

Juvenile Reeducation Institute v. Paraguay

ABSTRACT¹

This case is about a detention facility for minors, in Paraguay, where inmates were detained in inhuman living conditions. Despite a legal battle to close down the Juvenile Reeducation Institute that lasted more than a decade, Paraguay did not take steps to improve the conditions of inmates. Eventually, a series of fires, injuring and killing scores of minors, forced Paraguay to close it down. The Court found violation of several articles of the Convention.

I. FACTS

A. Chronology of Events

1993 – 1996: The Panchito López Juvenile Reeducation Institute (“Coronel Panchito López Center” or “the Center”), a children’s rehabilitation center in the State, comes under scrutiny due to a number of problems, including overpopulation, overcrowding, and inadequate infrastructure.² The inmates live in unsanitary conditions and lack proper bathroom facilities.³ They additionally lack proper medical care and exercise facilities.⁴ The Center does not have enough beds or bedding for the inmates, so many of them are forced to sleep on the floor or share mattresses with other inmates, resulting in instances of sexual abuse.⁵ The prison guard staff is too small and poorly trained, and the guards resort to cruel disciplinary measures, including solitary confinement, torture, and regular beatings.⁶ Inmates awaiting trial or conviction

1. Ava Rubin, Author; Theodore Nguyen, Editor; Kathryn Benson, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Juvenile Reeducation Institute v. Paraguay, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am Ct. H.R. (ser. C) No. 112, ¶¶ 134.3–134.4 (Sept. 2, 2004).

3. *Id.* ¶ 134.5.

4. *Id.* ¶¶ 134.6–134.8.

5. *Id.* ¶¶ 134.9–134.10.

6. *Id.* ¶¶ 134.13–134.16.

are not separated from those already convicted.⁷ Finally, some inmates are over twenty years old but are not segregated from the minors in the Center.⁸ All of these factors create a violent environment in the Center.⁹

November 12, 1993: The Tekojojá Foundation (*Fundación Tekojojá*) files a generic habeas corpus petition on behalf of the inmates in the Panchito López Center seeking relief from the poor detention conditions.¹⁰

July 31, 1998: The Civil and Commercial Law Judge of First Instance grants the generic habeas corpus petition, ordering the State to transfer the inmates to detention centers with adequate facilities.¹¹ The State does not comply.¹²

February 11, 2000: A fire breaks out at the Center and nine inmates are killed.¹³ At least twenty-five others are injured or burned.¹⁴ The Center lacks fire extinguishers, and the guards do nothing to help the inmates.¹⁵

February 5, 2001: A second fire breaks out at the Center, and nine inmates are injured or burned.¹⁶

7. *Id.* ¶ 134.20.

8. *Id.* ¶ 134.21.

9. *Id.* ¶ 134.24.

10. *Id.* ¶¶ 134.27.

11. *Id.* ¶¶ 134.28, 240.

12. *Id.* ¶ 134.28.

13. *Id.* ¶ 134.29. The inmates who perish in the fire are Elvio Epifanio Acosta Ocampos, Marco Antonio Jiménez, Diego Walter Valdez, Sergio Daniel Vega Figueredo, Sergio David Palletti Dominguez, Mario del Pilar Alvarez Pérez, Juan Alcides Román Barrios, Antonio Damián Escobar Morinigo, and Carlos Raúl de la Cruz. *Id.* ¶ 177.

14. *Id.* ¶ 134.30. The inmates injured in the fire are Abel Achar Acuña, José Milciades Cañete Chamorro, Ever Ramón Molinas Zárate, Arsenio Joel Barrios Báez, Alfredo Duarte Ramos, Sergio Vincent Navarro Moraez, Raúl Esteban Portillo, Ismael Méndez Aranda, Pedro Iván Peña, Osvaldo Daniel Sosa, Walter Javier Riveros Rojas, Osmar López Verón, Miguel Ángel Coronel Ramírez, César Fidelino Ojeda Acevedo, Heriberto Zarate, Francisco Noé Andrada, Jorge Daniel Toledo, Pablo Emmanuel Rojas, Sixto González Franco, Francisco Ramón Adorno, Antonio Delgado, Claudio Coronel Quiroga, Clemente Luis Escobar González, Julio César García, José Amado Jara Fernández, Alberto David Martínez, Miguel Angel Martínez, Osvaldo Mora Espinola, Hugo Antonio Vera Quintana, Juan Carlos Zarza Viveros, Eduardo Vera, Cándido Ulises Zelaya Flores, Hugo Olmedo, Oscar Rafael Aquino Acuña, Nelson Rodríguez, Demetrio Silguero, Aristides Ramón Ortiz Bernal, Carlos Raúl Romero Giacomo, Carlos Román Feris Almirón, Pablo Ayala Azola, Juan Ramón Lugo, and Rolando Benítez. *Id.* ¶ 187.

15. *Id.* ¶¶ 69(a), 70(c), 134.32.

16. *Id.* ¶ 134.33. The nine injured inmates are Claudio Coronel Quiroga, Clemente Luis Es-

July 25, 2001: A guard shoots Benito Augusto Adorno, a child at the Center.¹⁷ Because of this, the inmates riot, and a third fire starts.¹⁸ After the fire, inmates are transferred to the Itaiguá Comprehensive Education Center (*Centro Educativo Integral Itaiguá*, “CEI Itaiguá”) for children, to the Emboscada Regional Penitentiary for adults, and other smaller adult institutions.¹⁹ The locations of the adult prisons throughout different parts of the State make it difficult for the inmates to see their families.²⁰ As the locations of the adult prisons are widely spread out throughout the State, it makes it difficult for the families to see their children.²¹

September 10, 2001: Richard Daniel Martínez, a minor who is transferred from the Center, dies of a blade wound sustained in the juvenile cell at the Emboscada penitentiary for adults.²²

November 12, 2001: Benito Augusto Adorno dies from the bullet wound he sustained at the Center on July 25, 2001.²³

July 30, 2001: The State sends the Inter-American Commission on Human Rights a report on the July 25, 2001 fire and announces the Center’s permanent closing.²⁴

March 14, 2002: Héctor Ramón Vázquez, a minor who is transferred from the Center, is stabbed at the Emboscada Regional Penitentiary for adults.²⁵ He dies the next day.²⁶

cobar González, Julio César García, José Amado Jara Fernández, Alberto David Martínez, Miguel Ángel Martínez, Osvaldo Mora Espinola, Hugo Antonio Vera Quintana, and Juan Carlos Zarza Viveros. *Id.*

17. *Id.* ¶ 20.

