

Munárriz Escobar and Others v. Peru

ABSTRACT¹

This case is about the arrest for futile reasons and subsequent forced disappearance of a young man by State Police. Eventually the Court found Peru in violation of multiple articles of the American Convention on Human Rights, the Inter-American Convention on Forced Disappearance of Persons and the Inter-American Convention to Prevent and Punish Torture.

I. FACTS

A. Chronology of Events

March 20, 1999: In the early morning hours, nineteen-year-old, Mr. Walter Munárriz Escobar, goes to “Los Manolos” Hotel, located in the town of Lircay, Peru, to visit his friend, Mr. Jorge Suárez.² Mr. Munárriz Escobar mistakenly enters the wrong hotel room where an officer of the Peruvian National Police (Policía Nacional del Perú; PNP) and his wife are staying.³ Mr. Munárriz Escobar apologizes and leaves.⁴ Although Mr. Munárriz Escobar apologized for the mistake, the officer notifies the hotel and the police and states he believes he is a thief.⁵

At 4:10 a.m., Mr. Munárriz Escobar is arrested by PNP officer Gunther Cuaresma Ramos and is taken to the Licray police station.⁶ Minutes later, the hotel owner, Ms. Maura Romero Bendezú, arrives at the station to identify the arrested person.⁷ When the officers present Mr. Munárriz Escobar, Ms. Romero Bendezú explains to Officer Adolfo

¹. Angelica Panosian, Author; Adam Knighton, Editor; Elizabeth Russo, Chief IACHR Editor; Cesare Romano, Faculty Advisor

². Munárriz Escobar et al. v. Peru, Report on Merits, Report No. 77/16, Inter-Am. Comm’n H.R., Case No. 12.602, ¶¶ 33-35 (Dec. 10, 2016).

³. *Id.* ¶ 33.

⁴. *Id.* ¶ 8.

⁵. *Id.*

⁶. *Id.* ¶ 34.

⁷. *Id.*

Ángeles Ramos that she has known Mr. Munárriz Escobar since he was young and believes he is well-behaved.⁸ As a result, Ms. Romero Bendezú refuses to file a complaint.⁹ Upon Ms. Romero Bendezú's departure, Mr. Munárriz Escobar remains detained and is never seen again.¹⁰

Mr. Marcos Leónidas Sierras Tueros, a fellow prisoner, hears a person cry "don't hit me anymore," and is able to identify the aggressors by their voices as officers Cuaresma Ramos and Ángeles Ramos.¹¹ Mr. Sierras Tueros is coerced by officers to deny this event occurred.¹² Another prisoner, Mr. Raúl Donayres Huamán, hears moans coming from a nearby cell and feels unsafe because he believes Officer Cuarsema Ramos is arrogant and short-tempered.¹³

Between 8:00 a.m. and 8:30 a.m., Ms. Gladys Escobar Candiotti, Mr. Munárriz Escobar's mother, is walking to work and encounters the hotel owner's brother.¹⁴ He informs her that her son was detained earlier that morning but must have been released since because his sister had refused to press charges.¹⁵ Ms. Escobar Candiotti visits the Licray police station to inquire about her son's whereabouts.¹⁶ Police say they released Mr. Munárriz Escobar and allow Ms. Escobar Candiotti to search the facilities, but her son is not there.¹⁷

March 21, 1999: Ms. Escobar Candiotti files a complaint at the Lircay Provincial Prosecutor's Office, implying that the police are responsible for her son's disappearance.¹⁸ The Prosecutor refuses the complaint and advises her to come back in 60 days.¹⁹ Ms. Escobar Candiotti returns three times and is sent away every time.²⁰

March 22, 1999: Ms. Escobar Candiotti goes back to the Licray police station and files a report regarding her son's disappearance.²¹

⁸ Munárriz Escobar et al. v. Peru, Report on Merits, ¶ 34.

⁹ *Id.* ¶ 34.

