
CASE OF MARÍA ELENA QUISPE and MÓNICA QUISPE

Victims

v.

REPUBLIC OF NAIRA

State

MEMORIAL FOR THE REPRESENTATIVES OF THE VICTIMS

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STATEMENT OF FACTS

Factual Background

The Republic of NAIRA, “NAIRA,” is a democratic State, which has suffered political and domestic turmoil for almost 30 years. From 1970 to 1999 the population of southern NAIRA has experienced numerous acts of terrorism and violence, both by the separatists groups and the government.¹ During this time, then-President Juan Antonio Morales enacted a state of emergency to combat the “Freedom Brigades” (hereinafter FB’s), an armed separatist group carrying out attacks in the provinces of Soncco, Killki, and Warmi.² When the state of emergency was enacted, the Nairian government sent a notification of derogation from Articles 7, 8, and 25 of the American Convention of Human Rights (hereinafter ACHR), to the Organization of American States (hereinafter OAS) General Secretary.³ The government also set up Political and Judicial Command Units in those three respective provinces, that operated out of Special Military Bases (hereinafter SMB) from 1990-1999 to combat the violence.⁴ It is during this time that the alleged violations, in the present case, by the State against the Quispe sisters and many other women are to have occurred.

Mónica and Marina Elena Quispe were 15 and 12 years of age, respectively, when they were arrested in March of 1992 by federal troops.⁵ They were held for a month on false accusations of aiding the FBs and providing information to the FBs on the SMB. During their imprisonment, the sisters allege they were forced to wash, cook, and clean for the base and repeatedly raped by

¹ Hypothetical Case, para. 8.

² Hypothetical Case, para. 9.

³ Hypothetical Case, para. 9.

⁴ Hypothetical Case, paras. 9 and 27.

⁵ Hypothetical Case, para. 27.

the soldiers there.⁶ This allegedly occurred just months after NAIRA ratified the Inter-American Convention to Prevent and Punish Torture.⁷ They were never formally charged, nor did any Nairan court competently adjudicate the accusations.⁸ When they were released without explanation, the sisters had no path for recourse for their torture. The state of emergency allowed the military to act as the sole political and judicial authority in the area.⁹ Women who tried to publicly speak out received death threats and retaliatory threats.¹⁰ Official activities by the State ended in 1999 with the surrender of the FBs and the deactivation of the SMBs.¹¹ Although the violence has officially ended, the ramifications of the atrocities committed by both sides has continued to manifest itself in the disparate treatment of women in all aspects of life.¹²

More than twenty years after the atrocities committed in Warimi, María Elena is still a victim of this *machismo* culture that represses women. Although not raised in this petition, María Elena is in a criminal proceeding against her husband, who beat her so badly, she is permanently disabled.¹³ The circumstances of her case are not only disheartening, they also strike at the core purpose of this petition. María Elena was first cut by her husband with a broken bottle on January of 2014.¹⁴ She tried to file a complaint with the police, but they required a medical examination in order to process her complaint.¹⁵ However, the only medical examiner within traveling distance was out of town, and she therefore could not file her complaint.¹⁶ Even with the visible evidence

⁶ Hypothetical Case, para. 28.

⁷ Clarification Questions, para. 59.

⁸ Hypothetical Case, para. 28.

⁹ Clarification Questions, para. 43.

¹⁰ Ibid.

¹¹ Hypothetical Case, para. 30.

¹² Hypothetical Case, para. 11.

¹³ Hypothetical Case, para. 25.

¹⁴ Hypothetical Case, para. 23.

¹⁵ Ibid.

¹⁶ Ibid.

of injury, the police afforded her no protection from her husband.¹⁷ She sought refuge with her sister, Mónica, but her husband intercepted her four months later in the street and beat her again.¹⁸ Because of its public nature, her husband was prosecuted, but received a suspended sentence for no documented history of violence.¹⁹ Three months later, he sought out María Elena at work and beat her until she was permanently disabled.²⁰ Her sister now cares for her and her son.²¹ To add insult to injury, although her husband was arrested, he is seeking custody of their child based on María Elena's inability to care for him.²² The judiciary has been complicit in fostering this domestic violence, because the Family Court agreed with her husband and stated "the bond between a father and his children cannot be affected by intimate partner violence."²³ This complicit behavior is further evidenced by the lack of effect given to laws already in place.

In present-day NAIRA there are 10 femicides every month, and every two hours a woman is the victim of sexual violence.²⁴ In 2016, 60% of every woman assaulted, were assaulted by a partner or ex-partner, and 70% of women between 15 and 35 years of age have experienced daily sexual street harassment.²⁵ Even more discouraging, in 2015, there were 4,300 births by women 15 years and younger in NAIRA.²⁶ Proof that this violence has spilled over into all aspects of life is evidenced by the Ministry of Labor reports that shows that women earn 16% less than men in

¹⁷ Hypothetical Case, para. 26.

¹⁸ Hypothetical Case, para. 25.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Hypothetical Case, para. 26.

²² Ibid.

²³ Ibid.

²⁴ Hypothetical Case, para. 12.

²⁵ Ibid.

²⁶ Ibid.

the public sector and 29% less in the private sector.²⁷ The government of NAIRA also has a limited interest in the rights of women. Presently, its regulatory framework includes two laws:

(1) LAW 25.253, targeting violence against women and the family, which further provides:

- a. Protective measures granted to a woman who is the victim of violence and to her family group by the Family Court must be those appropriate for the safety and wellbeing of the victim.

(2) LAW 19.198, which protects women against street harassment

These statutes were just recently enacted in 2014, and LAW 25.253 was enacted before the first two times María Elena was beaten by her husband.²⁸ The Family Court did not institute any protective measures for Marina Elena, as it should have pursuant to the statute.²⁹ NAIRA's criminal code only recognizes crimes of femicide and rape and does not define any other kind of sexual violence as a crime.³⁰ Penalties for femicide range from 25 years to life if the victim is a minor, is raped, or is pregnant.³¹ Penalties for rape range from 12 years to life if the victim is a minor and dies as a result of the assault.³² Unfortunately, abortion is still illegal in cases of rape.³³ While the above evidence shows unofficial support for disparate treatment of women, official support has found a voice in the Nairian Legislature.³⁴

A new president was elected in 2014, Gonzalo Benavente, leader of the Democratic Reform Party. He was elected, in part, for his promises of regulatory change and government reform that

²⁷ Hypothetical Case, para. 13.

