

Cesti Hurtado v. Peru

ABSTRACT¹

This case is about a dispute between military and civilian courts regarding which court has jurisdiction over a retired member of the armed forces who continued working for the military as a private contractor. The Court found violation of several due process rights contained in the American Convention, but rejected the allegation that several more rights, including the right not to be subject to cruel, inhuman, and degrading treatment, right to honor, and right to property, had been violated.

1. FACTS

A. Chronology of Events

Before November 25, 1996: Mr. Gustavo Adolfo Cesti Hurtado is a Peruvian citizen.² He retired from the Peruvian Army in 1984. Mr. Cesti Hurtado is a manager of the private firm “Top Security Sociedad Anónima” (“Top Security”). This firm advises the Logistics Command of the Peruvian Army (“COLOGE”) on insurance matters.³

November 26, 1996: The Commander General of COLOGE files a criminal complaint before the President of the Supreme Council of Military Justice against four military officers and against Mr. Cesti Hurtado for a crime against the duty and dignity of the service and for the crime of fraud.⁴

December 23, 1996: Court-Martial of the Supreme Council of Military Justice prepares a case against Mr. Cesti Hurtado for the crimes of disobedience against the duty and dignity of the service, negligence, and

1. Rhandy Cordova, Author; Jennifer Toghian, Editor; Hayley Garscia, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Cesti Hurtado v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 56, ¶ 64 (Sept. 29, 1999).

3. *Id.*

4. *Id.* ¶ 65.

fraud.⁵

January 9, 1997: The Supreme Council of Military Justice summons Mr. Cesti Hurtado to make a preliminary statement on January 15, 1997.⁶ Mr. Cesti Hurtado does not appear to make a declaration.⁷

January 17, 1997: The Supreme Council of Military Justice changes the order of appearance and orders Mr. Cesti Hurtado to be arrested, captured, and impeded from leaving the country.⁸

January 31, 1997: Mr. Cesti Hurtado files a petition for a writ of habeas corpus before the Public Law Chamber of the Superior Court of Justice of Lima ("Public Law Chamber"). Mr. Cesti Hurtado asserts that the arrest order and the impediment to leave the country threaten his right to personal liberty.⁹ Mr. Cesti Hurtado further declares that a civilian is not subject to the jurisdiction of the military court.¹⁰

The Permanently Sitting Criminal Court of the Judicial District of Lima agrees to process the petition for habeas corpus filed by Mr. Cesti Hurtado.¹¹ The Court summons the Examining Magistrate of the Supreme Council of Military Justice and orders a summary investigation.¹²

February 3, 1997: The Thirtieth Criminal Court of Lima assumes the case.¹³ Court personnel take a declaration from the Secretary General of the Supreme Council of Military Justice, in the absence of the Examining Magistrate of the Supreme Council of Military Justice.¹⁴ The Secretary General of the Supreme Council of Military Justice states that Mr. Cesti Hurtado falls under the competence of the jurisdictional organ of the special Military Justice System because he has a military rank, and according to Article 174 of the Constitution, military ranks are for life and can only be withdrawn from their holders by a judicial decision.¹⁵ The official further asserts, that the retired officer in question may not allege a threat or violation of his personal liberty.¹⁶ The official

5. *Id.* ¶¶ 65-66.

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.* ¶ 67.

10. *Id.*

11. *Id.* ¶ 68.

12. *Id.*

13. *Id.*

14. *Id.*

15. *Id.* ¶ 69.

16. *Id.*

acknowledges Mr. Cesti Hurtado's argument that he does not consider the military justice system competent to judge him, and that he has the right to file a jurisdictional dispute decided by the Supreme Court.¹⁷

February 4, 1997: The Thirtieth Criminal Court of Lima declares the petition for habeas corpus filed by Mr. Cesti Hurtado without merit.¹⁸ The court finds that the writ cannot be invoked in an ordinary proceeding, and that the arguments on the incompetence of the military justice system should be settled in another type of defense measure related to jurisdiction.¹⁹

February 5, 1997: Mr. Cesti Hurtado appeals the decision, objecting to the jurisdiction of the military justice system, in spite of his retired status.²⁰ Mr. Cesti Hurtado points to Article 173 of the Constitution, which establishes that members of the armed forces are prosecuted under this jurisdiction for service-related crimes.²¹ As a retired member of the armed forces, Mr. Cesti Hurtado argues he has no service-related responsibilities, and only those who are on active service or in reserve may be submitted to the military justice system.²² Therefore, Mr. Cesti Hurtado argues that the military court lacks jurisdiction.²³

February 12, 1997: The Public Law Chamber reverses the appealed decision and grants the petition for habeas corpus filed by Mr. Cesti Hurtado.²⁴ The Public Law Chamber bases the decision according to the provisions of Article 173 of the Political Constitution of Peru.²⁵ In cases of service-related crime, members of the Armed Forces are submitted to the Code of Military Justice and to the respective jurisdiction, while civilians are excluded from this jurisdiction except in cases of terrorism and high treason.²⁶ Therefore, the said person must be carrying out functions as set forth in Article 321 of the Code of Military Justice.²⁷

Mr. Cesti Hurtado, as a civilian, cannot be submitted to a special proceeding under the military justice system with an order of arrest be-

17. *Id.*

18. *Id.* ¶ 70.

19. *Id.*

20. *Id.*

21. *Id.*

22. *Id.*

23. *Id.*

24. *Id.* ¶ 71.