¹⁰ *Id.* ¶¶ 34-35.

¹¹ *Id.* ¶ 37.

¹² *Id.*

¹³ *Id.*

¹⁴ Munárriz Escobar et al. v. Peru, Report on Merits, ¶ 37.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* ¶ 45.

¹⁹ *Id.*

²⁰ Munárriz Escobar et al. v. Peru, Report on Merits, ¶ 10.

²¹ *Id.* ¶ 46.

201x]

Desktop Publishing Example

103

March 23, 1999: Ms. Escobar Candiotti files complaints regarding her son's disappearance with the Office of the People's Defender in Hauncavelica.²²

March 25, 1999: The People's Defender is presented with an expanded complaint.²³ The Provincial Prosecutor claims she is conducting the investigations and her office intends to clarify the facts.²⁴

March 27, 1999: The Provincial Municipality of Angaraes, the Defense and Development Committees, the Academic Professional Mining School and the "public in general" request the appointment of an ad hoc prosecutor. They argue that the Provincial Prosecutor of Lircay is biased in favor of the police.²⁵

April 1999: Ms. Escobar Candiotti files a complaint with the Chairman of the Human Rights Committee of the National Congress, and the Minister of the Interior.²⁶

April 23, 1999: Angaraes Joint Provincial Prosecutor's Office charge PNP Captain Roberto Gastiaború, PNP Second Lieutenant Claudio Gutiérrez Velásquez, and PNP non-commissioned officer Adolfo Ángeles Ramos, with the aggravated disappearance of Mr. Munárriz Escobar.²⁷

June 1, 2000: The Huancavelica Senior Prosecutor's Office issues an indictment against the three officers and three more officers: Percy Salvatierra Laura, Gunther Caresma Ramos, and Carlos Hugo Valdivia Urrutia.²⁸

August 14, 2000: The Huancavelica Joint Superior Court indicts all referenced officers.²⁹

February 15, 2001: The Huancavelica Joint Superior Court convicts PNP non-commissioned officer Adolfo Ángeles Ramos and PNP Captain Roberto Eugenio Gastiaború Nakada for the crime against humanity of

²² Munárriz Escobar et al. v. Peru, Report on Merits, ¶ 47.

²³ *Id.* ¶ 38.

²⁴ *Id.* ¶ 49.

²⁵ *Id.* ¶ 50.

²⁶ *Id.* ¶ 43.

²⁷ *Id.* ¶ 51.

²⁸ Munárriz Escobar et al. v. Peru, Report on Merits, ¶ 53.

²⁹ *Id.*

forced disappearance and sentences them to eighteen years in prison, payment of reparations, and professional disqualification.³⁰ All other defendants are acquitted.³¹

December 13, 2001: The Supreme Criminal Chamber quashes the February 15, 2001 judgment and remands for new oral trial, claiming there were certain procedural irregularities within the proceedings.³²

April 1, 2002: Huancavelica Joint Superior Court grants the immediate release of Mr. Gastiaturú Nakada and Mr. Ángeles Ramos.³³

May 25, 2004: Huancavelica Joint Superior Court acquits all defendants with respect to their sentence and civil responsibility for the disappearance of Mr. Munárriz Escobar, but not their criminal liability.³⁴ The Superior Court provisionally closes the case for further investigations on the whereabouts of Mr. Munárriz Escobar and more information regarding the persons presumed responsible for the disappearance.³⁵ An appeal to nullify the acquittal is promptly filed.³⁶

October 20, 2004: The Supreme Court rules against nullifying the judgment, despite learning that no further steps were taken in the investigation of the disappearance of Mr. Munárriz Escobar since that May 25, 2004 judgment.³⁷

B. Other Relevant Facts

[NONE]

³⁰ Munárriz Escobar et al. v. Peru, Report on Merits, ¶ 54.

³¹ *Id.*

³² *Id.* ¶ 56.

³³ *Id.* ¶ 57.