²⁸ Clarification Questions, para. 28.

²⁹ Ibid.

³⁰ Hypothetical Case, para. 14.

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Hypothetical Case, para. 4.

promotes the inclusion and improvement of vulnerable groups in NAIRA.³⁵ However, those reforms have been slow to manifest, and there is real concern that they may not be realized. President Benavente has faced considerable opposition from the “Respect My Children” party (hereinafter RMC.) The RMC is a conservative party that aims to fight any legal or constitutional reforms that they consider contrary to appropriate concepts of family.³⁶ Specifically, they have successfully prevented the inclusion of a gender perspective in the national educational curriculum, which they consider a “danger to the traditional values of Nairan society.”³⁷ Due to the success of this opposition, President Benavente and his cabinet have begun to consider concessions to the RMC on his previous promises.³⁸

As members of a minority indigenous community who live in poverty, the Quispe sisters have little political clout in the State of Naira. Adverse actions by the military, the government, and the judiciary reflect this lack of clout. Therefore, Killapura presents this petition to the Inter-American Court of Human Rights on behalf of the Quispe sisters and all afflicted women in NAIRA.

LEGAL ANALYSIS

I. ADMISSIBILITY

A. Statement of Jurisdiction

The Inter-American Court on Human Rights (hereinafter the “Court”) is the proper court to resolve this dispute, as the Democratic State of NAIRA (hereinafter “respondent State”) ratified the American Convention of Human Rights (hereinafter “ACHR”) in 1979. Pursuant to the terms

³⁵ Hypothetical Case, para. 2.

³⁶ Hypothetical Case, para. 4.

³⁷ Hypothetical Case, para. 4.

³⁸ Hypothetical Case, para. 5.

of the Convention, the Respondent State accepted the contentious jurisdiction of the State upon ratification.³⁹ Furthermore, respondent State's ratification of the Inter-American Convention to Prevent and Punish Torture in 1992 and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (hereinafter "Convention of Belem do Para") permits this Court to exercise jurisdiction over the parties in dispute, as stated in Art. 62 of the Rules of Procedure.⁴⁰ Also, the respondent State's failure to comply with recommendations from the Inter-American Commission on Human Rights (hereinafter the "Commission") for violations of Art. 7 of the Convention of Belem do Para, allows submission of the present case to the Court pursuant to Art. 44 & 51 of the Commission's Rules of Procedure (Commission's Rules of Procedure.) In addition, the respondent State conceded that it would present defense before the Court in its reply to the Commission, dated August 10, 2016.⁴¹

B. Subject Matter Jurisdiction

This Court has subject matter jurisdiction over the allegations presented in the present case. The sisters have properly alleged violations of human rights pursuant to Art. 28 of the Commission.⁴² Furthermore, the respondent's State's failure to implement recommendations from the Commission, for resolving disparate treatment of women, allows submission of the dispute pursuant to Art. 45(1) and 50(1).⁴³

C. Exhaustion of All Remedies and Timeliness of Submission

This Court should hear the present case because Petitioners have properly exhausted all available remedies under Nairan law. First, Petitioners complaint in the court of Respondent State

³⁹ ACHR, Art. 1.

⁴⁰ Hypothetical Case, para. 7.

⁴¹ Hypothetical Case, para. 40.

⁴² Organization of American States, American Convention on Human Rights, 22 November 1969, Art. 28.

⁴³ Ibid, Art. 45 & 50.

was improperly time barred. Statute of Limitations having repeatedly been determined by this Court to be legal obstacles that are incompatible with the ACHR.⁴⁴ Second, the available or proposed remedies by respondent State are inadequate and speculative in nature, and therefore ineffective. Finally, respondent State's preliminary objection to Court's lack of jurisdiction *ratione temporis* has been determined inadequate by the Commission under Art. 32(2) and Art. 31(2).

Although Respondent State contends that this Court lacks jurisdiction *ratione temporis*, due to Petitioner's filing a year after the notice of the decision that exhausted its domestic remedies, Article 32 permits exceptions as well.⁴⁵ Article 32(2) permits exceptions for the statute of limitations for petitions if it meets the exceptions of Article 31(2)'s Exhaustion of Domestic Remedies. Those provisions except bars to admissibility where: "(a) the domestic legislation of the State concerned does not afford due process of law for protection of the right or rights that have allegedly been violated; (b) the party alleging violation of his or her rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or (c) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies."⁴⁶

The complaints filed by the NGO Killapura on behalf of the Quispe sisters was time-barred by the Provincial Public Prosecutor of Warmi.⁴⁷ The Court has repeatedly held that available domestic remedies must also be adequate to redress the legal wrong and be capable of producing

⁴⁴ *Barrios Altos v. Peru*, Series C No 75, Inter-Am. Ct. H.R., 14 March 2001.

⁴⁵ Clarification Questions, para. 7.

⁴⁶ ACHR Rules of Procedure, at Art.31(2)(a), (b), and (c).

⁴⁷ Clarification Questions, para. 20.

results for which those remedies were designed.⁴⁸ There is no other criminal court to which the sisters can appeal that decision.⁴⁹ Therefore, the sisters have been denied access to any remedy under Nairan law. Respondent State may argue that the executive is examining the possibility of re-opening the criminal cases.⁵⁰ However, the ineffective State investigations into previous human rights violations and only the possibility of re-opening those cases should allow the sisters to meet the exception stated in Article 31(2)(b). In addition, for reasons set forth below, the derogation by Respondent State of Articles in the ACHR violated basic standards of due process.⁵¹ This derogation was effectively, domestic legislation in accordance with the exception stated in Article 31(2)(a) of the Commission's Rules of Procedure.

II. ARGUMENT ON THE MERITS

A. The respondent Naira violated Articles 4, 5 and 6, of the American Convention on Human Rights, all read in relation to the obligation to respect and guarantee those rights under Article 1.1 thereof, to the detriment of María Elena Quispe and Mónica Quispe.

i. The respondent Naira violated Article 4, read in relation with Article 1.1, to the detriment of María Elena Quispe and Mónica Quispe.

