



Activities REPORT

2006/7

CEJIL

CENTRO POR LA JUSTICIA Y EL DERECHO INTERNACIONAL
CENTER FOR JUSTICE AND INTERNATIONAL LAW
CENTRO PELA JUSTIÇA E O DIREITO INTERNACIONAL
CENTRE POUR LA JUSTICE ET LE DROIT INTERNATIONAL
PEMONTON KOWNTOK WACÜPEYUWANÍN PATASET
WAN KASAKKA RAITKA LAKA PLAICA TASBA AISKARA



Activities REPORT

2006/7

CEJIL 

CENTRO POR LA JUSTICIA Y EL DERECHO INTERNACIONAL
CENTER FOR JUSTICE AND INTERNATIONAL LAW
CENTRO PELA JUSTIÇA E O DIREITO INTERNACIONAL
CENTRE POUR LA JUSTICE ET LE DROIT INTERNATIONAL
PEMONTON KOWNTOK WACÜPEYUWANÍN PATASET
WAN KASAKKA RAITKA LAKA PLAIKA TASBA AISKARA

Center for Justice and International Law, CEJIL

Activities Report 2006/7

CEJIL / Buenos Aires, Argentina: CEJIL, 2008

136 pages; 20 cm x 28 cm

Printed in Argentina

Reproduction of the contents of this publication is authorized as long as the source is cited.

Editors:

Viviana Krsticevic

Naomi Onaga

Ariela Peralta

Liliana Tojo

General production

editorial and cover design:

Folio Uno S.A.

CEJIL

CEJIL is a non-governmental, non-profit organization with consultative status before the Organization of American States (OAS), the Economic and Social Council of the United Nations (UN) and the African Commission on Human and Peoples' Rights.

Center for Justice and International Law (CEJIL)

ACTIVITIES REPORT 2006 – 2007

Editors: Viviana Krsticevic, Naomi Onaga, Ariela Peralta and Liliana Tojo.

Contributors: Beatriz Affonso, Sofía Castillo, Michael Camilleri, Gisela De León, Susana García, Soraya Long, Nancy Marín, Luis Diego Obando, Francisco Quintana and Helena Rocha.

The Center for Justice and International Law (CEJIL) is non-governmental, non-profit human rights organization with consultative status before the Organization of American States (OAS) and the United Nations (UN), and observer status before the African Commission on Human and Peoples' Rights. CEJIL's mission is to advocate for the full implementation of international human rights norms in the Member States of the OAS, through the use of the Inter-American system for the protection of human rights

Washington, D.C., Estados Unidos

1630 Connecticut Ave., NW, Suite 401
Washington, D.C. 20009-1053
Estados Unidos
Tel. (1 202) 319-3000
Fax (1 202) 319-3019
washington@cejil.org

Buenos Aires, Argentina

Esmeralda 517, piso 2, "A"
C1007 ABC Ciudad Autónoma de
Buenos Aires, Argentina
Telefax (54 11) 4328-1025
sur@cejil.org

Río de Janeiro, Brasil

Av. Franklin Roosevelt 194 / Sala 906
Centro – 20021-120
Río de Janeiro, RJ, Brasil
Tel. (55 21) 2533-1660
Fax (55 21) 2517-3280
brasil@cejil.org

San José, Costa Rica

Apartado Postal 441-2010
San José, Costa Rica
Tel. (506) 280-7473 / 7608
Fax (506) 280-5280
mesoamerica@cejil.org

www.cejil.org

We are grateful for donations of photographs by Ricardo Funari and J.R. Ripper from BrazilPhotos.com, Celestino Rodríguez, the Asociación Pro Derechos Humanos (APRODEH), Comisión de Derechos Humanos, Justicia y Paz del Estado de Aragua, Venezuela, the Inter-American Commission and Court on Human Rights, the Organization of American States, and Revista Leis&Letras. We are grateful for the reproduction on page 12/13 to Projeto Portinari and his president João Cândido Portinari

The production, printing and distribution of this report were made possible by the generous contribution of Diakonia, the Sigrid Rausing Trust, the Royal Norwegian Ministry of Foreign Affairs.

The contents of this document are the responsibility of CEJIL and do not necessarily represent the opinions of its donors.



TABLE OF CONTENTS

| | |
|------------------------------------------------------------------------------------------------------------------------------------|----|
| Message from the Executive Director | 6 |
| Supporters | 8 |
| About CEJIL | 9 |
| <i>Defending human rights in the Americas: Highlights of the Legal Defense Program</i> | 14 |
| <i>Empowering human rights defenders and spreading knowledge: Highlights of the Training and Dissemination Program</i> | 25 |
| <i>Towards increased transparency and effectiveness: Highlights of the Program to Strengthen the Inter-American System</i> | 35 |
| Selected CEJIL cases during 2006–2007 | 44 |
| Partial List of CEJIL's Co-Petitioners and Partners | 64 |



MESSAGE FROM THE EXECUTIVE DIRECTOR

Dear colleagues and friends,

The Inter-American System has had a significant impact in the reality of the American continent in the last decade. It has documented some of the patterns of human rights violations most characteristic of the region; it has promoted legal, institutional and policy changes; it has propelled the process of investigation and punishment of grave violations of human rights; and it has provided reparations to thousands of victims and survivors. This is illustrated in the litigation of cases such as: the *Barrios Altos* and *La Cantuta* massacres in Peru, which described the structure of the Colina extermination groups during the Fujimori regime, and in which the judgments had – among other results – the nullification of amnesties for perpetrators of grave violations of human rights; *Maria da Penha v. Brazil*, which acted as a catalyst for the adoption of the first law on violence against women in Brazil; or *Palamara v. Chile*, which demonstrated what direction the legal reform of military justice systems should take; among others.

The continuing challenges in the realm of human rights in the Americas are significant - among them, the persistence of impunity and the manifest limitations of judicial systems in the protection of the rights of all; the utilization of state apparatus for and within organized crime; the systematic exclusion of vast sectors of the population; the lack of respect and trampling of the right to life and culture of indigenous peoples, and of the rights of persons in detention; restrictions on the rights of women and freedom of expression and the press; and limitations on the guarantee of social rights. However, in a panorama that is not always encouraging, the regional protection of human rights constitutes a key factor for the defense of fundamental rights.

As a consequence of the successes achieved through the Inter-American System for the recognition of rights, some governments have tried to brake its development, to mold it to its interests, and to erode its structure and functioning; in contrast, many others have opened key spaces for the linking of local and international protection of human rights, in the hope of achieving effective protection of fundamental rights.

Human rights organizations have also had a crucial role in the advances promoted by the Inter-American System through working collaboratively for the achievement of the effective enjoyment of human rights. This is the case of the Center for Justice and International Law (CEJIL). CEJIL is an organization dedicated to the achievement of the full enjoyment of human rights for all men and women, focusing principally on the Inter-American System. As can be read

in the following pages, it develops a great part of its work in conjunction with hundreds of other human rights organizations, lawyers, and human rights defenders in the continent.

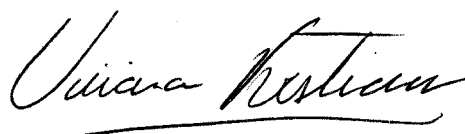
This Report presents some of the most significant activities and results of the work of CEJIL in the years 2006 – 2007. Thus, it compiles some of the contributions of the institution toward the betterment of the human rights situation and democracy in the continent through the use of Inter-American instruments of protection.

Further, the work highlighted reveals the significant contributions toward the advancement of respect for human rights made by thousands of victims, family members and survivors, hundreds of organizations, and a small professional staff committed to the human rights struggle in the region. In this way, this report allows us to see the contribution of victims and human rights defenders to the strengthening of democracy.

Lastly, we would like express our gratitude to all those who have accompanied us and have given us the opportunity and privilege of sharing in the commitment to the construction of a more just America.

The activities and results are detailed in the Report that follows.

Warm regards,



Viviana Krsticevic
Executive Director

SUPPORTERS

Dan Church Aid
DIAKONIA
Federal Ministry of Foreign Relations of the Republic of Germany
The Ford Foundation
Government of the Netherlands
HIVOS
IBIS-Denmark
Inter-American Institute of Human Rights
The John Merck Fund
The John D. and Catherine T. MacArthur Foundation
Ministry of Foreign Affairs of Norway
MISEREOR
The Moriah Fund
National Endowment for Democracy
Ministry of Foreign Affairs of the Kingdom of Denmark
Foundation Open Society Institute
Rights and Democracy
Save the Children - Sweden
Sigrid Rausing Trust
Stichting Kinderpostzegels Nederland (SKN)
Swedish NGO Foundation for Human Rights
United Nations Development Fund for Women (UNIFEM) – Regional Office for Brazil and the Southern Cone
United Nations High Commissioner for Refugees
United Nations Voluntary Fund for Victims of Torture
W.K. Kellogg Foundation

And individual and private donors who wish to remain anonymous

About CEJIL

BOARD OF DIRECTORS

Benjamín Cuellar

*Instituto de Derechos Humanos de la
Universidad Centroamericana
"José Simeón Cañas" (IDHUCA), El Salvador*

Gustavo Gallón

Comisión Colombiana de Juristas , Colombia

Alejandro Garro

Columbia University School of Law, United States

Sofía Macher

Instituto de Defensa Legal, Peru

Helen Mack Chang

Fundación Myrna Mack, Guatemala

Juan Méndez

*International Center for Transitional Justice,
United States*

Julieta Montaña

Oficina Jurídica para la Mujer, Bolivia

José Miguel Vivanco

*Human Rights Watch/Americas,
United States*

STAFF *

Viviana Krsticevic

Executive Director

Ariela Peralta

*Deputy Director & Program Director for the Andean,
North American and Caribbean Region*

Francisco Quintana

*Deputy Program Director for the Andean, North
American and Caribbean Region*

Soraya Long

Program Director for Central America and Mexico

Beatriz Affonso

Program Director for Brazil

Liliana Tojo

Program Director for the Southern Cone

Marcia Aguiluz

Alejandra Arancedo

Michael Camilleri

Vanesa Coria

Francisco Cox

Gisela De León

Sergio Fuenzalida

Marcela Martino

Luis Diego Obando

Naomi Onaga

Helena Rocha

Attorneys

Kristina Aiello

Human Rights Advocate

Nancy Marín

Communications and Press

Susana García

Sofía Castillo

Alejandro Bautista

Institutional Development

RAFFA

RSR Assessoria 3o setor LTDA. EPP

Sandra Chaves

Financial Management and Accounting

Daniela Montano

María Rojas

Rita Nunes

María José Rosati

Assistants

Bruce Robinson

José Luis Ramírez

Information Technology

* As of December 2007

FAQs about CEJIL

When and why was CEJIL founded?

CEJIL was founded in 1991 by a group of prominent human rights defenders in the Americas to promote greater access to the IAS.

In which countries does CEJIL work?

CEJIL's mandate is directed toward protecting human rights in all member states of the OAS. It currently has offices in Washington D.C., USA; San Jose, Costa Rica; Buenos Aires, Argentina; and Rio de Janeiro, Brazil. CEJIL carried out activities in 23 countries in 2006–2007.

How many victims does CEJIL represent?

As of December 2007, CEJIL jointly, with partner human rights defenders and organizations, represented over 12,900 victims, in over 250 cases in varying stages of the litigation process before the Inter-American Commission and Court.

Do these cases make a difference?

CEJIL's cases can lead to apologies and settlement agreements with governments, pronouncements by the Commission and Court regarding violations by States, orders for reparations for victims and changes in law and policy. In 2006–2007, CEJIL obtained reparations of over US\$ 19 million, for over 1000 victims. For the institutional change to which it has contributed, see page 20.

Does CEJIL charge for its legal representation?

CEJIL does not charge fees to the victims it represents.

How is CEJIL funded?

CEJIL is funded through donations from foundations, individuals, European governments, and other supporters.

How does CEJIL select the cases it litigates?

In order to have the broadest impact with limited resources, CEJIL engages in cases that are emblematic of widespread human rights violations in the Americas, for which litigation has a potential to contribute to social justice and institutional change. However, due to limited resources and its mission, CEJIL cannot take all cases that it is requested to. A list of human rights organizations and attorneys willing to take cases without charge is available in our Pro Bono Guide at www.cejil.org.

How can I help?

We are always in need of volunteers (such as attorneys, law students, communications professionals, and translators) We also accept individual and institutional donations. To get involved, please contact us through one of our offices listed in this report.

CEJIL'S MISSION

is to achieve the full implementation of international human rights norms in the Member States of the OAS, through the use of the Inter-American System (IAS) for the protection of human rights and other international protection mechanisms.

CEJIL'S APPROACH

is victim-centered, working in partnership with human rights defenders and organizations to contribute to social justice.

CEJIL'S OBJECTIVES

- Litigate cases of grave violations of human rights (1) to uncover truth and combat impunity, (2) to obtain justice and reparations for victims, and (3) to foster human rights protection through changes in countries' laws, policies and practices;
- Empower human rights defenders in order to increase their ability to use the tools of the IAS to promote and protect human rights;
- Provide information to government officials, the press, civil society and the general public about human rights issues and the IAS; and
- Strengthen the ability of the Inter-American System to effectively protect human rights.

CEJIL'S PROGRAMS

CEJIL works towards its mission and objectives through three distinct but interrelated programs:

- the **Legal Defense Program**,
- the **Training and Dissemination Program**, and
- the **Program to Strengthen the Inter-American System**





"Peace" by Cândido Portinari. Mural at UN headquarters (detail)



The brother of a child soldier who was killed by the Paraguayan military appears before the judges of the Inter-American Court of Human Rights in a special session of the Court in Brasilia, Brazil in May 2006, in the case *Vargas Areco v. Paraguay*, which was jointly litigated by CEJIL and SERPAJ-Paraguay. See page 59 for more information on this case.

Photo: Naomi Onaga/CEJIL

Defending human rights in the Americas

HIGHLIGHTS OF THE LEGAL DEFENSE PROGRAM 2006 – 2007

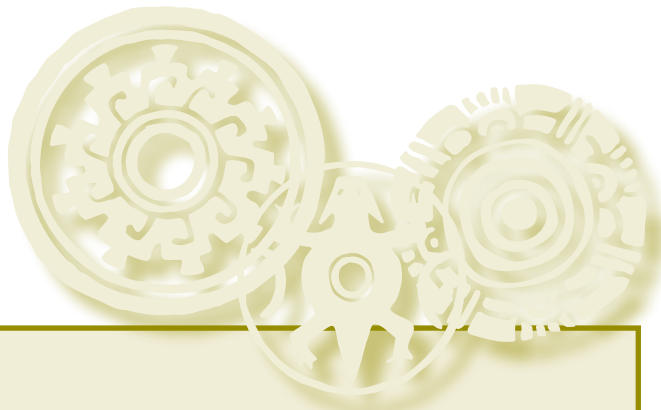
CEJIL's Legal Defense Program seeks to gain truth, justice and reparations for victims of human rights violations by providing them with free legal representation before the Inter-American Commission and Court for violations of the American Convention of Human Rights and other human rights instruments. Through this process, CEJIL seeks to contribute to institutional change that transforms the factors that generate systematic patterns of abuse.

In 2006 – 2007, CEJIL together with its local partners jointly represented over 250 cases before the Inter-American Commission and Court. Among its many activities on behalf of victims of human rights violations, CEJIL files complaints before the Inter-American Commission and Court, represents victims through the course of the case, including by submitting briefs and arguing the case before the Commission and Court at hearings, negotiates settlements seeking redress for victims and opportunities for policy change, and requests emergency protective measures from the Commission and Court for persons facing imminent risk. CEJIL also provides legal advice to other organizations and human rights defenders in the litigation of cases before the Commission and Court.

CEJIL has a victim-centered, collaborative litigation model that defends the rights of victims, working in partnership with human rights defenders and organizations.

CONFRONTING THE MOST CRITICAL HUMAN RIGHTS NEEDS IN THE REGION...

CEJIL focuses its litigation and advocacy on paradigmatic cases that have the potential to serve as vehicles for institutional change on critical human rights issues in the region. As the only organization of its kind with a mission directed toward utilization of the Inter-American System, it has a large case docket addressing a broad range of human rights issues in the region. These cases have contributed to pronouncements on State responsibility for grave human rights violations; the revival of investigations and prosecutions for violations for which impunity had persisted; orders for the payment of monetary reparations; settlement agreements; the advancement of jurisprudence in the Inter-American system; and changes in national laws, policies and practices.



