

Ricardo Canese v. Paraguay

ABSTRACT¹

This case is about the freedom of expression and dissemination of information and excessive and disproportionate punishment, in the form of travel restrictions, meted out for statements made by a candidate to the Presidency of the Republic during the campaign. Besides Article 8 (Right to a Fair Trial) and Article 9 (Freedom from Ex Post Facto Laws), the Court dwelled on, and found violation of, Article 13 (Freedom of Thought and Expression) and Article 22 (Freedom of Movement and Residence) of the American Convention.

I. FACTS

A. Chronology of Events

1977 – 1984: Mr. Ricardo Nicolás Canese Krivoshein (“Mr. Canese”), an industrial engineer, lives in exile in Holland as a result of his opposition to State dictator, Alfredo Stroessner.²

1978: Mr. Canese begins publishing books and articles on the Itaipú hydroelectric power plant.³ This power plant is partially constructed by the Paraguayan Building Companies Consortium (“CONEMPA”),⁴ where Mr. Juan Carlos Wasmosy sits as chairman from 1975 until 1993.⁵

1984: Mr. Canese returns to Paraguay from exile after the political climate settles.⁶

1. Ushma Vyas, Author; Dale Ogden, Editor; Kathryn Benson, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Ricardo Canese v. Paraguay, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 111, ¶ 69(1) (Aug. 31, 2004).

3. *Id.* ¶¶ 60(a), 69(2).

4. *Id.* ¶ 2.

5. *Id.* ¶ 69(2).

6. *Id.* ¶ 60(a).

1990 – 1991: Mr. Canese files complaints against CONEMPA for various criminal acts, including tax evasion.⁷

1992: The State’s National Congress forms the Bicameral Unlawful Acts Investigation Committee to investigate crimes committed during the Stroessner dictatorship, including an investigation into CONEMPA’s alleged tax evasion and the alleged corruption of Mr. Wasmosy.⁸

August 1992: Mr. Canese and Mr. Wasmosy run for the Presidency of the Republic of Paraguay.⁹ During the debates, Mr. Canese alleges that Mr. Wasmosy acquired his position as chairman of CONEMPA due to his connection with former dictator Alfredo Stroessner.¹⁰ Further, Mr. Canese suggests that Mr. Wasmosy transferred substantial funds from CONEMPA back to dictator Stroessner.¹¹

Consequently, several newspapers including *Noticias* and *ABC Color* publish Mr. Canese’s statements.¹²

October 23, 1992: An attorney for CONEMPA files a criminal complaint alleging criminal slander and defamation against Mr. Canese for his statements regarding Mr. Wasmosy and CONEMPA.¹³ During the subsequent proceedings, the First Trial Judge denies Mr. Canese an opportunity to present witnesses and experts to “shed light” on the alleged defamation.¹⁴

February 16, 1993: Despite the travel restrictions that come with a pending criminal charge, Mr. Canese travels to the United States of America to deliver a presentation on the “Democratization of Paraguay” at Harvard Law School.¹⁵

May 9, 1993: Mr. Wasmosy is elected President of the Republic.¹⁶

7. *Id.* ¶ 69(3).

8. *Id.* ¶ 69(4).

9. *Id.* ¶¶ 69(5)–(6).

10. *Id.* ¶ 69(7).

11. *Id.*; see also *id.* ¶ 91.

12. *Id.* ¶¶ 69(7), 69(10).

13. *Id.* ¶ 69(10).

14. *Id.* ¶ 164.

15. *Id.* ¶ 69(51).

16. *Id.* ¶ 69(8).