³⁴ *Id.* ¶ 58.

³⁵ *Id.*

³⁶ Munárriz Escobar et al. v. Peru, Report on Merits, ¶ 58.

³⁷ *Id.*

201x]

Desktop Publishing Example

105

II. PROCEDURAL HISTORY

A. Before the Commission

June 28, 2005: The Commission receive the initial petition submitted on behalf of Mr. Munárriz Escobar and his family.³⁸

February 28, 2007: The Commission approves Admissibility Report No. 10/07.³⁹

September 12, 2007: The State sends the Commission documents regarding administrative- disciplinary investigations related to Mr. Munárriz Escobar's disappearance by PNP Officers.⁴⁰ The documents show that Mr. Gastiaturú Nakada was found negligent of his duties as Police Captain, Mr. Angeles Ramos and Mr. Cauresma Ramos liable for a misdemeanor of disobedience for failing to comply with the police procedures, and Mr. Gutiérrez Velásquez liable for a misdemeanor for abandoning his officer duties.⁴¹ However, the Commission is not told whether these disciplinary sanctions were actually imposed and completed.⁴²

December 10, 2016: The Commission issues the Merits Report. The State argues that Mr. Munárriz Escobar disappeared after his release from the police station.⁴³ The Commission rebuts this argument, stating that no documentary evidence supports the conclusion that Mr. Munárriz Escobar was released.⁴⁴

The State also argues that, in the alternative, two witnesses claim to have seen Mr. Munárriz Escobar on the morning of March 20, 1999, proving that he was, in fact, released.⁴⁵ However, the Commission believes the information provided by the Huncavelica Joint Superior Court and the Office of the People's Defender puts in doubt the credibility of this assertion because the testimony of the witnesses was both

³⁸. Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 355, ¶ 2 (Aug. 20, 2018).

³⁹. *Id.*

⁴⁰. Munárriz Escobar et al. v. Peru, Report on Merits, ¶ 61.

⁴¹. *Id.* ¶ 64.

⁴². *Id.* ¶ 65.

⁴³. *Id.* ¶ 95.

⁴⁴. *Id.* ¶ 98.

⁴⁵. *Id.* ¶ 99.

inconsistent and contained contradictions.⁴⁶ Further, the statements of Mr. Sierra Tueros that indicated he overheard the cries of Mr. Munárriz Escobar are not contradicted by his later testimony to the Prosecutor because the latter statements were only given under coercion.⁴⁷

The Commission finds the State is responsible for violating the following rights of Mr. Munárriz Escobar: Articles 3 (Rights to Juridical Personality), 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition to Physical, Mental, and Moral Integrity), 6 (Freedom from Slavery), 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), 7(4) (Right to Be Informed of Reasons of Arrest and Charges), 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time), 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), and 25(1) (Right of Recourse Before a Competent Court) all in relation to Article 1(1) (Obligation of Non-Discrimination) and Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention; Articles 1 (Obligation to Adopt Measures) and 3 (Obligation to Adopt Legislative Measures) of the Inter-American Convention on Forced Disappearance of Persons; and Articles 1 (Obligation to Prevent and Punish Torture), 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment), and 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture.

The State also violated, to the detriment of Mr. Munárriz Escobar's family members: Articles 5(1) (Right to Physical, Mental, and Moral Integrity), 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), and 25(1) (Right of Recourse Before a Competent Court) in relation to Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.⁴⁸

In light of the foregoing violations, the Commission recommends the State: (1) develop and carry out a thorough, impartial, and effective investigation into Mr. Munárriz Escobar's and deliver his remains to his family; (2) carry out necessary proceedings with respect to the forced disappearance of Mr. Munárriz Escobar to establish all required facts and impose punishments; (3) provide reparations for any and all human rights

⁴⁶ Munárriz Escobar et al. v. Peru, Report on Merits, ¶ 99.

⁴⁷ *Id.* ¶¶ 105-108.

