

**CONTEXT ANALYSIS IN
INTERNATIONAL HUMAN
RIGHTS JURISPRUDENCE**



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PRESENTATION

I(dh)eas, Strategic Human Rights Litigation, is an independent non-profit organization, whose corporate purpose is the promotion and defense of human rights at the regional, national and international levels, to contribute to the construction of a democratic State of law, and the creation of a culture of respect for human rights in Mexico.

In recent years, the work of I(dh)eas has focused mainly on the legal accompaniment in cases of serious human rights violations, particularly enforced disappearance at the national and international levels.

Using strategic litigation, I(dh)eas has sought the location of the missing persons alive or dead, the determination of responsibility, the comprehensive reparation of the damage, and the reform of the institutions. The litigation strategy before the bodies of the Universal System of Protection of Human Rights that I(dh)eas adopted in 2014 has had as its main objectives:

- ▶ **To promote in Mexico, the use of the Universal System to report human rights violations.**
- ▶ **To make visible at the international level the generalized situation of disappearances, torture, gender violence, and impunity.**
- ▶ **To promote the application of international standards for the search for disappeared persons and the investigation of serious human rights violations.**
- ▶ **To promote access to justice for victims and their families through the use of national and international strategic litigation before specialized bodies in the matter.**

This document represents an effort to systematize, disseminate the standards and jurisprudence generated by international bodies for the protection of human rights regarding the context analysis methodology. In the last six years, with its litigation work, I(dh)eas, has contributed to the jurisprudence of the United Nations Universal System for the Protection of Human Rights, particularly in the litigation of cases involving Mexico.

ABSTRACT

The use and analysis of context in cases of human rights violations and, in particular, in cases of enforced disappearance, is essential when framed by situations of widespread, massive, or systematic violence. Context makes possible a more accurate assessment of the violations committed and defines responsibilities. Consequently, it also allows for appropriate redress measures that not only address damage caused to direct victim(s), but further contribute to preventing future violations through guarantees of non-repetition.

Therefore, this document addresses the following points I. The context in the assessment of facts and allocation of legal consequences II. The use of context by the IACHR and other international bodies III. The context as a criminal investigation criterion in domestic law; and iv. The use of context in cases of enforced disappearances.

Keywords: Human Rights violations, Context Analysis, Inter-American Court of Human Rights, Human Rights Committee, Criminal Investigation, Due Diligence, Forced Disappearance.

II. INTRODUCTION

It is necessary to investigate when high-impact violence occurs in a certain place, according to the facts that took place in the context of the situations of human rights violations, hence the importance of context analysis.

Context analysis is an essential tool for establishing legal consequences in cases of serious, generalized, massive, and systematic human rights violations. This tool has been developed through international law, offering more elements to approach a general understanding of the importance, conditions and use of the context to adequately assess human rights violations and to determine responsibilities.

The context in which human rights violations occur has been considered and analyzed by the Inter-American Court of Human Rights (hereinafter, “the Inter-American Court” or “the I/A Court H.R.” or “the Court”) from its early jurisprudence. This has also been the practice of other international courts, such as the European Court of Human Rights, and treaty bodies or conventional committees, such as the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee.

Despite the developments produced by these international organizations in terms of context, they have not defined the term. Context is a tool used in various disciplines, each attributing a different definition. In other words, “that the context is not univocal neither in its definition, nor in its uses, nor in its purposes”. Therefore, this document does not intent to define context, but rather to describe and analyze the uses that the Inter-American Court makes of this figure, referring, in some cases, to decisions of the conventional committees.

One of the main uses of the context developed by the Inter-American Court and other international human rights bodies - and whose mandate extends to the internal level of the States - refers to its relevance as a criterion for a criminal investigation in certain cases. These bodies make other uses of the context that are convenient to analyze, such as their use to establish the violation of human rights recognized in international treaties and to determine the international obligations and responsibility of States. This use offers elements that could be equally relevant to guarantee the development of criminal investigations adjusted to international standards.