March 22, 1994: The First Trial Judge for Criminal Matters convicts Mr. Canese for slander and defamation.¹⁷ Mr. Canese is sentenced to four months' imprisonment, a fine of \$8,970,¹⁸ and payment of costs.¹⁹

April 29, 1994: In Interlocutory Order No. 409, the First Criminal Trial Court denies Mr. Canese's request to leave the State to attend the 11th National Meeting of the Workers Party and inauguration of Luíz Inácio Lula da Silva as President of Brazil.²⁰

May 3, 1994: Following Interlocutory Order No. 409, Mr. Canese files a claim for the violation of his rights enshrined in the Paraguayan Constitution.²¹

June 8, 1994: Mr. Canese requests a four-day leave to serve on the Official Legislative Committee at the Bicameral Unlawful Acts Investigation Committee of the National Congress in Brazil.²²

June 9, 1994: The First Criminal Trial Court forwards Mr. Canese's request to the Supreme Court of Justice of the State.²³ The Supreme Court returns the request to the trial court.²⁴

June 14, 1994: The First Criminal Trial Court denies Mr. Canese's request for leave.²⁵

May 1997: Mr. Canese submits a petition to the Supreme Court to travel to Uruguay to testify as a witness in a lawsuit between Mr. Wasmosy and the *La Republica* newspaper.²⁶ The Supreme Court initially fails to rule on this request.²⁷

May 30, 1997: The Supreme Court grants Mr. Canese five days' leave

17. *Id.* ¶ 69(15).

18. The trial judge fined Mr. Canese 14,950,000 guaraní. See <http://www.oanda.com/currency/historical-rates/> (providing a conversion rate from guaranis to U.S. dollars).

19. Ricardo Canese v. Paraguay, Merits, Reparations and Costs, ¶ 69(15).

20. *Id.* ¶¶ 69(52)–(53).

21. *Id.* ¶ 69(54).

22. *Id.* ¶ 69(55).

23. *Id.* ¶ 69(56).

24. *Id.*

25. *Id.* ¶ 69(57).

26. *Id.* ¶¶ 69(58), 69(62).

27. *Id.*

to testify at Mr. Wasmosy's trial in Uruguay.²⁸

October 17, 1997: The Attorney General reports to the Supreme Court that it cannot process Mr. Canese's claim for violation of his rights under the Constitution since the lower court had not issued a final judgment.²⁹

October 19, 1997: On a second petition, the Criminal Chamber of the Supreme Court grants Mr. Canese ten days' leave to travel.³⁰

November 3, 1997: Mr. Canese requests leave to attend the inaugural meeting of the COSSEM Energy Policy Research Center ("CEPEC") in Buenos Aires, Argentina.³¹

November 4, 1997: The Third Chamber of the Court of Criminal Appeals reduces Mr. Canese's sentence to two months' imprisonment and a \$1,163.60 fine.³² He is similarly prohibited from leaving the State, except on rare occasions of exceptional circumstance.³³

May 31, 1999: The Supreme Court rejects Mr. Canese's May 3, 1994 claim of violation of his Constitutional rights for the denial of his request to leave the country on the grounds that he has not exhausted all of his legal remedies.³⁴

September 28, 2000: The Supreme Court authorizes Mr. Canese ten days' leave from October 7 until October 16, 2000, on the condition that he reports his return.³⁵

May 2, 2001: The Supreme Court rejects Mr. Canese's appeal of his sentence and affirms the Criminal Appeals Court's decision.³⁶

March 6, 2002: The Supreme Court authorizes Mr. Canese leave from

28. *Id.* ¶ 69(62).

29. *Id.* ¶ 69(59).

30. *Id.* ¶ 69(63).

31. *Id.* ¶ 69(60).

32. *Id.* ¶ 69(20). The appeals court reduced the fine to 2,909,000 guaranis. See <http://www.oanda.com/currency/historical-rates/> (providing a conversion rate from guaranis to U.S. dollars).

33. Ricardo Canese v. Paraguay, Merits, Reparations and Costs, ¶ 2.

34. *Id.* ¶ 69(61).

35. *Id.* ¶ 69(64).

36. *Id.* ¶ 69(41).