25. *Id.*

26. *Id.*

27. *Id.*

cause he does not meet the constitutional requirements to be considered an active member of the armed forces, because he was not carrying out work or functions as a member of the armed forces.²⁸ As a consequence, the Public Law Chamber orders his arrest and the impediment to leaving the country lifted immediately, and the proceeding against Mr. Cesti Hurtado ceased.²⁹

February 26, 1997: The Examining Magistrate of the Supreme Council of Military Justice declares the decision of the Public Law Chamber inapplicable.³⁰

February 27, 1997: Mr. Cesti Hurtado requests that the Examining Magistrate of the Supreme Council of Military Justice lift the order for his arrest and the impediment to leave national territory, and to suspend the criminal action initiated against him under the military justice system in compliance with the decision of the Public Law Chamber.³¹

February 28, 1997: Mr. Cesti Hurtado is arrested and imprisoned.³²

March 3, 1997: The Examining Magistrate of the Supreme Council of Military Justice communicates the decision to the Public Law Chamber.³³

March 6, 1997: The Public Law Chamber qualifies the decision of the Examining Magistrate of the Supreme Council of Military Justice as a unilateral and out-of-court act, totally alien to the habeas corpus procedure.³⁴ It declares that the decision did not constitute a legal action of any kind that might be capable of altering or invalidating the decision of the Public Law Chamber.³⁵ The Public Law Chamber further asserts that no authorities may set aside judicial decisions with the force and effect of *res judicata*, modify their content, or delay their execution without incurring responsibility.³⁶

28. *Id.* ¶ 71.

29. *Id.*

30. *Id.* ¶ 72.

31. *Id.* ¶ 74.

32. *Id.* ¶ 75.

33. *Id.* ¶ 72.

34. *Id.* ¶ 73.

35. *Id.*

36. *Id.*

March 8, 1997: The Examining Magistrate of the Supreme Council of Military Justice orders Mr. Cesti Hurtado's detention in the Military Prison of the Bolivar Barracks in Pueblo Libre.³⁷

March 13, 1997: The Thirtieth Criminal Court of Lima notifies the President of the Supreme Council of Military Justice to order the immediate release of Mr. Cesti Hurtado, lift the impediment to leave the country, and suspend proceedings under the military justice system.³⁸

March 14, 1997: Personnel of the Thirtieth Criminal Court arrive at the Bolivar Barracks and confirm that Mr. Cesti Hurtado is still detained and that the order directing that he be liberated is not executed.³⁹ Contrary to the affirmations of the Chief of the Bolivar Barracks, there is evidence that the Supreme Council of Military Justice received the injunction of the Thirtieth Criminal Court.⁴⁰

March 18, 1997: The Thirtieth Criminal Court of Lima orders that the President of the Supreme Council of Military Justice again be informed that Mr. Cesti Hurtado should be granted immediate liberty, the impediment for him to leave the country be lifted, and the proceedings initiated against him be suspended.⁴¹

The Court-Martial of the Supreme Council of Military Justice resolves that it will not obey the injunction of the Thirtieth Criminal Court, since the decision of the Public Law Chamber of February 12, 1997, has been declared inapplicable by the Examining Magistrate of the Supreme Council of Military Justice.⁴²

March 24, April 1, and April 6, 1997: Mr. Cesti Hurtado petitions the Examining Magistrate of the Supreme Council of Military Justice to liberate him, in compliance with the decision of the Public Law Chamber.⁴³

April 14, 1997: The Court-Martial of the Supreme Council of Military Justice condemns Mr. Cesti Hurtado to seven years imprisonment.⁴⁴

37. *Id.* ¶ 76.

38. *Id.* ¶ 77.

39. *Id.*

40. *Id.*

41. *Id.* ¶ 78.

42. *Id.*

43. *Id.* ¶ 79.

44. *Id.* ¶ 80.

April 20, 1997: Mr. Cesti Hurtado requests the Review Chamber of the Supreme Council of Military Justice to free him, in compliance with the decision of the Public Law Chamber.⁴⁵ Mr. Cesti Hurtado also questions the merits of the guilty verdict pronounced against him.⁴⁶

May 2, 1997: The Supreme Council of Military Justice, sitting as a Review Chamber, modifies the judgment of the Court-Martial to a term of imprisonment of four years and orders the payment of \$390,000 or its equivalent in Peruvian currency.⁴⁷

May 20, 1997: The Examining Magistrate of the Supreme Council of Military Justice orders Mr. Cesti Hurtado to make the respective payment, warning that if he fails to make the payment, his property and assets will be attached without appeal.⁴⁸

June 13, 1997: Mr. Cesti Hurtado is transferred to the Military Hospital.⁴⁹

June 16, 1997: Mr. Cesti Hurtado requests a transfer to the San Lucas Clinic.⁵⁰

October 30, 1997: Mr. Cesti Hurtado requests a private doctor be authorized to enter the prison.⁵¹

November 5, 1997: Mr. Cesti Hurtado's request for a private doctor is refused.⁵²

December 4, 1997: The President of the Human Rights Committee of the Bar Association of Lima and the President of the Human Rights Committee of the Doctors' Association of Peru arrive at the Bolivar Barracks to visit Mr. Cesti Hurtado, but the military authorities refuse the visitors the opportunity to see him.⁵³

45. *Id.* ¶ 81.

46. *Id.*

47. *Id.* ¶ 82.

48. *Id.* ¶ 83.

49. *Id.* ¶ 84.

50. *Id.*

51. *Id.* ¶ 85.

52. *Id.*

53. *Id.* ¶ 86.

September 29, 1999-November 11, 1999: Mr. Cesti Hurtado is imprisoned in the Bolivar Barracks until his release on November 11, 1999.⁵⁴

B. Other Relevant Facts

[None]

II. PROCEDURAL HISTORY

A. Before the Commission

March 7, 1997: The Commission receives a complaint made by Mrs. Carmen Judith Cardó Guarderas on behalf of her husband, Mr. Cesti Hurtado.⁵⁵

May 19, 1997: The State submits an answer to the Commission.⁵⁶

October 16, 1997: During the 97th Regular Session, the Commission approves Report No. 45/97.⁵⁷ In the Report, the Commission concludes that the State violated several articles of the Convention.⁵⁸ The Commission recommends that the State immediately execute the habeas corpus ruling rendered by the Public Law Chamber on February 12, 1997, in favor of Mr. Cesti Hurtado, and as a consequence, order his release and annul the proceeding initiated against him.⁵⁹ The Commission also recommends that the State compensate Mr. Cesti Hurtado for the consequences resulting from the illegal detention, irregular proceedings, and the questioning of his honor.⁶⁰

November 25, 1997: The State rejects the Report No. 45/97 and requests that the case be conclusively closed.⁶¹

July 17, 1997: Prior to submission of the application, the Commission requests that the Court order the State to comply with the judgment de-

54. *Id.* ¶ 87; *Cesti Hurtado v. Peru*, Request for Interpretation of Judgment of Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 62, ¶ 6 (Nov. 19, 1999).

