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Institution:	Inter-American Court of Human Rights
Title/Style of Cause:	Moiwana Village v. Suriname
Doc. Type:	Judgement (Interpretation of the Judgment of Merits, Reparations, and Costs)
Decided by:	President: Sergio Garcia-Ramirez; Vice President: Alirio Abreu-Burelli; Judges: Oliver Jackman; Antonio A. Cancado-Trindade; Cecilia Medina-Quiroga; Manuel E. Ventura-Robles Judge Diego Garcia-Sayan informed the Court that, due to reasons of force majeur, he was not able to be present during the deliberation and signature of the present Judgment.
Dated:	8 February 2006
Citation:	Moiwana Village v. Suriname, Judgement (IACtHR, 8 Feb. 2006)
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In the Case of the Moiwana Community,

the Inter-American Court of Human Rights (hereinafter “the Inter-American Court,” “the Court,” or “the Tribunal”), pursuant to Article 67 of the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”) and Article 59 of the Court’s Rules of Procedure (hereinafter “the Rules of Procedure”), the Court delivers the present decision regarding the request for interpretation of its June 15, 2005 judgment on preliminary exceptions, merits, and reparations in the Case of the Moiwana Community, submitted by the State of Suriname (hereinafter “the State” or “Suriname”) on October 4, 2005.

I. JUDGMENT ON THE PRELIMINARY OBJECTIONS, MERITS AND REPARATIONS

1. On June 15, 2005, the Court delivered the judgment in the present case, which, in pertinent part:

DECIDE[D],

Unanimously,

1. To dismiss the State’s preliminary objections.

DECLARE[D],

Unanimously, that:

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1. The State violated the right to humane treatment enshrined in Article 5(1) of the American Convention on Human Rights, in relation to Article 1(1) of that treaty, to the detriment of the Moiwana community members, in the terms of paragraph 103 of this judgment.
2. The State violated the right to freedom of movement and residence enshrined in Article 22 of the American Convention, in relation to Article 1(1) of that treaty, to the detriment of the Moiwana community members, in the terms of paragraph 121 of this judgment.
3. The State violated the right to property enshrined in Article 21 of the American Convention, in relation to Article 1(1) of that treaty, to the detriment of the Moiwana community members, in the terms of paragraph 135 of this judgment.
4. The State violated the rights to judicial guarantees and judicial protection enshrined in Articles 8(1) and 25 of the American Convention, in relation to Article 1(1) of that treaty, to the detriment of the Moiwana community members, in the terms of paragraphs 163 and 164 of this judgment.
5. This judgment constitutes, per se, a form of reparation, in the terms of paragraph 192 of this judgment.

AND DECIDE[D],

Unanimously, that:

1. The State shall implement the measures ordered with respect to its obligation to investigate the facts of the case, as well as identify, prosecute, and punish the responsible parties, in the terms of paragraphs 202 – 207 of this judgment.
2. The State shall, as soon as possible, recover the remains of the Moiwana community members killed during the events of November 29, 1986, and deliver them to the surviving community members, in the terms of paragraph 208 of this judgment.
3. The State shall adopt such legislative, administrative, and other measures as are necessary to ensure the property rights of the members of the Moiwana community in relation to the traditional territories from which they were expelled, and provide for the members' use and enjoyment of those territories. These measures shall include the creation of an effective mechanism for the delimitation, demarcation and titling of said traditional territories, in the terms of paragraphs 209 – 211 of this judgment.
4. The State shall guarantee the safety of those community members who decide to return to Moiwana Community, in the terms of paragraph 212 of this judgment.
5. The State shall establish a community development fund, in the terms of paragraphs 213 – 215 of this judgment.
6. The State shall carry out a public ceremony, whereby Suriname recognizes its international responsibility and issues an apology, in the terms of paragraphs 216 – 217 of this judgment.
7. The State shall build a memorial in a suitable public location, in the terms of paragraph 218 of this judgment.
8. The State shall pay the compensation ordered in paragraph 187 of the instant judgment to the Moiwana community members for material damages, in the terms of paragraphs 178 – 181 and 225 – 231 of this judgment.

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9. The State shall pay the compensation ordered in paragraph 196 of the instant judgment to the Moiwana community members for moral damages, in the terms of paragraphs 178 – 181 and 225 – 231 of this judgment.
10. The State shall pay the compensation ordered in paragraph 223 of the instant judgment for costs, in the terms of paragraphs 223 – 231 of this judgment.
11. The Court will monitor compliance with this judgment and will close this case once the State has fully implemented all of the provisions. Within one year of the date of notification of this judgment, the State shall furnish the Court with a report on the measures taken in compliance therewith, in the terms of paragraph 232 of said judgment.

2. The judgment was notified to the State, the Commission and the representatives on July 14, 2005.

II. JURISDICTION AND COMPOSITION OF THE TRIBUNAL

3. Article 67 of the Convention provides that:

[t]he judgment of the Court shall be final and not subject to appeal. In case of disagreement as to the meaning or scope of the judgment, the Court shall interpret it at the request of any of the parties, provided the request is made within ninety days from the date of the notification of the judgment.

According to the foregoing Article, the Court has jurisdiction to interpret its own judgments. If possible, when examining a request for interpretation of a judgment, the Court should be composed of the same members who delivered the judgment of which the interpretation is being sought (Article 59(3) of the Rules of Procedure). In this case, the Court is composed of the same members that delivered the judgment on preliminary exceptions, merits, and reparations, the interpretation of which has been requested by the State (supra footnote 1).

III. THE REQUEST FOR INTERPRETATION

4. On October 4, 2005, the State of Suriname submitted a request for interpretation of the judgment on preliminary exceptions, merits, and reparations in the Case of the Moiwana Community, as contemplated in Article 67 of the Convention and Article 59 of the Rules of Procedure.

5. In the request for interpretation, the State made, inter alia, the following comments:

The State acknowledges that the Convention specifically indicates that the judgment of the Court is not open to appeal. With the possibility to request an interpretation as to the meaning and scope of the judgment, the framers of the Convention gave the parties that disagree with the judgment the opportunity to petition your […] Court.
[T]he Republic of Suriname states that it disagrees with specific parts of the Judgment of June 15, 2005, Case of the Moiwana Community v. Suriname, taken by this […] Court. The State respectfully requests the Court's interpretation to said parts of the judgment.

