FINAL REPORT OF THE INDEPENDENT PANEL FOR THE ELECTION OF JUDGES TO THE INTER-AMERICAN COURT OF HUMAN RIGHTS

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I. INTRODUCTION

The demand to increase transparency and participation in the selection processes of people who occupy important positions in international organizations increases year after year, especially in those bodies responsible for the monitoring, interpretation, application, and promotion of human rights, international criminal law, and international humanitarian law. The fundamental objective of this requirement is that the people who are nominated and selected fully comply with the requirements established by the relevant instruments, whether in terms of background, independence, impartiality, moral authority, and recognized competence, among other criteria. In this way, the goal is to improve the capacity, legitimacy, and effectiveness of these institutions, since "international standards affirm that the process by which judges are selected and appointed is an important element of judicial independence".[1] For example, States have improved the selection procedures for the European Court of Human Rights and the International Criminal Court. This point will be developed in the section on recommendations.

In 2015, concerns about the low visibility of the elections, the criteria and procedures for the selection of members to be part of the Inter-American Court of Human Rights (the Court or Inter-American Court) and the Inter-American Commission on Human Rights (the Commission or IACHR) motivated the Open Society Justice Initiative (OSJI), together with other interested organizations, to convene and support an Independent Panel of Experts to review these processes, evaluate the qualifications of candidates, and make recommendations on how to improve future nominations and elections. To fulfill its mandate, this Panel examined written materials presented by nominated persons in the form of a curriculum vitae, biographical summaries, personal data, and responses to a specially designed questionnaire. Additionally, when available, the Panel examined judicial decisions, academic papers, panel presentations, blog posts, and other public information that did not require independent verification. The 2015 Panel received suggestions from

[1] Open Society Justice Initiative and the International Commission of Jurists, "Strengthening from Within: Law and Practice in the Selection of Human Rights Judges and Commissioners", 2017, pg. 31, available at https://www.opensocietyfoundations.org/sites/default/files/strengthening-from-within-20171102_0.pdf.

civil society groups in the region on recommendations for the future, but it chose not to receive information on specific candidates. The recommendations made in the 2015 report included the use of open, transparent, and participatory national nomination procedures and the establishment of an Advisory Committee in the Organization of American States (OAS) to evaluate the suitability of the nominated person for the Inter-American Court and the IACHR.

The report of this first Panel gave greater visibility to the elections in the Inter-American Human Rights System and was endorsed by over 80 regional non-governmental groups, universities and legal clinics throughout the region. It also helped to mobilize the OAS General Assembly to instruct its Permanent Council, via resolution AG/RES.2887 (XL VI-O/16), to invite all candidates nominated either to the Commission or to the Court to present publicly before the Council their vision about the system, their proposals, and their initiatives. In addition, the General Assembly urged States to "nominate and elect persons that would ensure a membership that provides balance in terms of gender, representation of the different regions, population groups, and legal systems of the Hemisphere, while guaranteeing the requirements of independence, impartiality, and recognized competence in the field of human rights".[2]

In 2017, OSJI, the Center for Justice and International Law (CEJIL), and the Due Process of Law Foundation (DPLF) jointly decided to reconvene a Panel to analyze the election, in that case, of members of the IACHR. Again, the experts analyzed the curriculum vitae of the candidates, their biographical summaries, personal data, judicial decisions, academic documents, presentations, and their responses to a questionnaire. The 2017 Panel also received information from civil society organizations and public opinion in general, both on the nomination and selection processes and on the candidates. In the interests of transparency and due process, these communications were transmitted to the aforementioned persons, for their knowledge, in order to provide an opportunity to respond.

[2] OAS General Assembly, *Resolution on the balanced integration of gender, geographic representation, and of different legal systems in the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights*, AG/RES.2887 (XL VI-O/16), 14 June 2016, available at http://www.oas.org/en/sla/dil/docs/ag-res_2887_xlvi-o-16.pdf.

In addition, the Panel took into consideration the public presentations and responses of the persons nominated in the framework of the Permanent Council session held pursuant to the aforementioned resolution, and in the public forum convened by civil society on the same day at the offices of the Inter-American Dialogue (Washington, D.C.).

In its recommendations regarding processes at the national level, the 2017 Panel again suggested the implementation of a formal body, with a diverse, independent, and apolitical composition to select the candidates; that States publicize the calls for candidates, specifying the criteria and the processes of nomination and election; and that States nominate at least two candidates for each election. As for the elections in the OAS, the experts again suggested the creation of an Advisory Committee responsible for ensuring the suitability of the candidates. It is worth noting that that year, the OAS General Assembly issued resolution AG/RES.2908 (XLVII-O/17), which reiterates the objectives of resolution AG/RES.2887 (XLVI-O/16).

In preparation for the next election of three members of the Inter-American Court of Human Rights by the OAS General Assembly, CEJIL, DPLF, and OSJI decided to reconvene a Panel. The objectives established by the convening organizations are: a) to widely evaluate the qualifications of all candidates nominated to the Inter-American Court presented by the OAS member states; b) to highlight the process by which such applicants were identified or nominated at the national level and identify key recommendations or areas for improvement; and c) invite civil society and the media to pay attention to the selection process in order to encourage greater accountability for States when making nominations.

With regard to the 2018 election of judges for the Inter-American Court of Human Rights, the States have not yet adopted measures with respect to the recommendations made by the OAS General Assembly. The nominations consisted of three men and one woman to fill the three positions available. On April 30, 2018, the Permanent Council of the OAS held a public session with the candidates. In addition, the four persons participated in a public forum organized by civil society in the offices of the Inter-American Dialogue on the same day.

Following this introduction, the 2018 Panel Report includes the following segments: II) Criteria for Evaluation of Candidates and Methodology, III) Candidate Assessments, IV)

Recommendations, and V) Annexes. The 2018 Panel hopes that its assessment of the 2018 Inter-American Court candidates is useful to OAS Member States in their evaluation of each candidate's compliance with the relevant normative criteria and principles, and that it provides guidance to States for future nominations to both the Court and the Commission. In addition, based on the information received from civil society, the responses of the candidates to the Panel's questionnaire, statements made by three of the four applicants in interviews with the Panel, and from statements expressed at the Permanent Council session and in the civil society forum, the Panel hopes that States will seriously consider steps to make national nomination procedures more transparent, participatory and merit based, as well as to institutionalize an independent evaluation of candidates for international elections.

II. CRITERIA FOR EVALUATION OF CANDIDATES AND METHODOLOGY

A. Criteria for Evaluation of Candidates

The American Convention on Human Rights (ACHR) and the Statute of the Court set out the minimum qualifications for judges. Article 52.1 of the ACHR and article 4.1 of the Statute establish that they must be "jurists of the highest moral authority and of recognized competence in the field of human rights, who possess the qualifications required for the exercise of the highest judicial functions under the law of the State of which they are nationals or of the State that proposes them as candidates."[3]

Moreover, article 71 of the ACHR explains that the position of judge of the Court is incompatible with any other activity that might affect the independence or impartiality of such judge, as determined in the respective statutes.[4] Indeed, article 18 of the Statute enumerates these incompatibilities: members or high-ranking officials of the executive branch of government (except for those who hold positions that do not place them under the direct control of the executive branch and those of diplomatic agents who are not Chiefs of Missions to the OAS or to any of its member states); officials of international organizations; or any others that might prevent the judges from discharging their duties, or that might affect their independence or impartiality, or the dignity and prestige of the office.[5] Lastly, article 16 of the Statute requires that "the judges shall remain at the disposal of the Court, and shall travel to the seat of the Court or to the place where the Court is holding its sessions as often and for as long a time as may be necessary."[6]

In addition to these statutory criteria, the Panel considered a number of other criteria

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[3] American Convention on Human Rights, article 52.1, available at http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm; and Statute of the I/A Court, article 4.1, available at http://www.corteidh.or.cr/index.php/en/about-us/estatuto.

[4] American Convention on Human Rights, article 71, available at http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm.

[5] Statute of the I/A Court, article 18, available at http://www.corteidh.or.cr/index.php/en/about-us/estatuto.

[6] Statute of the I/A Court, article 16, available at http://www.corteidh.or.cr/index.php/en/about-us/estatuto.

that have been used in the evaluation of judges in other courts and tribunals. The *2002 Bangalore Principles of Judicial Conduct* set out a number of relevant principles: independence, impartiality, integrity, propriety, equality, competence and diligence.[7] The definition of independence includes both individual and institutional aspects. Independence and impartiality include not only avoiding actual bias or control by other organs, but also avoiding the appearance of impropriety or lack of independence.

Furthermore, the United Nations Treaty Body system created the *Guidelines on the independence and impartiality of members of the human rights treaty bodies* (the Addis Ababa Guidelines) that apply to the independent experts who staff these bodies. These Guidelines stress the independence and impartiality of members of those bodies: "treaty body members shall not only be independent and impartial, but shall also be seen by a reasonable observer to be so."[8] Moreover, they may not be subject to direction or influence of any kind or to pressure from the State of their nationality or any other State or its agencies, and they shall not seek nor accept instructions from anyone concerning the performance of their duties.

At the regional level, as stated before, through its resolutions AG/RES.2887 (XL VI-O/16) and AG/RES. 2908 (XLVII-O/17), the General Assembly of the OAS underscored "the importance of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights (IACHR) being composed of impartial, independent individuals of recognized competence in the field of human rights, in keeping with the principles of nondiscrimination, gender equality and equity, and geographic representation, so that they can continue to carry out their mandates properly".[9]

In terms of competence and suitability, the Panel concluded that a key criteria was

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[7] Bangalore Principles of Judicial Conduct, available at http://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf.