18. *Id.* ¶¶ 17, 134.34.

19. *Id.* ¶¶ 134.40–134.42.

20. *Id.* ¶ 5.

21. *Id.*

22. *Id.* ¶ 181.

23. *Id.* ¶ 23.

24. *Id.* ¶ 19.

25. *Id.* ¶ 181.

26. *Id.*

B. Other Relevant Facts

The Panchito López Center has the capacity to accommodate fifteen inmates but at times houses more than 300.²⁷ The inmates at the Center are not segregated according to those who have criminal records and those who do not, with no regard for age or reason for detention.²⁸ There are no individual cells at the Panchito López Center, only cellblocks, which house around 30 people.²⁹

Many of the inmates are sent to the Center for robbery, theft, homicide, or aggravated assault.³⁰ The food, hygiene and sleeping situations of the inmates are very poor, and many of the inmates report finding worms in their food.³¹ Within the Center, there is a cellar known as the “torture chamber,” where the guards hang inmates from an iron bar for one hour with their hands cuffed.³²

When the Panchito López Center is shut down, it is replaced by the Itaguá Juvenile Detention Center.³³ However, the deaths of inmates have not been reduced since the Court’s ruling.³⁴ The new facility still maintains the same structure and policies as the Panchito López Center.³⁵

II. PROCEDURAL HISTORY

A. Before the Commission

August 14, 1996: The Center for Justice and International Law (“CEJIL”) and the Tekojojá Foundation file a petition with the Inter-

27. *Paraguay: A Decade Ignoring the Judgment on the ‘Panchito Lopez’ Case*, CEJIL (Sept. 17, 2014), available at <https://cejil.org/en/comunicados/paraguay-a-decade-ignoring-judgment-panchito-lopez-case>.

28. *Juvenile Reeducation Institute v. Paraguay*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 69(a).

29. *Id.*

30. *Id.* ¶ 69(d).

31. *Id.* ¶ 69(a).

32. *Id.* ¶ 70(b).

33. *Paraguay: A Decade Ignoring the Judgment on the ‘Panchito López’ Case*, *supra* note 27.

34. *Id.*

35. *Regional Juvenile Justice Observatory: Monitoring Report on Juvenile Justice Systems in Latin America*, DEFENCE FOR CHILDREN (2014), available at <http://www.defenceforchildren.org/monitoring-report-on-juvenile-justice-systems-in-latin-america/>.

American Commission of Human Rights.³⁶

August 27, 1996: The Commission opens Case No. 11.666.³⁷

April 27, 1997: Friendly settlement proceedings begin.³⁸

March 23, 1999: The State pledges to present a timetable on the measures to close the Panchito López Center.³⁹

July 1999: The State presents a plan in which the alleged victims are to be permanently transferred from the Center by late November 1999.⁴⁰

April 4, 2000: The State informs the Commission that forty children have been transferred from the Center to CEI Itauguá.⁴¹

October 10, 2000: The State promises to permanently close the Panchito López Center.⁴² The Commission informs the State that if the Center is not closed within six months, the Commission will terminate the friendly settlement and will proceed with the case before the Inter-American Court of Human Rights.⁴³

March 1, 2001: After the second fire at the Center on February 5, 2001, the Commission holds another hearing.⁴⁴ For the third time, the State promises to shut down the Center by late June 2001.⁴⁵

July 25, 2001: The third fire occurs at the Center, and the petitioners withdraw from the friendly settlement process.⁴⁶

August 8, 2001: The Commission requests that the State provide Benito Augusto Adorno with medical attention and immediately transfer the

36. *Juvenile Reeducation Institute v. Paraguay*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 8.

37. *Id.* ¶ 9.

38. *Id.* ¶ 10.

39. *Id.* ¶ 12.

40. *Id.*

41. *Id.* ¶ 14.

42. *Id.* ¶ 15.

43. *Id.*

44. *Id.* ¶ 16.

45. *Id.*

46. *Id.* ¶ 17.

inmates to the Itagua Education Center.⁴⁷ The Commission requests the State to allow the inmates to visit with their attorneys and families.⁴⁸

December 3, 2001: The Commission approves Admissibility and Merits Report No. 126/01.⁴⁹ The Commission concludes that the State violated several articles of the American Convention by keeping the Center in a dangerous condition that promoted fires and by failing to provide certain essentials for the inmates.⁵⁰ Specifically, the Commission alleges that the State violated Article 4 (Right to Life) and Article 5 (Right to Humane Treatment) of the American Convention as to the victims who either died or suffered physical or emotional injuries during their time interned at the Center.⁵¹ Additionally, the Commission alleges that the State violated Article 7 (Right to Personal Liberty), Article 8 (Right to a Fair Trial), and Article 25 (Right to Judicial Protection) to the detriment of the children who were interned at the Center.⁵²

Based on these findings, the Commission recommends that the State immediately transfer the children to proper centers separate from adult inmates.⁵³ The Commission notes, however, that this is not a long-term solution for the problem of housing juvenile detainees.⁵⁴ Thus, the Commission recommends that the State adopt measures to guarantee interned children an effective right of defense in order to reduce the amount of time in custody and to minimize the deprivation of liberty.⁵⁵ Additionally, the Commission recommends that the State adopt measures to provide the children and their next of kin with prompt and effective compensation for the violation of their rights, and it further recommends the State implement steps to prevent the recurrence of these violations.⁵⁶ The Commission recommends that the State transfer any detained juveniles with physical handicaps, addictions, or mental disorders to proper health centers where they can receive treatment.⁵⁷ Lastly, the Commission recommends that the State abolish prolonged

47. *Id.* ¶ 21.

48. *Id.*

49. *Id.* ¶ 24.

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.* ¶ 25(1).

54. *Id.*

55. *Id.* ¶¶ 25(2)–25(3).

56. *Id.* ¶¶ 25(5)–25(6).