55. *Cesti Hurtado v. Peru*, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 49, ¶ 3 (Jan. 26, 1999).

56. *Id.*

57. *Id.* ¶ 7.

58. *Id.*

59. *Id.*

60. *Id.*

61. *Id.* ¶ 8.

livered in the habeas corpus proceeding by the Public Law Chamber as a provisional measure.⁶² The Commission requests the submission be made without prejudice to the continuation of the investigations by the competent judicial organ to determine any possible criminal responsibility of Mr. Cesti Hurtado.⁶³

July 29, 1997: The President of the Court ("President") requests that the State adopt measures necessary to ensure the physical and moral integrity of Mr. Cesti Hurtado.⁶⁴

September 11, 1997: The Court ratifies the order.⁶⁵

B. Before the Court

December 22, 1997: The Commission submits the case to the Court after the State fails to adopt its recommendations.⁶⁶

January 9, 1998: The Commission requests that the Court order the unconditional release of Mr. Cesti Hurtado and the release of his property.⁶⁷

The Commission requests that the Court order the State to punish those responsible for the alleged violations committed, free Mr. Cesti Hurtado, and annul the proceedings instituted against him in the military court.⁶⁸ The Commission also requests that the State make reparations and pay compensation to the victim for the period that he has been unduly detained and for the injury to his personal reputation.⁶⁹ The Commission further requests that the State pay the costs of the proceeding.⁷⁰

The Court requires that the State maintain the provisional measures to assure the physical safety of Mr. Cesti Hurtado.⁷¹

February 20, 1998: The State designates Mr. David Pezúa Vivanco as judge *ad hoc*.⁷²

62. *Id.* ¶ 10.

63. *Id.*

64. *Id.* ¶ 11.

65. *Id.*

66. *Id.* ¶ 9.

67. *Id.* ¶ 12.

68. *Id.*

69. *Id.*

70. *Id.*

71. *Id.*

72. *Id.* ¶ 16.

March 20, 1998: The State submits preliminary objections arguing failure to exhaust domestic remedies, inappropriate legal action, incompetence and jurisdiction, *res judicata*, and lack of a prior demand by the Commission.⁷³ The State requests that the Court close the case.⁷⁴

September 14, 1998: The President summons the State and the Commission to a public hearing on November 24, 1998 to hear oral arguments on the preliminary objections raised by the State.⁷⁵

November 23, 1998: Mr. Heriberto Manuel Benítez Rivas files an *amicus curiae* brief.⁷⁶ The Center for Legal and Social Studies (“CELS”) and the Center for Justice and International Law (“CEJIL”) jointly file an *amicus curiae* brief.⁷⁷

November 24, 1998: The public hearing on preliminary objections is held.⁷⁸

December 10, 1998: Mr. Pezúa Vivanco submits his renunciation of the appointment of judge *ad hoc* in the present case, due to incompatibility with his position as Executive Secretary of the Executive Commission of the Judicial Authority of Peru.⁷⁹

January 19, 1999: The Court acknowledges Mr. Pezúa Vivanco’s renunciation of the appointment of judge *ad hoc* in the case and continues consideration of the case with its current composition.⁸⁰

January 26, 1999: The Court unanimously rejects, as inadmissible, the preliminary objections raised by the State.⁸¹ First, the Court determines that domestic remedies had been exhausted, and notes that the question of whether Mr. Cesti Hurtado was afforded legal due process is a question of substantive law to be decided in the examination on the merits.⁸² Second, the Court rejects *in toto* the objections based on lack of compe-

73. *Id.* ¶ 18.

74. *Id.*

75. *Id.* ¶ 21.

76. *Id.* ¶ 34 n.2.

77. *Id.*

78. Cesti Hurtado v. Peru, Merits, ¶ 24.

79. Cesti Hurtado v. Peru, Preliminary Objections, ¶ 25.

80. *Id.* ¶ 26.

81. *Id.* “Operative Paragraphs” ¶ 1.

82. *Id.* ¶ 33.

tence and jurisdiction and *res judicata* because the controversy is not whether the State violated domestic law, but rather whether the State violated its international obligations to which it contracted.⁸³ Finally, the Court rejected the State's preliminary objection regarding the Commission's failure to make a prior claim because the State has a duty to investigate, prosecute, and punish those responsible for human rights violations so the Commission is not required to include this claim in the report in order to raise it in its application to the Court.⁸⁴ Further, the Court can independently inquire into those questions and make judgments on them regardless of their mention in the Commission's application.⁸⁵

1. Violations Alleged by Commission⁸⁶

Article 3 (Right to Juridical Personality)

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

Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment)

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

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(6) (Right to Have Recourse Before a Competent Court)

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

Article 8(2) (Right to Be Presumed Innocent)

Article 11 (Right to Privacy)

Article 21 (Right to Property)

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

Article 25(2)(a) (Rights Must Be Enforced by Competent Authorities)

Article 25(2)(c) (Remedies Must Be Enforced)

Article 51(2) (Applicable Procedure)

all in relation to:

Article 1 (Obligation to Respect Rights)

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

83. *Id.* ¶¶ 47-48.

84. *Id.* ¶ 52.

85. *Id.*

86. *Cesti Hurtado v. Peru*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 56, ¶ 2 (Sept. 29, 1999).

2. Violations Alleged by Representatives of the Victims⁸⁷

Same Violations Alleged by Commission.