[8] Guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa Guidelines), available at http://www.ohchr.org/Documents/HRBodies/TB/AA_Guidelines_sp.doc

[9] OAS General Assembly, *Resolution on Gender equity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights*, AG/RES.2887 (XL VI-O/16), 14 June 2016, available at http://www.oas.org/en/sla/dil/docs/ag-res_2887_xlvi-o-16.pdf; and *Resolution on Gender equity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights*, AG/RES. 2908 (XLVII-O/17), 21 June 2017, available at http://scm.oas.org/doc_public/ENGLISH/HIST_17/AG07451E03.doc.

the candidate's knowledge of and experience with the Inter-American Human Rights instruments and the Inter-American System, demonstrated, for example, through a record of academic publications or substantial work experience or litigation in the system. As regards diligence, the Panel took into account the candidate's ability to carry out her or his responsibilities given other duties and commitments, as well as his or her record of professional achievement. To evaluate the moral authority of the candidates and their professional ethics, which are crucial topics for the Inter-American System, the Panel analyzed whether the person had any kind of sanctions, warnings, or denunciations, or if, on the contrary, he or she received awards or prizes that would validate him or her as a jurist of the highest moral authority, as required by the ACHR and the Statute of the Court.

Additionally, the Panel took into account other qualities that would facilitate the Court's work, including the ability to work as part of a collegial body; capacity to work in more than one of the Court's official languages; knowledge of different legal systems in the region; and widespread exposure and understanding of the regional and sub-regional political, social and cultural environment. Finally, the Panel considered whether the candidate would contribute to balance in the overall composition of the Court in terms of areas of expertise, gender, career path (*e.g.*, diplomacy, academia, NGOs, etc.), and other forms of diversity.

In this sense, the members of the Court who will serve until 2021 include Eduardo Vio Grossi (Chile), Elizabeth Odio Benito (Costa Rica), Eugenio Raúl Zaffaroni (Argentina) and Patricio Pazmiño Freire (Ecuador). Judge Vio Grossi has an extraordinary academic and profesional career in public international law and human rights law. He was a member of the Permanent Court of Arbitration and of the Inter-American Juridical Committee, and he was re-elected in 2015 to serve a second mandate as Judge of the IACtHR. Judge Odio Benito previosly served at the International Criminal Court and the International Criminal Tribunal for the Ex Yugoslavia. She was also Costa Rica's Vice-president, Minister of Justice, Attorney General and Minister of Environment and Energy. She has extensive experience in human rights, humanitarian law, women's rights and international criminal law. Judge Zaffaroni was a member of the Argentinean National Supreme Court of Justice and worked in the Judiciary for over 35 years. He was recognized as Doctor Honoris Causa in more than 30 universities around the world, mainly because of

his Criminal Law work. Judge Pazmiño Freire was the President of the Constitutional Court of Ecuador, and he was also legal advisor for the government, for academic institutions, and for NGOs. His main expertise is Constitutional Law.

B. Methodology

To reach its conclusions, the Panel considered written materials submitted by the candidates, including their curricula vitae, biographical summaries, and personal data. When available, the Panel examined judicial decisions, academic papers, candidate blog posts, and any other public information issued by an official source or provided by the candidate. The Panel also took into account answers to a questionnaire sent to candidates, which was designed to evaluate each candidate's compliance with normative and other requirements discussed above. The questionnaire is available in Annex I of this Report.

Additionally, a letter and press release were sent to civil society organizations not only announcing the creation of the Panel but also offering a mechanism for receiving information via e-mail about the candidates or about the processes of nomination and/or selection. For purposes of transparency and due process, communications received were forwarded to the relevant candidate for his or her knowledge and to provide an opportunity to respond. The Panel is thankful for and appreciates the material received from different sectors.

The Panel also considered the public presentations and candidate statements and responses to questions at the meeting of the OAS Permanent Council on April 30, 2018, in accordance with the resolutions mentioned above, as well as at a public civil society forum held on the same day in Washington, D.C. Finally, to obtain as complete a picture as possible of each candidate during the evaluation process, the Panel also held interviews with three of the four candidates. Despite the Panel's insistence, due to lack of time and availability, it was not possible to hold an interview with the candidate presented by Bolivia. The Panel did not utilize any information in its evaluation of candidates that could not be verified given time and resource constraints. All conclusions and decisions reached by the Panel were by consensus.

III. CANDIDATE ASSESSMENTS

Eduardo Ferrer Mac-Gregor Poisot (Mexico)

Eduardo Ferrer Mac-Gregor Poisot is the current President of the Inter-American Court of Human Rights. He also works as a teacher at the National Autonomous University of Mexico (UNAM) and is a researcher at the Institute of Legal Research of the UNAM, among others.

A. Recognized competence in human rights

The candidate is a distinguished specialist in Constitutional Law and Constitutional Procedural Law and participates in several Mexican and international entities on that subject. He also has a long career in the highest courts of his country, and he is currently a researcher at the Institute of Legal Research of the National Autonomous University of Mexico. In addition to his legal studies in Mexico, Ferrer Mac-Gregor has obtained post-graduate degrees in Spanish universities and has taught at various universities around the continent. As a judge of the Inter-American Court, he has issued several concurrent or dissenting opinions that permit one to understand his perspective about various cases and his analysis of the international obligations of States Parties to the American Convention on Human Rights. His contributions are especially notable for the jurisprudence of the Court in regards to the implementation of human rights by local courts; on the expansion of international economic, social, and cultural rights; and on the principles of equality and non-discrimination and their application to the rights of sexual minorities, among others. In addition, the candidate has published books of his own authorship, edited volumes, and wrote articles in specialized magazines on matters of interest for human rights in our hemisphere. All of this indicates him as a person of recognized competence in the field of human rights.

B. Independence and impartiality

The candidate has developed his professional life in Mexico's judicial and academic fields. He has not engaged in political activities or in other spheres of the State. In addition, his specialty in Constitutional Law and Constitutional Procedure makes him especially cognizant of the need to preserve independence and impartiality and to avoid appearances of lack thereof. There is no information available to the Panel to consider that the position of impartiality and independence shown by Dr. Ferrer Mac-Gregor in recent years is at risk if he is re-elected for a second term. It is worth noting that in the course of the interview with the Panel, the candidate seemed inclined to draft a Code of Conduct for the Court applicable to the members of the Inter-American Court, which is of the utmost importance.

C. High moral character

As shown in the previous paragraph, Dr. Ferrer Mac-Gregor has interesting ideas on how to highlight the moral authority of the Inter-American Court, especially in regards to the conduct of its members both in the function of their position and in their capacity as citizens of their respective countries. The Panel considers that the public performance of Dr. Ferrer Mac-Gregor is a guarantee that the Court will continue contributing to upholding the high ethical standards of the body and international protection of human rights. Finally, the candidate does not have sanctions, suspensions, or convictions of any kind that could compromise this conclusion.

D. Qualification to exercise the highest judicial function

In accordance with the requirements of article 52 of the American Convention, the candidate fully satisfies the professional, academic, and ethical requirements established in article 95 of the Political Constitution of the United Mexican States to exercise functions in

the national Supreme Court of Justice,[10] as evidenced by his professional career to which the Panel alludes above.

E. Challenges faced by the Inter-American Human Rights System

In his responses to the questionnaire, his statements before the Permanent Council of the OAS and in the forum with civil society, and in the interview with the Panel, the candidate showed a clear understanding of the immediate future challenges facing the Court and the Inter-American Commission on Human Rights. Among other considerations, he pointed to the procedural delay in the proceedings before the Commission as a problem to be solved, and commented about (without disclosing them) the initiatives in progress to accelerate the treatment of cases and to lighten the burden of pending requests, such as the accumulation of similar cases and the procedural issues that such acts pose. He also referred to the need to deepen the dialogue with the States Parties on issues of execution of the Court's decisions and to promote greater universality in the ratification of the fundamental instruments of the system. He was very willing to improve the communication system of the Court in order to promote a better understanding of its jurisprudence. Finally, he demonstrated intimate knowledge of the difficulties posed by the insufficiency of resources to meet the growing demands that weigh on the protection bodies and leaned in favor of seeking the exclusive, or near exclusive, dedication of its members.

F. Balanced Composition

As noted above, the candidate has a progressive vision about the protection of individual and collective rights under the principles of interdependence and progressiveness. With Dr. Ferrer Mac-Gregor's involvement, the Court can be expected to deepen its jurisprudence in all areas that affect the dignity of the human person, especially excluded or vulnerable sectors. At the same time, Dr. Ferrer Mac-Gregor is cognizant about

[10] Political Constitution of the United Mexican States, art. 95, available at http://comparativeconstitutionsproject.org/wp-content/uploads/UNAM-Mexican-Constitution_vf.pdf?6c8912.

the necessity to supplement the progressive development of jurisprudence with an honest and direct dialogue with policy-makers and those in charge of the domestic implementation of these progressive developments. His judicial and academic experience in Mexico could significantly contribute to this point.

G. Selection procedure

Although in Mexico there is no institutional system to endorse candidates to international bodies, Dr. Ferrer Mac-Gregor had the opportunity to participate in a forum with Mexican civil society organizations prior to the public announcement of his candidacy, which represents a concrete step towards greater transparency of the nomination and election processes of members of the protective bodies. In his interview with the Panel, the candidate was in favor of institutionalizing a system of transparency and evaluation of candidates inspired by the experience of this Panel, as practiced for similar positions in other international tribunals.

H. Conclusions

The Panel considers that Dr. Eduardo Ferrer Mac-Gregor Poisot is highly qualified to be re-elected as a judge of the Inter-American Court of Human Rights.

Nardi Elizabeth Suxo Iturry (Bolivia)

Nardi Elizabeth Suxo Iturry presides over the United Nation's intergovernmental Working Group on the rights of peasants and other people working in rural areas. She has served as Ambassador of Bolivia before the United Nations (2015-2017) and as Minister of Institutional Transparency and the Fight against Corruption (2009-2015).

A. Recognized competence in human rights

The candidate is a lawyer, with specialized studies in human rights undertaken in various European and Latin American countries. According to her curriculum vitae and her answers to the questionnaire, she has worked in human rights NGOs since co-founding the Juridical Commission of the Permanent Assembly for Human Righs in Bolivia. Since then, she has been the director of the NGO "Capacitación y Derechos Ciudadanos", which uses legal actions and educational processes with a special focus on protecting vulnerable and at-risk populations. She has been involved with other Bolivian NGOs such as "Coordinadora de la Mujer", "Coordinadora de la defensa de niños y niñas trabajadoras de y en la calle", "Defensa de los Niños Internacional", and "Red de Defensa de los Derechos de las Personas Privadas de Libertad". She has also served as a representative of the Carter Center in Bolivia and has directed academic programs at the School of Law of the Bolivian Catholic University.

