

**INTER-AMERICAN COURT OF HUMAN RIGHTS**  
**CASE OF LEGUIZAMÓN ZAVÁN ET AL. V. PARAGUAY**

**JUDGMENT OF AUGUST 30, 2023**

***(Interpretation of Judgment on Merits, Reparations and Costs)***

In the case of *Leguizamón Zaván et al. v. Paraguay*,

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

Ricardo C. Pérez Manrique, President;  
Eduardo Ferrer Mac-Gregor Poisot, Vice President  
Humberto Antonio Sierra Porto, Judge;  
Nancy Hernández López, Judge;  
Verónica Gómez, Judge;  
Patricia Pérez Goldberg, Judge,  
Rodrigo Mudrovitsch, Judge;

also present,

Romina I. Sijniensky, Deputy Registrar,

in accordance with Article 67 of the American Convention on Human Rights (hereinafter also "the American Convention" or "the Convention") and Article 68 of the Rules of Procedure of the Court (hereinafter also "the Rules of Procedure") resolves the request for interpretation of the judgment on merits, reparations, and costs issued by this Court on November 15, 2022, in this case (hereinafter also "the judgment"), filed on January 30, 2023, by the representatives of the victims (hereinafter also "the representatives").

## **I REQUEST FOR INTERPRETATION AND PROCEEDINGS BEFORE THE COURT**

1. On November 15, 2022, the Inter-American Court (hereinafter also "the Court") issued the judgment in this case, of which the parties and the Inter-American Commission on Human Rights (hereinafter also "the Commission") were notified on December 16, 2022.
2. On January 30, 2023 the victims' representatives<sup>1</sup> submitted a request for interpretation related to the scope of paragraphs 97 and 98 of the judgment regarding to the obligation to investigate.
3. On April 25, 2023, in accordance with Article 68(2) of the Rules of Procedure and following instructions from the Presidency of the Court, the Office of the Registrar transmitted the request for interpretation to the Republic of Paraguay (hereinafter "the State" or "the Paraguayan State") and to the Inter-American Commission and granted them a deadline of May 26, 2023, to submit any written observations they deemed pertinent. On May 24, 2023, the State submitted its observations. For its part, the Commission did not submit any observations on the request for interpretation.

## **II JURISDICTION**

4. Article 67 of the American Convention establishes as follows:

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

5. In accordance with this article, the Court is competent to interpret its judgments. To analyze a request for interpretation and resolve it as necessary, the Court must, if possible, have the same composition as when it handed down the corresponding judgment, in accordance with Article 68(3) of its Rules of Procedure. At this time, the Court is composed of the same judges that handed down the judgment of which interpretation is requested.<sup>2</sup>

## **III ADMISSIBILITY**

6. It falls to the Court to verify that the request presented by the representatives meets the requirements established in the norms applicable to a request for interpretation of judgment—that is, Article 67 of the Convention and Article 68 of the Rules of Procedure of the Court. Additionally, Article 31(3) of the Rules of Procedure establishes that "Judgments and orders of the Court may not be contested in any way."
7. The Court notes that the representatives submitted their request for interpretation within the 90-day period established in Article 67 of the Convention. Indeed, the judgment was notified on December 16, 2022, and therefore, the request for interpretation—filed on January 30, 2023—is admissible as far as the deadline for its submission is concerned. With regard to the other requirements, the Inter-American Court will perform the

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<sup>1</sup> The legal representation of the victims is exercised by Dante Ariel Leguizamón Morra, Hugo Valiente Rojas, Julia Cabello Alonso and Óscar Ayala Amarilla, attorneys of the Coordinadora de Derechos Humanos del Paraguay (CODEHUPY).

<sup>2</sup> This judgment was deliberated and approved during the 160th regular sessions.

corresponding analysis in the next chapter.

#### **IV ANALYSIS OF THE ADMISSIBILITY OF THE REQUEST FOR INTERPRETATION**

8. This Court will now examine the representatives' request to determine whether, in accordance with the law and the standards developed in its case law, it is admissible to clarify the meaning or scope of any point of the judgment.

9. The Court has found that a request for interpretation of judgment cannot be used to challenge a decision whose interpretation is being requested. The exclusive purpose of such a request is to determine the meaning of a judgment when one of the parties finds that the text of its operative paragraphs or its considerations are unclear or imprecise, as long as these considerations have an impact on the operative paragraphs. Therefore, the modification or annulment of the judgment cannot be sought through a request for interpretation.<sup>3</sup>

10. The Court has also held that it is inadmissible to use a request for interpretation to submit considerations on matters of fact and law that were already raised at the proper procedural moment and regarding which the Court has already issued a decision,<sup>4</sup> or to ask the Court to reassess matters that it has already ruled on in its judgment.<sup>5</sup> This proceeding can also not be used to broaden the scope of a measure of reparation ordered at the proper procedural moment.<sup>6</sup>

11. Hereinafter, the Inter-American Court will examine (A) the request for interpretation of the meaning and scope of the obligation to investigate.