Article 4 of the American Convention on Human Rights (ACHR) provides that, from the moment of conception, every person has the right to have his or her life respected, protected by law and not be arbitrarily deprived of.⁵² Article 1(1) obligates States to respect the rights and

⁴⁸ *Godinez Cruz v. Honduras*, Series C No 5, Inter-Am. Ct. H.R., 20 January 1989, paras. 67 & 69 [hereinafter “*Godinez Cruz*”].

⁴⁹ *Ibid.*

⁵⁰ Hypothetical Case, para. 34.

⁵¹ Clarification Questions, para. 10.

⁵² ACHR, Art. 4(1).

freedoms recognized by the ACHR and to ensure the persons subject to the States' jurisdiction the free and full exercise of those rights and freedoms, without discrimination or other social condition.⁵³ Prior cases demonstrate that, along with the negative duty to not arbitrarily deprive life, States have a positive duty to adopt any and all necessary measures to protect a person's right to life.⁵⁴ States must adopt a legal framework that deters "any possible threat to the right to life," establishes "an effective legal system to investigate, punish, and redress deprivation of life by State officials or private individuals," and "guarantees the right to unimpeded access to conditions for a dignified life."⁵⁵ In the case at bar, María Elena Quispe and Mónica Quispe allege that the Judicial Command Units at the Special Military Base (SMB) violated their rights under Article 4. Therefore, the State bears responsibility for the actions of the SMB officials. If the fundamental right to life is not protected, then all other rights are essentially meaningless.⁵⁶ Because Article 4 (Right to Life) is so essential to the enjoyment of other human rights, it is one of the rights that cannot be suspended even in times of war, public danger, or other emergency that threatens the independence or security of a State Party.⁵⁷ It is for this reason that Courts have recognized the State's obligations, imposed by Article 4 (Right to Life), not only consists of the negative obligation to ensure that no one's life is frivolously taken away, but also includes the positive obligation for the State to adopt all appropriate measures to protect and preserve the lives of the human beings subject to its jurisdiction from the criminal acts of others.⁵⁸ In addition, should a

⁵³ ACHR, Art. 1(1).

⁵⁴ *Baldeón García v. Peru*, Series C No 147, Inter-Am. Ct. H.R., 6 April 2006, para. 84 [hereinafter "Baldeón García"].

⁵⁵ *Ibid*, para. 85.

⁵⁶ *Ituango Massacres v. Colombia*, Series C No 148, Inter-Am. Ct. H.R., 1 July 2006, para. 128 [hereinafter "*Ituango Massacres*"].

⁵⁷ *Ibid*, para. 128.

⁵⁸ *Ibid*, paras. 129-131.

violation of Article 4 (Right to Life) occur, the State is obligated to effectively investigate such criminal act.⁵⁹

In *Ituango Massacres v. Colombia*, a paramilitary group massacred a number of people in the region of Ituango. Guerilla groups were aiming to overthrow the government and disrupt public order.⁶⁰ In response, the State adopted legislation authorizing the creation of “self-defense groups” which permitted these groups to carry and own weapons.⁶¹ Over time, these groups delineated from the intended purpose of the legislation and became criminal groups known as paramilitary.⁶² During June 1996 and October 1997, a paramilitary group murdered defenseless civilians in the municipal districts of La Granja and El Aro.⁶³ The State admitted that members of the law enforcement agencies or entities based in Ituango aided and abetted the paramilitary organization to enter the region.⁶⁴ Further, the State did not provide any assistance to the civilian population during the incursions.⁶⁵ As a result of the State agents’ collaboration with the paramilitary group, nineteen inhabitants of the town of La Granja and El Aro were brutally deprived of their life.⁶⁶ The Court acknowledged that although the State adopted legislative measures to protect the right to life from these paramilitary organizations, the State’s action did not implement the measures to effectively put an end to the danger that the State itself helped create.⁶⁷ Initially, the State facilitated the establishment of these self-defense groups and subsequently failed to adopt

⁵⁹ Ibid, para. 131.

⁶⁰ *Ituango Massacres v. Colombia*, Series C No 148, Inter-Am. Ct. H.R., 1 July 2006, para. 125 [hereinafter “*Ituango Massacres*”].

⁶¹ Ibid, para. 125.

⁶² Ibid, para. 125(2).

⁶³ Ibid, para. 132.

⁶⁴ Ibid, paras. 132-133.

⁶⁵ Ibid, paras. 132-133.

⁶⁶ Ibid, para. 133.

⁶⁷ Ibid, para. 134.

sufficient measures to prevent these groups from committing the exact acts that occurred.⁶⁸ As long as these paramilitary organizations exist, the State has a special obligation to protect regions where the groups are present, and diligently investigate any criminal acts attributed to them because the State itself created this danger, and is therefore responsible for its consequences.⁶⁹ Therefore, in *Ituango Massacres v. Colombia*, the Court found that the State violated Article 4 (Right to Life) because the paramilitary group violently massacred nineteen individuals.⁷⁰

Unlike *Ituango Massacres*, the Respondent Naira not only authorized the creation of the SMB and permitted units there to carry weapons, but also allowed them to operate in Warimi.⁷¹ Further, officials at the SMBs were authorized to hold military, political and judicial authority thus exercising real authority over its residents.⁷² The record shows that Respondent Naira turned a blind eye to the human rights violations committed by SMB units and considered the events as a “part of the past.”⁷³ While the state is in the process of implementing the Truth Commission and had previously conducted investigations regarding potential human rights violations, the State failed to provide recourse and protection for the danger that it had created by granting SMB units such power over its citizens. Respondent Naira created the SMB units, but failed to adopt preventative measures and to protect the rights of the citizens of Warimi against state actors. Respondent Naira had the obligation to protect its citizens and diligently investigate criminal acts by the SMB units since they created the danger and thus is itself responsible for the consequences. María Elena Quispe and Mónica Quispe were ages 12 and 15 respectively when the alleged acts

⁶⁸ Ibid, para. 134.

⁶⁹ Ibid, para. 134.

⁷⁰ Ibid, para. 138.

⁷¹ Clarification Questions, para. 12.

⁷² Clarification Questions, para. 12.