“La Rochela” Massacre Case (Colombia)

In 1989, paramilitaries in Colombia, with the collusion of members of government security forces, executed 12 prosecutors and judicial investigators and injured 3 others in what came to be known as the “La Rochela Massacre”. The Colectivo de Abogados “José Alvear Restrepo” and CEJIL litigated the case before the Inter-American System on behalf of the victims and their families. The Court held in May 2007 that Colombia was responsible for violating the rights to life, liberty, humane treatment and judicial protection, and ordered over US\$ 5 million in reparations to the 15 victims and 99 of their family members (parents, spouses, children, and siblings). It also ordered Colombia to thoroughly investigate the massacre, including by fully examining the possibility that high-ranking officials ordered, knew of, or should have known of paramilitary actions. The Court also examined the country’s legal framework for demobilization of illegal armed groups, making clear that lax procedures permitting inappropriate reduction of sentences can generate legal responsibility for the State.



“CEJIL is the only regional human rights NGO with a long history of experience in litigation of cases before the Inter-American Commission and Court, which supports and advises victims of grave human rights violations and their families, as well as the national NGOs that represent them. [We national NGOs] act in domestic fora and before the juridical organs of the IAS, where we are co-petitioners in a team with CEJIL.”

-
*Rafael Barrios
Mendivil,
Corporación
Colectivo de
Abogados “José
Alvear Restrepo”,
Colombia*

WORKING TO BROADEN ACCESS TO JUSTICE FOR VICTIMS...

CEJIL seeks to provide access to the Inter-American System to persons who have suffered violations of human rights abuses in the Americas but whose national courts have failed them. CEJIL prioritizes sectors that often suffer the most exclusion and persecution in their societies, such as political dissidents, women, rural workers, refugees and migrants, children, indigenous peoples, and persons in detention. It also makes special efforts to respond to threats and crimes against human rights defenders. CEJIL and its local partners work with victims to define the goals of the case, identify what would constitute appropriate reparations, and facilitates their participation in hearings and negotiations. CEJIL has also pushed for important changes in procedures and practices at the Inter-American System to better protect victims' rights and facilitate their access to the System.

Honoring and remembering victims...

Family members of victims of human rights violations often request that reparations include some type of act to preserve the memory of their loved ones. One achievement in this regard during 2006-2007 came as a result of the case *Serrano Sisters v. El Salvador*, litigated jointly by CEJIL and the Asociación Pro-Búsqueda, regarding two sisters aged 3 and 7 who were forcibly disappeared by the Salvadoran military in 1982. The government of El Salvador paid reparations to family members in March 2006, and in January 2007, declared March 29 to be the "Day of Children Disappeared During the Armed Conflict". This was the first time that the government admitted the occurrence of forced disappearances of children in its territory, even though it was perpetrated against thousands of children. According to figures provided to the

CEJIL's docket currently contains over 250 cases on issues including:

- Arbitrary detention
- Torture
- Extrajudicial executions
- Massacres
- Forced disappearances
- Violations of due process guarantees
- Impunity
- Attacks against human rights defenders
- Violations by paramilitaries
- Police violence
- Children's rights
- Freedom of expression
- Violence and discrimination against women
- Political persecution
- Access to education
- Right to health
- Rights of indigenous peoples
- HIV/AIDS
- Military justice systems
- Rural violence
- Death penalty
- Slave labor
- Discrimination against racial minorities and Afro-descendants
- Discrimination against migrants and refugees
- Child soldiers
- Labor rights
- Freedom of association
- Rights of persons with disabilities
- Right to nationality
- Prisoner's rights
- Right to identity

Truth Commission by the UN Working Group on Disappearances, the total number of disappeared children is at least 2,598.

Protecting those at risk...

CEJIL also requests emergency protection measures before the Commission and Court for those in imminent risk. Among the protective measures it worked on in 2006-2007 were those for the members of the Colectivo de Abogados “José Alvear Restrepo”, one of Colombia’s leading human rights organizations. The members of the Colectivo have been under constant threat for their courageous work in pursuing justice for human rights victims against all odds in a country plagued by violence and impunity. In another urgent situation, CEJIL, together with the Centro de Defensa Legal Indígena Tob’enel Tinamit, obtained protective measures for the Mayan community in Guatemala, to prevent destruction of their sacred site Rosario-Naranjo Tulam Tzu through continued construction of a housing complex on the site.

Pioneering new paths to justice...

CEJIL’s cases can open new doors for victims of human rights violations in their search for justice. The 2006-2007 period marked a number of important breakthroughs. One important landmark was the finding of the Commission in *Simone André Diniz v. Brazil* which pronounced, for the first time, violations of the right to equal protection arising from racial discrimination in the labor market. Though Brazil’s laws prohibit racial discrimination, the government agencies in charge of implementing these laws did little when Ms. Diniz filed a complaint after being told she did not meet the requirements for a job position because she was black. Ms. Diniz continued to pursue justice in her case, challenging the impunity that reigns in most cases of racial discrimina-

The numbers tell the story

In 2006–2007, CEJIL’s cases achieved important victories for victims:

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Number of cases, precautionary measures and provisional measures litigated in 2006 and 2007 | 261 |
| Number of victims of cases and beneficiaries of protective measures represented in 2006 and 2007 | 12.960 |
| Number of friendly settlement agreements reached in 2006 and 2007 | 10 |
| Number of I-A Commission reports achieved in 2006-2007 | 13 |
| Number of acknowledgements of responsibility made by governments made in 2006-2007 | 5 |
| Number of I-A Court judgements achieved in 2006-2007 | 7 |
| Amount of reparations ordered by the I-A Court in 2006-2007 | \$ 19.615.865,00 |
| Number of victims of the reparations ordered by the I-A Court in 2006 - 2007 | 708 |
| Amount of compensation paid by Governments derived from cases before the Commission or Court in 2006-2007 (the payments can be from amounts ordered prior to 06-07 but paid in this period) | \$ 22.184.340,00 |
| Number of victims receiving compensation paid by the Governments in 2006-2007 | 1186 |

tion in Brazil; in 1997 she filed a petition to the Inter-American Commission, with CEJIL and the Instituto do Negro Padre Batista as her legal representatives. In 2006, the Commission found that institutional racism existed in Brazil, and few discrimination complaints were investigated or prosecuted effectively. The Commission declared the Brazilian State responsible, and issued recommendations for reforms to promote effective implementation of the national anti-racial discrimination law. These included narrowing the discretionary powers of the prosecutor's office to pursue racial discrimination charges and the elimination of the requirement that proof of racist intent by the accused be secured before a case is pursued.

The “Psychological Support for Victims of Torture” Project

From 2002 to 2006, CEJIL and the Inter-American Institute of Human Rights (IIDH) conducted an ambitious multi-pronged project which focused on addressing a number of needs of survivors of torture in their effort to seek justice in the Inter-American System. Activities included psychological assistance to help victims with the pain of reliving traumatic events in the process of relating their experiences to international tribunals, and as events to provide expertise on the effects of torture in the litigation. IIDH and CEJIL hope that by empowering victims to tell their stories and developing greater expertise on psychological trauma, the Inter-American Commission and Court will gain valuable tools for the fight against torture, decisions that reflect a new awareness in torture cases.

Exhumation in Landaeta v. Venezuela, a case co-represented by CEJIL and the Comisión de Derechos Humanos de Justicia y Paz del Estado Aragua before the Inter-American Commission. Eduardo José Landaeta Mejías was 17-years old when he detained by police in 1996; after calling his family to tell them that the police had instructed him to have 30,000 bolivars brought to the police station, he turned up dead in a police car 2 days later. The case is paradigmatic of a pattern of violence against low-income youths by police in Venezuela. See page 52 for more information on this case.

Photo: Celestino Rodríguez



Advancing justice and institutional change... Maria da Penha Fernandes's journey



Maria da Penha Fernandes
in 2007. Photo: Genilson de
Lima / Revista Leis & Letras

Like many women, Maria da Penha Fernandes, a Brazilian biopharmacist, suffered domestic violence for years from her husband. In 1983, he attempted to kill her twice, first shooting her in the back and later trying to electrocute her. The shooting left her paraplegic.

Unlike many women, Ms. Fernandes filed a complaint with the police. But it took 20 years of her activism before her husband, a university professor, finally served time in prison. He was convicted by a jury in 1994, but the conviction was overturned by an appellate court on erroneous grounds and the case was remanded to trial court. Ms. Fernandes's ex-husband was convicted by a second jury in 1997, but appellate courts prevented the imposition of his sentence during the appeal,

while at the same time failing to act promptly to issue a decision. Brazilian courts failed to take action until CEJIL and the Comité de America Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM) filed a complaint on her behalf before the Inter-American Commission in 1999. In 2001 the Commission found against Brazil, including for violations of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará), and called on the Brazilian government to adopt measures for the effective prosecution, prevention and eradication of domestic violence.

Ms. Fernandes's pursuit of justice before the Inter-American system made critical contributions to the legal reform process and the struggle of the women's movement that prompted the adoption in 2006 of the first Brazilian law on violence against women. Law No. 11340 bears her name, being widely known as the "Maria da Penha Law". It imposes criminal penalties (rather than fines) for domestic violence against women for the first time, creates specialized domestic violence police units and courts, and provides for psychological and substance abuse rehabilitation for abusers

The finding in the Maria da Penha Fernandes case marked the first time the Inter-American System applied the Inter-American Convention of Belém do Pará on the Prevention, Punishment and Eradication of Domestic Violence.



"It was very exciting to receive news that Brazil had been judged internationally responsible [in my case]. From that point on, my struggle came to focus on... changing Brazilian law in order to respect women's human rights, and the prosecutions [of abusers] be finalized with more timeliness. The punishment of my attacker, also due to international pressures... occurred before the statute of limitations ran out, that is, 19 years and six months after he nearly killed me... [T]o you in CEJIL, and also to CLADEM, partner in this achievement, my deepest thanks."

-
Maria da Penha
Fernandes

TRIGGERING BROAD SOCIAL CHANGE AT THE NATIONAL LEVEL...

CEJIL's cases can contribute to the transformation of laws, official policies and practices, and increase public awareness. 2006–2007 were highly eventful years that witnessed groundbreaking advances in the establishment of critical principles and concrete steps for the protection of human rights.

Chile to revoke laws that discriminate against women (Sonia Arce v. Chile)

CEJIL and Corporación Humanas filed a case challenging Chilean law that was discriminatory against the property rights of women. As a result of the settlement agreement in the case, the government agreed to strike down discriminatory legislation, and to widely publicize the case as part of an effort to trigger similar changes throughout the region. CEJIL is currently monitoring developments in order to ensure the government honors this commitment.

Coffins of victims of the massacre by police in Eldorado dos Carajás, in which 19 people were killed when the police attacked a march by rural workers calling for land reform. Land reform is a heavily disputed issue in Brazil, ranked in a 2004 UNFAO study as the country with the seventh highest land inequality in the world compared to all those for which information was available. According to the Comissão Pastoral da Terra (CPT), in 2006 there were at least 35 people killed in relation to land conflicts. The impunity for these crimes is almost absolute, few killings are properly investigated or prosecuted. See page 48 for information on the Gabriel Sales Pimenta case, on the assassination of a prominent human rights lawyer that defended rural workers.

Photo: J.R.Ripper/BrazilPhotos.com



Brazil deactivates adolescent prison unit notorious for torture and mistreatment (FEBEM/Tatuapé)

The “Fundação Estadual para o Bem-Estar do Menor”, also known as FEBEM, the institution responsible for the detention of juveniles in the state of São Paulo, Brazil, was notorious for extraordinary human rights abuses, including torture, deaths in custody, extreme overcrowding, endemic disease, excessive punishment, and prison riots instigated by prison guards. CEJIL and Comissão Teotônio Vilela (CTV) filed a complaint on the situation before the Inter-American Commission in 2000. The petitioners, joined by other organizations, also filed a request for emergency protective measures from the Inter-American Court because of imminent threat to life and limb for the youths held in the Tatuapé Complex, then the principal detention center complex in the FEBEM. In November 2005, the Court granted the emergency protective measures. The Brazilian government announced the deactivation of the Tatuapé Complex in October 2007. This represented a major victory for human rights, though CEJIL and CTV continue to litigate the merits of this case in order to seek redress for victims as well as broad institutional change.



“Litigating a case where impunity and the devaluation of the victims are the distinguishing characteristics can be exhausting and often very frustrating. Being able to count on the technical and legal expertise, as well as the warmth, affection and solidarity of the CEJIL team in the case makes the efforts more effective and uplifting.”

*Guadalupe Hernández de Espinoza,
IDHUCA,
El Salvador*

Police repression at a public protest. Violence and abuses by the police are rampant in the Americas, including arbitrary detention, harassment, torture, killings, and extrajudicial executions. Among the emblematic cases that CEJIL is litigating on police abuses are Adão Pereira de Souza v. Brazil (p.48); Hildebrando Silva de Freitas v. Brazil (p.49), Uzcátegui v. Venezuela (p. 49), and Landaeta Mejías v. Venezuela (p. 52).

Photo: Ricardo Funari/BrazilPhotos.com

Civil society representatives and victims express solidarity with family members of the forcibly disappeared in the July 2007 thematic hearing before the Inter-American Commission on forced disappearances in Bolivia during the military dictatorships. CEJIL and the Association of Relatives of Persons Detained-Dissappeared in Bolivia (ASOFAMD) requested the hearing and testified on the situation.

Photo: Patricia Leiva/OEA



No more child soldiers in Paraguay (Victor Hugo Maciel v. Paraguay)

As a result of the litigation in this case by CEJIL and Servicio Paz y Justicia – Paraguay, the Paraguayan government agreed in 2006 to change the law that permitted the use of child soldiers. In 2007, it also ordered the return of all minors currently in the military to their homes. Further, Paraguay withdrew its reservation to the Optional Protocol to the Convention on the Rights of the Child, which sought to preserve Paraguay’s right to employ child soldiers.

Application of the death penalty suspended in Guatemala (Raxcacó v. Guatemala)

In the case of *Raxcacó v. Guatemala*, the Inter-American Court pronounced violations in September 2005 of the American Convention of Human Rights because of Guatemala’s arbitrary application of the death penalty, and issued an interpretation of its judgment in February 2006. Among other findings, the Court ruled that the government could not apply capital punishment automatically to categories of crimes without considering the individual circumstances of the accused. It also held that the failure of the State to establish clear and consistent procedures on how to apply for pardons was a human rights violation. Subsequent to the Court’s final pronouncement on the case, Ronald Raxcacó’s sentence was commuted from the death penalty to 50 years, and the judiciary has engaged in a *de facto moratorium* on the death penalty, with lower courts overturning death penalty convictions and imposing alternative penalties. The case was litigated by CEJIL, the Instituto de Estudios Comparados en Ciencias Penales de Guatemala and Instituto de la Defensa Pública Penal.



Soraya Long from CEJIL interviews Ronald Raxcacó, plaintiff in the case *Raxcacó v. Guatemala*. See page 62 for more information on this case.

Photo: CEJIL archives

Former Peruvian President Alberto Fujimori extradited to stand trial for atrocities

In December 2006, the Court declared that the Peruvian government had international responsibility in the massacre by death squads of nine students and a professor in the infamous case of La Cantuta, which was litigated jointly by CEJIL, APRODEH, and CEAPAZ. The Court ordered the government to fully investigate the alleged material and intellectual authors of the crimes, making clear that the past existence of amnesty laws could not be used as an excuse for failing to prosecute. Former Peruvian President Alberto Fujimori, who had fled the country after the fall of his regime in 2000, was eventually charged with crimes including masterminding with the death squads that carried out the killings in the Cantuta and the Barrios Altos case. (Barrios Altos was a landmark case litigated by CEJIL, APRODEH, IDL, CNDDHH, and FEDEPAZ on the massacre of 15 people in a poor neighborhood, which culminated in the overturning of the amnesty law that had been adopted in Peru under Fujimori.) The Court's judgment served as a key element for Peru's extradition request to Chile, where Fujimori was being detained. His extradition to Peru in September 2007 constituted a landmark victory for the human rights community, which sent a message to the world that intellectual authors of atrocities cannot escape responsibility even though they were heads of state or engage in legal subterfuge to try to evade justice.



