

## **How Human Rights Cases Proceed in the Inter-American System**

The Inter-American Commission on Human Rights (CIDH) and the Inter-American Court of Human Rights (the Inter-American Court) deal with State abuses of the individual human rights enshrined in the Inter-American Convention on Human Rights, which was signed and ratified by Guatemala.

Survivors can present cases directly before the CIDH but often need the help and expertise of human rights NGOs with experience working within the inter-American system. These NGOs present cases before the CIDH and act on behalf of alleged victims and/or their family members, investigating and denouncing issues such as assassinations, forced disappearances, torture, massacres, illegal dismissals, failure to guarantee rights such as freedom of expression and association, and denegation of justice in the national legal system. The Inter-American system also deals with Emergency Provisional Measures, which can be solicited in cases of credible threats against individuals which require the protection of the State.

The first stage of the process is to denounce an alleged abuse to the CIDH. The Inter-American system facilitates negotiation to try and reach an amicable solution, or friendly settlement agreement, between the parties. Negotiations may include a request by the petitioner that the State recognize and publicly accept responsibility for abuses of the petitioner's rights, institute measures to mitigate or repair the damage to the petitioner and ensure such abuse is not repeated, or pay an amount of monetary compensation.

If an amicable solution can not be reached, the CIDH may decide to issue a confidential Report including its conclusions as to the facts and its recommendations of action to be taken by the State. From there, the CIDH can either decide to take the case to the Inter-American Court, whose judgments are binding on the State, or to issue another Report publishing its conclusions and recommendations.

Thanks to CALDH (<http://justiceforgenocide.org/international.html>) for this information.