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978-1-107-00658-4 - The Practice and Procedure of the Inter-American Court of Human Rights: Second Edition

Jo M. Pasqualucci

Excerpt

[More information](#)

1

Introduction

The status of individuals under international law is no longer in doubt: individuals are subjects of international law and as such are accorded rights. Yet rights are illusory without the procedural capability to enforce them. They are no more than high-minded principles if individuals whose rights have been violated have no avenue for complaint and relief. International courts and commissions are often empowered to enforce human rights and to attribute responsibility to States that violate their obligations. These enforcement bodies must employ equitable procedures that balance victims' rights and States' treaty obligations. The practice and procedures of these bodies can ensure or impede an individual victim's access to justice.

The Inter-American Court of Human Rights is the sole judicial organ in the Inter-American human rights system. As such, it is the final arbiter of human rights in those States of the Western hemisphere that have ratified the American Convention on Human Rights and accepted the Court's jurisdiction. The Court has substantially revised its Rules of Procedure several times to more effectively address issues of timeliness and victim representation before the Court. The latest major change in its Rules became effective on January 1, 2010. In addition, the increasing number of decisions issued by the Inter-American Court in recent years has presented the Court with diverse procedural issues, resulting in the establishment of consistent practices in applying its procedures. Cases involving multiple victims – sometimes hundreds of victims in the case of massacres – have contributed to the evolution of victim-centered and community-based reparations. This book analyzes the practice and procedures of the Inter-American Court and critiques its effectiveness in developing procedures and practices that protect the rights of individual applicants. It covers the period from the Court's inception in 1979 through May, 2012.

Cambridge University Press

978-1-107-00658-4 - The Practice and Procedure of the Inter-American Court of Human Rights: Second Edition

Jo M. Pasqualucci

Excerpt

[More information](#)2 *The Practice and Procedure of the Inter-American Court of Human Rights*

THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

A brief background of the Inter-American human rights system is necessary for a thorough understanding of the practice and procedure of the Inter-American Court. Human rights protection in the Americas is overseen by the Organization of American States (OAS), an international organization comprising the thirty-five independent States of the Western hemisphere.¹ Formerly, Cuba was suspended from participating in the OAS because it adopted a Marxist-Leninist form of government. On June 3, 2009, the OAS General Assembly voted by acclamation to revoke the 1962 OAS resolution that suspended Cuba. The OAS set certain conditions for Cuba's reinstatement: first, Cuba must request readmission to the OAS, and second, it must take part in negotiations. As of July 1, 2012, Cuba had not complied with these conditions. Should Cuba decide to again participate in the OAS, it is hoped that it will also play a more active role in the Inter-American human rights system by ratifying human rights treaties, nominating members to the Commission and judges to the Court, and accepting the Court's jurisdiction.

OAS Member States have worked together to structure a regional system to promote and protect human rights in the Americas. The organization has promulgated a series of instruments governing human rights in the region. These instruments include the Charter of the OAS,² which is the constitutive treaty forming the alliance between the American States. Although the OAS Charter is not solely concerned with human rights, it established the Inter-American Commission on Human Rights as an organ of the OAS.³ Over time the Charter has been amended to incorporate other provisions on human rights. Other OAS documents and treaties specifically dedicated to human rights include the American Declaration of the Rights and Duties of Man;⁴ the American Convention on Human Rights;⁵ two Protocols to the American Convention (the Protocol on Economic, Social and Cultural Rights,

¹ OAS website, www.oas.org. OAS member States include Antigua and Barbuda, Argentina, The Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba (currently inactive), Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States, Uruguay, and Venezuela.

² Charter of the Organization of American States (as amended), 30 April 1948, entered into force on 13 December 1951, 2 UST 2394, TIAS No. 2361; amended effective 1970, 21 UST 607, TIAS No. 6847.

³ *Ibid.*, Art. 51.

⁴ Adopted in 1948 by the OAS General Assembly, reprinted in 2010 Basic Documents, at 13.