March 8 until March 17, 2002.³⁷

March 25, 2002: Mr. Canese reports his return to the State.³⁸

May 6, 2002: Following a change to the Penal Code, Mr. Canese appeals his conviction, which the Supreme Court denies.³⁹

August 8, 2002: Mr. Canese files an urgent request to travel to Peru to serve as a Technical Advisory Team member of the Church Committee for Assistance and Emergencies (“CIPAE”).⁴⁰

August 12, 2002: Mr. Canese files another appeal with the Supreme Court based on the application to the Inter-American Court of Human Rights filed by the Inter-American Commission on Human Rights.⁴¹

August 22, 2002: The Supreme Court states that Mr. Canese no longer requires the court’s permission to leave the country.⁴²

December 11, 2002: The Supreme Court admits Mr. Canese’s renewed appeal and pardons him of all previous criminal charges.⁴³ This decision is partially based on the changes to the State’s Penal Code that reclassified the crime of slander to exempt cases of “public interest”, and on the fact that Mr. Canese was not allowed to produce evidence in his defense.⁴⁴

B. Other Relevant Facts

Beginning in the 1960s, Dictator Alfredo Stroessner supports and oversees the “Itaipú Hydroelectric Initiative” to build one of the world’s largest hydroelectric facilities (principally constructed by the CONEMPA Consortium).⁴⁵ However, during its construction, nearly ten thousand families living alongside the Paraná River are displaced.⁴⁶

37. *Id.* ¶ 69(65).

38. *Id.*

39. *Id.* ¶¶ 69(45)–(46).

40. *Id.* ¶ 69(66).

41. *Id.* ¶ 69(48).

42. *Id.* ¶¶ 69(67), 70.

43. *Id.* ¶ 69(49).

44. *Id.*

45. Ricardo Canese v. Paraguay, Merits, Reparations and Costs, ¶ 69(2); *Obituary: Alfredo Stroessner*, BBC (Aug. 16, 2006), <http://news.bbc.co.uk/2/hi/americas/4792281.stm>.

46. Ricardo Canese v. Paraguay, Merits, Reparations and Costs, ¶ 69(2); Terminski, Bogu-

II. PROCEDURAL HISTORY

A. Before the Commission

July 2, 1998: The Center for Justice and International Law (“CEJIL”), the Journalists’ Trade Union of Paraguay (“SPP”), the National Electricity Board Workers’ Trade Union (“ANDE”), and lawyers Pedro Almada Galeano, Alberto Nicanor Duarte, and Carlos Daniel Alarcón (collectively, “petitioners”) file a petition before the Inter-American Commission on Human Rights (“the Commission”), on behalf of Mr. Canese.⁴⁷ They allege that the State violated Articles 8 (Right to a Fair Trial) and 22 (Freedom of Movement and Residence) of the American Convention by illegally restricting Mr. Canese from traveling outside its borders pursuant to an excessive sentence.⁴⁸

August 20, 1999: The petitioners propose a friendly settlement.⁴⁹

November 3, 1999: The State rejects the petitioners’ proposal.⁵⁰

February 28, 2002: The Commission adopts Report on the Merits No. 27/02 and recommends that the State (1) lift all criminal charges against Mr. Canese; (2) remove his travel restrictions; (3) pay the proposed compensation; and (4) take appropriate measures to prevent similar issues in the future.⁵¹

B. Before the Court

June 12, 2002: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁵²

mil, Development-Induced Displacement and Resettlement: Theoretical Frameworks and Current Challenges, 52 (May 2013), available at <http://hdl.handle.net/10535/8833>.

47. Ricardo Canese v. Paraguay, Merits, Reparations and Costs, ¶ 5.

48. *Id.*

49. *Id.* ¶ 8.

50. *Id.*

51. *Id.* ¶ 10.

52. *Id.* ¶ 12.