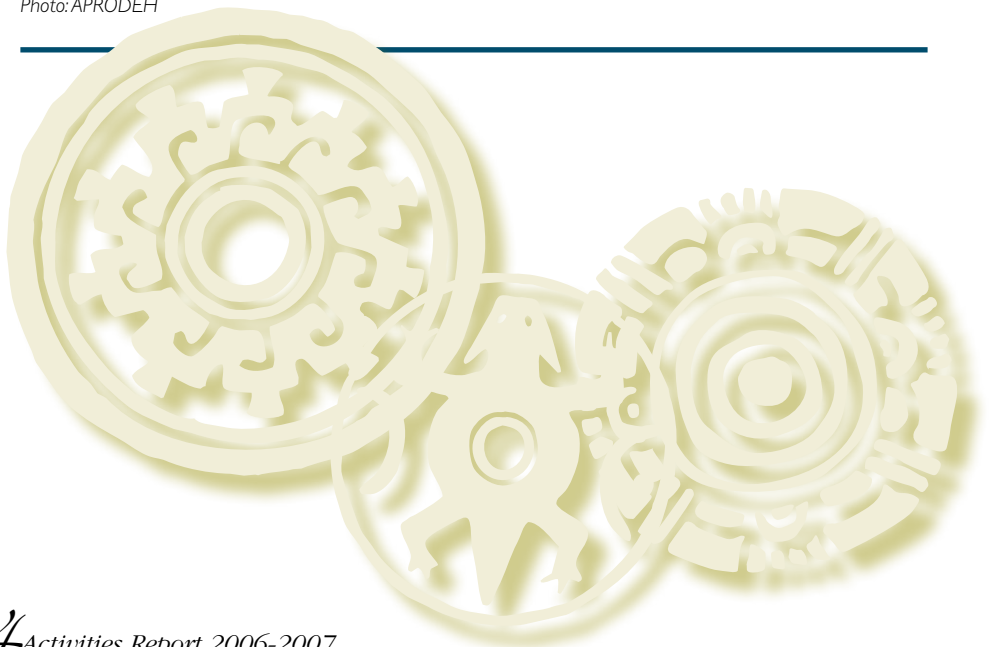
“CEJIL is one of our constant allies in the fight against impunity in the continent. It is an organization whose staff is an example of responsibility and commitment to the defense of human rights in the Americas. Its support has been important for our organization in the process of litigation before the Inter-American System, and the solidarity of [the organization] and its lawyers, coupled with its technical capacity, is invaluable.”

*Bertha Oliva
de Nativí,
Coordinadora
General del Comité
de Familiares
de Detenidos
Desaparecidos en
Honduras
(Cofadeh)*



Mother of a victim of the La Cantuta Massacre at a protest in Lima in September 2007 to demand the extradition of Fujimori from Chile to stand trial of atrocities.

Photo: APRODEH



...THROUGH STRONG LOCAL PARTNERSHIPS...

CEJIL has a collaborative model that provides legal representation through partnerships with local human rights defenders and organizations. These partnerships maximize limited resources by sharing work and allowing effective information sharing. CEJIL brings specialized knowledge on the Inter-American System, an increasingly complex legal arena, and local partners provide expertise on national law and procedure as well as human rights developments on the ground. Together we can forge powerful strategies for achieving redress for victims of human rights violations, and promoting institutional change.


*CEJIL works
with over 200 partners
in 23 countries*



Soraya Long and Gisela De León from CEJIL and David Morales from the Oficina de Tutela Legal del Arzobispado de San Salvador before the Inter-American Commission of Human Rights, at a 2007 hearing on the killing of Archbishop Oscar Romero, renowned human rights defender who was shot to death while saying mass in 1980. See p. 54 for more information on the case.

Photo: Juan Manuel Herrera/OEA





Sugar cane worker in slave-like conditions in Brazil. According to Antislavery International there are between 25.000 and 40.000 labourers working in slavery conditions in Brazil today. See page 53 for more information on Fazenda Brazil Verde case, litigated by Comissão Pastoral da Terra and CEJIL.

Photo: Ricardo Funari/BrazilPhoto.com



Advanced training seminar held by CEJIL on litigation before the Inter-American System, in Brasília, Brazil in 2006.

Photo: Naomi Onaga/CEJIL

Empowering Human Rights Defenders and Spreading Awareness

HIGHLIGHTS OF THE TRAINING AND DISSEMINATION PROGRAM 2006 – 2007

CEJIL's Training and Dissemination Program engages in activities to empower, inform and spread awareness. CEJIL seeks to empower human rights defenders throughout the Americas to utilize the Inter-American System to more effectively protect human rights. It also spreads awareness to the press and the general public on important human rights issues, as well as provides information to government officials and other professionals on international human rights standards, and the resulting obligations inherent to their work. CEJIL works towards these goals by organizing seminars, workshops and discussions, speaking at a broad range of events and before the press, producing publications and other informational materials, and conducting an ongoing internship and fellowship program at our offices. CEJIL also provides information to the Inter-American Commission on critical human rights situations in the region through thematic hearings.

In 2006 - 2007, CEJIL held 80 seminars and workshops, for over 1696 participants from countries including Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, Uruguay, and Venezuela.

CEJIL Seminars and Workshops

In 2006-2007, CEJIL conducted trainings on these and other topics:

- Introduction to the IAS
- International standards – IAS and UN conventions
- Mechanisms of the IAS for human rights protection
- Procedure on how to file a complaint before the Commission and Court
- Filing for and obtaining compliance with emergency protective measures
- Extrajudicial executions
- Forced displacement of persons
- Access to justice
- Right to land of indigenous peoples
- Demobilization process in Colombia
- Refugees and migrants
- Right to health
- Women's rights (including in relation to violence against women, discrimination, and displaced women and armed conflict)
- Freedom of expression
- Children's and adolescents' rights
- Incorporation of international standards at the local level
- Execution and implementation of IAS judgements



“The experience of being at CEJIL has no comparison. I gained a range of theoretical and practical knowledge on the different mechanisms for the protection of human rights in the Inter-American System, which is critical to the Garifuna community to which I belong. The experience elevated my commitment to achieving, in my lifetime, a more just society.”

–

Naun Misael Batiz Gonzalez

CEJIL'S STUDENT AND PROFESSIONAL INTERNSHIP PROGRAM

In order to offer students and professionals the opportunity to gain first hand experience in human rights defense through utilization of the Inter-American System, CEJIL hosts interns and fellows in all of its offices. In 2006 and 2007, we hosted 119 interns and fellows from diverse backgrounds. The interns and fellows included students, lawyers, journalists, sociologists, administrators, and other professionals from countries including Argentina, Australia, Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Germany, Guatemala, Honduras, Italy, Mexico, the Netherlands, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Spain, the United States and Venezuela. We also hosted human rights defenders in need of refuge because they are under threat.

Naun Misael Batiz Gonzalez, a lawyer from a Garifuna community in Trujillo, Honduras, was a fellow with CEJIL in 2007.

Photo: Francisco Quintana/CEJIL



EMPOWERING HUMAN RIGHTS DEFENDERS

CEJIL conducts introductory trainings as well as advanced seminars, workshops and discussions to empower human rights defenders in the region on effective utilization of the IAS. In 2006-2007 we held 80 seminars and workshops, including

- An advanced training seminar on litigation before the Inter-American Court for 30 human rights defenders, held in Brasilia during a special session of the Inter-American Court. Participants were able to observe the hearings of the Court as part of the training as well as interact with litigants. (March 2006)
- A training for women displaced by violence in Colombia, with SISMA and the Red Nacional de Mujeres, on the rights of women, the IAS, and its jurisprudence on displaced peoples (September 2006)
- A discussion among various human rights organizations from Central America to discuss and reflect on the newly issued report of the Inter-American Commission on human rights defenders (December 2006)
- A regional training workshop in Venezuela, with the Jesuit Refugee Service of Latin America and the Caribbean and the Universidad Católica Andrés Bello, on the IAS and the rights of refugees and displaced populations, for 15 participants including lawyers, sociologists and journalists from Brazil, Colombia, Ecuador, Haiti, Panama, and the Dominican Republic (July 2007)
- Two trainings on tools and practices for the protection of women from violence, conducted jointly with CLADEM for 31 women's rights activists in Argentina, and with CODEHUPY for 34 activists in Paraguay (November 2007)
- A 3-month course in Guatemala on indigenous rights and the IAS, hosted by CEJIL together with the Centro Universitario de Occidente de la Universidad de San Carlos de Guatemala (CUNOC), the Consejo de Observancia y Verificación de los Derechos de los Pueblos Indígenas and Centro para Acción Legal en Derechos Humanos (CALDH), and organized by the Consejo Indígena de Centroamérica (CICA). It empowered 30 indigenous leaders from Central America. (October – December 2007)

KEEPING HUMAN RIGHTS IN THE NEWS...

CEJIL also works to voice critical human rights concerns to the media. In 2006–2007, CEJIL produced over 90 press releases, held numerous press conferences and gave countless interviews, issuing detailed public statements on an array of human rights topics including freedom of expression, the death penalty, illegal adoptions, labor rights of women, torture, noncompliance with international obligations, inhuman treatment in youth detention centers, violence against women, and the extradition of former Peruvian President Alberto Fujimori for human rights crimes. During the 2006–2007 period, CEJIL was quoted or interviewed in numerous television, radio and newspaper reports including those in Argentina, Brazil, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Spain, the United States, Uruguay, and Venezuela. These included reports in media outlets with international reach, such as television channels CNN and Univisión (based in the United States), the newspaper El País (based in Spain), Proceso magazine (Mexico), Radio France and Radio Netherlands.



Director of Programs of CEJIL
Brazil Beatriz Affonso being
interviewed by the press in
Brasilia, Brazil in 2006.

Photo: Naomi Onaga/CEJIL

INFORMING DIVERSE SECTORS OF SOCIETY

CEJIL also provides information and lends its expertise to diverse sectors of society, including the media, justice system officials, the police, and military officials. Some of our activities from the 2006–2007 period were:

- A seminar in Mexico on violence against women for 90 police officers, forensic experts and members of the Ministry of Justice (April 2006)
- A seminar for law clerks of the Supreme Court of Mexico (June 2007)
- A workshop in partnership with Save the Children-Sweden for 20 public defenders from Mexico and Central America who specialize in cases of children and adolescents, focusing on how to file a complaint before the IAS (December 2006)
- A presentation to members of the Bolivian Constituent Assembly (April 2007)
- A presentation on human rights to 40 military officials in the U.S. at the Western Hemisphere Institute for Security Cooperation (March 2007)
- A presentation before the Latin American Affairs Committee of the Swedish Parliament about the Colombian demobilization process and the Inter-American human rights legal framework, as part of a group of experts sponsored by the Swedish Foundation for Human Rights (May 2007)
- A briefing to the newly elected judges of the African Court of Human and Peoples' Rights during their visit to the Inter-American Court in San Jose, Costa Rica, on CEJIL's role as an NGO before the IAS (February 2006)

Strengthening judicial human rights investigations

In November 2007, CEJIL brought together over 40 experts in criminal investigation, including police officials, forensic experts, and prosecutors from Central America and Mexico in the “Mesoamerican Event on the Investigation of Cases of Human Rights Violations: focused on Arbitrary Executions” in Costa Rica. We also had the privilege of including international experts on forensic anthropology, constitutional, criminal and international law and criminal investigation. The purpose of the event was to strengthen the institutional capacity of justice systems in the region to conduct investigations on extra-judicial executions. The event held discussions to try to identify elements that an investigation must include in order to meet acceptable standards of due diligence, in accordance with judgments of the Inter-American Court of Human Rights, other international legal instruments, and the experience and protocol of the investigative organs of the region. To facilitate this process, CEJIL produced the document “Due Diligence in the Investigation of Human Rights Violations”, which the experts discussed and contributed to in the seminar. The document compiles national and international protocol on what constitutes due diligence, for the purpose of serving as a guide the improvement of investigations in the region.

BRINGING CRITICAL INFORMATION TO THE COMMISSION

CEJIL also provides information to the Commission and raises awareness on human rights developments and challenges in the region by requesting and participating in thematic hearings. CEJIL usually works with local and international partners to gather extensive research on a given issue and make a joint presentation at the hearing. In 2006-2007 CEJIL was involved in 63 thematic hearings before the Commission. Hearings inform the Commission, as well as help create public awareness and promote changes in state practices or policies. For example, after a hearing on women prisoners in Brazil, federal and state authorities in charge of prisons created a committee on public policies for women prisoners that includes the participation of civil society.



CEJIL attorney Gisela De León speaking at the event “Mesoamerican Event on the Investigation of Cases of Human Rights Violations: Arbitrary Executions”, with public prosecutors from human rights prosecutor’s offices from Mexico, El Salvador, Honduras and Guatemala.

Photo: CEJIL archives



“Even though some countries have the political will to clarify the facts...the rate of impunity continues to be dramatically high. The creation by CEJIL of the document “Due diligence in the investigation of human rights violations”, and the response to the invitation to participate in the [“Mesoamerican Event on Investigation of Human Rights Violations:Arbitrary Executions”] shows a great interest in this issue. This document will facilitate the usage by justice system officials the available mechanisms to clarify the facts, at the same time that it permits civil society to conduct societal oversight.”

*-
José Suasnavar,
Foundation of
Forensic Anthropology
of Guatemala*

Thematic hearings held by CEJIL and its partners before the Inter-American Commission in 2006 - 2007

March 2006

- Obstacles to implementation of IAS resolutions in Brazil
- General situation of human rights in Bolivia
- Technical assistance of the Commission to the OAS’s MAPP mission in Colombia
- Discrimination and rights of immigrants in Costa Rica
- General situation of prisons in El Salvador
- Compliance with precautionary measures of protection and security ordered by the Commission in Guatemala
- Difficulties in investigating human rights cases in Guatemala
- Situation of economic, social and cultural rights in Guatemala
- Conditions of the penitentiary system in Honduras
- Situation of the administration of justice system in Nicaragua
- Military justice system in Peru
- Monitoring the implementation of the recommendations of the Truth and Reconciliation Commission in Peru
- Discrimination based on sexual orientation in Peru
- Collective guarantee and the obligation to investigate of all OAS states
- National Human Rights Plan of Peru
- Situation created by general law of migration N°. 285-04 of August 27, 2004 of the Dominican Republic and the judgment of the Supreme Court of Justice of December 14, 2005 upholding the law
- Situation of human rights defenders in Venezuela
- Situation of administration of justice in Venezuela
- Situation of asylum seekers in Venezuela
- Situation of freedom of expression and access to information in Venezuela
- Rights of indigenous peoples of Mesoamerica
- Child labor and its effects on the rights of children and adolescents in Central America
- Femicide in Latin America

July 2006

- Situation of women in detention in Honduras
- Family and domestic violence in Central America
- Obstacles to investigation and punishment of human rights violations in El Salvador

October 2006

- Slave labor in Brazil
- Paramilitarism and the demobilization process in Colombia
- Creation of the National Search Commission in Guatemala

- Persons affected by HIV/AIDS in Guatemala
- Situation of adolescents facing violence in Guatemala
- General human rights situation in Oaxaca, Mexico
- Agrarian policy and indigenous rights in Chiapas, Mexico
- Compliance with the recommendations of the Truth and Reconciliation Commission in Peru
- National Plan of Human Rights in Peru
- Violence against women in the Dominican Republic
- Situation of freedom of expression in Venezuela
- General situation of rule of law and guarantees in Venezuela
- Situation of human rights defenders in Venezuela
- Situation of human rights on the border between Ecuador and Colombia
- Situation of women in detention in Argentina, Chile, Bolivia Uruguay and Paraguay

March 2007

- Public security policies and human rights in El Salvador
- Public security policies and human rights in Honduras
- Situation of persons in detention in the Americas
- Situation of human rights defenders in Peru



Human rights defenders and civil society representatives who attended CEJIL's advanced seminar on the Inter-American System, held in conjunction with a special session of the Inter-American Court in Brasilia, in March 2006.

Photo: Naomi Onaga/CEJIL

- Compliance with the recommendations from the Report of the Truth and Reconciliation Commission in Peru
- Racial discrimination in the Dominican Republic
- Situation of the rule of law, guarantees and defense of human rights in Venezuela
- Citizen security and parapolice groups in Venezuela
- Situation of freedom of expression in Venezuela
- Situation of human rights defenders in Venezuela
- General situation of human rights in Nicaragua
- Situation of women detainees in Brazil

July 2007

- Forced disappearances in Bolivia
- Situation of rights of maquila workers in El Salvador, Honduras, Nicaragua and Guatemala
- Situation of children and youth linked to the armed conflict in Colombia
- Obstacles to the implementation of precautionary measures in Honduras
- Judicial independence in Honduras
- Institutional threats to judicial independence in El Salvador

October 2007

- Situation of Quilombolas (Afro-Brazilian communities) in Brazil
- Freedom of Expression in Venezuela
- Rights of Children and Adoption Processes in Guatemala
- Maternal mortality in the Americas



NEW CEJIL TRAINING AND DISSEMINATION PUBLICATIONS 2006 – 2007

CEJIL produces a variety of publications for the purpose of training and empowering human rights defenders, and providing information to government officials, the press and the general public. In 2006–2007, CEJIL issued the following publications:

ISSUE PAPERS: CEJIL Gazette

Issue papers providing synthesized information on specific topics.

- N°. 27 (2007): Indigenous Peoples' Rights: Advances and Challenges of the Inter-American System. Available in English and Spanish
- N°. 26 (2006): Children's Rights: Advances and Challenges in the Inter-American System. Available in English, Portuguese, and Spanish

BOOKS AND REPORTS

- Regional Report: Women Detainees: Argentina, Bolivia, Chile, Paraguay and Uruguay (2007). Available in English and Spanish.
- Book: Murder in the San Nicolás Woods, on the case of Villagrán Morales et al. v. Guatemala (2006). Available in Spanish.