Additionally, she served as Deputy Human Rights Defender during the first mandate of the Ombudswoman (1999-2004). Her duties required knowledge of the international instruments ratified by Bolivia, and she had to advise on the ratification of human rights treaties, especially those related to women's rights. Between 2007 and 2015, she was, first, Vice-Minister, and then headed the Ministery of Institutional Transparency and the Fight against Corruption. In this capacity, she was responsibile for investigating cases of corruption that affected human rights, among others.

Suxo Iturry also served as Ambassador of Bolivia before the UN Human Rights Council and other International Organisms in Geneva (2015-2017). In this capacity, from 2015 to 2018, she presided over the United Nation's intergovernmental Working Group to develop a UN declaration on the rights of peasants and other people working in rural areas.

Her positions in the UN system were mainly political and diplomatic, and not that of an independent expert. The candidate has knowledge of her country's indigenous justice systems, and she has worked toward the constitutional recognition of those systems.

The Panel considers that Dr. Suxo Iturry has an academic and professional career working on the promotion and protection of human rights through civil society and from within the government, as a State agent and as a diplomatic representative. She has knowledge about women's and children's rights, the rights of detained persons, and the rights of indigenous people. She has also worked on emergent human rights issues, such as the rights of rural workers or corruption and human rights. The candidate would bring to the Court expertise in areas that the organ does not have at this time.

The Panel could not identify any judicial experience at the national or international level, nor any specific experiences with the Inter-American System of Human Rights, be it as a lawyer, as a user, or as an ad-hoc judge. Her answers to the questionnaire reflect a general knowledge of the jurisprudence of the Court, especially in women's rights and the rights of indigenous people, and the system's main challenges. She has neither investigations nor publications related to the system.

B. Independence and impartiality

In her questionnarie, the candidate affirms that she would withdraw from any case that involves State agents from the government of which she was part. However, among the communications received by civil society in relation to the candidate, there were concerns set forth about the extreme proximity between Dr. Suxo Iturry and the Bolivian government, and accusations about promoting lack of independence in the Judiciary, including corruption. There were press reports that detailed a series of accusations against her, which can be summarized as inappropriate exercise of power, such as using her government position to benefit her husband and persecute opposing groups, and being part of a "juridical cabinet" that the government used to select judges and prosecutors that were not independent. The Panel received one communication about these allegations from two Bolivian NGOs.

The candidate replied to these accusations in her queastionnaire, stating that as the Minister of Institutional Transparency and the Fight against Corruption, she faced attacks by the media, and even physical attacks, by sectors that felt persecuted and by other agents of the same government, solely based on her position as Minister. The Panel is not aware of any formal complaint, administrative or judicial, against the candidate, nor of any formal investigations against her.

The Panel considers that it does not have the capacity to assess the accusations of the press and the NGOs with the information available. However, if they are true and well-founded, they could affect the independence and impartiality of the candidate as a Judge of the Inter-American Court. These circumstances actually show the need to have a more robust and transparent nomination process at the national level, where these kinds of denunciations may be properly analyzed and where the Executive branch of the government is not the only one involved in the selecition.

C. High moral character

The Panel does not have all the necessary elements to reach firm conclusions on the accusations made by the press and the two Bolivian NGOs, which, if true, could compromise the high moral character of the candidate. The Panel wants to make clear that the mere fact of working for a government, or even implementing controversial policies, does not disqualify the person to become a Judge of the Inter-American System. However, the conduct of the candidate during his or her tenure in government, and its compatibility with human rights standards, is an important element for his or her evaluation. Additionally, the Panel considers that being an active and integral part, at the moment of the nomination, of the diplomatic services of a country, and especially of the representation before international organizations, may result in the identification of the person as being too close to the foreign ministry of his or her country, which could be problematic. This issue will be further developed in the section on recommendations.

Finally, as previously stated, the Panel is not aware and has not been informed about any judicial process or sanction, suspension, or conviction of any kind against the candidate. In her curriculum vitae, Dr. Suxo Iturry mentions that she received a distinction

from the French government for her work to advance human rights, that she was recognized as a distinguished visitor in the United States, and that she obtained a professional medal awarded by the Bar Association of La Paz, Bolivia.

D. Qualification to exercise the highest judicial function

Article 52 of the ACHR requires that the candidate "*possess the qualifications required for the exercise of the highest judicial functions in conformity with the law of the state of which they are nationals or of the state that proposes them as candidates*". In this case, Dr. Suxo Iturry has the qualifications to be a part of the Bolivian Constitutional Tribunal: she is a lawyer, over 35 years-old, with at least 8 years of experience in constitutional law, administrative law, and human rights, and there is no record evincing any of the stated impediments. The aforementioned tribunal qualifies as an organ that exercises the highest judicial functions of the country; therefore, the candidate would be qualified to be a Judge of the Inter-American Court.[11]

E. Challenges faced by the Inter-American Human Rights System

The Panel did not have the benefit of an interview with the candidate to go into depth regarding this point. In her questionnaire and in her statements before the Permanent Council of the OAS and in the forum with civil society, she identified the following challenges: 1) complementarity: the System should align its actions with those of other sub-regional organs, such as MERCOSUR and UNASUR; 2) transparency and access to information: for the transparency model, it is not enough to offer general information on the decisions adopted by the Inter-American Court. It is necessary that the information available also include data on its functioning, budget and expenses. In this sense, Dr. Suxo

[11] It is not clear whether the candidate would be qualified to be a part of other High Courts in Bolivia, but considering that the requirement on the ACHR is that the person needs to have the qualifications to integrate an organ that exercises the highest judicial functions, the Panel understands that in this case, she complies with this requisite because she has the qualifications to be a Judge of the Constitutional Tribunal.

Iturry considers that the Court should develop a model that includes public accountability where it informs not only the OAS, but also the users of the system; 3) procedural delays: the candidate affirms that "the sustained and increasing individual complaints presented before the System have produced a congestion of complaints, which requires an evaluation to advance on this issue" and that it is necessary "to propose mechanisms that attack the bottlenecks of the petitions and that readjust and direct the budget to the most sensitive areas". Nevertheless, she recognizes that the duration of the process and the attention given to the peititoners, as well as the monitoring of compliance with judgments, has improved, the latter of which she attributes, among other reasons, to the holding of hearings in the territories of the responsible States.

F. Balanced composition

The Panel believes that the Court is stronger and more legitimate when it has a diversity of members in terms of gender, ethinicity, profesional experiences, and areas of expertise within the general field of human rights law. There is only one women in the current composition of the Court, and the majority of the Judges and candidates have already served as judges or academics, with a special focus on Constitutional Law and Criminal Law. In this sense, candidate Suxo Iturry would bring a series of new and complementary experiences and knowledge. She is a woman; she has worked in diplomacy and held governmental positions; and she hails from a country that has never had a Judge in the Inter-American Court. She speaks Aymara and has knowledge of the right of indigenous Bolivians, the rights of rural workers, and women's and children's rights. The candidate has experience investigating human rights violations, from the Office of the Ombudswoman, and corruption investigations. All of this would be of great value to the Court. At the same time, the fact that she is very close to the Bolivian government, and to controversial actions of that government, presents certain risks, as does her inexperience serving in judicial positions.

G. Selection procedure

The candidate indicates that in Bolivia "there are no selection processes, which should be part of the call for candidates and which should be widely transmitted so that everyone who is capable of presenting themselves for public service with the Inter-American Court may propose himself or herself without the need to defer to any political power".

H. Conclusions

The candidate would bring great value in terms of geographical and gender diveristy, and she has experience in protecting the rights of rural workers, indigenous people, women, and children. However, the Panel considers the possible risk that she does not have the same degree of knowledge and experience as the other candidates regarding judicial activities and the work of the Inter-American Human Rights System. Additionally, a lack of independence and impartiality may exist due to her close relationship with the current government of Bolivia. The Panel regrets that the candidate was not available to conduct an interview because it could have helped to shed light on these concerns and over the accusations against her.

Ricardo Pérez Manrique (Uruguay)

Ricardo Pérez Manrique was the President of the Supreme Court of Justice of Uruguay. He is a member of the Ibero-American Commission of Judicial Ethics and worked as a professor and researcher, mainly in universities in Argentina and Uruguay, among other countries.

A. Recognized competence in human rights

Dr. Pérez Manrique has a distinguished judicial career and numerous records that demonstrate his competence in the field of human rights. From March 28, 2012 to May 17, 2017, the candidate was a magistrate of the Supreme Court of Justice of Uruguay, the highest court in the country, serving as President since 2016. In this Court, he was in charge of Area on Gender. He was also a member of the Advisory Board and Council against Domestic Violence on behalf of the Judiciary and participated in the drafting of the First National Plan to Combat Domestic Violence. Dr. Pérez Manrique signed several rulings, some in the majority and others in the minority, in which the interpretative criteria of the Inter-American Court of Human Rights were adopted.

For more than a decade, he served as a Judge of a Family Court of Appeals. He is also a former member of the National Honorary Consultative and Advisory Council on the Rights of Children and Adolescents and, in 2004, contributed to the drafting of the Children and Adolescents Code. Between 2005 and 2012, he joined the International Hague Network of Judges on Child Abduction. Dr. Pérez Manrique also joined the Ibero-American Judicial Summit, where he coordinated the working group on International Judicial Cooperation, and is a member of the Ibero-American Commission of Judicial Ethics. The candidate actively participated in the elaboration of the principles of judicial ethics at the Ibero-American level.