On the other hand, the Inter-American Court has developed significant jurisprudence on the enforced disappearance of persons. In this regard, the Court has been recurrent in characterizing this phenomenon as a complex violation of human rights - and, in many cases, generalized - which entails the need to make a comprehensive analysis of the facts. Consequently, the consideration of the context in cases of enforced disappearance has been a constant in the practice of the Court.

III. THE CONDITIONS FOR THE USE OF THE CONTEXT

Before proceeding to the study of the different uses that the Inter-American Court makes of the context, it is necessary to specify the conditions under which it considers that it is appropriate and necessary to establish a context to examine the facts and assign legal consequences in this regard.

In the first place, for the Inter-American Court to proceed with the analysis of an alleged context, the factual framework of the case referred by the Inter-American Commission on Human Rights ("the Commission" or "Inter-American Commission") must make express reference to the context in question. The Inter-American Court has repeatedly stated that "the factual framework of the process before it is constituted by the facts contained in the Merits Report," including the context presented by the Commission. Therefore, the victims' representatives are prevented from alleging new facts other than those mentioned by the Commission, without prejudice to the fact that those that are supervening may express, or that allow the explanation, clarification, or dismissal of those mentioned by the Commission in its report. Outside of these parameters, the facts related to the context alleged by the representatives are usually dismissed by the Inter-American Court as they are not part of the factual framework presented by the Commission.

An interesting practice of the Inter-American Court on the admission of allegations on context is the consideration of the facts as context when they are outside its jurisdiction for reasons of time (or *ratione temporis*). In the case of *Brazil Verde Hacienda Workers v. Brazil*, for example, the Inter-American Court dismissed the events that occurred in 1989, 1992, 1993, and 1996 because they occurred before the recognition of jurisdiction by the State of Brazil; However, the Inter-American Court emphasized that this did not prevent such events from being considered as context.

Second, the Inter-American Court has also indicated that not in all cases it is necessary for it to establish and consider a context. In some cases, the facts could contain sufficient elements to establish the violations of rights and the international responsibility of a State. In this sense, in the Case of *Pacheco León et al. v. Honduras*, the Court pointed out that: "this Court considers that the facts that make up the factual framework present sufficient elements to understand the circumstances of the case, so it is unnecessary to establish, in addition to this, a contextual situation." On the other hand, when the existence of a context is alleged, said allegation must be accompanied by elements that allow its verification. Thus, in the case of *Gómez Virula et al. v. Guatemala*, the Inter-American Court rejected the existence of a generalized context of violence against trade unionists due to the lack of sufficient elements that would allow it to reach that conclusion.

Third, the alleged and proven context must materialize in the specific case to be able to assign responsibilities at the international level. In this regard, the Inter-American Court has said, for example, that in cases of alleged lack of judicial independence "it is not enough to make a general mention of an alleged context for it to be possible to conclude that there was a violation of independence and impartiality in a certain process, so it is necessary to present concrete arguments to consider such a hypothesis. " In a similar sense, in the case of the **Xucuru Indigenous People and its members v. Brazil**, the Court dismissed the violations of the victims' right to personal integrity since, although it considered a context of tension and violence to be proven during certain periods of the process of titling, demarcation, and reorganization of the Xucuru indigenous territory, the Commission's argument was not sufficient to demonstrate an irreparable damage to the mental and moral integrity of the Xucuru indigenous people and its members based on the aforementioned context.

Therefore, the alleged context must be materialized in the specific case. In some cases, to determine whether or not the specific case materializes the context, and, to that extent, allows establishing the violation of human rights and/or substantiating an attribution of responsibility to a State, the Inter-American Court has used what it calls "A test of causality".

IV. THE USE OF THE CONTEXT BY INTERNATIONAL HUMAN RIGHTS BODIES

The Inter-American Court has expressly referred to its use of context in the following terms:

► **In the exercise of its contentious jurisdiction**, the Court has learned of various historical, social, and political contexts that made it possible to locate the alleged facts as violating the American Convention within the framework of the specific circumstances in which they occurred. In some cases, the context made it possible to characterize the events as part of a systematic pattern of human rights violations, as a practice applied or tolerated by the State or as part of massive and systematic or generalized attacks against some sector of the population. Likewise, the context has been considered for the determination of the international responsibility of the State, the understanding and assessment of the evidence, the origin of certain measures of reparation and the standards established regarding the obligation to investigate said cases.

