

García Prieto et al. v. El Salvador

ABSTRACT¹

This case is about the assassination of Mr. García Prieto during a robbery, on June 10, 1994, by members of an illegal armed group. Although the assassins were arrested and tried, El Salvador was nonetheless found in violation of the American Convention because of several deficiencies in the investigations and prosecution. The case is notable for a discussion of the provisional measures in the Inter-American system of protection of human rights.

I. FACTS

A. Chronology of Events

1989 - 1992: Beginning in 1989, at the time of many death squad killings, the wealthy García Prieto family is the subject of attacks, threats, and stalking.² Unknown individuals linger in front of the García Prieto home, or trail the family in vehicles with tinted windows.³ Several of the García Prieto family's coffee plantations in San Miguel are set on fire in this time.⁴ The family reports these incidences to the police.⁵

In 1992, an unknown individual tells an employee of the García Prieto family that he was paid to watch a fair-skinned man who went on walks.⁶ The description matches that of Ramón Mauricio García Prieto Giralt.⁷ When confronted by the family, the man denies knowing who was paying him, though he admits to having belonged to the First

1. Heather Hassan, Author; Elise Cossart-Daly, Grace Kim, and Sascha Meisel, Editors; Sarah Frost, Chief Editor; Cesare Romano, Faculty Advisor.

2. García Prieto et al. v. El Salvador, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 11.697, ¶ 60-61 (Feb. 9, 2006).

3. *Id.* ¶ 61.

4. *Id.*

5. *Id.* ¶ 60.

6. *Id.* ¶ 61.

7. *Id.*

Infantry Brigade of the Armed Forces of El Salvador.⁸

1992: The Salvadorian government and the Farabundo Marti National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional*, "FMLN") sign peace accords to end the internal armed conflict that had endured in El Salvador for the past twelve years.⁹ With the signing of the peace accords, many hope for the breakup of the death squads that had been acting freely and with complete impunity for so many years.¹⁰

June 10, 1994: In the afternoon, Mr. García Prieto stops at a bank on his way to his aunts' house and withdraws 30,000 colones (approximately U.S. \$3,400).¹¹ His wife, Ms. Carmen Alicia Estrada, and five-month-old son, Ramón Mauricio García Prieto Estrada, accompany him.¹²

Upon arriving at his aunts' house, Mr. García Prieto takes his child from his wife and carries him, when on their way to the door a man dressed in black jumps in front of him and says, "I'm going to kill you."¹³ A second man comes forward and holds a gun to the child's head.¹⁴ Mr. García Prieto asks the men to calm down.¹⁵ They begin beating him.¹⁶ Mr. García Prieto manages to pass the child to his wife while receiving blows all over his body.¹⁷ One of the men then takes the leather bag containing the money Mr. García Prieto had withdrawn earlier.¹⁸ The man in black shoots Mr. García Prieto in the head and stomach.¹⁹ Both men flee in a gray vehicle driven by a third man who has been waiting for them.²⁰ Mr. García Prieto dies of his injuries at the hospital later that night.²¹

June 28, 1994: Eighteen days have passed, and after finding that no

8. *Id.*

9. *The Resurgence of the Death Squads*, International Federation for Human Rights, (Nov. 10, 1999), available at: <http://www.unhcr.org/refworld/docid/482c5bdf14.html>.

10. *Id.*

11. *García Prieto et al. v. El Salvador*, Petition to the Court, ¶ 56.

12. *Id.*

13. *Id.*

14. *Id.*

15. *Id.* ¶ 57.

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.*

20. *Id.*

21. *Id.*

investigation has taken place regarding the incident, the Fifteenth Court of Peace requests information from the National Police of El Salvador on the steps taken to investigate Mr. García Prieto's death.²²

June 29, 1994: An investigation of the scene of Mr. García Prieto's death is conducted.²³

July 15, 1994: The Fifth Criminal Court receives information about the steps taken to investigate Mr. García Prieto's death.²⁴

July 25, 1994: Investigators from the Criminal Investigation Division issue a report stating that a confidential source has identified a man by the name of José Raúl Argueta Rivas as Mr. García Prieto's killer.²⁵

August 16, 1994: José Raúl Argueta Rivas is arrested and charged with the murder of Mr. García Prieto.²⁶ At the time of his arrest, two Armed Forces identification cards are seized.²⁷ Another suspect, Pedro Sánchez Guerrero, is also identified.²⁸

March 15, 1995: The case is expanded to include both José Raúl Argueta Rivas and Pedro Antonio Guerrero Sanchez as defendants.²⁹ The criminal proceedings continue.³⁰ During this time, the prosecution does not present any additional evidence.³¹

June 15, 1996: Though the defense has declined to submit evidence during the primary stage, defendant José Raúl Argueta Rivas presents a letter to the court stating that someone named Sergeant Zaldaña had implicated him in the case.³² This information suggests that policemen were involved in Mr. García Prieto's death.³³

July 23, 1996: The Attorney for the Defense of Human Rights

22. *Id.* ¶ 58.

23. *Id.*

24. *Id.*

25. *Id.*

26. *Id.* ¶ 59.

27. *Id.*

28. *Id.*

29. *Id.*

30. *Id.* ¶ 62.

31. *Id.* ¶ 63.

32. *Id.*

33. *Id.*

(*Procuraduría para la Defensa de los Derechos Humanos*, “PDDH”) issues a report attributing Mr. García Prieto’s murder to one of a series of killings by illegal armed groups with a support structure equipped with sufficient financial and logistical power to enable them to carry out crimes with impunity and to terrorize the families of their victims.³⁴ The report concludes that the motive behind the crime was homicide, not robbery, particularly since Mr. García Prieto had not shown any resistance in giving his attackers the money.³⁵ The PDDH urges the Salvadorian government to investigate the group responsible for Mr. García Prieto’s murder, and prosecute them accordingly.³⁶

October 7, 1996: The Fifth Criminal Court sentences Jose Raúl Argueta Rivas to twenty-six years in prison for Mr. García Prieto’s murder with a fine of fifty million colones (approximately U.S. \$3,429,550) to be paid to the family of Mr. García Prieto, and an additional four years in prison for material misrepresentation.³⁷

At the same time, the court acquits Pedro Sánchez Guerrero.³⁸ The acquittal is consonant with Ms. Carmen Alicia Estrada’s earlier statements that Sánchez Guerrero was not one of the men who had killed her husband.³⁹

B. Other Relevant Facts

The signing of the peace accords by the government of El Salvador and the FMLN signal the end of a twelve-year period of internal armed conflict in which illegal armed groups, which are sometimes called death squads, monitor, threaten, assault, and sometimes torture and kill persons suspected of subversive activity.⁴⁰ Many trade unionists, teachers, students, factory workers, and priests fall victim to the death squads. In spite of the signing of the peace accords, death squads continue to operate at large capacities in the following years.⁴¹

II. PROCEDURAL HISTORY

34. *Id.* ¶ 85.