⁷³ Hypothetical Question, para. 10.

occurred.⁷⁴ The only process in place to report crimes, during the time of María Elena Quispe and Mónica Quispe's alleged abuse, was to report the incidents to the duty officer in charge of the SMB's criminal division.⁷⁵ This means that Maria and Monica would have to report their human rights violations with the entity that was violating their rights. They had no other avenue to report the infringements of their rights. Respondent Naira had issued a State of Emergency, however, Article 4 is not a right that can be derogated during these times. Therefore, the State must ensure measures of protection to safeguard the lives of those within its jurisdiction through legislative provisions and law enforcement mechanisms exist.⁷⁶ The record is silent on any preventative or punitive measures that Naira has put in place with regards to the rights that have been violated. In fact, the Truth Commission that was implemented to investigate the human rights violations by SMB officials does not include legal recourse as a reparation available to victims.⁷⁷ The right to life is a precondition to enjoy all of the other rights set forth in the Convention.⁷⁸ Thus, a State has the obligation to initiate an immediate, impartial and effective investigation in any case that involves "extrajudicial executions, forced disappearances and other grave human rights violations;" and to utilize all available legal means to determine the truth, especially if State agents are involved.⁷⁹ Given the precedent and Respondent Naira's reluctance to punish the SMB, the Respondent should be held accountable for the Article 4 violations in relation to María Elena Quispe and Mónica Quispe.

⁷⁴ Clarification Questions, para. 69.

⁷⁵ Clarification Questions, para. 55.

⁷⁶ *Pueblo Bello Massacre v. Colombia*, Series C No 140, Inter-Am. Ct. H.R., 31 January 2006, paras. 123-24 [hereinafter "Pueblo Bello Massacre"].

⁷⁷ Clarification Questions, para. 65.

⁷⁸ *Ibid*, para. 143.

⁷⁹ *Ibid*, para. 143.

- ii. *The respondent Naira violated Article 5, read in relation with Article 1.1, to the detriment of María Elena Quispe and Mónica Quispe.*

Respondent Naira is also responsible for María Elena Quispe and Mónica Quispe's Article 5 violations due to the actions of SMB officials as State agents and the State's inability to investigate and protect the rights of its citizens. Article 5(1) of the ACHR states that every person has the right to have their physical, mental and moral integrity respected.⁸⁰ Article 5(2) goes on to prohibit "torture or [to] cruel, inhuman, or degrading punishment or treatment."⁸¹ Furthermore, all persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.⁸² Minors, while subject to criminal proceedings shall be treated differently compared to and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their special status as minors.⁸³ Article 1(1) obligates States to respect the rights and freedoms recognized in the ACHR and to ensure the persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination or any other social condition.⁸⁴ Further, Article 1(1) obligates a State to initiate immediate, impartial, and effective investigations in any cases involving extrajudicial executions, forced disappearances and other grand human rights violations.⁸⁵ A State violates an individual's right to personal integrity when it forcibly disappears that individual.⁸⁶ A forced disappearance means to subject an individual to prolonged isolation and coercive solitary confinement, which constitutes cruel and inhuman

⁸⁰ ACHR, Art. 5(1).

⁸¹ ACHR, Art. 5(2).

⁸² ACHR, Art. 5(2).

⁸³ ACHR, Art. 5(5).

⁸⁴ ACHR, Art. 1(1).

⁸⁵ *Pueblo Bello Massacre*, para. 143.

⁸⁶ *Gudiel Álvarez et al. ("Diario Militar") v. Guatemala*, Series C No 253, Inter-Am. Ct. H.R., 20 November 2012, para. 203 [hereinafter "Gudiel Álvarez"].

treatment under Article 5.⁸⁷ Thus, when a State disappears a person, that person's right to personal integrity has been violated.⁸⁸ This applies even in situations when those disappeared are turned over to the authorities or other State units or agents, who then commit acts of torture and murder.⁸⁹

In *Espinoza González v. Peru*, a woman was arrested and detained for fifteen days and suspected of involvement in attacks as a member of a prominent guerilla group in Peru.⁹⁰ She was then transferred to a prison cell where she was raped, tortured and humiliated.⁹¹ The petitioner argued that the State should be held responsible for the violations incurred to her person. The Court agreed and held that the State's acts against the petitioner constituted cruel and inhuman treatment in violation of the Convention.⁹² Furthermore, the Court analyzed whether the acts (1) were intentional, (2) caused severe physical or mental suffering, and (3) were committed with an objective or purpose.⁹³ Under this test, the Court held that the acts committed against the petitioner, while in the custody of the state, constituted torture thus violating Articles 5.⁹⁴

Similarly, in *Rosendo Cantú et al. v. Mexico*, Cantú, an indigenous seventeen-year old woman was detained by eight soldiers and interrogated.⁹⁵ During the interrogation, she was beaten and subsequently raped by two soldiers, while the remaining six soldiers watched.⁹⁶ She managed to escape and ran home semi-naked to recount the horrid details to her family members.⁹⁷ The

⁸⁷ Ibid, para. 203.

⁸⁸ Ibid, para. 203.

⁸⁹ Ibid, para. 204.

⁹⁰ *Espinoza González v. Peru*, Series C No 289, Inter-Am. Ct. H.R., 20 November 2014, para. 69 [hereinafter "Espinoza González"].

⁹¹ *Espinoza González v. Peru*, Admissibility and Merits Report, Report No. 67/11, Inter-Am. Comm'n H.R., Case No. 11.157, para. 12 (Mar. 31, 2011).

⁹² *Espinoza González*, paras. 186-87.

⁹³ Ibid, para. 188.

⁹⁴ Ibid, para. 188.

⁹⁵ *Rosendo Cantú et al. v. Mexico*, Series C No 216, Inter-Am. Ct. H.R., 31 August 2010, para 90 [hereinafter "Rosendo Cantú"].

⁹⁶ Ibid, para. 106.

⁹⁷ Ibid, para. 90.