1. Violations Alleged By the Commission⁵³

Article 8 (Right to a Fair Trial)

Article 9 (Freedom from *Ex Post Facto* Laws)

Article 13 (Freedom of Thought and Expression)

Article 22 (Freedom of Movement and Residence)

all in relation to:

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

2. Violations Alleged By Representatives of the Victim⁵⁴

Same Violations Alleged by Commission, plus:

Article 2 (Obligation to Give Domestic Legal Effect to Rights)

in relation to:

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

August 16, 2002: The State appoints Emilio Camacho as judge *ad hoc*.⁵⁵

February 19, 2004: The Civil Rights Association (“ADC”) submits an amicus curiae brief.⁵⁶

February 24, 2004: The Inter-American Press Association (“IAPA”) submits an amicus curiae brief.⁵⁷

March 4, 2004: The Independent Journalism Defense Association (PERIODISTAS) submits an amicus curiae brief.⁵⁸

53. *Id.* ¶ 2. José Zalaquett and Santiago A. Canton, delegates, and Ariel Dulitzky and Eduardo Bertoni, legal counsel, served as representatives of the Commission. *Id.* ¶ 13.

54. *Id.* ¶¶ 5, 18.

55. *Id.* ¶ 17.

56. *Id.* ¶ 27.

57. *Id.* ¶ 28.

58. *Id.* ¶ 30.

III. MERITS

A. *Composition of the Court*⁵⁹

Sergio García Ramírez, President
Alirio Abreu Burelli, Vice President
Oliver Jackman, Judge
Antônio A. Cançado Trindade, Judge
Manuel E. Ventura Robles, Judge
Diego García-Sayán, Judge
Emilio Camacho Paredes, Judge *Ad Hoc*

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. *Decision on the Merits*

August 31, 2004: The Court issues its Judgment on Merits, Reparations and Costs.⁶⁰

The Court found unanimously that the State had violated:

Article 13 (Freedom of Thought and Expression), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ricardo Canese⁶¹ because:

The freedom of expression and dissemination of information is a paramount feature of any democratic society.⁶² The right to free speech is particularly important within electoral and political debates.⁶³ Free political speech is guaranteed to “the media, the candidates themselves, and any individual who wishes to express his opinion and provide information.”⁶⁴ Although this right is not absolute, restrictions are not proper when political speech affects a legitimate public interest.⁶⁵

59. Judge Cecilia Medina Quiroga recused herself from the deliberations and signing of the Judgment. *Id.* n.*.

60. Ricardo Canese v. Paraguay, Merits, Reparations and Costs, Judgment.

61. *Id.* ¶ 108.

62. *Id.* ¶ 88.

63. *Id.* ¶ 90.

64. *Id.*

65. *Id.* ¶¶ 95, 98.

*As a presidential candidate participating in an electoral debate, the State violated Article 13 (Freedom of Thought and Expression) by persecuting and restricting Mr. Canese's right to free speech before the media.*⁶⁶

Article 22 (Freedom of Movement and Residence), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ricardo Canese,⁶⁷ because:

Article 22 (Freedom of Movement and Residence) of the Convention protects an individual's right to "freedom of movement and residence, which includes the right to leave any country freely, including one's own country."⁶⁸ Any restrictions on this right must be expressly established by law and be designed to "prevent criminal offenses or to protect national security, public order or safety, public health or morals, or the rights and freedoms of others."⁶⁹ From 1994 until 2002, the State issued an indefinite prohibition on Mr. Canese's right to leave the country as a precautionary measure, even though the State's criminal code did not authorize such a restriction.⁷⁰ This forced Mr. Canese to file requests for authorization to travel, but the State Supreme Court did not grant every request.⁷¹ Because the Supreme Court implemented a precautionary measure not authorized by law that restricted Mr. Canese's right to travel, the State violated Articles 22(2) (Right to Leave a State) and 22(3) (General Limitations to Freedom of Movement and Residence) of the American Convention.⁷²

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), 8(2) (Right to Be Presumed Innocent), and 8(2)(f) (Right of Defense to Obtain the Appearance of Witnesses and Examine Them), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ricardo Canese,⁷³ because:

Article 8 (Right to a Fair Trial) of the Convention protects the right to a fair trial such that proceedings are conducted within a reasonable time,

66. *Id.* ¶ 90.

67. *Id.* ¶ 135.

68. *Id.* ¶ 114.

69. *Id.* ¶ 117.

70. *Id.* ¶¶ 119–20.

71. *Id.* ¶¶ 121, 126.

72. *Id.* ¶ 128.