III. MERITS

A. *Composition of the Court*⁸⁸

Antônio Augusto Cançado Trindade, President
Máximo Pacheco Gómez, Vice-President
Oliver H. Jackman, Judge
Alirio Abreu Burelli, Judge
Sergio García Ramírez, Judge
Carlos Vicente de Roux Rengifo, Judge

Manuel E. Ventura Robles, Secretary
Renzo Pomi, Deputy Secretary

B. *Decision on the Merits*

September 29, 1999: The Court issues its Judgment on Merits.⁸⁹

The Court found unanimously that Peru had violated:

Article 7(6) (Right to Have Recourse Before a Competent Court), and 25(1) (Right of Recourse Before a Competent Court) and 25(2)(c) (Remedies Must Be Enforced) of the Convention, to the detriment of Mr. Cesti Hurtado,⁹⁰ because:

The Court has previously determined that a detained person must be ensured the right to petition for habeas corpus at all times, even when being held in exceptional circumstances of solitary confinement established by law.⁹¹ The Court stated that Article 25 (Right to Judicial Protection) of the American Convention establishes that everyone has the right to a simple and prompt recourse or any other effective re-

87. Ms. Carmen Judith Cardó Guarderas serves as representative of Mr. Cesti Hurtado. *Id.*

88. *Id.* Judge Hernán Selgado Pesantes, who presided the Court until September 16, 1999, withdrew from the preparation and adoption of the Merits Judgment on that date. *Id.*

89. *Cesti Hurtado v. Peru*, Merits.

90. *Id.* ¶¶ 109-133.

91. *Id.* ¶ 123.

course to a competent court or trial.⁹²

With regard to this protection, Article 7(6) (Right to Have Recourse Before a Competent Court) establishes that a person must be entitled to effective recourse in order to obtain a prompt decision about the legality of arrest or detention, and should these be declared illegal, the execution of an order of liberty without delay.⁹³

The Court found the petition for habeas corpus met the requirements established in Article 25 (Right to Judicial Protection) of the Convention, because it clearly stated a simple and prompt recourse against the acts that violate the fundamental rights of the petitioner.⁹⁴ Further, the opinion of the Public Law Chamber decided that Mr. Cesti Hurtado was not subject to military jurisdiction.⁹⁵ Therefore, the subject matter of the charges fell within ordinary jurisdiction.⁹⁶ Accordingly, since Mr. Cesti Hurtado did not satisfy the constitutional requirements of a member of the armed forces, he could not be subjected to arrest or trial under the military justice system.⁹⁷ The Court stated that the judicial authority responsible for deciding the habeas corpus motion should have examined the information in order to define whether the intended arrest was arbitrary, including the jurisdiction of the authority that issued the arrest.⁹⁸ The Court noted that the judicial authority should have considered the alleged facts and circumstances of the person whom they were attributed to, and the regularity of the proceedings under which the order would be issued.⁹⁹ Since the State did not ensure that the decision of the Public Law Chamber was executed appropriately, the Court found that State violated the right of recourse before a competent court.¹⁰⁰

92. *Id.* ¶ 121.

93. *Id.* ¶ 125.

94. *Id.* ¶ 126.

95. *Id.* ¶ 128.

96. *Id.*

97. *Id.* ¶ 128.

98. *Id.* ¶ 130.

99. *Id.*

100. *Id.* ¶ 133.

Article 7(1) (Right to Personal Liberty and Security), Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law) and Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment) of the Convention, to the detriment Mr. Cesti Hurtado,¹⁰¹ because:

The Court noted that it was evident that the military authorities defied the orders of the Public Law Chamber.¹⁰² The Public Law Chamber mandated that Mr. Cesti Hurtado's arrest be revoked, the restriction to his travel abroad be lifted, and the procedures under the military jurisdiction be suspended.¹⁰³ The military authorities continued to detain, prosecute, and convict Mr. Cesti Hurtado in flagrant violation of a clear order issued by a competent tribunal.¹⁰⁴ The Court determined that Mr. Cesti Hurtado's petition for habeas corpus fulfilled all requirements set forth by the Convention.¹⁰⁵ Once Mr. Cesti Hurtado sought and obtained the appropriate remedy, the existence of other remedies became irrelevant.¹⁰⁶ Therefore, the military authorities' refusal to obey and execute the legitimate order of the Public Law Chamber violated Mr. Cesti Hurtado's right to liberty.¹⁰⁷

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) of the Convention, to the detriment of Mr. Cesti Hurtado,¹⁰⁸ because:

The Court deemed that Mr. Cesti Hurtado was a retired member of the armed forces, with no military function.¹⁰⁹ Therefore, Mr. Cesti Hurtado was considered a private citizen under State legislation.¹¹⁰ Further, under State law, the service contract between Mr. Cesti Hurtado's firm and COLOGE did not constitute a relationship that would justify treating him as a member of the armed forces.¹¹¹ Consequently, the Court noted that submitting Mr. Cesti Hurtado to an action before military judges would constitute a liberal interpretation of the military jurisdic-

101. *Id.* ¶¶ 134-143.

102. *Id.* ¶ 141.

103. *Id.*

104. *Id.*

105. *Id.* ¶ 142.

106. *Id.*

107. *Id.* ¶ 143.

108. *Id.* ¶¶ 144-152.

109. *Id.* ¶ 144.

110. *Id.*

111. *Id.*

tion and would violate his rights to be submitted to a competent judge and jurisdiction and to be judged by an impartial judge.¹¹² Accordingly, the State violated Mr. Cesti Hurtado's right to be heard by a competent tribunal when it submitted him to a proceeding under an organ of military justice.¹¹³

Article 1(1) (Obligation to Respect Rights) and Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention, to the detriment of Mr. Cesti Hurtado,¹¹⁴ because:

The Court has maintained that states that are parties to the Convention may not order measures that violate the rights and freedoms recognized therein.¹¹⁵ The Court has also maintained that states may not fail to take measures that might be necessary to make such rights and freedoms effective, in the terms of Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention.¹¹⁶

The Court found that the State did not ensure Mr. Cesti Hurtado's enjoyment of his rights and freedoms by refusing, through its military authorities, to comply with a legitimate order issued by a competent tribunal.¹¹⁷ The Court responded to the State's allegations that the Court attacked the State's sovereignty in various judgments by considering relevant precedent.¹¹⁸ The Court specifically referred to Castillo Petruzzi et al. v. Peru, recalling that the State signed and ratified the Convention.¹¹⁹ Consequently, the State accepted the treaty obligations set forth in the Convention with respect to all persons subject to its jurisdiction without any discrimination.¹²⁰ Therefore, the State accepted the obligations precisely in the exercise of its sovereignty.¹²¹ Accordingly, the Court declared the Peruvian military authority's unwillingness to obey and execute the order of the Public Law Chamber a violation of Articles 1(1) (Obligation to Respect Rights) and 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention.¹²²

112. *Id.*

113. *Id.* ¶ 151.

