary of the Case: Petitioner, a death row inmate, contended that the mandatory nature of the death sentence, the poor condition of his detention, and inaccessibility of legal aid for Constitutional Motions violate his human rights under the American Convention.

Action Taken: The Commission found violations of Arts. 4(1), 4(6), 5(1), 5(2), 5(6), 8, and 24. The mandatory nature of the death penalty, based upon the category of crime without considering individual circumstances involved, violated the petitioner's right to physical, mental, and moral integrity and subjected him to cruel, inhuman or degrading punishment pursuant to Arts. 4(1), 5(1), 5(2), and 8(1). By failing to provide Mr. Baptiste with an effective right to apply for amnesty, pardon or commutation of sentence, the State violated Art. 1(1). The conditions of the petitioner's detention failed to meet several of the minimum standards of treatment of prisoners (Art. 5(1)). The State violated the petitioner's rights by not providing legal representation for Constitutional Motions necessary for dealing effectively with legal issues such as the right to due process and the adequacy of prison conditions. The Commission requested that the State stay Mr. Baptiste's execution.

2. MEXICO: Loren Laroye Riebe Star, et al, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners state that Fathers Riebe, Guttlein, and Elorz were individually abducted and taken by gun point to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom and then were driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City where they were interrogated by Mexican immigration officers. Consulate, representatives and a lawyer were present but not permitted to take part in the interrogation. Shortly afterwards, the priests were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging the people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all the Art. brought forth in the petition, including the right to

protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Art. of the American Convention.

3. PERU: Walter Vásquez Vejarano, Case 11.166, Inter-Am. CHR No. 48/00

Complaint: Arts. 8, 9, 23, 25

Summary of the Case: Human rights violations occurred when petitioner and twelve other justices were removed from their posts as justices or magistrates of Peru's Supreme Court of Justice.

Action Taken: The Commission found that Arts. 8, 9, 23, 24, and 25 were violated. The Commission concluded that the issuance of the Decree-Law 25.423 that caused the removal of the petitioner, together with 12 other justices of Peru's Supreme Court of Justice is in violation of: the right to judicial guarantees (Art. 8) where the basic guarantees of due process and the right of all other people of Peru to an independent and impartial judiciary was denied; the right to judicial protection (Art. 25) where access was denied to a simple and prompt remedy that would have protected petitioner from his removal; political rights (Art. 23) where the disregard of the requisites and procedures legally established deprived petitioner to have access, under general conditions of equality, to the public service of his country; the principle of legality and freedom from ex post facto laws (Art. 9) as petitioner was not removed from office on legitimate ground provided for in the law; and the right to equal protection under the law (Art. 24). The Commission recommended that the State provide appropriate compensation to petitioner for moral and material damages and reinstate petitioner to his position as Justice of the Supreme Court of Peru along with all compensation related to his salary and financial benefits.

Y. Article 25 – Right to Judicial Protection

1. ARGENTINA: Narciso Palacios, Case 10.194, Inter-Am. CHR No. 105/99

Complaint: Arts. 8, 25

Summary of the Case: Narciso Palacios, a municipal accountant of Daireaux, was dismissed from his post, based on the Decree of June 11, 1985. Palacios brought a contentious administrative suit against the municipality, moving for annulment of the act on the grounds of

insufficient cause to warrant the punishment. He also requested reinstatement in his job and compensatory damages. The court dismissed *in limine* Palacios' suit and subsequent appeals were rejected. Petitioner alleged that he did not have access to a judicial remedy.

Action Taken: After the Argentinean State rejected an offer for a friendly settlement, the Commission concluded that the petitioner was denied access to "effective judicial protection on the basis of the retroactive application of a legal criterion." The Commission recommended that the State permit the petitioner access to contentious administrative proceedings, so that he could challenge the legality of the act that mandated his dismissal; and recommended that the State provide Palacios with adequate violations.

ARGENTINA: Juan Carlos Abella, Case 11.137, Inter-Am. CHR No. 55/97

Complaint: Arts. 4, 5.1, 7.5, 8, 24, 25

Summary of the Case: On January 23, 1989, 42 armed persons attacked the barracks of an Infantry Regime located at La Tablada, Buenos Aires. After the attack, State agents participated in the execution of four attackers, the disappearance of six attackers, and the torture of a number of others. Five attackers who were arrested and two who had voluntarily turned themselves in, were tortured psychologically and physically, and were later tried and convicted.

Action Taken: The Commission found the State responsible for violating the right to life, the right to humane treatment, the right to appeal a conviction to a higher court, and the right to a simple and effective remedy. The Commission recommended that the State conduct a full investigation into the events and identify and punish those responsible. It further recommended that the State take the necessary steps to make effective the judicial guarantee of the right to appeal for persons tried under Law 23.077 and repair the harm suffered.

ARGENTINA: Gustavo Carranza, Case 10.087, Inter-Am. CHR No. 30/97

Complaint: Arts. 8, 11, 23(1)(c), 25

Summary of the Case: Mr. Carranza alleges that the Supreme Court wrongfully refused to hear his appeal against a decision of the Superior Court of Justice of the Province of Chubut which had refused to nullify a decree issued by the previous military government

that had ordered his removal.

Action Taken: The Commission found that when the courts of Argentina precluded a decision on the merits of Mr. Carranza claim, the state of Argentina violated his rights to a fair trial and to judicial protection. The Commission recommended that petitioner be compensated for the violations.

2. BRAZIL: Carandiru, Case 11.291, Inter-Am. CHR No. 34/00

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: On October 2, 1992, a prison riot at the Carandiru detention center in Sao Paulo led to the death of 111 prisoners, with others seriously wounded by actions allegedly committed by the Sao Paulo military police. Sixteen months after the riot, proceedings had not been instituted against those responsible. The petition requested that the State be sanctioned for violations of the right to life and personal integrity, due process, and judicial protection.

Action Taken: The Commission found that a massacre had taken place in which the State violated the rights to life, personal integrity, due process, and judicial protection. The Commission recommended investigation of the events, punishment for responsible parties, compensation for the victims, and creation of steps to avoid similar violations.

BRAZIL: Marcos Aurelio de Oliveira, Case 11.599, Inter-Am. CHR No. 10/00

Complaint: Arts. 4, 8, 19, 22, 25

Summary of the Case: Marcos Aurelio de Oliveira, a minor, was allegedly killed by a civil policeman of the State of Rio de Janeiro, while attempting to rob the driver of a car. The policeman had been following Marcos and upon seeing the attempted robbery, shot him. The policeman then left the scene. An eyewitness testified to the policeman's responsibility, but after intimidation changed his testimony. The policeman discovered the witness and attempted to kill him. Two years after filing a petition, the police investigation had not been completed.

Action Taken: The Commission concluded that Marcos Aurelio de Oliveira was unlawfully executed and that the investigation was not properly conducted. The Commission recommended the trial and punishment of those responsible for the violations of the right to life, to fair trial, to rights of the child, to the freedom of movement and

residence, and to judicial protection, as well as compensation to the victim's relatives.

BRAZIL: Alonso Eugenio da Silva, Case 11.598, Inter-Am. CHR No. 9/00

Complaint: Arts. 8, 25; Arts. I, XVIII, XXV, XXVI of the Declaration

Summary of the Case: On March 8, 1992, Alonso Eugenio da Silva, a 16 year-old, was shot and killed by a military policeman of the State of Rio de Janeiro in a restaurant, during an attempted arrest for an alleged robbery. Three and a half years after the death, police inquiry into the events had not been concluded, resulting in the exhaustion of domestic remedies.

Action Taken: The Commission found that the Petitioner exhausted domestic remedies and held the acts in question were a violation of the right to life, to fair trial, to protection against arbitrary arrest, to due process, and to judicial protection. The Commission recommended a complete investigation, trial, and conviction of responsible parties, and compensation to the relatives of the victim.

BRAZIL: Ovelario Tames, Case 11.516, Inter-Am. CHR No. 60/99

Complaint: Arts. 1, 8, 25

Summary of the Case: The complaint alleged that Mr. Tames, a Macuxi Indian, was arrested and assaulted by police on October 23, 1988. He died the next day of injuries from the assaults. Six police officers were in the station and all six were summoned for investigation. Eight years past and the government had still not held hearings as to the guilt of the officers. The Attorney General concluded that the statute of limitations had tolled on the crime and that the recorded concluded nothing of evidence as against other officers. The autopsy report concluded that Mr. Tames died from injuries to the head.

Action Taken: The Commission declared that the Federal Republic of Brazil is responsible for the violation of the rights to life, liberty, and personal security, to a fair trial, and to protection from arbitrary arrest of the American Declaration on the Rights and Duties of Man, and to a fair trial and judicial protection and of the obligation of the State to respect the rights established in the American Convention. The Commission recommended that Brazil open serious, impartial and effective investigation into the facts. Analysis of acts of omission and negligence and obstructions of justice should be focused on

by the investigators and reparations should be made to family members.

BRAZIL: Newton Coutinho Mendes, Case 11.405, Inter-Am. CHR No. 59/99

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The complaint alleged that an assassination group established by large land owners in the southern part of Para murdered and terrorized “persons linked or suspected of links to the occupation of lands in the region and with advocacy of the rights of rural workers.” Persons of differing occupations (merchants, priests, laborers) are said to have been terrorized, kidnapped, and threatened in an attempt to preserve the power of the larger land owners when rights are asserted in any way. The petition alleged that the local authorities are organized and implicated in these crimes so that justice can not be served. Gunmen hired by the estate owners have strong-armed local workers into working for the estate owners and then killing the laborers if they do not.

Action Taken: The Commission found that the Brazilian State is liable for violations of Arts. 4, 5, 8, and 25. The Commission recommended that “the competent authorities set in motion the required mechanisms and guarantees for the conduct of an independent, complete, serious and impartial investigation of the events taking place in the southern region of the State of Para.” The Commission also reiterated the need for Brazil to take measures to ensure the rights to life, to humane treatment, and to a fair trial and judicial protection for all inhabitants.

BRAZIL: João Canuto de Oliveira, Case 11.287, Inter-Am. CHR No. 24/98

Complaint: Arts. 8, 25

Summary of the Case: The Petitioner alleged the State was responsible for the death of Mr. Canuto de Oliveira. Mr. Canuto de Oliveria was president of the Río María del Sur when he and his two sons were assassinated by two gunmen.

Action Taken: The Commission declared the Brazilian State responsible for violating the rights to life, freedom, and personal and safety, and the rights to judicial guarantees (Art. 8) and judicial protection (Art. 25) of the Convention, and the right to justice (Arts. I and XXVIII of the Declaration).

3. CHILE: Carmelo Soria Espinoza, Case 11.725, Inter-Am. CHR No. 133/99

Complaint: Arts. 8, 25, 32; Art. I of the Declaration

Summary of the Case: On July 14, 1976, Carmelo Soria Espinoza, chief of the editorial and publications section of the Latin American Demographic Center (CELADE) in Chile and an United Nations official, was leaving work and was kidnapped by security agents of the *Direccion de Inteligencia Naciaonal*. He was murdered and his body and car were left in a stream. Although the agents responsible were identified, criminal prosecution was dismissed under the self-amnesty law. The petition of the victim's family alleged the violation of their right to justice.

Action Taken: The Commission concluded that it has jurisdiction to hear the case and that based on the facts, the Chilean State violated Art. I of the Declaration and Arts. 1, 8, 25, 32 of the Convention.

CHILE: Hector Marcial and Garay Hermosilla and others, Case 10.843, Inter-Am. CHR No. 36/96

Complaint: Arts. 1, 2, 25

Summary of the Case: Petitioners initiated judicial proceedings for the arrest and subsequent disappearance (aggravated abduction) before the competent Criminal Court; the Criminal Court found that it was incompetent to hear the case as the persons charged were military personnel. The Court of Appeals affirmed the decision and the request for a substantive investigation was denied resulting in an 11-year paralysis of the proceedings despite the abundant evidence that was submitted and in 1989 pursuant to the Amnesty Decree Law the charges were dismissed. An appeal of the dismissal and the unconstitutionality of the Amnesty law was submitted to the Supreme Court which rejected the appeal. In doing so, it stated that civil actions for compensation were possible; however these are only illusory since in order to file a civil petition the petitioner must produce the corpus *delecti* and the guilty party must have been determined; petitioners ask that the Commission declare the Amnesty Decree Law incompatible with the American Convention.