⁴⁸ *Id.* ¶ 158.

201x]

Desktop Publishing Example

107

violations; (4) adopt measures that prevent similar events from occurring; (5) acknowledge responsibility for the disappearance of Mr. Munárriz Escobar; and (6) reform criminal legislation with respect to forced disappearance of persons to the standards of the Inter-American Convention.⁴⁹

January 11, 2017: The State receives notice and must report on the Compliance of the recommendations in two months.⁵⁰

B. Before the Court

June 9, 2017: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁵¹

January 15, 2018: The State submits preliminary objections claiming lack of jurisdiction of the Court.⁵²

August 20, 2018: The Court unanimously dismisses the preliminary objections by the State.⁵³ Although the alleged facts occurred in 1999, and Peru ratified the Convention in 2002, the Court held that the violation is within the jurisdiction of the Court.⁵⁴ The Court held that forced disappearance is a violation whose effects continue even after the date Peru ratified the Convention.⁵⁵

1. Violations Alleged by Commission⁵⁶

To the detriment of Mr. Munárriz Escobar:

Article 3 (Rights to Juridical Personality)

Article 4(1) (Prohibition of Arbitrary Deprivation of Life)

Article 5(1) (Right to Physical, Mental, and Moral Integrity)

Article 5(2) (Prohibition to Physical, Mental, and Moral Integrity)

Article 6 (Freedom from Slavery)

Article 7(1) (Right to Personal Liberty and Security)

⁴⁹ Munárriz Escobar et al. v. Peru, Report on Merits, ¶ 158.

⁵⁰ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 2.

⁵¹ *Id.* ¶ 3.

⁵² *Id.* ¶¶ 7, 17.

⁵³ *Id.* ¶ 20.

⁵⁴ *Id.* ¶¶ 17-20.

⁵⁵ *Id.*

⁵⁶ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 2.

Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law)

Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment)

Article 7(4) (Right to Be Informed of Reasons of Arrest and Charges)

Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time)

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 25(1) (Right of Recourse Before a Competent Court)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination)

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

Article 1 Obligation to Adopt Measures

Article 3 Obligation to Adopt Legislative Measures of the Inter American Convention on Forced Disappearance of Persons.

Article 1 (Obligation to Prevent and Punish Torture)

Article 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment)

Article 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture.

To the detriment of Mr. Munárriz Escobar's family members:

Article 5(1) (Right to Physical, Mental, and Moral Integrity)

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 25(1) (Right of Recourse Before a Competent Court)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination)^[11]

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims ⁵⁷

To the detriment of Mr. Munárriz Escobar:

Same Violations Alleged by Commission.

⁵⁷ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 10. Dania Coz Barón served as representative of Mr. Munárriz Escobar.

201x]

Desktop Publishing Example

109

To the detriment of Mr. Munárriz Escobar's Family:

Same Violations Alleged by Commission.

III. MERITS

*A. Composition of the Court*⁵⁸

Eduardo Ferrer Mac-Gregor Poisot, President
 Humberto Antonio Sierra Porto, Vice-President
 Elizabeth Odio Benito, Judge
 Eugenio Raúl Zaffaroni, Judge
 L. Patricio Pazmiño Freire, Judge

Pablo Saavedra Alessandri, Secretary
 Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

August 20, 2018: The Court issues its Judgment on Preliminary Objections, Merits, Reparations and Costs.⁵⁹

The Court found unanimously that State had violated:

Articles 7 (Right to Personal Liberty), 5.1 (Right to Physical, Mental, and Moral Integrity), 5.2 (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 4.1 (Prohibition of Arbitrary Deprivation of Life), and 3 (Right to Juridical Personality) in relation to Article 1.1 (Obligation of Non-Discrimination) of the Convention, to the detriment of Mr. Munárriz Escobar,⁶⁰ because:

*Forced disappearance as a human rights violation requires three elements: a) deprivation of liberty; b) direct intervention of agents state or their acquiescence; c) refusal to acknowledge detention and disclose fate or whereabouts of the person concerned.*⁶¹ *The deprivation of liberty*

⁵⁸ Judge Eduardo Vio Grossi did not participate in the Judgment for reasons of force majeure accepted by the Court.