57. *Id.* ¶ 25(7).

solitary confinement as a form of punishment.⁵⁸

B. Before the Court

May 20, 2002: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁵⁹

1. Violations Alleged by Commission⁶⁰

Article 4 (Right to Life)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 8 (Right to a Fair Trial)

Article 19 (Rights of the Child)

Article 25 (Judicial Protection)

all in relation to:

Article 1(1) (Obligation to Respect Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims⁶¹

Same Violations Alleged by Commission.

June 21, 2002: The Court asks the Commission to identify the juveniles interned in the Panchito López Center between August 1996 and July 2001, including those transferred to adult prisons.⁶²

July 31, 2002: The State designates Mr. Victor Manuel Núñez Rodríguez as judge *ad hoc*.⁶³

58. *Id.* ¶ 25(8).

59. *Id.* ¶ 1.

60. *Id.* ¶¶ 2–3. Mr. Santiago Canton, Mr. Ignacio J. Álvarez, and Ms. Lilly Ching serve as representatives of the Commission. *Id.* ¶ 54.

61. *Id.* ¶¶ 2–3. CEJIL served as representative of the victims. *Id.* ¶ 54.

62. *Id.* ¶ 30.

63. *Id.* ¶ 33.

III. MERITS

*A. Composition of the Court*⁶⁴

Sergio García Ramírez, President
Alirio Abreu Burelli, Vice President
Oliver Jackman, Judge
Antônio A. Cançado Trindade, Judge
Cecilia Medina Quiroga, Judge
Manuel E. Ventura Robles, Judge
Diego García-Sayán, Judge
Victor Manuel Núñez Rodríguez, Judge *Ad Hoc*

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

September 4, 2004: The Court issued its Judgment on Preliminary Objections, Merits, Reparations and Costs.⁶⁵

The Court found unanimously that Paraguay had violated:

Articles 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) and 5(6) (Detention Must Aim to Reform and Rehabilitate) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation to Respect Rights) and Article 19 (Rights of the Child), to the detriment of all the inmates at the Center between August 14, 1996 and July 25, 2001,⁶⁶ because:

Article 4(1) (Prohibition of Arbitrary Deprivation of Life) provides that “every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No

64. *Juvenile Reeducation Institute v. Paraguay*, Preliminary Objections, Merits, Reparations, and Costs.

65. *Juvenile Reeducation Institute v. Paraguay*, Preliminary Objections, Merits, Reparations, and Costs.

66. *Id.* “Operative Paragraphs” ¶ 4.

one shall be arbitrarily deprived of his life.”⁶⁷ Since a unique relationship exists between the State and the inmates, the State must undertake special responsibilities in order to ensure those inmates are not deprived of life.⁶⁸ Here, the State provided cellblocks that were often times fifty percent over capacity, and many inmates slept two to a bed.⁶⁹ Those who did not have beds slept on uncovered mattresses or on the floor.⁷⁰ The inmates lived in unsanitary conditions and lacked adequate bathrooms, medical care, education, and food.⁷¹ Thus, the Court determined that the State did not provide the basic needs that are essential to living a life with dignity, and thus, violated Article 4(1) (Prohibition of Arbitrary Deprivation of Life).⁷²

Article 5(1) (Right to Physical, Mental, and Moral Integrity) provides that “every person has the right to have his physical, mental, and moral integrity respected,”⁷³ and Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) mandates that no one shall be subjected to “cruel, inhuman, or degrading punishment or treatment.”⁷⁴ Additionally, Article 5(6) (Detention Must Aim to Reform and Rehabilitate) states that when prisoners are incarcerated, the State must have a plan to reform and rehabilitate the inmates.⁷⁵

The Court found that the State violated Article 5(1) (Right to Physical, Mental, and Moral Integrity) by creating and promoting an environment that infringed upon the inmates’ right to humane treatment.⁷⁶ The Court concluded that the Center did not have proper infrastructure and the inmates lived in a state of constant overcrowding.⁷⁷ Many inmates did not have beds, blankets, or mattresses, forcing some to sleep on the floor.⁷⁸ The inmates were poorly fed, lacked adequate exercise or recreation facilities, and had little to no access to medical treatment.⁷⁹

67. *Id.* ¶ 145.

68. *See id.* ¶¶ 152–153.

69. *Id.* ¶¶ 134.4, 134.9.

70. *Id.* ¶ 134.9.

71. *Id.* ¶¶ 134.5–134.6, 173.

72. *See id.* ¶ 176.

73. *Id.* ¶ 146.

74. *Id.*

75. *Id.*

76. *See id.* ¶ 158.

77. *Id.* ¶ 165.

78. *Id.*

79. *Id.* ¶ 166.

Additionally, the State violated Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) when the State utilized punishments like solitary confinement and torture, which the American Convention prohibits.⁸⁰ Although not every inmate was subject to these treatments, the threat of torture or solitary confinement may amount to an Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) violation, especially when those threats create a violent and tense environment.⁸¹

The Court found that the State violated Article 5(6) (Detention Must Aim to Reform and Rehabilitate) because inmates at the Center who had been charged but not convicted were held in the same quarters as those convicted.⁸² Additionally, the inmates were not given effective opportunities to rehabilitate into society.⁸³ The Court further found that the State failed to provide the children at the Center with education programs critical to their development, as required by Article 13 of the Additional Protocol to the American Convention in the Area of Economic, Social and Cultural Rights.⁸⁴

For these reasons, the Court found that the State failed to take the necessary steps to ensure to all inmates decent living conditions.⁸⁵ Additionally, the Court found that the State failed to take any of the required special steps to protect the inmates.⁸⁶ With regard to the acts of the prison guards, the Court found that the State allowed its agents to violate non-derogable human rights by exposing the inmates to cruel, inhumane, and degrading treatment.⁸⁷ Thus, the Court concluded that the State violated Articles 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) and 5(6) (Detention Must Aim to Reform and Rehabilitate) of the American Convention.⁸⁸

80. *Id.* ¶ 167.

81. *Id.*

82. *Id.* ¶ 169.

83. *Id.*

84. *Id.* ¶¶ 172, 174.

85. *Id.* ¶ 176.

86. *Id.*

87. *Id.*

88. *Id.* ¶¶ 171, 176.