Action Taken: The Commission found a violation of Arts. 1, 2, 8, and 25. The Commission found that the Amnesty Decree Law was incompatible with the American Convention and that since the Supreme Court affirmed the constitutionality of that law following the entry into force of the American Declaration in Chile, the State is in

violation of its obligation to respect and ensure the rights of all persons in Chile (Art. 1). The judicial rulings of dismissal of the charges brought violate the petitioners right to justice (Arts. 8, 25). The Commission recommended that the state of Chile amend its legislation to reflect the rights enshrined in the American Convention.

CHILE: Juan Meneses, Ricardo Lagos Salinas, Juan Alsina Hurtos, and Pedro Vergara Inostroza, Cases 11.228, 11.229, 11.231, and 11.282. Inter-Am. CHR No. 34/96

Complaint: Arts. 1, 8, 25; Art. XVII of the Declaration

Summary of the Case: Claims were raised against the constitutionality of Decree Law 2191 granting amnesty for various offences committed between 1973 and 1978. This report consolidates four such cases brought by petitioners against the State for specific cases of arbitrary arrests and disappearances that were dismissed pursuant to the Amnesty Decree Law.

Action Taken: The Commission found a violation of Arts. 1, 2, 8, and 25. The Decree Law is incompatible with the American Convention and the affirmation of the constitutionality of that law by the Supreme Court is a violation of Chile's obligations under the Convention (Arts. 1 and 2); the judicial rulings of dismissal of the charges brought violate the petitioners right to justice (Arts. 8 and 25); the Decree Law as it was applied in the judicial proceedings kept the petitioners from exercising their right to a fair trial to determine their civil rights (Art. 8).

4. COLOMBIA: Caloto, Case 11.101, Inter-Am. CHR No. 36/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On December 16, 1991, approximately eighty people belonging to the Paez indigenous community responded to a call to meet the new owners of the property. Heavily armed men, some of whom were wearing uniforms of the security forces, went to the site of the meeting, gathered the people, identified the leaders, and shot them. In an attempt to flee, twenty others were killed. After the massacre, the homes of the community were burned and destroyed. Petitioners allege that the failure to provide due judicial protection has resulted in impunity for those responsible and an unwarranted delay in the investigation.

Action Taken: After the breakdown of a friendly settlement, the

Commission determined that the State is responsible for violation of Arts. 1(1), 4, 5, 7, 8, and 25, and evaluated the measures taken to make reparation for the harm caused.

COLOMBIA: Los Uvos Massacre, Case 11.020, Inter-Am. CHR No. 35/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25; Arts. I, XVIII, XXVI of the Declaration

Summary of the Case: On April 7, 1991, members of the national army intercepted a bus at a checkpoint in Los Uvos township, made the passengers leave the bus, relieved them of their belongings, forced them to lie face-down on the road, and extrajudicially executed seventeen individuals with army-issue rifles. The two-year investigation was referred to the allegedly biased military criminal justice system, which petitioners claimed relieved them of the need to exhaust available domestic remedies.

Action Taken: Although a friendly settlement process broke down, recommendations during that process had been partially implemented. The Commission issued conclusions regarding violations of Arts. 1(1), 4, 5, 7, 8, 25 in light of the State's acceptance of responsibility.

COLOMBIA: Amparo Tordecilla Trujillo, Case 10.337, Inter-Am. CHR No. 7/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 25

Summary of the Case: On April 25, 1989, State agents detained Amparo Tordecilla. They forced her into a taxi owned by the Colombian Army, and proceeded to an undisclosed location. Her whereabouts were unknown. The alleged motive for the disappearance was the romantic relationship between Amparo and a leader of an armed dissident group. The agents involved were absolved of liability. Petitioners alleged a violation of the right to personal liberty and security, life, and the right to an impartial tribunal and judicial protection.

Action Taken: The Commission concluded that the Colombian State was responsible for violating Arts. 1(1), 4, 5, 7, 8, and 25 and recommended a complete investigation, return of the victim's remains to the family, and reparation to the victim's family.

COLOMBIA: Santos Mendivelso Coconubo, Case 11.540, Inter-Am. CHR No. 62/99

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Mr. Mendivelso was shot by men dressed as peasants in Turmeque, while he was walking from his home to the school where he taught. It was alleged that Mr. Mendivelso, a trade union activist, was linked to an armed dissident group. One suspect was arrested, who informed investigators that National Police agents carried out the execution. The case was assigned to the military judiciary, which acquitted four accused agents.

Action Taken: The Commission decided that the State of Colombia is responsible for the violations the right to life and the right to judicial protections. The Commission recommended that Colombia undertake serious and impartial investigations into the murder of Mr. Mendivelso and that his survivors be compensated for their loss.

COLOMBIA: Jose Alexis Fuentes Guerrero, et al, Case 11.519, Inter-Am. CHR No. 61/99

Complaint: Arts. 4, 8, 25

Summary of the Case: The petitioner claims that eight persons died as a result of an Army unit shooting at unarmed civilians in Puerto Lleras. Next, the army allegedly forced civilians out of their homes while the homes were pillaged. The following day, the army used the civilians as a shield in case of an attack by dissidents. Autopsies revealed that victims died as a result of gunfire from a short distance. The military subsequently took over a criminal investigation and issued 14 warrants for arrests. During the military trial, the jury acquitted the defendants, after which the Judge declared the verdict to be against the evidence and submitted the decision to the Supreme Military Tribunal for review. The tribunal affirmed the lower court's decision, which was final.

Action Taken: The Commission concluded that the Colombian State was responsible for the violation of the right to life under Art. 4 of the American Convention and the right to judicial guarantees under Arts. 8 and 25. The Commission recommends that Colombia conduct a serious and impartial investigation into the crimes at Puerto Lleras.

COLOMBIA: Alvaro Moreno Moreno, Case 11.019, Inter-Am. CHR No. 5/98

Complaint: Arts. 1, 4, 7, 8, 25

Summary of the Case: Petitioners allege that Mr. Moreno was de-

tained and killed by Police agents during an operation aiming to find those responsible for an attack carried out against a Police center.

Action Taken: The Commission found that the Colombian state had failed to comply with its recommendations to investigate and sanction and that it had violated Mr. Moreno's right to life (Art. 4) and personal liberty (Art. 7), and the rights of his family members to a fair trial (Art. 8) and judicial protection (Art. 25). The Commission recommended that the Colombian state undertake a serious and impartial investigation to find those responsible for the violations, and submit those individuals to the appropriate criminal proceedings. Finally the Commission recommended that the Colombian state adopt the necessary measures to make full reparation for the violations found.

COLOMBIA: Ul Musicue and Coicue, Case 9853, Inter-Am. CHR No. 4/98

Complaint: Arts. 1, 5, 7, 8, 25

Summary of the Case: Mr. Ul Musicue and Mr. Coicue, members of the Paez indigenous community, were arbitrarily detained and mistreated by a Colombian Army unit.

Action Taken: The Commission concluded that the Colombian State violated the right to humane treatment (Art. 5), personal liberty (Art. 7), access to justice (Arts. 8 and 25), and failed to uphold its obligations established in Art. 1 of the American Convention. The Commission recommended a full investigation to find and submit those responsible to the appropriate judicial processes. The Commission also recommended the State to make full reparations for the violations found.

COLOMBIA: Tarcisio Medina Charry, Case 11.221, Inter-Am. CHR No. 3/98

Complaint: Arts. 3, 4, 5, 7, 8, 13, 25

Summary of the Case: Mr. Medina Charry was disappeared by agents of the Republic of Colombia.

Action Taken: The Commission held that the Colombian state is responsible for violating the right to juridical personality (Art. 3), the right to life (Art. 4), the right to humane treatment (Art. 5), the right to personal liberty (Art. 7), the right to a fair trial (Art. 8), the right to freedom of thought and expression (Art. 13) and the right to judicial protection (Art. 25); furthermore, the Commission found that the

state of Colombia failed to uphold its obligations as established in Arts. 1 and 2 of the American Convention.

COLOMBIA: Arturo Ribón Avila, Case 11.142, Inter-Am. CHR No. 26/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Arturo Ribón and ten others were killed during an armed confrontation between members of the Army, the Departamento Administrativo de Seguridad, the Police, the Police Intelligence of Colombia, and members of the armed dissident group M-19.

Action Taken: The Commission found the Colombian State responsible for violating the rights to life (Art. 4), humane treatment (Art. 5), a fair trial (Art. 8), and judicial protection (Art. 25). Furthermore, the Colombian State did not take the necessary measures to make effective the rights of persons to see justice done by punishing the police officers who committed the violations, a violation pursuant to Art. 2 of the American Convention. Finally, the Colombian State violated Art. 3 of the Geneva Convention by not respecting and guaranteeing the rights of persons who are placed hors de combat in an internal armed conflict.

COLOMBIA: Hildegard Maria Feldman, Case 11.010, Inter-Am. CHR No. 15/95

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The petitioner, a Swiss missionary, and two local farmers were murdered by the Colombian army when they shot into a house with no warning to those inside and without being certain who was inside, and executed the one farmer who was unarmed and injured.

Action Taken: The Commission found a violation of Arts. 1.1, 2, 4, 5, 8, and 25.

Military court ignored the testimony of the witnesses as to the manner in which the victims were executed and dismissed the cases using the justifications of self defense and unavoidable accident. The trial of military personnel for violations of human rights by military courts does not provide the guarantees of impartiality and independence required by the Convention for victims. (Art. 8) The Colombian Government never denied that members of the Army participated in the murder of the victims. The fact that administrative action was

taken against the military does not prove that a fair trial was administered nor does it exonerate the Colombian Government from responsibility for taking proper action for the crimes committed.

5. DOMINICAN REPUBLIC: Luis Lizardo Cabrera, Case 10.382, Inter-Am. CHR No. 35/96

Complaint: Arts. 5, 7, 8

Summary of the Case: Mr. Lizardo Cabrera was arrested on May 4, 1989 by the National Police and for five days he was confined and tortured. Although several petitions have been lodged on Mr. Lizardo Cabrer's behalf by different judges requesting his release, the National Police refuses to release him.

Action Taken: The Commission found that the State of the Dominican Republic had violated the right to personal liberty, the right to a hearing, the right to be presumed innocent, and the right to judicial protection. The Commission recommended that the State formally dismiss the charges against Mr. Lizardo Cabrera, that it sanction the police authorities responsible, and that it grant fair compensation to the injured parties.

6. ECUADOR: Ruth Posario Garces Vallardes, Case 11.788, Inter-Am. CHR No. 64/99

Complaint: Arts. 1, 5, 7, 8, 11, 24, 25

Summary of the Case: Petitioner was detained as part of "Operation Cyclone" in which Ecuadorian National Police detained several persons presumed to be involved in the drug trade. She was arrested, tried and convicted. Petitioner complains that she was arrested without a warrant, and that she was subsequently, and as a consequence, illegally detained.

Action Taken: The Commission noted with satisfaction that Ecuadorian State has shown signs of being engaged in activities directed to comply with the Commission's recommendations. However, the Commission finds that the State of Ecuador violated Arts. 1(1), 5(2), 7(2), 7(3), 7(4), 7(5), 7(6), 8(1), 8(2), and 25 of the Convention.

ECUADOR: Victor Rosario Congo, Case 11.427, Inter-Am. CHR No. 63/99

Complaint: Arts. 4, 5, 25

Summary of the Case: Mr. Congo was arrested for robbery and assault and sent to a correctional center in Machala. On September 14, 1990, he was attacked by a guard and suffered head wounds. Mr.

