

Cases of Hilaire, Constantine and Benjamin et al. and of Caesar v. Trinidad and Tobago

COMPLIANCE AND FOLLOW-UP ADDENDUM¹

November 20, 2015: In a follow-up hearing regarding the State's compliance with previously adopted measures in the two cases, the State failed to provide a report about its compliance with the Judgments.² The Court noted that even though the State denounced the American Convention on May 26, 1999, it was still a Party to the Convention at the time the violations occurred, and per Article 78(2) of the Convention, "a denunciation of the treaty does not relieve the State of its obligations with respect to any act that may constitute a violation of said Convention and that has occurred prior to the entry into force of said denunciation."³

Although the State failed to provide evidence of its compliance with the Judgments, the Court considered information provided by the Commission which showed the State continued to apply a mandatory death penalty for those convicted of murder, in violation of the Judgment of Court.⁴ The Court affirmed that the victims in the Case of Hilaire, Constantine and Benjamin were "still at risk of being executed."⁵

The Court considered that the State's continued non-compliance with the Judgment after twelve years was "an open disregard" of the treaty-based obligations of the State and "strip[ped] the Convention of its effectiveness."⁶ The Court described the State's inactivity as

1. Jennifer Harkins, Author; Edgar Navarrete, Editor; Erin Gonzalez, Chief IACHR Editor; Cesare Romano, Faculty Advisor

2. Cases of Hilaire, Constantine and Benjamin and Caesar v. Trinidad and Tobago, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. of H.R. "Considering That" ¶ 5 (Nov. 20, 2015).

3. *Id.* ¶ 2.

4. *Id.* ¶ 8.

5. *Id.*

6. *Id.* ¶ 11.

contradictory “to the objective, aim and spirit of the American Convention.”⁷ The Court reminded the State that the Convention employs “collective enforcement,” meaning all States, who are parties to the Convention, ensure no State fails to comply with the Court’s Judgments.⁸

The Court declared the State had failed to comply with its obligations as ordered by the reparations in the Judgment.⁹ Accordingly, the Court decided: (1) to continue its monitoring of the State’s compliance with the Judgment; (2) to urge the State to comply with the Judgments; (3) to report in the next Annual Report the State’s failure to comply with its obligations; and (4) to request the Secretary of the Court to notify the State, representatives of the victims, and the Commission of these resolutions.¹⁰

7. *Id.* ¶ 5.

8. Cases of Hilaire, Constantine and Benjamin and Caesar v. Trinidad and Tobago, Monitoring Compliance with Judgment, Order of the Court, ¶ 12.

9. *Id.* “Declares That” ¶ 1.

10. *Id.* “And Decides” ¶¶ 3-6.