⁵⁹ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 1.

⁶⁰ *Id.* "Resolution Points," ¶ 2.

⁶¹ *Id.* ¶ 63.

element is satisfied because Mr. Munárriz Escobar was under State custody, and deprived of his liberty on March 20, 1999.⁶² Since Mr. Munárriz Escobar was in the State's custody, the burden shifts to the State to show that he was properly released.⁶³ However the State's evidence was indirect and contained inconsistencies.⁶⁴ Thus, the Court held the second element was satisfied because the State failed to prove that they were not involved in the disappearance of Mr. Munárriz Escobar.⁶⁵ The Court held that the State police did not adequately provide information to Mr. Munárriz Escobar's family about his arrest and his alleged release, and failed to properly document the arrest.⁶⁶ The Court concluded all the elements were satisfied for a forced disappearance human rights violation.⁶⁷ Furthermore, the Court explained that a violation of forced disappearance is multi-offensive in nature and encompasses other protected rights within the Convention.⁶⁸ Therefore, the Court held without explaining further that the State was responsible for violations of articles 7, 5.1, 5.2, 4.1 and 3 in relation to Article 1.1 of the Convention.⁶⁹

Articles 8.1 (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25.1 (Right of Recourse Before a Competent Court), in relation to Article 1.1 (Obligation of Non-Discrimination) of the Convention, to the detriment of Mr. Munárriz Escobar,⁷⁰ because:

The investigation into a forced disappearance must be carried out effectively and with due diligence.⁷¹ The Court held that the State police's procrastination of the investigation into Mr. Munárriz Escobar whereabouts greatly burdened his family.⁷² The State's negligence is evidenced by the removal of the prosecutors assigned to the case as a result of their failure to thoroughly investigate.⁷³ Although there are indications of State involvement in the disappearance of Mr. Munárriz

⁶² Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 71.

⁶³ *Id.* ¶ 79.

⁶⁴ *Id.* ¶ 79.

⁶⁵ *Id.*

⁶⁶ *Id.* ¶¶ 82-84.

⁶⁷ *Id.* ¶ 85.

⁶⁸ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 86.

⁶⁹ *Id.* ¶ 87.

⁷⁰ *Id.* "Resolution Points," ¶ 3.

⁷¹ *Id.* ¶ 95.

⁷² *Id.* ¶ 96.

⁷³ *Id.* ¶ 99.

201x]

Desktop Publishing Example

111

Escobar, the State failed to rebut these allegations through a serious and exhaustive investigation, a fact which clearly indicates the violation of Mr. Munárriz Escobar's right to due diligence.⁷⁴ Furthermore, in forced disappearance cases, a thorough investigation requires a systematic and detailed search of victim's whereabouts.⁷⁵ However the State police officially searched only the banks of two rivers and failed to provide evidence that any other searches were carried out.⁷⁶ The Court held the State failed to reasonably investigate the disappearance.⁷⁷ Additionally, the Court held that the access to justice must be given within a reasonable time and delay would violate judicial guarantees.⁷⁸ The Court held that the State's twelve-year delay in opening investigations breached its obligation to investigate within a reasonable time.⁷⁹

Articles 5.1 (Right to Physical, Mental, and Moral Integrity) and 5.2 (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), in relation to Article 1.1 (Obligation of Non-Discrimination) of the Convention, to the detriment of Mr. Munárriz Escobar's family,⁸⁰ because:

The Court recognized that the lack of information about what happened regarding the disappearance of a loved one presumes that the family has suffered psychological damage.⁸¹ The State is responsible to rebut this presumption.⁸² Here, the Court held that Mr. Munárriz Escobar's relatives personal integrity was severely damaged as a result of the State's failure to thoroughly investigate Mr. Munárriz Escobar's disappearance.⁸³

The Court found unanimously that State had not violated:

Articles 1 (Obligation to Prevent and Punish Torture), 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and

⁷⁴ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 103.