Congo was in a demented state and was returned to isolation naked and incommunicado. On October 2, 1990, Mr. Congo was examined by a doctor who diagnosed him with Ganser's syndrome, a type of psychosis requiring a change of environment. Upon transfer to a mental facility, doctors immediately transferred Mr. Congo to a hospital due to his extreme dehydrated state. A few hours later he died from malnutrition, hydroelectrolytic imbalance, heart and lung failure. The petition alleged that the State was responsible for lack of medical attention, isolation and negligence.

Action Taken: The Commission found that the State violated the right to life, humane treatment and judicial protection of Mr. Congo. It further recommended that Ecuador seriously and impartially investigate the cause of Mr. Congo's death and reimburse the survivors for their loss. Upon publication of the report, the Commission was informed that Mr. Congo's family was reimbursed for \$30,000. It further urged the competent state agencies to produce information leading to the prosecution of the responsible person's.

ECUADOR: Manuel García Franco, Case 10.258, Inter-Am. CHR No. 1/97

Complaint: Arts. 1(1), 4, 5, 7, 7.6, 8, 25

Summary of the Case: Mr. García Franco died as a result of the treatment to which he was subjected after having been abducted and tortured by two Naval officers and three members of the Ecuadorian Naval Marine.

Action Taken: Upon declaring the petition admissible, the Commission found that agents of the State of Ecuador were responsible for the disappearance of Mr. García Franco. The Commission held that state agents illegally and arbitrarily arrested and detained Mr. García Franco, violated his right to be brought before a judge, subjected him to treatment contemptuous to his inherent dignity as a human being, and deprived him of his right to life. The Commission found that Mr. García Francos family was denied their right to access judicial protection and their right to be heard within a reasonable time and Mr. García Franco was denied the right to recognition as a person. The Commission recommended that the state of Ecuador undertake an investigation of the facts, take the necessary measures to inform the family of Mr. García Franco of the location of his remains, and redress the consequences of the violations found.

ECUADOR: Manuel Stalin Bolanos Quinones, Case 10.580, Inter-Am. CHR No. 10/95

Complaint: Arts. 4, 5, 8

Summary of the Case: Manuel Bolanos was arrested in his home and subsequently disappeared. Petitioners allege he was tortured and died during interrogation.

Action Taken: The Commission found a violation of Arts. 1, 4, 7, 8. and 25. The victim was arbitrarily arrested with no warrant and without disclosing the true reason for his detention. The persons arresting him had no authority to do so, he was held at an irregular location and with no access to legal means and remedies to assert his rights (Art. 7). Petitioners never received information on the petition for a writ of habeas corpus they filed, and it is assumed that the Government did not consider it (Art. 7). The state did not perform an investigation into the circumstances of the death of Mr. Bolanos (Art. 1). The death of Mr. Bolanos occurred while the state was failing to fulfill its obligations under Art. 1 and while Mr. Bolanos was in their custody. Since the state has the burden of proving the exact circumstances of his death and they have failed to do so here the Commission concluded that his right to life was violated (Art. 4). Petitioners did not provide copies of the statements upon which the allegations of torture were based and there is insufficient information in the file otherwise to find such a violation (Art. 5). The investigation of Mr. Bolanos death took four years and insufficient means were used in the investigation—this is an unreasonable delay (Art. 8). The Government failed to provide simple, swift and effective legal recourse to the victims family—the truth about what happened to him, the circumstances of his detention and death and the location of his remains (Art. 25). The investigation into the facts of this case was carried out by the military—they could not be impartial and independent in an investigation of other military personnel (Art. 8).

7. EL SALVADOR: Monsignor Oscar Arnulfo Romero y Galdamez, Case 11.481, Inter-Am. CHR No. 37/00

Complaint: Arts. 23, 24

Summary of the Case: On March 24, 1980, Monsignor Romero was shot dead by a sniper while he celebrated mass. The sniper was a member of a state operated death squad. Petitioners brought a claim against El Salvador for the allegedly extrajudicial execution of the Archbishop of San Salvador by a state operated death squad. The

State did not question the facts of the case but justified the release of any implicated persons pursuant to the general amnesty law.

Action Taken: The Commission found violations of Arts. 1(1), 2, 4, 8(1), and 25, and recommended that the State prosecute all perpetrators, make reparation for the consequences of the violations, and nullify the general amnesty law through domestic legislation.

EL SALVADOR: Ignacio Ellacuria, et. al., Case 10.488, Inter-Am. CHR No. 136/99

Complaint: Arts. 1(1), 2, 4, 8(1), 13, 25

Summary of the Case: Six Jesuit priests, their cook and her daughter were shot by military personnel, and the murders were blamed on a dissident armed group.

Action Taken: The Commission found the State violated Arts. 1(1), 2, 4, 8(1), 13, and 25.

The murders that took place in the morning at the priest's dormitory on the University campus constituted a violation of the victims' right to life (Art. 4). The State violated the right to judicial guarantees and effective judicial protection for the relatives of the victims and the members of the religious and academic community to which the victims belonged (Arts. 8(1) and 25). The armed forces' planning of the murders and covering them up by, in part, blaming them on a dissident armed group violated the relatives' the right to know the truth (Arts. 1(1), 8(10), 13, and 25).

EL SALVADOR: Victor Hernandez Velasquez, Case 10,288, Inter-Am. CHR No. 1/99

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: Armed Forces members extrajudicially executed Petitioner, violating his right to life and personal integrity. His body showed evidence of hanging and beating. The State coroner stated that there were no signs of torture and that the cause of death was asphyxiation.

Action Taken: The Commission finds that the Salvadorian State is responsible for violating Arts. 4, 5, and 25.

EL SALVADOR: Lucio Parada Cea, et al., Case 10.480, Inter-Am. CHR No. 1/99

Complaint: Arts. 1(1), 4, 5, 8, 25

Summary of the Case: Elements of the Salvadoran Army detained Petitioners. Petitioners were forcibly arrested and then interrogated

and tortured, resulting in their deaths. There was no reason given for the arrests.

Action Taken: The Commission found that the State of El Salvador violated Arts. 4, 5, 7(5), 8, and 25; Art. 3 of the Four Geneva Conventions of 1949; and Art. 4 of Protocol II.

EL SALVADOR: Comadres, Case 10.948, Inter-Am. CHR No. 13/96

Complaint: Arts. 4, 5, 7, 11, 13, 21, 25

Summary of the Case: Petitioners cite numerous instances of violent attacks, torture, and persecution by Government agents against the Comadres (Committee to offer support to mothers and families of disappeared persons), its members and its offices.

Action Taken: The Commission found violations of Arts. 5, 7, 11, 16, 21, 25. As the Government did not respond, the Commission evaluated each of the incidents cited by the petitioners for credibility and consistency and therefrom judged whether to adopt the alleged facts as true. They called for the Government to conduct a full investigation and to compensate petitioners for the violation of the above rights and to the victims and their families for their losses.

8. GUATEMALA: Joaquin Ortega et al, Case 10.586, Inter-Am. CHR No. 39/00

Complaint: Arts. 1(1), 4, 5, 7, 8, 18, 25

Summary of the Case: Seventy-one men, women, and children in 1990 and 1991 were kidnapped, in some cases tortured, and executed by members of and persons linked to the Guatemalan security forces.

Action Taken: The Commission found violations of Arts. 1, 4, 5, 6, 7, 8, 19, and 25. During the years 1990 and 1991, State agents allegedly carried out extrajudicial executions and disappearances in order to physically eliminate their opponents and to repress, silence, and control the population as a whole. Commission concluded that the Guatemalan State violated the victims' rights to life, judicial guarantees, personal liberty, and humane treatment. The State was also responsible for violating the rights of children.

GUATEMALA: Isabela Velasquez *et al.*, Cases 10.588, 10.608, 10.796, 10.856, Inter-Am. CHR No. 34/00

Complaint: Arts. 1(1), 3, 4, 5, 7, 8, 19, 25

Summary of the Case: Five petitions alleged that the victim or victims had been abducted by soldiers of the Guatemalan Army or indi-

viduals linked with the Guatemalan security forces (consolidated by the Commission into one report). The victims named have disappeared and their whereabouts are unknown.

Action Taken: The Commission found the State violated Arts. 1(1), 3, 4, 5, 7, 8, 19, and 25.

The Commission concluded, based on the totality of the evidence in the five petitions that the State agents were directly involved in the disappearance of the victims. A disappearance directly opposes the requirements of lawful deprivation of liberty. An individual who is disappeared is also deprived of the right to be taken without delay before a judge and to invoke the appropriate procedures to obtain a review of the legality of the detention (Art. 7). A disappearance is also an implicit violation of the right to be treated humanely (Art. 5) in that the victim is taken with force, detained under conditions, and held without contact from the outside world and without any form of aid or protection.

GUATEMALA: Francisco Guarcas Cipriano, Case 11.275, Inter-Am. CHR No. 140/99

Complaint: Arts. 1(1), 4, 5, 7, 8, 16, 25

Summary of the Case: After renouncing his service in a civilian state-run armed group, the victim was last seen at a bus terminal with members of the group and has since disappeared.

Action Taken: The Commission found a violation of Arts. 1(1), 3, 4, 5, 7, 8, and 25. The victim's forced disappearance violated his right to personal liberty and the fundamental guarantee of habeas corpus rights. A disappearance also constitutes a violation of the right to be treated humanely (Art. 5), an arbitrary deprivation of liberty, and right to life since the victim had not been seen or heard from in over five years. The Commission recommended that the State conduct a complete investigation into the disappearances of the victims and compensate the victims' families.

GUATEMALA: Samuel de la Cruz Gómez, Case 10.606, Inter-Am. CHR No. 11/98

Complaint: Arts. 1.1, 4, 5.1, 7, 8, 25

Summary of the Case: The victim, a member of the Council of Ethnic Communities Runujel Junam (CERJ), disappeared after being detained by men linked to the security forces of the State of Guatemala.

Action Taken: The Commission decided that the State of Guatemala is responsible for violations of the rights to juridical personality, to life, to humane treatment, to personal liberty, and to judicial guarantees and protection; the Commission recommended that the State of Guatemala carry out an investigation to find and submit those responsible to the appropriate judicial processes and that the State redress the consequences of the violations.

GUATEMALA: Ana Lucrecia Orellana Stormont, Case 9120, Inter-Am. CHR No. 56/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a university professor, was abducted, tortured and disappeared; a criminal complaint was filed but her case was neither investigated nor clarified by the state.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constitute a violation of her right to recognition as a person before the law, as when she was disappeared she was placed outside of and excluded from the juridical and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time and the fact that the victim is still disappeared combined with the fact that the practice of disappearances often involves secret execution without trial provide grounds to assume that the victim has been killed in violation of her right to life (Art. 4). The placing of a hood sprayed with insecticide over the victims head in order to induce asthma attacks constitutes a violation of the victims right to humane treatment (Art. 5); the abduction and disappearance of the victim constitute a violation of her right to liberty (Art. 7).

GUATEMALA: Axel Raul Lemus Garcia, Case 8076, Inter-Am. CHR No. 55/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim, a high school student, was abducted, beaten in the presence of many representatives of the media, then disappeared; a writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found violations of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constitutes a

violation of his right to recognition as a person before the law, as when he disappeared he was placed outside of and excluded from the juridical and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission found it reasonable to presume that the passage of such a long time and the fact that the victim is still disappeared, combined with the fact that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Luis Gustavo Marroquin, Case 8075, Inter-Am. CHR No. 54/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was abducted and disappeared in 1982 by heavily armed abductors in civilian dress. A writ of habeas corpus by his next of kin proved to be ineffective.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, as when he was disappeared he was placed outside of and excluded from the juridical and institutional order of the state. This exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission has found that it is reasonable to presume that the passage of such a long time, the fact that the victim is still disappeared combined with the fact that the practice of disappearances often involves secret execution without trial provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Maria Majia, Case 10.553, Inter-Am. CHR No. 32/96

Complaint: Arts. 1, 4, 5, 6, 8, 22, 25

Summary of the Case: Petitioners claim that the victim was murdered and her husband was assaulted and wounded in reprisal for their refusal to join the civilian patrols. Other people in the commu-

nity were also threatened. Petitioners filed motions for personal appearance with the Human Rights Ombudsman and the regional justice of the peace, but the charges were not investigated.