The candidate also participates in academic and educational activities. Among them, he teaches in postgraduate programs and has taught courses in Belgium, Spain, The Netherlands, Colombia, Mexico, Ecuador, Chile, Argentina, Paraguay, Guatemala, and Costa Rica, among others. Dr. Pérez Manrique also collaborates with UNICEF in annual courses for judges, prosecutors, and lawyers on children's rights and the jurisdictional

protection of children. He is also a UNESCO teacher in academic activities on freedom of expression, freedom of access to public information, and the protection of journalists. Among his most relevant writings are publications on the control of conventionality (role of treaties in domestic law) and a dissenting opinion as Judge of the Supreme Court of Justice of Uruguay on issues of transitional justice.

B. Independence and impartiality

His record as a judge of the Supreme Court of Justice of Uruguay shows that the candidate has always been independent and impartial in his actions. In the questionnaire, Dr. Pérez Manrique reported that possible conflicts of interest arose from personal knowledge of some of the parties involved in the process or their lawyers and that, in those few cases, he had no doubts about withdrawing from the case "because independence and impartiality are values and legal duties essential to the exercise of jurisdiction". The candidate has retired from the Court. He does not foresee carrying out activities in the future that are not academic, so there is no concern about a conflict of interest if elected.

C. High moral character

The Panel is not aware of Dr. Pérez Manrique having received any types of conviction, suspension, or sanctions for ethical misconduct. On the contrary, the candidate is a member of the Ibero-American Commission of Judicial Ethics, and his nomination was supported by several civil society organizations and international institutions. In his statements before the Permanent Council of the OAS, he maintained that his values as a judge would be courtesy, wisdom, prudence, impartiality, and independence. In addition, in his responses to the questionnaire, he explained that the Supreme Court of Justice of Uruguay has corrective and disciplinary authority over judges; thus, he has experience in sanctions proceedings and the dismissal of judges for breaches of their functional obligations. One of his proposals, if elected, would be to draft a Code of Ethics for the Inter-American Court, which would represent a contribution to the institutional strengthening of the Court.

D. Qualification to exercise the highest judicial function

The candidate served as a magistrate of the Supreme Court of Justice of Uruguay from 2012 until 2017, acted as President of that Court in 2016, and has supplemented his professional performance with academic activities related to the fields of domestic law and international human rights law. This demonstrates that he has the necessary requirements to exercise the highest judicial functions in his country.

E. Challenges faced by the Inter-American Human Rights System

In his interview with the Panel, in his responses to the questionnaire, and in his statements before both the Permanent Council of the OAS and the forum convened by civil society organizations, the candidate identified the following main challenges: 1) the need to improve dialogue and the relationship between the Inter-American Court and national judicial systems. Two of his proposals were to increase interaction with the countries' judicial schools and to conclude new exchange agreements with local judicial authorities; 2) universalize the jurisdiction of the Court, for example, through greater translation and dissemination of judgments. He also suggested that the judgments should be shorter and written with language that is more "accessible"; 3) shorten the execution times of the decisions of the Inter-American Court and improve the level of compliance with judgments through greater cooperation with the States; 4) improve financing and the distribution of funds. For example, he proposed that the money that comes from international cooperation should be used at the discretion of the Court in essential areas and not necessarily for the donor's choice of specific projects; and 5) adopt principles of conduct within the Court through the preparation of a Code of Ethics or other similar self-regulation mechanism.

F. Balanced composition

Dr. Pérez Manrique was part of a Family Court of Appeals for more than a decade and could contribute his experience on themes related to families, children, and

adolescents. In addition, during his tenure as a judge of the Supreme Court of Justice of Uruguay, he worked on issues of transitional justice and freedom of expression. This experience as a judge of the highest court in Uruguay, together with his position in the Ibero-American Judicial Summit, also places him in a very good position to contribute to the dialogue between the Inter-American Court and national courts. Finally, his membership in the Ibero-American Commission of Judicial Ethics would allow him to provide significant assistance with regard to the tribunal before a future code of conduct.

G. Selection procedure

The candidate reported that there is no institutionalized mechanism in Uruguay to nominate candidates for the Inter-American Court of Human Rights. His candidacy was proposed by the Ministry of Foreign Affairs based on his technical and academic background, as well as his performance during his judicial career. Nevertheless, the Panel has received numerous communications from civil society supporting his nomination. In addition, the candidate explained that, for example, to submit for candidacy before the International Criminal Court, it is necessary to have an agreement on behalf of the Congress of Uruguay.

H. Conclusions

Dr. Ricardo Pérez Manrique has a noteworthy background and judicial experience, and he is an expert on the Inter-American System for the protection of human rights, both with regard to the jurisprudence and the functioning of the Inter-American Court—knowledge that he has used in his work as a judge. Dr. Pérez Manrique also has extensive knowledge and experience in matters of judicial ethics that may be applicable to the Inter-American System. The Panel considers the candidate highly qualified to be elected.

Humberto Antonio Sierra Porto (Colombia)

Humberto Antonio Sierra Porto is currently a judge of the Inter-American Court of Human Rights, where he served as President between 2014 and 2015. He was also President of the Constitutional Court of Colombia and has held teaching positions, mainly at the Externado University of Colombia.

A. Recognized competence in human rights

The candidate has developed a solid professional career as a lawyer, particularly in judicial functions, both nationally and internationally. Along with his performance as a judge of the Inter-American Court of Human Rights, his mandate as a magistrate of the Constitutional Court of Colombia, between 2004 and 2012, stands out. In this position, Dr. Sierra Porto was in charge of or participated in the elaboration of important decisions on human rights. They were based not only on national normative documents, but also on international instruments, in accordance with the doctrine of the bloc of constitutionality. The foregoing verifies the candidate's ample experience with the use of Inter-American human rights instruments, as well as his judicial argumentation of specific cases with this same perspective.

In addition to his national and international judicial functions, Dr. Sierra Porto has significant experience as a litigant before the Colombian Council of State, as well as in the national administrative litigation jurisdiction. Likewise, the candidate's professional career includes his performance in different positions linked to the work of the national legislature.

Dr. Sierra Porto completed his undergraduate studies at Externado University of Colombia. He obtained his doctorate degree in Constitutional Law and a specialization in Constitutional Law, Political Science, and Legal Philosophy thereafter in Spain. With respect to his academic career, Dr. Sierra Porto has served as a professor at the Externado University of Colombia. His teaching specialties include: Colombian Constitutional Law or General Law, Parliamentary and Legislative Law, and Introduction to Law and Juridical Hermeneutics. Between 1998 and 2003, he was the director of postgraduate degrees in Constitutional Law and Parliamentary Law; Public Law, Science, and Political Sociology;

and Public Law of the Externado University of Colombia. He is the author of several published books and articles on issues related to constitutional law, sources of law, and human rights.

The candidate's judicial and litigation experience guarantees his knowledge of human rights issues, with a spcieal emphasis on international instruments and Inter-American jurisprudence. His performance for five years as a judge of the Inter-American Court of Human Rights affirms his competence in the interpretation and application of international instruments in the field of human rights, either in the context of contentious cases or in advisory opinions. At the same time, the candidate has a comprehensive vision of the administration of a judicial office, which is crucial to continue the process of consolidation of the Court before other national and international actors.

B. Independence and impartiality

Based on a detailed analysis of the candidate's profile, the Panel has concluded that he currently does not undertake any activities that, *prima facie*, could put his independence and impartiality at risk. Although, at different times, Dr. Sierra Porto has served as a state official, none of these positions have corresponded with the period of his term as a judge of the Inter-American Court of Human Rights or his recent application as a candidate for re-election to this Court.

In his interview with the Panel, the candidate specifically stated that the clearest way to avoid any conflict of interest is to resort to the figure of impediments in the face of any slight possibility or suspicion of conflict. Likewise, he was open to the idea of having a Code of Conduct applicable to the people that make up the Inter-American Court of Human Rights.

There is no information available to the Panel to consider that the position of impartiality and independence shown by Dr. Sierra Porto in recent years is at risk if he is re-elected for a second term.

C. High moral character

There is no information in the Panel's knowledge that indicates that Dr. Sierra Porto has been the subject of judicial or disciplinary proceedings, sanctions, ethical or similar faults, whether nationally or internationally, that could call into question his high moral authority.

D. Qualification to exercise the highest judicial function

The candidate was elected as a magistrate of the Constitutional Court of Colombia from 2004 to 2012, and he was the President of this Court between 2008 and 2009. The foregoing indicates that the candidate meets the requirements established in Article 232 of the Political Constitution of Colombia for occupying the post of magistrate of the Constitutional Court and the Supreme Court of Justice, as well as the Colombian Council of State.[12] Based on this, the candidate has satisfied the requirements of article 52 of the American Convention on Human Rights.

E. Challenges faced by the Inter-American Human Rights System

Based on dialogue with the candidate, it is clear that he has a sharp and prudent vision about the challenges he considers most relevant for the evaluation of the Inter-American human rights system and, in particular, regarding the Inter-American Court of Human Rights. Both in the questionnaire and in his interview, the candidate demonstrated an in-depth knowledge of each of the issues addressed, as well as concrete perspectives on how to deal with them.

From an institutional perspective, Dr. Sierra Porto highlighted five challenges that he considers of particular importance for the strengthening of the Inter-American Court of

[12] Article 232 of the Political Constitution of Colombia: "In order to be a judge of the Constitutional Court, the Supreme Court of Justice or the Council of State, the following requirements must be met: 1. To be Colombian by birth and a citizen in good standing. 2. To be a lawyer. 3. Not to have been convicted (condenado) by a court sentence to imprisonment, except for political or similar crimes. 4. To have filled, for 10 years, positions in the Judicial Branch or the Public Ministry, or to have exercised honorably for a like period the profession of lawyer or university teaching faculty in the juridical disciplines in officially-recognized institutions." Available at https://www.constituteproject.org/constitution/Colombia_2005.pdf.

Human Rights: 1) the universality of the Inter-American human rights system; 2) the financial shortages of the organs; 3) the judicial and administrative processes for monitoring compliance with Inter-American judgments; 4) the coordination between the Court and the Inter-American Commission on Human Rights; and 5) the strengthening of the Court's legitimacy and the system as a whole vis-à-vis the States and Inter-American public opinion.

