

# Goiburú et al. v. Paraguay

## I. COMPLIANCE AND FOLLOW-UP ADDENDUM<sup>1</sup>

**August 6, 2008:** The Court gave an update on the State's compliance with the Judgment.<sup>2</sup> The Court noted that the State created the Inter-Institutional Working Team (Grupo Interinstitucional) to comply with the terms of the Judgment. However, the State failed to provide records detailing the monitoring measures that the team adopted to carry out the Court's orders.<sup>3</sup> The Court found that the State failed to comply fully with its obligation to promptly investigate and identify the perpetrators who were responsible for committing violations against Mr. Agustín Goiburú Giménez, Mr. Carlos José Mancuello Bareiro, Mr. Rodolfo Ramírez Villalba and Mr. Benjamín Ramírez Villalba.<sup>4</sup> The State adopted some measures to clarify the facts of the case. However, it did not provide sufficient information for the Court to determine whether the State's existing judicial mechanisms were effective.<sup>5</sup>

Further, the State failed to show steps taken to fulfill its obligation to locate the remains of Mr. Goiburú Giménez, Mr. José Mancuello, Mr. Ramírez Villalba and Mr. Ramírez Villalba.<sup>6</sup> The Court acknowledged the State's efforts that it took to organize a public act admitting responsibility for the forced disappearance of each victim. However, the State failed to comply with the six months period specified in the Judgment.<sup>7</sup>

The State partially complied with its obligation to publish the Judgment in the Official Gazette of the Republic of Paraguay and in a newspaper with widespread national circulation.<sup>8</sup> It published portions of the Judgment in the Official Gazette. However, it failed to publish the section

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2. Goiburú et al. v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering," ¶ 4 (Aug. 6, 2008).

3. *Id.* "Considering," ¶ 8.

4. *Id.* "Declares," ¶ 1a.

5. *Id.* "Considering," ¶ 13.

6. *Id.* "Considering," ¶ 20.

7. *Id.* "Considering," ¶¶ 21, 23.

8. Goiburú et al. v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, "Considering," ¶ 24.

identifying the State's international responsibility and failed to publish the Judgment in a newspaper of widespread circulation.<sup>9</sup>

The Court found that the State failed to provide information on whether it complied with its obligation to administer medical treatment to the victims' next of kin.<sup>10</sup> The Court acknowledged that the State engaged in negotiations regarding the construction of a monument to commemorate the victims.<sup>11</sup> However, it failed to comply fully because the Judgment required that the monument to be erected within one year.<sup>12</sup> The Court also acknowledged that the State implemented some human rights training programs for the police force. However, the State had yet to implement such training programs in the Armed Forces.<sup>13</sup> The Court ordered that the State redefine crimes of torture and involuntary disappearance of persons; the modifications to the Penal Code were still pending in Congress.<sup>14</sup> Last, the State failed to comply with its obligation to compensate victims' next-of-kin for pecuniary and non-pecuniary damage and its obligation to pay costs and expenses.<sup>15</sup> Thus, the Court kept open the proceeding for monitoring compliance for all reparations.<sup>16</sup>

**August 7, 2009:** The Court gave an update on the State's failure to comply with the Judgment.<sup>17</sup> The Court declared that due to the State's failure to comply promptly with the Judgment, the State must provide complete and updated information on its compliance with the Judgment and listen the observations of the victims' representatives and the Commission.<sup>18</sup> Therefore, the Court ordered the parties to attend a private hearing on October 1, 2009, where the State would provide an update on compliance.<sup>19</sup>

**November 19, 2009:** The Court gave an update on the State's compliance.<sup>20</sup> It found that the State fully complied with its obligations to

9. *Id.* "Considering," ¶ 26.

10. *Id.* "Considering," ¶ 29.

11. *Id.* "Considering," ¶ 30.

12. *Id.* "Considering," ¶ 32.

13. *Id.* "Considering," ¶¶ 33, 35.

14. Goiburú et al. v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, "Considering," ¶¶ 36-38.

15. *Id.* "Considering," ¶¶ 39, 42.

16. *Id.* "Declares," ¶ 1.

17. Goiburú et al. v. Paraguay, Monitoring Compliance with Judgment, Order of the President, Inter-Am. Ct. H.R. (Aug. 7, 2009).

18. *Id.* "Considering," ¶ 27.

19. *Id.* "Considering," ¶ 29.