From a general reading of the jurisprudence of the Court, the uses it makes of the context can be divided into 4 groups. First, the Inter-American Court uses the context to fully assess the facts and rights in consideration, taking into account the context within which they are inserted; second, it makes use of the context to understand and adequately assess the evidence and determine the international responsibility of the State; third, it uses the context to determine the origin of certain reparation measures, and; fourth, it makes use of the context as a guiding criterion regarding the obligation to investigate the cases in consideration. Each of these uses will be developed in the following sections.

1. Comprehensive assessment of the facts and content of the rights

The Inter-American Court has indicated in several cases that, to evaluate an alleged restriction or limitation to certain rights, it “should not be subject to the study of the act in question, but must also examine said act in light of the facts of the case in its totality, including the circumstances and context in which they arose.” **Thus, based on broader assessments, the consideration of the context has allowed the Inter-American Court to characterize the events as part of a systematic pattern of human rights violations, as a practice applied or tolerated by the State or as part of massive attacks and systematic or generalized towards some sector of the population.**

For example, in the **Isaza Uribe et al. v. Colombia** case, the Inter-American Court analyzed the disappearance of Mr. Isaza, a member of the SUTIMAC union. In light of the prevailing context, which considered that “ it reveals, without a doubt, a systematic pattern of violence against trade unionists and in particular, against members of the SUTIMAC union, which has been attributed to the actions of paramilitary groups”. Based on this analysis, the Inter-American Court determined that the enforced disappearance of Mr. Isaza Uribe was perpetrated by members of an organized paramilitary structure that executed it, who in this context acted with the acquiescence of members of the State security forces.”

Also, the Inter-American Court has heard of generalized practices of violence against certain groups. In the *Espinoza González v. Peru* case, the Court considered that the acts perpetrated against Mrs. Espinoza are inserted in a context of "generalized practice of sexual violence against women, in particular, by state agents and against of women allegedly involved in the armed conflict". Thus, the consideration of the context allowed the Court to fully assess the rights at risk in the case in consideration, concluding that "the acts of sexual violence against Gladys Espinoza also constituted acts of torture."

The use of the context has allowed the Inter-American Court to make more precise assessments of the facts, considering the macro nature of the context in which they are inserted, giving rise to a broader assessment of the limitations or restrictions on the rights in consideration. Thus, the Court has used the context to specify the commission of certain human rights violations, such as torture. In this sense, the Court has indicated that "the violation of the right to physical and mental integrity of persons has various connotations of degree, ranging from torture to other types of harassment or cruel, inhuman or degrading treatment, whose physical consequences and psychological intensity vary according to endogenous and exogenous factors of the person (duration of the treatment, age, sex, health, context, vulnerability, among others) that must be analyzed in each specific situation." The Court has said, in this regard, that "the personal characteristics of an alleged victim of torture or cruel, inhuman or degrading treatment must be taken into account when determining whether personal integrity was violated, since such characteristics may change the perception of the individual's reality, and therefore, increase the suffering and the sense of humiliation when they are subjected to certain treatments." For example, when he is subjected to "serious prison conditions", which are part of a "general context of serious prison deficiencies". Hence the relevance of consider the context, among other factors.

In the same way, the consideration of the context has allowed the Court to assess the complexity of a case when it undertakes to analyze possible violations of judicial guarantees. By with the standard of reasonable time recognized in Article 8.1 of the American Convention on Human Rights, "the facts investigated in a criminal proceeding must be solved within a reasonable time, since a prolonged delay may constitute, in certain cases, by itself, a violation of judicial guarantees." The Inter-American Court assesses the reasonableness of the term considering four elements: a) the complexity of the matter, b) the procedural activity of the interested party, c) the conduct of the authorities and d) the impact generated on the legal situation of the person involved in the process. To evaluate the first element, the Inter-American Court applies several criteria, including the context in which the events occur. For example, in the **Case of Vereda La Esperanza v. Colombia**, the Court indicated, when evaluating this criterion, that "the context of generalized violence present in the country and specifically in the Magdalena Medio region at the time the events occurred, makes investigative work more difficult, even more so when within the framework of Justice and Peace, they began several years after its occurrence. " And it considered that several of the criteria considered to assess the complexity element of the matter materialized in the case, among them, "[t] he difficult context in the midst of which the events occurred."