Action Taken: The Commission found violations of Arts. 1, 4, 5, 6, 8, 22, and 25. The facts alleged were at no time disputed by the Government and the Commission takes the brief responses of the Government as acknowledgment of the truth of the allegations. The threats to community members causing them to leave their homes, and the attack on the victims husband constitute violations of the right to humane treatment (Art. 5). The persecution against those who leave the civilian patrols and the obligation to participate in them with no compensation is a form of forced labor (Art. 6). The forced displacement of 39 members of the community from their homes violates the right of freedom of movement and residence (Art. 22).

GUATEMALA: Diana Ortiz, Case 10.5266, Inter-Am. CHR No. 31/96

Complaint: Arts. 1, 5, 7, 8, 11, 12, 16, 25

Summary of the Case: Petitioner an American nun, was followed, threatened, kidnapped, and tortured by agents of the Guatemalan Government.

Action Taken: The Commission found a violation of Arts. 1, 5, 7, 8, 11, 12, 16, and 25. The inhumane treatment suffered by Sister Ortiz at the hands of agents of the Government falls within the definition of torture found in Art. 2 of the Convention on torture and violates her right to physical, mental and moral integrity (Art. 5); because government agents have consistently denied the fact of the detention, the detention was necessarily carried out outside the boundaries of the law (Art. 7) and in kidnapping her the state also infringed her right to be taken without delay before a judge and to invoke the appropriate procedures to review the legality of her arrest (Art. 7). Further, by placing her under surveillance and threatening her the Government made her the object of arbitrary and abusive interference and attacked her honor and dignity when they violently abducted and tortured her, as well as accusing her of fabricating accusations against the Government (Art. 11). It is likely that the attacks on the victim were intended to punish her for her activities as a Church missionary and her work with the indigenous people (Art. 12) and her association with members of GAM (Art. 16). The Gov-

ernment's inability to provide simple, swift and effective legal recourse to the victim violated her rights (Art. 25); and her rights to be heard by a competent and impartial tribunal were consistently blocked (Art. 8).

GUATEMALA: Carlos Ranferi Gomez, Case 11.303, Inter-Am. CHR No. 29/96

Complaint: Arts. 1, 4, 5, 8, 13, 16, 22, 25

Summary of the Case: Petitioner claims that he was the victim of an attempt on his life by Government agents and that he has been denied legal protection

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 8, 13, 16, 22, and 25. The attempt on petitioners life is a violation of his right to life (Art. 4) and physical integrity (Art. 5). The threats made to him constitute a violation of his right to mental integrity (Art. 5) and his inability to continue his union work and show his social commitment in Guatemala constitute a violation of his moral integrity (Art. 5). The ineffective judicial protection provided by the government violates his right to a hearing (Art. 8) and of protection of his legal rights (Art. 25). The taking of the petitioners camera equipment and the attack on him are violations of his right to freedom of thought and speech (Art. 13). The death threats and attack that sought to have him cease his union activity are a violation of his right to freedom of association (Art. 16). The attempt to stop petitioner at the airport from leaving the country violated his freedom of movement right (Art. 22).

GUATEMALA: Juan Hernandez, Case 11.297, Inter-Am. CHR No. 28/96

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: The victim was convicted of disorderly conduct and sentenced to 30 days in prison. where he died of a cerebral edema and cholera. Petitioners claim that he did not receive proper medical care and though he was authorized to be transferred to a hospital the transfer never took place. Petitioners petitioned the courts to find the cause of the cerebral edema and whether the treatment he received was negligent and why he was not transferred to a hospital. None of these requests were ever carried out.

Action Taken: The Government initially arbitrarily arrested the victim contrary to guarantees of the Guatemalan Constitution, and

also failed to notify his next of kin of his imprisonment or of his death in violation of his right to liberty (Art. 7). The Government failed to guarantee his right to life or personal safety and they did not act diligently to protect the victims life and health while he was in their custody (Arts. 4, 5). The Government violated its obligation to respect judicial guarantees (Art. 8) and to provide effective recourse (Art. 25).

GUATEMALA: Arnoldo Juventino Cruz, Case 10.897, Inter-Am. CHR No. 30/96

Complaint: Arts. 1, 3, 4, 5, 7, 8, 25

Summary of the Case: The victim was disappeared by Government agents and there was no effective investigation to determine his whereabouts. The alleged perpetrators are known to be tied to the Army, but they have not been tried.

Action Taken: The Commission found a violation of Arts. 1, 3, 4, 5, 7, 8, and 25. The forced disappearance of the victim constitutes a violation of his right to recognition as a person before the law, as when he was disappeared he was placed outside of and excluded from the juridical and institutional order of the state, this exclusion has the effect of denying the very existence of the victim as a human being entitled to be recognized before the law (Art. 3). The Commission has found that it is reasonable to presume that the passage of such a long time and the fact that the victim is still disappeared, combined with the fact that the practice of disappearances often involves secret execution without trial, provide grounds to assume that the victim has been killed in violation of his right to life (Art. 4). The abduction and disappearance of the victim constitute a violation of his right to liberty (Art. 7).

GUATEMALA: Roberto Lissardi and Dino Rossi, Case 10.508, Inter-Am. CHR No. 25/94

Complaint: Arts. 5, 7, 25

Summary of the Case: Petitioners were illegally arrested by the Army, kidnapped, held and then released. Following their release the petitioners were followed and others were asked questions about them.

Action Taken: The Commission found violations of Arts. 5, 7, and 25. The treatment endured by the Petitioners and the threats made against them constituted a violation of Art. 5. The Commission rec-

ommended that the government of Guatemala carry out separate inquiries of both the illegal arrest and the subsequent denial of justice. The Commission also recommended that the state grant the Petitioners appropriate compensation and to take measures to ensure that these practices cease.

9. HAITI: Jean-Claude Pierre, *et al.*, Case 11.378, Inter-Am. CHR No. 8/00

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: A son and his father were beaten and shot in the street by state agents, resulting in his father's death and serious injury to the son.

Action Taken: The Commission found a violation of Arts. 4, 5, 8, and 25. Based on eyewitnesses evidence and similar incidents occurring at the time, including, the excessive use of force to enter into the petitioners' house at night, the Commission was able to conclude that the attackers were members of the *de facto* military government. Therefore, the attackers violated the victims' right to life and the right to physical integrity. The Commission recommended the State investigate the incident and compensate the relatives of the father who was killed.

10. HONDURAS: Minors in detention, Case 11.491 Inter-Am. CHR No. 41/99

Complaint: Arts. 5, 7, 8, 25

Summary of the Case: Petitioners alleged the unlawful arrest of street children and their incarceration in Tegucigalpa's central prison facility. This practice is a violation of Art. 122(2) of the Constitution of Honduras and of Art. 37 of the United Nations Convention on the Rights of the Child. Petitioner stated that juveniles are routinely subjected to physical and sexual abuse in the cells of the Central Penitentiary.

Action Taken: The Commission notes that the Honduran State has taken positive steps to put an end to the practice of incarcerating juveniles in State prison. However, the Commission found that Honduras violated Arts. 1, 5, 7, 8, and 25.

11. JAMAICA: Desmond McKenzie, *et al.*, Cases 12.023, 12.044, 12.107, 12.126, 12.146, Inter-Am. CHR No. 41/00

Complaint: Arts. 1, 4, 5, 7, 8, 24, 25

Summary of the Case: Six condemned men on death row for mul-

tiple non-capital crimes alleged human rights violations concerning the mandatory nature of the death sentence and due process issues

Action Taken: The Commission found a violation of Arts. 4(1), 5(1), 5(2), 8(1), 1(1), 4(6), 7(5), 5(4), 5(6), 8, and 25. Jamaica violated Arts. 4(1) and 4(6) by imposing the death sentence automatically without considering individual circumstances regarding either the crime itself or the personality of the offender. The Commission recommended that the State grant the victims an effective remedy, which may include commutation of sentence and compensation; adopt measures to ensure the death penalty is imposed in accordance to the Convention; and adopt measures to ensure the right to amnesty, pardon and the right to a fair hearing are given effect.

12. MEXICO: Pedro Peredo Valderrama, Case 11.103, Inter-Am. CHR No. 42/00

Complaint: Arts. 4, 5, 8, 10, 24, 25

Summary of the Case: Petitioners alleged the State failed to investigate the murder of Pedro Peredo Valderrama and therefore the perpetrators enjoyed impunity from punishment.

Action Taken: The Commission found a violation of Arts. 1(1), 8, and 25. The Commission stated that Valderrama was murdered by three men in full view of his brothers. The subsequently authorized warrant for arrest was not carried out for almost nine years after the perpetrators had already fled the country. The Commission concluded that the length of time and irregularities in the investigation benefited the known perpetrators and therefore, the State violated the right to judicial guarantees and to judicial protection (Arts. 8, 25). However, it did not find that the State was responsible for violation of the right to life, personal integrity or equal protection of the law.

MEXICO: Victor Manuel Oropeza, Case 11.740, Inter-Am. CHR No. 130/99

Complaint: Arts. 4, 5, 8, 24, 25

Summary of the Case: Petitioners alleged human rights violations against the State for its failure to investigate and prosecute the perpetrators in connection with the assassination of journalist Victor Manuel Oropeza.

Action Taken: The Commission found violations 1(1), 8, 13, and 25. Victor Manuel Oropeza was murdered in his office by two men who allegedly committed the crime for the purpose of silencing his

criticisms of the police, which had been published in a local newspaper. The Commission concluded that the State violated the right to his freedom of expression (Art. 13), and rights to a fair trial and judicial protection. (Arts. 8, 25). However, the Commission found no grounds against the State for the violation of rights to life, to humane treatment or to equal protection of the law because Oropeza had not reported any threats to competent authorities so the State could try to protect him.

MEXICO: Loren Laroye Riebe Star, et al, Case 11.610, Inter-Am. CHR No. 49/99

Complaint: Arts. 5, 7, 8, 11, 12, 13, 16, 21, 22, 24, 25

Summary of the Case: Petitioners state that Fathers Riebe, Guttlein, and Elorz were individually abducted and taken by gun point to an unknown destination, stripped, forced to undergo a medical examination, prevented from going to the bathroom, and then were driven to Tuxtla Gutierrez Airport. The three were flown to Mexico City where they were interrogated by Mexican immigration officers. Consulate, representatives and a lawyer were present but not permitted to take part in the interrogation. Shortly afterwards, the priests were flown to Miami. The State claimed that the priests were arrested and deported because they were encouraging people to act against the authorities.

Action Taken: The Commission determined that the priests, legal residents of Mexico, were arbitrarily deprived of their liberty and expelled in summary fashion without a hearing and in violation of their freedom of movement. The Commission found that the State violated all the Art. brought forth in the petition, including the right to protection of honor and dignity. The Commission recommended that the State revise its administrative procedures to reflect the protections guaranteed by the Art. of the American Convention.

MEXICO: Clemente Ayala Torres, et al, Case 10.545, Inter-Am. CHR No. 48/99

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The Petitioners allege that the Governor of Guerrero, Jose Fransico Ruiz Massieu allowed violations of human rights to occur in connection with the elections of December 3, 1989. Specifically, Petitioners claimed that voting rights were denied, political killings were ordered, victims were arbitrarily arrested and

tortured and disappeared. Investigations into at least fifteen victims have not led to the arrest and prosecution of those responsible. The State charged that the petitioners failed to state claims for which the State can be held accountable. The State has maintained that it did prosecute some of those responsible.

Action Taken: The Commission concluded that the Mexican State is responsible for violating Arts. 8 and 25 for failing to seriously investigate the human rights violations of the petitioners. Further evidence did not establish that the State violated the right to life, personal liberty, or integrity of the victims. The Commission recommended that the State conduct a serious investigation into the deaths, disappearances, and human rights violations of the victims named in the petition.