73. *Id.* ¶ 167, "Operative Paragraphs" ¶ 3.

that a criminal defendant is presumed innocent until proven guilty, and that a defendant may examine witnesses to support the facts of the case.⁷⁴ Whether proceedings are conducted within a reasonable time is determined by three factors: “a) the complexity of the matter; b) the procedural activity of the interested party, and c) the conduct of the judicial authorities.”⁷⁵ While delays may be justifiable, the State bears the burden of justifying any interruptions.⁷⁶ Moreover, the presumption of innocence is the chief principle in criminal proceedings, and it demands “clear evidence of [a defendant’s] criminal liability.”⁷⁷ A defendant cannot be convicted if evidence presented against him “is incomplete or insufficient.”⁷⁸ Lastly, the right to present a defense allows the defendant to cross-examine adverse witnesses and to present his own witnesses.⁷⁹

In the present case, the State courts neither acted diligently nor promptly.⁸⁰ Both the domestic trial and appellate courts failed to issue remedies in a timely manner, allowing gaps upwards of three years between its decisions.⁸¹ Mr. Canese was denied timely due process when the case against him was unnecessarily prolonged over nearly a decade of proceedings, and thus, the State violated Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal).⁸²

Next, the domestic courts failed to presume Mr. Canese’s innocence when they incorrectly concluded that he intended to harm the State’s and CONEMPA’s reputations because he refused to retract his statements.⁸³ By doing this, the Court explained that the State courts instead presumed Mr. Canese’s guilt and unjustly put the burden of proof onto him to prove his innocence.⁸⁴ Thus, the State violated Article 8(2) (Right to Be Presumed Innocent) of the American Convention.⁸⁵

Finally, the trial court denied Mr. Canese a hearing to present his own

74. *Id.* ¶ 137.

75. *Id.* ¶ 141.

76. *Id.* ¶¶ 142–43.

77. *Id.* ¶ 153.

78. *Id.*

79. *Id.* ¶ 163.

80. *Id.* ¶ 146.

81. *Id.*

82. *Id.* ¶¶ 146, 151.

83. *Id.* ¶ 159.

84. *Id.* ¶ 161.

85. *Id.*

witnesses.⁸⁶ Although the trial court originally granted Mr. Canese's request for an evidentiary hearing, the judge later rescinded its grant.⁸⁷ Therefore, the State violated Article 8(2)(f) (Right of Defense to Obtain the Appearance of Witnesses and Examine Them).⁸⁸

Article 9 (Freedom from *Ex Post Facto* Laws), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ricardo Canese,⁸⁹ because:

Article 9 (Freedom from Ex Post Facto Laws) of the American Convention requires that states apply standards favorable to human rights, which are required even when new laws arise after the proceedings or post-conviction.⁹⁰ The State must not retroactively apply unfavorable criminal laws that may aggravate punishments.⁹¹ The State must also take care to create unambiguous criminal charges with definitive punishments.⁹² Finally, the State must retroactively apply more favorable criminal statutes if doing so would benefit the accused.⁹³

State courts must find that a defendant's conduct is clearly defined as criminal and that the punishment applied is justified so as not to abrogate fundamental rights.⁹⁴ Similarly, the principle of non-retroactivity protects defendants from the potential abuse of State power in exercising harsh and outdated laws.⁹⁵ These principles also apply to non-criminal matters, especially where a State's abuse of power may be an issue.⁹⁶

When they initially sentenced Mr. Canese to two months' imprisonment and a 2,909,090 guaraní fine, the State courts failed to apply the most favorable standards.⁹⁷ Although they applied the most favorable terms of imprisonment under the 1914 Penal Code, the courts exceeded the ceiling for financial sanctions under the then-current domestic criminal

86. *Id.* ¶ 164.

87. *Id.*

88. *Id.* ¶ 166.

89. *Id.* "Operative Paragraphs" ¶ 4.

90. *Id.* ¶¶ 171, 180.

91. *Id.* ¶ 175.

92. *Id.* ¶ 174.