114. *Id.* ¶¶ 161-170.

115. *Id.* ¶ 166.

116. *Id.*

117. *Id.* ¶ 168.

118. *Id.* ¶ 169.

119. *Id.*

120. *Id.*

121. *Id.*

122. *Id.* ¶ 170.

The Court found unanimously that Peru had not violated:

Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) of the Convention, to the detriment of Mr. Cesti Hurtado,¹²³ because:

The Court found that the substance of this alleged violation was closely connected to the objective of the provisional measures adopted in favor of Mr. Cesti Hurtado.¹²⁴ The Court studied the allegations in light of the information contained in the State's latest reports and the observations presented by the Commission.¹²⁵ Therefore, the Court declared that the evidence did not show that the treatment received by Mr. Cesti Hurtado during his detention was inadequate within the meaning of Article 5(2).¹²⁶

Article 8(2) (Right to Be Presumed Innocent) of the Convention, to the detriment of Mr. Cesti Hurtado,¹²⁷ because:

The Commission did not contradict the claim that the State scrupulously observed the procedural rights set forth in Article 8(2) (Right to Be Presumed Innocent) of the Convention.¹²⁸ Since the alleged violations of Article 8(2) were not proved, the Court rejected them.¹²⁹

Article 11 (Right to Privacy) of the Convention, to the detriment of Mr. Cesti Hurtado,¹³⁰ because:

The Court did not consider a judicial proceeding an unlawful attack on the honor or dignity of a person.¹³¹ The Court reasoned that a proceeding serves to resolve a dispute, even though it may indirectly cause annoyance to those who are subject to the prosecution.¹³² Furthermore, the punishment applied at the end of such a proceeding is not designed

123. *Id.* ¶¶ 153-160.

124. *Id.* ¶ 158.

125. *Id.*

126. *Id.* ¶ 160.

127. *Id.* ¶ 152.

128. *Id.*

129. *Id.*

130. *Id.* ¶¶ 171-178.

131. *Id.* ¶ 177.

132. *Id.*

to harm personal values, as occurs in the case of felony punishment.¹³³ Accordingly, the Court considered that it was not proved that the State violated, *per se*, Article 11 (Right to Privacy).¹³⁴ Moreover, the Court considered that any effects on the honor and good reputation of Mr. Cesti Hurtado that resulted from his detention, prosecution, and conviction by the military justice system would derive from the violation of Articles 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection) of the Convention.¹³⁵

The Court reserved its decision that Peru had violated:

Article 21 (Right to Property) of the Convention, to the detriment of Mr. Cesti Hurtado,¹³⁶ because:

*The Court found it was not proven that there was a violation of the right to property.*¹³⁷ *The Court stated that the effects on Mr. Cesti Hurtado's assets or ability to work in relation to his detention, prosecution, and conviction derived from the violation of Articles 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection) of the Convention rather than the right to property.*¹³⁸ *Therefore, the Court reserved judgment on such effects until the reparations stage.*¹³⁹

The Court found it unnecessary to consider that Peru had violated:

Article 51(2) (Applicable Procedure) of the Convention, to the detriment of Mr. Cesti Hurtado,¹⁴⁰ because:

*The Court stated that according to the provisions of this Article, conclusions of the Commission, and the establishment of a period for the State to comply with the recommendations are issued only when the case has not been submitted to the Court.*¹⁴¹ *Consequently, the Court previously stated that the alleged violation of Article 51(2) (Applicable Procedure) of the Convention may not be argued in cases that are submitted to it.*¹⁴²

133. *Id.*

134. *Id.*

135. *Id.* ¶ 178

136. *Id.* ¶¶ 179-183.

137. *Id.* ¶ 183.

138. *Id.*

139. *Id.*

140. *Id.* ¶¶ 184-189.

141. *Id.* ¶ 189.

142. *Id.*

*The acts set forth in Article 51(2) were not executed, and the Court found it unnecessary to consider the alleged violation of this Article by the State.*¹⁴³

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

With regard to the request concerning reparation for damage to Mr. Cesti Hurtado's reputation and honor, the Court found that the judgment, in which it decided that Peru was responsible for violating his human rights, constituted a *per se* form of reparation.¹⁴⁴

2. Investigation, Prosecute and Punish Those Responsible

The Court ordered that the State investigate the facts of the case, and identify and punish those responsible.¹⁴⁵

3. Reform Legislation

The Court ordered the State to adopt any provisions of domestic law necessary to ensure compliance with the obligation to punish those responsible.¹⁴⁶

143. *Id.*

144. Cesti Hurtado v. Peru, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 78, ¶ 59 (May 31, 2000).

145. *Id.* ¶ 64.

146. *Id.* ¶¶ 60-67.

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

In view of the particularities of this case and the nature of the reparations requested, the Court decided that the reparations should be determined by the mechanisms established in the domestic laws.¹⁴⁷ The Court reasoned that internal courts or the specialized national institutions have specific knowledge of the branch of activity to which the victim was dedicated.¹⁴⁸ The Court took into consideration the specificity of the reparations requested and also the characteristics of commercial and company law and the commercial operations involved.¹⁴⁹ The Court concluded that the determination corresponded to the said national institutions rather than to an international human rights tribunal.¹⁵⁰

2. Non-Pecuniary Damages

The Court found it fair to grant Mr. Cesti Hurtado compensation of \$25,000 for non-pecuniary damage.¹⁵¹ The Court reasoned that Mr. Cesti Hurtado's family was separated from him, understood and shared his distress, and also found indications that they were harassed and threatened.¹⁵² Accordingly, the Court granted Mr. Cesti Hurtado's wife \$10,000 and each of his children, Margarita del Carmen Cesti Cardó de Lama and Gustavo Guillermo Cesti Cardó, \$5,000 in non-pecuniary damages.¹⁵³

Regarding Mr. Cesti Hurtado's father, Mr. Gustavo Aurelio Cesti Ackermann, and mother-in-law, Ms. Judith Guarderas Cardó de Cardó, the Court assumed that they both suffered non-pecuniary damage as a result of the violations.¹⁵⁴ However, taking into account the specific circumstances of the instant case, the Court considered that obtaining a judgment that supports the victim's claims was in itself, a form of reparation.¹⁵⁵

147. *Id.* ¶ 46.