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In order for the Court to hear a case, Article 61 section 2 of the Convention mandates that the procedures set forth in Articles 48 and 50 shall have been completed. The State argued in all previous communications during the proceedings and at the public hearing held in September 2004 before your […] Court, that the Commission wrongly adopted a communication as an Article 50 Report. Based on said article 61 section 2 of the Convention, this wrongly adopted "Article 50 Report" serves as the bases to file the petition to your […] Court. […] The State must conclude that your […] Court did not analyze the status or quality of said communication—the Article 50 Report—that was filed by the Commission as the basis for its petition to the Court in the issue at hand. Since the Convention explicitly demands that the procedures mentioned in Articles 48 and 50 of the Convention must be completed, as a conditio sine qua non for your […] Court to exercise jurisdiction over a particular case, the State is of the opinion that your […] Court must carefully review the procedures to determine whether the requirements mentioned in Articles 48 and 50 of the Convention are met by the Commission. Only after this analysis based on facts of law, it can be indicated that said requirements of the Convention are met by the Commission to file this case to the Court. Only then this will give your […] Court the right as laid down in article 61 section 2 of the Convention to hear this particular case […] The State has stated that it strongly disagrees with the determination of the Commission that said report must be labeled as an Article 50 Report. The State argued that the Commission wrongly incorporated several acts of State actors as falling under the Convention, while the State is of the opinion that if the violations occurred, they must be reviewed under the American Declaration of the Rights and Duties of Man (the Declaration), and not [under] the American Convention on Human Rights […] In general this would not be problematic. However, Suriname was not a Convention-[S]tate on 29 November 1986, when the occurrences regrettably took place in the Village of Moiwana. As a member [s]tate of the OAS, the Declaration applies to these particular occurrences.
In addition, the State also argues that the communication labeled as an Article 51 Report by the […] Commission, was not properly taken in conformity with the articles of the Convention, to serve as the prerequisite to petition your […] Court in this particular case. An explanation of your […] Court with regard to these two communications is not included in your judgment, and is tremendously important for the State. The State respectfully requests your […] Court's interpretation/explanation on this matter.
In addition to Article 61 of the Convention, Article 57 of the Convention states: "The Commission shall appear in all cases before the Court." Based on the provision of the Convention it is clear that the only parties that may legitimately appear as an individual party before your […] Court, are the Commission on behalf of the victim or its representatives and the States parties. Although the Republic of Suriname de facto does not have a problem by giving individuals the opportunity to address your […] Court to provide useful information as to facts and testimonies in a case, this can take place only through the Commission, because the Commission is the only party mentioned in the Convention that have locus standi before the Court on behalf of the victim or his or her representatives. The State is of the opinion that since the Convention takes precedents over internal regulations and or statutes of the […] Commission and the […] Court, no provisions against the text of the Convention can be adopted in these internal regulations and statutes. The State therefore argues that individuals can not be given locus standi as an individual party in the proceedings before your […] Court […] Furthermore, the State points out that the issue of individual standing before the Court is important to the State, since small economies like Suriname does not have the financial resources, capability and

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time to hire high profile foreign international human rights attorneys, while the opposing parties are backed by financially strong organizations and institutions, with a variety of not only capital but also human resources. These opposing parties might even construct questionable claims and present those to the organs in the [I]nter-American human rights system, thus placing the State in a difficult always defending position. The State believes that treating the individuals as separate parties before the Court, which is not in conformity with the Convention, further weakened the position of States parties. This is not contemplated in the Convention. The State therefore strongly recommends that if individuals are given standing before your […] Court, this must take place according to the provisions of the Convention, namely only through the Commission. At the preliminary meeting on 8 September 2004, in San Jose Costa Rica, the State has already brought this particular concern to the attention of your […] Court. The State respectfully requests your […] Court's explanation on this issue;

In paragraph 39 of the judgment this […] Court argues "According to this principle of non-retroactivity, in the case of a continuing or permanent violation, which begins before the acceptance of the Court's jurisdiction and persists even after that acceptance, the tribunal is competent to examine the actions and omissions occurring subsequent to the recognition of jurisdiction, as well as their respective effects." This Court indicates that acts and omission that took place after the State's accession to the Convention are within the Courts' competence to examine. Conclusively, the Court indicates that acts that happened prior to the States accession to the Convention are not in its jurisdiction to examine. This is the reason why the State believes it is not necessary to provide facts and circumstances that […] took place prior to Suriname's accession to the Convention and its acceptance of the jurisdiction of this […] Court in November 1987, are out of the jurisdiction of this […] Court. The State believes that it can not be punished for not providing information that is clearly out of the jurisdiction of this Tribunal reviewing the case. The State kindly requests the Court's explanation why in several parts of the judgment, the Court's analysis clearly places the State in a minority position? Maybe because facts and circumstances that are not in the jurisdiction of the Court were not sufficiently submitted to the […] Court?

The State is of the opinion that the Court's assessment and conclusion with regard to collective title to traditional territories (see among others paragraphs 209 and others), cannot be based upon the law and facts provided and available to your […] Court in this particular case. As the […] Commission argued in its petition to the […] Court, this case is primarily focused on the nature of a continuing violation, since the Commission argued that the State failed to investigate the occurrences that happened on 29 November 1986 in the Village of Moiwana in the interior of the State. The State argues that there are no facts and laws provided in this case to satisfy this Court's conclusion regarding this issue and as stated in this judgment. The State strongly argues that with regard to this particular issue, this […] Court can only conclude that the members of the Village of Moiwana are entitled to return on any moment they want to, to the traditional lands that they fled from on 29 November 1986. Furthermore, that the State must guarantee that these villagers are entitled to freely take possession of these lands in a status prior to 29 November 1986. […] [T]he State believes that the measures mandated by this Court in said judgment, are maybe based on decision in other cases decided by this [C]ourt, but can not be applied to this case without an in depth investigation of facts and circumstances related to this specific issue of land rights. Suriname is inhabited by more than 15 different tribal communities, among which maroons and indigenous peoples. All these groups have certain traditional areas in the interior they live on. Members of these tribal communities also live in cities in the coastal area. A

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decision as to measures regarding demarcation and delimitation can only be taken in the light of a case regarding the particular issue of land rights in Suriname. This case did not provide enough facts and circumstances on the specific issue of land rights to satisfy the Court's conclusion and judgment in this regard. The State respectfully requests the Court's explanation on this particular matter because it is convinced that this Court adopted a decision on a matter that was not placed before this […] Court and for which not enough facts and circumstances where provided to take a well accepted legally sound decision.