MANUALS AND GUIDES

- The Protection of Human Rights in the Inter-American System: Guide for Human Rights Defenders (2007). Available in Spanish.
- Building the Children's Rights in the Americas (Second Edition) (CEJIL/ Save the Children: 2006/2007) Available in Portuguese and Spanish.
- Guide on the Documentation of Individual Petitions before the Inter-American System (2006). Available in Spanish.

COMPILATION OF INSTRUMENTS

- International Instruments for the Prevention and Sanction of Torture (2007). Available in English, Portuguese and Spanish.
- Human Rights in the Inter-American System, 5th Ed. (2006). Available in English and Spanish.

VIDEOS


- Bound by Promises: Contemporary Slave Labor in Rural Brazil, by CEJIL, Comissão Pastoral da Terra, and Witness (2006). Available in English, French, Portuguese and Spanish.

DIRECTORIES

- Pro Bono Guide (2007). Available in English, Portuguese and Spanish.
- Directory of Children's Rights Organizations in Central America and Mexico (2007). Available in Spanish.

For more information on our publications and CEJIL, see www.cejil.org





Detainees at a detention facility in São Paulo, Brazil. Prison conditions are notorious in the country, including torture, beatings, killings, endemic disease, overcrowding, lack of food being continually reported. Such horrific conditions are not isolated to Brazil - grave violations of the rights of prisoners are widespread throughout the Americas. CEJIL regularly represents cases of prisoners' and detainees' rights, and is currently monitoring the process within the Inter-American Commission of drafting a set of principles regarding the protection of persons in detention, which are intended to serve as an input to the OAS as it considers the possibility of adopting a declaration on the topic.

Photo: J.R. Ripper/BrazilPhoto.com



Dialogue of Civil Society
Representatives with Foreign
Ministers, in July 2007 at the
37 OAS General Assembly in
Panama (2007).

Photo: Juan Manuel Herrera/OEA

Towards increased transparency and effectiveness

HIGHLIGHTS OF THE PROGRAM TO STRENGTHEN THE INTER-AMERICAN SYSTEM 2006 – 2007

CEJIL's Program to Strengthen the Inter-American System consists of a comprehensive strategy to advocate before the OAS, IAS and State officials for increased transparency, dialogue, and effectiveness of human rights protection. The Program targets its efforts toward a series of policy goals, including seeking to make the Commission and Court more effective; monitoring the actions of the political bodies of the OAS, such as its General Assembly and Committee on Political and Juridical Affairs, in order to push for respect for human rights law and principles; facilitating the engagement of civil society in the IAS and the OAS; contributing to the development of new standards in the OAS human rights system; promoting the integration of international human rights law and principles into national governmental systems; and initiating and deepening the debate within the IAS and the OAS on human rights.

CEJIL conducts continual monitoring of developments in the IAS and the OAS through strategically placed offices in Washington, D.C. (location of the OAS headquarters and the Inter-American Commission), and in San José, Costa Rica (seat of the Inter-American Court.) It attends all sessions of the Commission and Court, and important political and technical meetings of the OAS.



CEJIL Executive Director Viviana Krsticevic addressing diplomats and OAS officials during the OAS Dialogue of Civil Society Representatives with Foreign Ministers, July 2007, OAS General Assembly, Panama.

Photo: Nancy Marin/CEJIL

In pursuit of these objectives, CEJIL engages in diverse activities, including attending sessions of the IAS and OAS, producing analysis and publications, supporting NGO coalitions, and holding meetings with government, IAS, and OAS officials

SPARKING AND DEEPENING DIALOGUE

Because democratic debate is essential to effective reform, CEJIL seeks to spark in-depth dialogue on the Inter-American system and human rights. The Court and Commission, respectively approaching their third and fifth decades in operation, have become respected authorities in the protection of human rights. Yet in a region where new democracies are fragile and impunity for a brutal past continues, the appropriate role and power of the Court and Commission within the OAS and in the national sphere continue to be debated. CEJIL has sought to promote such critical dialogues, including by producing analysis and **positions papers** to raise issues and spark discussions, participating in debates, and organizing formal and informal meetings and exchanges. It also launched a **journal**, *Revista CEJIL*, to create a space for reflection, analysis, and discussion through a forum that particularly seeks rigorous and timely examinations of developing issues, from a diverse range of perspectives. It also produces **books and reports** on specialized topics. For instance, in 2006–2007, CEJIL issued a much-awaited book on the implementation of decisions of the Inter-American System at the domestic level. Promovemos la participación de la sociedad civil. Una de las principales prioridades de CEJIL es promover la participación de las organizaciones de la sociedad civil con el SIA y la OEA.

Members of the International Coalition of Organizations for Human Rights in the Americas in a meeting held in October 2007, at CEJIL's office in Washington, D.C.

Photo: Francisco Quintana/CEJIL

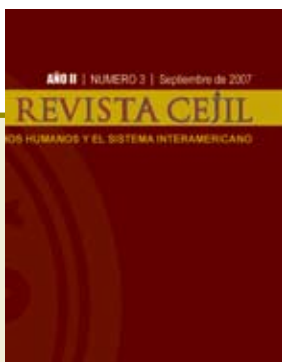


PROMOTING CIVIL SOCIETY ENGAGEMENT

One of CEJIL's top priorities is to promote the engagement of civil society organizations in the IAS and the OAS. Among many other activities, CEJIL sends updates and alerts to NGOs in the region, participates in collective actions and joint statements, and organizes forums and meetings between civil society representatives and officials of the IAS and OAS. CEJIL is an active member of the International Coalition of Organizations for Human Rights in the Americas, a group of organizations that are committed to working together on initiatives directed toward the Inter-American System.

WORKING TOWARDS A MORE TRANSPARENT, ACCESSIBLE AND EFFECTIVE COMMISSION AND COURT

CEJIL supports reforms in the procedures and practices of the Inter-American Commission and Court in order to make them more transparent, effective, and accessible to victims and civil society. In 2006-2007, CEJIL advocated for important reform in the IAS and OAS through issuing position papers and making interventions at the Committee on Juridical and Political Affairs of the OAS, as well as meeting with civil society representatives, members of the IAS, diplomats and government officials. CEJIL also met with OAS Secretary General José Miguel Insulza, and his liaison for civil society, Marieclaire Acosta. Some of the reforms that CEJIL prioritized in its efforts for this period were:



Revista CEJIL

Debates on Human Rights and the Inter-American System

A multilingual journal that offers an open forum for sharing information, analysis and discussion on current issues in human rights and the IAS.

Issue 2 (2006) y Issue 3(2007)



Refining the selection process of Members of the Commission and Judges of the Court

CEJIL has long advocated for a transparent and participatory selection process for the members of the Court and Commission, and the election of individuals with moral authority and a commitment to human rights, who together reflect diversity and geographical balance. CEJIL was active in pushing for these objectives during the election of judges to the Court in 2006, and the election of Commissioners in 2007. In 2006, two female judges were elected: Jamaican Margarette May Macaulay, an attorney with a strong background in women's rights, and Rhadys Abreu-Blondet, an experienced former diplomat from the Dominican Republic. In 2007, Venezuelan Luz Patricia Mejía, an attorney with experience in civil society work and administration of justice, was elected as Commissioner. When she begins her term in 2008, Ms. Mejía will be the only female member of the Commission, which has been all-male since 2005.

Improved rules of procedures and practices of the Commission and Court

CEJIL also pushed for important changes in procedures and practices at the Inter-American System to better protect victims' rights and facilitate their access to the System. In 2006–2007, CEJIL participated in discussions on reforms to the rules of procedure and practices of the Commission and Court. For instance, it actively provided input on debates on the criteria for selection and the methods of work the special rapporteurs, including the rapporteurs on freedom of expression and on women's rights.

Creating a Victims' Fund in the IAS

Another important CEJIL priority was advocacy for the creation of an IAS Victim's Fund that would increase the access of victims to the Commission and Court, by helping them cover the costs of effectively participating in the adjudication of their case.

The contribution of CEJIL to civil society organizations and victims is exactly the type of bridge that facilitates the application of international treaties of human rights for the benefit of victims in search of their dream of justice.

*-
Bertha Oliva de Nativí, General Coordinator of the Comité de Familiares de Detenidos Desaparecidos en Honduras (Cofadeh)*

CEJIL position papers:

- "Reflections on the Selection Process Of Members of the Inter-American Court and Commission of Human Rights" (English 2007, Spanish 2005)
- "The Urgent Need for a Legal Aid Fund in the Inter-American System for the Promotion and Protection of Human Rights" (Spanish 2007, English 2006)

See our website www.cejil.org for more information.

STRENGTHENING HUMAN RIGHTS PROTECTIONS IN THE OAS

CEJIL monitors the discussions and activities of the OAS closely, seeking to ensure respect for human rights law and principles. Among other activities, in 2006–2007, CEJIL attended the OAS General Assemblies in the Dominican Republic (2006) and Panama (2007). Among other activities, it monitored OAS meetings and discussions relevant to human rights, intervened before the OAS political fora, met with OAS and government officials, produced analysis and commentary, and communicated with the press. Together with the International Coalition of Organizations for Human Rights in the Americas, it issued numerous joint declarations, and made presentations to the annual OAS “Dialogue of Civil Society Representatives with Foreign Ministers”. CEJIL also organized an informal forum between government delegates and NGOs during both General Assemblies. In the Dominican Republic, the forum focused on discrimination, racism and democracy, and in Panama, on civil society participation.

CEJIL position paper:

- “Justice and Peace in Colombia: The Right to Truth, Justice and Reparations” (Spanish 2006)



Opening session of the Inter-American Commission in its October 2007 session in Washington, D.C.

Photo: Francisco Quintana/CEJIL

BRINGING INTERNATIONAL HUMAN RIGHTS HOME

CEJIL seeks to ensure that Inter-American human rights standards are reflected in national laws, policies and practices and that the decisions of the Commission and Court are respected and applied without delay. CEJIL thus encourages the domestic incorporation of international standards, while promoting the creation of mechanisms for the implementation of the decisions of the Commission and Court. It issued a much-awaited book in November 2007 on best practices in the implementation of IAS decisions, which promises to make significant contributions to this debate.

Featured new publication:

Implementation of the Decisions of the Inter-American System of Human Rights (Spanish, November 2007)

The Inter-American Commission and Court, now in their 48th and 29th year of operation respectively, have developed an increasingly rich and relevant body of jurisprudence on reparations. However, many State officials and human rights defenders struggle with how the decisions of these international bodies can be effectively implemented. This long-awaited book brings together, in unprecedented form, information, detail and expertise on topics including experiences in past cases and best practices in the region in implementing the decisions of the Inter-American System.



Meeting organized by the Swedish Foundation for Human Rights, International Service for Human Rights, and CEJIL, to gain input by Colombia NGOs on the peace process. The three named organizations conducted a mission to Colombia to monitor the process to ensure consideration for victims' rights, particularly those of women victims.

Photo: CEJIL archives

BUILDING NEW HUMAN RIGHTS PROTECTIONS

As part of its efforts to make the Inter-American System more responsive and effective, CEJIL also engages in advocacy regarding the drafting of new standards and conventions for the advancement of human rights. For example, CEJIL advocated strongly for progressive provisions in the rules of procedure of the new follow-up mechanism of the Convention of Belém do Pará. It is currently engaged in monitoring and contributing to the drafting process of the Inter-American Convention on Racial Discrimination and All Forms of Intolerance, and the “Principles and Best Practices on the Protection of Persons Deprived of Liberty.”

Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas

The Commission is currently in the process of drafting a set of “Principles and Best Practices on the Protection of Persons Deprived of Liberty”. These principles are intended to serve as an important input to the OAS General Assembly as it considers the possibility of drafting an “Inter-American Declaration of Rights, Duties, and Care of Persons Under Any Form of Detention or Imprisonment”.

A draft set of principles was developed by the Commission in 2005, and the Rapporteur on the Rights of Persons Deprived of their Liberty in the Americas initiated a process of consultation with experts and civil society organizations. In July 2006, the Rapporteurship contacted member States of the OAS as well



Bullets with children behind

Photo: Ricardo Funari/Brazilphotos.com

as 65 civil society organizations. Thorough 2006-2007, CEJIL organized three hearings on women in detention in the Americas, compiling information particularly on issues faced by women in detention in Brazil, Honduras and the Southern Cone. It compiled some of these findings and recommendations in its regional report, *Women Detainees: Argentina, Bolivia, Chile, Paraguay and Uruguay*, in 2007

Implementation mechanism of the Convention of Belém do Pará on violence against women

The adoption in 1994 of the Convention of Belém do Pará on the Prevention, Punishment and Eradication of Violence Against Women, the first international convention focused on violence against women, raised hopes because it provided an unprecedented opportunity to advance protections for women. The form in which the Convention is implemented, however, is now an issue of hot debate. The OAS adopted a follow-up mechanism to the Convention in a hurried and non-participatory manner in 2005, which raised serious concerns among civil society organizations. CEJIL is in the process of monitoring the effectiveness and impartiality of this mechanism, and issued a position paper on the topic.

CEJIL position paper:

- “Evaluation of the Statute of the follow-up mechanism for the implementation of the Convention of Belém do Pará” (Portuguese 2007, English 2006, Spanish 2005)

Convention on Racism, Discrimination and Intolerance

For the first time in 10 years, the OAS is developing a new human rights convention. In 2001, in response to the systematic discrimination plaguing the region, the General Assembly of the OAS adopted a resolution to begin working on the Draft Inter-American Convention against Racism and All forms of Discrimination and Intolerance. However it was only five years later that the process formally started. CEJIL has promoted civil society participation in the process and monitored the negotiations by the Working Group that is developing the draft convention. CEJIL has also participated in the NGO mobilization activities led by Global Rights and its Afro-descendent partners, which have been key actors in urging the OAS to prioritize this undertaking. CEJIL supports the involvement of a broad range of civil society organizations that can contribute to an expanded scope of the Convention, such as organizations that work on discrimination based on religion, gender, sexual orientation, nationality and ethnicity. In December 2007, the Working Group presented a modified draft of the Convention. In 2008, CEJIL will continue to monitor development of the negotiations concerning the Convention’s text and seek new ways to promote civil society participation in the process.

Partial List of CEJIL Cases in 2006 – 2007

In 2006 – 2007, CEJIL together with co-petitioners litigated and monitored the implementation of over 250 cases before the Inter-American Commission and Court. This partial listing is offered to provide a sense of the types of cases CEJIL litigates, by giving a snapshot of some of our cases in various stages of the litigation process. The list is not exhaustive, and does not represent a complete catalogue of cases, topics or priority areas in our litigation work. We have a deep commitment to all the victims, communities, and organizations that we work with and this enumeration is designed only to illustrate the scope of the institution's work.

The cases here are organized into five categories: New cases; Examples of emergency protective measures; Examples of cases in continued litigation; Examples of cases that reached resolution and entered implementation; and Examples of cases in continued implementation.

NEW CASES IN 2006-2007

Adão Pereira de Souza v. Brazil

In 1993, Adão Pereira de Souza was arbitrarily detained in 1993 by police, and died in the police station after being tortured. The criminal proceedings had not completed the discovery stage in the 13 years following the crime. CEJIL, Comissão Pastoral da Terra-Xinguara, and the Sociedade Paranaense de Direitos Humanos filed a Commission complaint in September 2006.

Adoption of Osmin Ricardo Tobar Ramírez and Others Case (Guatemala)

In January 1997, by order of the Children's Court, minors Jeffrey Rainery Arias Ramírez and Osmin Ricardo Amilcar Tobar Ramírez were taken without consent from the home of their mother and given to persons in the United States

for adoption. The case involves many other violations of the due process rights of the parents, as well as violations arising from the failure of the government to provide special protections for children, and act in the best interest of the child. CEJIL, Casa Alianza Guatemala, and the Movimiento Social por los Derechos de la Niñez, la Adolescencia y la Juventud de Guatemala filed a complaint on July 17, 2006 before the Inter-American Commission. The case reflects the grave violations of human rights involved in the majority of international adoptions in Guatemala.

Gabriel Sales Pimenta v. Brazil

Gabriel Sales Pimenta was a renowned human rights lawyer defending rural workers in Marabá, Pará (Brazil) who was shot to death in 1982 by gunmen believed to have been contracted by

a wealthy landowner. The criminal proceedings against the perpetrators lasted over 20 years without even reaching a trial, and was dismissed in 2006 for allegedly having passed the statute of limitations. Rafael Sales Pimenta (the victim's brother), CEJIL and the Comissão Pastoral da Terra filed a Commission complaint in November 2006. The case is paradigmatic of widespread killings of rural workers and those who defend them in the Brazilian Amazon, and the impunity that follows.