⁷⁵ *Id.* ¶¶ 104-106.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.* ¶ 107.

⁷⁹ *Id.* ¶ 108.

⁸⁰ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 64.

⁸¹ *Id.* ¶¶ 114-115.

⁸² *Id.*

⁸³ *Id.*

Degrading Treatment), and 8 (Obligation to Investigate and Prosecute) of the Convention to Prevent and Punish Torture,⁸⁴ because:

*The Court held that the alleged torture and abuse of Mr. Munárriz Escobar had not been corroborated through physical or testimonial evidence and therefore no violation was found.*⁸⁵

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention, and Article 3 (Obligation to Adopt Legislative Measures) of the Convention on Forced Disappearances of Persons,⁸⁶ because:

*The Court held that the Commission and the representatives did not demonstrate that the State's failure to classify the crime as a forced disappearance impacted the investigation.*⁸⁷ Furthermore, the Court held that it is not required to abstractly review domestic standards regarding the classification of crimes.⁸⁸

C. Dissenting and Concurring Opinions

[None]

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 indicated that the Judgement itself was a form of reparation.⁸⁹

⁸⁴ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, "Resolution Points," ¶ 5.

⁸⁵ *Id.* ¶ 87.

⁸⁶ *Id.* "Resolution Points," ¶ 6.

⁸⁷ *Id.* ¶ 112.

⁸⁸ *Id.* ¶ 112.

⁸⁹ *Id.* ¶ 7.

201x]

Desktop Publishing Example

113

2. Identify and Punish Responsible Parties

The Court ordered the State carry out an investigation to identify, prosecute, and punish the parties responsible for the disappearance of Mr. Munárriz Escobar.⁹⁰

3. Locate the Victim

The Court demanded that the State conduct a systematic search for Mr. Munárriz Escobar or his remains as this will provide both closure for the family and information about what happened.⁹¹

4. Rehabilitation

The Court requires the State to provide free immediate psychological or psychiatric treatment, including medication, with the approval of the victims who require it.⁹² The State must provide treatments that are close to the family and provide options such as collective family treatments or individual treatments depending on the needs of the family.⁹³ Victims must notify the State of their need for treatment within six months and the State has two months to provide care.⁹⁴

5. Publication

The Court orders the State to publish: a) a summary of the judgment prepared by the Court, that is readable and has an adequate font size, in the Official Gazette as well as another newspaper that circulates nationwide, and b) publish on a public website for a year.⁹⁵ The State has six months after the notification of the Judgment and the State must inform the court after each publication.⁹⁶

⁹⁰ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, “Resolution Points,” ¶ 8.

⁹¹ *Id.* ¶¶ 124-125.

⁹² *Id.* ¶ 129.

⁹³ *Id.* ¶ 130.

⁹⁴ *Id.* ¶ 130.

⁹⁵ *Id.* ¶ 132.

⁹⁶ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 132.

6. Recognition of International Responsibility

The Court orders the State to publicly acknowledge the violations of human rights displayed in this case and to declare international responsibility.⁹⁷ Additionally, the Court orders the State to have a public ceremony with senior state officials and the victims.⁹⁸ The specifics of the ceremony will be decided by the two parties at a later time, however, the State has one year to complete this upon the notification of this Judgment.⁹⁹

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded Mr. Munárriz Escobar's family members \$15,000 for expenses occurred as a result of the arrest and disappearance.¹⁰⁰ Additionally, the Court required the State to pay \$60,000 for the income that Mr. Munárriz Escobar would have made had he not disappeared and continued working as a Mining Engineering student.¹⁰¹

2. Non-Pecuniary Damages

The Court awarded Ms. Escobar Candiotti \$100,000 for serious moral harm.¹⁰² Further, the Court awarded Ms. Escobar Candiotti \$50,000 for having her life projects disrupted because of the forced disappearance.¹⁰³ Finally, the Court awards all five siblings \$25,000 for having their life projects disrupted.¹⁰⁴

⁹⁷ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 134.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.* ¶ 141.