IV. PROCEEDINGS BEFORE THE COURT

6. On October 10, 2005, in accordance with Article 59(2) of the Rules of Procedure and following the instructions of the President of the Tribunal (hereinafter "the President"), the Secretariat of the Court (hereinafter "the Secretariat") transmitted a copy of the request for interpretation to the Inter-American Commission on Human Rights (hereinafter "the Commission") and to the representatives of the victims and their family members (hereinafter "the representatives"). In the same communication, the Secretariat informed the Commission and the representatives that they would be granted a period of 30 days in which to submit any written comments they deemed relevant. In addition, the Secretariat delivered a communication to the State, in which it reminded the State that, according to Article 59(4) of the Rules of Procedure, "[the] request for interpretation shall not suspend the effect of the judgment."

7. On November 9, 2005 the Commission submitted its written comments upon the request for interpretation, in which it stated, inter alia:

Rather than seeking an interpretation of the scope and meaning of the Court's sentence, the request presented by the State of Suriname attempts to appeal aspects of the sentence which the State finds unfavorable. […]
The State has cited no ambiguity or lack of clarity in the text of the judgment. […]
The request for review is based on arguments concerning admissibility, merits and reparations with respect to which all parties were accorded a full procedural opportunity to present their positions […] [T]here is no legal basis for the State to re-litigate these points subsequent to the issuance of the Court's judgment.
Requests for interpretation, which have the purpose of appealing a judgment, such as that presented by the State of Suriname, must […] be deemed inadmissible.

8. On November 10, 2005 the representatives submitted their written comments upon the request, in which they stated, inter alia:

A number of Suriname's Specific Requests merely reiterate its preliminary objections […] These preliminary objections were dismissed by the Court in its judgment and are extemporaneous and inappropriate subject matter for a request for interpretation.
[…] Suriname is not asserting that the terms of the operative parts or the associated considerations lack clarity or are imprecise and, therefore, that it requires interpretation of the scope or meaning of those parts. Rather, Suriname is contesting or otherwise expressing its disagreement with parts of the judgment per se or with issues extraneous to the judgment.

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Additionally, each Specific Request is preceded by expositions on issues of dubious relevance and is stated in vague terms that are not amenable to precise responses.
[E]ach of the Specific Requests submitted by Suriname is inadmissible on multiple grounds, and, consequently, a pronouncement by the Court should not be required in relation to any substantive issues they may raise.

In addition to their observations regarding the State's request, the representatives also submitted the following request to the Court:

[C]onsidering the nature of Suriname's reaction – as evidenced by its statements in the Request – to the Court's ruling on the Moiwana community's communal property rights, we believe that further elucidation of the scope and meaning of Suriname's obligations with respect to the Court's ruling on this issue is both important and necessary, particularly as it may relate to assisting the State and the Victims to understand and implement the ordered measures.
[…]
With regard to interpretation of the scope and meaning of these parts of the judgment, the Victims respectfully request that the Court clarify the following two issues:
a) The scope, meaning and content of the 'informed consent' requirement contained in paragraph 210, and in particular:
(i) that the Court explain the broad principles governing the substantive and procedural requirements that apply to obtaining the "informed consent of the Moiwana community, the other Cottica N'djuka villages and the neighboring indigenous communities;" and
(ii) that the Court clarify that informed consent is required in relation to both the "legislative, administrative and other measures" the State must adopt to ensure the property rights of the Moiwana community "in relation to the traditional territories from which they were expelled," as well as to the actual delimitation, demarcation and titling carried out pursuant to those measures once adopted.
b) The scope and meaning of the term 'property rights' in paragraph 209 and 233 in order to clarify that:
(i) this term encompasses collective ownership rights; the area(s) to which these rights correspond shall be delimited, demarcated and titled in accordance with the community's customary laws, values, usage and mores; and, given the finding in paragraph 86(5) of the judgment, that such ownership rights must be recognized and guaranteed in law and protected in fact; and,
(ii) the term 'traditional territories' does not exclusively refer to the former village site as it existed prior to 29 November 1986, but also encompasses those areas which, according to N'djuka customary law, the community and its members may by right own and control or otherwise occupy and use.

V. ADMISSIBILITY

9. The Court will now proceed to determine if the terms of the request for interpretation comply with the applicable requirements.

10. Article 67 of the Convention provides:

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The judgment of the Court shall be final and not subject to appeal. In case of disagreement as the meaning or scope of the judgment, the Court shall interpret it at the request of any of the parties, provided the request is made within ninety days from the date of notification of the judgment.

11. Article 59 of the Rules of Procedure provides:

1. The request for interpretation, referred to in Article 67 of the Convention, may be made in connection with judgments on the merits or on reparations and shall be filed with the Secretariat. It shall state with precision the issues relating to the meaning or scope of the judgment of which the interpretation is requested.
2. The Secretary shall transmit the request for interpretation to the parties to the case and shall invite them to submit any written comments they deem relevant, within the time limit established by the President.
3. When considering a request for interpretation, the Court shall be composed, whenever possible, of the same judges who delivered the judgment of which the interpretation is being sought. However, in the event of death, resignation, impediment, excuse or disqualification, the judge in question shall be replaced pursuant to Article 16 of these Rules.
4. A request for interpretation shall not suspend the effect of the judgment.
5. The Court shall determine the procedure to be followed and shall render its decision in the form of a judgment.

12. Article 29(3) of the Rules of Procedure provides:

Judgments and orders of the Court may not be contested in any way.

13. The Court notes that the State submitted the request for interpretation on October 4, 2005, within the period established in Article 67 of the Convention (supra para. 4).

14. As the Tribunal has pointed out on previous occasions, [FN2] a request for interpretation should not be used as a means of appealing the judgment. Rather, the sole purpose of such a request should be to clarify the meaning of a judgment when one of the parties maintains that the judgment lacks precision or clarity in any of its relevant parts. Consequently, a request that solicits the modification or the reversal of the judgment is impermissible.

[FN2] Cfr. Case of the Serrano Cruz Sisters. Request for Interpretation of the Sentence on the Merits, Reparations, and Costs. Judgment of September 9, 2005. Series C No. 131, para. 14; Case of Lori Berenson Mejía. Request for Interpretation of the Judgment on the Merits, Reparations, and Costs. Judgment of June 23, 2005. Series C No. 128, para. 12, and Case of Juan Humberto Sanchez. Request for Interpretation of the Judgment on the Preliminary Objections, Merits, and Reparations. Judgment of November 26, 2003. Series C No. 102, para. 14.