#### **A. Request for interpretation of the obligation to investigate**

##### **A.1. Arguments of the parties**

12. The **representatives** requested clarification of paragraphs 97 and 98 of the judgment whereby "the creation of a Working Group to establish the circumstances of the murder of Mr. Leguizamón Zaván is ordered" and that "specify certain formal and substantive conditions for the operation of the Working Group whose creation was ordered: its composition, the selection and formation methods, the term for creating it, the obligation of public financing by the Paraguayan State, the establishment of powers of consultation and access to information, and the deadline for submitting the final report of

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<sup>3</sup> Cf. *Case of Loayza Tamayo v. Peru. Interpretation of Judgment on Merits*. Order of the Court of March 8, 1998. Series C No. 47, para. 16, and *Case of the national Federation of Maritime and Port Workers (FEMAPOR) v. Peru. Judgment on Preliminary Objections, Merits, and Reparations*. Judgment of November 21, 2022. Series C No. 480, para. 10.

<sup>4</sup> Cf. *Case of Loayza Tamayo v. Peru. Interpretation of Judgment on Reparations and Costs*, *supra*, para. 15, and *Case of the national Federation of Maritime and Port Workers (FEMAPOR) v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, and Reparations*, *supra*, para. 11.

<sup>5</sup> Cf. *Case Salvador Chiriboga v. Ecuador. Interpretation of Judgment on Reparations and Costs*. Judgment of August 29, 2011. Series C No. 230, para. 30, and *Case of the national Federation of Maritime and Port Workers (FEMAPOR) v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, and Reparations*, *supra*, para. 11.

<sup>6</sup> Cf. *Case of Escher et al. v. Brazil. Interpretation of Judgment of Preliminary Objections, Merits, Reparations, and Costs*. Judgment of November 20, 2009. Series C No. 208, para. 11, and *Case of the national Federation of Maritime and Port Workers (FEMAPOR) v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, and Reparations*, *supra*, para. 11.

its investigations, as well as the conditions for publicizing its findings." They indicated that "these considerations, [...] for its reading and interpretation fall within the scope of the Court's decision on reparations [but] are not covered by an operative paragraph in the judgment." In this regard, they alleged that "the lack of a corresponding operative paragraph raises the question of whether paragraphs 97 and 98 amount to a mandatory measure of reparation ordered by the Inter-American Court," and therefore, "the omission of the correlating operative paragraph puts in question the validity and obligatory nature of the creation of the aforementioned Working Group [and] leaves unclear whether the measure was adopted unanimously or if there was some disagreement [as well as] raises questions as to whether this measure should or should not be supervised by the Court in the framework of its jurisdiction to conduct comprehensive monitoring of compliance with judgments."

13. The **State** indicated that the representatives' request would entail "the rectification of the operative part of the judgment, due to an omission regarding the inclusion of a measure ordered." However, it indicated that "[b]eyond referring to the most appropriate way to address the representatives' request, [...] the Paraguayan State emphasizes that in the [present] case [...] it has accepted its international responsibility", and therefore its position "has been not to oppose the creation of this group". Finally, it emphasized that the measures ordered in the judgment were important for "redressing the rights violations committed to the detriment of Mr. Leguizamón Zaván, his wife, daughter and children" and that its "compliance contributes to ensuring that facts similar to what took place in this case are not repeated in the Republic of Paraguay."

14. The **Commission** did not submit any observations on the request for interpretation.

### **A.2. Considerations of the Court**

15. Regarding the obligation to investigate and the creation of the Working Group ordered in the judgment, this Court recalls that paragraph 97 of the judgment provided as follows:

97. In the context of the present judgment, the Court has determined that the investigation and subsequent prosecution of the facts of April 26, 1991, did not meet the standards of due diligence, and in addition, it failed to establish the circumstances of what happened. However, it is impossible to continue investigating the Brazilian citizens who allegedly participated in the crime because the State did not diligently take the actions necessary to secure judicial cooperation from Brazil. Additionally, the crime is time-barred in Brazil. Therefore, in its place, the creation of a Working Group is ordered to establish the circumstances of Mr. Leguizamón Zaván's murder. The Group shall report on (i) the context in which it took place, including the security situation in the city of Pedro Juan Caballero and the border area between Brazil and Paraguay; (ii) the other murders of journalists in Paraguay committed after the murder of Mr. Leguizamón Zaván, as a consequence of his work; and (iii) the failures in the investigation of Mr. Leguizamón Zaván's murder in order to propose measures aimed at guaranteeing the safety of journalists and ending impunity.<sup>7</sup>

16. In addition, regarding the Working Group, paragraph 98 of the judgment states the following:

98. The Working Group will be made up of five experts with the technical capacity, moral suitability, and specific knowledge necessary to perform this work, at least one of whom must be a journalist. One of its members will be from the Directorate of Truth, Justice, and Reparations of the Ombudsperson's Office. This individual will coordinate the group and

