



2024 IAHR PANEL

EVALUATION OF CANDIDATES TO THE IACHR COURT EXECUTIVE SUMMARY

1. Introduction

The Independent Panel to Evaluate Candidates to the Inter-American Human Rights System Bodies (hereinafter, the Independent Panel, the IAHR Panel or the Panel) presents its final report, with the objective of strengthening and improving the standards and transparency governing the elections for the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACHR Court). In this edition, the Panel will focus on reviewing the qualifications of the candidates for the three positions on the IACHR Court. According to the American Convention on Human Rights (ACHR), only the States Parties to this treaty may nominate and vote to elect the new judges who will serve on this Court.

The individuals nominated by the States to serve on the IACHR Court for the period 2025 - 2030 are the following: Alberto Alfonso Borea Odría (proposed by Peru), Carlos Rodríguez Mejía (proposed by Colombia), Diego Moreno Rodríguez (proposed by Paraguay), Leticia Bonifaz Alfonso (proposed by Mexico), and Ricardo Pérez Manrique (proposed by Uruguay for re-election).

The 2024 Independent Panel is integrated by six experts, internationally recognized for their extensive experience dedicated to human rights: Ariela Peralta, Edison Lanza, Juan Pablo Albán, Juan Méndez, Mariclaire Acosta, and Sergia Galván. Their biographies can be consulted on the Panel's web page¹. This is the sixth consecutive process in which American University Washington College of Law (AUWCL) has served as the Secretariat of the Panel. The Panel Secretariat was headed by Mosi Marcela Meza Figueroa, under the supervision of Professor Claudia Martín. The Secretariat team consisted of Javier Estrada Tobar, Javier Galindo, Robert Duffy, and Tiffany Sharlene Alarcón.

The Panel developed its individual assessments based on six criteria: high moral authority; qualification to exercise the highest judicial function; recognized competence in human rights

¹ See the following link: <https://www.wcl.american.edu/impact/initiatives-programs/independent-panel-to-evaluate-candidates-to-the-iahrs-bodies/>

(including the sub-criteria of academic training and professional experience, knowledge of Inter-American standards and the challenges facing the IASHR, as well as diligence and other relevant skills); independence, impartiality and absence of conflicts of interest; contribution to the balanced and representative integration of the body; and, national level nomination process.

The Panel conducted its evaluations using the resumes and information provided by the candidates. In addition, their responses to the questionnaires sent by the Panel and the interviews conducted with each candidate were considered. It also took into account the verifiable information provided by civil society, using the form provided for this purpose.

The Panel hopes that its evaluation will be useful to the States Parties to the ACHR, by providing an impartial analysis of the suitability of the persons nominated to serve on the IACHR Court, in accordance with the requirements established both by convention and by statute. The Panel encourages States to adopt measures to improve transparency, participation, and merit in national nomination procedures, and to establish an independent evaluation of candidates in the election that takes place within the framework of the OAS.

2. Evaluation of the candidates

The Panel has evaluated the background of each candidate in light of the requirements of the ACHR for the position of judge of the IACHR Court, in accordance with the text of the treaty and the interpretation made by successive editions of the Independent Panel. Its conclusions are the following:

a. Alberto Borea Odría

The Panel concludes that the candidate Alberto Borea Odría meets the evaluation criteria contained in the Inter-American instruments for election as a judge of the Inter-American Court.

The Panel considers that the candidate's previous experience in litigation before the Inter-American system, as well as his activities as Ambassador of Peru to the OAS, will allow him to adapt to the work of the Inter-American Court in a solvent manner.

He also demonstrated knowledge on the current challenges faced by the Inter-American system and offered proposals to address them.

The Panel notes with concern that, with respect to certain positions already adopted in the Inter-American System on sexual and reproductive rights, as well as on the right to protest, the candidate appears to be unaware of the Court's most recent jurisprudential acquis in the consolidation of standards on these issues. Additionally, although he has had experience in Inter-American litigation, it is not recent, but dates back two decades.

The Panel did not identify any impediment affecting the candidate's independence or impartiality that would disqualify him from being elected as a judge of the IACHR.

The Panel notes that there is no public and participatory nomination mechanism for ISHR bodies in Peru, and that the authorities directly nominated Borea Odría.

b. Carlos Rodríguez Mejía

The Panel concludes that the candidate Carlos Rodríguez Mejía meets the evaluation criteria contained in the Inter-American instruments to be elected judge of the IACHR Court.

The Panel considers that the candidate's vast experience in the Inter-American System will allow him to adapt to the work of the IACHR Court in a solvent manner. He also demonstrated knowledge on the current challenges faced by the Inter-American system and offered proposals to address them.

The Panel notes with concern the candidate's current position as Ambassador of Colombia to Costa Rica. The situation described is a precedent that could compromise his independence and impartiality and could generate reasonable doubts about possible conflicts of interest. This Panel considers that the promise to resign upon being elected judge of the IACHR Court is not sufficient, because it is at the moment of announcing the candidacies that the States Parties must know whether each candidate is eligible or not.