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15. In addition, the Court has established that the request for interpretation of a judgment may not resubmit issues of fact and law that were already raised during an earlier stage of the proceedings, and with regard to which the Tribunal has already adopted a decision. [FN3]

[FN3] Cfr. Case of the Serrano Cruz Sisters. Request for Interpretation of the Sentence on the Merits, Reparations, and Costs, supra note 2, para. 15; Case of Lori Berenson Mejía. Request for Interpretation of the Judgment on the Merits, Reparations, and Costs, supra note 2, para. 11, and Case of Juan Humberto Sanchez. Request for Interpretation of the Judgment on the Preliminary Objections, Merits, and Reparations, supra note 2, para. 40.

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16. Having analyzed the State's request that the Court provide an interpretation of its judgment, and the relevant observations submitted by the Commission and the representatives, the Tribunal considers that most of the arguments advanced by the State constitute an attempt to resubmit issues of fact and law that were already decided by this Court in the chapters on admissibility, merits, or reparations of said judgment. Rather than expressing a lack of precision or clarity in the meaning or scope of the judgment, the State's arguments merely express its disagreement with certain aspects of that judgment, or with certain Rules or procedures of this Court. In fact, Suriname's request explicitly states its view that the faculty of requesting an interpretation gives "parties that disagree with the judgment the opportunity to petition your […] Court." This view is not substantiated by the Convention, by the Court's Rules of Procedure, or by its case law.

17. For the reasons stated above, the State's request for interpretation should be dismissed for failing to meet the requirements of Article 67 of the Convention, and of Articles 59 and 29.3 of the Rules of Procedure.

18. With regard to the request submitted by the representatives (supra paragraph 8), the Court points out that the opportunity to submit written comments on one party's request for interpretation, granted to the other parties on the instructions of the President of the Court and in accordance with Article 59(2) of the Rules of Procedure, is not to be understood as a renewed opportunity for those other parties to submit a request for interpretation, nor as an extension of the period for the presentation of such requests provided for in the Convention. Consequently, the representatives' request for interpretation in this case will not be considered as such by this Court. However, this Tribunal deems it pertinent to refer to its rulings contained in paragraphs 209 to 211 and the third decision referred to in the operative paragraphs of said Judgment, in order to clarify the scope of the reparations ordered in relation to the violation of Article 21 of the Convention, which was also brought up in the State's request.

19. In this regard, the Court deems pertinent to point out that, by recognizing the right of the Moiwana community members to the use and enjoyment of their traditional lands, the Court has not made any determination as to the appropriate boundaries of the territory in question. Rather, in order to render effective "the property rights of the members of the Moiwana community in relation to the traditional territories from which they were expelled," and having acknowledged the lack of "formal legal title", the Court has directed the State, as a measure of reparation, to

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"adopt such legislative, administrative and other measures as are necessary to ensure" those rights, after due consultation with the neighboring communities. If said rights are to be properly ensured, the measures to be taken must naturally include "the delimitation, demarcation and titling of said traditional territories", with the participation and informed consent of the victims as expressed through their representatives, the members of the other Cottica N'djuka villages and the neighboring indigenous communities. In this case, the Court has simply left the designation of the territorial boundaries in question to "an effective mechanism" of the State's design.

20. Therefore,

THE INTER-AMERICAN COURT OF HUMAN RIGHTS

In conformity with Article 67 of the American Convention and of Articles 29(3) and 59 of the Court's Rules of Procedure,

DECIDES:

Unanimously,

1. To resolve the issues submitted by the State of Suriname and the representatives, as well as to clarify aspects of the judgment on preliminary objections, merits and reparations of June 15, 2005 in the Case of the Moiwana Community set out therein, in the terms of paragraphs 13 through 19 of this decision.
2. To continue to monitor the State's compliance with the judgment of June 15, 2005 in the Case of the Moiwana Community, in the terms of paragraph 232 of said judgment.

Judge Cançado-Trindade advised the Court of his Separate Opinion, which accompanies this judgment.

Sergio García-Ramírez
President

Alirio Abreu-Burelli
Oliver Jackman
Antônio A. Cançado-Trindade
Cecilia Medina-Quiroga
Manuel E. Ventura-Robles

Pablo Saavedra-Alessandri
Secretary

So ordered,

Sergio García-Ramírez
President

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Pablo Saavedra-Alessandri
Secretary

SEPARATE OPINION OF JUDGE A.A. CANÇADO TRINDADE

1. I have concurred with my vote to the adoption of the present Judgment of the Inter-American Court of Human Rights, regarding the request for interpretation of the Judgment on the Case of the Moiwana Community versus Suriname, only because the Court has shown itself willing to "resolve" the issues presented by the State and the representatives of the victims and their families, and because I do not disagree with the brief clarification made by the Court in paragraph 19 of the present Judgment, in reference to the only point that truly refers to an interpretation of the previous Judgment (that of 15/06/2005) in the cas d'espèce. Nevertheless, I think that paragraphs 18 and 19 of the present Judgment "resolve" the issues presented before the Court in a manifestly insufficient and unsatisfactory manner, and are contradictory with the previous paragraphs 14 and 17 of the same Judgment.

2. In this regard, it should not pass unnoticed that the representatives' written brief (of 11/9/2005) was prompted by the State's request (of 10/4/2005), and formulated as a response to it. In the present Separate Opinion I am only referring to the question that should have, to my knowledge, been the cause of much reflection for the Court, the question to which I attribute the most relevance: the delimitation, demarcation, titling and the return of land to the victims and their families, as a form of reparation. The Court could have, and should have, developed paragraph 19 of the present Judgment in such manner that would truly have "resolved" that which was submitted, but it limited and refrained itself amidst a juridical formalism and a lack of humane sensitiveness that are unacceptable to me.

3. For this reason I find myself in the duty to proceed to the development of a reasoning of my own, in a manner that will supply what the Court preferred to abstain from doing, leaving on record my personal reflections, as a basis for my position, like I did in my Separate Opinion to the Court's Judgment (of 6/15/2005) regarding the present Case of the Moiwana Community. My reflections will focus mainly on three basic points: a) the delimitation, demarcation, titling and return of land as a form of reparation; b) the guarantee of the option of a voluntary and sustainable return to the land; and c) the need to reconstruct and preserve cultural identity. The field will then be open for the presentation of my conclusion regarding the instant request for interpretation of the Judgment, and an epilogue as a brief metajuridical reflection.