Gelman v. Uruguay

María Claudia García Iruretagoyena de Gelman, daughter-in-law of the renowned Argentinian poet, Juan Gelman, was kidnapped in Buenos Aires in 1976. María Claudia was 7 months pregnant at the time, and was transported to Uruguay, where she gave birth. Her newborn daughter, María Macarena, was left on the doorstep of a

member of the Uruguayan security forces, who raised her. María Claudia was forcibly disappeared. These events occurred within the context of Operation Condor, in which dictatorships in Argentina, Chile, Paraguay and Uruguay collaborated in the mid-70s to attempt to eliminate political dissidents. CEJIL and the Uruguayan counsel of Juan Gelman –José Luis González– and Maria Macarena filed a Commission complaint in May 2006 on behalf of the family. In May 2007, the Commission declared the case admissible.

Hildebrando Silva de Freitas v. Brazil

In November 1997, police arrived at the event center owned by Hildebrando Silva de Freitas, claiming that they had orders to shut it down. After Mr. Silva de Freitas questioned the legality of their actions, he was arbitrarily arrested and tortured by the police. Though Mr. Silva de Freitas filed a complaint immediately, the official investigation into the events was marred by many irregularities; for example, some of the police officers accused of the crime were assigned to conduct the investigation. CEJIL and Sociedade Paraense de Defesa dos Direitos Humanos filed a Commission complaint in April 2007.

Inés Fernández Ortega v. Mexico

In March 2002, Inés Fernández Ortega, a Tlapaneca indigenous woman in Guerrero, Mexico, was subjected to torture, sexual vio-

lence, and robbery by Mexican soldiers who claimed these acts were justified because they alleged that her husband had stolen a cow. Inés Fernández Ortega, the Organización Indígena de Pueblos Tlapanecos A.C. (OIPT), and the Centro de Derechos Humanos de la Montaña “Tlachinollan” A.C. filed a complaint before the Commission in June 2004, alleging human rights violations including that the investigation of the case was conducted, improperly, by the military justice system. The complaint was declared admissible in October 2006; CEJIL joined the case as a legal representative in October 2007.

Jesus Tranquilino Velez Loor v. Panama

On November 10, 2002, Jesús Tranquilino Vélez Loor, an Ecuadorian, was detained in Panama under order of immigration authorities for not having permission to be in the country. During his detention, he was subjected to torture, cruel, inhuman and degrading treatment, and he was not permitted to have consular assistance in a timely manner which resulted, among others in a violation of due process. Finally he was deported on September 10, 2003. Mr. Vélez Loor filed a complaint before the Commission in February of 2004 with Committee for the Defense of Human Rights, CEJIL joined the case as a legal representative in May 2007. The case was declared admissible in October 2006, and is currently in the merits stage.

Joe Castillo v. Venezuela

Human rights defender Joe Castillo, an attorney who worked with refugees, campesinos, and indigenous peoples in the Venezuelan countryside, was assassinated in August 2003. He was driving home with his wife and one-year-old son, when their car was cut off by masked men on motorcycles, who shot him 17 times, and left his wife and infant son injured. The Vicaria de Derechos Humanos de Caracas and CEJIL presented a complaint to the Inter-American Commission in March 2006. The Commission declared the case admissible in March 2007. This case is emblematic of the pattern of threats and risks human rights defenders faced in many of the countries of the region.

Uzcátegui v. Venezuela

In January 2001, Néstor José Uzcátegui was killed in his home by a parapolice group attached to military forces, which also beat members of his family including his 70-year-old grandmother. Nestor's brother Luis, the primary witness in the case, was then detained and harassed by the police. This case is emblematic of a pattern of systematic arbitrary detention and extrajudicial executions perpetrated by the police since the late 80s against young men from lower social strata. La Comisión de Derechos Humanos Justicia y Paz del Estado de Aragua and CEJIL presented a complaint to the Inter-American Commission in March 2007.

Valentina Rosendo Cantú v. Mexico

In February 2002, while washing clothes in a brook 200 meters from where she lived, Valentina Rosendo Cantú, a 17-year old girl from the Tlapaneca indigenous community in Guerrero, Mexico, was tortured and sexually assaulted by soldiers from the Mexican army. A Commission complaint was filed in November 2003 by Valentina Rosendo Cantú, the Organización Independiente de Pueblos Mixtecos y Tlapanecos AC (OIPMT), the Centro de Derechos Humanos de la Montaña “Tlachinollan” A.C. and the Centro de Derechos Humanos Miguel Agustín Pro Juárez A.C. (PRODH). The complaint alleged various human rights violations including that the case was investigated improperly by the military justice system; it was declared admissible in October 2006. CEJIL joined as a representative in the case in October 2007. ■

EXAMPLES OF EMERGENCY PROTECTIVE MEASURES IN 2006 - 2007

Detainees at Guantanamo Bay (USA) (Precautionary measures)

In January 2002, the U.S. government began to detain persons at its military base in Guantanamo Bay, Cuba. Detainees were denied legal protections under U.S. or international law and were reported to be subject to mistreatment. On February 25, 2002, CEJIL and the Center for Constitutional Rights,

the Human Rights Law Clinic at Columbia University, and private practitioners Judith Chomsky and Richard Wilson, filed the first international legal challenge to those detentions with the Inter-American Commission on Human Rights (the Commission). The case was later joined by additional law professors, NGOs and lawyers from England and France. The group has requested emergency protective measures from the Inter-American Commission, to obligate the United States to: adequately determine detainee status, refrain from torture, honor its non-refoulement obligations, protect detainees’ due process rights, and (ultimately) close the Guantánamo Bay detention facility. The Commission granted the emergency measures in 2002 and have been in effect ever since. We have sought periodic reiterations and expansions of the precautionary measures in accordance with developments at Guantánamo Bay.

Jose Fajardo v. Ecuador (Precautionary measures)

The inhabitants of the town of Shushufindi, located at the Colombia-Ecuador border, have been subjected to increasing violence in recent years. In particular, the members of a group composed of families and individuals who formed a local human rights defense committee have been especially targeted for threats and killings. CEJIL and the Shushufindi Human Rights Com-

mittee requested emergency protective measures for the group in late 2006 from the Commission, which were granted in February 2007. In May, CEJIL and co-petitioners sent a letter to the Commission requesting specific measures of protection by the Ecuadorian government, such as the creation of a special commission of the prosecutor’s office to begin investigations into the violence. Two days after the letter was sent, the Commission requested that Ecuador provide information on the specific measures it had taken to date in this case. In a working meeting held during the July 2007 hearings before the IACHR, Ecuador agreed that we would travel to Ecuador to work with the government on a timeline for implementation of specific measures of protection.

Mayan Community/Rosario-Naranjo Site (Guatemala) (Precautionary measures)

CEJIL and the Centro para la Defensa Legal de los Derechos Indígenas filed for emergency protective measures from the Commission on May 26, 2006 for the Mayan indigenous community in Guatemala, because of the concession of construction permits that allowed the commencement of a housing project on the archeological site Rosario-Naranjo (Tulam Tzu), which is recognized by the Mayans as well as government authorities as a sacred site of the community. The Commission granted the measures on July 14, 2006.

Movimiento Ambientalista de Olancho (MAO) vs. Honduras (Precautionary measures)

In May 2006, CEJIL and the Movimiento Ambientalista de Olancho (MAO) filed for emergency protective measures before the Commission for Father Andres Tamayo and members of the MAO, because of threats and intimidation against them for their work in denouncing and opposing the indiscriminate and illegal taking of trees. The emergency measures were granted by the Commission in December 2006.

Alejandro Noyola and other lawyers of Oaxaca (Mexico) (Precautionary measures)

Several lawyers of the Comité de Liberación 25 de Noviembre have been subject to threats by state authorities because of their work defending persons who were detained because their participation in the popular movement of Oaxaca, during the confrontations between the civilian population and the authorities in Oaxaca. Their work has demonstrated the occurrence of widespread violations of the right to due process, the right to legal defense, and the right to judicial protection. CEJIL and the Comité de Liberación 25 de Noviembre of Oaxaca requested emergency protective measures from the Commission on June 19, 2007. The Commission granted the request in July 26, 2007, for the purpose of protecting the life and security of the lawyers.

Nubia Gioconda Artola Delgadillo and Others (Nicaragua)(Precautionary measures)

In January 2007, Orlando Abel Obando Reyes and five other persons were arbitrarily detained and tortured by the police. The authorities claimed that the detainees had confessed to the crime of cattle rustling. For denouncing these events, the parents of one of the victims were killed (Villanueva Delgadillo Obando and Gilberto Artola Delgadillo), and other members of the family received threats. CEJIL and the Centro Nicaragüense de Derechos Humanos (CENIDH) requested emergency protective measures from the Commission on August 23, 2007 to protect 10 family members in imminent risk. The emergency measures were granted on August 31, 2007.

Alejandro Ponce et al v. Ecuador (Precautionary measures)

Lawyers at Amazon Watch, an organization that defends indigenous people and the environment in the Amazon, suffered harassment and threats and their office in Ecuador was broken into and robbed because of their work on a case against an oil company. In 2005 CEJIL and Amazon Watch requested emergency protective from the Commission. The Commission issued the protective measures in December 2005, but the harassment and threats continued. CEJIL reported these to

the Commission in August and November 2006, and in December 2006 presented information to the Commission on Ecuador's non-compliance with the protective measures. A working meeting among the Commission, CEJIL and the government of Ecuador was held in March 2007, to discuss specific measures of protection to be adopted. In August 2007, Amazon Watch reported that the aggressions had stopped.

Tatuapé Complex of the FEBEM system (Brazil) (Provisional measures)

Because of the gravity of the situation in the notorious adolescent detention centers of the "Fundação Estadual do Bem-Estar do Menor", known as FEBEM, in São Paulo state, Brazil, CEJIL and the Comissão Teotônio Vilela (CTV), joined by other organizations, filed a request for emergency protective measures from the Inter-American Court because of imminent threats to the life and limb of the youths held in the Tatuapé Complex of the FEBEM system. In November 2005, the Court granted emergency protective measures. The Brazilian government announced the closing of the Tatuapé Complex in October 2007. This represented a major victory for human rights, though CEJIL and CTV continue to litigate the merits of this case in order to seek redress for victims as well as broad institutional change. ■

EXAMPLES OF CASES IN CONTINUED LITIGATION IN 2006 – 2007

Araguaia Case (Brazil)

Sixty-two people were forcibly disappeared in the 1970s in a government campaign that eliminated a guerrilla group near the Araguaia River in the state of Pará. There is evidence that some were tortured and executed, and many were disappeared. The government has refused for over 30 years to provide any information about the disappeared, despite years of legal action by family members. CEJIL, Grupo Tortura Nunca Mais do Rio de Janeiro and Comissão dos Familiares dos Mortos e Desaparecidos Políticos de São Paulo filed a complaint before the Commission on their behalf in 1995. The government of Brazil contested the admissibility of the case; after holding hearings in 1997 and 2001, the Commission finally declared the case admissible. Final pleadings were completed in 2006, and in November 2007 we requested a Commission decision on the case. This is the only case that has reached the Inter-American level that addresses the crimes committed by state agencies during the military dictatorship in Brazil, which continue to enjoy impunity.

Colectivo de Abogados v. Colombia

Since 1990, the members of the Colectivo de Abogados “José Alvear Restrepo”, a renowned human rights organization, have

been the target of harassment because of their courageous work. Members of the Colectivo, and in some instances their families, have been followed, had their computers stolen, received threats, been physically attacked, and had been publicly condemned by government officials who paint human rights organizations as defenders of terrorism. Some members of the Colectivo have had to temporarily leave Colombia due to risk to their lives. CEJIL and the Colectivo de Abogados submitted a Commission petition in 2001 against Colombia, based on the participation of government officials in perpetrating some of these acts as well as failing to provide adequate protection and to effectively investigate the threats and attacks against the Colectivo. The case was ruled admissible in 2006, and the Commission has also granted emergency protective measures in the case.

Dos Erres Massacre (Guatemala)

On December 6, 1982, the Guatemalan army took over a village, tortured its inhabitants and executed more than 300 people. CEJIL and FAMDEGUA filed a Commission complaint in 1996. In April 2000, a settlement agreement was reached among CEJIL, FAMDEGUA and the government, but the government did not comply with all of the terms of the agreement. Consequently, in August 2006 the Inter-American Commission authorized the withdrawal of CEJIL and FAMDEGUA from the agreement

and decided to continue the merits phase of the case. The report on the merits is pending.

Eduardo José Landaeta Mejías and others v. Venezuela

In 1996, Eduardo José Landaeta Mejías, who was 17 years old at the time, was detained on the street by the police. He called his family from the police station, telling them that they must bring 30,000 bolivares for his release. After his family arrived at the station, they were told that their son could not be released. Eduardo was found dead in a police car 2 days later with 15 bullet wounds. Eduardo’s father, Ignacio Landaeta Muñoz, la Comisión de Derechos Humanos de Justicia y Paz del Estado Aragua and CEJIL filed a Commission complaint in 2006, and the Commission declared the case admissible in March 2007. The case is now in the merits stage.

Elena Tellez Blanco v. Costa Rica (Las Tías del PANI)

CEJIL and the PANI workers’ union filed a Commission complaint in 2003 alleging that the direct attention workers of the children’s shelter run by the Patronato Nacional de la Infancia are subjected to an excessive workday — in some cases 24 hours a day for as many as 11 days in a row. The petitioners alleged that this was a violation of equal protection before the law because this work disproportionately affected women, and constituted a form of labor discrimination

based on gender. The State has argued that since they are in charge of taking care of the children in the shelters, her role is similar to a mother, so they have to be available for their attention 24 hours. The complaint also alleged violations of the rights to humane treatment, to protection of the family, to privacy and family life, and to judicial protection. In April 2007, the Commission declared the case admissible.

Fazenda Brasil Verde Case (Brazil)

In 1988, slave labor was discovered on the Brasil Verde farm, in the state of Pará, Brazil. There were also allegations that two minors had disappeared. Criminal charges were finally brought in 1997, but only against the manager and recruiter - the owner of the farm was charged with labor law infractions, but faced no criminal charges. In 1998, CEJIL and the Comissão Pastoral da Terra filed a complaint before the Inter-American Commission for its failure to diligently investigate the practice of slave labor. In 2007, the petitioners submitted their final pleadings to the Commission.

Fazenda Ubá Case (Brazil)

On July 13, 1985, in the context of a land conflict, gunmen hired by landowners killed five rural workers, one of them a pregnant woman. Five days later, the same gunmen killed three more rural workers. There was evidence of irregularities and ineffectiveness

in the criminal investigation, and CEJIL and the Sociedade Paraense de Defesa dos Direitos Humanos (SDDH) filed a complaint before the Inter-American Commission in 1999, 14 years after the crimes were committed. Although the landowner was subsequently convicted by a jury (in 2006), one of the accused gunman has already died and the others have escaped. The statute of limitations may run out on the crime, resulting in impunity—a common pattern for violence against rural workers. CEJIL and the SDDH submitted final pleadings in 2007; the case is currently awaiting a decision by the Commission.

Febem Case (Brazil)

The “Fundação Estadual para o Bem-Estar do Menor”, also known as FEBEM, the institution responsible for the detention of juveniles in the state of São Paulo, Brazil, was notorious for extraordinary human rights abuses, including torture, deaths in custody, extreme overcrowding, endemic disease, excessive punishment, and prison riots instigated by prison guards. Since 1992, at least 25 youths have died, and countless have been tortured and injured, but most of these incidents remain uninvestigated. CEJIL filed a complaint before the Inter-American Commission in 2000 on the situation and the Comissão Teotônio Vilela (CTV) subsequently joined CEJIL as co-petitioner. The Commission declared the case admissible in 2002. In March 2006, the Commission

held a hearing on the FEBEM case. CEJIL, CTV and the government of Brazil submitted final pleadings in 2006 and 2007. The case is currently awaiting a decision on the merits. Because of the imminent risk to life and limb of the youths, the Inter-American Commission and Court issued emergency protective measures for the youths interned in Tatuapé Complex. See the listing on “Tatuapé Complex of the FEBEM system” in Sample emergency protective measures for 2006–2007, page 51.

García Prieto v. El Salvador

Ramón Mauricio García Prieto was shot to death in 1994 by 3 gunmen from Salvadoran death squads while he was getting out of his car to visit relatives. The attack occurred in front of his wife and infant son. His parents, José Mauricio García Prieto Hirlemann and Gloria Giralt de García Prieto, CEJIL and the Instituto de Derechos Humanos de la Universidad Centroamericana “José Simeón Cañas” (IDHUCA) filed a petition before the Commission in 1996. The case was filed before the Court in February 2006 and a hearing before the Court was held in January 2007. The case had a judgment by the Court in November 2007.