148. *Id.*

149. *Id.*

150. *Id.*

151. *Id.* ¶ 56.

152. *Id.*

153. *Id.*

154. *Id.*

155. *Id.*

3. Costs and Expenses

The Court granted the sum of \$20,000.00 in reimbursement for the expenses and costs generated in the domestic and Inter-American courts, including professional fees.¹⁵⁶

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

\$ 65,000 in addition to any pecuniary damages awarded by domestic institutions.

C. Deadlines

To comply with this judgment, the State was ordered to pay the indemnities and compensations, reimburse the costs and expenses, and adopt the other measures ordered, within six months of notification of this Judgment.¹⁵⁷

V. INTERPRETATION AND REVISION OF JUDGMENT ON MERITS

January 29, 2000: The State filed a request for interpretation of the Judgment on the Merits to clarify some matters related to meaning and scope.¹⁵⁸

*A. Composition of the Court*¹⁵⁹

Antônio Augusto Cançado Trindade, President
Máximo Pacheco Gómez, Vice-President
Oliver H. Jackman, Judge
Alirio Abreu Burelli, Judge
Sergio García Ramírez, Judge
Carlos Vicente de Roux Rengifo, Judge

Manuel E. Ventura Robles, Secretary
Renzo Pomi, Deputy Secretary

156. *Id.* ¶ 73

157. *Id.* ¶ 74.

158. *Cesti Hurtado v. Peru*, Interpretation of Judgment on Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 65, ¶ 11 (Jan. 29, 2000).

159. Because Judge Hernán Selgado Pesantes did not participate in the deliberation and signing of the Judgment on the Merits, he did not participate in this proceeding. *Id.* at n.*.

B. Merits

First, the State asked whether the Judgment required the immediate liberty of Mr. Cesti Hurtado, or if the Judgment impeded the aggrieved parties from filing a complaint prior to his liberation to prevent the execution of the Judgment.¹⁶⁰ The Court stated that it considered the Judgment clear with regard to meaning and scope when it ordered the State to comply with the decision of the Public Law Chamber on the petition habeas corpus petition.¹⁶¹ Furthermore, the Court clarified that the Judgment did not impede the competent authorities from making decisions about the criminal responsibility of Mr. Cesti Hurtado.¹⁶²

Second, the State requested that the Court clarify whether the embargos decreed on Mr. Cesti Hurtado's property should be lifted as a consequence of the Judgment or whether the State should make a decision on the issue as a result of the judgment on reparations.¹⁶³ The Court responded that in the Judgment, the Court ordered the State to annul the action and all of the effects that may derive from it.¹⁶⁴ The Court observed that annulling a proceeding implies the invalidation of all its legal effects, and is the case with Mr. Cesti Hurtado's property.¹⁶⁵

Third, the State asked whether the Judgment constituted a precedent that may be applied to similar cases in the future occurring under the domestic jurisdictions of the States and under international jurisdiction.¹⁶⁶ The State queried whether habeas corpus constituted the appropriate procedural route for disputing military jurisdiction when there is an alleged deprivation of liberty, or threat of such.¹⁶⁷

Fourth, the State inquired whether the proper way for a person accused of terrorism or treason to challenge the competency of the military jurisdiction is by habeas corpus.¹⁶⁸ Further, the State asked what other channels the military justice system would have needed to insist on its own competence.¹⁶⁹

The Court considered requests three and four essentially the same

160. *Id.* ¶ 14.

161. *Id.* ¶ 17.

162. *Id.*

163. *Id.* ¶ 18.

164. *Id.* ¶ 21.

165. *Id.*

166. *Id.* ¶ 23.

167. *Id.*

168. *Id.* ¶ 24.

169. *Id.*

matter and addressed them together.¹⁷⁰ The Court stated that domestic legislation usually establishes the appropriate procedural channel for resolving jurisdictional disputes.¹⁷¹ Likewise, the judge hearing a petition for habeas corpus decides whether a deprivation of liberty is arbitrary.¹⁷² The Court held that it was not appropriate to make a pronouncement with regard to the applicability of its judgments in hypothetical future situations.¹⁷³

Fifth, the State requested that the Court clarify whether the Judgment corroborated or modified precedent regarding the military jurisdiction in relation to civilians.¹⁷⁴ The Court found this beyond the functions of its duties.¹⁷⁵ The Court held the inquiry was not a request for interpretation of the Judgment itself, but rather a comparison with other judgments delivered by the Court,¹⁷⁶ Therefore, the Court found it improper to interpret this point and did not comment on the matter.¹⁷⁷

Finally, the State inquired into the legitimacy of Mr. Heriberto Manuel Benítez Rivas in his dual role as a witness proposed by the Commission and as *amicus curiae* for the Court.¹⁷⁸ The Court found this request outside the scope of interpretation of judgment as contemplated by Article 67 of the American Convention and Article 58 of the Rules of Procedure, and did not comment on the matter.¹⁷⁹

VI. INTERPRETATION AND REVISION OF JUDGMENT ON REPARATIONS AND COSTS

September 4, 2001: Mr. Cesti Hurtado filed a request for interpretation of the Judgment on Reparations and Costs.¹⁸⁰

170. *Id.* ¶ 22.

171. *Id.* ¶ 27.

172. *Id.*

173. *Id.*

174. *Id.* ¶ 28.

175. *Id.* ¶ 30.

176. *Id.*

177. *Id.*

178. *Id.* ¶ 31.

179. *Id.*

180. *Cesti Hurtado v. Peru*, Interpretation of Judgment on Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 86, ¶ 2 (Nov. 27, 2001).