I. Delimitation, Demarcation, Titling and the Return of Land as a Form of Reparation.

4. Firstly, I do not exempt myself from underlining the relevance that I attribute, in circumstances like those of the present Case of the Moiwana Community versus Suriname, with regard to the delimitation, demarcation and the return of land as a form of non-pecuniary reparation, ordered by the Court in the exercise of its inherent faculty, and in conformity with the terms of Article 63(1) of the American Convention on Human Rights. By means of delimitation, demarcation, titling, in the circumstances of the cas d'espèce, the effective protection (effet utile) of the rights guaranteed in Articles 21 and 22 of the American Convention is ensured. This latter

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is implicit under Article 33 (prohibition of refoulement) of the Convention on the Status of Refugees of 1951.

5. It may be recalled that, in fact, in the leading case of the Community Mayagna Awas Tingni versus Nicaragua (Judgment of 8/31/2001), in the application filed before the Court the Inter-American Commission on Human Rights claimed, for the first time in the history of the Tribunal, the lack of demarcation of the lands possessed by that Community, as well as the lack of an effective procedure in Nicaragua for the demarcation of those lands. The Court ordered in its Judgment the creation of "an effective mechanism for delimitation, demarcation and titling of the properties of the indigenous communities, in accordance with their customary laws, values, uses and customs" (operative paragraph n. 3). That Judgment forms part of the specialized juridical bibliography, and constitutes a landmark in the Court's jurisprudence regarding the question at issue.

6. Subsequently, in the case of Yakye Axa Indigenous Community versus Paraguay (Judgment of 6/16/2005), the victims' representatives claimed that the "right of indigenous communities to communal property ownership of their lands is made concrete," inter alia, through "the obligation of the State to delimit, demark, and title, the land of the respective villages." (para. 121(d)). The Court also recognized the linking of the "right to community property of the indigenous communities over their traditional territories and the natural resources linked to their culture" with the term "goods" as contained in Article 21 of the Convention, and gave value to the guarantee of traditional expressions, customary law, the values and philosophy of those communities (paras. 137 and 154), and ordered the State to "identify the traditional territory of the members of the indigenous community of Yakye Axa and provide this free of charge" (operative paragraph n. 6).

7. Additionally, in the Case of the Moiwana Community versus Suriname (Judgment of 6/15/2005), the victims' representatives argued that the violations of the right to property (article 21 of the Convention) by the State are "continued" to the detriment of the "indigenous and tribal communities that have been forcefully displaced from their traditional lands," and that the State has not established legal mechanisms for the victims to "reclaim and secure their rights to the tenancy of the land" (para. 122). The Court, after establishing its competence to rule regarding the "continued displacement of the community and its traditional territories" (para. 126), affirmed that the lack of an "effective investigation" of the events occurred in the cas d'espece "has prevented the members of the village from once again living in their ancestral territories in a safe and non-violent fashion" (para. 128).

8. In the same case, the Court expressed its understanding that in the case of the members of indigenous communities, "possession of land should suffice when it comes to obtaining official recognition of the property and the consequential registration" (para. 131). It added that members of the Moiwana Community should be considered "legitimate owners" of their "traditional territories", of which they have been deprived until the present day as a result of the massacre of 1986 and the subsequent failure by the State to investigate adequately the events (para. 134).

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9. The representatives of the victims claimed “restitution and legal recognition of their right to their land and traditional resources as communal property” as a form of “guaranteeing the non-repetition” of the harmful events (para. 199(2)(f)). Consequently, the Court ordered that:

“[T]he State should adopt all the legislative and administrative measures and any others which are necessary to ensure the property rights of the members of the Moiwana Community in relation to the traditional territories from which they were expelled, and provide for the members’ use and enjoyment of those territories. These measure shall include the creation of an effective mechanism for the delimitation, demarcation, and titling of said traditional territories, in terms of paragraphs 209-211 of this Judgment.” (operative paragraph n. 3).

10. I understand that the determination of the delimitation, demarcation, titling and return of the communal lands constitutes a legitimate and necessary form of non-pecuniary reparation, in the circumstances of the cas d’espece, which the Inter-American Court has full authority to order, in accordance with article 63(1) of the American Convention. It is not only a matter of restitutio, returning to the vulnerable statu quo ante of the victimized community, but also ensuring the guarantee of non-repetition of the harmful and especially grave events (the 1986 massacre).

II. The Guarantee of a Voluntary and Sustainable Return.

11. In the case of the members of the communities subjected to violence as a whole, like the Moiwana Community, the lack of compliance with the aforementioned form of reparation would imply a violation of the principle of non-discrimination. The delimitation, demarcation, and titling of the Community’s lands become of fundamental importance, also to guarantee a sustainable return. Here once again the convergence between International Human Rights Law and International Refugee Law (as well as International Humanitarian Law), which I have been supporting for many years [FN1], are manifest.

[FN1] Cf., for an acutalization of my thesis on this topic, A.A. Cançado Trindade, "Aproximaciones y Convergencias Revisitadas: Diez Años de Interacción entre el Derecho Internacional de los Derechos Humanos, el Derecho Internacional de los Refugiados, y el Derecho Internacional Humanitario (De Cartagena/1984 a San José/1994 y México/2004)", in Memoria del Vigésimo Aniversario de la Declaración de Cartagena sobre los Refugiados (1984-2004), 1st. ed., San José of Costa Rica/Mexico, UNHCR, 2005, pp. 139-191.------------------------
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12. Since return - evidently voluntary – was not dealt with by the Convention on the Statute of Refugees of 1951 nor by its Protocol of 1967 [FN2], the specialized doctrine has given considerable attention to the question in the last few years, in order to address the new needs of protection of the human being. [FN3] In Latin America, the issue has not passed unnoticed by the Declarations of Cartagena (1984), San José of Costa Rica (1994) and Mexico (2004), regarding refugees and displaced persons. I have closely accompanied this historic process, and also participated in it, and I am of the conviction that the Inter-American Court cannot remain indifferent or insensitive to it.