Heliodoro Portugal v. Panama

Heliodoro Portugal, a leader of the political opposition in Panama, was forcibly disappeared in 1970 by intelligence agents, and subsequently tortured and executed.

His remains were found in a military installation in 1999. However, more than 30 years after his disappearance, the government has still not established the truth of what occurred, and none of the perpetrators have been punished. CEJIL and Mr. Portugal's daughter, Patria Portugal, presented a petition before the Inter-American Commission on Human Rights in 2001, and the Commission declared Panama responsible in October 2005. Due to the government's lack of compliance with its recommendations, the case was filed before the Court in January 2007. The Court set the date of the public hearing for January 2008.

Jeannette Kawas v. Honduras

Environmental activist Blanca Jeannette Kawas was shot and killed in her home in 1995. CEJIL and the Equipo de Reflexión, Investigación y Comunicación filed a Commission complaint in 2003. The Commission declared violations by the government of Honduras in its report of 2006, and recommended that the state investigate the crime, as well as develop policies to eradicate violence against environmental activists, and to combat impunity for violations against human rights defenders. The government appears to be failing to comply with the recommendations of the Commission, and the case may be sent to the Inter-American Court. This case is emblematic of the assassination of environmental activists in Honduras.

José Milton Cañas Cano et. Al v. Colombia

In 1998, approximately 40 paramilitaries acting in collaboration with the Colombian security forces and armed with firearms, machetes, and other weapons entered the city of Barrancabermeja as part of a campaign of terror that had been launched in poor neighborhoods of the city because they were considered by the paramilitaries as strongholds of urban guerrillas. They killed seven people and forcibly disappeared 25, some of whom were minors. In January 2002, CEJIL and the Corporación Colectivo de Abogados "José Alvear Restrepo" filed a Commission complaint. The Commission declared the case admissible in October 2003 and is currently awaiting a decision by the Commission.

MZ v. Bolivia

A woman raped in her home in 1994 reported the crime, but her attacker was acquitted due to the dismissal of evidence on grounds that were arbitrary and discriminatory against women: among at other things, there was no proof of rape because she was not a virgin, and she did not scream during the attack. She unsuccessfully appealed her attacker's acquittal in the Bolivian courts. In November 2000, CEJIL, the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), and the Oficina Jurídica para la Mujer presented a complaint to the Commission for violation of the right to a fair trial, to judicial

protection, and to equal protection. The Commission declared the complaint admissible in 2001. The Bolivian government was resistant for years to find a solution for the case, but under the current government is moving toward a settlement agreement.

Narciso Gonzalez v. Dominican Republic

In May 26, 1994, Narciso Gonzalez, a journalist, lawyer and professor critical of the government was forcibly disappeared after he aired allegations of fraud in the May 16 elections. CEJIL and the Truth Commission filed a Commission complaint which was declared admissible in 1998. The case is currently in the merits stage before the Commission. The Commission held hearings on the case in 2000, 2001, and 2002, and is expected to release its findings soon. The Special Rapporteur on Freedom of Expression is also pursuing investigation of this case.

Archbishop Oscar Arnulfo Romero y Galdámez v. El Salvador

Archbishop Oscar Arnulfo Romero y Galdámez, a renowned defender of human rights and peace in El Salvador, was executed by death squads in 1980 while saying Mass. The orders for the execution were given by the creator of the death squads, Major Roberto D'Aubuisson. Due to the application of the amnesty law in El Salvador, the killing has remained in total impunity. In 1993 the Oficina

de Tutela Legal del Arzobispado de Salvador (OTLA) presented a complaint before the Commission. In 1998 CEJIL became a copetitioner of the case, In April 2000, the Commission declared the responsibility of the State for violating the rights to life, judicial guarantees, and judicial protection, and the failure to bring its national laws into compliance with the American Convention on Human Rights. The Commission called for the investigation of the crime and the punishment of the perpetrators, and pronounced the Amnesty Law void. The Commission and the copetitioners are currently monitoring State compliance with the recommendations; the State has not yet taken action in this regard.

Paloma Angélica Escobar Ledezma v. Mexico

Paloma Angelica Escobar Ledezma, a 16-year old girl, disappeared in Chihuahua, Mexico on March 2, 2002 when she was on her way to classes. She was found dead several weeks later. The criminal investigation was severely flawed, showing many irregularities, including the planting of evidence to try to frame Paloma's ex-boyfriend. This case is one of a widespread pattern of murders of women in the city, in which law enforcement authorities have systematically failed to investigate appropriately. The complaint was filed before the Commission in December 2003 by CEJIL, Norma Ledezma Ortega, mother of the victim, Justicia para Nuestras Hijas, and the Comisión

Mexicana de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH). The Inter-American Commission declared the case admissible in March 2006, and we submitted our observation on the merits in July 2006. The decision of the Commission on the merits is pending.

Leydi Dayán Sanchez v. Colombia

In March 1998, 14-year old Leydi Dayán Sanchez was killed when the police shot her in the back. In May 1998, CEJIL and Corporación Colectivo de Abogados "José Alvear Restrepo" filed a petition before the Inter-American Commission for violations stemming from excessive use of force by security forces, and the failure of the government to fulfill special obligations of protection owed to children, as well as continued impunity for the crime. The Commission declared violations by the government of Colombia in 2006 and we are currently monitoring the steps taken by de State to comply with the Commission's recommendations.

Santander Tristán Donoso v. Panama

In July 1996, Santander Tristán Donoso, a renowned human rights defender, was subject to illegal wiretapping, in which a conversation he had with one of his clients was made public by the Attorney General of Panama. Mr. Tristán Donoso denounced these acts publicly and filed a complaint

against the Attorney General. The Attorney General then presented criminal charges against Mr. Tristán Donoso, allegedly for crimes against his honor, and Mr. Tristán Donoso was found guilty for the commission of the crime of slander. In 2000, CEJIL and the Centro de Asistencia Legal Popular (CEALP) filed a complaint before the Commission, alleging violations of right to privacy, due process rights, cruel, inhuman or degrading punishment or treatment, and freedom of expression. In October 2006, Inter-American Commission found Panama responsible for the alleged violations and recommended the adoption of several reparatory measures. In August 2007, in light of the non-compliance of those measures, the Inter-American Commission submitted the case to the Inter-American Court. CEJIL, as the victim's legal representative, presented its autonomous arguments on December 8, 2007. The Court is yet to set the date of the public hearing.

Sarayaku (Kichwa people) v. Ecuador

Sarayaku is an ancestral territory for the Kichwa people in the Ecuadorian Amazon, which was recognized by the Ecuadorian state. The Kichwa people were granted ownership in 1992; however, Ecuador signed a contract in 1996 to participate in oil exploration and exploitation with "Compañía General de Combustibles" (CGC). The incursion of CGC with government collaboration has caused

tension in the community, and there have been clashes between indigenous peoples and the CGC security forces and the Ecuadorian army. In 2003, CEJIL, Sarayaku and Centro de Derechos Económicos y Sociales (CDES) presented a petition before the Commission, and the case is awaiting the Commission's decision on the merits. In 2004 the Inter-American Court also ordered emergency protective measures, including the withdrawal of explosives and military presence from the area. CEJIL, CDES and Sarayaku leaders continue to work for full compliance with the protective measures ordered by the Court while awaiting the resolution of the case before the Inter-American Commission.

Wayne Smith v. USA

Wayne Smith was deported pursuant to specific provisions of U.S. immigration law that were adopted in late 1996, which mandate deportation for non-citizens convicted of a category of offenses known as "aggravated felonies" and eliminate any possibility for relief from deportation. These same reforms constituted various violations of the right to due process by, for instance, eliminating any form of judicial review of Mr. Smith's deportation order and mandating that he be detained while administrative courts decided his case. CEJIL, the Center for Global Justice and the law firm Gibbs Houston Pauw filed a Commission complaint in 2002 and the case was declared admis-

sible. We submitted its merits brief in December 2006, and the Commission held a hearing on July 20, 2007. A number of civil society groups submitted supporting briefs in the case, including the Stanford Law School's Immigrant Rights Clinic, on behalf of Human Rights Watch.

Wilmer González (Caso Tipitapa) v. Nicaragua

In 1999, Wilmer González, 14-year old boy convicted of stealing a watch costing less than US\$20 was sentenced to three years in detention, and was incarcerated in the Tipitapa adult prison in contravention of international standards on the detention of children. While children in Titipapa are kept in a section only for minors, they are sent to maximum security cells for adults for certain actions. Wilmer González committed suicide in Titipapa, after repeated requests to prison authorities and the psychologist to take him out of Titipapa, and two previous suicide attempts. CEJIL and Casa Alianza filed a complaint before the Inter-American Commission in 2001 for violations by the government of Nicaragua of due process rights, prohibitions against cruel and unusual punishment and treatment, and failure to provide special protections due to children. The case is important because it highlights the need for reforms in law and policy applied to minors in conflict with the law in Nicaragua. The Commission declared the case admissible in 2007.

Persons affected by HIV/AIDS in Guatemala

In August 2003, the Red Nacional de Personas que viven con VIH/SIDA, the Asociación Gente Unida, the Proyecto VIDA, the Fundación Preventiva del SIDA, Fernando Iturbide, the Asociación de Salud Integral and CEJIL presented a complaint before the Inter-American Commission against Guatemala for its failure to provide medical care and medicines for 39 HIV-positive people, for the purpose of protecting their rights to life, equality before the law, and judicial protection. In October 2004, 10 more HIV-positive people joined the case. In March 2005, the Commission declared the case admissible, and the case is currently awaiting a decision on the merits. ■

EXAMPLES OF CASES THAT REACHED RESOLUTION AND ENTERED IMPLEMENTATION IN 2006-2007

Alfredo López v. Honduras

Alfredo López Alvarez, a renowned garífuna leader, was detained in 1997 under false charges of drug trafficking, and remained in detention until August 2003 even though he was exonerated of the charges in January 2003. His trial was marked by severe flaws. In 2000, the Organización Fraternal Negra Hondureña (OFRANEH) filed a complaint before the Commission. CEJIL joined the case in 2003, and the case reached the Court in 2003. The Court issued its judgment in February 2006, finding

that the state had violated the right to personal integrity and the rights to a fair trial and judicial protection. The Court also found that the fact that the state had prohibited Mr. López Alvarez from speaking Garifuna during his detention was a violation of the right to freedom of expression, and, as it constituted discrimination, was a violation of the right to equal protection under the law. We are actively monitoring compliance with the directives of the Court.

La Cantuta v. Peru

In July 18, 1992, nine students and a professor were kidnapped and executed by a government death squad. The government eventually arrested the perpetrators, but they were released pursuant to an amnesty law that was passed in a midnight Congressional session in 1995. Relatives of the victims Gisela Ortiz-Perea, Rosario Muñoz-Sánchez, Raida Córdor, José Oyague and Bitalia Barrueta de Pablo filed a complaint before the Inter-American Commission in 1992. The Asociación Pro Derechos Humanos (APRODEH), Centro de Estudios y Acción para la Paz (CEAPAZ), and CEJIL later joined the case as their representatives. In 2006, because of the failure of the government to abide by the recommendations that the Commission issued in 2005, the case was filed before the Inter-American Court. In November 2006, the Court ordered the repeal of the amnesty law and the prosecution of the perpetrators. Subsequent to Fujimori's ousting

from the country in 2002, investigations led to his indictment for the crimes, and an ongoing legal battle over his extradition to Peru from Chile to stand trial. CEJIL has advocated strongly for his extradition, along with many other human rights organizations. The Supreme Court of Chile issued a decision to extradite Fujimori on September 21, 2007, and his trial in Peru has commenced. We are monitoring compliance with the directives of the Court

Pueblo Bello Massacre Case (Colombia)

In January 1990, paramilitaries invaded the town of Pueblo Bello, with the acquiescence of state authorities, and extrajudicially executed six persons, and forcibly disappeared 37 persons. A complaint was presented to the Inter-American Commission by Ms. Christa Schneider in February 1990; in 1997 the Comisión Colombiana de Juristas and the Asociación de Familiares de Detenidos Desaparecidos presented another complaint about the incident. CEJIL joined the case in 2004. In March 2004, the case was submitted to the Inter-American Court, which in November 2006 issued a judgment establishing the responsibility of the Colombian government. Among other findings, the Court held that the obligation of the state includes taking reasonable measures to protect against risks that it knew of or should have known of, and ordered the state to immediately undertake investigations to find

and identify the disappeared, to investigate and prosecute the perpetrators, provide reparations for the victims and their family members, including issuing a public acknowledgement of responsibility and an apology, and the construction of a monument honoring the victims. We are monitoring implementation of these orders.

Mariela Morales Caro and Others v. Colombia (La Rochela Massacre)

In 1989, paramilitaries in Colombia, with the collusion of government officials, executed 12 criminal investigators and prosecutors, and injured three others in what came to be known as the "La Rochela Massacre". The Colectivo de Abogados "José Alvear Restrepo" and CEJIL litigated the case before the Inter-American System; the Court held in May 2007 that Colombia was responsible for violating the rights to life, liberty and humane treatment, and ordered close to \$5 million in reparations to the 15 victims and 99 of their family members (parents, spouses, children, and siblings). It also ordered a thorough investigation of the massacre, including that Colombia must fully examine the possibility that high-ranking officials ordered, knew, or should have known of paramilitary crimes. It also examined the country's legal framework for the demobilization of illegal armed groups, making clear that lax procedures permitting inappropriate pardons can generate legal re-

sponsibility for the State. We are actively monitoring compliance with the Court's judgment.

Montero Aranguren v. Venezuela

In 1992, at least 63 detainees at the Detention Center of Catia in Caracas were extrajudicially executed during a prison outbreak. The subsequent investigation was marked by obstacles and flaws. In March 1996, the Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989 (COFAVIC) and CEJIL filed a petition before the Inter-American Commission; the case was filed before the Court in 2005. In 2006, the Court found international responsibility on the part of the state, and ordered reparatory measures including investigation of the events, compensation for the victims' families, legal reforms to regulate the circumstances under which the use of force and firearms is permitted and the training of its security forces accordingly. The Court also ordered the state to establish a civilian body to monitor prisons. In regard to prison conditions, the Court progressed in defining standards on crowding, hygiene, and medical attention. During the Court hearing, the state of Venezuela admitted its international responsibility for the violations identified in the case documents, and agreed to all the reparations requested for the victims and their families. We are monitoring compliance with these measures.

Servellón García v. Honduras

Four people, two of them minors, were detained illegally during a police operation in 1995, then tortured and executed, in the context of systematic social cleansing of at-risk children and youth assumed to be associated with gangs in Honduras. The victims were Marco Antonio Servellón García (16 years old), Rony Alexis Betancourth Vásquez (17 years old), Diomedes Obed García Sánchez (19 years old), and Orlando Álvarez Ríos (32 years old). CEJIL and Casa Alianza filed a complaint before the Commission in 2000; the case was filed before the Court in 2005. The Court sentence of September 2006 explicitly recognized and decried the stigmatization of poor children and youth as being likely to engage in criminal activity or as responsible for recent increases in crime. The Court declared that Honduras' failure to adopt necessary and effective measures to confront the situation had increased its responsibility for violations committed against youths. The Court ordered the state to carry out a number of institutional and social reforms, such as training personnel who work with at-risk youth to ensure their safety and designing a public awareness campaign to protect children against violence. Petitioners are actively monitoring compliance with the Court's resolution.

Simone Diniz v. Brazil

In March 1997, Simone Diniz, an Afro-Brazilian student, responded

to a newspaper job announcement for a domestic helper. She was told that she did not fit the requirements for the job because she was black. She filed a complaint with the authorities for violation of Brazil's anti-racism and discrimination law; however, the case was closed by the judge based on the opinion of the public prosecutor's office that the employer had not engaged in any act that could be considered the crime of racism. In October 1997, CEJIL and Instituto do Negro Padre Batista filed a petition to the Commission. In 2006, the Commission found that institutional racism existed in Brazil, and that few discrimination complaints were investigated or prosecuted effectively. The Commission declared governmental responsibility, and issued recommendations for reforms to promote effective implementation of the national anti-racial discrimination law, including the elimination of the requirement that proof of racist intent by the accused must be secured in to constitute crime of racism and the creation of mechanisms to ensure that racism crimes are not disqualified to constitute slander based on racial discrimination. In March 2007 the Government of the State of São Paulo created a working group to study the recommendations of the Commission. Following the conclusions of the group, the São Paulo Government passed a law on November 28, 2007 that approved the payment of dam-

ages to the victim. We are actively monitoring compliance with the recommendations of the Commission.