MEXICO: Hector Felix Miranda, Case 11.739, Inter-Am. CHR No. 5/99

Complaint: Arts. 4(1), 4(6), 5, 7(5), 8, 24

Summary of the Case: Petitioner, a journalist was assassinated in Tijuana, Mexico on his way to work. The material perpetrators of the crime were arrested and sentenced, though the intellectual author of the crime has yet to be found.

Action Taken: The Commission has no evidence that allows it to establish a case against the Government of Mexico. However the IACHR concluded that the state has, to the detriment of Petitioner and every citizen, violated Arts. 1(1), 8, 13, and 25 of the Convention.

MEXICO: Manuel Manriquez, Case 11.509, Inter-Am. CHR No. 2/99

Complaint: Arts. 1, 4, 5, 8

Summary of the Case: Members of the Judicial Police for the Federal District kidnapped Petitioner. Petitioner complains that the detention was illegal and arbitrary, and no arrest warrant was issued. Petitioner was severely tortured, and coerced into confessing that he had murdered Armand and Juventiino Lopez Velasco. Though Petitioner later recanted the confession, he was convicted of murder largely on that evidence, and is currently detained and serving sentence.

Action Taken: The Commission resolved that the Mexican State violated Arts. 1(1), 5, 7, 8, 10, 25 of the Convention.

MEXICO: Rolando and Anastasio Arteaga Perez. Case 11.543, Inter-Am. CHR No.1/98

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Members of the State Judicial Police and unidentified armed forcibly entered and searched houses in Petitioners' village, including that of Petitioners. The unidentified gunmen then inflicted gunshot wounds on the Petitioners and kidnapped them. Petitioners' bodies were later found, exhibiting clear signs of torture.

Action Taken: The Commission resolved that the Mexican State violated Arts. 1, 4, 5, 7, 8, and 25.

MEXICO: Tomas Porfirio Rondin, "AGUAS BLANCAS" Case 11.520, Inter-Am. CHR No. 49/97

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: Members of the Judicial Police of Guerrero detained and forced members of the Rural Organization of Southern Sierra off their truck at the Vado de Aguas Blancas. A second truck arrived with more members who were told to disembark the truck, but were summarily shot and seventeen of them were executed without cause or provocation. The police officers then put weapons in the hands of the victims to conceal the events. Petitioners contended that the investigation took a long time and that some serious irregularities occurred. The State contended that domestic remedies were not exhausted and were exercising their adequate domestic remedies.

Action Taken: The Commission concluded that the Mexican State violated Arts. 2, 5, 8, 11, and 25 of all members, and Art. 4 with regard to those seventeen arbitrarily deprived of life under the Convention.

MEXICO: Severiano & Hermelindo Santiz Gomez, Case 11.411, Inter-Am. CHR No. 48/97

Complaint: Arts. 1, 4, 5, 7, 8, 25

Summary of the Case: Mexican Army agents forcefully entered an Indian community in the municipality of Altamirano, in Chiapas State. Said agents burst into houses, beat the men they found there, dragged them out to a basketball court behind a Church and detained the men face down in the cement. The soldiers looted the houses and shops in the town and destroyed the health care center. The agents then proceeded to separate three of the inhabitants from the group,

and proceeded to torture and eventually execute those three. Their bodies were found one month later along a road leading from the town.

Action Taken: The Commission concluded that the Mexican State violated Arts. 1(1), 4, 5, 8, and 25.

MEXICO: Jose Francisco Gallardo, Case 11.430, Inter-Am. CHR No. 43/96

Complaint: Arts. 1, 5, 7, 8, 11, 13, 25

Summary of the Case: the victim has been the recipient of threats, harassment and intimidation by Government agents, was subject to arbitrary detention and imprisonment based on false accusations, and has been the victim of a defamation campaign.

Action Taken: The Commission found violations of Arts. 1, 5, 7, 8, 11, and 25. The government failed to respect and guarantee the victim's rights through his detention and continued submission to numerous unfounded and unjust preliminary inquiries and criminal cases. The government has violated his rights by making statements blaming him for actions not proven. Among the victim's rights that were violated are the rights to liberty, honor and dignity, humane treatment, freedom of thought and expression, and the right to fair hearing and judicial protection..

13. NICARAGUA: Arges Sequeira Mangas, Case 11.218, Inter-Am. CHR No. 52/97

Complaint: Arts. 1, 2, 4, 5, 8, 25

Summary of the Case: Mr. Sequeira Mangas, President of the National Association of Property Seizure Victims and member of the board of directors of the Supreme Private Enterprise Council was murdered by unknown persons; the responsibility for the murder was claimed by an armed group, the Punitive Forces of the Left.

Action Taken: The Commission found the Nicaraguan state liable for violating the right to life, the right to a fair trial, and the right to judicial protection of Mr. Sequeira Mangas. The Commission recommended that the State punish the amnesty granted to those responsible and that it undertake a full investigation to bring to trial the police authorities who failed to carry out the arrest orders issued by the Judiciary. The Commission recommended that the Nicaraguan state pay compensation to the victims relatives.

14. PANAMA: Jueces de Chiriqui, Case 10.026, Inter-Am. CHR No.

28/94

Complaint: Arts. 8, 25

Summary of the Case: Judges were dismissed without due process; the Municipal Court judge for refusing to rule on a case as directed by the President of the Superior Court and the Circuit Court judges for refusing to summarily fire the Municipal Court judge. These dismissals also contravened the independence of the judiciary, the irremovability without due cause, and the sacred privilege of maternity.

Action Taken: The Commission found a violation of Arts. 8, 23, and 25. The suspension of the guarantees of tenure and independence left the judges without the guarantees of Arts. 8, 23 and 25. The firing of the judges constituted violations of the right to judicial guarantees (Art. 8) and to have equal access to public service (Art. 23.1). The Commission recommended that the state reinstate the judges, compensate each of them for economic and professional harm, and continue to pursue the reestablishment and safeguarding of the independence of the judiciary.

15. PERU: Walter Vásquez Vejarano, Case 11.166, Inter-Am. CHR No. 48/00

Complaint: Arts. 8, 9, 23, 25

Summary of the Case: Human rights violation occurring when petitioner and twelve other justices were removed from their posts as justices or magistrates of Peru's Supreme Court of Justice.

Action Taken: The Commission found that Arts. 8, 9, 23, 24, and 25 were violated. The Commission concluded that the issuance of the Decree-Law 25.423 that caused the removal of the petitioner, together with twelve other justices of Peru's Supreme Court of Justice is in violation of: the right to judicial guarantees (Art. 8) where the basic guarantees of due process and the right of all other people of Peru to an independent and impartial judiciary was denied; the right to judicial protection (Art. 25) where access was denied to a simple and prompt remedy that would have protected petitioner from his removal; political rights (Art. 23) where the disregard of the requisites and procedures legally established deprived petitioner to have access, under general conditions of equality, to the public service of his country; the principle of legality and freedom from ex post facto laws (Art. 9) as petitioner was not removed from office on legitimate ground provided for in the law; and the right to equal protection un-

der the law (Art. 24). The Commission recommended that the State provide appropriate compensation to petitioner for moral and material damages and reinstate petitioner to his position as Justice of the Supreme Court of Peru along with all compensation related to his salary and financial benefits.

PERU: Manuel Pacotaype Chaupin, Case 10.908, Inter-Am. CHR No. 47/00

Complaint: Arts. 1(1), 3, 4, 5, 7, 25

Summary of the Case: Human rights violation occurring when petitioners were detained and subsequently disappeared.

Action Taken: The Commission found that Arts. 1, 3, 4, 5, 7, 25 were violated by the State. The Commission concluded that the Peruvian State was responsible for violations of the right to liberty (Art. 7) by illegally and arbitrarily detaining the petitioners and violating their recourse to a competent judge or court that would rule on the lawfulness of their arrest. The petitioner's right to humane treatment (Art. 5) was violated, as shown by presumptive evidence that the petitioners were defenseless as a result being denied and prevented from exercising their rights. The Commission found that the armed forces tortured the victims with a view of extracting information about subversive groups or units. The Commission found also that the right to life (Art. 4) was violated as shown by presumptive evidence that the petitioners are dead given that nine years have elapsed since the petitioners' detention and disappearance. The right to judicial personality (Art. 3) was violated by excluding the petitioners from the legal and institutional framework due to their forced disappearance and the right to an effective judicial remedy (Art. 25) was violated by failing to comply with its obligation to investigate the facts of this case and initiate judicial proceedings. In addition, the Peruvian State had breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore, violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7, 8 and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State carry out an exhaustive and impartial investigation to determine the forced disappearance of the petitioners and punish the persons responsible for the disappearance. The Commission also recommended that the state void any domestic measures that impede investigation, prose-

cution and punishment of the persons responsible for the detention and forced disappearance of the petitioners, and grant timely and adequate reparation for the violations to the family members of the petitioners.

PERU: Manual Monago Carhuaricra and Eleazar Monago Laura, Case 10.826, Inter-Am. CHR No. 45/00

Complaint: Arts. 1(1), 5, 7, 8

Summary of the Case: On September 9, 1990, a father and son were taken from their home and detained by the military. Both men have since disappeared.

Action Taken: The Commission has found that Arts. 3, 4, 5, 7, 8 were violated.

The Commission concluded that the State, through members of the Peruvian Army, detained the victim and the victim had later disappeared at the hands of the force. The State is responsible for violations of the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Americo Zavala Martinez, Case 10.820, Inter-Am. CHR No. 44/00

Complaint: Arts. 7, 5, 4, 3, 25

Summary of the Case: On March 31, 1990, Martinez was detained by members of the military and has since disappeared.

Action Taken: The Commission found that Arts. 3, 4, 5, 7, and 25 were violated. The State claims that Martinez was detained for hanging subversive posters but was released three days later when it was determined he would not be implicated in subversive activities. The petitioners alleged Martinez had not been seen since he was detained. Considering, in part, that there was a state practice of disappearances during 1989-1993, the Commission concluded that the State detained Martínez and was responsible for his disappearance. Consequently, the State violated Martinez's right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Alcides Sandoval Flores, *et al.*, Case 10.670, Inter-Am. CHR No. 43/00

Complaint: Arts. 5, 7, 8

Summary of the Case: On January 25, 1990, three Flores brothers were detained with four other persons by members of the Army, and all three men have not been seen since.

Action Taken: The Commission found that the State violated Arts. 1, 4, 5, 7, 8, and 25.

PERU: Romer Morales Zegarra *et al.*, Case 10.827, 11.984, Inter-Am. CHR No. 57/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners were arbitrarily arrested in their homes by armed forces and subsequently disappeared.

Action Taken: The Commission declared that the State violated Arts. 1(1), 3, 4, 5, 7, and 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners. The Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents, excluding petitioners from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25).

In addition, the Peruvian State breached two obligations (Art. 1(1)): Failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention; and failing to ensure free and full exercise of the rights and freedoms recognized under the Convention.

The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappear-

ance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: Juan De La Cruz Núñez Santana *et al.*, Case 10.815, 10.905, 10.981, 10.995, 11.042, 11.136, Inter-Am. CHR No. 55/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners are arbitrarily arrested: after getting off a motorboat; on a bus; in the house; and or while returning home on his motorcycle, and subsequently causing them to disappear.

Action Taken: The Commission concluded that the State had violated Arts. 1(1), 3, 4, 5, 7, and 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners. Therefore the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then “disappeared” by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead – given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and the right to recourse to a competent judge or court that will rule on the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: William León Laurente *et al.*, Case 10.807, 10.808, 10.809, 10.810, 10.879, 11.307, Inter-Am. CHR No. 54/99

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners are arbitrarily arrested: during the illegal entry into the house, while being beaten in the street outside of the petitioner's house; while leaving the offices of a corporation; while being beaten on the way back from the inscription as candidates in the municipal bye-elections; after declaring at a neighborhood bar, that the petitioner was going to lodge a complaint against the military for having tortured him, and subsequently causing them to disappear.