With respect to the recent evaluation of Inter-American jurisprudence, the candidate identified, with precision, the areas that he considers priorities, as well as those topics currently under debate. Many of these positions have already been formally expressed by Dr. Sierra Porto in his concurring or dissenting opinions. Beyond the opinions that the candidate's proposed positions may generate, it is undeniable that they are based on well-presented arguments with strong considerations. The evolution of Inter-American jurisprudence requires constructive dialogue through the constructive confrontation of well-founded judicial positions. The candidate has thorough knowledge of international human rights law, as well as constitutional law or legal hermeneutics, which facilitates judicial dialogue between persons that make up the Inter-American Court and other relevant actors.

F. Balanced composition

A comprehensive review of Dr. Sierra Porto's professional career reveals not only his performance as a constitutional magistrate or Inter-American judge, but also his knowledge of other fundamental areas of Public Law. His extensive experience, both in administrative law and in parliamentary law, forms a particularly complete profile, which positions him as a natural interlocutor in the interaction of the Inter-American Court of Human Rights with different national and international bodies.

Incorporating persons into the Inter-American Court of Human Rights who have proven experience in litigation or advice on administrative issues provides an essential perspective for the judicial analysis of cases linked, for example, to the design and implementation of national public policies. Likewise, knowledge about issues related to parliamentary or legislative work is clearly relevant to a balanced vision of international judicial work.

G. Selection procedure

The candidacy of Dr. Sierra Porto was presented directly by the Government of Colombia. The Panel has no information regarding the internal procedures that have taken place for the nomination and subsequent re-nomination of the candidate. It is important that the processes at the national level be participatory and transparent, even when dealing with persons who have already held positions within the Inter-American human rights system.

With that said, it is noteworthy that once his nomination by the Colombian government was announced, the candidate had meetings with civil society organizations and academics in order to analyze the most pressing issues for the Inter-American agenda. Although these dialogues do not replace the need to reinforce internal procedures in order to establish candidacies for positions in international organizations, they serve to maintain a proactive relationship between different actors relevant to the human rights system.

H. Conclusions

Dr. Sierra Porto demonstrated a deep knowledge based on a critical analysis of both the institutional and jurisprudential dimensions of the Inter-American Court of Human Rights. It is important to emphasize that the candidate presents a reactive approach to the existing conditions of the Inter-American human rights system, as well as to the challenges for the effective protection of human rights on the continent. Therefore, the Panel considers Dr. Humberto Sierra Porto as highly qualified to be elected again as a Judge of the Inter-American Court of Human Rights.

IV. RECOMMENDATIONS

A. The current election system and its deficiencies

The election of judges to the Inter-American Court of Human Rights is governed by the American Convention on Human Rights (arts. 52 and 53) and by the Statute of the Court (arts. 6 to 9). Nominating and voting for candidates is limited to States Parties to the ACHR from a list of applicants proposed by those States. The elections take place at the meeting of the OAS General Assembly, either at an annual meeting or a specially convened one.

Unfortunately, "[t]here are currently no OAS guidelines setting out minimum standards or requirements for member states to consider when selecting candidates for the court or the commission, nor is any OAS body empowered to review the process or qualification of candidates once states submit their candidates."[13] The States Parties of the ACHR are permitted to present up to three persons for each position, in which case at least one candidate must have a different nationality from the State that proposes them. It is worth noting that, in accordance with articles 52.2 of the ACHR and 4.2 of the Statute of the Court, under no circumstances may there be two Judges of the same nationality, regardless of who has promoted the nomination. In practice, however, States generally nominate only one person for the vacancy, an issue that ultimately ends up jeopardizing the necessary diversity and representativeness of the Court.

The information provided by the candidates in their questionnaires, interviews, and public statements demonstrate that the national nomination process is usually neither open nor transparent. In general, there are no public calls to submit candidacies nor any formal process established for evaluating candidates' qualifications.

Additionally, it is not clear who participates in the nomination process, nor what

[13] Open Society Justice Initiative and the International Commission of Jurists, "Strengthening from Within: Law and Practice in the Selection of Human Rights Judges and Commissioners", 2017, pg. 41, available at https://www.opensocietyfoundations.org/sites/default/files/strengthening-from-within-20171102_0.pdf.

opinions are taken into account when selecting applicants at the local level. After announcing the candidacies, in the best of cases, there is an occasional exchange of information and comments with some actors in civil society organizations, which is usually done informally and confidentially. There are generally no public consultations in the country.

In most cases, it is fair to say that there is no selection process. Instead, some authority, usually the Ministry of Foreign Affairs, appoints the candidate that the State will present. Therefore, nomination by the States does not necessarily lead to candidates who are highly qualified for the work, nor does it guarantee that the requirements of recognized competence, impartiality, and independence are met. Nor is there any indication that States take into account the overall composition of the Court in their nominations. For example, it is not known whether national processes consider the importance of including persons with expertise on issues faced by populations particularly vulnerable to human rights violations—such as children; women; racial, cultural, religious, and sexual minorities; persons with disabilities; persons previously deprived of liberty; and others—or if they intend to integrate the Court with people with different professional trajectories.

Nevertheless, it cannot be denied that, over the years, the Court has benefitted from the presence of persons with impeccable credentials and extensive experience in matters of human rights. These positive results have generally coincided with demonstrations of interest in the Inter-American System of Human Rights in several countries, which translates into increased active public participation, particularly with respect to human rights organizations, in the decision-making leading to nominations. However, it is also undeniable that the appropriate choice of candidates has been, at best, uneven. It certainly cannot be said that all of the candidates have been ideal or that they have complied with the normative requirements. Additionally, the lack of transparency in the nomination of persons set forth by each State can influence perceptions of the legitimacy of the IAHRS and its effectiveness.

Once the nominations are submitted and made public, States initiate campaigns to obtain votes in support of the candidates they have presented from other States. This occurs mainly as a series of bilateral meetings with the Permanent Missions of other countries before the OAS, during which States other than the nominating State have the opportunity

to ask questions and become familiar with the qualifications of the candidate. In some cases, the visits take place in the capitals of States whose vote is sought after. For their part, civil society organizations that follow or attend the General Assembly can, and often do, make their views known about which candidates should be chosen. On some occasions, these campaigns have been quite public, generally to prevent a candidate from being elected because of past conduct considered inimical to human rights. Nonetheless, there is no formal or institutionalized opportunity for NGOs to participate in debates on the election of judges or for States to receive commentary on candidates from civil society or the general public.

In this context, what usually happens is that States seek to obtain promises from other States to vote for their candidate. These promises are usually agreements made in good faith and are not publicized, although rumors generally spread about the number of votes a candidate has or if a State is leaning towards voting in favor of a certain person. In order to obtain firmer commitments, States engage in an exchange of votes, given that in most cases there is more than one vacancy for the respective organ. However, the exchange of votes is not limited to the same election or organ. States can exchange a vote for a judge by voting for a Commissioner, and it is not uncommon for votes in elections for positions in organs not related to the IAHRS, as well as for other elected positions, even outside the OAS.

The result is that, on the one hand, successful candidates tend to be those whose candidate countries have a very active, committed, and participatory diplomacy and who can offer benefits to other States in exchange for their votes. The system does not automatically favor people nominated by the most powerful States, but historically, the States that are more powerful only very rarely have been denied posts in the Court or in the Commission. Conversely, for some small Latin American States, it has been comparatively more difficult to get their candidates elected to these organizations. On the other hand, the system also sometimes favors voting in blocks, so that a group of small states that have common language, geography, and other interests generally vote together and become crucial for electing certain members or denying others election or re-election. Nevertheless, the latter is not completely applicable in the elections for judges of the Inter-American Court, since, as stated above, only the States Parties of the ACHR, which are mostly Latin

American States, vote in these. In any case, the votes are secret, which means that previously made promises on votes are sometimes ignored, whether or not they have been made in exchange for other votes.

As described above, both the national internal procedure and the international election system are opaque and, perhaps as a result, do not guarantee the election of the most qualified candidates. Likewise, they do not result in an overall composition that reflects the diversity of persons and peoples of the region nor of those disproportionately affected by or vulnerable to human rights violations. Of course, a perfect system that routinely or even consistently offers the best results simply is not currently viable, at least not while the appointments are ultimately made by the Member States by secret ballot and without openly participatory and transparent prior procedures. Any change in this would require the adoption of standards that could include an amendment to the Convention and the Statutes, which would not only be difficult but could have negative consequences. Nevertheless, within the existing rules, there are possibilities for improvement and innovation, where States Parties themselves—in consultation with civil society—could adopt norms, resolutions, or agreements that allow the regulation of these procedures. Good ideas alone will not be enough to perfect the process of these elections, but also experimentation and trial and error. Perhaps the most important thing to take into account is that the changes must be made deliberately and openly and, above all, through broad participation of all interested stakeholders in the design, evaluation, and final adoption of new methodologies.

B. The experience of other jurisdictional and quasi-jurisdictional supervisory bodies

In thinking about how to strengthen the nomination and selection processes for the IAHRS, it is worthwhile to consider how other human rights courts and quasi-judicial human rights mechanisms have nominated and selected their members. Of course, each system is unique, and there are no one-size-fits-all models. Nonetheless, it is useful to analyze other experiences and ideas that may be beneficial as the IAHRS works towards an

improved process.

1) European Court of Human Rights

Council of Europe Member States must each present three candidates who are then elected by the Parliamentary Assembly of the Council of Europe. The list of requirements is similar to that of the IASHR and includes high moral character; the qualifications required for appointment to high judicial office or be legal consultants of recognized competence; proficiency in one of the official languages of the Court; knowledge of national legal systems and public international law; and certain provisions on incompatibility. As a general rule, lists of candidates must contain at least one person from the under-represented sex.[14]

The bulk of the requirements for the election of ECHR judges come into play in the internal processes of Member States. There are a number of non-binding guidelines for soliciting and drawing up a list of candidates focused on the national selection body, which should be of balanced composition representing a range of stakeholders. This body should conduct personal interviews based on a standardized format with each of the candidates, including an evaluation of their language competences. In practice, national bodies vary: some countries use their Judicial Council or similar bodies to choose both national and international judicial candidates, while others use a more ad-hoc body. In most cases, positions and openings are advertised in the press and through legal and academic websites.