Finally, the Court found that the State violated Article 19 (Rights of the Child) in relation to Articles 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) and 5(6) (Detention Must Aim to Reform and Rehabilitate).⁸⁹ Article 19 (Rights of the Child) aims to provide a wide-ranging international law for the protection of children.⁹⁰ Article 19 (Rights of the Child) mandates that every juvenile has the right to certain measures of protection by virtue of their status as a minor.⁹¹ Because the State failed to provide decent living conditions, rehabilitative programs, and care to children in State custody and failed to provide those children with adequate treatment and proper punishments, the State violated Article 19 (Rights of the Child) as it encompasses Articles 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), and 5(6) (Detention Must Aim to Reform and Rehabilitate).⁹²

Article 4(1) (Prohibition of Arbitrary Deprivation of Life) of the American Convention on Human Rights, in relation to Article 1(1) and Article 19 (Rights of the Child), to the detriment of the twelve deceased inmates,⁹³ because:

The Court concluded that the State kept the Center in a condition that enabled fires, and those same conditions ensured that those fires had disastrous consequences for the inmates.⁹⁴ The State did not take sufficient preventative measures to respond to the possibility of a fire at the Center, including failing to keep fire extinguishers in the cellblocks.⁹⁵ The Center neglected to adopt these preventative measures even after international and nongovernmental organizations recommended them.⁹⁶ Due to the State's inaction, many of the victims suffered prolonged deaths by asphyxiation or burns.⁹⁷ The Court determined that this

89. *Id.* ¶ 176.

90. *Id.* ¶ 148.

91. *See id.* ¶ 176.

92. *Id.*

93. *Id.* "Operative Paragraphs" ¶ 5.

94. *Id.* ¶¶ 177–78.

95. *Id.*

96. *Id.*

97. *Id.* ¶ 179.

amounted to gross negligence in violation of Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Article 1(1) (Obligation to Respect Rights) and Article 19 (Rights of the Child) of the American Convention.⁹⁸

The Court made special reference to Richard Daniel Martínez and Héctor Ramón Vázquez, who died in State penal institutions after their transfer from the Center.⁹⁹ Eighteen-year-old Richard Daniel Martínez died from a blade wound while in the juvenile cellblock at the Emboscada Regional Penitentiary for adults,¹⁰⁰ and seventeen-year-old Héctor Ramón Vázquez was stabbed in the same institution and died one day later.¹⁰¹ Both of these inmates had been transferred from the Center after the fires.¹⁰²

The Court concluded that the deaths of these two inmates were relevant because the State had an obligation to guarantee the rights to life and humane treatment of inmates in State penal institutions.¹⁰³ The Court stated that while no individual State agent appeared to have been the immediate cause of the deaths, the State had an obligation to create conditions that would minimize fighting among inmates.¹⁰⁴ Therefore, the Court found that the State violated Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Articles 1(1) (Obligation to Respect Rights) and Article 19 (Rights of the Child), for the deaths of Richard Daniel Martínez and Héctor Ramón Vázquez.¹⁰⁵

In the case of Benito Augusto Adorno, the State admitted responsibility for the violation of Article 4(1) (Prohibition of Arbitrary Deprivation of Life) of the American Convention when Benito was shot by a guard on July 25, 2001, and subsequently died on August 6, 2001.¹⁰⁶ Because the State admitted responsibility, the Court found the State responsible for Benito Augusto Adorno's death and violated Article 4(1) (Prohibition of Arbitrary Deprivation of Life) of the American Convention, in relation

98. *Id.*

99. *Id.* ¶ 180(a).

100. *Id.* ¶ 181. Under the law in force at that time, the age of majority was twenty years old.

101. *Id.*

102. *Id.*

103. *Id.* ¶ 184.

104. *Id.*

105. *Id.*

106. *Id.* ¶ 185.

to Articles 1(1) (Obligation to Respect Rights) and 19 (Rights of the Child).¹⁰⁷

Articles 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 19 (Rights of the Child), to the detriment of the children injured as a result of the fires,¹⁰⁸ because:

The Court found the State failed to take necessary fire prevention measures because it lacked adequate evacuation protocol, emergency measures, or fire extinguishers in place.¹⁰⁹ The Court found that the State's failure to take preventative measures, which resulted in deaths and injuries to the children in its care, amounted to gross negligence.¹¹⁰

Additionally, the inmates who survived the fires despite the State's lack of preparedness suffered from mental and physical pain.¹¹¹ These inmates suffered painful burns, wounds, and smoke inhalation, as well as the painful aftermath of those injuries.¹¹² Thus, the Court found the State violated Articles 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) of the American Convention, in relation to Articles 1(1) (Obligation to Respect Rights) and 19 (Rights of the Child).¹¹³

Articles 5(1) (Right to Physical, Mental and Moral Integrity) of the American Convention in relation to its Article 1(1) (Obligation to Respect Rights) and 19 (Rights of the Child), to the detriment of the identified next of kin of the deceased and injured inmates,¹¹⁴ because:

The Court found that certain inmates' next of kin were also victims.¹¹⁵

107. *Id.* ¶¶ 179, 186.

108. *Id.* "Operative Paragraphs" ¶ 6.

109. *Id.* ¶ 178.

110. *Id.* ¶ 187.

111. *Id.* ¶ 188.

112. *Id.*

113. *Id.*

114. *Id.* "Operative Paragraphs" ¶ 6.

115. These victims include: Ms. Feliciano Ocampos, Ms. Asunción Acosta, Ms. Ignacia Giménez, Mr. Teódulo Barboza, Ms. Felipa Valdez, Mr. Luis Ávila, Ms. Rosalía Figueredo, Mr. Dionicio Vega, Ms. Teofista Domínguez, Mr. Guillermo Augusto Poletti, Ms. María Teresa de Jesús Pérez, Ms. María Estela Barrios, Ms. Fidelina de la Cruz, Ms. Rosalinda Giménez Duarte,

*The State did not inform them of the inmates' locations, so the family members of the deceased or injured victims had to make their own inquiries as to where the juveniles were located and to which hospitals they had been transferred.*¹¹⁶ *The State's inaction caused these family members to suffer tremendous grief and anguish.*¹¹⁷ *Thus, the Court found the State violated the next of kin's rights under Article 5(1) (Right to Physical, Mental, and Moral Integrity) of the American Convention.*¹¹⁸

Article 2 (Obligation to Give Domestic Legal Effect to Rights) and Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) in relation to Articles 19 (Rights of the Child) and 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of the children who were interned at the Center in the period from August 14, 1996, through July 25, 2001,¹¹⁹ because:

*Under the State's 1981 Minor's Code, children fall under the jurisdiction of the regular criminal justice system at the age of fourteen.*¹²⁰ *The State admitted that prior to 1998, the criminal justice system had no specialized criminal proceedings or guarantees for juveniles.*¹²¹ *The New Code of Criminal Procedure, enacted in 1998, provided for specialized juvenile proceedings but made no provisions for a special jurisdiction for minors.*¹²²

*The Court stated that Article 8 (Right to a Fair Trial) applies equally to all people, including minors under Article 19 (Rights of Child), which mandates that juvenile rights must be respected in any administrative or judicial proceedings.*¹²³ *The Court further stated that Articles 8 (Right to a Fair Trial) and 19 (Rights of the Child) require the State to estab-*

Mr. Benito Isidoro Adorno, Ms. Apolinaria Acuña, Mr. Roque Achar, Ms. María Estella Chamorro, Mr. Andrés Cañete B., Ms. María Rosa Virginia Baes, Ms. Concepción Ramos viuda de Duarte, Ms. Viviana Moraes, Mr. Leoncio Navarro, Ms. Silvia Portillo Martínez, Eristrudis o Edith Aranda, Tranquilino Méndez, Dirma Monserrat Peña, Emiliana Toledo, Ms. Flora Franco, Mr. Jerónimo Gonzáles, Ms. Cristina Delgado, Mr. Antonio Vera and Ms. Felipa Vera. *Id.* ¶ 191.

116. *Id.* ¶ 192.

117. *Id.* ¶ 191.

118. *Id.* ¶ 193.

119. *Id.* ¶ 194.

120. *Id.* ¶ 208.

121. *Id.*

122. *Id.*

123. *Id.* ¶ 209.

lish a specialized jurisdictional body to hear cases involving adolescent criminal conduct.¹²⁴

*The Court found that by failing to establish a specialized court for children until 2001, the State violated Article 2 (Obligation to Give Domestic Legal Effect to Rights) and Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) in relation to Article 19 (Rights of the Child) and Article 1(1) (Obligation to Respect Right) to the detriment of the children at the Center from August 14, 1996, until July 25, 2001.*¹²⁵

Article 25 (Right to Judicial Protection) in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of the 239 inmates named in the writ of generic habeas corpus,¹²⁶ because:

*The State accepted responsibility for the violation of Article 25(1) (Right of Recourse Before a Competent Court) of the Convention based on the ineffective writ of habeas corpus, which ordered the juveniles to be transferred to a proper facility.*¹²⁷ *However, the State only admitted responsibility for those persons incarcerated in 1998, when the habeas petition was granted.*¹²⁸

*The State's generic habeas petition system can be used to rectify restrictions of liberty.*¹²⁹ *The Court held that in order for a remedy to exist, it must be "truly effective in establishing whether there has been a violation of human rights and in providing redress."*¹³⁰ *In order to be truly effective, the remedy must be decided within a reasonable time to correct the violation.*¹³¹

*In this case, a petition of generic habeas corpus was filed on November 12, 1993, seeking judicial relief from the conditions at the Center.*¹³² *The Civil and Commercial Law Judge of First Instance granted the peti-*

124. *Id.* ¶ 210.

125. *Id.* ¶ 213.

126. *Id.* ¶ 235.

127. *Id.* ¶ 241.

128. *Id.*

129. *Id.* ¶ 243.

130. *Id.* ¶ 245.

131. *Id.*

132. *Id.* ¶ 247.

tion on July 31, 1998, almost five years after the petition had been filed.¹³³ This time period exceeded any permissible limit, and given the delay, the petition was ineffective in protecting the juvenile inmates.¹³⁴ Thus, the Court found a clear violation of Article 25 (Right to Judicial Protection) of the American Convention.¹³⁵

Under Article 25(2)(c) (Remedies Must Be Enforced) of the American Convention, the State has an obligation to “ensure that the competent authorities shall enforce such remedies when granted.”¹³⁶ The Civil and Commercial Law Judge of First Instance ordered that the authorities were to adopt all measures necessary to correct the unlawful conditions at the Center.¹³⁷ However, the inmates continued to be subjected to unsanitary and overcrowded living conditions, so much so that three fires broke out at the Center.¹³⁸ Therefore, the Court concluded that the writ of generic habeas corpus was so delayed as to violate the law.¹³⁹ The State did not provide the inmates with a “simple and prompt recourse” and thus violated Article 25 (Right to Judicial Protection) in relation to Article 1(1) (Obligation to Respect Rights) of the American Convention.¹⁴⁰

The Court did not rule on:

Article 7 (Right to Personal Liberty) in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of the alleged victims,¹⁴¹ because:

The Court noted that Article 7 (Right to Personal Liberty) protects a detainee’s right of defense and an individual’s liberty from arbitrary State interference.¹⁴² When the alleged victim is a child, however, an Article 7 (Right to Personal Liberty) analysis must additionally take into account the child’s vulnerability and youth.¹⁴³

133. *Id.*

134. *Id.*

135. *Id.*

136. *Id.* ¶ 248.

137. *Id.* ¶ 249.

138. *Id.* ¶ 250.

139. *Id.*

140. *Id.* ¶ 251.

141. *Id.* ¶ 234.

142. *Id.* ¶ 223.

143. *Id.* ¶ 225.

*Preventative detention is the most severe practice that can be imposed on someone accused of a crime and awaiting trial.*¹⁴⁴ *When preventative detention is ordered for children, it must be applied with great restraint.*¹⁴⁵ *The Court indicated that the State should first consider alternative measures to preventative imprisonment.*¹⁴⁶ *Additionally, preventative detention must conform to the provisions of Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) of the American Convention in that it must be only for a reasonable time period.*¹⁴⁷ *In fact, Article 37.b of the Convention on the Rights of the Child provides that when preventative measures are deemed necessary in the case of a child, it must be for the shortest period of time possible.*¹⁴⁸

*The Court has frequently relied upon patterns of conduct to determine whether human rights have been violated.*¹⁴⁹ *Here, however, with the record available, the Court noted that it is impossible to discern the manner in which Article 7 (Right to Personal Liberty) had been violated in the case of each alleged victim.*¹⁵⁰ *In order to make that determination, the Court must have specific information on how preventative detention was used with respect to each individual inmate.*¹⁵¹ *Therefore, the Court found that it did not have the information necessary to determine whether Article 7 (Right to Personal Liberty) was violated in the case of the alleged individual victims.*¹⁵²

Article 8(2) (Right to Be Presumed Innocent) in relation to Article 19 (Rights of the Child) and Article 1(1) (Obligation to Respect Rights) in the case of the specific alleged victims,¹⁵³ because:

The Court noted that both the Commission and the victims' representatives have alleged violations of Article 8(2) (Right to Be Presumed In-

144. *Id.* ¶ 228.