In the same sense, the Inter-American Court has made use of the context to assess the conventionality of the use of force in certain cases. In this regard, the Court has indicated that "the evaluation of the conventionality of the use of force must be made based on all the circumstances and the context of the facts", considering the principles of legality, absolute necessity, and proportionality.

Also, the use of context has allowed the Inter-American Court to determine new human rights violations that it had not previously recognized. In a peaceful jurisprudence, the Inter-American

Court had considered that the right to the truth was framed in Articles 8 and 25 of the American Convention on Human Rights. But, in the **Case of Gomes Lund et al. V. Brazil**, the Court found that the violation of the right to information, recognized in Article 13 of the American Convention, also violated the right to the truth. In this way, a relationship between the right to the truth and the right to information was established. Subsequently, the Inter-American Court has indicated that the relationship of the right to the truth with other rights will be determined by the context in which the events occur. Thus, it has said that: "Although the right to know the truth has been fundamentally framed within the right of access to justice, it has a broad nature and its violation may affect different rights enshrined in the American Convention, depending on the context and particular circumstances of the case."

In the same way, the contextualization of the events in environments of impunity has allowed the Inter-American Court to derive human rights violations as a reason and consequence of such contexts of impunity. In this sense, for example, in the *Favela Nova Brasília v. Brazil*, the Court pointed out that "in the eventual analysis of impunity in a judicial process, it is important to bear in mind that certain contexts of institutional violence - in addition to certain obstacles in the investigation - can lead to serious difficulties in clarifying human rights violations." And it reaffirmed that, in these contexts, procedural obstacles cannot be alleged by the State for not investigating serious human rights violations such as torture, rape or extrajudicial executions.

In relation to impunity and the violation of human rights caused by contexts of impunity, the Court has also said that:

► **The absence of effective mechanisms** for investigating violations of the right to life and the weakness of the justice systems to deal with such violations can foster, in the States, a climate of impunity regarding them, and, in certain contexts and circumstances, they can create generalized situations or serious schemes of impunity, thus stimulating and perpetuating the repetition of violations.

Thus, the Inter-American Court found in the **Case of Carvajal Carvajal et al. v. Colombia**, that, at the time of the murder of Mr. Carvajal Carvajal, there was a context of violence, particularly homicides, against journalists that was largely linked to the Colombian internal armed conflict. In this context, the Court also found that the murder of Mr. Nelson Carvajal Carvajal was registered "within a generalized context of impunity for the killings of journalists that occurred at the time of the events." The Inter-American Court considered that "in this contextual framework, the inadequate investigation of the murder of Nelson Carvajal by the Colombian authorities constitutes, in itself, a violation of the obligation to guarantee Nelson Carvajal's right to life."

In another case, the Case of Alvarado Espinoza et al. v. Mexico, the Inter-American Court also found that, at the time of the enforced disappearance of the Mmes. Nitza Paola Alvarado Espinoza and Rocío Irene Alvarado Reyes and Mr. José Ángel Alvarado in Mexico "a chronic pattern of impunity and the lack of confidence of the victims of enforced disappearance in the justice system and in the authorities, including the Armed Forces, where they are not making sufficient efforts to determine the fate or whereabouts of the missing persons, punish those responsible and guarantee the right to truth and reparation." The Court pointed out, in this regard, that the lack of

response and immediate coordination in the first moments for the search of the three disappeared victims, the fragmentation and lack of coordination in the investigations that did not allow the progress of the same and the obstruction of the investigation on several occasions by the military authorities, which had not allowed the location of the victims or the determination of responsibility of the perpetrators, were framed and classified in the context of impunity previously exposed.