35. *Id.* ¶ 86.

36. *Id.* ¶ 85.

37. *Id.* ¶ 65.

38. *Id.*

39. *Id.*

40. *The Resurgence of the Death Squads*, International Federation for Human Rights, (Nov. 10, 1999), available at: <http://www.unhcr.org/refworld/docid/482c5bdf14.html>.

41. García Prieto et al. v. El Salvador, Petition to the Court, ¶ 48.

A. Before the Commission

October 22, 1996: Mr. García Prieto's parents and widow, along with the "José Simeón Cañas" Human Rights Institute of the Central American University (*Instituto de Derechos Humanos de la Universidad Centroamericana "José Simeón Cañas"*, "IDHUCA") and the Center for Justice and International Law ("CEJIL") present a petition to the Inter-American Commission of Human Rights ("Commission") on behalf of Mr. García Prieto.⁴²

June 11, 1997: The Commission requests the State to take precautionary measures necessary to protect the life and liberty of Mr. García Prieto's parents, his widow, and the lawyers and witnesses involved in the investigation and prosecution of those responsible for his death.⁴³

September 5, 1997: The National Civil Police reopens the investigation of Mr. García Prieto's death.⁴⁴

January 19, 1998: Ms. Carmen Alicia Estrada recognizes Julio Ismael Ortiz Díaz, a former National Police Officer, as one of the perpetrators of her husband's death from a photograph lineup.⁴⁵ An arrest warrant is immediately issued for him.⁴⁶

Over the next few years, the García Prieto family continues to be threatened, harassed, and intimidated through anonymous phone-calls, and is monitored and threatened by armed individuals.⁴⁷ The State investigates these threats and concludes that many of these phone-calls were made from lines connecting to the National Civil Police; no further action is taken, however.⁴⁸

February 6, 1998: The plan for the security and protection of the García

42. *Id.* ¶ 21.

43. *Id.* ¶ 23.

44. *Id.* ¶ 67; *see also* García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 168, ¶ 2 (Nov. 20, 2007) (indicating that the date on which the proceedings were reopened was August 28, 1997).

45. García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, ¶ 83.

46. García Prieto et al. v. El Salvador, Petition to the Court, ¶¶ 72, 76.

47. *Id.* ¶¶ 101-16.

48. *Id.*

Prieto family goes into effect.⁴⁹

February 18, 1998: The Third Criminal Court receives the case from the Thirteenth Court of Peace. Additional investigation also links Carlos Romero Alfaro (known as “Zaldana”), a former detective, to Mr. García Prieto’s death.⁵⁰

August 4, 1998: Unknown individuals fire upon Mauricio and Gloria García Prieto, Mr. García Prieto’s parents, while they walk along the beach on vacation.⁵¹ Security agents from the Important Persons Protection Division (*División de Protección de Personalidades Importantes*, “PPI”) of the National Civil Police fire back.⁵²

November 26, 1998: A maid working for the García Prieto family receives strange anonymous phone calls, which she reports to an agent assigned to Ms. Gloria García Prieto’s security.⁵³

March 9, 1999: The Commission adopts Report on Admissibility No. 27/99 declaring the petition admissible.⁵⁴

October 7, 1999: For personal reasons, Ms. Carmen Alicia Estrada dispenses with the State’s protection services and assumes the risk that her decision entails.⁵⁵

December 10, 1999: Two men dressed in black appear on a farm neighboring a farm owned by the daughter of Mauricio and Gloria García Prieto and ask for Mauricio García Prieto.⁵⁶ The PPI agents reassure the couple that there are long-range reconnaissance patrols in the area carrying out maneuvers dressed like this, and that some military friend of Mauricio probably sent them to ask for him.⁵⁷

August 15, 2000: The investigation into the threats against and

49. *Id.* ¶ 27.

50. *Id.* ¶¶ 72-73.

51. *Id.* ¶ 104; García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 168, ¶ 131 (Nov. 20, 2007).

52. García Prieto et al. v. El Salvador, Petition to the Court, ¶ 104.

53. *Id.* ¶ 105.

54. *Id.* ¶ 29.

55. *Id.* ¶ 37.

56. *Id.* ¶ 106.

57. *Id.*

harassment of the García Prieto family is discontinued.⁵⁸

May 2, 2001: Mauricio and Gloria García Prieto report strange and insulting phone calls coming from the San Lorenzo National Civil Police station and emergency system, and from a machine shop, to the Deputy Director General of the National Civil Police.⁵⁹

May 25, 2001: A jury convicts Julio Ismael Ortiz Díaz for the murder of Mr. García Prieto and he is later sentenced to thirty years in prison on June 7, 2001.⁶⁰

November 14, 2001: The domestic staff working for the García Prieto family receives insulting and threatening phone calls.⁶¹

November 20, 2001: The Commission reiterates its request that the State take precautionary measures to protect the García Prieto family.⁶²

December 3, 2001: The National Civil Police reopens the investigation of Mr. García Prieto's death following the Commission's granting of precautionary measures.⁶³

April 3, 2002: The prosecutor assigned to the case reports to the Attorney General's Office that the primary investigative procedure has been completed, but that further investigation is necessary to identify the individuals responsible for making the threats against the García Prieto family.⁶⁴ The prosecutor makes no final opinion, however, and the case is essentially shelved until June 2003.⁶⁵

June 6, 2003: Mauricio and Gloria García Prieto file a new complaint before the Attorney General's Office, which asserts that the individuals behind the death of their son are Mauricio Ernesto Vargas and Roberto Hernán Bridge, and requests that the State continue its investigations.⁶⁶

58. *García Prieto et al. v. El Salvador*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 168, ¶ 2 (Nov. 20, 2007).