The Panel notes that in Colombia there is no public and participatory nomination mechanism for the bodies of the IASHR, and that the authorities directly designated the candidacy of Rodríguez Mejía. Furthermore, without prejudice to the recognition of the high professional qualities of the candidate, it is worth mentioning that he has been a lawyer for the President of the Republic, a fact that evidences the discretionary design of the selection of candidates by the Executive and is far from what has been repeatedly proposed by this Panel in its various reports.

In addition, it is noted that the response of the Ministry of Foreign Affairs, denying the request for information submitted by a university entity on the nomination process of the candidate Rodríguez Mejía, under the classification of reserved information, does not comply with the Inter-American standards on maximum transparency and access to public information.

c. Diego Moreno Rodríguez

The Panel concludes that the candidate Diego Moreno Rodríguez meets the evaluation criteria contained in the Inter-American instruments for election as a judge of the Inter-American Court.

The Panel considers that the candidate has experience in public international law, having worked at the OAS, and in private law, currently working in a law firm; he also has solid teaching experience. However, the Panel is not convinced of his specific expertise in Inter-American and international human rights standards, and therefore finds that the requirement of recognized competence in the field of human rights is not unequivocally established.

The Panel notes the links that some of the candidate's family members have with the Executive Branch, a situation that could compromise his independence and impartiality, and could generate reasonable doubts about possible conflicts of interest.

The Panel notes that in Paraguay there is no public and participatory nomination mechanism for ISHR bodies, and that the authorities directly nominated Moreno Rodríguez.

d. Leticia Bonifaz Alfonso

The Panel concludes that the candidate Leticia Bonifaz Alfonso meets the evaluation criteria contained in the Inter-American instruments for election as a judge of the Inter-American Court.

The Panel notes that, although the candidate has not carried out professional activities in the field of the IASHR, her outstanding experience in the field of international human rights law will allow her to adapt to the work of the IACHR Court in a solvent manner. In addition, her experience in the CEDAW Committee of the United Nations will enable her to bring a gender perspective to the court. It should also be noted that she demonstrated knowledge on the current challenges faced by the Inter-American system and offered proposals to address them.

The Panel notes that in Mexico there is no public and participatory nomination mechanism for ISHR bodies, and that the authorities directly nominated Bonifaz Alfonso's candidacy after consultations with civil society and academics.

e. Ricardo Pérez Manrique

The Panel concludes that the candidate Ricardo Pérez Manrique meets the evaluation criteria contained in the Inter-American instruments to be reelected judge of the IACHR Court.

The Panel considers that the candidate has a vast knowledge of the Inter-American System and recognized experience as a judge in the Supreme Court of Justice of Uruguay and in the IACHR Court. He also demonstrated knowledge on the current challenges faced by the Inter-American system and offered proposals to address them.

The Panel notes that in Uruguay there is no public and participatory nomination mechanism for the bodies of the ISHR, and that the authorities directly nominated Pérez Manrique.

3. Recommendations

- i. That the States create a transparent, participatory and open procedure at the national level, guided by the guidelines established in the resolutions of the OAS General Assembly, the report of the IACW, the recommendations of this Panel and comparative practices, taking as criteria gender parity and the representation of the different ethnic and racial groups of the region, which allows the selection of candidates who meet the requirements of independence, impartiality and recognized competence in human rights, in accordance with the normative requirements of the Inter-American instruments.
- ii. That the process of electing candidates at the OAS be improved, taking into consideration the recommendations established in the resolutions of the OAS General Assembly, the report of the CIM and the reports of this Panel, taking into account gender parity, representation of the different ethnic and racial groups of the region, geographic diversity, and the different legal systems of the region, guaranteeing the independence, impartiality and suitability of the persons elected to the human rights bodies of the Inter-American human rights system. Throughout its various cycles, the Panel has also recommended that the OAS establish an Advisory Committee of Independent Experts (without State

representation) responsible for ensuring the suitability of persons nominated to the IACHR and the IACHR Court.

- iii. That States refrain from nominating candidates who hold positions in the Executive Branch at the time of their selection, so as not to compromise their independence and impartiality, as well as to eliminate any perceived conflict of interest at the time of assuming office, should they be elected. Should this be the case, the Panel considers it of fundamental importance that the nominee at least resign from office at the time of nomination.
- iv. That States avoid the exchange of votes prior to the nomination of candidates, to ensure that they can make a serious and conscientious evaluation of the requirements established by the ACHR to select those who will occupy these fundamental positions in the IACHR and the IACHR Court.
- v. That the States consider requesting the Secretary General of the OAS to open the nomination process for candidates nine months prior to the General Assembly and require States to submit their nominations six months prior to this date, in order to allow the Panel to conduct its evaluation and produce a report in sufficient time to inform those who will participate in the election about the independence, impartiality and suitability of the persons proposed.

Washington D.C., May 28, 2024