⁵ American Convention on Human Rights, 22 November 1969, 9 ILM 673, OEA/Ser.K/XVI/I.1, doc. 65 rev. 1 corr. 1 (1970), reprinted in 2010 Basic Documents at 19. The American Convention and other Inter-American human rights documents can be viewed on the website of the OAS, <http://www.oas.org>, or on the website of the Inter-American Court of Human Rights, <http://www.corteidh.or.cr>; An excellent source of information on the Inter-American Court is Ruiz-Chiriboga, Oswaldo R., CORTE IDH BLOG, <http://corteidhblog.blogspot.com>

Cambridge University Press

978-1-107-00658-4 - The Practice and Procedure of the Inter-American Court of Human Rights: Second Edition

Jo M. Pasqualucci

Excerpt

[More information](#)*Introduction*

3

known as the “Protocol of San Salvador,”⁶ and the Protocol to Abolish the Death Penalty⁷); the Inter-American Convention to Prevent and Punish Torture;⁸ the Inter-American Convention on the Forced Disappearance of Persons;⁹ the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women;¹⁰ and the Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.¹¹ The OAS also promulgated the Inter-American Democratic Charter, which provides that “[d]emocracy is indispensable for the effective exercise of fundamental freedoms and human rights.”¹² The OAS relied on the Inter-American Democratic Charter in 2009 when the OAS General Assembly adopted a resolution immediately suspending Honduras from OAS participation as a result of a coup d’état that deposed the constitutionally elected president. Honduras was readmitted to the OAS in June 2011.

The American Convention on Human Rights, also known as the “Pact of San José,” is the principal human rights treaty in the system. The American Convention empowers two bodies – the already established Inter-American Commission on Human Rights and the Inter-American Court of Human Rights – to ensure State compliance with the human rights set forth in the instrument.¹³ The American Convention protects some two dozen rights, many more than the number protected initially by the European Convention on Human Rights and Fundamental Freedoms. The rights protected by the American Convention include, inter alia, the rights to life, a name, nationality, property, privacy, humane treatment, personal liberty, a

⁶ Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (“Protocol of San Salvador”), signed at San Salvador, El Salvador, on 17 November 1988 at the eighteenth regular session of the General Assembly, and entered into force on 16 November 1999, reprinted in 2010 Basic Documents, at 63.

⁷ Protocol to the American Convention on Human Rights to Abolish the Death Penalty, Approved at Asunción, Paraguay, on 8 June 1990, at the twentieth regular session of the General Assembly of the OAS, entered into force on 28 August 1991, reprinted in 2010 Basic Documents, at 75. This Convention was most recently ratified by Honduras and the Dominican Republic in 2011.

⁸ Signed at Cartagena de Indias, Colombia, on 9 December 1985 at the fifteenth regular session of the General Assembly of the OAS, entered into force on 28 February 1987, reprinted in 2010 Basic Documents, at 55.

⁹ Resolution Adopted at Belem do Pará, Brazil, 9 June 1994 at the twenty-fourth regular session of the General Assembly of the OAS, entered into force on 28 March 1996, reprinted in 2010 Basic Documents, at 89.

¹⁰ Adopted in Belem do Pará, Brazil, on 9 June 1994 during the twenty-fourth regular session of the General Assembly of the OAS, entered into force on 5 March 1995, reprinted in 2010 Basic Documents, at 79.

¹¹ Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities, adopted at Guatemala City, Guatemala, at the twenty-ninth regular session of the General Assembly of the OAS, 7 June 1999, entered into force on 14 September 2001, reprinted in 2010 Basic Documents, at 97.

¹² Inter-American Democratic Charter, adopted by the OAS General Assembly at its special session held in Lima, Peru held on 11 Sept, 2001, 40 ILM 1289, Art. 7.

¹³ American Convention, Art. 33.