59. *García Prieto et al. v. El Salvador*, Petition to the Court, ¶ 107.

60. *Id.* ¶ 76.

61. *Id.* ¶ 108.

62. *Id.* ¶ 30.

63. *Id.* ¶ 77.

64. *Id.* ¶ 79.

65. *Id.*

66. *Id.* ¶ 80.

June 16, 2003: The Attorney General's Office opens prosecutorial investigation No. 34-00-03.⁶⁷

March 5, 2004: PDDH repeatedly requests and is denied access to the files pertaining to Mr. García Prieto's murder.⁶⁸ It finally gains access to the files on March 5, and finds them in a state of disorder and neglect.⁶⁹ PDDH determines that the last action taken on the case occurred on June 23, 2003, when the Organized Crime Unit received a request for the certified files of Jose Raúl Argueta Rivas and Julio Ismael Ortiz Díaz.⁷⁰

March 18, 2004: The State requests the lifting of the precautionary measures owing to Ms. Carmen Alicia Estrada's decision not to use the State's protection services.⁷¹ After one of the García Prieto family's farms is set on fire the following month, the Commission decides to keep the precautionary measures in place.⁷²

June 10, 2004: The investigation of Mr. García Prieto's murder is officially closed.⁷³

June 22, 2005: PDDH reports that the two men prosecuted for the murder of Mr. García Prieto belonged to an illegal armed group that directly collaborated with political authorities.⁷⁴ It also notes several irregularities in the investigation of Mr. García Prieto's death, such as failing to consider that illegal armed groups caused his death.⁷⁵ It concludes that the State's failure to thoroughly investigate and prosecute and punish those responsible for Mr. García Prieto's death amounts to an extrajudicial execution.⁷⁶

October 24, 2005: The Commission adopts Merits Report No. 94/05,

67. García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 168, ¶ 114 (Nov. 20, 2007).

68. García Prieto et al. v. El Salvador, Petition to the Court, ¶ 81.

69. *Id.*

70. *Id.*

71. *Id.* ¶ 37.

72. *Id.* ¶ 38-39.

73. *Id.* ¶ 82.

74. *Id.* ¶ 95.

75. *Id.* ¶¶ 96-99.

76. *Id.* ¶ 99.

concluding that the State violated Article 4 (Right to Life), Article 5 (Right to Humane Treatment), Article 8 (Right to a Fair Trial), and Article 25 (Right to Judicial Protection) of the American Convention.⁷⁷ The Commission determines that there was an insufficient basis for finding that the State violated Article 7(1) (Right to Personal Liberty and Security), Article 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity), and Article 17 (Rights of the Family) of the American Convention.⁷⁸

The Commission recommends that the State effectuate a complete, impartial, and effective judicial investigation into the circumstances surrounding Mr. García Prieto's death.⁷⁹ The State should identify the perpetrators who participated at all levels of the crime and move forward with criminal processing and punishment.⁸⁰

The Commission also recommends that the State carry out a similar investigation into the stalking and threatening of Mr. García Prieto's parents and widow and prosecute and punish those responsible.⁸¹

Lastly, the Commission requests that the State compensate Mr. García Prieto's parents, widow and child for the violation of their human rights.⁸²

B. Before the Court

February 9, 2006: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁸³

1. Violations Alleged by Commission⁸⁴

To the detriment of Mr. José Mauricio García Prieto Hirlemann and Ms. Gloria Giralt de García Prieto, Mr. García Prieto's parents, and Ms. Carmen Alicia Estrada, his widow:

77. *Id.* ¶ 41.

78. *Id.*

79. *Id.* ¶ 42(a).

80. *Id.*

81. *Id.* ¶ 42(b).

82. *Id.* ¶ 42(c).

83. García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 168, ¶ 1 (Nov. 20, 2007).

84. *Id.* ¶ 5.

Article 5 (Right to Humane Treatment)

Article 8 (Right to a Fair Trial)

Article 25 (Right to Judicial Protection)

all in relation to:

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

2. Violations Alleged by Representatives of the Victims⁸⁵

Same Violations Alleged by Commission, plus:

To the detriment of Ramón Mauricio García Prieto Estrada, Mr. García Prieto's son, and Mr. García Prieto's other next of kin:

Article 5 (Right to Humane Treatment)

Article 8 (Right to a Fair Trial)

Article 25 (Right to Judicial Protection)

all in relation to:

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

To the detriment of Mr. García Prieto:

Article 4 (Right to Life)

Article 8 (Right to a Fair Trial)

Article 25 (Right to Judicial Protection)

all in relation to:

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

To the detriment of Mr. José Mauricio García Prieto Hirlemann,

85. *Id.* ¶¶ 7-8. Luis Pérez Bennett served as the representative of Mrs. Carmen Alicia Estrada (Mr. García Prieto's widow) and Mr. Ramón Mauricio García Prieto Estrada (Mr. García Prieto's son). Matilde Guadalupe Hernández de Espinoza, Claudia María Hernández Galindo, Henri Paul Fino Solórzano, José Roberto Burgos-Vale, and José Benjamín Cuéllar-Martínez of IDHUCA, as well as Viviana Krsticevic and Gisela De León of CEJIL served as representatives of Mr. José Mauricio García Prieto Hirlemann and Ms. Gloria Giralt de García Prieto (Mr. García Prieto's parents), and Ms. Ite María del Carmen García Prieto Taghioff, Ms. Lourdes García Prieto de Patuzzo, and Ms. María de los Ángeles García Prieto de Charur (Mr. García Prieto's three sisters).