20. Goiburú et al. v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (Nov. 19, 2009).

publish the Judgment in the Official Gazette and in a newspaper with widespread national circulation; implement permanent human rights training programs in the police forces at all levels; and reimburse the victims' representatives for costs and expenses.<sup>21</sup> The State partially complied with its obligation to investigate and identify the perpetrators of human rights violations. However, the State delayed criminal proceedings against those responsible for various reasons.<sup>22</sup> Further, the State failed to undertake any meaningful steps towards locating the victim's remains to return to their families.<sup>23</sup>

The Court acknowledged that the State and the victim's relatives came to an agreement regarding the manner in which the State would publicly acknowledge responsibility for crimes committed against each victim. However, the State had yet to act in full compliance.<sup>24</sup> The State also gave the victims' next-of-kin medical access cards,<sup>25</sup> but their ability to access medical services was sporadic.<sup>26</sup> Thus, the Court ordered the State to consider the specific circumstances and needs of each person entitled to immediate medical treatment.<sup>27</sup> The State identified several possible locations for the construction of a monument dedicated to the victims, and even established a deadline for completion of the project (June 2010). However, the State was more than three years late in complying with this measure.<sup>28</sup>

The Court noted that the State introduced a new bill that would revise the Penal Code to render it consistent with international law standards.<sup>29</sup> The Court acknowledged this effort and noted that the State had proposed a similar bill in 2007, but it did not result in any meaningful change.<sup>30</sup> Last, the State partially complied with its obligation to compensate for pecuniary and non-pecuniary damages by setting up a payment schedule.<sup>31</sup> The State claimed that it was waiting for victims' next-of-kin to come to an agreement regarding the amounts to be paid.<sup>32</sup> The Court appreciated the steps that the State took to date. However, it ordered the

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21. *Id.* "Declares," ¶ 1.

22. *Id.* "Considering," ¶ 17.

23. *Id.* "Considering," ¶ 30.

24. *Id.* "Considering," ¶ 34.

25. *Id.* "Considering," ¶ 38.

26. Goiburú et al. v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, "Considering," ¶ 39.

27. *Id.* "Considering," ¶ 41.

28. *Id.* "Considering," ¶ 45.

29. *Id.* "Considering," ¶ 50.

30. *Id.* "Considering," ¶ 52.

31. *Id.* "Considering," ¶ 54.

32. Goiburú et al. v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, "Considering," ¶ 54.

State to promptly distribute funds and include any interest that had accrued.<sup>33</sup> Thus, the Court kept open the proceeding for monitoring compliance for the remaining reparations.<sup>34</sup>

**May 23, 2017:** The Court gave an update on the State's compliance.<sup>35</sup> The Court found that the State fully complied with its obligation to amend the Penal Code to comply with international standards.<sup>36</sup> The State partially complied with fulfilled its obligation to compensate victims' next-of-kin for pecuniary and non-pecuniary damages.<sup>37</sup> The State made payments in 2008 and 2009. However, it failed to provide evidence that it made payments in 2010 and 2011.<sup>38</sup> The Court keep open the proceeding for monitoring compliance for the remaining reparations, including the State's obligations to fully investigate the crimes committed against the victims; locate the victims' remains and return them to their relatives; publicly acknowledge responsibility for crimes committed; provide free healthcare for the victims' relatives; build a monument dedicated to the victims; and fully compensate victims' relatives.<sup>39</sup>

**May 14, 2019:** The Court submitted an update on the State's compliance.<sup>40</sup> The Court found that the State fully complied with its obligation to carry out a public act of acknowledgment of responsibility for crimes committed and its obligation to construct a memorial dedicated to the victims.<sup>41</sup> The State successfully installed a monument in memory of the victims on May 24, 2018 and held a ceremony dedicated to the victims at the "Plaza de los Desaparecidos" on the same day.<sup>42</sup> The Court kept open the proceeding for monitoring compliance for the remaining reparations including the State's obligations to fully compensate victims' relatives for damages; investigate the crimes committed against the victims; locate the victims' remains and return them to their relatives; and provide free healthcare to the victims' relatives.<sup>43</sup>

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33. *Id.* "Considering," ¶ 57.

34. *Id.* "Declares," ¶ 2.

35. Goiburú et al. v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (May 23, 2017).

36. *Id.* "Resolves," ¶ 1.

37. *Id.* "Resolves," ¶ 2.

38. *Id.* "Considering That," ¶ 23.

39. *Id.* "Resolves," ¶ 3.

40. Goiburú et al. v. Paraguay, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (May 14, 2019).

41. *Id.* "Resolves" ¶ 1.

42. *Id.* "Considering That," ¶¶ 10, 18.

43. *Id.* "Resolves," ¶ 2.