

Repertorio de Jurisprudencia del Sistema InterAmericano de Derechos Humanos: Decisions of the Inter-American Court on Human Rights

by Juan M. Amaya-Castro*

The Inter-American Court on Human Rights (Inter-American Court), located in San José, Costa Rica, is almost 20 years old and has decided over 43 cases since the *Velásquez Rodríguez* case of 1987, its famous first case. The Inter-American Court, however, still has a low profile in the Americas and elsewhere. In Europe, for example, most experts on the case law of the European Court of Human Rights are unfamiliar with the Inter-American Court's case law, even though in many instances the Inter-American Court is more progressive than its European counterpart. Its experience, for example, with cases concerning forced disappearances or other gross human rights violations could be instructive to the European Court of Human Rights, as it may address similar violations stemming from cases in Turkey and former members of the Soviet Union. Of greater concern, however, is the fact that the work of the Inter-American Court still is relatively unknown in large parts of the Americas, where it is supposed to provide the American states with guidance on the practice of human rights law.

The Washington College of Law's Center for Human Rights and Humanitarian Law (Center) recently made a major contribution to the dissemination of the Inter-American Court's case law. In the spring of 1998, the Center published a two-volume *Repertorio de Jurisprudencia del Sistema InterAmericano de Derechos Humanos (Repertorio)* of this case law. The Center will release the English version of the text, entitled the *Inter-American Human Rights Digest (Digest)*, in the spring of 2000.

The approach of the *Repertorio* is similar to the older *Systematic Guide to the Case-Law of the European Court of Human Rights (Systemic Guide)*, which was compiled and published in 1996. The *Repertorio* is a compilation of relevant excerpts of Inter-American Court cases, including 15 Advisory Opinions, and is arranged chronologically, without comment or analysis. The *Repertorio* also includes references to passages where the Inter-American Court cites itself, demonstrating how the Inter-American Court uses, and places importance on, its own precedents. The authors of the *Repertorio* used the relatively small number of cases to the readers' advantage by also including excerpts from the judges' separate opinions; this provides insight into the decisions and the judges' analysis. One can occasionally see the Inter-American Court change its position on a particular interpretation, and adopt a position developed in a previous dissenting opinion. This process offers the reader a better understanding of the dynamics of contemporary human rights jurisprudence. It would be impossible for the *Systemic Guide* to be as complete in including all excerpts and opinions from European Court of Human Rights decisions as is the *Repertorio* because of the large number of cases the European court handles. Another advantage of the *Repertorio* is the larger number of sub-categories in each article. For example, Article 1 is divided into 41 different subcategories; this makes the *Repertorio* a systematic index of all the jurisprudence, and thus is more accessible to its users.

The Center made the *Repertorio* widely accessible by distributing it to non-governmental organizations and practitioners throughout the Americas and by putting the entire work on the Internet. Moreover, the Center arranged for each quote or excerpt to link to its original source on the website of the Inter-American Court,

allowing the user to check the context in which the Inter-American Court, or individual judge, discussed the particular provision. The European system also has its own database, the Hudoc Information system, but does not organize the findings for the researcher. In view of the large and rapidly growing number of cases in the European Court of Human Rights, this is a disadvantage.

The importance of the *Repertorio* cannot be underestimated. In addition to making Inter-American Court case law accessible to practitioners and scholars, the *Repertorio* lays the foundation for the long-term systematization of the increasing number of judgments, allowing the *Repertorio* to be updated easily in the future. In such a future scenario, with an Inter-American Court dealing with thousands of cases each year, its jurisprudence could not be only critically followed by scholars, but also serve as a guiding light for judges all

across the hemisphere. As lawyers and judges become more aware of international human rights law, and as the Inter-American Court becomes a more important authority, access to its jurisprudence will become a necessity. Differences of opinion on the "correct" way to interpret the Inter-American Convention (Convention) can more easily be resolved with access to the case law of the Inter-American Court.

The coordinators of this work, Claudio Grossman, Robert K. Goldman, Claudia Martin, and Diego Rodríguez-Pinzón, received the assistance of Leo Zwaak from the Netherlands Institute of Human Rights at the University of Utrecht, and the support of the Netherlands Ministry of Development Cooperation. The coordinators continue to classify the case law of the Inter-American Court and Commission, which will not only provide access to the Inter-American Court and Commission interpretations of Inter-American Human Rights instruments (specifically the Inter-American Convention and the American Declaration on the Rights and Duties of Man), but it also will allow critical review of the development and legacy of the jurisprudence of the Inter-American System. This only can be to the benefit of human rights protections in the American continent.

The *Repertorio* can be found at: <http://www.wcl.american.edu/pub/humright/Repertorio>. The European database, the Hudoc Information system, can be found at: <http://www.dhcour.coe.fr/hudoc/>. ☉

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