Ms. Gloria Giralt de García Prieto, and Ms. Carmen Alicia Estrada, Mr. García Prieto's parents and widow:

Article 11 (Right to Privacy)

in relation to:

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

To the detriment of María de los Ángeles García Prieto de Charhur, Ile María del Carmen García Prieto Taghioff, Lourdes García Prieto de Patuzzo, all Mr. García Prieto's sisters, and Ramón Mauricio García Prieto Estrada, his son:

Article 5 (Right to Humane Treatment)

Article 8 (Right to a Fair Trial)

Article 11 (Right to Privacy)

Article 25 (Right to Judicial Protection)

all in relation to:

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

May 11, 2006: Judge Alejandro Montiel Argüello is appointed by the State to be an *ad hoc* judge.⁸⁶

September 26, 2006: The Court issues a decision on the Commission's request for provisional measures to protect the life and physical integrity of Mr. García Prieto's parents; María de los Ángeles García Prieto de Charhur, Mr. García Prieto's sister; José Benjamín Cuéllar-Martínez, Matilde Guadalupe Hernández de Espinoza, and José Roberto Burgos-Vale, all legal counsel to the García Prieto family; and Paulino Espinoza, husband of Matilde Guadalupe Hernández de Espinoza.⁸⁷ The Court decides that the State must provide a permanent escort at each person's home⁸⁸ and at the Human Rights Institute of the Central American University.⁸⁹ The escorts must not belong to the law enforcement forces that might be involved in the case.⁹⁰

86. *Id.* ¶ 12, n.7.

87. García Prieto et al. v. El Salvador, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) "Having Seen" ¶¶ 1-2 (Sept. 26, 2006).

88. Because no threats appeared to exist against Paulino Espinoza, the Court declined to adopt provisional measures in his favor.

89. *Id.* "Considering" ¶¶ 11-12.

90. *Id.*

Judge Antônio Augusto Cançado Trindade writes separately to discuss the issues that arise when both the Court and the Commission issue provisional measures.⁹¹ Judge Cançado Trindade first considers *lex lata*.⁹² Concerned about the Commission's practice of ordering its own provisional measures and then requesting additional measures from the Court in extreme situations, Judge Cançado Trindade proposes that a better policy would be to send requests for provisional measures directly to the Court.⁹³ He offers four reasons in support of this proposition.⁹⁴ First, the requirement of prior exhaustion of domestic remedies does not apply to requests for provisional measures, since provisional measures do not involve a judgment on the admissibility or merits of a case.⁹⁵ Rather, provisional measures merely involve the preventive and protective nature fundamental to summary proceedings.⁹⁶

Second, unlike the Court, whose provisional measures are grounded on the rules of a Convention, the Commission's provisional measures are grounded on regulatory rules.⁹⁷ As a result, there should be no need to exhaust the Commission's provisional measures before resorting to the Court.⁹⁸ Judge Cançado Trindade expresses concern that requiring the exhaustion of the Commission's provisional measures may create more obstacles for potential victims to overcome and amount to a denial of justice on an international level.⁹⁹

Third, the denial of provisional measures by the Commission must be duly grounded so that petitioners feel their case has been given adequate consideration and in order to avoid denying justice on an international level.¹⁰⁰

Lastly, should the Commission deny requests for provisional measures and petitioners resort to the Court, there exists the possibility that the Court would deny the request owing to a lack of conventional grounds (for instance, when the case is still pending before the

91. *Id.*

92. *Lex lata* refers to what the law is, as opposed to what the law should be, or *de lege ferenda*.

93. García Prieto et al. v. El Salvador, Provisional Measures, Separate Opinion of Judge Antônio Augusto Cançado Trindade, Inter-Am. Ct. H.R. (ser. E) "Considering" ¶¶ 1-2 (Sept. 26, 2006).

94. *Id.*

95. *Id.* ¶ 7.

96. *Id.*

97. *Id.* ¶ 8.

98. *Id.*

99. *Id.* ¶ 9.

100. *Id.* ¶¶ 10-11.

Commission), as well as regulatory grounds.¹⁰¹ This loophole could also amount to a denial of justice on an international level.¹⁰²

Judge Cançado Trindade also considers issues regarding *de lege ferenda*.¹⁰³ He comments that Article 77 of the Convention should be amended to permit the Court to submit proposals for Additional Protocols to the Convention in order to strengthen human rights enforcement mechanisms and to increase the number of rights protected under the Convention.¹⁰⁴ Judge Cançado Trindade also feels that alleged victims should have the right to submit cases to the Court under Article 61(1), as opposed to only State parties and the Commission as the Article currently provides.¹⁰⁵ Finally, Judge Cançado Trindade suggests amending Article 63(2) so that potential victims may also be able to request provisional measures.¹⁰⁶ Given the possibility of circumstances in which provisional measures are extremely urgent, Judge Cançado Trindade considers the proposed amendments to be justified.¹⁰⁷

December 3, 2006: Judge Sergio García Ramírez, the President of the Court, issues a resolution on provisional measures requiring the State to adopt any measures necessary to protect the life and physical integrity of Ricardo Alberto Iglesias Herrera, an expert witness in the case.¹⁰⁸ Mr. Iglesias Herrera's life and safety were threatened while he was driving when an unidentified driver tried to block his path and then fired shots in the direction of his car.¹⁰⁹ No one was injured, though some of the shots hit the front windshield.¹¹⁰

January 22, 2007: Judge Diego García-Sayán recuses himself from hearing the case.¹¹¹

January 23, 2007: Ms. Carmen Alicia Estrada and her son reach a

101. *Id.* ¶¶ 12-13.

102. *Id.*

103. *Id.*

104. *Id.* ¶ 15.

105. *Id.* ¶ 16.

106. *Id.*

107. *Id.* ¶ 17.

108. García Prieto et al. v. El Salvador, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. (ser. E) "Having Seen" ¶ 3 (Dec. 03, 2006).

109. *Id.*

110. *Id.*

111. García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 168, ¶ 1, n.* (Nov. 20, 2007).

settlement agreement with the State.¹¹²

January 27, 2007: The Court issues a decision on provisional measures.¹¹³ The Court ratifies Judge García Ramírez's Order of December 3, 2006.¹¹⁴ The Court also reiterates its demand that the State continue to take measures necessary to protect the life and physical integrity of Ricardo Alberto Iglesias Herrera, the expert witness, as well as Mr. García Prieto's parents, María de los Ángeles García Prieto de Charhur, José Benjamín Cuéllar-Martínez, Matilde Guadalupe Hernández de Espinoza, and José Roberto Burgos-Vale.¹¹⁵

March 30, 2007: Sonia Rubio Padilla, Astrid María Valencia, and Francisco Antonio Chicas submit an *amicus curiae* brief to the Court.¹¹⁶

June 15, 2007: Due to circumstances beyond his control, Judge *ad hoc* Alejandro Montiel Argüello renounces his role as a judge in the case.¹¹⁷

July 4, 2007: The State submits proof of an indemnity payment to Ms. Carmen Alicia Estrada to the Court, in accordance with the settlement agreement that had been reached previously.¹¹⁸

III. MERITS

A. Composition of the Court

Sergio García Ramírez, President
 Cecilia Medina Quiroga, Vice-President
 Manuel E. Ventura Robles, Judge
 Leonardo A. Franco, Judge
 Margarete May Macaulay, Judge
 Rhadys Abreu Blondet, Judge
 Pablo Saavedra-Alessandri, Secretary
 Emilia Segares-Rodríguez, Deputy Secretary

112. *Id.* ¶ 69.