Action Taken: The Commission declared that the State violated Arts. 1(1), 3, 4, 5, 7, and 25. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners. Therefore the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then "disappeared" by State agents, they were excluded from the legal and institutional framework of the State; violating the right to life (Art. 4) when sufficient evidence supports the presumption that the petitioners are dead - given that seven years have elapsed since their detention and disappearance; violating the right to humane treatment (Art. 5) since this right is implicit in the forced disappearance of the petitioners; violating the right to personal liberty, security and the right to recourse to a competent judge or court that will rule on the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25).

In addition, the Peruvian State has breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and grant appropriate

reparations to the relatives of the petitioners.

PERU: David Palomiro Morales *et al.*, Case 10.551, Case 10.803, Case 10.821, Case 10.906, Case 11.180, Case 11.322, Inter-Am. CHR No. 53/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Government Military forces arrested all named parties supposedly for not participating in civil self-defense patrols, and were taken away by said forces to a military base. The Military forces denied making the arrests to petitioners' families, and the parties' whereabouts being unknown, are considered disappeared. The Government denies that the victims have been arrested by either the Armed Forces or by the National Police Force. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 3, 4, 5, 7, and 25 of the Convention.

PERU: Raul Zevallos Loyaza, Victor Padilla Lujan and Nazario Taype Humant, Case 10.544, Case 10.745, Case 11.098, Inter-Am. CHR No. 52/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the Armed Forces intercepted Raul on his way home. He was arrested and transferred to a Military Base. Five days later, Victor and Nazario were arrested in public by members of the Armed Forces and taken to the same military base. The victims, never having been seen again, are considered disappeared persons. The Government now denies that the victims have been arrested by members of the Armed Forces. The OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 3, 4, 5, 7, and 25 of the Convention.

PERU: Anetro Castillo Pezo *et al.*, Case 10.471, Case 10.955, Case 11.066, Case 11.014, Case 11.067, Case 11.070, Case 11.163, Inter-Am. CHR No. 51/99

Complaint: Arts. 3, 4, 5, 7, 25

Summary of the Case: Members of the Armed Forces moved into Petitioners' village by vehicles and helicopters, causing general destruction, and arresting the 12 Petitioners, who were then taken away by helicopter and never seen again. No reason was given for the arrests. The State maintained that it did not arrest the victims. The

OAS has declared forced disappearances a crime against humanity.

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 3, 4, 5, 7, and 25 of the Convention.

PERU: Rodolfo Robles Espinoza and Sons, Case 11.317, Inter-Am. CHR No. 20/99

Complaint: Arts. 1(1), 7, 8, 11, 13, 25

Summary of the Case: At the hands of the Armed Forces, Petitioner, an Army General, was subject to reprisal through criminal prosecutions, a campaign against his good name, reprisals through disciplinary measures, and an abduction from which he was later released. His sons were also the victims of reprisals through disciplinary measures. These hostile acts were undertaken against him and his family in retaliation for reporting on "death squads" set up by the Peruvian National Intelligence Service (NIN).

Action Taken: The Commission resolved that the Government of Peru had violated Arts. 1(1), 7, 8, 11, 13, and 25 of the Convention. The Commission concluded that the State, through members of the armed forces, detained the Flores brothers, did not release them and their whereabouts are now unknown as they have disappeared. The State is, therefore, responsible for violating the right to liberty (Art. 7), the right to humane treatment (Art. 5), the right to life (Art. 4), the right to juridical personality (Art. 3), and the right to an effective judicial remedy (Art. 25).

PERU: Eudalio Lorenzo Manrique *et al.*, Case 10.824, 11.044, 11.124, 11.125, 11.175, Inter-Am. CHR No. 56/98

Complaint: Art. 4 and other rights established in the Convention

Summary of the Case: Human rights violation occurring when petitioners are arbitrarily arrested: during illegal entry and search of house; with violence in house; at gunpoint in house; and/or while returning home from the market and subsequently causing them to disappear.

Action Taken: The Commission ruled that Arts. 1(1), 3, 4, 5, 7, and 25 were violated by the State. The Commission concluded that the Peruvian Army proceeded to illegally detain and bring about the disappearance of the petitioners for which reason the Peruvian State is responsible for: violating the right to jurisdictional personality (Art. 3) when petitioners were detained and then "disappeared" by State agents, excluding them from the legal and institutional framework of

the State; violating the right to life (Art. 4) when sufficient evidence support the presumption that the petitioners are dead given that seven years have elapsed since their detention and disappearance; violating the right to personal liberty, security and right to recourse to a competent judge or court that will rule on the lawfulness of their arrest (Art. 7) when the petitioners were arbitrarily imprisoned; and violating the right to judicial protection (Art. 25). In addition, the Peruvian State has breached two obligations (Art. 1(1)): 1) failing to take responsibility for the acts of its agents of public authority, and therefore violating the rights of those petitioners in relation to Arts. 3, 4, 5, 7 and 25 of the Convention and 2) failing to ensure free and full exercise of the rights and freedoms recognized under the Convention. The Commission recommended that the State: initiate a serious and impartial investigation of the facts in order to establish the whereabouts of the petitioners; identify and punish those responsible for the detention and disappearance of the petitioners; suspend any domestic measures designed to hinder the investigation, indictment and punishment of those responsible for the detention and disappearance of the petitioners; and to grant appropriate reparations to the relatives of the petitioners.

PERU: Camilo Alarcón Espinoza et al, Cases 10.941, 10.942, 10.944, 10.945, Inter-Am. CHR No. 40/97

Complaint: Arts. 4, 5, 7, 8, 25

Summary of the Case: Mr. Alarcón Espinoza was detained and disappeared by members of the Peruvian army.

Action Taken: The Commission found that the Peruvian state was responsible for violating the right to juridical personality, the right to life, the right to humane treatment, the right to liberty, the right to due process, and the right to an effective judicial remedy. The Commission recommended that the Peruvian State investigate the case in order to determine the victims whereabouts. In addition, the commission recommended that the State declare Laws No. 26.479 and No. 26.492 to be without force, and that it compensate the relatives of the victims.

PERU: Martín Javier Roca Casas, Case 11.233, Inter-Am. CHR No. 39/97

Complaint: Arts. 4, 5, 7, 8, 25

Summary of the Case: Mr. Roca Casas departed on October 5,

1993 and has not been seen or heard of since. He is considered "disappeared." The Petitioner alleged that the State was responsible for Mr. Casas' disappearance.

Action Taken: The Commission found that when the Peruvian Navy detained Mr. Roca Casas, the Peruvian State became responsible for violating the right to life (Art. 4), the right to humane treatment (Art. 5), the right to personal liberty (Art. 25), and the obligation to respect and ensure the exercise of these rights pursuant to Art. 1.1 of the American Convention.

PERU: Hugo Bestios Saavedra, Case 10.548, Inter-Am. CHR No. 38/97

Complaint: Arts. 1.1, 4.1, 5, 13.1, 25

Summary of the Case: Mr. Bustíos Saavedra, a journalist, was killed by members of the Peruvian military patrol while he and another journalist were investigating the murders of two residents of Ayacucho.

Action Taken: The Commission found that the State of Peru violated the rights to life, freedom of expression, and judicial protection of Mr. Bustíos Saavedra. The Commission also found that the Peruvian State was responsible for violating the rights to personal integrity, freedom of expression, and judicial protection of Mr. Rojas Arce, the journalist working with Mr. Bustíos Saavedra. The Peruvian State also violated Art. 3 of the Geneva Convention. The Commission recommended that the State carry out a full investigation of the facts, adopt full reparations, and guarantee journalists the necessary protection in order to avoid similar occurrences.

PERU: Raquel Martin de Mejia, Case 10.970, Inter-Am. CHR No. 5/96

Complaint: Arts. 1, 4, 5, 7, 11, 25

Summary of the Case: In 1989 petitioner's husband was arbitrarily arrested by the military, tortured and executed. Petitioner was raped by the same military personnel that arrested her husband. She filed a criminal charge with the local office of the Attorney General and the case was subsequently transferred to a military court who ordered that action on the case be halted before any charges or investigation were even initiated. The local prosecutor filed charges in 1991, but no real action was taken in the investigation. Petitioner has also been charged with being a member and supporting subversive groups.

However, she presented evidence that these allegations are unfounded.

Action Taken: The Commission found a violation of Arts. 1, 5, 8, 11, and 25. The State argued the inadmissibility of the case, but did not present any evidence on the merits. As such, the Commission was required to interpret the silence as an acknowledgment of the truth of the allegations. The Commission looked at the requirements laid out under the Inter-American Convention to Prevent and Punish Torture and found that the rape of petitioner satisfied all three elements and was a violation of Petitioner's right to humane treatment (Art. 5), as well as a violation of her personal dignity (Art. 11). From a finding of these violations the Commission also inferred a violation of the State's obligation to respect these rights (Art. 1). The Government's failure to give the petitioner access to such rights constituted a violation of her right to an effective recourse and to judicial protection (Art. 25). The institution of proceedings against petitioner for terrorism without any evidence constituted a violation of Petitioner's right to be heard by an impartial tribunal and to the presumption of innocence (Art. 8).

PERU: Chumbivilcas, Case 10.559, Inter-Am. CHR No. 1-96

Complaint: Arts. 1, 4, 5, 7, 25; Art. I of the Declaration

Summary of the Case: The Petition alleged that over 21 people from the Chumbivilcas province were executed, tortured and/or disappeared between April 20 and April 30, 1990 by members of the Peruvian Army.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 7, 8, and 25. The right to life was a fundamental right, and if it is not respected by the government then the entire human rights system breaks down (Art. 1) and this right cannot be suspended under any circumstances (Art. 27). Torture followed by arbitrary executions carried out by members of the Army patrol constitute a clear violation of the right to life and humane treatment (Arts. 4 & 5) and thus implies a failure of the government to carry out its obligations to respect and guarantee all the rights in the Convention (Art. 1). The arbitrary and unjustified arrests of defenseless persons, and the subsequent denial that these events occurred constitutes a violation of the right to personal liberty (Art. 7) and humane treatment (Art. 5) and due process (Art. 8). The information held by the Commission demonstrates that enough proof was compiled to demonstrate that the

Army patrol was responsible for the acts that violated the fundamental rights of the people in Chumbivilcas, and the military authorities were obliged to identify those responsible so that they could be turned over to the judicial authorities. Instead of carrying out an investigation the authorities denied the occurrence of these events, in violation of the right to judicial protection (Art. 25).

16. UNITED STATES: Coard *et al.*, Case 10.951, Inter-Am. CHR No. 109/99

Complaint: Arts. 1, 2, 17, 18, 25, 26

Summary of the Case: Human rights violation occurring when petitioners, on behalf of seventeen claimants were detained and mistreated by military forces and subsequently deprived of their right to a fair trial.

Action Taken: A violation of Arts. 1, 17, and 25 were found by the Commission. The Commission concluded that the petitioners were not afforded access to a review of the legality of their detention with the least possible delay and therefore the State violated Arts. 1, 17 and 25 of the Declaration. The Commission recommended that the State: conduct an investigation of the facts in order to determine and attribute responsibility to those accountable for violations and review its practices and procedures in order to ensure adequate safeguards for detained civilian against armed forces.

17. VENEZUELA: Reinaldo Figueredo Planchart, Case 11.298, Inter-Am. CHR No. 50/00

Complaint: Arts. 5(1), (2) (b), (d), (f), (h), (4), (5), 8(1), 25(1)

Summary of the Case: Human rights violation occurring during the investigations and prosecution of petitioner for the crimes of misappropriation and embezzlement of funds.