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[FN2] Although the termination clauses have do with it. The Convention of the OAU Governing the Specific Aspects of Refugee Problems in Africa of 1969 continues to be the only treaty that deals explicitly with the question of voluntary return.
[FN3] Cf., e.g., inter alia, A.A. Cançado Trindade and J. Ruiz de Santiago, La Nueva Dimensión de las Necesidades de Protección del Ser Humano en el Inicio del Siglo XXI, 3rd. ed., San José of Costa Rica, UNHCR, 2004, pp. 17-1212.
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13. In the present Case of the Moiwana Community, following the Court's Judgment of 6/15/2005, a ceremony took place in Suriname on 11/29/2005 that should not pass unnoticed, and that well reveals the advances of human conscience within our region. A communication emitted the following day (11/30/2005) by the Forest Peoples Programme and Reuters Foundation, reported that:

"Surviving relatives of 39 Maroon people killed in Suriname's Moiwana Community massacre have returned to their birthplace for the first time since the 1986 killings for a memorial service. Women of the N'djuka people, dressed in blue and white mourning wraps, wept during the ceremony held on Tuesday near three giant memorial oil lamps while Moiwana dignitaries sprinkled the soil with water to ward off evil.
The ceremony took place after Suriname agreed this week to heed an International Court order to compensate victims of the 1986 massacre when soldiers killed 39 unarmed N'djuka Maroon people, mainly women and children. (...) The Inter-American Court of Human Rights in Costa Rica in June told the government [of Suriname] to compensate the surviving relatives and punish those responsible in a ruling that made the return of the villagers possible. (...) The Maroon people represent about 15 percent of Suriname's population and are descendants of escaped African slaves. (...)".

14. A day later (12/1/2005), another communication of the Caribbean Net News, gave notice that a presidential representative affirmed in that ceremony that "the Moiwana Community will be rebuilt," and another high official promised "to give the grounds of the Moiwana community collectively to the villagers." This communication also informed that:

"In an emotional ceremony (...), surviving relatives remembered the more than 39 men, women and children killed in a military attack on the Maroon village Moiwana in Suriname. (...) It was the first time in 19 years that most of the people had come back to the now abandoned area where the innocent villagers were slaughtered.
[...It was] noted that although Suriname was convicted by the Inter-American Court of Human Rights and the relatives of the victims will receive compensation, 'this will not take away the pain in our hearts'. During the ceremony survivors recounted the events of that tragic day, how brothers, sisters, pregnant women and old men were gunned down at point blank range by army troops. (...)".

15. In the present case of the Moiwana Community the issue of the return – evidently voluntary, the only type admissible – of those surviving community members who opt for it,

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comes to the fore. This brings to the forefront the issues of delimitation, demarcation and titling of the community's territories ordered by the Court (supra). The question of the return (of refugees and displaced persons) has been the object of particular attention in recent years, within the United Nations (in particular, by the High Commissioner for Refugees (UNHCR) and its Commission on Human Rights). The UNHCR has included it in its recent Global Consultations on International Protection, in which I had the opportunity to take part. In the 4th session of those Consultations (April 2002), for example, particular concern was expressed in assuring the effective security of returnees, their means of survival, work conditions, social reintegration, and

the sustainability of the return, which includes attention to, inter alia, aspects regarding land ownership. [FN4]

[FN4] UNHCR, document EC/GC/02/5, del 25.04.2002, pp. 1, 3, 5-6 y 11; y cf. UNHCR, document EC/54/SC/CRP.12, del 07.06.2004, pp. 1-2 y 5 (restitution and compensation). And cf. also U.N./G.A., document A/AC.96/887, del 09.09.1997, pp. 1-3 y 7; U.N./ECOSOC, document E/CN.4/1998/53/Add.2, del 11.02.1998, p. 8; UNHCR, The Problem of Access to Land and Ownership in Repatriation Operations - Inspection and Evaluation Service, document EVAL/03/98, May 1998, pp. 1-31.
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16. In line with the jurisprudence in statu nascendi of this Court on the matter (supra), in recent years an international practice in the area of restitution of property has been developed on various continents (e.g., Guatemala, South Africa, Cambodia, Bosnia-Herzegovina, Kosovo, Croatia, among others). The Executive Programme Committee of the UNHCR concluded, in October 2004, that all returnees have the right to have returned to them "any home, land, or property of which they were illegally, discriminatorily or arbitrarily deprived, before or during exile, or to receive indemnity for it"; additionally, it underlined the need for creation of "just and effective mechanisms" for the return of property and for granting compensation to the returnees. [FN5]

[FN5] U.N./G.A., document A/AC.96/1003, of 10.12.2004, p. 3.

III. The Need for Reconstruction and Preservation of Cultural Identity.

17. The delimitation, demarcation and tilting of communal territories of the N'djukas of the Moiwana Community, as a form of non-pecuniary reparation, carries much greater repercussions than one can prima facie anticipate. The Inter-American Court has recognized, in its Judgment of 6/15/2005 in this case, the relationship between the N'djuka community with their traditional territory as of "vital spiritual, cultural and material importance," even in preserving the "integrity and identity" of their culture. The Court has warned that "larger territorial land rights are vested in the entire people, according to N'juka custom; community members consider such rights to exist in perpetuity and to be unalienable." (para. 86(6)).

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18. In my Separate Opinion (which I originally wrote in English) to that Court's Judgment in the present case of the Moiwana Community versus Suriname, I recalled that the members of the Moiwana Community, at the public hearing before the Court of 9/9/2004, indicated that the massacre of 1986, planned by the State, had "destroyed the cultural tradition (…) of the Maroon communities in Moiwana" (para. 80). Beyond moral damages, in my Opinion I referred to the occurrence of a truly spiritual damage (paras. 71-81) and, beyond damages to the project of life, I dared to elaborate conceptually on the damages to the project of after-life (paras. 67-70 and the following).

19. The Inter-American Court should, in my opinion, say what the law is, and not simply limit itself to resolving a matter in controversy. This is my ample understanding of an international tribunal of human rights, - and in this particular issue I am aware of the fact that I am in a minority position (the majority has an entirely different position that is much more restrictive) - and one which I maintain with determination.Aside from resolving the current controversy, the Court should respond to a specific portion of Suriname's request, which was adequately answered by the victims' representatives, and demonstrate – above all convince the State of – the imperious necessity to repair the spiritual damages suffered by the N'djukas of the Moiwana Community, and create conditions for a speedy reconstruction of their cultural tradition.

20. Accordingly, I find delimitation, demarcation, tilting and the return of their traditional territories indeed essential. This is a matter of survival of the cultural identity of the N'djukas, so that they may conserve their memory, both personally and collectively. Only then will their fundamental right to life lato sensu be rightfully protected, including their right to cultural identity.