113. *Id.*

114. García Prieto et al. v. El Salvador, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) "Decides" ¶ 1 (Jan. 27, 2007).

115. *Id.* ¶¶ 2-3.

116. García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, ¶ 12.

117. *Id.* ¶ 1, n.*.

118. *Id.* ¶ 12.

B. Decision on the Merits

November 20, 2007: The Court issues its Judgment on Preliminary Objections, Merits, Reparations and Costs.¹¹⁹

The State raises three preliminary objections, arguing that the Court lacks jurisdiction *ratione temporis*, that domestic remedies have not been exhausted, and that the Application to the Court was too informal.¹²⁰

The State contends that jurisdiction *ratione temporis* is lacking because the key events of the case occurred before June 6, 1995, when El Salvador recognized the Court's jurisdiction.¹²¹ The State argues that this temporal limitation precludes the Court from adjudicating on both the circumstances of Mr. García Prieto's death and the investigative and judicial events that followed his death.¹²²

The Court recognizes that an inherent power exists in a court's ability to decide the reach of its own jurisdiction.¹²³ It refers to Article 28 of the Vienna Convention on the Law of Treaties of 1969, which provides for the non-retroactivity of treaties.¹²⁴ The Court also notes Article 62 of the American Convention, which permits States to limit the temporal scope of the Court's jurisdiction with regard to the recognizing State.¹²⁵ The Court concludes that the State is correct in that the Court's jurisdiction is temporally limited, and that the limitation is compatible with Article 62 of the American Convention.¹²⁶

With respect to this case, the Court acknowledges that Mr. García Prieto's death and the context of violence in which it took place occurred prior to the State's recognition of the Court's jurisdiction.¹²⁷ As such, the Court does not have jurisdiction to decide on those facts. The Court does, however, have jurisdiction to adjudicate on autonomous events that occurred after June 6, 1995.¹²⁸ These events include the threats and other intimidating acts experienced by the García Prieto

119. García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 168 (Nov. 20, 2007).

120. *Id.* ¶ 10.

121. *Id.* ¶¶ 31-35.

122. *Id.*

123. *Id.* ¶ 38.

124. *Id.*

125. *Id.* ¶ 40.

126. *Id.*

127. *Id.* ¶¶ 41-42.

128. *Id.* ¶¶ 43-45.

family.¹²⁹ The Court resolves to limit its judgment to those facts.¹³⁰

The State's next preliminary objection concerns the petitioners' failure to exhaust domestic remedies. The Court first points out that a State can expressly or implicitly renounce its ability to object on the basis of failure to exhaust domestic remedies.¹³¹ Since the failure to exhaust domestic remedies is an objection that should be raised in the first action taken by the State before the Commission, declining to do so indicates that the State has renounced its ability to object.¹³² Furthermore, a timely objection also requires that the State indicate which remedies still must be exhausted and affirm that they are effective.¹³³ In this case, the State did not object on the basis of the petitioners' failure to exhaust domestic remedies.¹³⁴ As a result, the State is prevented from making the objection before the Court.

The final objection offered by the State is based on the informality of the Application to the Court. The State argues that the Commission did not follow the procedural requirements of Article 33 of the Rules of Procedure of the Court and placed the State in a disadvantaged position to exercise a legitimate defense by keeping the identity of a witness concealed in its Application to the Court.¹³⁵ The Court dismissed the State's objection for two reasons.¹³⁶ First, the objection does not have the legal characteristic required of preliminary objections: it does not address whether the Court can hear the merits of the case.¹³⁷ The informality of the Application is an issue that can be decided by the Court once the proceedings are underway.¹³⁸ Second, the State's argument has become moot, since the Commission withdrew the anonymous witness from its list of witnesses.¹³⁹ The Court dismisses the State's final preliminary objection.¹⁴⁰

Before turning to the merits, the Court briefly addressed the issue of who could be considered alleged victims in the case.¹⁴¹ The Court noted that under Article 34(1) of the Rules of Procedure of the Court, it

129. *Id.* ¶¶ 43-46.

130. *Id.*

131. *Id.* ¶ 49.

132. *Id.*

133. *Id.*

134. *Id.* ¶¶ 50-53.

135. *Id.* ¶ 54.

136. *Id.* ¶ 55.

137. *Id.* ¶ 57.

138. *Id.* ¶ 56.

139. *Id.* ¶ 58.

140. *Id.*

141. *Id.* ¶ 59.

is the Commission that identifies the alleged victims in cases before the Court. In its Merits Report No. 94/05, the Commission identified as victims Mr. García Prieto, Mr. José Mauricio García Prieto Hirlemann, Ms. Gloria Giralt de García Prieto, and Ms. Carmen Alicia Estrada.¹⁴² In its Application to the Court, the Commission identified the same individuals as victims, with the exception of Mr. García Prieto. Because a friendly settlement had been reached between Ms. Carmen Alicia Estrada and her son and the State, the Court concluded that she had renounced her claims in the proceedings before the Court.¹⁴³ Thus, the individuals that the Court would consider as alleged victims were only Mr. José Mauricio García Prieto Hirlemann and Ms. Gloria Giralt de García Prieto, Mr. García Prieto's parents.¹⁴⁴

The Court found unanimously that El Salvador had violated:

Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection), in relation to Article 1(1) of the Convention, to the detriment of Mr. José Mauricio García Prieto Hirlemann and Ms. Gloria Giralt de García Prieto,¹⁴⁵ because:

*The State failed to adequately investigate the death of Mr. García Prieto.*¹⁴⁶ *While the duty to investigate is “an obligation of means, not results,” the investigation must still be diligent, thorough, and effective.*¹⁴⁷ *An investigation that is treated as a mere formality destined to be unsuccessful, or that depends on the initiative of or discovery of evidence by the victims or their family, does not satisfy a State's obligation to investigate human rights violations.*¹⁴⁸

The Court found that the State did not comply with its obligations under Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection) for several reasons. First, state authorities failed to collaborate with the Judge of the Third Criminal Court regarding his requests to inspect books containing arrival and departure records of

142. *Id.*

143. *Id.*

144. *Id.* ¶ 70. The Court decided it would not consider María de los Ángeles García Prieto de Charhur, Ile María del Carmen García Prieto Taghioff, Lourdes García Prieto de Patuzzo, and Ramón Mauricio García Prieto Estrada victims.