On the other hand, the broad assessment of the facts considering the context has allowed the Inter-American Court to assess not only the commission of human rights violations but also the commission of crimes against humanity, in the context of massive and systematic attacks or generalized against a particular group. In the case of **Almonacid Arellano v. Chile**, the Inter-American Court considered that the extrajudicial murder of the victim committed by state agents within a systematic and generalized pattern against the civilian population constituted a crime against humanity. The determination of whether the violation of furthermore, human rights constituted a crime against humanity is extremely relevant to specify the state's obligations regarding the investigation and prosecution of the facts. Thus, for example, in the **Case of Herzog et al. v. Brazil**, the Inter-American Court proceeded to establish whether the torture and murder of Mr. Vladimir Herzog were crimes against humanity, to determine the obligations of the State.

► **In light of the necessity** to establish whether obligations to investigate, prosecute and punish those responsible for the torture and death of Vladimir Herzog persisted as crimes against humanity at the time of recognition of the jurisdiction of the Court by Brazil, the Court will also analyze whether the torture and murder of Vladimir Herzog were I) perpetrated by state agents or by an organized group as part of a pre-established plan or strategy, that is, with intent and knowledge of the plan; II) in a generalized or systematic way; III) against the civilian population, and IV) for a discriminatory/prohibited purpose.

E In this case, the Inter-American Court found that in Brazil there was a context of crimes against humanity at the time of the events and that, in this context, the human rights violations suffered by Mr. Herzog were, in turn, crimes against humanity. In this context, the State's duty to investigate human rights violations acquired, according to the Inter-American Court, a "particular intensity". The Court expressed, in this regard, the following:

► **By virtue of the fact that the crimes perpetrated** against Vladimir Herzog occurred in a context of crimes against humanity, in violation of a peremptory norm of international law that from that time had erga omnes effects, once the State had knowledge of the constitutive acts torture, should initiate ex officio the pertinent investigation to establish the corresponding individual responsibilities.

Likewise, in this context, the inadmissibility of prescription in cases of torture and extrajudicial executions is also reinforced, and the presumption in favor of the international criminal jurisdiction and the possibility that other States exercise their criminal jurisdiction with regarding crimes against humanity.

1.1. Accuracy of specific duties derived from certain contexts.

Considering the previous paragraphs, it is possible to conclude that the use that the Inter-American Court of the context allows not only to fully assess the facts and the content of the rights, but also allows to specify the specific duties that derive from certain contexts, such as the case of crimes against humanity. In this sense, the Court has learned of various historical, social, and political contexts, within which it has placed the events alleged to violate the American Convention on Human Rights in the context of the specific situations in which they occurred.

Thus, the Inter-American Court has identified, among others, contexts of political violence, contexts of armed conflict, contexts of instability and political polarization, of coups d'état, contexts of high lethality and police violence, contexts of militarization, contexts of violence in the provision of military service, contexts of ties between members of the armed forces of a State and paramilitary groups, contexts of generalized violations of human rights, generalized contexts of violence that affect the population of a region, contexts of lack of independence and autonomy of high courts, contexts of intimidation against operators of the justice administration system, contexts of appropriation and enforced disappearance of children, contexts of violence against women, contexts of threats and attacks against the life and personal integrity of human rights defenders, particularly against defenders of environmental resources and against women defenders, contexts of insecurity and threats in processes of delimitation, demarcation and sanitation of the land of indigenous peoples, military contexts that may give rise to the commission or concealment of intentional crimes, contexts of irregular adoptions of children, contexts of collective or irregular dismissals of public sector workers, rights of pensioners in contexts of privatization, labor contexts between individuals, contexts of extrajudicial executions, contexts of serious prison deficiencies, contexts of risk for family members derived from the search for clarification of enforced disappearances, contexts of slave labor, contexts of violence against trade unionists, contexts of violence against journalists, and, according to its recent jurisprudence, contexts of structural discrimination against LGBTI persons.

Likewise, in their jurisprudence, other international rights protection bodies such as the Committee against Enforced Disappearances (CED Committee) have also identified certain contexts, in particular, contexts of deprivation of liberty, and the Human Rights Committee has indicated the context to prove the existence of links between state authorities and organized crime.