93. *Id.* ¶ 178.

94. *Id.*

95. *Id.* ¶ 175.

96. *Id.* ¶¶ 176–77.

97. *Id.* ¶ 182.

law.⁹⁸ Moreover, when the less punitive 1998 Penal Code entered into effect days after Mr. Canese's judgment, the courts failed to reduce his conviction retroactively until many years later.⁹⁹ By not retroactively applying the more favorable penal statute to Mr. Canese, the State violated Article 9 (*Freedom from Ex Post Facto Laws*).¹⁰⁰

The Court did not rule on:

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention as to Mr. Ricardo Canese,¹⁰¹ because:

*Article 2 (Obligation to Give Domestic Legal Effect to Rights) does not apply to the facts of the case.*¹⁰²

C. Dissenting and Concurring Opinions

1. Separate Concurring Opinion of Judge *Ad Hoc*, Emilio Camacho Paredes

In a separate opinion, Judge Paredes noted that merely initiating criminal proceedings based on current law does not entail international responsibility, even when the criminal code subsequently changes.¹⁰³

Regarding the restriction on leaving the country, Judge Paredes noted that individuals who have convincingly demonstrated domicile in the country and openly discussed matters of public interest should not be prohibited from leaving the country.¹⁰⁴ Particularly since Mr. Canese was a presidential candidate and municipal leader and had professional ties to the country, the judicial authorities acted arbitrarily and unconstitutionally by refusing him to leave the country.¹⁰⁵ Judge Paredes also noted that requesting judicial permission to leave the country is obviously not a method of fleeing.¹⁰⁶ Moreover, Mr. Canese was prevented from leaving the country for over eight years, which exceeded the max-

98. *Id.*

99. *Id.* ¶¶ 183, 185–86.

100. *Id.* ¶ 187.

101. *Id.* ¶ 109.

102. *Id.*

103. Ricardo Canese v. Paraguay, Merits, Reparations and Costs, Separate Opinion of Judge *Ad Hoc* Emilio Camacho Paredes, Inter-Am. Ct. H.R. (ser. C) No. 111, ¶ 1 (Aug. 31, 2004).

104. *Id.* ¶ 2.

105. *Id.*

106. *Id.* ¶ 4.

imum possible sentence of eighteen months.¹⁰⁷

Judge Paredes also stressed that the First Judge did not allow the introduction of evidence or witness testimonials.¹⁰⁸ Judge Paredes also noted that criticism of CONEMPA concerned matters of public interest and was therefore protected by article 128 of the State Constitution.¹⁰⁹

Lastly, noting Mr. Canese's failure to exhaust domestic remedies, Judge Paredes remarked that an appellant cannot be expected to initiate an entirely new judicial proceeding to remedy his or her harm, particularly when precautionary measures have greatly exceeded legal means.¹¹⁰

IV. REPARATIONS

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

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

1. Judgment as a Form of Reparation

The Court established that its Judgment is itself a per se form of reparation.¹¹¹

2. Publish the Judgment

The State must publish the full Judgment without footnotes in the State's official newspaper and in another newspaper with national circulation.¹¹²

B. Compensation

The Court awarded the following amounts:

107. *Id.* ¶ 6.

108. *Id.* ¶ 2.

109. *Id.* ¶ 5.

110. *Id.* ¶ 8.

111. Ricardo Canese v. Paraguay, Merits, Reparations, and Costs, ¶ 205, "Operative Paragraphs" ¶ 5.

112. *Id.* ¶¶ 209, 223, "Operative Paragraphs" ¶ 8.

1. Pecuniary Damages

The Court did not award pecuniary damages after determining that calculating lost earnings would be too difficult, especially for income earned while overseas.¹¹³

2. Non-Pecuniary Damages

The Court awarded \$35,000 to compensate Mr. Canese for the criminal proceedings filed against him and opportunities lost during the eight years he was prohibited from leaving the country.¹¹⁴

3. Costs and Expenses

The Court awarded \$5,500, allocated as follows: \$1,500 to Mr. Canese to compensate for costs individually incurred in bringing his claim before the Court, and \$4,000 to his counsel in their efforts before both the Court and Commission.¹¹⁵

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

\$40,500

C. Deadlines

The State must make all payments within six months of receiving notification¹¹⁶ to Mr. Canese or his beneficiaries.¹¹⁷ Should payment be delayed, the State must pay interest.¹¹⁸

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

113. *Id.* ¶ 202.