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<sup>7</sup> *Case of Leguizamón Zaván et al. v. Paraguay. Merits, Reparations, and Costs.* Judgment of November 15, 2022. Series C No. 473, para. 97.

facilitate its logistics. For the selection of the remaining four, within six months of notification of this judgment, the State and the representatives shall propose to the Court a list of four independent experts, from which the Court will select two members from each of the lists. The Working Group shall be financed by the State, which shall guarantee the budget for its operation. In order to fulfill its objectives, it shall have the authority to consult with any public bodies, academic institutions, or civil society organizations that may provide it with elements of judgment to prepare its report. The State must fully guarantee access to the information necessary for it to carry out its task. The group will have two years from the date of its formation to submit a final report to the Court. This report shall be public and shall be made available to society in a form that is accessible.<sup>8</sup>

17. From this, it is clear—as has been emphasized by the representatives and by the State—that paragraph 97 of the judgment orders the “creation of a Working Group [...] to establish the circumstances of Mr. Leguizamón Zaván’s murder.” Likewise, paragraphs 97 and 98 of the Judgment specified the conditions, characteristics, attributions, responsibilities, and other elements this group must be guaranteed to have.

18. In other words, in the Judgment on the Merits, Reparations and Costs adopted on November 15, 2022 in the case of *Leguizamón Zaván et al. v. Paraguay*, the State was ordered, as a measure of reparation, to create the Working Group referred to in paragraphs 97 and 98 above, and due to an omission, this order was not reflected in the operative paragraphs on the reparations that State is required to report on and comply with.

19. Consequently, it is the Court’s interpretation that the creation of the Working Group described in the analysis of the obligation to investigate, along with the deadlines set for creating it and preparing the corresponding report, are part of the measures of reparation ordered in the judgment, compliance with which will be analyzed at the supervision of compliance with judgment stage.

20. Lastly, pursuant to the provisions of Article 76 of the Rules of Procedure of the Court on “Rectification of errors in judgments and other decisions,” according to which “The Court may, on its own motion or at the request of any of the parties to the case [...] rectify obvious mistakes, clerical errors, or errors in calculation,” this Tribunal will proceed to add a operative paragraph to the judgment on the Merits, Reparations and Costs issued in the *Case of Leguizamón Zaván et al. v. Paraguay* that reflects the conclusions of this judgment in order to guarantee full compliance with reparations.

## **V OPERATIVE PARAGRAPHS**

21. Therefore,

### **THE COURT**

pursuant to Article 67 of the American Convention on Human Rights and articles 31(3), 68, and 76 of the Rules of Procedure,

### **DECIDES:**

Unanimously:

1. To declare admissible the request for interpretation of the Judgment of Merits, Reparations, and Costs issued in the *Case of Leguizamón Zaván v. Paraguay*, presented

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<sup>8</sup> *Case of Leguizamón Zaván et al. v. Paraguay, supra*, para. 98.

by the victim pursuant to the terms of paragraphs 15 and 20 of this Judgment of Interpretation.

2. To issue an interpretation concluding that the characteristics of the Working Group described in paragraphs 97 and 98 of the Judgment of Merits, Reparations, and Costs issued in the *Case of Leguizamón Zaván v. Paraguay* form part of the measures of reparations whose compliance the Court will be monitoring, pursuant to the terms of paragraphs 15 and 20 of this Judgment of Interpretation.

3. On its own initiative, and by virtue of the decision adopted in operative paragraph 2 of this judgment, to add the following operative paragraph to the Judgment on the Merits, Reparations and Costs issued in the *Case of Leguizamón Zaván et al. v. Paraguay*:

6. The State shall establish a Working Group to establish the circumstances of Mr. Leguizamón Zaván's murder, pursuant to the terms of paragraphs 97 and 98 of this judgment.

4. On its own initiative, and by virtue of the decision adopted in operative paragraph 3 of this judgment, to amend the numbering of operative paragraphs 6 through 16 of the Judgment on the Merits, Reparations and Costs issued in the *Case of Leguizamón Zaván et al. v. Paraguay*.

5. To order the Office of the Registrar of the Court to notify the Republic of Paraguay, the representatives of the victims, and the Inter-American Commission on Human Rights of this judgment of interpretation.

*I/A Court H.R. Case of Leguizamón Zaván et al. v. Paraguay. Interpretation of Judgment on Merits, Reparations and Costs. Judgment of August 30, 2023.*

Ricardo C. Pérez Manrique  
President

Eduardo Ferrer Mac-Gregor Poisot

Humberto Antonio Sierra Porto

Nancy Hernández López

Verónica Gómez

Patricia Pérez Goldberg

Rodrigo Mudrovitsch

Romina I. Sijniensky  
Deputy Registrar

So ordered

Ricardo C. Pérez Manrique  
President

Romina I. Sijniensky  
Deputy Registrar