¹⁰¹ *Id.* ¶ 143.

¹⁰² *Id.* ¶ 146.

¹⁰³ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 147.

¹⁰⁴ *Id.* Siblings listed: Gladys Munárriz Escobar, Eric Munárriz Escobar, Amparo Munárriz Escobar, Alain Munárriz Escobar, and Junior Munárriz Escobar.

201x]

Desktop Publishing Example

115

3. Costs and Expenses

The Court required the State deliver \$30,000 to pay for the victim's litigation expenses in the present case.¹⁰⁵ Additionally, the Court orders the State to reimburse the Legal Assistance Fund of Victims \$1,100.76 for expenses incurred.

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

\$ 381,100.76

C. Deadlines

The State has one year from the notification of the Judgment to compensate the victims and organizations indicated herein for the pecuniary damages, non-pecuniary damages, and costs and expenses.¹⁰⁶

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

October 15, 2018: The State published a summary of the judgment on the official website of the Ministry of Justice.¹⁰⁷

October 19, 2018: The State published a summary of the Judgment in the Official Gazette.¹⁰⁸

November 10, 2018: The State published a summary of the Judgment in the national newspaper "La República."¹⁰⁹

May 14, 2019: The Court holds that the State complied with the publication and dissemination requirement of the Judgment.¹¹⁰ The Court holds that the State is still required to carry out an investigation on the

¹⁰⁵ Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, ¶ 152.

¹⁰⁶ *Id.* ¶ 158.

¹⁰⁷ Munárriz Escobar et al. v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considerations of the Court," ¶ 5 (May 14, 2019).

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.* ¶ 1.

whereabouts of Mr. Munárriz Escobar and sanction those responsible for the disappearance of Mr. Munárriz Escobar.¹¹¹ Additionally, the State must provide psychiatric or psychological treatment to the victims who requested it and carry out a public acknowledgment of international responsibility.¹¹² Finally, the State has not resolved reparations relating to paying the amounts set forth in the in the Judgment, for compensation for material and immaterial damages and costs and expenses to the victims and their representatives.¹¹³

October 07, 2019: The Court holds that the State complied with the reimbursement to the Victims' Legal Assistance Fund.¹¹⁴

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

Munárriz Escobar et al. v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 355 (Aug. 20, 2018). (Available only in Spanish).

3. Provisional Measures

Munárriz Escobar et al. v. Peru, Order of the President, Inter-Am. Ct. H.R. (ser. C) (Feb. 16, 2018). (Available only in Spanish).

Munárriz Escobar et al. v. Peru, Order of the President, Inter-Am. Ct. H.R. (ser. C) (April 24, 2018). (Available only in Spanish).

¹¹¹ Munárriz Escobar et al. v. Peru, Monitoring Compliance with Judgment, Order of the Court, "Considerations of the Court," ¶ 2.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ Munárriz Escobar et al. v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Resolves," ¶ 1 (Oct. 07, 2019).

201x]

Desktop Publishing Example

117

4. Compliance Monitoring

Munárriz Escobar et al. v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (May 14, 2019). (Available only in Spanish).

Munárriz Escobar et al. v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (Oct. 07, 2019). (Available only in Spanish).

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[N/A]

2. Report on Admissibility

[N/A]

3. Provisional Measures

[N/A]

4. Report on Merits

Munárriz Escobar et al. v. Peru, Report on Merits, Report No. 77/16, Inter-Am. Comm'n H.R., Case No. 12.602, (Dec. 10, 2016).

5. Application to the Court

[N/A]

VIII. BIBLIOGRAPHY

[N/A]