145. *Id.* “Declares” ¶ 2.

146. *Id.* ¶ 116.

147. *Id.* ¶¶ 99-100.

148. *Id.*

*the San Benito Battalion personnel.*¹⁴⁹ *On different occasions, the records were said to have been missing, in tremendous disorder, or that the individuals who could authorize entry were not present.*¹⁵⁰ *Second, state authorities failed to exercise due diligences with respect to the prosecutorial investigation that had been opened on June 16, 2003.*¹⁵¹ *After June 2003, no action was taken in the file and the investigation remained pending as of the date of the Court's decision.*¹⁵² *Third, the Court observed that there was a delay by the judiciary to make a determination that would conclude the investigation of the events.*¹⁵³

Article 5 (Right to Humane Treatment), in relation to Article 1(1) of the Convention, to the detriment of Mr. José Mauricio García Prieto Hirlemann and Ms. Gloria Giralt de García Prieto,¹⁵⁴ because:

*The State's failure to adequately investigate the death of Mr. García Prieto and the threats against his parents violated their right to humane treatment as provided for in Article 5 of the American Convention.*¹⁵⁵ *The Court noted the impact of the deficient investigation into the murder of Mr. García Prieto on the family; Ms. Gloria Giralt de García Prieto said that they felt "definitively disintegrated as a family" because of the denial of justice.*¹⁵⁶ *The Court found the State had violated Article 5 because of the insufficiency of the investigation.*

*In addition to the suffering brought about by impunity enjoyed by others responsible for Mr. García Prieto's death, the State's failure to adequately investigate the threats and harassment experienced by Mr. José Mauricio García Prieto Hirlemann and Ms. Gloria Giralt de García Prieto also violated Article 5.*¹⁵⁷ *While the Court found the evidence insufficient to attribute the threats and harassment to the State directly, it held that the State still had an obligation to undertake a complete and effective investigation under its domestic laws. The State did not meet its obligation in several ways. First, some acts of violence*

149. *Id.* ¶¶ 111-16.

150. *Id.* ¶ 111.

151. *Id.* ¶¶ 111-16.

152. *Id.*

153. *Id.*

154. *Id.* "Declares" ¶ 2.

155. *Id.* ¶¶ 117-60.

156. *Id.* ¶ 118.

157. *Id.* ¶¶ 117-60.

against the family were never investigated.¹⁵⁸ Where investigations were begun, the Court noted inactivity by police and prosecutorial authorities for periods of up to years.¹⁵⁹ The Court decided that the State's failure to investigate the harassment of the García Prieto family violated Article 5 of the American Convention.¹⁶⁰

The Court found unanimously that El Salvador had not violated:

Article 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity), in relation to Article 1(1) of the Convention, to the detriment of the next of kin of Mr. García Prieto,¹⁶¹ because:

*The allegation that the García Prieto family's right to privacy was violated because of the systematic surveillance they had experienced for more than ten years had already been examined by the Court in its analysis of the Article 5 violation.*¹⁶²

The Court found that it did not have jurisdiction to consider the alleged violation of:

Article 4 (Right to Life), in relation to Article 1(1) of the Convention, to the detriment of Mr. García Prieto,¹⁶³ because:

*The Court's jurisdiction was limited to events occurring after June 6, 1995, when El Salvador recognized its jurisdiction.*¹⁶⁴ Since Mr. García Prieto's death occurred on June 10, 1994, the Court was temporally precluded from considering the alleged violation of the State's obligation to respect Article 4 of the American Convention.¹⁶⁵

158. *Id.* ¶ 156.

159. *Id.* ¶¶ 157-58.

160. *Id.* ¶¶ 157-60.

161. *Id.* ¶ 161-62.

162. *Id.*

163. *Id.* ¶¶ 61-62.

164. *Id.*

165. *Id.*

C. Dissenting and Concurring Opinions

1. Concurring Opinion of Judge Sergio García Ramírez

In a separate opinion, Judge García Ramírez discussed the duty to investigate and several types of reception necessary for the fulfillment of the duty to investigate.¹⁶⁶ He remarked that the duty to investigate has two sources: the American Convention itself, and the rulings of the Court when its jurisdiction has been recognized.¹⁶⁷ The fulfillment of the duty to investigate depends on several types of reception: national, cultural, constitutional, political, jurisdictional, legal, and regulatory. National reception of international decisions, according to Judge García Ramírez, is currently one of the most important issues in human rights law.¹⁶⁸ The development of norms and practices within States that enable compliance with the decisions of the Inter-American Court is necessary to observe and protect the rights and liberties contained in the American Convention.¹⁶⁹ Judge García Ramírez recognized that the issue is multifaceted and has many implications, but hoped that an energetic effort would emerge to advance national reception of the decisions of the Court.¹⁷⁰

Cultural reception of the Court's decision is also important.¹⁷¹ Judge García Ramírez observed that culture is the "natural environment" for the observance of human rights. Public insecurity may feed negative discourse on human rights; as a result, it is necessary to strengthen the reception for human rights in order to optimize their protection.¹⁷²

In his discussion on constitutional reception, Judge García Ramírez remarked on the hierarchy between national and international orders.¹⁷³ Though the hierarchy between the orders is a longstanding and difficult issue, Judge García Ramírez stated his hope that the "supreme hierarchy of the human being" would transcend it so that decisions in

166. García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Separate Opinion of Judge Sergio García Ramírez, Inter-Am. Ct. H.R. (ser. C) No. 168 (Nov. 20, 2007).

167. *Id.* ¶¶ 1-2.

168. *Id.* ¶¶ 3-6.

169. *Id.*

170. *Id.*

171. *Id.* ¶ 7.