Cambridge University Press

978-1-107-00658-4 - The Practice and Procedure of the Inter-American Court of Human Rights: Second Edition

Jo M. Pasqualucci

Excerpt

[More information](#)4 *The Practice and Procedure of the Inter-American Court of Human Rights*

fair trial, assembly, and compensation when there has been a miscarriage of justice. It also provides for rights of the family and the child and for freedom of religion, thought, expression, movement, and residence. The Convention received the necessary eleven ratifications and entered into force in 1978. As of July 1, 2012, twenty-four of the thirty-five Member States of the OAS are States Parties to the American Convention. These States are Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, and Venezuela.¹⁴ Trinidad and Tobago, which had been a State Party, denounced the American Convention on May 26, 1998, effective May 26, 1999.

Although the American Convention is modeled on UN human rights instruments and on the European Convention for the Protection of Human Rights and Fundamental Freedoms, its drafters refused to simply replicate those treaties. Rather, the delegates to the drafting conference argued that “it was appropriate to introduce any modifications that were desirable in the light of circumstances prevailing in the American Republics.”¹⁵ The circumstances and social reality of the developed States – of which the European human rights system was then composed – differed greatly from those of the many underdeveloped States in the Inter-American system. Extremes of poverty and wealth contributed to political instability in the Inter-American system. Misery, injustice, and exploitation were endemic. Not surprisingly, social and economic oppression gave rise to political oppression and to human rights violations. The distinctions between the European and American systems were also manifest in the types of human rights violations confronted by the two systems. For many years the principal cases in the Inter-American system involved forced disappearances and extrajudicial executions resulting from intentional governmental policies. The Inter-American system benefited immeasurably from the European experience, but it had to forge its own practice and procedures. As Buergenthal stated, “For better or for worse, the problems of our Hemisphere are more unique to the Americas than they are universal or European. They can only be solved within the framework of our own legal, cultural, political, and social traditions.”¹⁶ Regional human rights organs, such as the Inter-American Court and Commission, have an understanding of the cultural, historical, and legal background

¹⁴ The States Parties are listed in 2010 Basic Documents, at 41. See Appendix 1, p. 360. The only American States that have not ratified the American Convention are Antigua and Barbuda, Bahamas, Belize, Canada, Cuba, the United States, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. Trinidad and Tobago ratified the American Convention but subsequently denounced it.

¹⁵ Council of Europe, *Report on the Inter-American Specialized Conference on Human Rights* (Strasbourg, 22 December 1969), reprinted in *Human Rights: The Inter-American System*, Booklet 15 vol. 3, at 67, 71 (Thomas B. Buergenthal and Robert E. Norris eds., 1982).

¹⁶ Thomas Buergenthal, “The American and European Conventions on Human Rights: Similarities and Differences,” 30 *American University Law Review*, 155, 156 (1980–1).

Cambridge University Press

978-1-107-00658-4 - The Practice and Procedure of the Inter-American Court of Human Rights: Second Edition

Jo M. Pasqualucci

Excerpt

[More information](#)*Introduction*

5

of the States in the system and thus can better evaluate human rights claims and craft relevant reparations.¹⁷

Traditionally, only States had automatic standing to file petitions or complaints against other States in international law. Individuals did not have standing, even when their own rights were violated. This was also true in international human rights law, which had been created to protect individuals. When injured by the action of a State, an individual's only recourse was to convince his or her government to file a complaint. If that government were the violator, the victim had no recourse. When human rights abuses became endemic, only rarely did one State complain or take action against another, and these actions were often politically motivated. Even when a State is concerned about human rights violations, political reality often inhibits it from making accusations about another for fear of jeopardizing its economic interests or of having its own practices evaluated. The drafters of the American Convention had the foresight to give individuals the right to petition.

Standing to file an individual petition with the Commission is not limited to the individual victim or family members of the victim. Any person, group of persons, or nongovernmental entity that is legally recognized in a Member State of the OAS may file a petition alleging that an individual's rights have been violated.¹⁸ This provision has proved to be especially important in the Inter-American system, where victims or their family members may be too intimidated or indigent to submit a petition. A nongovernmental organization (NGO) often has more resources than the individuals involved and is less susceptible to threats of retaliation.