Court found that Mexico violated Cantú's rights to personal integrity, private life and personal dignity.⁹⁸ The Court held that the State violated the Convention of Belem do Para due to the fact that rape is a paradigmatic form of violence against women.⁹⁹ Once again, the Court applied the three-factor test and categorized the rape as a form of torture under the Inter-American Convention.¹⁰⁰ The Court further held that the State violated Cantú's right to private life because this right encompasses the right to sexual life.¹⁰¹ Due to the rape, Cantú lost autonomy over her right to control her sex life, a personal and intimate issue.¹⁰²

In the case at bar, like in *Espinoza Gonzáles* and *Rosendo Cantú* where the courts imposed a three-factor test to determine what constitutes torture, this Court too should utilize the three-factor test to find Respondent Naira's actions against petitioners, María Elena Quispe and Mónica Quispe, to constitute torture. The Petitioners were detained for one month on false accusations and were submitted to intentional acts such as forceful labor and were "repeatedly raped—many times gang raped—by the soldiers" during that time.¹⁰³ First, the rape was intentional because the soldiers deliberately attacked María Elena Quispe and Mónica Quispe during the multiple violations to their person. Second, the mental anguish and pain suffered can be proven by accounts from the victims, witnesses and family members. Third, these acts were committed objectively and purposefully by the perpetrators. Therefore, Respondent Naira is guilty of acts of torture thus violating Article 5. The Court in *Rosendo Cantú* held that the right to private life encompasses the right to sexual life, and this right can be violated due to rape.¹⁰⁴ Rape causes a victim to lose the

⁹⁸ Ibid, para. 121.

⁹⁹ Ibid, paras. 109 and 121.

¹⁰⁰ Ibid, para. 118.

¹⁰¹ Ibid, para. 119.

¹⁰² Ibid, para. 119.

¹⁰³ Hypothetical Case, para. 28.

¹⁰⁴ *Rosendo Cantú*, para. 119.

autonomy over their right to control their sexual life, which is a personal and intimate right afforded to a person.¹⁰⁵ Spending a month in captivity under the control of their assaulters, it can be surmised that both María Elena Quispe and Mónica Quispe were stripped of their right to control their sexual life and thus lost their right to private life.

Additionally, the State of Naira should be held accountable for the egregious violations committed by the SMB, as they were a military unit under the delegation of power from the State. As such, the State is responsible for their failure to respect the rights and freedoms recognized in the ACHR and ensure those persons subject to their jurisdiction have the full right to exercise those rights and freedoms.

Now highlighting Article 1(1)'s obligation for States to initiate an immediate, impartial, and effective investigation in any case involving grand human rights violations,¹⁰⁶ it can be discerned that Naira's supposed investigation into these strong allegations falls short of what is described in Article 1. The media reported complaints of human rights violations, however the few investigations that the government opened never resulted in any evidence and these investigations were considered "part of the past."¹⁰⁷ The members of the SMB not only had military command authority but also political and judicial authority.¹⁰⁸ The group held centralized power and exercised real authority and over the citizens of Warimi who were subordinate to them.¹⁰⁹ The State of Naira made SMB officials the judge, jury and executioner with no recourse for its people to find recourse for grievances against the SMB. Article 5 is a non-derogable right and as such, the State of Naira should be held accountable for the violation of this right against María Elena Quispe and

¹⁰⁵ Ibid, para. 119.

¹⁰⁶ *Pueblo Bello Massacre*, para. 143.

¹⁰⁷ Hypothetical case, para. 10.

¹⁰⁸ Clarification Questions, para. 12.

¹⁰⁹ Clarification Questions, para. 12.

Mónica Quispe. Between the years of 1970 to 1990, the women who were victims of abuse by the SMB, did not report the incidents because they received death threats as well as threats of retaliation from the military.¹¹⁰ Crimes of sexual violence were kept hidden since the SMB officials were members of the military who had been granted military, political and judicial control over the residents of Warimi.¹¹¹ The State of Naira created the Truth Commission to investigate the events that took place in Warimi and it is set to publish its report by 2019.¹¹² However, the reparations that Naira offers are administrative, and includes measures of satisfaction, guarantees of non-repetition, rehabilitation measures, restitution measures and monetary reparations; yet Naira does not offer a legal recourse for the punishment of the perpetrator's crimes.¹¹³

Given the above considerations, Naira should be held accountable for the acts committed by SMB against María Elena Quispe and Mónica Quispe's Article 5 rights. Naira delegated autonomy to SMB and thus condoned their actions. Lastly, the State of Naira woefully violated the Article 1 obligations to thoroughly investigate grievances or complaints. As such, this Court should find that the State of Naira violated Article 5, in relation with Article 1.1, with respect to María Elena Quispe and Mónica Quispe.

iii. The respondent Naira violated Article 6, read in relation with Article 1.1, to the detriment of María Elena Quispe and Mónica Quispe.

Article 6(1) of the ACHR establishes that "No one shall be subject to slavery or to involuntary servitude."¹¹⁴ Article 6(2) goes on to state that no one shall be required to perform forced or compulsory labor and forced labor shall not adversely affect the dignity or the physical

¹¹⁰ Clarification Questions, para. 43.

¹¹¹ Clarification Questions, para. 43.

¹¹² Clarification Questions, para. 65.

¹¹³ Clarification Questions, para. 65.

¹¹⁴ ACHR, Art. 6(1).

or intellectual capacity of the prisoner.¹¹⁵ Under Article 6(3) there are four instances where exceptions are created: (1) work or services normally required of a person imprisoned; (2) military service; (3) service exacted in time of danger or calamity that threatens the existence of the well-being of the community; or (4) work or service that forms part of normal civic obligations.¹¹⁶ Article 1(1) obligates States to respect the rights and freedoms recognized in the ACHR and to guarantee the persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination or any other social condition.¹¹⁷ Therefore, Article 1(1) obligates a State to initiate immediate, impartial, and effective investigations in any cases involving grand human rights violations.¹¹⁸

In *Ituango Massacres*, the State paramilitary organization raided and massacred fifteen of its residents and then stole the inhabitants' livestock.¹¹⁹ The Court found that through acts of intimidation, the paramilitary group forced seventeen residents to gather the livestock and move it for seventeen days.¹²⁰ Furthermore, the Court recognized that in order to constitute a violation of Article 6(2), the act of forcing someone to perform labor against their will must be attributed to State agents in some fashion.¹²¹ The Court found that the violation of Article 6(2) could be attributed to members of the Army because they were participants in making the seventeen victims involuntarily perform work by ordering a curfew so that nobody would be able to witness the stolen livestock being moved.¹²² The Court also concluded that State agents benefited from collaborating with the paramilitary organization because they received some of the stolen

¹¹⁵ ACHR, Art. 6(2).

¹¹⁶ ACHR, Art. 6(3).