172. *Id.*

173. *Id.* ¶ 8.

both orders would favor the fundamental rights of humans.¹⁷⁴

Judge García Ramírez indicated that, even beyond constitutional provisions, political reception is a means of advancing the scope and protection of human rights.¹⁷⁵ The basic laws of States themselves can create public policies that favor human rights.¹⁷⁶

Judge García Ramírez regards jurisdictional reception as one of the most encouraging types of reception in the Inter-American system.¹⁷⁷ Internal jurisdictional reception of international jurisprudence and the recognition of contributions from internal justice systems work in harmony to advance human rights law as a whole.¹⁷⁸

Legal reception through internal norms of States is an absolute necessity for the effectiveness of international orders.¹⁷⁹ According to Judge García Ramírez, this type of reception has fallen short. Even though there may be good will by States in practice, in general, national systems are not structured to allow for swift response to international recommendations or decisions.¹⁸⁰

Lastly, regulatory initiatives designed to incorporate international decisions in domestic law and the rules for making reparations of the kind typically ordered by the Court are a practical way of making more effective the Inter-American system of human rights.¹⁸¹

In his conclusion, Judge García Ramírez made brief mention of the role of the Court in the subjective and objective protection of human rights.¹⁸² The settlement agreement between Ms. Carmen Alicia Estrada and the State was interesting in that, from the perspective of the individual, it constituted a renunciation of claims satisfied by the State. Under different circumstances this would have ended the Court's role in the case.¹⁸³ Nevertheless, in recent years the Court had operated under several conditions. First, the Court must officiously protect the rights of the interested parties, indicating that subjective protection and objective protection are detached.¹⁸⁴ Second, though the protection concerns primarily the case and victims at hand, it also concerns all of the States

174. *Id.*

175. *Id.* ¶ 9.

176. *Id.*

177. *Id.* ¶ 10.

178. *Id.*

179. *Id.* ¶¶ 11-12.

180. *Id.*

181. *Id.* ¶ 13.

182. *Id.* ¶¶ 14-15.

183. *Id.*

184. *Id.*

committed to the Inter-American system of human rights and their inhabitants, all of whom have expectations in the guarantees of the American Convention.¹⁸⁵ Lastly, the protection of the guarantees could, under some circumstances, call for the Court to continue with a case in spite of a settlement agreement.¹⁸⁶ Judge García Ramírez granted that these deliberations were without prejudice to this case; this case simply illustrated the possible divergence of subjective and objective protection of human rights and the role of the Court.¹⁸⁷

IV. REPARATIONS

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

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

1. Investigate, Prosecute, and Punish Those Responsible

The Court noted the State's success to investigating, trying, and punishing two of the perpetrators of Mr. García Prieto's death.¹⁸⁸ Nonetheless, the Court ordered the State to bring the investigation of Mr. García Prieto's murder to a proper conclusion.¹⁸⁹ The Court also instructed the State to continue its investigation into the threats and harassment suffered by the García Prieto family.¹⁹⁰

2. Publication of the Judgment

The State must publish in its official gazette and one other newspaper with widespread national circulation, specific sections of the

185. *Id.*

186. *Id.*

187. *Id.*

188. *Id.* ¶ 192.

189. *Id.* ¶ 193.

190. *Id.* ¶¶ 193-196.

Court's decision.¹⁹¹

3. Medical, Psychiatric, and Psychological Assistance

Finally, the Court ordered the State to provide, for as long as necessary, free medical, psychiatric, or psychological assistance to Mr. García Prieto's parents in an effort to ease their mental suffering.¹⁹²

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court did not grant pecuniary damages to Mr. José Mauricio García Prieto Hirlemann and Ms. Gloria Giralt de García Prieto.¹⁹³

2. Non-Pecuniary Damages

The Court awarded \$20,000 to Mr. José Mauricio García Prieto Hirlemann and Ms. Gloria Giralt de García Prieto each for their psychological and moral suffering due to the State's failure to conduct a complete investigation of their son's death.¹⁹⁴

3. Costs and Expenses

The Court awarded \$13,000 to Ms. Gloria Giralt de García Prieto as compensation for the costs incurred during the domestic proceedings and before the Inter-American system.¹⁹⁵

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

\$ 53,000

C. Deadlines

191. *Id.* ¶ 198.

192. *Id.* ¶¶ 199-201.

193. *Id.* ¶¶ 169-78.

194. *Id.* ¶¶ 184-85.

195. *Id.*

The investigation and adjudication of Mr. García Prieto's murder must be completed by the State as soon as possible.¹⁹⁶

Within six months of the service of the Court's judgment upon the State, the State must publish the sections specified in its official gazette and a newspaper with widespread national circulation.¹⁹⁷

The medical, psychiatric, and psychological treatment of Mr. García Prieto's parents is to be provided upon request and for as long as necessary.¹⁹⁸

The State must pay \$20,000 to each of the parents of Mr. García Prieto for non-pecuniary damages within one year of the date of judgment.¹⁹⁹

The State must pay \$13,000 to Ms. Gloria Giralt de García Prieto for costs and expenses within one year of the date of judgment.²⁰⁰

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

September 26, 2006: The Court issued a decision on provisional measures. In light of very serious threats to the next of kin of Mr. García Prieto and their legal counsel, the Court found a *prima facie* case that the measures taken by the State to ensure the protection, personal integrity, and lives of Mr. García Prieto's next of kin and their legal counsel to be insufficient.²⁰¹ The Court holds that the State must take the necessary protective measures to guarantee Mr. García Prieto's next of kin and legal counsel their lives and personal integrity, ordering that the State have a permanent escort for each of the aforementioned beneficiaries to each of their homes who is properly trained and armed, and not from those in law enforcement who may have been involved in the events of Mr. García Prieto's death.²⁰² Further, the Court ordered the

196. *Id.* ¶ 194.

197. *Id.* ¶ 198.

198. *Id.* ¶ 201.

199. *Id.* ¶ 186.

200. *Id.* ¶ 207.

201. *García Prieto et al. v. El Salvador, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), ¶ 10 (Sept. 26, 2006).*

202. *Id.* at 9 ¶¶ 11-12, 10 ¶ 10.