The Convention delineates the procedures that the Commission and the Court are to apply in processing individual complaints of human rights abuse. These procedures specify that an individual who alleges that a State Party to the American Convention has violated his or her rights must first file a complaint directly with the Inter-American Commission, located in Washington, DC.¹⁹ The Commission received 1,658 complaints in 2011.²⁰ It is composed of seven commissioners, who are chosen from the Member States of the OAS.²¹ The Commission's Secretariat – comprising a full-time staff of lawyers, an Executive Secretary, and a Deputy Executive Secretary – performs the routine work of the Commission, including the initial review of petitions. The Commission solicits information from the parties, makes a decision as to the admissibility of the petition, engages in fact-finding procedures, and attempts to bring about a friendly settlement between the parties. If the Commission attributes the human rights violation to the State, the Commission may

¹⁷ Gerald L. Neuman, "Import, Export, and Regional Consent in the Inter-American Court of Human Rights," 19 *European Journal of International Law*, 101, 106 (2008).

¹⁸ American Convention, Art. 44.

¹⁹ *Ibid.*

²⁰ 2011 Annual Report, IACHR, at 54. Available at <http://www.cidh.oas.org/annualrep/2011eng/TOC.htm>.

²¹ American Convention, Art. 34.

Cambridge University Press

978-1-107-00658-4 - The Practice and Procedure of the Inter-American Court of Human Rights: Second Edition

Jo M. Pasqualucci

Excerpt

[More information](#)6 *The Practice and Procedure of the Inter-American Court of Human Rights*

make recommendations to the State.²² A State Party to the Convention that decides to challenge the Commission's attribution of responsibility may submit the case to the Inter-American Court.²³ The Commission may submit a case to the Court only if the State has accepted the Court's jurisdiction.²⁴ The Court then conducts contentious proceedings to determine whether the State is responsible for the human rights violation. If the Court holds the State accountable, the Court may order the State to make reparations. The State is legally bound to comply with the judgment of the Court.²⁵

A CONCISE HISTORY OF THE INTER-AMERICAN COURT

The Inter-American Court of Human Rights was established in 1979.²⁶ During its early years, the Court's prospects for improving the human rights of the people of the Americas appeared uninspiring. Dictatorships in the Western hemisphere perpetrated gross and systematic violations of human rights.²⁷ State-sponsored forced disappearances, extrajudicial killings, and torture were commonplace. Few observers expected the Court to have a significant impact, and initially, the skeptics were right. The Commission did not forward contentious cases to the Court until 1986, seven years after the Court's inception. Although Costa Rica attempted to bypass the Commission in one instance by referring a case directly, the Court determined that the Convention-mandated procedures could not be circumvented.²⁸ The Court, therefore, refused to consider the case and sent it to the Commission.²⁹ The Court's principal vehicle for contributing to international law during that period was through its advisory opinions.

When the Commission began to refer contentious cases to the Court, the governments of newly emerging democracies were shocked to be charged with human rights violations. These States equated the need for human rights enforcement with dictatorships. As a result, it was initially feared that States would refuse to participate in proceedings before the Court, a recurring problem for the International Court of Justice at that time. This did not happen. States responded to applications filed against them by designating agents, filing memoranda, and appearing and arguing at public hearings. To be sure, States often filed preliminary objections, many of

²² *Ibid.*, Art. 50(3).²³ *Ibid.*, Art. 61.²⁴ *Ibid.*, Art. 62(3).²⁵ *Ibid.*, Art. 68(1).²⁶ The first judges were elected to the Court on 22 May 1979 during the Seventh Special session of the OAS General Assembly. <http://www.corteidh.or.cr/historia.cfm>.²⁷ See Cecilia Medina Quiroga, *The Battle of Human Rights: Gross Systematic Violations and the Inter-American System*, 2 (Kluwer, 1988).²⁸ *Matter of Viviana Gallardo et al.* (Costa Rica), IACtHR, Decision of 13 November 1981, No. G101/81, para. 28. Available at <http://www.corteidh.or.cr/opiniones.cfm>.²⁹ *Ibid.*, Resolutions 3 and 4.

