

Inter-American Court of Human Rights
Case of the "Juvenile Reeducation Institute" v. Paraguay
Judgment of September 2, 2004
(Preliminary Objections, Merits, Reparations and Costs)

In the Case of the "Juvenile Reeducation Institute",

the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court"), composed of the following judges*:

Sergio García Ramírez, President;
Alirio Abreu Burelli, Vice President;
Oliver Jackman, Judge;
Antônio A. Cançado Trindade, Judge;
Cecilia Medina Quiroga, Judge;
Manuel E. Ventura Robles, Judge;
Diego García-Sayán, Judge, and
Víctor Manuel Núñez Rodríguez, Judge *ad hoc*;

also present,

Pablo Saavedra Alessandri, Secretary, and
Emilia Segares Rodríguez, Deputy Secretary,

pursuant to Articles 29, 31, 37.6, 56, and 58 of the Rules of Procedure of the Court (hereinafter "the Rules of Court")¹ and Article 63(1) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention"), deliver the following judgment.

I
INTRODUCTION OF THE CASE

1. On May 20, 2002, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") filed an application with the Court against the State of Paraguay (hereinafter "the State," "the respondent State," or "Paraguay") concerning a case that had originated with petition No. 11,666, received at the Commission's Secretariat on August 14, 1996.

¹ The present judgment is delivered in accordance with the Rules of Procedure that the Court approved at its XLIX regular session, by order dated November 24, 2000, which entered into force on June 1, 2001, and in accordance with the partial amendment to those Rules, which the Court approved at its LXI regular session in a November 25, 2003 order that entered into force on January 1, 2004.

Pleadings of the representatives

297. The representatives asserted that the pain and suffering of the victims and their next of kin were evident. They reasoned as follows:

- a) the children endured the inhumane detention conditions, the indignities of their treatment and the constant threat of danger, as they were housed in adult penal institutions. They also suffered the after-effects of the successive fires in which inmates were injured and burned. The representatives therefore asked the Court to order, in equity, a sum to compensate for the "severe psychological impact," the "protracted and complex trauma", and the devastating consequences that all the children experienced due to the detention conditions, torture and abuse, which left them with feelings of bitterness, resentment, humiliation, depression, handicapped, a sense of powerlessness, vulnerability and violence;
- b) the State neither conducted an inquiry nor promptly punished those responsible for the human rights violations that occurred; and
- c) because of the difficulties in making contact with the former inmates and their next of kin, the representatives were of the view that the amount that the Court ordered should take into account the kinship with the children who were detained at the center. In the case of Teofista Domínguez, Felipa Valdez, Dionicio Vega and Rosalía Figueredo, the representatives asked the Court to fix compensation based on their testimony before the Court.

Pleadings of the State

298. The State's argument was that inasmuch as it had not violated the right to life (Article 4 of the Convention) –save for the responsibility it acknowledged in the death of the juvenile Benito Augusto Adorno- or the right to personal liberty (Article 7 of the Convention), or the right to a fair trial (Article 8 of the Convention), in relation to Article 1(1) of the Convention, no international responsibility can be attributed to it for violation of the provisions of the Convention or of any other international instrument. Hence, it has no obligation to make reparations.

Considerations of the Court

299. Time and time again, international case law has established that the judgment constitutes, *per se*, a form of reparation.²¹² However, owing to the circumstances of the instant case, the suffering caused to the persons declared as victims in the instant case, the altered circumstances of the injured former inmates and the next of kin of the deceased and injured inmates, and the other consequences of a non-material or non-pecuniary nature that they suffered, the Court considers that based on the principle of equity, compensation for non-pecuniary damages is in order.²¹³

²¹² Cf. *Case of the Gómez Paquiyauri Brothers*, *supra* note 26, para. 215; *Case of the 19 Tradesmen*, *supra* note 26, para. 247; and *Case of Maritza Urrutia*, *supra* note 57, para. 166.

²¹³ *Supra* note 212.