Vargas Areco v. Paraguay

Gerardo Vargas Areco was recruited into the Paraguayan military when he was a minor, in contravention of international law. He was tortured and killed by the military in 1989 for taking leave without permission. CEJIL and Servicio Paz y Justicia-Paraguay (SERPAJ-PY) filed a complaint before the Commission in 1999 and represented her family members before the Court in 2005. In 2006, the Paraguayan government acknowledged responsibility for human rights violations during a hearing before the Court, but disputed the reparations requested by the victim's representatives. The Court ordered the government to pay monetary damages to the family, as well as to provide human rights training to its military and reform its national laws in order to comply with international law prohibitions on the recruitment of child soldiers. We are currently monitoring the implementation of the Court's judgment.

Victor Hugo Maciel v. Paraguay

Victor Hugo Maciel was illegally recruited into the Paraguayan military when he was 15 years old. He died while being forced to perform excessive physical tasks as a form of punishment. CEJIL and Servicio Paz y Justicia-Paraguay (SERPAJ-

PY) filed a complaint before the Commission in his case on behalf of his family. A settlement agreement was reached in March 2006, in which the government of Paraguay committed to reparatory measures, including conducting further investigations into the death, paying damages to the victim's family, introducing bills to the Congress to make legislative reforms needed to halt recruitment of minors into the armed forces, and withdrawing Paraguay's reservation to the Optional Protocol to the Convention on the Rights of the Child, through which it had previously refused to refrain from the recruitment of children under 18 years old into the military. We are currently monitoring the implementation of the agreement, and advocating for full compliance with the reparatory measures. So far, the damages were paid in 2006, the reservation to the Optional Protocol has been withdrawn, and two reform bills have been introduced in the Congress.

In 2007, Paraguay also ordered the return of all minors currently in the military to their homes. ■

EXAMPLES OF CASES IN CONTINUED IMPLEMENTATION IN 2006 – 2007

Kenneth Ney Anzualdo v. Peru

Twenty-Five year old Peruvian university student, Kenneth Ney Anzualdo, was forcibly disappeared in December 1993, when the bus he was riding in was in-

tercepted by a car and three men who identified themselves as members of the Investigations Police Force ordered him to get off the bus and threw him into their car. The disappearance took place two weeks before Mr. Anzualdo was scheduled to give testimony on the forced disappearance of one of his classmates, Martin Roca Casas. CEJIL and APRODEH filed a petition to the Commission in 1998. The Peruvian government in its defense argued that the investigation of Mr. Anzualdo's case was discontinued because of a presumption that he was involved in acts of terrorism. The Commission found international responsibility on the part of Peru in November 2007 and issued recommendations to the government, including full investigation of the events and punishment of the perpetrators, and indemnification of the family members. We are monitoring compliance with the recommendations of the Commission.

Baena Ricardo and others v. Panama

On December 4 and 5 of 1990, a large number of state workers conducted a peaceful march and work stoppage in order to demand respect for their labor rights. Because of the march, there had been a massive firing of workers a few days after, without lawful cause. Ley 25 was issued on December 14, 1990 in order to retroactively justify the firings. In January 2004, the Sindicato de

Trabajadores de Panamá, Minerva Gómez, and CEJIL filed a complaint to the Commission on behalf of 270 victims. The complaint before the Court was presented in January 1998. The Court issued a judgment in February 2001, finding responsibility by the state for violations of judicial guarantees, freedom of association, and judicial protection, ordering corresponding damages and reinstatement of the workers. The Court has given notice that it will be holding a hearing in the first half of 2008 to verify state compliance with the judgment.

Carpio Nicolle and others v. Guatemala

Jorge Carpio Nicolle, a prominent journalist and opposition politician, and director of the newspaper *El Gráfico*, was killed in 1993 along with three others when more than 15 armed and hooded men attacked his caravan as he was traveling in rural Guatemala. Martha Arrivillaga de Carpio, Karen Fischer, the Oficina de Derechos Humanos del Arzobispado de Guatemala, CEJIL, Human Rights Watch/Americas and the International Human Rights Law Group presented a complaint before the Commission in 1994; the case was filed before the Court in 2003. Guatemala admitted responsibility in July 2004. The Court in its judgment of November 2004 stated that the government must remove obstacles that create impunity, and that the government cannot use trials that

do not comport with the standards of the American Convention to escape responsibility (a “fraudulent” trial justifies a retrial), and ordered measures to strengthen the investigative capacities of the State. We continue to monitor Guatemala’s compliance with the judgment.

Correa Belisle v. Argentina

Captain Rodolfo Correa Belisle was charged with “disrespect” and arbitrarily detained after he testified on the knowledge and involvement of military officials in the highly publicized 1994 killing of youth Omar Carrasco in military barracks. The proceedings that ensued were characterized by various violations of due process rights. In 1997, Alicia Oliveira, Raúl Zaffaroni, Alberto Bovino, Centro de Estudios Legales y Sociales (CELS) and CEJIL filed a complaint before the Commission together which issued an admissibility report in 2004. A settlement agreement was reached in the case in 2006, in which Argentina committed to acknowledging international responsibility and issuing a public apology to Mr. Correa Belisle for having submitted him to a military investigation and trial, as well for having sentenced him to 90 days in jail. It also committed to send a proposed law to the Congress to reform the administration of the military justice system in accordance to Argentina’s international obligations. We are actively monitoring compliance with these measures.

Juan Humberto Sanchez v. Honduras

Juan Humberto Sánchez was detained by Honduran armed forces in 1992 because they presumed he was involved with the Frente Farabundo Martí para la Liberación Nacional. His corpse was eventually found with clear signs of torture. The Comisión para la Defensa de los Derechos Humanos en Centroamérica presented the case to the Commission in 1992. CEJIL and Comité de familiares de detenidos-desaparecidos de Honduras (COFADEH) joined the case in September 2001. The case was filed before the Court in 2001, and the Court issued a judgment in 2003, finding violations by the Honduran State, and ordering an investigation, the location and return of the remains of the victim to his family, and the payment of damages to his family. During 2006 and 2007, Honduras paid the full compensation ordered by the Court. However, the most significant event in this case took place in May 2007, when Juan Humberto’s remains were finally returned in a moving public ceremony attended by his family and community members.

Juvenile Reeducation Institute Case (Paraguay)

Hundreds of minors “in conflict with the law” (both convicted and accused) detained in the Instituto de Reeducación del Menor, or the Centro “Panchito López”, were subjected to horrific conditions, including torture, inhuman

treatment, arbitrary and prolonged detention, overcrowding, lack of food and medical care, and lack of recreational or educational activities. Some of the youths were later killed and injured in three fires that took place in 2000 and 2001, and some others were killed by violence after being transferred to an adult prison. CEJIL, together with the Fundación Tekojoja, filed a complaint before the Commission in 1996 and petitioned before the Court in 2002. The State acknowledged responsibility for some of the human rights violations alleged, though not all. The Court found violations of the right to life, humane treatment, protection of the child, and judicial protection, among others. The government of Paraguay was ordered by the Court in 2004 to pay reparations to the victims, including costs for medical and psychological services for the victims and their families. The government still has not implemented fully the reparatory measures ordered by the Court.

Maria da Penha Fernandes v. Brazil

In 1983, Maria da Penha Fernandes's estranged husband tried to kill her twice, first shooting her in the back and pretending it was the result of a break-in, and later attempting to electrocute her. The shooting left her paraplegic. A jury issued a conviction in 1994, but it was overturned by an appellate court on erroneous grounds. A second jury issued another conviction in 1997, but an appellate

court prevented imposition of the sentence while another appeal was under consideration. Brazilian courts remained inert until CEJIL and the Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM) filed a complaint before the Inter-American Commission in 1999 on Ms. Fernandes's behalf. The Commission found in Ms Fernandes's favor, and recommended reparations for her, as well as institutional change within Brazil. The case gave critical impetus to women's movements that had been demanding the adoption of a national law on domestic violence, and the "Maria da Penha" law (Law No. 11340) was adopted in 2006, which codified domestic violence against women as a crime, provided criminal punishments for it and created institutional mechanisms such as special units within police departments, special tribunals to adjudicate domestic violence cases, and psychological and substance abuse rehabilitation for abusers. We continue to work for full implementation of the recommendations of the Commission.

Molina Theissen v. Guatemala

Marco Antonio Molina Theissen, a 14-year old child, was forcibly disappeared. CEJIL and the Grupo de Apoyo Mutuo filed a complaint before the Commission in 1998, and the case was presented to the Court in 2003. In 2004, the Court issued its judgment on repara-

tions, which included orders to investigate the crime, locate and deliver the remains of the child to his family, pay damages to the family members, and to create a genetic information system to help identify the remains of disappeared children. We continue to monitor the implementation of this decision.

Palamara Iribarne vs. Chile

Mr. Palamara was a former navy intelligence officer who was censored and convicted in a flawed trial before the military justice system for *desacato* (a type of criminal libel that protects public figures against criticism), after writing a book about ethics and the military intelligence services. CEJIL and Human Rights Watch/Americas filed a Commission complaint in 1996. The case was filed before the Court in 2004 and CEJIL represented Palamara before the Court. In 2005, the Court ordered Chile to publish the book, and to overhaul its military justice code to bring it into compliance with its international obligations. In 2007, the government printed the books and delivered them to Mr. Palamara, and the executive branch presented a proposed legal reform before the Chilean congress. The petitioners have raised questions about this proposed law because it does not comply with international human rights standards or the Court's sentence. CEJIL continues to monitor Chile's compliance with the orders of the Court.

Raxcacó Reyes v. Guatemala

Ronald Ernesto Raxcacó Reyes, on death row since 1999, was subjected to beatings, inhuman conditions of detention (he was not given medicine, clothes, enough food, or a mattress, and was held in a cell with little natural light 23 hours a day), and was improperly denied the opportunity to apply for a pardon or a commutation of his sentence. CEJIL, the Instituto de Estudios Comparados en Ciencias Penales de Guatemala and Instituto de la Defensa Pública Penal filed a complaint on behalf of Mr. Raxcocó before the Commission in 2002; the case was filed before the Court in 2004. In September 2005, the Inter-American Court found violations of the right to judicial protection and of the prohibition against cruel, inhuman and degrading punishment or treatment. The Court issued an interpretation of its judgment in February 2006. Among other findings, the Court ruled that the state could not apply capital punishment automatically to categories of crimes without considering the individual circumstances of the accused. It also held that the failure of the State to establish clear and consistent procedures on how to apply for pardons constituted a violation. Since then, the judiciary has stopped imposing the death penalty, and lower courts have overturned death penalty convictions and imposed alternative penalties. None of the 17 persons currently on death row have been

executed since the decision was issued. In three of those cases, the decision is currently being challenged. Mr. Raxcacó's sentenced was eventually commuted to 40 years in prison. We continue to monitor the implementation of this decision.

Serrano Sisters v. El Salvador

Erlinda and Ernestina Serrano Cruz, aged 3 and 7 years old, were forcibly disappeared on June 2, 1982 by the Salvadorian military when it raided their village. They were never found, despite attempts by the family. CEJIL and Asociación Pro-Búsqueda filed a complaint before the Commission in 1999, and the case was filed before the Court in 2003. The Court in 2005 found the government of El Salvador responsible for failing to investigate the case. In March 2006, El Salvador paid reparations for material and non-material damages to the relatives of the victims. In December 2006 the Court's sentence was published in a national newspaper. In January 2007, El Salvador declared March 29 as the "Day of disappeared children during the armed conflict." This was the first time that the government admitted forced disappearances of children in its territory, even though this practice was perpetrated against thousands of children. To this date Asociación Pro Búsqueda has documented more than 750 cases of disappeared children.

Sonia Arce Esparza v. Chile

When Ms. Arce decided to sell her share of property inherited from her parents, she was legally prevented from doing so because Chilean law established that husbands were the heads of household and, as such, the administrators of their wives' property. CEJIL and Corporación Humanas filed a case in 2001 challenging Chile's civil code that prevented married women from administering their own property. As a result of the case, in March 2007 the Chilean government entered into a settlement agreement in which it committed to reform legislation that was discriminatory towards women, and to widely publicize the case's findings and the changes in law as part of an effort to trigger similar changes throughout the region. Further, the government and the victim's representatives worked together in requesting a study through the Inter-American Commission's rapporteur for women to help establish standards of protection to be applied at the regional level.

Yakye Axa v. Paraguay

The Yakye Axa, an indigenous community in the Paraguayan Chaco, applied in 1993 to formalize their land claim under Paraguayan law to their ancestral territory, from which they had been displaced. Because no effective action was taken and they could not survive away from their lands, they returned to the territory in 1996 but were refused entry. They set up an encampment

alongside a public road facing their ancestral territory, living in precarious conditions with little access to food, water, adequate housing, education, and other basic necessities. CEJIL and Tierraviva a los Pueblos Indígenas del Chaco submitted a complaint to the Commission in 2000, and the case was submitted to the Court in 2003. The State did not acknowledge responsibility, but acquiesced to the demands of the petitioners. In 2005 the Court found violations of the right to property, violations of the right to life, and other rights. The Court ordered reparations, including the delimitation and return of ancestral territory. CEJIL and Tierraviva are monitoring the implementation of this decision.

Yean & Bosico v. Dominican Republic

Dilcia Yean and Violeta Bosico, two girls born in the Dominican

Republic were denied Dominican nationality in contravention of the national constitution because they were of Haitian descent. They were refused permission to register their births, denied identity documents, and Violeta was unable to enroll in school. CEJIL, the Movimiento de Mujeres Dominico-Haitianas (MUDHA), and the International Human Rights Law Clinic, University of California, Berkeley School of Law (Boalt Hall) submitted a Commission complaint in 1998, and the case was filed before the Court in 2003. The Court issued a landmark decision in 2005 holding that the Dominican Republic had violated, among other rights, the right to equal protection, the right to nationality, and the right to recognition as a person before law of the two girls. The Court also emphasized that the State had a legal obligation under article 19 of the American Conven-

tion to provide free primary education to all minors. During 2006, CEJIL denounced the Dominican government's inaction in compliance proceedings before the Inter-American Court. CEJIL and MUDHA met with a group of U.S. legislators in Washington, D.C. on the case. Subsequently, a U.S. congressional delegation visited the Dominican Republic to express concern about the treatment of Haitian migrants and Dominicans of Haitian descent. In March 2007, the Dominican Republic finally paid the reparations owed to Ms. Yean and Ms. Bosico. However, at the same time that the government paid reparations for this case, it also began planning a Constitutional reform to deny Dominican nationality to the children of migrants. The petitioners are closely monitoring such proposals out of concern that they may violate the Court's judgment. ■

Partial List of CEJIL's Co-petitioners and Partners December 2007

CEJIL works with co-petitioners and partners throughout the Americas to advance human rights. With our co-petitioners, we jointly litigate cases of paradigmatic human rights violations before the Inter-American Commission and Court. With our partners, we engage in a broad range of activities, such as training seminars, policy analysis, field missions, advocacy, and research. Some individuals are listed here in their capacity as co-petitioning attorneys in case litigation, or as partners in other areas of our programs. Note some of our co-petitioners and partners who are based outside the Americas, or who have offices or members in multiple countries, are listed under "Regional and International Organizations". This is a partial list provided to give a sense of our relationships in the Americas.