¹¹⁷ ACHR, Art. 1(1).

¹¹⁸ *Pueblo Bello Massacre*, para. 143.

¹¹⁹ *Ituango Massacres*, para. 150.

¹²⁰ *Ibid*, para. 150.

¹²¹ *Ibid*, para. 166.

¹²² *Ibid*, para. 166-67.

livestock.¹²³ As a result, the Court determined that the State violated Article 6(2) (Prohibition of Forced or Compulsory Labor) because the State authorities not only knew that victims were being compelled to move stolen livestock under the threat of death, but they also helped the paramilitary group complete the theft, while reaping rewards.¹²⁴ Based on these findings, the State violated Article 6(2) Prohibition of Forced or Compulsory Labor) to the detriment of the seventeen enslaved residents of El Aro.¹²⁵

In contrast to *Ituango Massacres*, in this case we do not have a third party paramilitary group. SMB is the military,¹²⁶ and as such is a state agent, thus making the State liable for rights violated by the SMB. The President of the Republic of Naira, as the highest-ranking leader of the armed forces and the police, was able to learn of the abuse committed by the SMB.¹²⁷ Additionally, the Ministry of Justice and Defense, also having control over the armed forces, had opportunity to learn of and investigate the acts of violence taking place during this time frame.¹²⁸ Therefore, this Court should determine that the State of Naira violated Article 6 because the State had opportunity to learn of the events that constituted the “alleged” mass sexual violence within its borders.¹²⁹ Given the above considerations, Naira should be held accountable for the acts committed by SMB against María Elena Quispe and Mónica Quispe’s concerning the violations of Article 6. SMB officials are State agents and as such, this Court should find that the respondent Naira violated Article 6, in relation with Article 1.1, with respect to María Elena Quispe and Mónica Quispe.

¹²³ Ibid, para. 166.

¹²⁴ Ibid, para. 166-68.

¹²⁵ Ibid, para. 168.

¹²⁶ Clarification Questions, para. 12.

¹²⁷ Clarification Questions, para. 36.

¹²⁸ Clarification Questions, para. 36.

¹²⁹ Clarification Questions, para. 36.

B. The Respondent Naira's derogation of Articles 7, 8 and 25 of the American Convention on Human Rights, does not permit amnesty of gross violation of human rights and due to the broad scope of the State of Emergency, the derogation from those Articles should be considered void, with respect to María Elena Quispe and Mónica Quispe.

i. The Respondent Naira's derogation from Articles 7, 8 and 25 should be considered void pursuant to Article 27(3) for failure to set a date for the termination of the suspension of guarantees, with respect to María Elena Quispe and Mónica Quispe.

The starting point for any legally sound analysis of Article 27 and its function, rests in the fact that it applies in exceptional situations only.¹³⁰ Even though it permits suspension of certain rights, it can only do so to the extent and time strictly required by the circumstances of the emergency.¹³¹ Furthermore, such suspensions must not violate the State party's other international legal obligations or discriminate based on race, color, sex, language, religion, or social origin.¹³² The legality of suspensions enacted to deal with situations under Article 27(1) will depend upon the character, intensity, pervasiveness, and particular context of the emergency and the relative proportionality and reasonableness of measures used to resolve the emergency.¹³³ The United Nations Human Rights Committee has recognized three simple requirements for a state of emergency to be permissible: (1) length of time, (2) geographical coverage, and (3) scope.¹³⁴

¹³⁰ Cf. *Habeas Corpus in Emergency Situations* (Arts. 27(2), 25(1) and 7(6) ACHR) Advisory Opinion OC-8/87 of January 30, 1987. Series A No. 8. para. 19.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid, para. 22.

¹³⁴ UN Human Rights Committee, *CCPR General Comment No. 29 Article 4: Derogations during a State of Emergency*, 31 August 2001, CCPR/C/21/Rev.1/Add.11.

The *Zambrano* Court most recently dealt with violations of Articles 25(1) and 7(6) through Article 27 Suspension of Guarantees.¹³⁵ In *Zambrano*, the Court considered whether a national decree of a state of emergency was overly broad and vague in terms of scope, time, and purpose.¹³⁶ In the early 1990's, Ecuador was experiencing pervasive acts of vandalism and assault by gangs causing a general unrest among the populace.¹³⁷ Then-President of Ecuador responded by issuing a national decree declaring a state of emergency and permitting the intervention of the Armed Forces throughout the national territory.¹³⁸ The Court found that the decree violated Article 27(2) because the Court had previously established Articles 7(6) and 25(1), in conjunction with the principles of Article 8, were indispensable guarantees essential to the fulfillment of fundamental convention rights and freedoms.¹³⁹ The decree violated those Articles by: (1) being too broad in scope, (2) having no clear resolution, and (3) not setting a date for suspension.¹⁴⁰

In the early 1980's, then President-Morales issued a decree of a state of emergency for three provinces in southern Naira.¹⁴¹ He notified other States Party to the Convention through the Secretary General, that Naira was derogating from Articles 7, 8, and 25.¹⁴² However, he never informed them of when that derogation would be suspended.¹⁴³ And, the derogation was anything but temporary or reasonable.¹⁴⁴ The derogation of rights occurred for almost 20 years, with no definitive timeline for when those rights would be reinstated. In keeping with the *Zambrano* Court,

¹³⁵ *Zambrano Vélez et al. v. Ecuador*, Series C No 11.579, Inter-Am. Ct. H.R., 7 July 2007 [hereinafter "*Zambrano Vélez*"].

¹³⁶ *Ibid.*, para. 52.

¹³⁷ *Ibid.*, para. 44.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*, para. 54.

¹⁴⁰ *Ibid.*, para. 70.

¹⁴¹ Hypothetical Case, para. 9.

¹⁴² Clarification Questions, para. 10.

¹⁴³ *Ibid.*

¹⁴⁴ Hypothetical Case, para. 9.

this Court should find that Naira's non-compliance of this duty to inform implies a breach of the obligation set forth in Article 27(3).¹⁴⁵

ii. The Respondent Naira violated Articles 7, 8 and 25 fundamental rights to the principles of due process and the writ of habeas corpus, read in relation with Article 1.1, with respect to María Elena Quispe and Mónica Quispe.