145. *Id.* ¶ 230.

146. *Id.*

147. *Id.*

148. *Id.* ¶ 231.

149. *Id.* ¶ 233.

150. *Id.* ¶ 232.

151. *Id.*

152. *Id.* ¶ 234.

153. *Id.* ¶ 218.

*nocent), to the detriment of all the inmates interned during the period in question.*¹⁵⁴ *The representatives argued that unwarranted delays in rendering final judgments, unsatisfactory legal counsel, and a failure to investigate the responsible party for the Center's conditions all amount to violations of Article 8 (Right to a Fair Trial).*¹⁵⁵

*In order for the Court to rule on this article in relation to all inmates interned during the relevant time period, specific patterns or practices are not enough.*¹⁵⁶ *The Court needed specific information detailing how each victim's case was handled within the domestic court system, and the representatives did not provide that information.*¹⁵⁷ *Thus, the Court did not have sufficient information to determine whether the State violated Article 8(2) (Right to Be Presumed Innocent) of the Convention.*¹⁵⁸

Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights) in relation to Article 1(1) (Obligation to Respect Rights) in the case of the specific alleged victims,¹⁵⁹ because:

*The Court analyzed many issues pertaining to a life with dignity, health, education, and recreation, specifically in relation to Article 4(1) (Prohibition of Arbitrary Deprivation of Life) and Article 5 (Right to Humane Treatment) of the American Convention.*¹⁶⁰ *Because of this, the Court believed that addressing a violation of Article 26 (Progressive Development of Economic, Social, and Cultural Rights) would be redundant.*¹⁶¹

C. Dissenting and Concurring Opinions

1. Concurring Opinion of Judge A.A. Cançado Trindade

In a separate opinion, Judge Cançado Trindade agreed with the Court's rationale.¹⁶² Judge Cançado Trindade compared the line of rea-

154. *Id.* ¶ 215.

155. *Id.*

156. *Id.* ¶ 217.

157. *Id.*

158. *Id.* ¶ 218.

159. *Id.* ¶ 255.

160. *Id.*

161. *Id.*

162. *Juvenile Reeducation Institute v. Paraguay, Preliminary Objections, Merits, Reparations,*

soning the Court used in this case to a previous case, “*Street Children*” v. *Guatemala*.¹⁶³ The “*Street Children*” case illustrated how essential it is for individuals to be given direct access to international courts.¹⁶⁴

Judge Cançado Trindade found that the present case demonstrated how humans are entitled to international human rights protections before an international court even in the worst circumstances.¹⁶⁵ Judge Cançado Trindade highlighted that the law accords juridical personality to every human being, including children.¹⁶⁶

Judge Cançado Trindade additionally pointed out that another central issue at play is the concept of preventative imprisonment.¹⁶⁷ This practice has affected thousands of prisoners who are living in detention centers around the world.¹⁶⁸ Judge Cançado Trindade reiterated the Court’s warning that preventative imprisonment must be for the shortest time possible.¹⁶⁹

IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Publish the Judgment¹⁷⁰

The State must publish the “Facts Proven” section and operative paragraphs of the Judgment in the Official Gazette and in another national newspaper within six months.¹⁷¹

and Costs, Concurring Opinion of Judge A. A. Cançado Trindade, Inter-Am. Ct. H.R. (ser. C) No.112, ¶ 1 (Sept. 2, 2004).

163. *Id.*, citing to Villagran Morales et al. v. Guatemala, Merits, Inter-Am Ct. H.R. (ser. C) No. 63 (Nov. 19, 1999).

164. *Id.* ¶ 2.

165. *Id.* ¶ 3.

166. *Id.*

167. *Id.* ¶ 12.

168. *Id.*

169. *Id.*

170. *Juvenile Reeducation Institute v. Paraguay, Preliminary Objections, Merits, Reparations, and Costs*, ¶ 314.

171. *Id.* ¶ 315.

2. Amend Laws and Issue a Public Apology¹⁷²

The State must prepare and outline a policy regarding juveniles in conflict with the law.¹⁷³ The State must enumerate the strategies, appropriate measures, and resources necessary to establish pre-trial housing that is separate from post-conviction housing.¹⁷⁴ Additionally, the policy must establish education programs and full medical and psychological services for the children.¹⁷⁵ High-ranking state figures must publicly announce the policy, and the State must publicly acknowledge international responsibility for the events that took place at the Panchito López Center.¹⁷⁶

3. Provide Medical and Psychological Treatment¹⁷⁷

The State must provide free medical and psychological treatment to all former inmates detained at the Center between August 14, 1996, and July 25, 2001.¹⁷⁸ Additionally, the State must provide this treatment for the victims' next of kin as well if they experience any psychological problems and if they request treatment.¹⁷⁹

The State must additionally provide, free of charge, any medications and surgery that may be needed.¹⁸⁰ To evaluate the physical and psychological condition and needs of the victims and their next of kin, the State must create a committee to determine each individual's needs.¹⁸¹ The Tekojojá Foundation should be actively involved in this special committee.¹⁸² If unable to participate, the State must identify another nongovernmental organization to replace it and must inform the Court.¹⁸³

172. *Id.* ¶ 316.

173. *Id.*

174. *Id.* ¶ 317.

175. *Id.*

176. *Id.* ¶ 316.

177. *Id.* ¶ 318.

178. *Id.*

179. *Id.*

180. *Id.* ¶ 319.

181. *Id.*

182. *Id.* ¶ 320.