114. *Id.* ¶¶ 233(6), 206.

115. *Id.* ¶¶ 215, 223(7).

116. *Id.* ¶¶ 216, 223(9).

117. *Id.* ¶ 219.

118. *Id.* ¶ 221.

VI. COMPLIANCE AND FOLLOW-UP

February 2, 2006: The State failed to comply with its obligations under the Judgment.¹¹⁹ As such, the Court ordered that the State must promptly comply and submit a new report on compliance on May 24, 2006.¹²⁰

September 22, 2006: The State failed to submit the mandatory compliance report due May 24, 2006.¹²¹ Instead, the State filed a compliance report on September 13, 2006.¹²² The Court ordered the State to promptly comply with the Judgment and submit a new compliance report due September 1, 2006.¹²³

February 6, 2008: The Court found that the State fully complied with its obligation to publish the Judgment in an official State newspaper and another newspaper with national circulation.¹²⁴ The State fully complied with its obligation to pay Mr. Canese non-pecuniary damages.¹²⁵ The State did not comply with its obligation to pay overdue interest accrued on non-pecuniary damages to the extent such interest had accrued.¹²⁶ The State requested forgiveness of the overdue interest payments.¹²⁷

The Court reserved judgment on the accrued interest, instead providing Mr. Canese until March 28, 2008 to deliver his response to the State's request for forgiveness.¹²⁸

August 6, 2008: After Mr. Canese submitted a brief stating he agreed to waive payment of interests on non-pecuniary damages,¹²⁹ the Court considered it proper to close the case because the State fully complied

119. Ricardo Canese v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "Declares" ¶ 1 (Feb. 2, 2006).

120. *Id.* "And Decides" ¶¶ 1–2.

121. Ricardo Canese v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "Declares" ¶ 1 (Sept. 22, 2006).

122. *Id.* ¶ 9.

123. *Id.* "And Decides" ¶ 1–2. The Court ordered the State to submit a compliance report by September 1, 2006, even though the Order itself was decided on September 22, 2006, and the State submitted a compliance report on September 13, 2006.

124. Ricardo Canese v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "Declares" ¶ 1 (Feb. 6, 2008).

125. *Id.*

126. *Id.*

127. *Id.*

128. *Id.* "And Decides" ¶ 1.

129. Ricardo Canese v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "Having Seen" ¶ 10 (Aug. 6, 2008).

with all its obligations under the Judgment.¹³⁰

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Merits, Reparations and Costs

[Ricardo Canese v. Paraguay, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 111 \(Aug. 31, 2004\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[Ricardo Canese v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Feb. 2, 2006\).](#)

[Ricardo Canese v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Sept. 22, 2006\).](#)

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

[Ricardo Canese v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Aug. 6, 2008\).](#)

5. Review and Interpretation of Judgment

[None]

130. *Id.* “Declares” ¶ 1, “And Decides” ¶ 1.

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Not Available]

3. Provisional Measures

[None]

4. Report on Merits

Ricardo Canese v. Paraguay, Report on Merits, Report No. 20/03, Inter-Am. Comm'n H.R., Case No. 12,032 (Feb. 28, 2003).

5. Application to the Court

[Not Available]

VIII. BIBLIOGRAPHY

Alicia Garcia-Herrero, *Banking Crisis in Latin America in the 1990s: Lessons from Argentina, Paraguay, and Venezuela*, Monetary and Exchange Affairs Department, A Working Paper of the International Monetary Fund (Oct. 1997).

Obituary: Alfredo Stroessner, BBC (Aug. 16, 2006), <http://news.bbc.co.uk/2/hi/americas/4792281.stm>.