Article 27 of the ACHR allows the suspension of some guaranteed rights when the State is in a time of war, public danger, or other emergency.¹⁴⁶ Explicitly, it does not allow the suspension of Articles 4, 5, and 6 that are also alleged in this complaint.¹⁴⁷ Subsection 3 requires that derogation from guaranteed articles must be submitted to the OAS Secretary General to inform it and other States Parties of the derogation.¹⁴⁸ Respondent State submitted its derogation of Articles 7, 8 and 25 to the OAS in the early 80's in conjunction with its declaration of a state of emergency.¹⁴⁹ This derogation left jurisdiction of criminal complaints solely to the military, leaving it as the only authority able to exercise power in Warimi.¹⁵⁰ However, under the ACHR, while States Party to the treaty can derogate from certain Articles, they cannot authorize the suspension of judicial guarantees essential for the protection of such rights.¹⁵¹ The Court has explicitly interpreted this to mean that, "in a democratic State, the jurisdiction of military criminal courts must be restrictive and exceptional, and they must only judge military men for the commission of crimes or offenses, due to their nature, may affect any interest of a military

¹⁴⁵ *Zambrano Vélez*, para. 70.

¹⁴⁶ ACHR, Art. 27(1).

¹⁴⁷ ACHR, Art. 27(2).

¹⁴⁸ ACHR, Art 27(3).

¹⁴⁹ Hypothetical Case, para. 9.

¹⁵⁰ Clarification Questions, para. 12.

¹⁵¹ ACHR, Art. 27(2).)

nature.”¹⁵² Article 7(6) and 25(1) of the ACHR guarantees everyone the right to simple and prompt recourse before a competent court or tribunal against acts that violate fundamental rights recognized in the convention.¹⁵³ This Court has recognized that under Article 27(2) certain personal liberties may be *temporarily* suspended in time of war or other emergency that threatens the security of the State.¹⁵⁴ Pursuant to this Court’s unanimous opinion, the provisions of Article 27(2) of the ACHR prohibits derogation from legal remedies guaranteed in Articles 7(6) and 25(1).¹⁵⁵ In its opinion, the Court agreed with the Commission that the writ of habeas corpus may not be suspended or rendered ineffective, *even in states of emergency*.¹⁵⁶

Furthermore, the Court has highlighted two important reasons why human rights violations and international crimes can *never* be subject to military jurisdiction.¹⁵⁷ First, the nature of human rights violations and the interest in providing victims with legal protection can never correspond with the interests of a military system.¹⁵⁸ Violation of a populations’ human rights only sews further distrust in government authority, directly contrary to the principles of combating internal separatists.¹⁵⁹ Second, adjudication of human rights violations must be conducted with independence, impartiality, and competence of the appropriate judge in accordance with standards

¹⁵² *Almonacid Arellano et al. v. Chile*, Series C No 12.057, Inter-Am. Ct. H.R., 26 September 2006 [hereinafter “*Almonacid Arellano*”].

¹⁵³ ACHR, Art. 7 and 25.

¹⁵⁴ *emphasis added*, Adv. Opn. *Habeas Corpus in Emergency Situations* OC – 8/87 of Jan. 30, 1987, 27 I.L.M. No. 2, ¶ 512 (March 1988).

¹⁵⁵ Adv. Opn., at ¶ para. 44.

¹⁵⁶ *emphasis added*, Ibid.

¹⁵⁷ Medellín-Urquiaga, Ximena. *The Normative Impact of the Inter-American Court of Human Rights on Latin-American National Prosecution of Mass Atrocities*. 46 Isr. L. Rev. 405, 416. 2013.[hereinafter “*Normative Impact*”].

¹⁵⁸ *La Cantuta et al. v. Peru*, Series C No 162, Inter-Am. Ct. H.R., 29 November 2006 [hereinafter “*La Cantuta*”].

¹⁵⁹ Executive Summary, *Losing Ground: Human Rights Advocates Under Attack in Colombia*, Washington Office of Latin America (October 1997).

of due process.¹⁶⁰ Where due process of human rights violations is involved, military jurisdiction satisfies none of the standards, whether in theory or practice.¹⁶¹

In *La Cantuta*, the Peruvian military disappeared and extrajudicially killed nine students and a professor under the guise of a government anti-terrorism campaign.¹⁶² Although military personnel were found guilty of human rights violations, the State pardoned them under human rights amnesty laws.¹⁶³ This Court found the State violated Articles 8(1) and 25(2) in relation to Article 1(1) of the ACHR.¹⁶⁴ Article 8(1) was found to have been violated in two ways:

- (1) The State manipulated its legal system in order to grant the military jurisdiction over the La Cantuta Investigation and;
- (2) The investigations that did commence in the ordinary criminal courts were untimely and inefficient, having failed to identify military members directly responsible for the events that took place.¹⁶⁵

The Court similarly found the State to have violated Article 25(2) where it failed to undertake proceedings to promptly and efficiently prosecute perpetrators of the La Cantuta Massacre.¹⁶⁶ The Court elaborated that Article 25(2) guarantees the right to prompt and effective recourse against acts that violate an individual's convention rights, even when those violations are committed by an official acting within the scope of their official duties.¹⁶⁷

¹⁶⁰ *Normative Impact*, Ibid at 416.

¹⁶¹ *La Cantuta*, Ibid [142].

¹⁶² Ibid, para. 80.

¹⁶³ Ibid, para. 80.

¹⁶⁴ Ibid, paras. 134-45.

¹⁶⁵ Ibid, para. 147.

¹⁶⁶ Ibid, para. 134.

¹⁶⁷ Ibid.

In the present case, the Quispe sisters and many women of Naira were arrested on false accusations of aiding the FBs and providing them with information about the SMB.¹⁶⁸ They were never tried or officially charged by a competent and impartial court. The government of Naira manipulated its convention obligations to give sole political and judicial authority to the military in the province of Warimi.¹⁶⁹ This allowed the military to commit gross acts of sexual violence on the Quispe sisters and women of Warimi with impunity.¹⁷⁰ Few women brought these acts before the military because the military used death threats and threats of retaliation to suppress the accusers.¹⁷¹ Women who spoke publicly about the abuse received no official support because the military, as perpetrators, would not investigate its own members.¹⁷² The State's *ex officio* investigations found no evidence of the violations and has not identified a single perpetrator.¹⁷³ Given the extent of the atrocities alleged and the time lapse before *ex officio* investigations were initiated, this Court should view those investigations as further evidence that the State is complicit in the human rights violations of the Quispe sisters and women of Warimi.

iii. The Respondent Naira's measures to address on-going gender violence in Naira bear no weight in the present litigation, and the lack of vigilance to address such violence evidences a continuing violation of Article 7 of the Convention of Belem do Pará, with respect to María Elena Quispe and Mónica Quispe.