Cambridge University Press

978-1-107-00658-4 - The Practice and Procedure of the Inter-American Court of Human Rights: Second Edition

Jo M. Pasqualucci

Excerpt

[More information](#)

Introduction

7

which were frivolous, arguing that the Court did not have jurisdiction or the case was not admissible; however, if the Court rejected those objections, the States fully participated in the case.

The reputation of the Inter-American Court has been strengthened as a result of the quality of its jurisprudence. Its status may be reflected in the caliber of State witnesses who have appeared before it to defend State actions. For example, in the *Baena Ricardo Case*, in which 270 former Panamanian State employees alleged that they were illegally dismissed from their jobs as a result of an ex post facto law, Guillermo Endara, the former president of Panama, and his vice president testified before the Court.³⁰ Many States currently accept full or partial responsibility for human rights violations, acknowledging their liability once they are before the Court. State acceptance of international responsibility is an indirect acknowledgment on the part of the State that an Inter-American Court judgment attributing responsibility to a State for human rights violations is taken seriously domestically and internationally.

State compliance with Court-ordered reparations has similarly evolved. Because the Court has no effective mechanism to enforce its judgments, it was initially feared that States would simply ignore them and refuse to make Court-ordered reparations to the victims. Honduras, under the presidency of Carlos Roberto Reina, a former Inter-American Court judge, paid the compensation ordered in the *Honduran Disappearance Cases*, the first contentious cases decided by the Court. Since that time, States have paid the financial compensation ordered by the Court in more than 80 percent of the cases.³¹ Compensation, however, is not the only form of reparation ordered by the Inter-American Court. The Court may also order the State to take action or to desist from particular acts. When Peru complied with the Court's order to release from prison María Elena Loayza Tamayo, a college professor,³² a new level of State compliance was reached. Subsequently, in certain cases when the Court has declared a domestic law or judgment to be in violation of the American Convention, States have amended the law,³³ domestic courts have declared the law in question to be unconstitutional,³⁴ or domestic court judgments have been annulled.³⁵ States have complied with Court orders to apologize to victims, provide them with health care or educational training, and return the body of the victim to the family. The Court also orders the State to make community-based reparations, such as reallocating resources to housing, education, health care, or employment in a community

³⁰ *Baena Ricardo et al. v. Panama* (Merits, Reparations, and Costs), IACtHR, 2 February 2001, Ser. C, No. 72, paras. 65(h) and (i).

³¹ 2010 Annual Report IACtHR, at 12. Available at http://www.corteidh.or.cr/docs/informes/2010_eng.pdf.

³² See *Loayza Tamayo v. Peru* (Merits), IACtHR, 17 September 1997, Ser. C, No. 33, para. 84, operative para. 5.

³³ *Cantoral Benavides v. Peru* (Reparations and Costs), IACtHR, 3 December 2001, Ser. C, No. 88, para. 76.

³⁴ *Suárez Rosero v. Ecuador* (Reparations and Costs), IACtHR, 20 January 1999, Ser. C, No. 44, paras. 81–83.

³⁵ *Cesti Hurtado v. Peru* (Reparations and Costs), IACtHR, 31 May 2001, Ser. C, No. 78, para. 15.

Cambridge University Press

978-1-107-00658-4 - The Practice and Procedure of the Inter-American Court of Human Rights: Second Edition

Jo M. Pasqualucci

Excerpt

[More information](#)8 *The Practice and Procedure of the Inter-American Court of Human Rights*

that suffered massive human rights violations. Many of these reparations were unprecedented in human rights law.

There is, however, another level of State compliance with Court-ordered reparations that is not yet commonly observed in the Inter-American system. In almost every case, the Court orders the State to investigate, prosecute, and punish the individuals responsible for the human rights violations; however, these orders are seldom fulfilled. In most States impunity reigns, and the State power structure lacks the means or the will to bring the perpetrators of human rights violations to justice. Domestic statutes of limitations or laws on double jeopardy may bar investigations and trials. When Court orders to prosecute and punish the violators are consistently fulfilled, the Court will have contributed substantially to limit impunity and to the specific and general deterrence of human rights violations.

The initial fear that States would withdraw their acceptance of the Court's jurisdiction or denounce the American Convention has not been warranted. Only one State, Trinidad and Tobago, has denounced the Convention and the Court's jurisdiction.³⁶ Peru, which had announced its intention to withdraw its recognition of the Court's jurisdiction, has since reaffirmed its acceptance of the Court's jurisdiction.³⁷ Moreover, additional States have ratified the Convention and accepted the Court's jurisdiction.

COMPOSITION OF THE COURT

The Court is composed of seven judges, who must be "jurists of the highest moral authority" recognized for their competence in human rights law.³⁸ The judges must also "possess the qualifications required for the exercise of the highest judicial functions in conformity with the law of the State of which they are nationals or of the State that proposes them as candidates."³⁹ Judges are independent; they do not represent States. Although judges must be nationals of OAS Member States,⁴⁰ they need not be nationals of States that have ratified the American Convention or accepted the jurisdiction of the Court. Judges are elected by a vote of the States Parties to the Convention.⁴¹ A State Party may propose up to three candidates for judge, provided that at least one of the three is a national of another Member State.⁴² The judges are elected for six years and may serve no more than two terms.⁴³

³⁶ See 2010 Basic Documents, at 52.

³⁷ See Peruvian Legislative Resolution No. 271532 in the Inter-American Court of Human Rights Press Release CP2/01 on the Court's website at <http://corteidh.or.cr>.

³⁸ American Convention, Art. 52(1).

³⁹ *Ibid.*

⁴⁰ *Ibid.* The judges must be nationals of different States. *Ibid.*, Art. 52(2).

⁴¹ American Convention, Art. 53(1).

⁴² *Ibid.*, Art. 53(2).

⁴³ *Ibid.*, Art. 54.

Cambridge University Press

978-1-107-00658-4 - The Practice and Procedure of the Inter-American Court of Human Rights: Second Edition

Jo M. Pasqualucci

Excerpt

[More information](#)*Introduction*

9

The judge serving as President of the Court serves on a permanent basis.⁴⁴ The other judges serve on a part-time basis, although the increased number of cases and requests for provisional measures warrant a full-time Court.⁴⁵

When a sitting judge is a national of a State Party to a contentious case, the judge must recuse himself or herself from consideration of the case.⁴⁶ States Parties in contentious cases no longer have the right to name a judge ad hoc for that case, if a sitting judge is not a national of that State.⁴⁷ If a judge on the Court is a national of one of the States Parties to the case, only with interstate complaints may the other State Party designate a judge ad hoc.⁴⁸

The Court has a full-time Secretariat that is based at the seat of the Court in San José, Costa Rica. The Secretariat, like the Commission's Secretariat, is composed of the Secretary, Deputy Secretary, and staff attorneys and assistants. The Court may convene at its seat,⁴⁹ but increasingly it is meeting in other States Parties. In recent years the Court has held special sessions in Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, and Uruguay. By holding its sessions in OAS Member States the Court increases public awareness of the workings of the Inter-American system and develops a more collaborative and cooperative working relationship with the judiciary and governments in those countries. While in the host countries, the Court holds public hearings, deliberates on cases, and conducts court business. In addition, the judges and Court attorneys often meet with government officials and civil society and hold training seminars to foster a better understanding of the Inter-American human rights system. In this way, the Court brings the system and its work of protecting human rights to the attention of domestic courts, prosecutors, attorneys, law students, other government officials, and the public. This exposure should enhance compliance with Inter-American Court judgments.

⁴⁴ Statute of the Inter-American Court of Human Rights, adopted by the General Assembly of the OAS at its ninth regular session, held in La Paz, Bolivia, October 1979 (Resolution No. 448), Art. 16(2), reprinted in 2010 Basic Documents, at 209.

⁴⁵ Evaluation of the Workings of the Inter-American System for the Protection and Promotion of Human Rights with a View to its Improvement and Strengthening, Resolution 1(e), AG/RES. 1828 (XXXI-O/01), Resolution adopted at the third plenary session, held on 5 June 2001 in which the OAS General Assembly suggested that the possibility of a permanent Court and Commission be examined. Available on the OAS website at <http://www.oas.org>.

⁴⁶ Rules of Procedure of the Inter-American Court of Human Rights, entered into force 1 January 2010, Art. 19, approved by the Court during its LXXXV Regular Period of Sessions, held from November 16 to November 28, 2009, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System (updated to June 2010), OEA/Ser.L/V/II rev. 13, 30 June 2010, at 185. Available at <http://www.corteidh.or.cr/reglamento.cfm> [hereinafter "IACtHR Rules of Procedure"].

⁴⁷ American Convention, Art. 55(2).

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, Art. 58(1).

Cambridge University Press

978-1-107-00658-4 - The Practice and Procedure of the Inter-American Court of Human Rights: Second Edition

Jo M. Pasqualucci

Excerpt

[More information](#)10 *The Practice and Procedure of the Inter-American Court of Human Rights*

OVERVIEW OF JURISDICTION

Under its contentious jurisdiction, the Inter-American Court rules on whether a State has violated an individual's human rights. The Inter-American Court is not a criminal court and does not determine whether individuals are guilty of human rights violations; rather, it determines State liability.⁵⁰ State domestic courts have the competence to determine individual criminal liability. The Inter-American Court has clarified that

[t]he international protection of human rights should not be confused with criminal justice. When States appear before the Court, they do so not as defendants in a criminal proceeding, since the Court does not impose punishment on those responsible for violating human rights. Its function is to protect the victims and to determine the reparation of the damages caused by the States responsible for such actions.⁵¹

The Court must assess the truth of the applicant's allegations and determine whether the facts as proved constitute a violation of the Convention imputable to the State. The Court can exercise contentious jurisdiction only over States Parties to the Convention that have accepted its jurisdiction as binding *ipso facto* or on an *ad hoc* basis by special agreement for a particular case.⁵² A State Party to the American Convention accepts the Court's jurisdiction as binding *ipso facto* when it files a special declaration to that effect.⁵³ As of May 1, 2012, twenty-one States Parties to the American Convention had accepted the compulsory jurisdiction of the Inter-American Court. The States subject to the Court's jurisdiction are Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, and Venezuela.⁵⁴ In denouncing the American Convention, Trinidad and Tobago also denounced the Court's jurisdiction.

The Court's early contentious cases dealt with disappearances or extrajudicial executions. In later years, a broader range of alleged violations have been submitted for the Court's consideration. For instance, in *"The Last Temptation of Christ" Case*, the Court held that Chile's prior censorship of a movie was a violation of freedom

⁵⁰ *La Cantuta v. Peru* (Merits, Reparations, and Costs), IACtHR, 29 November 2006, Ser. C, No 162, para. 156.

⁵¹ *Constitutional Court v. Peru* (Merits, Reparations, and Costs), IACtHR, 31 January 2001, Ser. C, No. 71, para. 47; see also *Cantoral Benavides v. Peru* (Merits), IACtHR, 18 August 2000, Ser. C. No. 69, para. 46.

⁵² American Convention, Art. 62. See Restrictions to the Death Penalty (Arts. 4(2) and 4(4) of the American Convention on Human Rights), IACtHR, Advisory Opinion OC-3/83 of 8 September 1983, Ser. A, No. 3, para. 21.

⁵³ American Convention, Art. 62.

⁵⁴ See 2010 Basic Documents, at 41.