The list of candidates, along with their standardized curricula vitae, goes to the Advisory Panel of Experts on Candidates for Election as Judge to the ECHR. The Panel provides a reasoned opinion to States, confidentially and in writing, on whether the candidates meet the criteria set out in the Convention and in the Guidelines of the Committee of Ministers. The Panel is composed of seven members, each acting in his or

[14] Committee on the Election of Judges to the European Court of Human Rights of the Parliamentary Assembly of the Council of Europe, "Procedure for electing judges to the European Court of Human Rights", 25 April 2018, available at http://website-pace.net/documents/1653355/1653736/ProcedureElectionJudges-EN.pdf/e4472144-64bc-4926-928c-47ae9c1ea45e.

her personal capacity. The Committee of Ministers appoints the members of the Panel, and the Secretariat and corresponding costs are borne by the Court.

The Chair of the Panel informs the State, giving reasons for its views. The State then can respond or withdraw the candidate and submit a new one. When a list of three candidates nominated by a High Contracting Party is being considered in accordance with article 22 of the European Convention on Human Rights, the Panel shall make available to the Parliamentary Assembly in writing its views as to whether the candidates meet the criteria stipulated in article 21(1) of the Convention. This information is also confidential.

The ECHR has a much larger number of judges, as each State must have one. In addition, they serve full-time. These differences with the IAHRS are significant; however, there are some useful features of the procedure: the designation in each State of a nominating body with some degree of independence from the Executive, publicity for potential vacancies, interviews according to a standard format, and the creation of a standing Advisory Panel in the Council of Europe.

2) International Criminal Court

The ICC Advisory Committee began as an initiative of the NGO Coalition for the International Criminal Court (CICC). For a number of years, the Coalition advocated for such a panel, and also asked all nominees to complete questionnaires that provided additional information about their qualifications, held interviews with all the candidates, and organized public seminars with available candidates and experts, as well as public debates between candidates. In 2011, the Assembly of States Parties (ASP) established an Advisory Committee on Nominations.

The Advisory Committee must make its recommendations to States Parties and observers through the ASP. In its internal procedure, the Committee decided to conduct personal interviews with each candidate, in addition to reviewing curricula vitae and written documentation. The candidates come to where the Committee is meeting, and a 60-minute interview is conducted.

The Committee reports whether the candidate has the required fluency in one of the Court's official languages, and whether he or she meets the requirements set out in the

Rome Statute. The evaluations are 1-2 paragraphs long and recount the candidates' experience relevant to the position. The Committee's work is facilitated by the specific criteria in the Rome Statute for judges, which include not only high moral character, independence and impartiality, but also established competence and extensive experience in criminal law and procedure or established competence and extensive experience in "relevant areas of international law such as international humanitarian law and the law of human rights."[15] To ensure that there are sufficient judges in the two different areas of expertise, candidates are separated into two lists, and elections must be organized to maintain a proper proportion "on the Court of judges qualified on the two lists."[16]

Moreover, in addition to language capability, States Parties are encouraged to consider the representation of the principal legal systems of the world; equitable geographical representation; fair representation of male and female judges; and the need to include judges with legal expertise on specific issues, including but not limited to violence against women or children. Thus, the Committee simply applies these criteria.

In contrast, criteria for election to the Inter-American Commission and Court are minimal; an improved process would require developing an expanded list of criteria, which could in many respects track with the ICC, but would have some differences.

Despite the existence of this formal mechanism, the CICC still plays an important role in providing information on elections, circulates and publishes a questionnaire for candidates, and organizes interviews with the candidates, debates among the candidates, and public seminars with candidates and other experts. Furthermore, the CICC firmly opposes the exchange of votes in ICC elections.[17]

3) African Court on Human and People's Rights

[15] Rome Statute of the International Criminal Court, article 36.3.b).ii, available at https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf.
[16] Rome Statute of the International Criminal Court, article 36.5, available at https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf.
[17] Coalition for the International Criminal Court, "The Nomination and Election of Six New ICC Judges", December 2017, disponible en http://www.coalitionfortheicc.org/sites/default/files/cicc_documents/cicc_memo_2017_icc_judicial_elections.pdf.

The process and criteria for nominating and electing judges in the African human rights system are quite similar to those of the IASHR. An important difference arises in the constitutive instrument of the African Court on Human and Peoples' Rights, which requires that "[d]ue consideration shall be given to adequate gender representation in the nomination process."[18] When voting on candidates, the Assembly of Heads of State and Government must ensure that "there is representation of the main regions of Africa and of their principal legal traditions," as well as "adequate gender representation."[19]

4) Holders of a United Nations Special Procedures Mandate

The process for selecting and appointing mandate holders may hold some lessons. Mandate holders must have expertise and experience in the field of the mandate, independence, impartiality, personal integrity, and objectivity. Due consideration should be given to gender balance, equitable geographical representation and representation of different legal systems. Candidates must be highly qualified and possess established competence, relevant expertise, and extensive professional experience in the field of human rights. Individuals holding decision-making positions in Governments or in any other organization or entity that may give rise to a conflict of interest with the responsibilities inherent to the mandate are excluded.

Anyone may nominate candidates, and there is a standing list. Upcoming vacancies are publicized. A consultative group made up of one representative of each Regional Group in the UN, appointed in his/her personal capacity, chooses a short list of the nominated candidates, consults with stakeholders, can add its own nominees, and presents public and substantiated recommendations to the President of the Council, who conducts further

[18] Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights, article 12, available at http://www.achpr.org/instruments/court-establishment/.
[19] Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights, article 14, available at http://www.achpr.org/instruments/court-establishment/.

consultations and makes the final decision. The candidate so chosen is then voted on by the Human Rights Council.[20]

5) United Nations Treaty Bodies

As part of the process of strengthening the UN Human Rights Treaty Body system, the UN High Commissioner for Human Rights in 2012 recommended the following best practices for national nominations of expert members of treaty bodies, based on a multi-year consultation with States and other stakeholders: 1) The nomination of candidates through an open and transparent selection process from among persons who have a proven record of expertise in the relevant area (through relevant work experience, publications, and other achievements), and the willingness to take on the full range of responsibilities related to the mandate of a treaty body member; 2) The avoidance of nominations or election of experts while they are holding positions in Governments or any other positions that might expose them to pressures, conflict of interest, or generate a real or perceived negative profile in terms of independence that would impact negatively on the credibility of the candidates personally as well as on the treaty body system as a whole; or their resignation from the Committee in question once elected.

In addition, the High Commissioner supported the proposal for an open public space for all States Parties to present their potential candidates or nominees for treaty bodies using modern technologies, including social media. Five former treaty body members from various professional backgrounds reflecting adequate balance in terms of sex, regions and legal systems would moderate this space.[21] The use of former commissioners and judges in a nominating or advisory body might be useful in contemplating similar reforms to the IAHRS.

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[20] UN Human Rights Council, Resolution CDH 5/1, 18 June 2007, Annex, available at http://ap.ohchr.org/documents/S/HRC/resolutions/A_HRC_RES_5_1.doc.

[21] UN General Assembly, Resolution A/66/860, 26 June 2012, avaliable at http://www.ohchr.org/Documents/HRBodies/TB/HRTD/A-68-606_en.doc

C. Proposals for the selection of candidates to the Inter-American Court of Human Rights

1) Introduction

Shortcomings of the current process and the existence of other international institutions that have taken steps to create an improved selection process guide the Panel in its present recommendations. Additionally, it is logical to conclude that, in a human rights system, the members of its principal organs should be chosen in conformity with the principles of transparency, capacity and reasonableness. The Panel's proposals fall into two broad categories: i) that States create a transparent, participatory, and open procedure at the national level, which allows for the selection of the best possible candidates that meet the normative requirements; and ii) that the OAS election process be improved to avoid many of the previously raised shortcomings and to ensure the election of Judges that meet the normative requirements and reflect the diversity of the region as a whole.

We are aware that these proposals go beyond the letter of the American Convention on Human Rights, but far from contravening the Convention, they aim to improve its operation and do not require its modification. Only the political will of the States themselves is necessary to introduce these rules into their national legal systems to reinforce the legitimacy, efficacy, and transparency of this supervisory organ of human rights.

At the same time, as stated by all the candidates, the Court and the Commission could also contribuite to strengthen the institutionality and the transparency in the IASHR, for example, by self-regulating themselves in matters of ethics and professional conduct, and by applying these rules not only to Judges and Commissioners, but also to their lawyers, administrative personnel, interns, etc.

2) National processes

2.1. Each State should have a formal body for selecting candidates that is diverse, independent, and non-political in composition. Many States already have institutions that

could undertake the nomination process by designating some of their members for this task; if not, the Panel finds that an institution of this type should be created. Whichever modality is chosen, members performing the selection should be independent, impartial, and knowledgeable about the purpose and duties of the Court. They should also have a strong background in the field of human rights. This body should ideally be representative of different constituencies within the State and its society (academia, professional, human rights organizations, etc). It should be permanent or should be formed well in advance of upcoming elections.

2.2 States should publish a call for candidates, explaining the nomination and election criteria and processes. Additionally, when States select and nominate their candidates for the Court, they should include information on the nomination procedure utilized at the national level to elect that person(s). This is important for the transparency and legitimacy of the selection process, as well as the legitimacy of the IASHR

2.3 The selection of the nominees should be carried out with the full participation of all relevant stakeholders. In order to ensure that this happens, there would have to be a public call for candidates that fulfill all the requirements for service on the Court. This public call should be placed on the websites of the OAS and the Court, as well as being broadly disseminated nationally.