*A. Composition of the Court*¹⁸¹

Antônio Augusto Cançado Trindade, President
Alirio Abreu Burelli, Judge
Sergio García Ramírez, Judge
Carlos Vicente de Roux Rengifo, Judge

Manuel E. Ventura Robles, Secretary
Pablo Saavedra Alessandri, Deputy Secretary

B. Merits

The Court addressed four of Mr. Cesti Hurtado's requests for interpretation: (1) whether the State is required to indemnify him for the direct detriment to his assets caused in this case; (2) whether the State must indemnify him for legal expenses required for his defense; (3) whether the State must indemnify him for all material damages caused in this case; and (4) whether he or the State must initiate the domestic proceedings for indemnification.¹⁸²

The Court made the following determinations in response to Mr. Cesti Hurtado's requests, respectively: (1) the parties should apply national legislation regarding Mr. Cesti Hurtado's economic loss with respect to his assets; (2) the Court clearly stated in its Judgment on Reparations and Costs that the payments ordered included professional fees; (3) the State must provide the necessary conditions for the persons to obtain their respective indemnifications for violations within a reasonable time; and (4) the interested party must file a petition before the appropriate national authority and that national authority will decide what is pertinent under relevant Peruvian norms.¹⁸³ The Court also decided that the State must set the indemnification due to Mr. Cesti Hurtado in good faith and give access to Mr. Cesti Hurtado to the appropriate domestic legal procedures to obtain indemnification within a reasonable time.¹⁸⁴

181. Because Judge Máximo Pacheco Gómez did not participate in the deliberation and signing of the Judgment on Reparations and Costs, he did not participate in this proceeding. *Id.* at n.*. For reasons of *force majeure*, Judge Oliver H. Jackman could not attend the Fifty-third Regular Session of the Court, and thus he did not participate in the deliberation and signing of this judgment. *Id.*

182. *Id.* ¶ 10.

183. *Id.* ¶¶ 32(a)-(d).

184. *Id.* "Decides" ¶ 3.

VII. COMPLIANCE AND FOLLOW-UP

November 17, 2004: The Court noted that it did not have sufficient information regarding compliance for payment of the interest owed in connection with compensation for moral damages.¹⁸⁵ Nor did the Court have sufficient information regarding compliance for the investigation of the case and punishment of those responsible, payment of material damages, or annulment of the military proceedings and all their effects.¹⁸⁶ The Court stated that it would continue to oversee compliance with the obligations still pending.¹⁸⁷

The Court ordered the State to take the necessary steps to promptly comply with the orders issued by the Court in the judgments on the merits and on reparations and costs with respect to the obligations still pending.¹⁸⁸ The Court asked the State to submit, no later than January 31, 2005, a detailed report stating all the steps taken to comply with the duty to investigate the facts, and identify and punish those responsible for the human rights violations addressed in the Judgment.¹⁸⁹

September 22, 2006: The Court found that the State had not adopted the necessary steps to pay Mr. Cesti Hurtado the total amount owed to him and complete satisfaction of pecuniary damages and interest thereon.¹⁹⁰ Further, the Court found that the State did not report any concrete and significant progress in the performance of the obligations identified in the previous monitoring compliance order.¹⁹¹ The Court found that it lacked information on the payment of interest on the compensation for moral damage, investigation of the facts and punishment of the perpetrators, payment of pecuniary damages and annulment of the military proceedings and all legal effects resulting therefrom.¹⁹² The Court decided to continue proceedings to monitor compliance with these points.¹⁹³ The Court demanded that the obligations remaining unfulfilled be satisfied by the State as soon as possible. The Court ordered the State to submit a report on the pending obligations.¹⁹⁴

185. *Cesti Hurtado v. Peru*, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Having Seen" ¶ 12 (Nov. 17, 2004).

186. *Id.* "Whereas" ¶ 12.

187. *Id.* "Finds" ¶ 1.

188. *Id.* "And Decides" ¶ 1.

189. *Id.* "And Decides" ¶ 2.

190. *Cesti Hurtado v. Peru*, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering" ¶ 19 (Sept. 22, 2006).

191. *Id.* "Considering" ¶ 20.

192. *Id.* "Considering" ¶ 21.

193. *Id.* "Declares" ¶ 1.

194. *Id.* "Considering" ¶ 21.

The Court ordered the State to adopt all necessary measures to promptly and duly comply with the orders of the Court in the Judgment and in the judgment on reparations and costs.¹⁹⁵ The Court then requested the State submit a detailed report to the Commission by January 19, 2007, specifying measures adopted to comply with the reparations still pending.¹⁹⁶

August 4, 2008: The Court found that, neither the State nor the representatives had submitted any information regarding payment of interest on the compensation for moral damage or the annulment of military proceedings and the resulting effects.¹⁹⁷ Regarding the investigation of the facts and the punishment of the perpetrators, the State stated that Mr. Raúl Aurelio Talledo Valdivieso was sentenced to a four-year prison sentence for the crime of abuse of authority against Mr. Cesti Hurtado.¹⁹⁸ The State informed the Court that Mr. Guido Eduardo Guevara Guerra was prosecuted for the same crime against Mr. Cesti Hurtado, but that the judicial authority ordered the proceedings suspended upon the defendant's failure to appear, and issued national and international arrest warrants.¹⁹⁹

The Court decided to continue to monitoring compliance with pending reparations, including payment of interest on the amount of compensation for moral damage, annulment of the military proceedings and the effects resulting therefrom, payment of pecuniary damages, and investigation of the facts and punishment of the perpetrators.²⁰⁰ The Court ordered the State to adopt all necessary measures to promptly and duly comply with the Judgment and in the judgment on reparations and costs.²⁰¹ The Court requested that the State submit to the Court, by October 17, 2008, a detailed report specifying the measures adopted to comply with the reparations set out in the judgment on reparations.²⁰²

December 7, 2009: The Court requested the State to provide updated information including a description of the amount owed for interest compensation for moral damage, and proof of payment made.²⁰³ The

195. *Id.* "And Decides" ¶ 1.

196. *Id.* "And Decides" ¶ 2.

197. Cesti Hurtado v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Having Seen" ¶¶ 10, 12 (Sept. 22, 2006).

198. *Id.* "Having Seen" ¶ 14.

199. *Id.*

200. *Id.* "Declares" ¶ 2.

201. *Id.* "And Decides" ¶ 1.

202. *Id.* "And Decides" ¶ 2.

