

El Amparo, Blanco Romero, Montero Aranguren, Barreto Leiva, and Usón Ramírez v. Venezuela

COMPLIANCE AND FOLLOW-UP ADDENDUM¹

November 20, 2015: The State failed to inform the Court of its compliance with the reparations ordered in the Judgments in five cases (*El Amparo, Blanco Romero, Montero Aranguren, Barreto Leiva, and Usón Ramírez*).² Specifically, in *El Amparo, Blanco Romero et al.*, and *Montero Aranguren et al.*, the Court assessed the compliance reports submitted by the State and determined the State failed to comply with the reparation measures set forth in the Judgments.³ The Court kept open the proceedings for monitoring compliance with the ordered reparations and requested the State submit a “detailed, complete and updated report” on compliance with the Judgments in all three cases.⁴ The Court concluded the State’s failure to present any update by the extended deadline was a failure to comply with the ordered reparations.⁵

Further, in *Barreto Leiva* and *Usón Ramírez*, the State failed to comply with all reparation measures ordered in the Judgments.⁶ The State failed to submit an adopted measures report in either case by the one-year deadline.⁷ In both cases nearly five years have passed since the expiration of the term granted.⁸

The Court found that the State’s failure to submit compliance reports in all five cases constituted a breach in the State’s obligation to inform the Court, a failure to adopt necessary compliance measures as set

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2. *El Amparo, Blanco Romero, Montero Aranguren, Barreto Leiva, and Usón Ramírez v. Venezuela, Monitoring Compliance with Judgments, Order of the Court, Inter-Am. Ct. H.R. “Declares,”* ¶ 2 (Nov. 20, 2015).

3. *Id.* “Considering that,” ¶ 9.

4. *Id.* “Considering that,” ¶ 2.

5. *Id.* “Declares,” ¶ 1.

6. *Id.*

7. *Id.* “Considering that,” ¶ 3.

8. *El Amparo, Blanco Romero, Montero Aranguren, Barreto Leiva, and Usón Ramírez v. Venezuela, Monitoring Compliance with Judgments, Order of the Court, “Considering that,”* ¶ 3.

forth in the American Convention.⁹ As such, the Court kept open the compliance monitoring procedure for all ordered reparation measures.¹⁰ In addition, the Court ordered the State submit compliance reports in all five cases as soon as possible.¹¹ Finally, in the next Annual Report, the Court will inform the General Assembly of the Organization of the American States of the State's failure to execute the ordered reparations set forth in all five judgments.¹²

November 22, 2018: In an effort to follow up with the Court on its compliance with previously adopted measures, the State provided an update on *El Amparo v. Venezuela*.¹³ The Court noted that as of July 2006, the State had fully complied with compensation for material and immaterial damages set forth in the Judgment.¹⁴ In contrast, in the November 2015 resolution the Court held that the State failed to both comply with their obligation to investigate and punish those responsible, and inform the Court of all reparation measures implemented.¹⁵

In updating the Court on its compliance with the Judgment, the State cites the October 2016 decision by the Constitutional Chamber of the Supreme Court of Justice.¹⁶ The decision annulled the June 1998 acquittal of the group of military and police officers involved in the 1988 murder of 16 fishermen from the town of *El Amparo*.¹⁷ The State argued that the decision constituted a compliance with the investigation and punishment set forth in the Judgment.¹⁸

The Commission concluded that a court decision made "after more than 30 years of non-compliance with the State's obligations" not only failed to meet the investigative requirements, but also "constitute[d] a source of revictimization for relatives."¹⁹ The Court agreed with the Commission, and noted the significance that 23 years had elapsed before the State accepted responsibility for the human right violations of the 16

9. *Id.* "Considering that," ¶¶ 7, 8.

10. *Id.* "Resolves," ¶ 3.

11. *Id.* "Resolves," ¶ 4.

12. *Id.* "Resolves," ¶ 5.

13. *El Amparo v. Venezuela*, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Viewed," ¶ 5 (Nov. 22, 2018).

14. *Id.* "Considering that," ¶ 3.

15. *Id.* "Considering that," ¶¶ 3, 4.

16. *Id.* "Viewed," ¶ 1.

17. *Id.* "Considering that," ¶ 7.

18. *Id.*

19. *El Amparo v. Venezuela*, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering that," ¶ 8.

victims.²⁰ As such, the Court's decision did not evidence the State's compliance with its international obligation to investigate, judge, and punish individuals responsible for the murder of the victims.²¹

The Court found the State failed to adopt necessary compliance measures.²² As a result, the Court concluded that the State's actions concerning the obligation to investigate the case, was pending compliance.²³ Finally, in the next Annual Report the Court will inform the General Assembly of the Organization of the American States of the State's failure to comply with the reparations set forth in the Judgment.²⁴

20. *Id.* "Considering that," ¶ 11.

21. *Id.*

22. *Id.* "Resolves," ¶ 1.

23. *Id.* "Resolves," ¶ 2.

24. *Id.* "Resolves," ¶ 4.