Action Taken: The Commission found that Arts. 8(1), 8(2)(b), (d), (f), (h), 8(5), and 25(1) had been violated. The Commission concluded that the petitioner violated petitioner's right to due process and access to domestic remedies (Arts. 8 and 25) including: his right to a hearing by a competent tribunal with guarantees of the right of defense and access to domestic remedies (Arts. 8(1), 8(2), (d), and 25(1)); his right to be presumed innocent (Art. 8(2)); his right to prior notification in detail of the charges, right of the defense to examine eye witnesses, and the right of the parties to proceedings with full equality (Art. 8(2)(b)(f)); his right to appeal the judgment to a

higher court (Art. 8(2)(h)); his right to a public proceeding (Art. 8(5)) and his right to an impartial tribunal (Art. 8(1)). The Commission recommends the State to vacate the prosecution of petitioner, rescind the warrant issued for the arrest, and grant him a new trial with full guarantees of due process.

VENEZUELA: Eleazar Ramón Mavares, Case 11.068, Inter-Am. CHR No. 49/96

Complaint: Arts. 4, 5, 8, 25

Summary of the Case: The Petition alleged that Mr. Ramón Mavares was killed by members of the Metropolitan Police of the Federal District of Caracas.

Action Taken: The Commission found the State of Venezuela responsible for violating the right to life, personal integrity, judicial guarantees, and judicial protection and for violating Art. 27.2 of the Convention, which provides that suspension of constitutional guarantees does not authorize the suspension of fundamental rights; the Commission recommended that the State conduct a full investigation to punish those responsible, that it discipline the members of the security force involved in this case, that it initiate an inquiry to determine the identification of the victims body and clarify the cause of death, and that it pay indemnity to the victims family.

Z. Article 26 – Progressive Development

AA. Article 27 – Suspension of Guarantees

1. PERU:Chumbivilcas, Case 10.559, Inter-Am. CHR No. 1/96

Complaint: Arts. 1, 4, 5, 7, 25; Art. I of the Declaration

Summary of the Case: The Petition alleged that a group of over twenty-one people from the Chumbivilcas province were executed, tortured and/or disappeared between April 20 and April 30, 1990 by members of the Peruvian Army.

Action Taken: The Commission found a violation of Arts. 1, 4, 5, 7, 8, and 25. The right to life was a fundamental right, and if it is not respected by the government authorities then the entire system of human rights breaks down (Art. 1) and this right cannot be suspended under any circumstances (Art. 27). Torture followed by arbitrary executions carried out by members of the Army patrol constitutes a clear violation of the right to life and humane treatment

(Arts. 4 & 5), and thus implies a failure of the Government to carry out its obligations to respect and guarantee all the rights in the Convention (Art. 1). The arbitrary arrests carried out of defenseless persons without any justification, and the subsequent denial that these events occurred constitutes a violation of the right to personal liberty (Art. 7) and humane treatment (Art. 5) and due process (Art. 8). The information held by the Commission demonstrates that enough proof was compiled to demonstrate that the Army patrol was responsible for the acts that violated the fundamental rights of the people in Chumbivilcas, and the military authorities were obliged to identify those responsible so that they could be turned over to the judicial authorities. Instead of carrying out an investigation the authorities denied the occurrence of these events, in violation of the right to judicial protection (Art. 25).

BB. Article 28 – Federal Clause

CC. Article 46

DD. Article 47

EE. Article 48

FF. Article 49

VI. VIOLATIONS OF THE AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN

A. Article I – Right to Life, Liberty, and Personal Security

1. BRAZIL: Alonso Eugenio da Silva, Case 11.598, Inter-Am. CHR No. 9/00

Complaint: Arts. 8, 25; Arts. I, XVIII, XXV, XXVI of the Declaration

Summary of the Case: On March 8, 1992, Alonso Eugenio da Silva, a sixteen year-old, was shot and killed by a military policeman of the State of Rio de Janeiro in a restaurant, during an attempted arrest for an alleged robbery. Three and a half years after the death, police inquiry into the events had not concluded, resulting in the exhaustion of domestic remedies.

Action Taken: The Commission found that the petitioner exhausted domestic remedies and held the acts in question were a violation of the right to life, to fair trial, to protection against arbitrary arrest, to due process, and to judicial protection. The Commission recommended a complete investigation, trial and conviction of responsible parties, and compensation to the relatives of the victim.

BRAZIL: Ovelario Tames, Case 11.516, Inter-Am. CHR No. 60/99

Complaint: Arts. 1, 8, 25

Summary of the Case: The complaint alleged that Mr. Tames, a Macuxi Indian, was arrested and assaulted by police on October 23, 1988. He died the next day of injuries from the assaults. Six police officers were in the station and were summoned for investigation. Eight years past and the government had still not held hearings as to the guilt of the officers. The Attorney General concluded that the statute of limitations had tolled on the crime and that the record concluded nothing of evidence as against other officers. The autopsy report concluded that Mr. Tames died from injuries to the head.

Action Taken: The Commission declared that the Federal Republic of Brazil is responsible for the violation of the rights to life, liberty, and personal security, to a fair trial, and to protection from arbitrary arrest of the American Declaration on the Rights and Duties of Man, and to a fair trial and judicial protection and of the obligation of the State to respect the rights established in the American Convention. The Commission recommended that Brazil open serious, impartial and effective investigation. Investigators should focus on analysis of acts of omission, negligence, and obstructions of justice. Additionally, reparations should be made to family members.

BRAZIL: João Canuto de Oliveira, Case 11.287, Inter-Am. CHR No. 24/98

Complaint: Arts. 8 and 25

Summary of the Case: The Petitioner alleged the State was responsible for the death of Mr. Canuto de Oliveira. Mr. Canuto de Oliveira was president of the Río María del Sur when he and his two sons were assassinated by two gunmen.

Action Taken: The Commission declared the Brazilian State responsible for violating the rights to life, freedom, and personal and safety; the rights to judicial guarantees (Art. 8) and judicial protection (Art. 25); and the right to justice (Arts. 1 and XXVIII of the

American Declaration).

2. CHILE: Carmelo Soria Espinoza, Case 11.725, Inter-Am. CHR No. 133/99

Complaint: Arts. 8, 25, and 32; Art. I of the Declaration

Summary of the Case: On July 14, 1976, Carmelo Soria Espinoza, chief of the editorial and publications section of the Latin American Demographic Center (CELADE) was leaving work and was kidnapped by security agents of the *Dirección de Inteligencia Nacional*. He was murdered and his body and car were left in a stream. Although the agents responsible were identified, criminal prosecution was dismissed under the self-amnesty law. The petition of the victim's family alleged the violation of their right to justice.

Action Taken: The Commission found that it had jurisdiction to hear the case. Based on the facts, the commission concluded that the Chilean State violated Art. I of the Declaration and Arts. 1, 8, 25, 32 of the Convention.

3. CUBA: Armando Alejandro, Jr. et. al., Case 11.589, Inter-Am. CHR No. 86/99

Complaint: Arts. I, and XVIII of the Declaration

Summary of the Case: A Cuban military plane was shot down. In addition, two US-registered private airplanes were shot down in international airspace. The attacks were allegedly without warning.

Action Taken: The Commission found Cuba acted in violation of Arts. I and XVIII of the Declaration. Cuba's action constituted a violation of international aviation law. International aviation law requires that military aircraft warn or guide the civilian aircraft out of a restricted or dangerous area before using lethal force. Failure to take such action, as in the case at hand, violated the right to life enshrined in Art. I of the Declaration. Cuba's failure to conduct an investigation into the incident with a view toward prosecuting and punishing perpetrators violated the victims' relatives' right to a fair trial as required by Art. XVIII. The Commission recommended that Cuba investigate the incidents, prosecute the individuals responsible for the violation, and compensate the victims' direct relatives.

CUBA: Victims of the Tugboat 13 de Marzo, Case 11.436, Inter-Am. CHR No. 47/96

Complaint: Arts. I, VIII, XVIII of the Declaration

Summary of the Case: The Tugboat 13 de Marzo was attacked by

boats of the Cuban Government using pressurized water, and sunk, while trying to flee Cuba with seventy-two people on board. Forty-one persons were killed including ten minors.

Action Taken: The commission found violation of Arts. I, VIII, and XVIII. In order to establish the international liability of the Cuban state the Commission must find that: 1) an act or omission exists which violates an obligation established by a rule of current international law; and 2) the illegal act is imputable to the state; and 3) damage or harm occurred as a result of the illegal act. As all three of the above criteria were established, the Cuban state was found responsible for violating the right to life (Art. I) of the forty-one people who died; the right to personal integrity of the surviving victims (Art. I); and the right to freedom of movement (Art. VIII) and the right to fair trial (Art. XVIII) of those persons who tried to flee. The Commission recommended that the Cuban State conduct an investigation to identify and punish those responsible, to recover the sunken boat and return the remains of the victims to their families, and to compensate the surviving victims and the families of those who were killed.

4. UNITED STATES: William Andrews, Case 11.139, Inter-Am. CHR No. 57/96

Complaint: Arts. 3, 44 of the OAS Charter; Arts. I, II, XXVI of the Declaration

Summary of the Case: Mr. Andrews was convicted on three counts of first degree murder and two counts of aggravated robbery in the State of Utah. Subsequently, he was sentenced to death on all three counts by the same jury which convicted him.

Action Taken: The Commission held that the United States violated Mr. Andrews right to life, right to equality at law, right to an impartial hearing, and the right not to receive cruel, infamous, or unusual punishment. The Commission recommended that the United States provide adequate compensation to Mr. Andrews next of kin for the violations committed against him.

UNITED STATES: Haitian Interdiction, Case 10.675, Inter-Am. CHR No. 51/96

Complaint: Arts. I, II, XVII, XVIII, XXIV, XXVII of the Declaration, and other international treaty and customary law

Summary of the Case: Haitian boat people were interdicted and

returned to Haiti where they were subject to persecution by the local authorities

Action Taken: The Commission found a violation of Arts. I, II, XVIII, and XXVII of the Declaration. The United States violated the right to life, liberty, and the right to security of the person. The Commission also found a violation of the right to equality before the law, where others are not only not interdicted but are welcomed to the US and where the Haitians were not even granted a hearing (Art. II). Moreover, violations were found of the right to resort to other courts to ensure respect for legal rights (Art. XVIII); and the right to seek and receive asylum (Art. XXVII); in addition to adequate compensation for the individuals harmed.

B. Article II – Right to Equality Before Law

1. UNITED STATES: William Andrews, Case 11.139, Inter-Am. CHR No. 57/96

Complaint: Arts. 3, 44 of the OAS Charter; Arts. I, II, XXVI of the Declaration

Summary of the Case: Mr. Andrews was convicted on three counts of first degree murder and two counts of aggravated robbery in the State of Utah, where he was subsequently sentenced to death on all three counts by the same jury which convicted him.

Action Taken: The Commission held that the United States violated Mr. Andrew's right to life, right to equality at law, right to an impartial hearing, and the right not to receive cruel, infamous, or unusual punishment; the Commission recommended that the United States provide adequate compensation to Mr. Andrews next of kin for the violations committed against him.

UNITED STATES: Haitian Interdiction, Case 10.675, Inter-Am. CHR No. 51/96

Complaint: Arts. I, II, XVII, XVIII, XXIV, XXVII of the Declaration, and other international treaty and customary law

Summary of the Case: Haitian boat people were interdicted and returned to Haiti where they were subject to persecution by the local authorities

Action Taken: The Commission found a violation of Arts. I, II, XVIII, and XXVII of the American Declaration. The United States has violated the right to life, liberty, security of the person where in-

dividuals were returned to Haiti with a complete disregard as to their safety (Art. I). The Commission also found a violation of the right to equality before the law, where others are not only not interdicted but are welcomed to the US and where the Haitians were not even granted a hearing (Art. II). Moreover, the commission found a violation of the right to resort to other courts to ensure respect for legal rights (Art. XVIII); and the right to seek and receive asylum (Art. XXVII). Additionally, the Commission held that adequate compensation must be provided to the individuals harmed.