2.4 Candidates should present evidence of compliance with the requirements of the Convention and the Statute of the Court. Since the Convention and the Statute do not provide details on the qualifications required by a member of this body, it is necessary that these are elaborated at the national level. To evaluate whether candidates comply with the requirement of recognized competence in the field of human rights, the State must request documents, opinions or evidence of his or her defense and promotion in the area of human rights. Each person's background should be carefully studied to determine their recognized competence in the field of human rights, and to evaluate any perception of dishonesty, as well as their moral authority, independence, and impartiality.

2.5 Candidates should be asked to provide information on the activities they plan to carry out at the same time as their duties as Judges. In the spirit of article 71 of the Convention, the Panel also recommends that States, as a matter of policy, should abstain from nominating persons who would— simultaneously with their service on the Court but also at the time they are nominated—occupy positions of authority and responsibility in the governmental sphere or its diplomatic services that might give rise to conflicts of interest and harm the actual or perceived independence and impartiality that any judicial organ must have. Even if the Panel recognizes that this is not neccesarily an impediment established by the ACHR nor by the Statutes of the Court or the Commission, the suggestion is extended for reasons of political prudence and must not be interpreted as a critique of the personal qualities or capacities of any candidate. The proposed restriction would apply mainly to active agents of the Executive branch of the government and/or to those who are carrying out diplomatic duties at the time they are nominated, because they are the ones in charge of carrying out the foreign policy of the State for its own benefit.

2.6 Broad competences and bilingualism are essential criteria. Fluency in one of the four official languages of the OAS (Spanish, English, Portuguese, and French), and at least a passive knowledge of another, is essential. Clarity that candidates are committed to be available for their work whenever they are needed is also important.

2.7 Interviews should be part of the selection process. Once the period for the presentation of candidates is over, the national selection body should interview candidates to evaluate their qualifications. There should be rules to allow the presence of delegates of the most representative national human rights non-governmental organizations in the interviews. Interviews should be carried out on the basis of a template to guarantee equality to those being interviewed. The questionnaire provided in Annex I of this Report, prepared by this Independent Panel of Experts, could serve as a model for the kind of questions to be asked of the candidates. The selecting body should further make candidates aware of the limitations they will have, if elected, regarding their future field or work in order to prevent any conflict of interest. The decisions of the selecting body need not be binding, but the

political authorities should only deviate from its advice with a public and reasoned decision.

2. 8 States should nominate at least two candidates for the election. Given the history of underrepresentation of women and overrepresentation of men in the Court, at least one candidate should be from the under-represented sex. This would guarantee the possibility of a true election in the General Assembly and allow voters the opportunity to elect candidates taking into account the need for human rights organs to reflect the diversity of those protected by their constituent and conventional instruments, including candidates from under-represented communities. This process must also ensure access to these positions to members of disadvantaged minorities or vunerable collectives in our hemisphere, such as indigenous communities, Afro-descendants, persons with disabilities, members of sexual minorities, among others. Furthermore, the Court faces a wide range of problems; therefore, it is also necessary that it is composed of members with diverse areas of expertise and life experiences. In the end, it is vital that there is an overall balance in the Court's composition. As required by the OAS General Assembly, it is necessary to "ensure a membership that provides balance in terms of gender, representation of the different regions, population groups, and legal systems of the Hemisphere."[22] The nomination of at least two candidates is a key tool to fight against the lack of representativity and diversity in the Court.

3) Elections at the OAS

The affirmation and realization of the principles of competence, independence and impartiality in the IASHR are intimately related to the process of the election of suitable

[22] OAS General Assembly, *Resolution on Gender equity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights*, AG/RES.2887 (XL VI-O/16), 14 June 2016, available at http://www.oas.org/en/sla/dil/docs/ag-res_2887_xlvi-o-16.pdf; and *Resolution on Gender equity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights*, AG/RES. 2908 (XLVII-O/17), 21 June 2017, available at http://scm.oas.org/doc_public/ENGLISH/HIST_17/AG07451E03.doc.

members for the Court. After the nomination of candidates at the national level, the OAS General Assembly election process is the second and final stage where these values can be firmly and resolutely upheld.

The Panel strongly endorses the principle that States should base their elections strictly on both the merit and qualifications of candidates, and on their independence and impartiality. In addition, it is necessary that the election reflects the diversity of the region, vulnerable populations, etc. In light of this position, the Panel strongly opposes reciprocal political agreements (vote-trading) in the election process. To this end:

3.1 The OAS should establish an Advisory Committee, responsible for ensuring the suitability of candidates for service as Judges. This exercise, undertaken for the third time, has led to an instructive accumulation of methodology, procedures and recommendations that can serve as the basis for institutionalizing it. The Panel recommends that this Advisory Committee be composed of diverse and independent members, including for example, representatives from civil society, academia, and States, and an equal number of male and female representatives. The OAS may also invite the Inter-American Juridical Committee to assist the Advisory Committee with its work, pursuant to article 99 of the Charter of the OAS. The article provides that the Juridical Committee "is to serve the Organization as an advisory body on juridical matters."

3.2 The Advisory Committee's terms of reference would be to assess and evaluate the candidates with regard to their suitability for service as Judges. The Committee would be authorized to meet with candidates, compile independent information on them, host public panels to afford them the opportunity to introduce themselves to States, as well as regional and national civil society associations. The Advisory Committee could also access the information compiled on the candidate at the national level and in the local nomination process. The Committee should assess the suitability of the candidates based not only on the criteria in regard to professional eligibility for the election but also on the personal qualities of independence, impartiality, integrity, propriety, competence, diligence, fairness, and empathy. Finally, it should also take into account the diversity of candidates in its recommendations.

3.3 The OAS should publish and disseminate the names and curricula of the candidates within an appropriate time before the upcoming elections. To provide the institutions, organizations of civil society and any person interested in the process with enough time to prepare to participate and contribute to it, the OAS should announce who will be standing for election at least 90 days prior to the General Assembly.

3.4 The Panel affirms the value of continued use of an interview process as an integral part of the Committee's work. The Panel notes that the presentation of candidates for the Court before the Permanent Council in the last years was considered an effective and productive activity to facilitate the election of the best-suited candidates. The Panel suggests that the questionnaire used in 2018 could be useful for developing standardized questions for these interviews.

3.5 The Panel recommends that the Advisory Committee draft a final written report for the OAS regarding the evaluation of candidates and that States take this report into account when voting. The Committee report would provide guidance and advice through independent evaluations and information collected independently, which States could use in electing the most qualified candidates. The Committee's task would not be to endorse or object to individual candidates but to advocate for the integrity of the election process.

3.6 The Panel encourages States to take into account the need for diversity in the election process, whether on the basis of gender, ethnic origin, sexual orientation, areas of expertise, gender identity or other considerations, as well as the need for a balanced composition in relation to professional history of the candidates. Selection between two or more suitable candidates could be determined on the basis of this need, provided that the candidates satisfy the criteria for eligibility and personal qualities. The Panel also encourages States to elect the most qualified persons based on their relevant skills and other qualities and the needs of the Court for the fair, just and efficient discharge of its functions.

V. ANNEXES

Annex I. Questionnaire for candidates to the Inter-American Court of Human Rights

The questionnaire covers the following areas:

(I) Background and recognized competence,
(II) Conflicts of interest, impartiality, and non-discrimination,
(III) Nomination processes.

I. Backgrounds and recognized competence

1. Why do you want to be a Judge of the Inter-American Court of Human Rights? If you have already held this position, why do you want to be re-elected?
2. What are your specific areas of knowledge and work experience in the field of human rights?
3. What do you think are the greatest challenges facing the Inter-American Human Rights System and how could they affect your work?
4. What do you think have been the most important contributions of the Inter-American Court in the last five years? What aspects of its jurisprudence do you consider to be more relevant and which ones should be strengthened?
5. Given your professional development, how would you assess your contribution to the Inter-American Court and your potential to adequately complement the current composition of this body?
6. Do you have knowledge or experience in working with legal systems other than that of your country?
7. Have you been a member of civil society movements in favor of human rights?
8. Have you served as a public servant? If so, in what capacity have you been a public servant?
9. What are your specific language skills?
10. Please provide us with links to your most significant papers, opinions, or advocacy in the area of human rights, *amicus curiae*, declarations, or individual votes (maximum 4).
11. Additionally, if you have developed a professional thesis related to international human rights law to obtain the academic degree(s) you possess, can you mention its title and indicate its main conclusion or hypothesis?
12. In your professional work, have you had the opportunity to use or apply the American Convention on Human Rights or other human rights or humanitarian law treaties together with the jurisprudence of the Inter-American Court? Please describe your experience and inform us about how to access documents where that application is reflected. If you have already served as a Judge of the Inter-American Court, please reflect other professional experiences in this regard.

13. Have you advocated for the adoption or implementation of human rights or international humanitarian law treaties or other instruments? Please describe your experience, referring in particular to activities meant to publicize, defend, or strengthen the Inter-American Human Rights system.
14. Have you advocated for the adoption or implementation of established standards in the jurisprudence of the Inter-American Court? Please describe your experience, referring in particular to activities ment to publicize, defend, or strengthen the Inter-American Human Rights system.
15. Please enclose your CV.

II. Conflicts of interest, impartiality, and non-discrimination

16. Under what conditions do you consider that some type of conflict of interest could arise that would affect your independence and impartiality in your work as a Judge? How would you proceed in these circumstances?
17. During your possible term as a Judge, what other professional posts or activities do you foresee developing?
18. Have you ever been sanctioned as a result of professional misconduct or as a judge or State official?
19. Do you disagree or have any difficulty with the following statement? “It is expected that a Judge shall not, by words or conduct, manifest or appear to condone bias or prejudice based upon reasons such as age, race, creed, color, gender, sexual orientation, religion, national origin, disability, political opinion, marital status, socioeconomic status, criminal background, alienage or citizenship status. A Judge is also expected to demand that people under his or her direction and control refrain from issuing such words or conduct.” Please provide any relevant information about your ability to meet this expectation.

III. Nomination process

20. How were you chosen to be a candidate to the Inter-American Court of Human Rights? What nomination process was used? Was a pre-established procedure followed? Was it publicly advertised? Did civil society, academic entities and/or others play any role in it? If so, what was said role?