183. *Id.*

4. Establish an Education and Vocational Assistance Program

The State must provide, within six months, vocational assistance and a special education program for all former inmates of the center interned between August 14, 1996, and July 25, 2001.¹⁸⁴

5. Provide a Resting Place for Mario del Pilar Álvarez Pérez

The State must provide Ms. Maria Teresa de Jesús Pérez, the mother of Mario del Pilar Álvarez Pérez, with a place in a mausoleum near her residence to lay her son's remains to rest.¹⁸⁵

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

Because the deceased juveniles did not have careers or evidence of future employment, the Court granted pecuniary damages for lost income based on the minimum wage in the State.¹⁸⁶ The Court awarded \$40,000.00 to each of the deceased victims' next of kin.¹⁸⁷

The Court lacked evidence to determine the trades or vocations of the injured children had they not sustained their respective injuries, so the Court computed these victims' pecuniary damages based on the percentage of their bodies that sustained burns.¹⁸⁸ The Court awarded \$15,000 to those injured victims who sustained burns to 20% or more of their bodies; \$13,000 to those who sustained burns to 10–20% of their bodies; \$11,000 for those who sustained burns to 5–10% of their bodies; and \$9,000 to those who sustained burns to less than 5% of their bodies.¹⁸⁹

Because the Court lacked information as to nineteen of the injured former inmates, the Court assumed they sustained burns to less than 5% of their body and awarded \$9,000 to each.¹⁹⁰

184. *Id.* ¶ 321.

185. *Id.* ¶ 322.

186. *Id.* ¶ 288.

187. *Id.* ¶ 289.

188. *Id.* ¶ 290.

189. *Id.*

190. *Id.* ¶ 292.

Because the State did not provide all of the victims' medical or funeral expenses, the Court awarded \$1,000 to the next of kin of Mr. Francisco Ramón Adorno, Mr. Sergio David Poletti Domínguez, and Mr. Mario del Pilar Álvarez Pérez.¹⁹¹ The award to Mr. Francisco Ramón Adorno is to be paid to his mother.¹⁹² The award to Mr. Sergio David Poletti Domínguez is to be divided in equal parts between his parents, Ms. Teofista Domínguez and Mr. Guillermo Augusto Poletti.¹⁹³ The award to Mr. Mario del Pilar Álvarez Pérez is to be paid to his mother, Ms. Maria Teresa de Jesús Pérez.¹⁹⁴

2. Non-Pecuniary Damages

For non-pecuniary damages, the Court awarded \$65,000 in equity to the nine inmates who died in the first fire.¹⁹⁵ As to the deceased victims Benito Augusto Adorno, Héctor Ramón Vázquez, and Richard Daniel Martínez, who died from other means, the Court awarded damages in the amount of \$50,000 each.¹⁹⁶

The Court awarded non-pecuniary damages to the injured victims based on the percentage of their bodies that sustained burns.¹⁹⁷ The Court awarded \$50,000 each to the victims who sustained burns to 30% of their bodies.¹⁹⁸ The Court awarded \$45,000 each to the victims who sustained burns to 10–20% of their bodies.¹⁹⁹ The Court awarded \$30,000 each to those victims who sustained burns to 5–10% of their bodies, and for those who sustained burns to less than 5% of their bodies, the Court awarded \$22,000 each.²⁰⁰

Because the Court lacked information as to the injuries of nineteen of the former inmates, it presumed they sustained burns to less than 5% of their bodies and awarded \$22,000 to those victims.²⁰¹

The Court awarded \$25,000 to each of the deceased victims' identifiable next of kin.²⁰² The Court additionally awarded \$15,000 in equity

191. *Id.* ¶ 293.

192. *Id.* ¶ 293(i).

193. *Id.* ¶ 293(ii).

194. *Id.* ¶ 293(iii).

195. *Id.* ¶ 304.

196. *Id.*

197. *Id.* ¶ 305.

198. *Id.*

199. *Id.*

200. *Id.*

201. *Id.*

202. *Id.* at ¶ 307.

to the injured victims' next of kin.²⁰³

3. Costs and Expenses

The Court awarded \$5,000 to the Tekojojá Foundation for its role in filing the petition of generic habeas corpus and the petition with the Commission.²⁰⁴

Additionally, the Court awarded \$12,500 to the Center for Justice and International Law for litigating the case before the Commission and the Court.²⁰⁵

4. Total Compensation (including Costs and Expenses ordered):

\$3,676,500.00

C. Deadlines

The State must compensate the victims and their next of kin and reimburse costs and expenses within one year of the date of notification of the Judgment.²⁰⁶

The State must publish the Judgment, perform the public act of acknowledgment of international responsibility, form the committee for determining the victims' medical needs, and create the special education and vocational assistance program all within six months of notification of the Judgment.²⁰⁷

The State must begin providing medical and psychological treatment immediately upon formation of the committee.²⁰⁸

The State must locate a resting place for Mario del Pilar Álvarez Pérez within fifteen days.²⁰⁹

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

203. *Id.*

204. *Id.* ¶ 330.

205. *Id.*

206. *Id.* ¶ 331.

207. *Id.*

208. *Id.*

209. *Id.*

VI. COMPLIANCE AND FOLLOW-UP

July 4, 2006: The State partially complied with its obligation to publish pertinent parts of the Judgment in the Official Gazette and in another newspaper with national circulation.²¹⁰

The State failed to comply with its obligation to acknowledge international responsibility and to announce a plan for domestic policy concerning children in conflict with the law.²¹¹ It failed to comply with its obligations to provide psychological treatment for all former inmates and their next of kin and to create a vocational assistance program.²¹²

The State additionally failed to provide a place for the burial of Mario del Pilar Álvarez Pérez, and it failed to comply with its obligation to compensate the victims and reimburse costs and expenses.²¹³

The Court lacked sufficient evidence to determine whether the State had complied with its obligation to provide a suitable burial place for the remains of the Mr. Mario del Pilar Álvarez Pérez.²¹⁴

The Court will continue to monitor the State's compliance with its remaining obligations.²¹⁵ The Court requested that the State submit a report by September 11, 2006, outlining measures taken to comply with its remaining obligations.²¹⁶

February 6, 2008: The State partially complied with its obligation to compensate the victims and reimburse costs and expenses.²¹⁷ The State compensated the victims approximately 18% of the amount owed.²¹⁸

The State failed to comply with its obligation to provide the victims and their families with free medical and psychological care.²¹⁹ The State failed to comply with its obligation to draft domestic policy to address the treatment of juveniles in conflict with the law.²²⁰ The State failed to comply with its obligation to establish a final resting place for

210. *Children's Rehabilitation Institute v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R.*, "Considering" ¶ 8 (July 4, 2006).