State to allow the beneficiaries participate in the implementation of such provisional measure and are kept up to date on the progress of the implementation, that the State determine the origin of the threatening phone calls to the beneficiaries, and that the State inform the Court of its progress within fifteen days of notice of the Provisional Measures.²⁰³

December 3, 2006: The Court issued a decision on compliance and provisional measures. The Court once again, ordered the State to implement the same provisional measures as ordered on September 26, 2006.²⁰⁴

January 27, 2007: The Court issued a decision on provisional measures. The Court once again ordered the State to implement the same provisional measures as ordered on September 26, 2006.²⁰⁵

November 24, 2008: The Court issued an Interpretation of Judgment decision. The State had three requests from the Court for interpretation of its judgment.²⁰⁶ First, the State asked that they Court clarify the criteria used to decide what would be considered an independent event, and what would be considered a specific violation when deciding in its judgment.²⁰⁷ The Court found that they were sufficiently clear in their decision on the merits as to what the criteria for both an independent event and a specific violation was, and therefore decided to reject the States request for clarification.²⁰⁸

Second, the State asked for clarification as to whether or not provisional measures should be extended to those not declared to be the victims by the Court.²⁰⁹ The Court decided that for a provisional measure to be applicable to someone, the status of victim is not required, and therefore also rejected the State's request for clarification.²¹⁰

Finally, the State asked the Court as to what their stance was with

203. *Id.* at 10-11 ¶¶ 2-4.

204. García Prieto et al. v. El Salvador, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), 7 ¶¶ 1-10 (Jan. 27, 2007).

205. García Prieto et al. v. El Salvador, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. (ser. E), 4 ¶¶ 1-7 (Dec. 03, 2006).

206. García Prieto et al. v. El Salvador, Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 188, ¶ 1 (Nov. 20, 2008).

207. *Id.*

208. *Id.* ¶¶ 12-13.

209. *Id.* ¶ 1.

210. *Id.* ¶¶ 17-20.

regards to the statute of limitations regarding the criminal prosecutions of Mr. García Prieto's case.²¹¹ The Court also held this request of clarification as inadmissible, as it made it clear in its judgment that the State must do all that is within its power to make sure an investigation is concluded and that all those responsible are punished, and if necessary would further examine this issue at the monitoring compliance stage.²¹²

December 18, 2009: The Court issued a decision on compliance and provisional measures.²¹³ The Court found that the State was not in compliance with its September 26, 2006 Provisional Measures and the President of the Court ordered a public hearing to be held on January 28, 2010 to hear the State, Commission, and representatives on this issue.²¹⁴

February 3, 2010: The Court issued a decision on compliance and provisional measures.²¹⁵ The Court canceled all provisional measure with regards to José Roberto Burgos Viale and Matilde Guadalupe Hernández de Espinoza, and gave the State two months to carry out all previous provisional measures for the rest of the beneficiaries, to be implemented within four weeks of notice of the provisional measures.²¹⁶ The Court also found that the State was not in compliance with its November 20, 2007 provisions.²¹⁷

August 27, 2010: The Court issued a decision on compliance.²¹⁸ The Court found that although the State had published the necessary clauses of its November 20, 2007 judgment, the State was still not in full compliance and had not conducted a thorough investigation of Mr. García Prieto's death, nor had the State provided the ordered

211. *Id.* ¶ 1.

212. *Id.* ¶¶ 24-25.

213. García Prieto et al. v. El Salvador, Monitoring Compliance with Judgment, Order of the President of the Court, Inter-Am. Ct. H.R. (Dec. 18, 2009).

214. García Prieto et al. v. El Salvador, Monitoring Compliance with Judgment and Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. (ser. E), 12 ¶¶ 1-2 (Dec. 18, 2009).

215. García Prieto et al. v. El Salvador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (Feb. 3, 2010).

216. García Prieto et al. v. El Salvador, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), ¶¶ 1-5 (Feb. 3, 2010).

217. García Prieto et al. v. El Salvador, Provisional Measures, Order of the Court, (February 3, 2010), 8 ¶¶ 1-5.

218. García Prieto et al. v. El Salvador, Monitoring Compliance with Judgment, Order of the Court (Aug. 27, 2010).

medical, psychiatric, or psychological treatment to the beneficiaries.²¹⁹ The Court ordered the State to take all necessary measures to ensure compliance with its judgment and stated that it would continue to monitor the State's compliance with its judgment.²²⁰

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 168 \(Nov. 20, 2007\).](#)

2. Decisions on Merits, Reparations and Costs

[García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 168 \(Nov. 20, 2007\).](#)

[García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Separate Opinion of Judge Sergio García Ramírez, Inter-Am. Ct. H.R. \(ser. C\) No. 168 \(Nov. 20, 2007\).](#)

1. Provisional Measures

[García Prieto et al. v. El Salvador, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Feb. 3, 2010\).](#)

[García Prieto et al. v. El Salvador, Monitoring Compliance with Judgment and Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Dec. 18, 2009\) \(Available only in Spanish\).](#)

[García Prieto et al. v. El Salvador, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Jan. 27, 2007\).](#)

219. *Id.* 7 ¶¶1-2.

220. *Id.* 7 ¶¶ 7-11.

[García Prieto et al. v. El Salvador, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Dec. 3, 2006\).](#)

[García Prieto et al. v. El Salvador, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Sept. 26, 2006\).](#)

[García Prieto et al. v. El Salvador, Provisional Measures, Separate Opinion of Judge Antônio Augusto Cançado Trindade, Inter-Am. Ct. H.R. \(ser. E\) \(Sept. 26, 2006\).](#)

4. Compliance Monitoring

[García Prieto et al. v. El Salvador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Aug. 27, 2010\).](#)

[García Prieto et al. v. El Salvador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Feb. 3, 2010\).](#)

[García Prieto et al. v. El Salvador, Monitoring Compliance with Judgment, Order of the President of the Court, Inter-Am. Ct. H.R. \(Dec. 18, 2009\) \(Available only in Spanish\).](#)

5. Review and Interpretation of Judgment

[García Prieto et al. v. El Salvador, Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 188 \(Nov. 24, 2008\).](#)

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

García Prieto et al. v. El Salvador, Admissibility Report, Report No. 27/99, Inter-Am. Comm'n H.R., Case No. 11.697 (Mar. 9, 1999).

3. Provisional Measures

[None]

4. Report on Merits

[Not available]

5. Application to the Court

García Prieto et al. v. El Salvador, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 11.697 (Feb. 09, 2006).

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