VENEZUELA

- Carlos Ayala Corao
- Centro de Derechos Humanos de la Universidad Católica Andrés Bello
- Comité de Familiares de las Víctimas de los Sucesos de Febrero-Marzo 1989 (COFAMIC)
- Comisión Justicia y Paz de Derechos Humanos del Estado de Aragua
- Espacio Público
- Observatorio Venezolano de Prisiones
- Pedro Nikken
- Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA)
- Red de Apoyo por la Justicia y la Paz
- Una Ventana a la Libertad
- Vicaría de Derechos Humanos de Caracas
- Vicaría Episcopal de Caracas
- Vicariato Apostólico de Machiques
- Vicariato Apostólico de Puerto Ayacucho

REGIONAL AND INTERNATIONAL ORGANIZATIONS / ORGANIZACIONES REGIONALES E INTERNACIONALES

- Acción de los Cristianos para la Abolición de la Tortura (ACAT)
- Amazon Watch
- Amnesty International
- Asociación Americana de Juristas
- Association for the Prevention of Torture
- Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (Cladem)
- Federación Latinoamericana de Familiares de Detenidos Desaparecidos (Fedefam)
- Fundación Red de Salud de las Mujeres Latinoamericanas y del Caribe
- Instituto Interamericano de Derechos Humanos
- Interights
- Observatorio Latinoamericano de Prisiones
- Open Society Justice Initiative
- Observatorio de Políticas Públicas de Derechos Humanos en el Mercosur
- Rights and Democracy
- Servicio, Paz y Justicia – América Latina (Serpaj – AL)
- Swedish Foundation for Human Rights
- Washington Office on Latin America

PERU / PERÚ

- Asociación Pro Derechos Humanos (APRODEH)
- Carolina Loayza Tamayo
- Centro de Asesoría Laboral del Perú (CEDAL)
- Centro de Estudios y Acción para la Paz (CEAPAZ)
- Comisión de Derechos Humanos (Comisedh)
- Coordinadora Nacional de Derechos Humanos (Cnddhh)
- Estudio para la Defensa de los Derechos de la Mujer (DEMUS)
- Fundación EcuMénica para el Desarrollo y la Paz (FEDDEPAZ)
- Grupo de Iniciativa Nacional para los Derechos del Niño (GIN)
- Instituto de Defensa Legal (IDL)
- Instituto de Derechos Humanos de la Pontificia Universidad Católica del Perú
- Prensa Libre

UNITED STATES OF AMERICA / ESTADOS UNIDOS

- American University Washington College of Law International Human Rights Law Clinic
- Amnesty International USA
- Center for Constitutional Rights
- Center for Reproductive Rights
- Columbia Law School Human Rights Clinic
- Committee to Protect Journalists
- Debevoise and Plimpton LLP
- Gibbs Houston Pauw
- Global Rights
- Harvard Law School International Human Rights Clinic
- Heller Ehrman LLP
- Human Rights First
- Human Rights Watch

- Latin American Working Group
- Linklaters LLP
- Mayer Brown
- National Coalition for Haitian Rights
- New York City Bar Cyrus R. Vance Center for International Justice
- Robert F. Kennedy Memorial Center for Human Rights
- Stanford Law School Immigrant Rights Clinic
- University of California Berkeley School of Law-Boalt Hall International Human Rights Law Clinic
- University of Notre Dame, Human Rights Program
- University of Virginia School of Law International Human Rights Law Clinic
- U.S. Office on Colombia
- Washington Office on Latin America
- Yale Law School Allard K. Lowenstein International Human Rights Law Clinic

URUGUAY

- José Luis González
- Observatorio de Políticas Públicas de Derechos Humanos del Mercosur
- Servicio, Paz y Justicia-Uruguay (SERPAJ-UY)

NICARAGUA

- Asociación Nicaragüense pro DDHH
- ASONVIHSIDA - Asociación Nacional de Personas Viviendo con Sida en Nicaragua
- CALPI
- Casa Alianza Nicaragua
- Centro de Derechos Constitucionales
- Centro Nicaragüense de Derechos Humanos (CENIDH)
- Centro Jurídico de Derechos Humanos de la Costa Atlántica (EJUDHCAN)
- Comisión Permanente de Derechos Humanos
- Coordinadora Nacional de la Niñez (CODEND)
- Dos Generaciones
- Fundación NIMEHLIATZIN
- Fundación Xochiquetzal
- Iniciativa por la Diversidad Sexual
- IPAS
- Movimiento Autónomo de Mujeres
- Red de Migraciones
- Red de Mujeres Contra la Violencia
- SI MUJER
- Universidad Centroamericana (UCA)
- YATAMA

PANAMA/PANAMÁ

- Alianza Ciudadana pro Justicia
- Alianza del Movimiento de Mujeres
- Asociación Hombres y Mujeres Nuevos de Panamá
- Centro de Asistencia Legal Popular (Cealp)
- Centro de Investigación y Promoción de los Derechos Humanos
- Centro de Iniciativas Democráticas (CIDEM)

- Confederación de Trabajadores de la República de Panamá
- COPODEHUPA
- Familia Wald
- Federación Nacional de Servidores Públicos y Trabajadores de Empresas de Servicios Públicos
- Fundación Dobbo Yala
- Instituto de Estudios Políticos e Internacionales
- Mesa Nacional de Migrantes y refugiados
- Patria Portugal
- Red Nacional de Apoyo a la Niñez
- Santander Tristán Donoso
- Trabajadores de la Ley 25

PARAGUAY

- Centro de Estudios Especializados en Niñez Adolescencia y Juventud
- Coordinación de Mujeres del Paraguay
- Coordinadora de Derechos Humanos del Paraguay (Codehupy)
- Coordinadora de los Derechos del Niño y Adolescente (CDIA)
- Familia Vargas Areco
- Fundación Tekojoja
- Servicio Paz y Justicia—Paraguay (Serpai - PY)
- Sindicato de Periodistas del Paraguay
- Tierra Viva a los Pueblos Indígenas del Chaco

HONDURAS

- Aci participa
- AMBLIH
- Asociación de Jueces por la Democracia
- Asociación por una sociedad más justa
- ASONAPV/SIDAH
- Casa Alianza - Honduras
- Casa Renacer
- Centro de Derechos de Mujeres
- Centro de Investigación y Promoción de Derechos Humanos (CIPRODEH)
- Centro para la Prevención, Rehabilitación y Tratamiento de la Tortura en Honduras
- C-libre
- Colectivo de Mujeres Hondureñas (CODEMUH)
- Comité de Familiares de Detenidos Desaparecidos de Honduras Cofadeh)
- Comunidad Gay Sampetrana
- Equipo de Reflexión, Investigación y Comunicación (ERIC)
- Jóvenes Hondureños Adelante Juntos Avancemos
- Kukulkam
- Movimiento Ambientalista de Olancho
- Organización Fraternal Negra (OFRANEH)

MEXICO/ MÉXICO

- Acción de los Cristianos para la abolición de la Tortura (ACAT)
- Alianza Cívica
- Asilegal
- Asociación de Familiares Detenidos-Desaparecidos (AFADEM)
- Asociación Nacional de Abogados Democráticos
- Bufete Jurídico "Tierra y Libertad"
- Casa Alianza México
- Centro de Derechos Humanos de la Montaña "Tlachinollan"
- Centro de Derechos Humanos Fray Bartolomé de las Casas
- Centro de Derechos Humanos Fray Francisco de Vitoria
- Centro de Derechos Humanos Miguel Agustín Pro Juárez (Prodh)
- Centro de Derechos Humanos Tepeyac

- Centro de Derechos Humanos y Asesoría a Pueblos Indígenas
- Centro Nacional de Comunicación Social (CENCOS)
- Centro Potosino de Derechos Humanos
- Centro de Reflexión y Acción Laboral de Fomento Cultural y Educativo (CERFAL)
- CIMAC NOTICIAS
- Comisión de Derechos Humanos del DF
- Comisión de Derechos Humanos del Partido de la Revolución emocrática
- Comisión Estatal de Derechos Humanos de Querétaro
- Comisión Independiente de Derechos Humanos de Morelos (Cidhm)
- Comisión Magisterial de Derechos Humanos de Oaxaca
- Comisión Magisterial de Derechos Humanos de Guerrero
- Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)
- Comisión de Solidaridad y Defensa de los Derechos Humanos (COSYDDHAC)
- Comité de Liberación 25 de noviembre de Oaxaca
- Familia Ochoa y Plácido
- Familiares de Víctor Pineda y Modesto Patolzin
- GIRE
- Grupo de Mujeres de San Cristóbal (COLEM)
- Justicia para nuestras hijas
- Liga Mexicana de Defensa de los Derechos Humanos (LIMEDDH)
- Martha Guadalupe Figueroa Mfer
- Movimiento Ciudadano por la Democracia
- MEDIEEX
- Organización Indígena de Pueblos Tlapanecos AC (OIPT)
- Red de Defensores Comunitarios
- Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todos"
- Red Oaxaqueña de Derechos Humanos
- Red por los Derechos de la Infancia en México
- Servicios Legales de Investigación y Estudios Jurídicos (Slej)
- Sin Fronteras
- Taller Universitario de Derechos Humanos

EL SALVADOR

- Asociación de Mujeres por la Dignidad y la Vida (Las Dignas)
- Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos
- Concertación por el Empleo Digno en la Maquila (CEDM)
- Comisión de Derechos Humanos de El Salvador (CDHS)
- Comisión pro Memoria Histórica
- Comité de Familiares de Víctimas de violaciones a los DDHH "Marianela García Villegas"
- Consejo Coordinador Nacional Indígena Salvadoreño (CCNIS)
- Familia García Prieto
- Fundación de Estudios para la Aplicación del Derecho (FESPAD)
- Foro de Jueces Democráticos e Independientes (ADD)
- Grupo de Monitoreo Independiente de El Salvador (GMIES)
- Instituto de Derechos Humanos de la Universidad Centroamericana "José Simeón Cañas" (IDHUCA)
- Instituto de Estudios de la Mujer Norma Virginia Girola
- Oficina de Tutela Legal del Arzobispado de San Salvador
- Organización de Mujeres Salvadoreñas por la Paz (ORMUSA)
- Red para la Infancia y la Adolescencia (RIA)

GUATEMALA

- Asociación de Familiares de Detenidos-Desaparecidos de Guatemala (Famdegua)
- Asociación Gente Unida
- Asociación de Salud Integral
- Casa Alianza Guatemala
- Centro de Acción Legal Ambiental y Social de Guatemala (CALAS)
- Centro de Investigación Internacional en DDHH
- Centro para la Acción Legal en Derechos Humanos (CALDH)
- CERIGUA

- Comité de Unidad Campesina (CUC)
- Consejo de Comunidades Étnicas Runujel Junam (CERJ)
- Coordinadora Nacional de Viudas de Guatemala (Conavigua)
- Defensa Legal Indígena
- Defensoría Maya
- Familia Carpio y Karen Fischer
- Familia Molina Theissen
- Fundación de Antropología Forense
- Fundación Fernando Iturbide
- Fundación Mack
- Fundación Preventiva del SIDA
- Grupo de Apoyo Mutuo (GAM)
- Grupo De Mujeres Guatemaltecas
- Instituto de Defensa Pública Penal de Guatemala
- Instituto de Estudios Comparados en Ciencias Penales de Guatemala
- María Eugenia Morales
- Movimiento Social por la Niñez
- Oficina de Derechos Humanos del Arzobispado (ODHA)
- Organización de Apoyo a una Sexualidad Integral frente al SIDA (OASIS)
- Procuraduría de Derechos Humanos de Guatemala
- Proyecto Vida
- Red de la no violencia contra las Mujeres de Guatemala
- Soz'il -Centro para la Investigación y Planificación de Desarrollo Maya

HAITI

- Support Group for Refugees and the Repatriated (GARR)

COLOMBIA

- Asociación de Detenidos y Desaparecidos de Colombia (ASPADDES)
- Coalición Contra la Vinculación de los Niños, Niñas y Jóvenes al Conflicto Armado en Colombia
- Comisión Colombiana de Juristas
- Comisión Intereclesial de Justicia y Paz
- Comité de Solidaridad con Presos Políticos
- Corporación Colectivo de Abogados José Alvear Restrepo
- Corporación Jurídica Libertad
- Corporación Reiniciar
- DeJusticia: Centro de Estudios Derecho, Justicia y Sociedad
- Familiares Colombia
- Fundación Social
- Grupo Interdisciplinario de Derechos Humanos
- Norwegian Refugee Council
- Red Nacional de Mujeres
- Red de Empoderamiento de Mujeres de Cartagena y Bolívar
- Sisma Mujer
- Universidad de los Andes

COSTA RICA

- Alianza por tus Derechos
- Asociación Consejo Nacional de Mujeres Indígenas Costarricense (ACONAMIC)
- Centro de Amigos por la Paz (CAP)
- Centro Feminista de Formación y Acción (CEFEMINA)
- Defensa de Niños y Niñas Internacional (DNDI) - Costa Rica
- Foro por los Derechos Humanos de Personas con Discapacidad
- Frente Nacional de Pueblos Indígenas (FRENAPI)
- Fundación Paniamor

- Fundación para la Defensa de Derechos Humanos en Centroamérica (FUNDEHUCA)
- Mesa Nacional Indígena (MNI)
- Red de Organizaciones Civiles para las Migraciones de Costa Rica
- Servicio de Paz y Justicia - Costa Rica (SERPAJ-CR)
- Sindicato de Empleados del Patronato Nacional de la Infancia (SEPI)

DOMINICAN REPUBLIC/ REPÚBLICA DOMINICANA

- Comisión de la Verdad
- Grupo de apoyo a Repatriado y Refugiado (GARR)
- Mesa de Migración
- Mesa Nacional Para la Migración (MNM-RD)
- Movimiento de Mujeres Dominicano-Haitianas (Мудна)
- Red de Encuentro Dominicano Haitiano Jacques Viau
- Servicio Jesuita de Refugiados y Migrantes

ECUADOR

- Alejandro Ponce
- Clínica de Derechos Humanos de la Pontificia Universidad Católica de Ecuador (PUCE)
- CEHDU (Comisión Ecueménica de Derechos Humanos)
- Centro de Derechos Económicos y Sociales (CEDES)
- CEPAM
- Comité de Derechos Humanos de Shushufindi
- Fundación Equidad
- Flacso
- Pueblo Kichwa de Sarayaku
- Servicio Jesuita de Refugiados
- Tara Melish
- Vicariato de Aguatico

BRAZIL / BRASIL

- Amar – Associação de Mães e Amigos das Crianças e Adolescentes em Risco
- Associação Beneficente São Martinho
- Centro de Articulação de Populações Marginalizadas (CEAP)
- Centro de Defesa da Criança e do Adolescente do Ceará (CEDECA)
- Centro de Defesa da Vida Herbert de Sousa
- Centro de Defesa dos Direitos Humanos da Arquidiocese de Porto Velho
- Centro de Defesa e Promoção dos Direitos Humanos da Arquidiocese de Fortaleza

- Centro de Direitos Humanos Henrique Trindade
- Centro Dom Helder Câmara de Estudos e Ação Social (CENDHEC)
- Comissão de Familiares dos Mortos e Desaparecidos Políticos de São Paulo
- Comissão de Justiça e Paz da Arquidiocese de Porto Velho
- Comissão Nacional de Articulação das Comunidades Negras Rurais Quilombolas (CONAQ)
- Comissão Pastoral da Terra (CPT)
- Comissão Pró-Índio São Paulo
- Comissão Teotônio Vilela
- Conectas Direitos Humanos
- Conselho Indígena Missionário (CIMI)
- Conselho Indigenista de Roraima
- Defensoria Pública do Estado de São Paulo
- Federação de Órgãos para Assistência Social e Educacional (FASE)
- Fundação Bento Rubião
- Fundação de Defesa dos Direitos Humanos Margarida Maria Alves
- Fundação Interamericana de Defesa dos Direitos Humanos
- Fundação Projeto Travessia
- Gabinete de Assessoria Jurídica às Organizações Populares (GAJOP)
- Grupo de Mulheres Encarceradas

- Grupo Tortura Nunca Mais-Rio de Janeiro
- Instituto do Negro Padre Batista
- Movimento dos Trabalhadores Rurais Sem Terra (MST)
- Movimento Nacional de Direitos Humanos (MNDH)
- Operária Pastoral do Espírito Santo
- Pastoral Carcerária Nacional
- Projeto Legal
- Rede Social de Justiça e Direitos Humanos
- Sociedade Paraense de Defesa dos Direitos Humanos (SDDH)
- União de Mulheres de São Paulo

CANADA / CANADÁ

- George Bogardi
- Rights and Democracy
- The League for Human Rights of the B'nai Brith – Canada

CHILE

- Centro de Estudios para el Desarrollo de la Mujer
- Clínica de Acciones de Interés Público de la Universidad Diego Portales
- Corporación de Derechos del Pueblo (Codepu)
- Corporación Humanas
- Fundación Instituto de la Mujer
- La Morada
- Observatorio de Derechos de los Pueblos Indígenas
- Vivo Positivo

ARGENTINA

- Alberto Bovino
- Asociación Civil por la Igualdad y la Justicia (ACIJ)
- Asociación de Comunidades Aborígenes Lhaka Honhat (Nuestra Tierra)
- Asociación de Familiares de Detenidos Desaparecidos por Razones Políticas
- Centro de Estudios Legales y Sociales (CELS)
- Centro de Estudios para la Defensa Pública
- Comisión de Familiares Víctimas Indefensas de la Violencia Social e Institucional de la República Argentina (Cofavi)
- Comisión Provincial por la Memoria – Comité contra la Tortura
- Consejo Federal de la Defensa Pública
- Defensoría del Tribunal de casación de la Provincia de Buenos Aires
- Equipo Argentino de Antropología Forense
- Familiares de Detenidos Desaparecidos por Razones Políticas
- Instituto de Derechos Humanos – Universidad Nacional de la Plata
- Instituto de Estudios Comparados en Ciencias Penales y Sociales (INECIP)
- Memoria Activa
- Ministerio Público de la Defensa
- Santiago Felguerras

BOLIVIA

- Asamblea Permanente por los Derechos Humanos
- Capítulo Boliviano de Derechos Humanos Democracia y Desarrollo
- Centro de Estudios Jurídicos e Investigación Social (CEJIS)
- Defensor del Pueblo
- Fernando Rizzi
- Fundación de Apoyo al Parlamento y a la Participación Ciudadana (FUNDAPACC)
- Fundación Solón
- Oficina Jurídica para la Mujer, de Cochabamba
- Servicio Nacional de Defensa Pública (SENADDP)