203. Cesti Hurtado v. Peru, Monitoring Compliance with Judgment, Order of the President of

Court required that the State provide detailed information on measures taken to comply with the mandate, as well as any supporting documentation showing that both the penal process and all the effects resulting from the sentence under military jurisdiction were nullified.²⁰⁴ The Court also noted it was equally essential for the Commission submit comments on the report.²⁰⁵

The Court found the information presented by the State did not show evidence of prosecution of the persons responsible for Mr. Cesti Hurtado's detention.²⁰⁶ Therefore, the Court found it necessary that the State adequately report on the measures taken, as well as those made to comply with this point.²⁰⁷ The Court then summoned the State, Mr. Cesti Hurtado, and the Commission to a private hearing on February 1, 2010, in order for the Court to obtain information on compliance with the judgments.²⁰⁸

February 4, 2010: The Court acknowledged that the State informed the Court that the military proceedings instituted against Mr. Cesti Hurtado were annulled, but the Court requested supporting documents, including copies of the judicial annulments, confirming this compliance.²⁰⁹ The State stated that it instituted criminal proceedings against the Chairman of the Military Justice Board for the commission of the crime of abuse of authority, and convicted the board prosecutor on June 13, 2003.²¹⁰

Mr. Cesti Hurtado asserted that the convicted defendant, Mr. Raúl Aurelio Talledo Valdivieso, was not the only person responsible, and that no other proceedings were instituted against the Prosecutor or the officers who ordered the institution of proceedings, the judges of the Military Court who unduly prosecuted and convicted him, the military authorities who denied his release from prison, or the political authorities then in office who should have ordered his release.²¹¹ The Court, however, viewed the State's express willingness to comply favorably.²¹² The Court also noted that the duty to investigate is not breached merely because the investigation does not produce a satisfactory result.²¹³ The

the Court, Inter-Am. Ct. H.R. "Having Seen" ¶ 9 (Dec. 7, 2009).

204. *Id.* "Having Seen" ¶ 19.

205. *Id.*

206. *Id.* "Having Seen" ¶ 23.

207. *Id.*

208. *Id.* "Decides" ¶ 1.

209. *Cesti Hurtado v. Peru*, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering" ¶¶ 7, 10-11 (Feb. 4, 2010).

210. *Id.* "Considering" ¶ 12.

211. *Id.* "Considering" ¶ 15.

212. *Id.*

213. *Id.* "Considering" ¶ 17.

Court therefore requested that the State submit information on every action taken to fully comply with this obligation.²¹⁴ The Court asked the State to submit a detailed report on the measures adopted regarding payments due.²¹⁵

The Court decided to continue monitoring compliance with payment of interest on the amount of compensation for moral damage, annulment of the military proceedings and the effects resulting therefrom, payment of pecuniary damages, and investigation of the facts surrounding this case and punishment of the perpetrators.²¹⁶ The Court called upon the State to adopt all necessary measures to promptly comply with these reparations.²¹⁷ The Court then requested the State to submit a report to the Court containing the measures adopted to fully comply with the reparations no later than March 17, 2010.²¹⁸

November 26, 2013: The Court determined that the State has partially complied with its obligations to investigate the facts and punish those responsible and payment of pecuniary damages.²¹⁹ The Court decided to continue monitoring compliance with the obligations to annul the military proceedings and the effects resulting therefrom, investigate and punish those responsible, payment of pecuniary damages, payment of interest on the amount owed for moral damage.²²⁰ The Court ordered the State to adopt all necessary measures to comply promptly with this order and to provide a report by March 16, 2014 detailing the steps taken.²²¹

VIII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[Cesti Hurtado v. Peru, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 49, \(Jan. 26, 1999\).](#)

214. *Id.*

215. *Id.* “Considering” ¶ 21.

216. *Id.* “Declares” ¶ 1.

217. *Id.* “And Decides” ¶ 1.

218. *Id.* “And Decides” ¶ 2.

219. *Cesti Hurtado v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. “Decides That” ¶¶ 1(a)-(b).* (Nov. 26, 2013).

220. *Id.* “Decides That” ¶¶ 2(a)-(d).

221. *Id.* “Decides That” ¶¶ 3-4

2. Decisions on Merits, Reparations and Costs

[Cesti Hurtado v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 56, \(Sept. 29, 1999\).](#)

[Cesti Hurtado v. Peru, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 56, \(May 31, 2001\).](#)

3. Provisional Measures

[Cesti Hurtado v. Peru, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R., \(Dec. 21, 2005\). \(Available only in Spanish\)](#)

[Cesti Hurtado v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R., \(Aug. 14, 2000\).](#)

[Cesti Hurtado v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R., \(Nov. 19, 1999\).](#)

[Cesti Hurtado v. Peru, Expansion of Provisional Measures, Order of the Court, Inter-Am. Ct. H.R., \(June 3, 1999\).](#)

[Cesti Hurtado v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R., \(Jan. 21, 1998\).](#)

[Cesti Hurtado v. Peru, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R., \(Sept. 11, 1997\).](#)

[Cesti Hurtado v. Peru, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R., \(July 29, 1997\).](#)

4. Compliance Monitoring

[Cesti Hurtado v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 26, 2013\).](#)

[Cesti Hurtado v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Feb. 4, 2010\).](#)

[Cesti Hurtado v. Peru, Monitoring Compliance with Judgment, Order of the President of the Court, Inter-Am. Ct. H.R. \(Dec. 7, 2009\). \(Availa-](#)

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[Cesti Hurtado v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Aug. 4, 2008\).](#)

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

[Cesti Hurtado v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 17, 2004\).](#)

5. Review and Interpretation of Judgment

[Cesti Hurtado v. Peru, Interpretation of Judgment of Merits, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 65 \(Jan. 29, 2000\).](#)

[Cesti Hurtado v. Peru, Interpretation of Judgment on Reparations and Costs, Inter-Am. Ct. H.R. \(ser. C\) No. 86 \(Nov. 27, 2001\).](#)

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

[None]

3. Provisional Measures

[None]

4. Report on Merits

[None]

5. Application to the Court

[None]

IX. BIBLIOGRAPHY

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