Annex II. Panel Members' Biographies

Carlos AYALA (Venezuela) is a lawyer specializing in Public Law (Constitutional and Human Rights). He is a Professor of Constitutional Law and Human Rights at the Catholic University "Andrés Bello", the Central University of Venezuela, University of Oxford (UK); Georgetown University, American University Washington College of Law (USA), and the Pan-American University (México). He is member number 28 of the Academy of Political and Social Sciences of Venezuela and member of the National Academy of Law and Social Sciences of Córdoba (Argentina), of the Board of Directors of the International Human Rights Institute of the International Bar Association (IBAHRI) and of the International Commission of Jurists (Geneva, Switzerland) since 2012 and Vice-President since 2018. He was President of the Inter-American Commission on Human Rights (1997-98), Special Rapporteur on the Rights of Indigenous Peoples of the Americas (1996-1999) and President of the Andean Commission of Jurists (2003-2009). He was a Member of the International Commission appointed by the UN High Commissioner for Human Rights, for the process of selection and appointment of the Supreme Court of Ecuador (2005) and UN consultant for the election process for the Supreme Court of Guatemala (2009). He is a lawyer and human rights defender before national and international bodies, an advisor in several international and non-governmental organizations, and author of several publications on Constitutional, Human Rights, and Public Law.

Ximena MEDELLÍN (Mexico) earned her Doctor of Law degree from the Institute of Legal Research of the National Autonomous University of Mexico, her Master of International Law degree from the University of Notre Dame (US), and her law degree from the Ibero-American University in Mexico City. She is a Senior Research Professor in the Legal Studies Division of the Center for Research and Teaching in Economics (CIDE) and Coordinator of the law degree program at the same institution. Prior to joining CIDE, she was a Research Associate at the Center for Civil and Human Rights at the University of Notre Dame and a full time Researcher at the Human Rights Program of the Ibero-American University in Mexico City. She is the author of books such as the *Digest of Latin American Jurisprudence on International Crimes* (Volumes I and II), the *Digest of Latin American Jurisprudence on the Rights of Victims*, and the *Basic Manual of the International Criminal Court*. She is also the author and co-author of various articles and book chapters, including "From individual guarantees to human rights: is there a paradigm shift?", "The Pro-Person Principle: Teaching Methodology of Constitutional Reform in Human Rights", "The Jurisdictional dimension of the right to equality: Article 13 of the Constitution and Articles 8 and 24 of the American Convention on Human Rights", "The Role of Victims before the Inter-American System for the Protection of Human Rights", and "The Normative Impact of the Inter-American Court of Human Rights on Latin American National Prosecution of Mass Atrocities", among others.

Juan MÉNDEZ (Argentina) is a Professor of Human Rights Law in Residence at the American University Washington College of Law. Since January 2017, he has been a member of the International Commission of Jurists (Switzerland). In February 2017, he was named a member of the Selection Committee to appoint magistrates of the Special

Jurisdiction for Peace and members of the Truth Commission set up as part of the Colombian Peace Accords. He was the UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment between 2010 and 2016. He was the President of the International Center for Transitional Justice between 2004 and 2009 and is now President Emeritus. He was an advisor on crime prevention to the Prosecutor of the International Criminal Court in 2009 and 2010 and Co-Chair of the Human Rights Institute of the International Bar Association (IBAHRI) in 2010 and 2011. In 2009 he was a Scholar-in-Residence at the Ford Foundation (New York) and between 2004 and 2007 he was Special Advisor on the Prevention of Genocide to the UN Secretary-General. He earned a JD from Stella Maris Catholic University (now the National University of Mar del Plata) in Argentina in 1970. He is a member of the bar of Mar del Plata and Buenos Aires, Argentina, and Washington, D.C. He has worked at Human Rights Watch, where in 1994 he was made General Legal Counsel. He acted as Executive Director of the Inter American Institute of Human Rights in Costa Rica from 1996 to 1999. He was Professor of Law and Director of the Center for Civil and Human Rights at the University of Notre Dame, Indiana, from 1999 to 2004. He has also been a member of the Inter-American Commission on Human Rights from 2000 to 2003 and served as its President in 2002. In recognition of his work on human rights, he has received several awards such as Doctorates *Honoris Causa* from the University of Quebec in Montreal (2006) and the National University of Mar del Plata, Argentina (2015); the Monsignor Oscar A. Romero Award from the University of Dayton (2000); the Goler T. Butcher Medal from the American Society of International Law (2010); the Jeanne and Joseph Sullivan Award of the Heartland Alliance (2003); the Letelier-Moffitt award of the Institute for Policy Studies (2014); the Louis B. Sohn and Adlai Stevenson Awards from the UN Association of the US (Washington and Princeton Chapters, 2014 and 2015); the José Siderman Award of the Southwestern Law School, Los Angeles (2016); and the Eclipse Award of the Center for Victims of Torture (2016). He is the author of numerous publications, and, with Marjory Wentworth, of the book *Taking a Stand: The Evolution of Human Rights* (New York: Palgrave MacMillan, 2011).

Naomi ROHT-ARRIAZA (United States) is Distinguished Professor of Law at the University of California, Hastings College of the Law in San Francisco. Professor Roht-Arriaza is the author of *The Pinochet Effect: Transnational Justice in the Age of Human Rights* (2005) and *Impunity and Human Rights in International Law and Practice* (1995). She is coeditor of the books *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice* (2006) and *The International Legal System: Cases and Materials* (Foundation Press 2010, 2015) and of numerous articles on accountability for international crimes, reparations, and corporate accountability. She earned a BA from UC Berkeley, a MA from the UC Berkeley Goldman School of Public Policy, and a JD from the UC Berkeley School of Law. In 2011 she was a Democracy Fellow at the U.S. Agency for International Development (USAID), and in 2012 she was a Senior Fulbright Scholar in Botswana. She is President of the Board of Directors for the Due Process of Law Foundation (DPLF) and a legal advisor of the Center for Justice and Accountability.

Annex III: Endorsing Organizations

The following organizations have diverse opinions about the candidates and the selection process that may differ from the Panel's assessments. Their endorsement is based on a commitment to the principle of fair and transparent elections.

Argentina
- Centro de Derechos Humanos de la Universidad de Buenos Aires

Bolivia
- Comunidad de Derechos Humanos
- Construyendo Redes para el Desarrollo
- Coordinadora de la Mujer
- Derechos en Acción
- Fundación CONSTRUIR

Canada
- Human Rights Clinic of the Human Rights Research and Education Center, University of Ottawa

Chile
- Centro de Derechos Humanos de la Universidad Diego Portales
- Chile Transparente
- Corporación Humanas

Colombia
- Consultoría para los Derechos Humanos y el Desplazamiento (CODHES)
- Corporación Colectivo de Abogados José Alvear Restrepo (CCAJAR)
- Grupo de Investigación en Derechos Humanos de la Facultad de Jurisprudencia de la Universidad del Rosario
- Maestría en Derechos Humanos y Cultura de Paz de la Pontificia Universidad Javeriana de Cali

Costa Rica
- Asociación Ciudadana Acceder
- Costa Rica Íntegra (Capítulo costarricense de Transparencia Internacional)
- Defensa de Niñas y Niños - Internacional (DNI)

Ecuador
- Centro de Derechos Humanos de la Pontificia Universidad Católica del Ecuador
- Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM)
- Fundación Ciudadanía y Desarrollo

United States

- Academy on Human Rights and Humanitarian Law, American University Washington College of Law
- Santa Clara University, School of Law, International Human Rights Clinic
- The Columbia Law School Human Rights Institute

El Salvador

- Agrupación Ciudadana por la Despenalización del Aborto Terapéutico, Ético y Eugenésico
- Colectiva Feminista por el Desarrollo Local
- Fundación de Estudios para la Aplicación del Derecho (FESPAD)
- Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas (Idhuca)

Guatemala

- Centro de Acción Legal Ambiental y Social (CALAS)
- Convergencia por los Derechos Humanos[23]
- Plataforma Internacional contra la Impunidad
- Red de la No Violencia contra las Mujeres (REDNOVI)

Honduras

- Asociación de Jueces por la Democracia (Honduras)
- Centro de Investigación y Promoción de Derechos Humanos (CIPRODEH)

Mexico

- Centro de Derechos Humanos de la Montaña "Tlachinollan"
- Centro Diocesano para los Derechos Humanos Fray Juan de Larios
- Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD)
- Grupo de Información en Reproducción Asistida (GIRE)
- Instituto de Liderazgo Simone de Beauvoir

Nicaragua

- Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua, CEJUDHCAN

Panama

- Alianza Ciudadana Pro Justicia

Peru

[23] Centro de Análisis Forense y Ciencias Aplicadas (CAFCA), Centro para la Acción Legal en Derechos Humanos (CALDH), Centro Internacional para Investigaciones en Derechos Humanos (CIIDH), Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG), Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHAG), Seguridad en Democracia (SEDEM), Unidad de Protección a Defensoras y Defensores de Derechos Humanos (UDEFEGUA) and Unión Nacional de Mujeres Guatemaltecas (UNAMG).

- Asociación Pro Derechos Humanos (APRODEH)
- Instituto de Defensa Legal
- Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú
- Paz y Esperanza
- PROETICA, Capítulo Peruano de Transparencia Internacional

Regional

-Amnesty International
- Asociación Interamericana por el Medio Ambiente (AIDA)
- Asociadas por lo Justo (JASS-Mesoamerica)
- Center for Justice and International Law (CEJIL)
- Centro de Derechos Reproductivos (CRR)
- Due Process of Law Foundation (DPLF)
- International Service For Human Rights
- IPAS Centroamérica
- Open Society Justice Initiative (OSJI)
- Robert F. Kennedy Human Rights
- The Carter Center
- Washington Office on Latin America (WOLA)

Venezuela

- Acción Solidaria en VIH/sida
- CIVILIS Derechos Humanos
- Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989 (COFAVIC)
- Observatorio de Derechos Humanos de la Universidad de Los Andes
- Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA)