

Clarification Questions about the Twenty-Third Inter-American Human Rights Moot Court Competition of the Academy on Human Rights and Humanitarian Law

1. **Paragraph 40 of the hypothetical case says that the State claims to have begun taking all of the actions on behalf of the victims and women in general. Are those actions the same as the ones discussed in paragraphs 19 (Zero Tolerance Policy on Gender-Based Violence - ZTPGBV) and 20 of the hypothetical case?**

Specifically, the State of Naira has taken the following actions:

- Implementation of a Zero Tolerance Policy on Gender-Based Violence
 - Forthcoming establishment of a Gender-Based Violence Unit in the Office of the Public Prosecutor and in the judicial branch
 - Forthcoming mandatory training and education on gender-based violence for judges, prosecutors, and other public servants
 - Forthcoming implementation of an Administrative Program on Reparations and Gender
 - Creation of a High-Level Committee to explore the potential reopening of criminal cases
 - Creation of a Truth Commission that will urgently undertake to investigate the events that took place in Warmi
2. **Paragraph 20 of the hypothetical case indicates that the State decided to create a Gender-Based Violence Unit in the Office of the Public Prosecutor and in the judicial branch. It further states that it will include specific measures to assist female victims, in addition to mandatory training and education for judges, prosecutors, and other public servants. Has the State included those specific measures yet, or are they still pending implementation?**

These measures are in the process of being implemented.

3. **Paragraph 34 of the case states that the Executive Branch expressed interest in creating a Truth Commission to possibly reopen criminal cases. The information presented is written in the future tense, so the question is: Was the Truth Commission in fact created, or is it still in process?**

The High-Level Committee and the Truth Commission were already created, and have been operating in the State of Naira since early 2016.

4. **What is the exact definition of femicide in the Criminal Code of the State of Naira?**

Article 234-C.- Femicide

Any person who kills a woman because of her status as such, in any of the following contexts, will be punished by a term of imprisonment of not less than fifteen years:

1. Domestic violence;
2. Sexual coercion, intimidation, or harassment;
3. Abuse of authority, trust, or any other position or relationship that confers authority upon the perpetrator;
4. Any form of discrimination against the woman, regardless of whether there is or has been a spousal relationship or domestic partnership with the perpetrator;

The term of imprisonment will be not less than twenty-five years when any of the following aggravating circumstances are present:

1. The victim was a minor child;
2. The victim was pregnant;
3. The victim was under the care or responsibility of the perpetrator;
4. The victim was previously subjected to rape or acts of mutilation;
5. At the time the crime was committed, the victim had any type of disability;
6. The victim was subjected to human trafficking;
7. Any of the following aggravating circumstances was present:
 - 7.1. The murder was committed with brutality, or out of greed, profit, or pleasure.
 - 7.2. The murder was committed to facilitate or conceal another crime.
 - 7.3. The murder was committed with extreme cruelty or malice aforethought.
 - 7.4. The murder was committed by fire, explosion, or any other means capable of endangering the life or health of other persons.

The penalty will be life imprisonment when two or more aggravating circumstances are present.

5. Has Naira accepted the contentious jurisdiction of the Inter-American Court?

The State of Naira accepted the contentious jurisdiction of the Inter-American Court in 1979.

6. What legal criteria were considered in granting probation to Guillermo Alcazar?

Article 65.- Requirements for granting probation

The judge may suspend the execution of the sentence, provided that the following requirements are met:

1. The defendant is sentenced to a term of imprisonment of not more than four years.
2. The nature and modality of the crime, as well as the procedural conduct and personality of the defendant, allow the judge to infer that he or she will not commit a new crime. The reasons for the authority's favorable prediction of the defendant's future conduct must be duly stated.
3. The defendant must not be a recidivist or habitual offender.

The suspension period is from one to three years.

7. According to paragraph 40 of the case, is it possible to conclude that the State of Naira filed preliminary objections with the Inter-American Commission on Human Rights?

On August 10, 2016, the State of Naira filed a preliminary objection alleging the Court's lack of jurisdiction *ratione temporis*.

8. When did the State of Naira become aware of the facts alleged in paragraphs 28 and 29 of the case concerning the sexual violence against Mónica and María Elena Quispe at the Special Military Base established in Warimi?

The State contends that it learned of those events through the reports aired on GTV in December 2014.

9. With respect to paragraph 19, when was the Zero Tolerance Policy on Gender-Based Violence created?

In 2015.

10. Did Naira give notice to the OAS General Secretary that it was derogating from Articles 7, 8, and 25 of the American Convention on Human Rights?

Yes. The State of Naira notified the other States Party to the Convention through the OAS General Secretary that it derogated from Articles 7, 8, and 25 of the ACHR during the declared state of emergency; in addition, it gave notice of the derogation of the rights to the inviolability of the home, freedom of movement, the right of assembly, and the right not to be arrested without a probable cause warrant from a judge or by police authorities *in flagrante delicto*.

11. What were the preliminary objections filed by Naira with the Inter-American Commission on Human Rights?

See question 7.

12. After María Elena and Mónica were arrested at the SMB in March 1992, were they brought promptly before a competent authority?

The members of the military at the base had not only military command authority but also political and judicial authority. They held centralized power and exercised real authority over everything that happened in Warmi. As a result, the population was completely subordinate to them.

13. What progress has been made in the High-Level Committee's work to date?

The High-Level Committee's evaluation of the criminal cases is currently ongoing, so it has not yet issued an official decision. The case of the Quispe sisters has already been included in the ZTPGBV. The Truth Commission was created and implemented in 2016, and has been advancing in its work. Its final report is slated to be released in 2019.

14. What State action led to the release of the Quispe sisters?

The authorities of the SMB decided to release the Quispe sisters without providing any explanation of their actions and without the intervention of any other State authority.

15. What progress has the Truth Commission made to date?

The Truth Commission is conducting investigations, interviewing people, and taking testimonies in the areas affected by the violence that plagued the State of Naira between 1970 and 1999. The Commission anticipates that its final report will be ready in 2019.

16. Please indicate whether María Elena Quispe and Mónica Quispe are considered members of any indigenous community, people, or nationality.

They are members of an indigenous community.

17. Please state whether María Elena Quispe and Mónica Quispe were and/or are living in a situation of poverty.

They are living in a situation of poverty.

18. Was custody of María Elena Quispe's son effectively transferred to the father (Jorge Pérez) pursuant to the trial court decision cited in paragraph 26, or does Mónica still have custody because of the potentially ongoing nature of the dispute among those involved?

Mónica Quispe still has custody of Maria Elena's son.

- 19. What is the exact date (day, month, year) on which the State of Naira ratified the Inter-American Convention to Prevent and Punish Torture?**

January 1, 1992.

- 20. What is the body that issued the decision not to handle the complaints filed by the NGO Killapura (paragraph 33), and to what extent is that decision subject to appeal?**

The Office of the Provincial Public Prosecutor of Warmi made the decision not to proceed with the complaints filed by the NGO Killapura. There is no other criminal court to which the NGO Killapura can appeal in the domestic legal system.

- 21. In what year did the State of Naira recognize the contentious jurisdiction of the Inter-American Court?**

The State of Naira recognized the contentious jurisdiction of the Inter-American Court in 1979.

- 22. What was the reason for the medical examiner's trip in paragraph 23?**

The medical examiner was on vacation.

- 23. What are the overall violence/homicide rates in the State of Naira, including for men and women?**

The Observatory on Crime of Naira's Public Ministry reports that there were a total of 90,547 cases involving bodily injury and 11,562 homicides in the country in 2017. The Observatory has demonstrated that, of the reported cases of bodily injury, 75% of the victims were men, and 25% were women. In addition, 78.7 % of the victims of violent death are men, while 21.3% are women.

For its part, the Ministry of Women's Affairs of Naira indicates that 247 cases of attempted femicide and 121 cases of femicide have been reported in 2017. Emergency service units in the State of Naira report that they have responded to 95,317 cases of domestic and sexual violence; 85% of the victims were women and 15% were men.

- 24. Does the absence of a police report indicate that there was no information collected by the police when Maria Quispe decided to file the complaint on 20th Jan 2014?**

Police reports contain a statement of the underlying reasons for the police intervention, an account of the procedures conducted, and an analysis of the facts investigated. The absence of a report means that there is no official document establishing that the events that took place in Naira were investigated or that information was gathered by the police officers.

- 25. Did NAIRA's declaration of a state of emergency (per paragraph 9 of the compromise) accord with the procedural requirements set out in Art 27(3) of the American Convention of Human Rights?**

See question 10.

- 26. Can it be presumed from the existence of the Political and Judicial Command Units mentioned in paragraph 9 that State action during the state of emergency is subject to judicial review? What are their specific duties?**

See question 12.

- 27. Paragraph 28 mentions that the Quispe sisters, as very young girls, were “were held at the SMB on false accusations for a month.” What civilian or military proceedings were conducted to order their detention and their subsequent release?**

Because rights were suspended in the State of Naira, arrests could take place without any proceedings.

With respect to the second question, see question 14.

- 28. In what year were Laws 25.253 and 19.198 enacted, and what specific measures do each of them establish?**

Law 25253 entered into force on January 2, 2014, and Law 19198 on July 7, 2014. According to Article 39 of Law 25253, the protective measures granted to a woman who is the victim of violence and to her family group by the Family Court must be those most appropriate for the safety and wellbeing of the victim.

- 29. In addition to the remedies mentioned in the facts of the case, what other judicial remedies are there in the State of Naira?**

See question 20.

- 30. Did the State of Naira present arguments to the Inter-American Commission on Human Rights on the issue of admissibility?**

See question 7.

- 31. How many investigations and judgments related to crimes of violence against women have there been in the Republic of Naira?**

There is no systematized information on the matter.

- 32. What human rights guarantees were suspended during the state of emergency? And how were the drug trafficking groups treated from the perspective of international humanitarian law (paramilitary groups, etc.)?**

For the first part of the question, see question 10.

The armed groups are not included within the scenarios regulated by international humanitarian law.

- 33. What is the process, and what are the requirements, for registration in the Unified Registry of Victims of Violence? Which authority is competent to perform that analysis?**

The program has not yet been implemented.

- 34. Was the couple’s son a witness, and/or was he subjected to any kind of violence during the domestic assault committed against María Elena?**

The child witnessed the acts of physical and psychological violence perpetrated by his father, Jorge Pérez, against his mother, María Elena.

- 35. What, specifically, are the results indicators for the implementation of the Zero Tolerance Policy on Gender-Based Violence (ZTPGBV), the Gender-Based Violence Unit of the Office of the Public Prosecutor in the Judiciary, and the Administrative Program on Reparations and Gender in the State of Naira?**

Both the Gender-Based Violence Unit of the Office of the Public Prosecutor the Judiciary and the Administrative Program on Reparations and Gender are still in the implementation process. Although the ZTPGBV was implemented in 2015, the State of Naira has not issued any reports on the results of its implementation; therefore, there is no analytical research of those results that would allow for the extraction of indicators based on the findings.

- 36. According to paragraphs 28 and 33 of the case, did State authorities (other than military authorities) have the opportunity to learn of the events that constitutes alleged “mass” sexual violence in the town, through complaints, statistical reports, or other reliable reports or evidence? If so, what details can those reports give us?**

The President of the Republic of Naira, as the highest-ranking leader of the armed forces and the police, was able to learn of the events. Additionally, the Ministry of Justice and Defense—also having control over the armed forces—had the opportunity to learn of and investigate the acts of violence that took place during those years.

- 37. In reference to paragraph 11 of the case, what statistical indicators are there regarding the outcomes (from the Judicial Branch and the Office of the Public Prosecutor) of the complaints made in the media and through civil society organizations, in the event that such complaints were formally filed? If they were not formally filed or processed, why not?**

The first media outlet that publicized the events through its interviews with Maria Elena and Mónica was GTV. Later, there were other reports in other media outlets.

The only NGO that has taken on the defense of victims of sexual violence during the period of violence has been Killapura. As stated in the facts of the case, Killapura filed a complaint that was subsequently dismissed because the statute of limitations had run.

- 38. What were the specific reasons for which the Inter-American Commission found the petition admissible, and what was the date of the admissibility report? (Para. 41)**

The Commission admitted the case based on the demonstration of the violation of rights alleged by Killapura in the complaint filed with the Commission. The admissibility report was issued on June 15, 2016.

- 39. What progress and outcomes have the High-Level Committee and the Truth Commission obtained? (Para. 34)**

See question 13. The Truth Commission was created and put into operation in 2016, and has been developing its work. Its Final Report is scheduled to be released in 2019.

- 40. What have been the specific results of the Zero Tolerance Policy on Gender-Based Violence in terms of prevention (reduction of femicides, street harassment, discrimination, and other forms of gender-based violence), investigation, prosecution, and punishment (of acts and perpetrators of gender-based violence), as well as reparation (number of women registered in**

the Unified Registry of Victims of Violence and number of women who have accessed reparations through the Administrative Program on Reparations and Gender)? (Paras. 19-21)

For the first part of the question, see question 35. The Administrative Program on Reparations and Gender is in the process of being implemented, and therefore the process of registering victims has not yet begun.

41. What is the extent of the disability of Ms. Monica Quispe?

Maria Elena Quispe has right-sided hemiplegia.

42. What were the “false accusations” made against the Quispe sisters which led to their detention?

The Quispe sisters were accused of being accomplices to the armed group and providing the group with information about the military base.

43. Paragraph [10] stipulates that there were notifications of Human Rights violations subsequent to the creation and operation of the Special Military Bases between 1980 and 1999. Whereas paragraph [30] provides that the acts of sexual violence relating to the Special Military Bases were never reported. Could this be clarified?

From 1970 to 1999, the women did not report the abuses committed by the members of the military because they had received death threats and threats of retaliation from the military. In addition, those women that did talk about what happened did not receive support. This was because—as stated earlier—the perpetrators were members of the military, and they exercised military, political, and judicial control over the Province of Warimi. In that regard, crimes of sexual violence were kept hidden during the time of the internal conflict.

When some NGO’s began to report human rights violations to the media, the State of Naira opened investigations on its own initiative. Nevertheless, they were closed because they found no evidence of the acts denounced.

44. From the time the State ordered the creation of the Truth Commission, on March 15, 2015, to the beginning of the proceedings before the inter-American system, on May 10, 2016 (approximately 1 year and 2 months), has the Truth Commission obtained any results in terms of establishing the facts surrounding the sexual violence that took place at the SMB?

The Truth Commission is investigating, conducting interviews, and taking statements in the areas affected by the acts of violence experienced in Naira between 1970 and 1999. The Commission anticipates that its final report will be ready in 2019.

45. Paragraph 12 details a number of crime reporting statistics. With respect to those crimes, what percentage of cases have ended in convictions carrying actual jail time?

15% of the total number of complaints.

46. Paragraph 26 of the facts of the case mentions that Mónica Quispe, the victim’s sister, filed a complaint at the time of the events and that the court case is still pending. What is the exact length of time that has elapsed from the time the complaint was filed until the time referenced in that paragraph when it says that the case “is still” pending?

The complaint was filed in May 2014.

47. Is it possible to make factual assumptions about the case?

No.

48. With respect to the suspension of a sentence for an assault conviction, what does the Criminal Code of Naira say (requirements for granting, alternative measures for serving the sentence, criteria for determining the time of suspension), and for how long was Mr. Jorge Pérez's sentence suspended (paragraph 25 of the case)?

Article 65.- Requirements for granting probation

The judge may suspend the execution of the sentence, provided that the following requirements are met:

1. The defendant is sentenced to a term of imprisonment of not more than four years.
2. The nature and modality of the crime, as well as the procedural conduct and personality of the defendant, allow the judge to infer that he or she will not commit a new crime. The reasons for the authority's favorable prediction of the defendant's future conduct must be duly stated.
3. The defendant must not be a recidivist or habitual offender.

The suspension period is from one to three years.

The sentence imposed against Jorge Pérez was one year of suspended jail time; in other words, he was convicted of the offense of misdemeanor assault and battery but did not spend time in jail.

Mr. Pérez's sentence was not effective, meaning that he did not spend time in jail.

49. Do paragraphs 28 and 29 of the case deal exclusively with the statements that María and Mónica Quispe's gave in the interview with channel GTV?

Yes. The facts stated in those paragraphs are from the statements that Maria Elena and Mónica provided to the news outlet.

50. Were any men or children detained at the SMB in Warmi? If so, were they coerced into performing some kind of activity, like Mónica and María Elena were?

Yes, they were the victims of arbitrary arrest and forced labor. There were some cases of forced disappearances and extrajudicial executions. The female victims of forced labor, including Maria Elena, had to cook, do laundry, and serve the soldiers. They were also the victims of forced undressing, improper touching, attempted rape, and rape.

51. Did the attack that María Elena Quispe suffered result in any limitations in her daily activities?

Yes, fear of leaving home and going to work restricted her autonomy. Later, the right-sided hemiplegia placed a permanent physical limitation on her activities.

52. Did María Elena have the financial means to pay for an attorney? If not, did NAIRA provide any type of free legal advice after her first assault?

No, both Maria Elena and her sister Mónica live in a situation of poverty. Access to the judicial system of Naira is free, so it is possible to obtain legal advice free of charge. However, the police institutions

of the State of Naira do not have court-appointed lawyers on-site, and therefore Maria Elena did not get legal advice.

In contrast, the offices of the public prosecutors do have court-appointed lawyers who are at the service of complainants.

53. What was the complaint that Monica Quispe filed (¶ 26)?

The complaint filed by Mónica alleged that her sister was the victim of attempted femicide.

54. What is the penalty in Naira for the crime of attempted femicide?

See question 4.

55. What was the process in place for Warmi citizens to report crimes at the time Monica and Maria Elena were captives at the military base?

Because the Province of Warmi was under the military, political, and legal control of the soldiers, complaints had to be filed with the duty officer in charge of the SMB's criminal division.

56. With respect to paragraph 34 of the case, did women and specialized NGOs participate broadly in formulating the measures adopted by the State?

The only NGO that has taken on the defense of victims of sexual violence during the period of violence has been Killapura.

57. Does Naira's domestic legal system provide other criminal remedies that were not used by the petitioners? If so, what are they?

The only proceeding that could have been used by the NGO was used. There are no other remedies in the criminal justice system of the State of Naira.

58. In view of paragraph 10 of the case, why was there no follow-up to the complaints and investigations?

See question 43.

59. On what specific date was the Inter-American Convention to Prevent and Punish Torture ratified?

It was ratified on January 1, 1992.

60. At this time, which of the measures enumerated by the President have been implemented and have directly affected Mónica and María Quispe?

The Zero Tolerance Policy on Gender-Based Violence and the Truth Commission have been implemented.

61. During the attacks by FB and the activities of the SMBs, did the President file a formal request to the OAS General Secretariat informing it of the state of emergency? If so, what rights have been suspended, and for how long?

See question 10.

62. In relation to paragraph 10, how many investigations were opened by the State *ex officio*?

There is no systematized information on this matter.

63. In relation to paragraph 10, why were the *ex officio* investigations not successful?

See question 43.

64. In relation to paragraph 19, what percentage of the GDP does the “extraordinary budget allocation” specified for the implementation of the ZTPGBV represent?

It is 3% of the GDP.

65. What are the characteristics of the Truth Commission created by the Executive Branch (e.g., regulation, composition, mandate, duration, type of reparations it offers, etc.)?

The Commission consists of 10 representatives of the State and civil society. Five of them are men and five are women, meaning that there is gender parity. In addition, there are representatives of indigenous communities.

The Commission will dissolve once it presents its final report – which, as previously noted, is expected to be published in 2019. The reparations that it offers are administrative, and include measures of satisfaction, guarantees of non-repetition, rehabilitation measures, restitution measures, and monetary reparations.

The Commission’s mandate is to investigate the context and cases of human rights violations, with special emphasis on the cases of sexual violence that occurred during the 1970-1999 period.

66. What differences are there between the Administrative Program on Reparations and Gender, the Gender-Based Violence Unit, and the Special Fund for Reparations (amounts of reparations, procedures, possibility of litigating cases in court, etc.)?

The government is still implementing these measures, therefore there are no official documents identifying the characteristics of each one. However, we know that litigating cases is not the purpose of these measures, that they are different measures, and that the Administrative Program on Reparations and Gender will be implemented first, then the Special Fund for Reparations, and finally, the Gender-Based Violence Unit.

67. To date, what type of reparations have the Quispe sisters received?

They have not received any reparations.

68. Does Naira allow its citizens to change their name on their national identity card to reflect a change in gender?

No, it does not.

69. In paragraph 28, were both Maria and Mónica Quispe minors under Naira law?

Yes. In 1992, María Elena was 12 years old, and Mónica was 15.

70. Which of President Benavente's announced measures, mentioned in paragraph 34, have materialized?

See question 60.

71. At this time, after Jorge Pérez committed a third assault against Ms. Quispe, is he in jail or in custody?

Jorge Pérez is not in custody.

72. In connection with the first assault against Ms. María Elena Quispe, did the State authorities take any measure in light of the fact that a medical exam was not performed and it was subsequently impossible to open an investigation?

No, it did not take any measures.

73. Once a case of gender-based violence is reported, what are the necessary requirements, under the domestic legal system of the Republic of Naira, in order for protective measures to be adopted on behalf of the victims?

Once a written or verbal complaint has been filed (by the victim or any other person on his or her behalf), the Family Court is required to evaluate the case within the next 72 hours and decide in an oral hearing on the issuance of any protective measures that may be necessary.

At the oral hearing, either *ex officio* or at the request of the victim, the court will rule on protective measures to safeguard claims involving support, visitation, custody, the suspension or termination of parental authority, the settlement of marital property, and other related aspects that may be necessary to ensure the wellbeing of the victims.

Once the record of proceedings has been examined, the Family Court or its equivalent will forward the case to the Office of the Public Prosecutor for the criminal case to be brought in accordance with the rules of the code of criminal procedure, enacted by legislative decree.

Under Article 39 of Law 25253, the protective measures granted to a woman who is the victim of violence and to her family group by the Family Court must be those most appropriate for the safety and wellbeing of the victim.

74. Were the assaults that María Elena Quispe suffered at the hands of her husband also brought before the Court?

No.

75. Do María Elena and Mónica Quispe belong to an indigenous population in Warmi?

Yes, both belong to an indigenous community.

76. Has a claim been brought before the IACHR by Killapura against the State on behalf of Zuleimy Pareja and Analía Sarmiento?

No.

- 77. What was the nature and conditions of detention Maria Elena and Monica were subject to, including communication with anyone outside the place of detention?**

They did not have any communication with people outside the detention area. See question 50.

- 78. Why, despite the fact that the NGO Killapura acknowledged the mass nature of sexual violence, did the Inter-American Commission not recognize and include Zuleymi Pareja and Analía Sarmiento as victims in the case on its own initiative?**

The complaint of the NGO Killapura was based solely on the acts of violence that were committed during the 1970-1999 period, and not those that occurred subsequently.

- 79. Has Naira ratified the 1998 Rome Statute of the International Criminal Court? Paragraph 7 of the case indicates that it has ratified all the international treaties, but does not mention this one expressly.**

Yes, it has.

- 80. What were the results of the *ex officio* investigations conducted by the government into the events that took place between 1980 and 1999 at the SPECIAL MILITARY BASE in Warmi?**

See question 43.

- 81. Does the legal concept of *amparo* [petition for a constitutional remedy] or *habeas corpus* exist in the State of Naira?**

Yes, both concepts exist.

- 82. Paragraph 28 of the hypothetical case states that Monica and Maria Elena were held at the SMB on FALSE ACCUSATIONS. What were the accusations?**

See question 42.

- 83. Are there any legislative bills currently pending to decriminalize abortion in cases of rape, to recognize same-sex marriage, to allow same-sex couples to adopt children, and to recognize gender identity?**

Yes, legislative bills were introduced. However, they were subsequently killed by the conservative majority in Naira's Congress.

- 84. Was an investigation, or any kind of investigative proceeding, opened to look into the medical examiner's absence at the time of the initial case of violence against Ms. María Elena Quispe?**

No investigation of any kind was opened into the matter.

- 85. If Naira's legal system provides that some criminal offense is not subject to a statute of limitations, how is the statute of limitations period calculated for the crimes provided for in its laws?**

Article 82.- Start of the Statute of Limitations Period

The statutes of limitations for criminal actions begin to run:

1. In the case of attempt, on the day on which the criminal activity ceased;
2. In the case of an instantaneous crime, on the day on which it was committed;
3. In the case of a crime consisting of a series of acts, on the day on which the criminal activity ended; and
4. In the case of a continuing crime, on the day on which it ceased to be ongoing.

- 86. After Mr. Pérez's first criminal conviction, mentioned in paragraph 25 of the hypothetical case, was any restraining order issued against him in relation to Ms. María Elena Quispe? With respect to the criminal case referred to in paragraph 26, what is the current status of the proceedings?**

No, no restraining order was issued. The criminal case is at the formal charging phase (intermediate phase).

- 87. Paragraph 9 of the hypothetical case refers to a "suspension of guarantees." Following that suspension, did the Republic of Naira comply with the procedure provided for in Article 27.3 of the American Convention on Human Rights and suspend the application of Articles 7, 8, and 25 of the Convention? If so, were the Quispe sisters detained within the framework of that suspension of guarantees, on charges of direct participation in the armed conflict between the Nairan Army and the FB?**

See question 10.

- 88. Does the inclusion of the victims in the ZTPGBV, mentioned in paragraphs 34 and 35 of the hypothetical case, also include registration in the Administrative Program on Reparations and Gender? In the case of Ms. Maria Elena Quispe, will she be included based on the assaults committed by Mr. Pérez as well as the assaults committed at the Special Military Base?**

Yes, this includes her registration in the Administrative Program on Reparations and Gender. Nevertheless, this program is still in the process of being implemented.

- 89. What was the outcome of the investigations mentioned in paragraph 10 of the facts of the case, and what appeals were filed in response to the domestic courts' decision not to proceed with the complaints alleging sexual violence on the grounds that they were time-barred by the statute of limitations?**

See question 43.

- 90. What is the status of the criminal court proceedings described in paragraph 26 of the facts of the case, and what has been the reason for the delay?**

See question 86.

- 91. What have been the results of the measures implemented pursuant to the Zero Tolerance Policy on Gender-Based Violence and the Truth Commission's investigation?**

See questions 35 and 44.

- 92. What was the scope or the nature of the government's control over the Special Military Base established in Warmi between 1990 and 1999?**

See question 12.

- 93. On what specific dates (MM/DD/YYYY) were the following actions taken by the State of Naira:**
- a. **Zero Tolerance Policy on Gender-Based Violence (ZTPGBV);**
 - b. **Extraordinary budget allocation for the implementation of the ZTPGBV;**
 - c. **Gender-Based Violence Unit;**
 - d. **Review legislation on femicide, violence, discrimination, and issues of gender identity**

Zero Tolerance Policy on Gender-Based Violence (ZTPGBV): February 1, 2015

Extraordinary budget allocation for the implementation of the ZTPGBV: February 1, 2015

Gender-Based Violence Unit: not yet implemented

Review of legislation on femicide, violence, discrimination, and gender identity issues: in the implementation process

- 94. Which specific facts is Killapura's petition based on to allege the violations of articles 4, 5, 6, 7, 8, 25 in relation to article 1.1 of the American convention on Human Rights and 7 of the Convention of Belem do Parà?**

On the violation of María Elena and Mónica's rights in 1992.

- 95. According to paragraph 8 of the hypothetical case, the armed group "Freedom Brigades" (FB) began carrying out terrorist actions in southern Naira, principally in the Provinces of Soncco, Killki, and Warmi. Can those actions be considered to have taken place in the context of a civil war?**

No, these actions did not take place within the context of a civil war.

- 96. According to paragraph 7 of the hypothetical case, the State of Naira ratified all of the international treaties, including the CEDAW, the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture, and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belem do Parà). In addition to these, what other treaties has the country ratified?**

All of the human rights treaties.

- 97. Paragraph 9 of the hypothetical case establishes that between 1980 and 1999 the State declared a state of emergency and suspended certain guarantees. Were those guarantees suspended in a manner consistent with Article 27 of the American Convention on Human Rights?**

See question 10.