

#### **IV. OTHER INTER-AMERICAN BODIES**



## INTER-AMERICAN JURIDICAL COMMITTEE

The Inter-American Juridical Committee is one of the organs through which the Organization of American States (OAS) accomplishes its purposes (Article 53 of the Charter). Chapter XIV of the Charter defines its composition, powers, and functions in the following fashion: it serves as an advisory body to the Organization on juridical matters, it promotes the progressive development and the codification of international law, and it studies juridical problems related to the integration of the developing countries of the Hemisphere. It has its headquarters in Rio de Janeiro and is composed of eleven jurists who are nationals of the member states and are elected by the General Assembly.

The Inter-American Juridical Committee held two regular sessions in 2005. The first was in Managua, Nicaragua, February 28 through March 11, 2005, and the second at the Committee's headquarters in Rio de Janeiro, August 1 through 19, 2005. The following topics figured on the Committee's agenda at these two sessions: Joint efforts of the Americas in the struggle against corruption and impunity; the legal aspects of States' domestic enforcement of judgments of international tribunals or courts or other international bodies that have jurisdictional functions; the legal aspects of the interdependence between democracy and economic and social development; the Seventh Inter-American Specialized Conference on Private International Law (CIDIP-VII); Consideration on the codification and standardization of international law in the Americas; preparations for the commemoration of the centennial of the Inter-American Juridical Committee; the International Criminal Court; principles of judicial ethics; freedom of information; access to and protection of personal information and data; the legal aspects of inter-American security; and preparation of a draft inter-American convention against racism and all forms of discrimination and intolerance. The Inter-American Juridical Committee approved reports and adopted resolutions on these topics.

The members of the Inter-American Juridical Committee in 2005 were as follows: Mauricio Herdocia (President), Jean-Paul Hubert (Vice-President), Luis Herrera, Galo Leoro, Antonio Pérez, Eduardo Vio, Ana Elizabeth Villalta, Stephen Vasciannie, Luis Marchand, Joao Grandino Rodas and Alonso Gómez-Robledo.

During the thirty-fifth regular session of the OAS General Assembly (Fort Lauderdale, June 2005), the following were elected to membership on the Committee: Dr. Jaime Aparicio (Bolivia) and Dr. José Manuel Delgado (Venezuela). Dr. Ana Elizabeth Villalta (El Salvador) was re-elected to another term. The terms of office of these three members begin on January 1, 2006, and last four years. The members who left the Inter-American Juridical Committee on December 31, 2005 were Dr. Luis Herrera (Venezuela) and Dr. Stephen Vasciannie (Jamaica).

Dr. Mauricio Herdocia presented the Committee's Annual Report to the General Assembly, on its work in 2004.

The officials from the OAS General Secretariat who provided the Inter-American Juridical Committee with technical and administrative assistance were Dr. Jean-Michel Arrighi, Director of the Department of International Legal Affairs, and Drs. Manoel Tolomei Moletta and Dante M. Negro, Principal Legal Advisors with that department.

Finally, the Inter-American Juridical Committee, in coordination with the International Law Office of the Department of International Legal Affairs, organized the XXXII Course on International Law, held from August 1 through 26, 2005. Participating were 28 professors from various countries in the Americas and

Europe, 29 OAS fellowship recipients selected from over 70 applicants, and 14 self-paying students. The central theme of the course was: *The contribution of international organizations to international law today.*

## **INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

The Inter-American Commission on Human Rights (IACHR) was created by a resolution of the Fifth Meeting of Consultation of Ministers of Foreign Affairs in Santiago Chile, in 1959. It was formally established in 1960 when the Council of the Organization approved its Statute. Its Regulations, first adopted in 1980, were amended several times thereafter, most recently in 2000.

### **Commission sessions held in 2005**

In this reporting period, the Commission met on two occasions: for its 122<sup>nd</sup> regular session, February 23 to March 11, 2005, and for the 123<sup>rd</sup> regular session, October 11 through 28, 2005.

At the 122<sup>nd</sup> regular session, the Commission elected its new officers: Clare K. Roberts, President; Susana Villarán, First Vice President, and Paulo Sérgio Pinheiro, Second Vice President. The Commission also assigned functions to the various rapporteurships and examined numerous individual petitions asserting human rights violations and alleging that the international responsibility of OAS member states had been engaged. It approved a total of 51 reports on individual cases and petitions and held 43 hearings on individual cases, the general human rights situation in various countries of the Hemisphere, precautionary measures, and follow-up of its recommendations. The Commission examined other issues within its competence as well.

During its 123<sup>rd</sup> session, from October 11 through 28, 2005, the Commission continued to study numerous individual communications alleging violations of human rights protected under the American Convention and the American Declaration. It approved a total of 66 reports on cases and individual petitions. The Commission held 55 hearings between October 17 and 25, 2005, in connection with individual cases and petitions, precautionary measures and general and specific human rights situations. Also during that session and in compliance with the mandate set out in OAS General Assembly resolution AG/RES. 2074 (XXXV-O/05), the Commission organized a workshop on economic, social and cultural rights. The event was attended by international experts, representatives of OAS member States serving on the Working Group in charge of preparing a Social Charter for the Americas, and representatives of civil society.

### **Visits**

In 2005 the Commission made three visits to Haiti, with financial support provided by the Government of France and logistical support from the OAS Special Mission to Strengthen Democracy in Haiti. The Commission's Special Rapporteur for Haiti, President Clare K. Roberts, visited Haiti from April 18 through 22, 2005. A delegation from the Commission's Secretariat made another trip to Haiti from July 11 through 15, 2005, mainly to compile additional information on the situation of the administration of justice in that country, in order to complete a report on that subject. The Commission made a third visit from November 2 through 5, 2005, together with UNICEF's Regional Office for Latin America and the Caribbean. The delegation was headed by Paulo Sérgio Pinheiro, Commissioner and the IACHR's Rapporteur for Children and an Independent Expert of the United Nations Secretary General for the World Study on Violence against Children, and by María Jesús Conde, UNICEF's Child Protection Advisor for Latin America and the Caribbean.

The First Vice President and the IACHR's Special Rapporteur for Guatemala, Susana Villarán, visited Guatemala at the Government's invitation and at the request of representatives of civil society. Financial support for the visit was provided by the European Commission. During that visit, working meetings were held on five cases where important agreements on friendly settlement were reached; five cases involving

follow-up of recommendations, and eight precautionary measures. During her visit, the Rapporteur also attended an event held to publicly acknowledge the Plan de Sánchez massacre back on July 18, 1982, when members of the Guatemalan Army and civilian collaborators under the Army's direction massacred 268 individuals, most of whom were Mayan indigenous persons. During her visit, she also presented a document on reparations to victims of human rights violations. She followed up on the issues related to the administration of justice and to violence against women, and evaluated the situation of social and indigenous leaders, those who work for justice and men and women engaged in the defense of human rights.

A Commission delegation headed by the Vice President and Rapporteur for Colombia, Susana Villarán, traveled to Bogotá from February 15 through 19, 2005, to formally present the *Report on the Demobilization Process in Colombia*. On December 14 and 15, 2005, a Commission delegation headed by Executive Secretary Santiago A. Canton visited Bogotá to follow up on the demobilization in Colombia, in keeping with the mandate established in OAS Permanent Council resolution CP/RES. 859 (1397/04), where the Inter-American Commission on Human Rights is invited to provide advisory services to the Mission to Support the Peace Process in Colombia (MAPP/OEA).

At the invitation of the Mexican Government and at the request of various representatives of Mexican civil society, the Inter-American Commission, with support provided by the European Commission, visited Mexico from August 25 through 31, 2005. Commissioner José Zalaquett, who served as the Commission's Rapporteur for Mexico and as Special Rapporteur on the Rights of Indigenous Peoples, headed up the delegation, which also included officials from the Commission's Secretariat. The program also featured the Commission's first official visit to the state of Oaxaca.

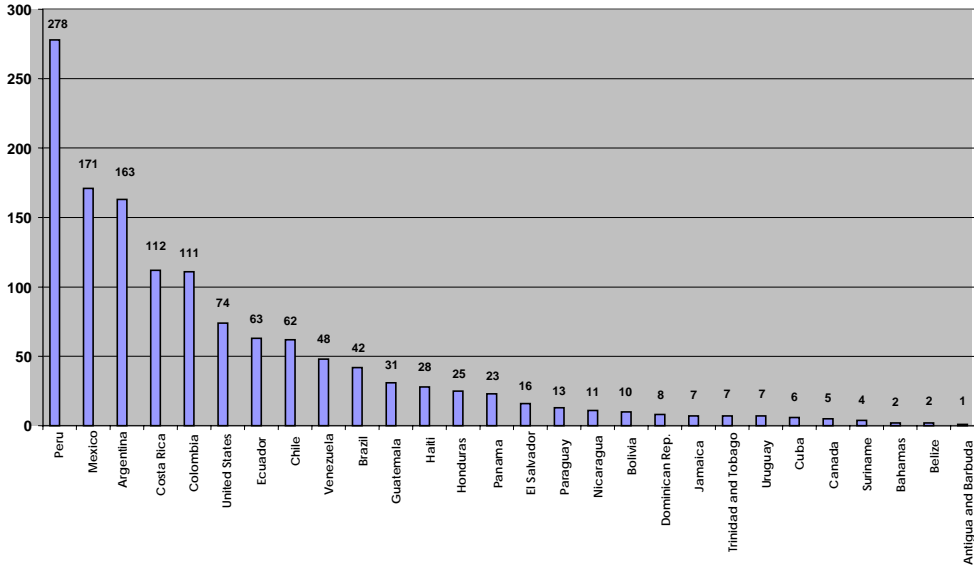
### **Financial situation**

During 2005, the Commission was pleased to observe the sizeable financial contributions made by the governments of Argentina, Brazil, Colombia, Costa Rica, Finland, France, Ireland, Italy, Mexico, Spain, Sweden, and the United States and the financing provided by the Inter-American Development Bank, the European Commission, the Human Rights and Democracy Foundation, the McCormick Foundation and the University of Notre Dame, all of whose contributions were made specifically to bolster the inter-American human rights system. However, the Commission continues to be affected by a financial crisis as the number of petitions and other areas within the Commission's purview continue to grow.

## Petitions and cases

In 2005, the Inter-American Commission received 1,330 individual petitions.

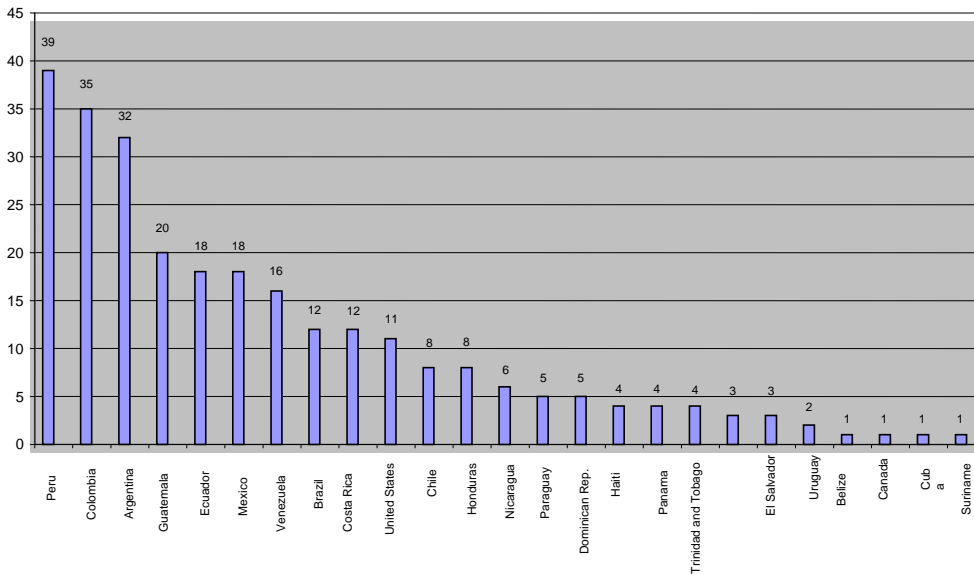
TOTAL NUMBER OF PETITIONS RECEIVED IN 2005, BY COUNTRY  
Total: 1330



## Precautionary measures

The Commission received 269 requests for precautionary measures in 2005.

TOTAL REQUESTS FOR PRECAUTIONARY MEASURES RECEIVED IN 2005, BY COUNTRY  
Total: 269



## **The Inter-American Commission's cases with the Inter-American Court of Human Rights**

In 2005, the Commission continued to litigate a series of matters before the Inter-American Court of Human Rights. Between January 1 and December 31, 2005, the Commission filed ten cases with the Inter-American Court: Nogueira de Carvalho (Brazil); Cuatro Puntos Cardinales (Honduras); Sawhoyamaxa Indigenous Community (Paraguay), Dismissed Congressional Workers (Peru), Bernabé Baldeón-García (Peru), Retén de Catia (Venezuela), Vargas Areco (Paraguay), Goiburú, Mancuello and Villalta (Paraguay), Claude Reyes *et al.* (Chile), and Almonacid Arellano (Chile). It also filed seven requests with the Court seeking provisional measures in the cases of: Fermín Ramírez (Guatemala), Gutiérrez Soler (Colombia), López Álvarez (Honduras), Ramírez Hinostroza and Rivera Paz (Peru), FEBEM's "*Complexo do Tataupé*" (Brazil), Castañeda Gutman (Mexico), and the La Pica Penitentiary (Venezuela). The Commission also participated in a number of public hearings before the Court in 2005.