C. Article III – Right Freely to Profess a Religious Faith

D. Article IV – Right to Freedom of Investigation, Opinion, Expression, and Dissemination

E. Article V – Right to Freedom of Religion

F. Article VI – Right to a Family and the Protection Thereof

G. Article VII – Right to Protection for Mothers and Children

H. Article VIII – Right to Residence and Movement

1. CUBA: Victims of the Tugboat 13 de Marzo, Case 11.436, Inter-Am. CHR No. 47/96

Complaint: Arts. I, VIII, XVIII of the Declaration

Summary of the Case: The Tugboat 13 de Marzo was attacked by boats of the Cuban Government using pressurized water, and sunk, while trying to flee Cuba with seventy-two people on board. Forty one persons were killed including ten minors.

Action Taken: The commission found a violation of Arts. I, VIII, and XVIII. In order to establish the international liability of the Cuban state the Commission must find that 1) an act or omission exists which violates an obligation established by a rule of current international law; 2) the illegal act is imputable to the state; and 3) the damage or harm occurred as a result of the illegal act. As all three of the above were established, the Cuban state was found responsible for violating the right to life (Art. I) of the 41 people who died; the right to personal integrity of the surviving victims (Art. I); and the right to freedom of movement (Art. VIII) and to fair trial (Art. XVIII) of

those persons who tried to flee. The Commission recommended that the Cuban State conduct an investigation in order to identify and punish those responsible, to recover the sunken boat and return the remains of the victims to their families, as well as to compensate the surviving victims and the families of those who were killed.

I. Article IX – Right to the Inviolability of the Home

*J. Article X – Right to the Inviolability and Transmission
Correspondence*

K. Article XI – Right to the Preservation of Health and to Well-Being

L. Article XII – Right to Education

M. Article XIII – Right to Take Part in Cultural Life

N. Article XIV – Right to Work and to Fair Remuneration

O. Article XV – Right to Leisure Time and to the use thereof

P. Article XVI – Right to Social Security

*Q. Article XVII – Right to Personal Recognition and to Basic Civil
Rights*

R. Article XVIII – Right to a Fair Trial

1. BRAZIL: Alonso Eugenio da Silva, Case 11.598, Inter-Am. CHR No. 9/00

Complaint: Arts. 8, 25; Arts. I, XVIII, XXV, XXVI of the Declaration

Summary of the Case: On March 8, 1992, a military policeman of the State of Rio de Janeiro shot and killed sixteen year-old Alonso Eugenio da Silva in a restaurant during an attempted arrest for an alleged robbery. Three and a half years after the killing, the police inquiry into the case had not concluded, resulting in the exhaustion of domestic remedies.

Action Taken: The Commission found that the Petitioner exhausted domestic remedies and held the acts in question were a vio-

lation of the right to life, fair trial, protection against arbitrary arrest, due process, and judicial protection. The Commission recommended a complete investigation, trial and conviction of responsible parties, and compensation to the relatives of the victim.

BRAZIL: Ovelario Tames, Case 11.516, Inter-Am. CHR No. 60/99

Complaint: Arts. 1, 8, 25

Summary of the Case: The complaint alleged that the police arrested and assaulted Mr. Tames, a Macuxi Indian, on October 23, 1988. He died the next day of injuries resulting from the assault of six police officers in the station, all six were summoned for investigation. Eight years past and the government still had not held hearings as to the guilt of the officers. The Attorney General concluded that the statute of limitations had tolled on the crime and that the record contained no evidence against the officers. The autopsy report concluded that Mr. Tames died from injuries to the head.

Action Taken: The Commission declared that the Federal Republic of Brazil is responsible for the violation of the rights to life, liberty, and personal security, and the right to a fair trial, to protection from arbitrary arrest of the American Declaration on the Rights and Duties of Man, to judicial protection and to the obligation of the State to respect the rights established in the American Convention. The Commission recommended that Brazil open serious, impartial and effective investigation into the facts. Analysis of the acts of omission, negligence, and obstructions of justice should be focused on by the investigators and reparations should be made to family members.

2. CUBA: Armando Alejandro, Jr. et. al., Case 11.589, Inter-Am. CHR No. 86/99

Complaint: Arts. I, and XVIII of the Declaration

Summary of the Case: A Cuban military plane, allegedly without warning, shot down two United States registered private planes carrying pilots and passengers in international airspace.

Action Taken: The Commission found Cuba acted in violation of Arts. I and XVIII of the Declaration. Cuba's violation of international aviation law, which requires military aircraft to warn or guide the civilian aircraft out of a restricted or dangerous area before using lethal force, violated the right to life enshrined in Art. 1 of the Declaration. Cuba's failure to conduct an investigation into the incident with a view toward prosecuting and punishing perpetrators further

violated the victims' relatives' right to a fair trial as required by Art. XVIII. The Commission recommended that Cuba investigate the incidents, prosecute the individuals responsible for the violation, and compensate the victims' direct relatives.

CUBA: Victims of the Tugboat 13 de Marzo, Case 11.436, Inter-Am. CHR No. 47/96

Complaint: Arts. I, VIII, XVIII of the Declaration

Summary of the Case: Cuban Government boats attacked a tugboat using pressurized water. The tugboat sank, while trying to flee Cuba with seventy-two people on board. Forty-one persons including ten minors were killed.

Action Taken: The Commission found violation of Arts. I, VIII, and XVIII. In order to establish the international liability of the Cuban State, the Commission must find that 1) an act or omission exists that violates an obligation established by a rule of current international law; 2) the illegal act is imputable to the state; and 3) damage or harm occurred as a result of the illegal act. All three of the above were established. The Cuban State was found responsible for violating the right to life (Art. I) of the forty-one people who died; the right to personal integrity of the surviving victims (Art. I); the right to freedom of movement (Art. VIII); and the right to fair trial (Art. XVIII) of those persons who tried to flee. The Commission recommended that the Cuban State conduct an investigation in order to identify and punish those responsible, to recover the sunken boat and return the remains of the victims to their families, and to compensate the surviving victims and the families of those who were killed.

3. UNITED STATES: Haitian Interdiction, Case 10.675, Inter-Am. CHR No. 51/96

Complaint: Arts. I, II, XVII, XVIII, XXIV, XXVII of the Declaration, and other international treaty and customary law

Summary of the Case: Haitian boat people were interdicted and returned to Haiti where they were subject to persecution by the local authorities

Action Taken: The Commission found a violation of Arts. I, II, XVIII, and XXVII of the Declaration. The United States violated the right to life, liberty, and security of the individuals returned to Haiti with complete disregard as to their safety (Art. I). Additionally, the United States violated the right to equality before the law, where oth-

ers are not only not interdicted but are welcomed to the US and where the Haitians were not even granted a hearing (Art. II); the right to resort to other courts to ensure respect for legal rights (Art. XVIII); and the right to seek and receive asylum (Art. XXVII). The United States must provide adequate compensation to the individuals harmed.

S. Article XIX – Right to Nationality

T. Article XX – Right to Participate in Government

U. Article XXI – Right of Assembly

V. Article XXII – Right of Association

W. Article XXIII – Right to Property

X. Article XXIV – Right to Petition

Y. Article XXV – Right of Protection from Arbitrary Arrest

1. BRAZIL: Alonso Eugenio da Silva, Case 11.598, Inter-Am. CHR No. 9/00

Complaint: Arts. 8, 25; Arts. I, XVIII, XXV, XXVI of the Declaration

Summary of the Case: On March 8, 1992, a military policeman of the State of Rio de Janeiro shot and killed sixteen year-old Alonso Eugenio da Silva in a restaurant during an attempted arrest for an alleged robbery. Three and a half years after the killing, the police inquiry into the case had not concluded, resulting in the exhaustion of domestic remedies.

Action Taken: The Commission found that the Petitioner exhausted domestic remedies and held the acts in question were a violation of the right to life, fair trial, protection against arbitrary arrest, due process, and judicial protection. The Commission recommended a complete investigation, trial and conviction of responsible parties, and compensation to the relatives of the victim.

BRAZIL: Ovelario Tames, Case 11.516, Inter-Am. CHR No. 60/99

Complaint: Arts. 1, 8, 25

Summary of the Case: The complaint alleged that the police arrested and assaulted Mr. Tames, a Macuxi Indian, on October 23, 1988. He died the next day of injuries resulting from the assault of six police officers in the station, all six were summoned for investigation. Eight years past and the government still had not held hearings as to the guilt of the officers. The Attorney General concluded that the statute of limitations had tolled on the crime and that the record contained no evidence against the officers. The autopsy report concluded that Mr. Tames died from injuries to the head.

Action Taken: The Commission declared that the Federal Republic of Brazil is responsible for the violation of the rights to life, liberty, and personal security, and the right to a fair trial, to protection from arbitrary arrest of the American Declaration on the Rights and Duties of Man, to judicial protection and to the obligation of the State to respect the rights established in the American Convention. The Commission recommended that Brazil open serious, impartial and effective investigation into the facts. Analysis of the acts of omission, negligence, and obstructions of justice should be focused on by the investigators and reparations should be made to family members.

Z. Article XXVI – Right to Due Process of Law

1. BRAZIL: Alonso Eugenio da Silva, Case 11.598, Inter-Am. CHR No. 9/00

Complaint: Arts. 8, 25; Arts. I, XVIII, XXV, XXVI of the Declaration

Summary of the Case: On March 8, 1992, a military policeman of the State of Rio de Janeiro shot and killed sixteen year-old Alonso Eugenio da Silva in a restaurant during an attempted arrest for an alleged robbery. Three and a half years after the killing, the police inquiry into the case had not concluded, resulting in the exhaustion of domestic remedies.

Action Taken: The Commission found that the Petitioner exhausted domestic remedies and held the acts in question were a violation of the right to life, fair trial, protection against arbitrary arrest, due process, and judicial protection. The Commission recommended a complete investigation, trial and conviction of responsible parties, and compensation to the relatives of the victim.

2. UNITED STATES: William Andrews, Case 11.139, Inter-Am.

CHR No. 57/96

Complaint: Arts. 3, 44 of the OAS Charter; Arts. I, II, XXVI of the Declaration

Summary of the Case: Mr. Andrews was convicted on three counts of first degree murder and two counts of aggravated robbery in the State of Utah, where he was subsequently sentenced to death on all three counts by the same jury that convicted him.

Action Taken: The Commission held that the United States violated Mr. Andrews right to life, right to equality at law, right to an impartial hearing, and the right not to receive cruel, infamous, or unusual punishment. The Commission recommended that the United States provide adequate compensation to Mr. Andrew's next of kin for the violations committed against him.

AA. Article XXVII – Right of Asylum

1. UNITED STATES: Haitian Interdiction, Case 10.675, Inter-Am. CHR No. 51/96

Complaint: Arts. I, II, XVII, XVIII, XXIV, XXVII of the Declaration, and other international treaty and customary law

Summary of the Case: Haitian boat people were interdicted and returned to Haiti where they were subject to persecution by the local authorities

Action Taken: The Commission found a violation of Arts. I, II, XVIII, and XXVII of the Declaration. The United States violated the right to life, liberty, and security of the individuals returned to Haiti with complete disregard as to their safety (Art. I). Additionally, the United States violated the right to equality before the law, where others are not only not interdicted but are welcomed to the US and where the Haitians were not even granted a hearing (Art. II); the right to resort to other courts to ensure respect for legal rights (Art. XVIII); and the right to seek and receive asylum (Art. XXVII). The United States must provide adequate compensation to the individuals harmed.

BB. Article XXVIII – Scope of the Rights of Man

1. BRAZIL: João Canuto de Oliveira, Case 11.287, Inter-Am. CHR No. 24/98

Complaint: Arts. 8, 25

Summary of the Case: The Petitioner alleged the State was responsible for the death of Mr. Canuto de Oliveira. Mr. Canuto de Oliveria was President of the Río María del Sur when he and his two sons were assassinated by two gunmen.

Action Taken: The Commission declared the Brazilian State responsible for violating the rights to life, freedom, personal safety, justice (Arts. I and XXVIII of the American Declaration), judicial guarantees (Art. 8) and judicial protection (Art. 25) of the American Convention.

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