21. The universal juridical conscience, which is, in my understanding, the material source of all Law, has evolved in such a manner that it recognizes this urgent need. It is illustrated in the significant triad of the Conventions of UNESCO, formed by the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage; the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, and, more recently, the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

22. The 1972 UNESCO Convention warns in its preamble that the deterioration or disappearance of any item of the cultural or natural heritage regrettably weakens the cultural heritage of "all the nations of the world," because that heritage is of the most significant interest and needs to be preserved as a "part of the world heritage of mankind as a whole"; and from there on to establish "an effective system of collective protection of the cultural and natural heritage of outstanding universal value." [FN6] The 2003 UNESCO Convention seeks the safeguard of the intangible cultural heritage (for this it invokes the international instruments on human rights), and conceptualizes this latter as "the practices, representations, expressions, knowledge, skills (…) that communities, groups, and in some cases individuals, recognize as part of their cultural heritage." [FN7]

[FN6] Whereas 1 and 5.

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[FN7] Preamble and Article 2(1).
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23. The recent 2005 UNESCO Convention was preceded by its 2001 Universal Declaration on Cultural Diversity, which conceptualizes cultural diversity as the common heritage of humanity, and it expresses its aspiration for greater solidarity on the basis of recognition of cultural diversity, of the "awareness of the unity of humankind." [FN8]After the 2001 Declaration, the 2005 Convention, which was adopted (10/20/2005) after debates in depth [FN9], reiterated the idea of cultural diversity as a common heritage of humanity, explaining that "culture takes diverse forms across time and space" and this diversity is incorporated "in the uniqueness and plurality of the identities and cultural expressions of the peoples and societies making up humanity." [FN10] The

Convention added that cultural diversity can only be protected and promoted through the safeguard of human rights. [FN11]

[FN8] Preamble and Article 1 of the 2001 Declaration.
[FN9] Cf., e.g., UNESCO/General Conference, document 33-C/23, del 04.08.2005, pp. 1-16, and Annexes; and cf. G. Gagné (ed.), La diversité culturelle: vers une Convention internationale effective?, Montréal/Québec, Éd. Fides, 2005, pp. 7-164.
[FN10] Preamble, consideranda 1, 2 and 7 of the 2005 Convention.
[FN11] Article 2(1) of the 2005 Convention. Cf., in general, e.g., A.Ch. Kiss and A.A. Cançado Trindade, "Two Major Challenges of Our Time: Human Rights and the Environment", in Human Rights, Sustainable Development and Environment (Seminar of Brasilia of 1992, ed. A.A. Cançado Trindade), 2nd. ed., Brasilia/San José of Costa Rica, IIDH/BID, 1995, pp. 289-290; A.A. Cançado Trindade, Direitos Humanos e Meio Ambiente: Paralelo dos Sistemas de Proteção Internacional, Porto Alegre/Brazil, S.A. Fabris Ed., 1993, pp. 282-283.
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24. It is my understanding that the universal juridical conscience has evolved towards a clear recognition of the relevance of cultural diversity for the universality of human rights, and vice-versa. Additionally it has evolved toward the humanization of International Law, and the creation, at this beginning of the XXI century, of a new jus gentium, a new International Law for humankind, - and the aforementioned triad of UNESCO Conventions (of 1972, 2003, and 2005) are in my view one of the many contemporary manifestations of the human conscience to this effect. [FN12]

[FN12] Cf. A.A. Cançado Trindade, "General Course on Public International Law - International Law for Humankind: Towards a New Jus Gentium", Recueil des Cours de l'Académie de Droit International de La Haye (2005), ch. XIII (in print).

IV. Conclusion

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25. The determination of measures of reparation – such as those contemplated in the present case, - is effectuated by the Court in light of the relevant provisions of the American Convention, and not of the land rights regulations of Suriname. To assume the contrary would deprive the Court of its powers, which are granted by the American Convention, and were accepted by Suriname upon ratification of the Convention and its acceptance of the compulsory jurisdiction of the Court; this would be inadmissible. The Court interprets and applies the American Convention, and not Suriname's regulations on land rights. If these internal regulations present obstacles to compliance with the reparation measures ordered by the Court, those obstacles should be removed, and national regulations relative to land rights should be harmonized with the American Convention, in a manner which provides reparations to all those victimized. Pact sunt servanda.

26. This is a case, in my understanding, also concerning the land rights in Suriname, which has been correctly resolved by the Inter-American Court in the light of the pertinent regulations of the American Convention. I hope, with this, to clarify the doubts respectfully presented to the Court by Suriname at the end of its written brief of 10/4/2005 (p. 11, para. 22). The response to the State's brief submitted by the representatives (of 11/10/2005, paras. 24-50), on behalf of the victims, who are true subjects of International Law of Human Rights, has been adequate. Additionally, the State indicated in its aforementioned brief, its willingness to comply with its "international obligations" (pp. 11-12, para. 23, and cf. pp. 4-5, para. 9), among which compliance with the 6/15/2005 Judgment of this Court in the present Case of the Moiwana Community is included. I have the confidence that Suriname – a country with

a "small economy" (as it indicated in the aforementioned brief, p. 6, para. 13) but, may I add, with a very respectable culture - will proceed in such manner, like it did in the well-known case of Aloeboetoe et al. (merits, 1991), in which it established a remarkable and exemplary precedent for all other States Parties to the American Convention on Human Rights.

V. Epilogue: A Brief Metajuridical Reflection

27. I would like to conclude this Separate Opinion with a brief reflection of a metajuridical character. Any relationship of dominance and submission brings with it the germ of destruction, and the only true and authentic "progress" is that which resides in an order based on human values [FN13]. The contemporary world can no longer be appreciated from a strictly inter-State perspective or dimension, given the displacement of millions of human beings [FN14] and the tragic contemporary exoduses, resulting from so many injustices [FN15]. We must preserve the cultural patrimony of humankind amidst a true spirit of solidarity [FN16], without which the future of humankind is threatened.

[FN13] Cf. Simone Weil, Reflexiones sobre las Causas de la Libertad y de la Opresión Social, Barcelona, Ed. Paidós/Universidad Autónoma de Barcelona, 1995, pp. 80 and 117.

[FN14] A.A. Cançado Trindade and J. Ruiz de Santiago, La Nueva Dimensión de las Necesidades de Protección..., op. cit. supra n. (3), pp. 17-1212.