The previous judgment of this Court, in the case of *Gonzalez v. Mexico*, was a landmark decision in the interpretation of women's rights under the Convention of Belem do Para

¹⁶⁸ Clarification Questions, para. 42.

¹⁶⁹ Hypothetical Case, para. 9.

¹⁷⁰ Clarification Questions, para. 43.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Ibid.

(hereinafter the “Convention”). Article 7 of the Convention places a duty upon member States to “condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence. . .”¹⁷⁴ The *Gonzalez* Court advanced four key areas in which the State had failed to protect women’s rights.¹⁷⁵ Those areas were: 1) the obligation of States to act with due diligence in cases of violence and discrimination against women; 2) the obligations of States to guarantee access to adequate and effective judicial remedies for victims and their family members; 3) the application and scope of Article 7 of the Convention; and 4) the relationship between violence and discrimination against women and its manifestation through State action and inaction in Ciudad Juarez.¹⁷⁶

In *Gonzalez*, the remains of three women were found in a cotton field outside Ciudad Juarez, Mexico in 2001.¹⁷⁷ The IAC brought action against the State of Mexico due to the series of irregularities and delays in the investigations of disappearances and the resulting deaths of those women.¹⁷⁸ These irregularities were found to have occurred due to a pattern of discrimination and violence in which the State was complicit.¹⁷⁹ Although, the disappearances had been reported promptly by family members, authorities did not consider their cases priorities.¹⁸⁰ The Court found that the facts illuminated a pattern of disappearances and murder of women in Ciudad Juarez going back to 1993.¹⁸¹ These disappearances and murders were often followed by omissions and

¹⁷⁴ Organization of American States (OAS), *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belem do Para”)*, 9 June 1994, at Art. 7

¹⁷⁵ Celorio, Rosa. *Introductory Note to the Inter-American Court of Human Rights: Case of Gonzalez v. Mexico*. 49 I.L.M. 637 (May 2010).

¹⁷⁶ *Gonzalez et al. (“Cotton Field”) v. Mexico*, Series C No 205, Inter-Am. Ct. H.R., para. [398] – [402], (16 November 2009) [hereinafter “*Cotton Field*”].

¹⁷⁷ *Cotton Field*, para. 2.

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*, para. 147.

¹⁸⁰ *Ibid.*, para. 151.

¹⁸¹ *Ibid.*, para. 159.

irregularities in State investigations, particular to women.¹⁸² The Court further found these patterns of gender-based discrimination fostered impunity and repetition of such acts.¹⁸³ Though the State had already admitted partial responsibility for the acts that occurred, it sought consideration of improvements it had made for the protection of women in its legislation.¹⁸⁴ The Court held these improvements null to the case because they were subsequent to the facts in the case and therefore, not applicable for consideration.¹⁸⁵

In the present case, the Quispe sisters like many of the women of Warmi suffered gender-violence in the form of rape at the hands of the Nairan Military.¹⁸⁶ Women who wanted to bring cases or tried to bring cases against these State Actors, were suppressed because the judiciary at the time was the Nairan Military.¹⁸⁷ The State alleges they first heard of these allegations when they were reported by NGOs in December 2014. However, they concluded their investigations even before this action commenced, citing no evidence to support the allegations.¹⁸⁸ Further evidence of this lack of care in cases of gender violence and discrimination towards women is manifested in Maria Elena's criminal case against her husband.¹⁸⁹ When she was initially attacked, the police deferred to a single (and the only) medical examiner in the area before they would consider her domestic complaint.¹⁹⁰ After the first act of violence, Maria Elena's husband beat her again.¹⁹¹ After receiving a suspended sentence, he beat her to the point of permanent disability.¹⁹²

¹⁸² Ibid.

¹⁸³ Ibid, para. 231.

¹⁸⁴ Ibid, para. 259.

¹⁸⁵ Ibid, para. 269.

¹⁸⁶ Hypothetical Case, para. 28.

¹⁸⁷ Ibid, para. 10.

¹⁸⁸ Clarification Questions, para. 43.

¹⁸⁹ Ibid, para. 26.

¹⁹⁰ Ibid, para. 23 & 24.

¹⁹¹ Ibid, para. 25.

¹⁹² Ibid.

This not only confirms that the State doesn't have adequate institutions to accommodate victims of domestic violence, but it evinces a general pattern of discrimination by the State. Discrimination against women existed 30 years ago in the State of Naira, and it still permeates its institutions today. This tolerance by the State continues to foster impunity and repetition to the detriment of Marina Elena and Monica Quispe, and all women of Naira.

REQUEST FOR RELIEF

Based on the foregoing considerations, the Representatives of the Victims respectfully request that this Honorable Court:

1. Adjudge and declare that the Republic of Naira violated the rights enshrined in Articles 4, 5, 6 7, 8 and 25 of the ACHR, all in relation to Article 1.1 thereof, with respect to María Elena Quispe.
2. Adjudge and declare that the Republic of Naira violated the rights enshrined in Articles 4, 5, 6 7, 8 and 25 of the ACHR, all in relation to Article 1.1 thereof, with respect to Mónica Quispe.
3. Adjudge and declare that the Republic of Naira violated their obligations regarding violence against women contained in Article 7 of the Convention of Belem do Pará, with respect to María Elena Quispe.
4. Adjudge and declare that the Republic of Naira violated their obligations regarding violence against women contained in Article 7 of the Convention of Belem do Pará, with respect to Mónica Quispe.
5. Compel the State of Naira to open an effective and exhaustive investigation into the claims of the Quispe sisters and women of similar position, identify the perpetrators, and prosecute them to the fullest extent of the law and its international obligations.

6. Compel the State of Naira to implement legislation that reflects its obligations under the treaties to which it is party.
7. Compel the State of Naira to institute a gender-based approach in the national education curriculum.