211. *Id.* ¶ 10.

212. *Id.* ¶ 11.

213. *Id.* "Declares." ¶¶ 2(a)–(g).

214. *Id.* ¶ 9.

215. *Id.* "Declares" ¶ 2.

216. *Id.* "Decides" ¶ 2.

217. *Juvenile Reeducation Institute v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R.*, "Considering" ¶ 7 (Feb. 6, 2008).

218. *Id.*

219. *Id.* "Considering" ¶ 8.

220. *Id.* "Considering" ¶ 13(a).

the remains of Mario del Pilar Álvarez Pérez.²²¹ The State failed to create a special education and vocational assistance program for the victims.²²²

The Court will continue to monitor the State's compliance with these pending obligations,²²³ and in doing so the Court required the State to submit two reports on May 30, 2008, and August 29, 2008, respectively, outlining measures taken to satisfy compliance.²²⁴

November 19, 2009: The Court determined that the State partially complied with its obligation to compensate the victims and their next of kin.²²⁵

The State partially complied with its obligations to acknowledge international responsibility and develop domestic policy concerning the treatment of children in the criminal justice system.²²⁶ The State prepared and presented a report establishing guidelines for the treatment of adolescent criminal offenders.²²⁷ The National Council for Children and Teenagers approved the report and took charge of implementing it in the State.²²⁸

The State partially complied with its obligations to provide free medical and psychological care to the victims and create a special education and vocational assistance program.²²⁹ The State began registering victims for medical and psychological care and created courses through the Ministry of Labor to educate the victims in cleaning, administration of human resources, baking, and residential electricity.²³⁰

The State partially complied with its obligation to establish a final resting place for Mario del Pilar Álvarez Pérez.²³¹ The State, Mrs. María Teresa de Jesús Pérez, and the municipality of Asunción signed a contract for a cemetery plot.²³² Although the body was buried, the contract contained cancellation clauses that do not guarantee permanence as re-

221. *Id.* "Considering" ¶ 13(c).

222. *Id.* "Declares" ¶ 1(c).

223. *Id.* "Declares" ¶ 1, "Decides" ¶ 4.

224. *Id.* "Decides" ¶ 2.

225. *Juvenile Reeducation Institute v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "Declares"* (Nov. 19, 2009).

226. *Id.* "Considering" ¶ 9.

227. *Id.*

228. *Id.* "Considering" ¶¶ 9–10.

229. *Id.* "Considering" ¶¶ 18–19.

230. *Id.*

231. *Id.* "Considering" ¶ 27.

232. *Id.*

quired by the Court.²³³

The Court will continue to monitor the State's compliance with the remaining pending obligations.²³⁴ The Court ordered the State to submit a compliance report by March 19, 2010.²³⁵

April 21, 2013: Inmates at the Itaguá Juvenile Detention Center protested reported physical mistreatment by one of the guards and the unsanitary quality of the food.²³⁶ When the inmates received no response, they rioted by burning mattresses.²³⁷ The prison guards fired metal pellets, killing two inmates.²³⁸

July 31, 2013: Inmates instigated another riot at the Itaguá Juvenile Detention Center in response to a search ordered by the facility director.²³⁹ The inmates attempted to open the center's doors, and, in the resulting mayhem, ten inmates escape.²⁴⁰ Two inmates were electrocuted on the security fence surrounding the compound, and six more required treatment for various injuries.²⁴¹

As recently as April 2014: Two inmates died after a riot ensued at the Itaguá Juvenile Detention Center, and two guards were arrested for allegedly using lethal force.²⁴²

233. *Id.* "Considering" ¶¶ 30, 33.

234. *Id.* "Decides" ¶ 4.

235. *Id.* "Decides" ¶ 2.

236. *Regional Juvenile Justice Observatory: Monitoring Report on Juvenile Justice Systems in Latin America*, DEFENCE FOR CHILDREN at 11 (2014), available at <http://www.defenceforchildren.org/monitoring-report-on-juvenile-justice-systems-in-latin-america/>. See "entire report" link for the full text.

237. *Id.*

238. *Id.*

239. *Id.*

240. *Id.*

241. *Id.*

242. *2 Teens Killed in Paraguay Juvenile Prison Riot*, THE ASSOCIATED PRESS (April 22, 2014), available at http://www.denverpost.com/ci_25614068/2-teens-killed-paraguay-juvenile-prison-riot.

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[Juvenile Reeducation Institute v. Paraguay, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am Ct. H.R. \(ser. C\) No. 112 \(Sept. 2, 2004\).](#)

2. Decisions on Merits, Reparations and Costs

[Juvenile Reeducation Institute v. Paraguay, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am Ct. H.R. \(ser. C\) No. 112 \(Sept. 2, 2004\).](#)

[Juvenile Reeducation Institute v. Paraguay, Preliminary Objections, Merits, Reparations, and Costs, Concurring Opinion of Judge A. A. Cançado Trindade, Inter-Am. Ct. H.R. \(ser. C\) No. 112 \(Sept. 2, 2004\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[The “Children’s Rehabilitation Institute” v. Paraguay, Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(July 4, 2006\).](#)

[Juvenile Reeducation Institute v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Feb. 6, 2008\).](#)

[Juvenile Reeducation Institute v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 19, 2009\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

Juvenile Reeducation Institute v. Paraguay, Admissibility and Merits Report No. 126/01, Inter-Am. Comm'n H.R. Case No. 11.666 (Dec. 3, 2001).

3. Provisional Measures

[None]

4. Report on Merits

Juvenile Reeducation Institute v. Paraguay, Admissibility and Merits Report No. 126/01, Inter-Am. Comm'n H.R. Case No. 11.666 (Dec. 3, 2001).

5. Application to the Court

[Not Available]

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Regional Juvenile Justice Observatory: Monitoring Report on Juvenile Justice Systems in Latin America, DEFENCE FOR CHILDREN (2014), <http://www.defenceforchildren.org/monitoring-report-on-juvenile-justice-systems-in-latin-america/>.

2 Teens Killed in Paraguay Juvenile Prison Riot, THE ASSOCIATED PRESS (Apr. 22, 2014), http://www.denverpost.com/ci_25614068/2-teens-killed-paraguay-juvenile-prison-riot.