[FN15] Cf., e.g., inter alia, C. Bordes-Benayoun and D. Schnapper, Diasporas et nations, Paris, O. Jacob, 2006, pp. 7, 11-12, 25, 63, 68, 129 and 216-219.

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[FN16] Cf. B. Boutros-Ghali, Démocratiser la mondialisation, Monaco, Ed. Rocher, 2002, pp. 65, 106-107 and 123.
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28. One cannot live in constant exile and displacement. Human beings share a spiritual need for roots. They cannot eternally float around a virtual world. Not surprisingly, members of traditional communities attribute particular value on their land, which they consider belongs to them, and alternatively they "belong" to their lands. In an enlightening postmortem work, regarding the need for roots, Simone Weil pondered with enlightening brilliance that:

"[A] collectivity has its roots in the past. It constitutes the sole agency for preserving the spiritual treasures accumulated by the dead, the sole transmitting agency by means of which the dead can speak to the living." [FN17]

[FN17] S. Weil, The Need for Roots, London, Routledge, 1995 [reprint], p. 8.
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29. And in the XVI century, in his penetrating Essays (1580), Montaigne pondered that:

"La memoria de los muertos es una recomendación para nosotros. Y yo, desde mi infancia, alimenté mi espíritu con los muertos. Tuve conocimiento de los negocios de Roma mucho antes que de los de mi casa. (...) Nunca dejo de evocar y acariciar su memoria, (...) en una unión perfecta y vivísima" [FN18]

For the great historian A.J. Toynbee, "progress" can only be measured through the knowledge truly derived from human suffering caused by the "mistakes of the civilizations". While for another scholarly historian, J. Burckhardt, it is the performances of the human spirit, rightfully preserved, defying the passing of time, that constitute the true sense of history. One must fight for the primacy of memory over human cruelty; when looking back, the misery of the human condition can only inspire a feeling of piety, since, as it has been rightly recognized,

"Time, the great destroyer, is also the great preserver. It has preserved much more than we can ever be conscious of (...). The tale of history forms a very strong bulwark against the stream of time (...).
(...) The tragic sense [of history] is the profoundest sense of our common humanity, and may therefore be a positive inspiration. If all the great societies have died, none is really dead. Their peoples have vanished, as all men must, but first they enriched the great tradition of high, enduring values" [FN19].

[FN18] Montaigne, Ensayos Escogidos, Madrid, EDAF, 1999, p. 335.
[FN19] H.J. Muller, The Uses of the Past - Profiles of Former Societies, N.Y., Mentor, 1963 [reprint], pp. 393-394, and cf. p. 388.
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30. On my part I cannot avoid the impression today that the “post-modernists” – enthusiastic, with their self-sufficient attitude, and with the frenzy of material “progress”, - cannot even understand in a minimal form the world in which they live, their own environment.I have therefrom cultivated a respect for traditional cultures of those persecuted and forgotten by the world, - including the peoples of the Amazon forest. In my Separate Opinion in the previous Judgment of this Court in the present case of the Moiwana Community, I referred to the myth of the “eternal return,” so enshrined in ancient social traditions, which attributes a cyclical structure to time, in a manner which neutralizes or annuls the virulence of the merciless passing of time (para. 36).

31. The ancient, and unduly called “primitive” peoples, had a full awareness of their own vulnerability, and that was how their spirituality was developed [FN20], and their intimate co-existence with their own dead.On the other hand, the “post-modernists”, - from whom I definitively separate myself -, upon freeing themselves from the cyclical time [FN21], integrated themselves into history, and in my opinion became prisoners of their own unfounded belief in linear progression carried through with technological advances. They minimized the search for regeneration, attempted to avoid or to minimize human suffering through the search of material comfort (instead of accepting suffering, assuming it and intending to draw lessons from it [FN22]), they stopped revering their dead, and cultivating their personal and collective memory.

[FN20] Cf., in general, e.g., [Various Authors,] Mircea Eliade - Historia de las Creencias y de las Ideas Religiosas, 2nd. ed., Barcelona, Herder, 1999, pp. 15-563.

[FN21] Cf. Mircea Eliade, El Mito del Eterno Retorno - Arquetipos y Repetición, 6th. ed., Madrid, Alianza Ed., 1985, pp. 9-149; and regarding the resources about the myth to confront the elusiveness of human existence, and the fight of human beings against time in religious manifestations, cf., v.g., Mircea Eliade, Mito y Realidad, 2nd. ed., Barcelona, Ed. Labor, 1992, pp. 7-211.

[FN22] There are diverse ways to learning from the suffering, that each one discovers for oneself. To this respect, it has been discussed, e.g., that "la memoria d'un uomo è la memoria del suo soffrire", el cual genera "il sentimento d'ingiustizia, di assurdità, di abbandono, di solitudine estrema (...). L'altra maniera di confrontarsi con il dolore sta nella riconciliazione con i propri limiti e le proprie sofferenze, anche con la morte. (...) La sofferenza infatti può offrire l'opportunità per aprire la persona umana ad altre potenzialità da sviluppare e attuare, e che rimanevano disattese. (...) Altre volte il dolore può divenire una necessaria purificazione da comportamenti errati o disorientanti, come anche può svolgere un ruolo educativo per ricostruire il bene nello stesso soggetto sofferente. Si tratta di un'esperienza universale". Ufficio Nazionale CEI per la Pastorale della Sanità, La Sofferenza È Stata Redenta - Dallo Scandalo al Mistero (VIII Giornata Mondiale del Malato, 11.02.2000), Torino, Ed. Camilliane, 1999, pp. 6, 24-25, 29 and 33.

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32. It seems that they did not even learn from the tragedies of the atrocities of the contemporary world. They continue to be petrified before their electronic devices, obtaining a mass of information that they are not able to evaluate. It seems they have lost their memory, which is what liberates and saves one’s identity.On the other hand, the present case of the

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N'djukas of the Moiwana Community in Suriname, rich in teachings, has salvaged the importance of the preservation of cultural expressions, as a form of communication of human beings with the same unsolvable mystery of the outside world, as well as cultivating the personal and collective memory, of a healthy co-existence of the living with their dead and of the imperative primacy of justice and respect of human relations, of the living inter se, and of them with their dead.

Antônio Augusto Cançado Trindade
Judge

Pablo Saavedra Alessandri
Secretary