► **En** In this sense, in the opinion issued by the Human Rights Committee in the Tellez Padilla case, it was stated: “9.3 The Committee observes that one of the characteristic elements of the enforced disappearance of persons is precisely the refusal to recognize the detention and to reveal the fate and whereabouts of the person, and recalls its jurisprudence in the sense that the burden of proof cannot fall exclusively on the authors of the communication since the author and the State party does not always have the same access to the evidence, and that the State party is often the only one with access to the relevant information. Thus, when the authors have submitted credible complaints to the State party and when, to further clarify the matter, information is required that is exclusively in the possession of the State Party, the Committee may consider them substantiated if the State Party does not refute them by providing satisfactory evidence or explanations.

Likewise, the Committee observes that “it is highly questionable to rule out the testimony of witnesses based on the refusal of the superior officers of the state agency where it is said that the disappeared person was detained,” that “it is not logical or reasonable to investigate a enforced disappearance and make its clarification subject to the acceptance or confession of the possible perpetrators or the authorities involved”, but rather that the States must establish effective procedures to thoroughly investigate cases of enforced disappearances, taking into account the characteristic elements of this type of crime, such as the authorities' refusal to acknowledge the detention.

9.4 In light of the general context of human rights violations - in particular, the practice of enforced disappearances - prevailing at the time and place in which the events occurred (para. 2.10 and note 11 supra), and in view of the coherent account of the facts and the documentation submitted by the authors, the Committee considers that the State party has not provided a sufficient and concrete explanation to refute the authors' assertions regarding the alleged enforced disappearance of Mr. Téllez Padilla. Consequently, the Committee considers that the facts of the present constitute an enforced disappearance. "

Likewise, the Committee on Economic, Social and Cultural Rights has identified, among others, contexts of discrimination against women vis-à-vis social security and contexts of housing evictions.

Special attention deserves the opinion issued by the Committee for the Elimination of Discrimination against Women about the case Reyna Trujillo v. Mexico, in which it is stated that “the Committee takes note of the authors' allegations to the effect that this case is framed within **a context of high rates of violence against women and impunity about the cases they denounce before the courts**”.

In all these specific contexts, States had special or reinforced duties to adopt certain measures to prevent or avoid human rights violations or to protect victims. **The Inter-American Court has said, in this regard, among other things, that in certain contexts, States have the obligation to adopt all necessary and reasonable measures to guarantee the right to life, personal liberty and personal integrity of those people who are in a situation of special vulnerability, especially as a consequence of their work, as long as the State is aware of a real and immediate risk against them and whenever there are reasonable possibilities to prevent or avoid that risk.**

For example, in the **Case of Velásquez Paiz et al. V. Guatemala**, the Inter-American Court identified, at the time of the events, the existence in Guatemala of a context of increased homicidal violence against women and cruelty against the bodies of many of the victims, and indications that it was known to the state. In this context, on August 12, 2005, 19-year-old Claudina Isabel Velásquez Paiz disappeared. Court decided to analyze the facts alleged in the case, not in isolation, but in the context that they were framed, in order, among others, to assess whether it was appropriate to apply, in the specific case, "specific standards regarding the obligations to prevent and investigate human rights violations."

In this regard, the Inter-American Court considered, among other issues, that "given the context of an increase in homicidal violence against women in Guatemala and worsening of the degree violence and cruelty exercised against the bodies of many of the victims, it is evident that from that moment on, the State became aware that there was a real and immediate risk that Claudina Velásquez would be sexually assaulted, subjected to harassment and/or murdered. "

To this extent, the State had a strict due diligence duty to search for the missing young woman during the first hours and days. The Inter-American Court pointed out, in this regard, that "in particular, prompt and immediate action by the police, prosecutors and judicial authorities is essential, ordering timely and necessary measures aimed at determining the whereabouts of the victim", and that there should be procedures adequate for complaints, which should entail "an effective investigation from the first hours." The Court established, in this case, that "given the context of violence against women known to the State, the response of the State authorities was insufficient regarding the possibility that the personal integrity and life of Claudina Velásquez was endangered." This was due to the fact that the Court did not find evidence that the data and descriptions that would allow their identification had been collected, nor had an exhaustive, strategic, and coordinated search been undertaken with other state authorities, nor had it interviewed people who could reasonably have information about her whereabouts. Therefore, the Inter-American Court concluded that the Guatemalan authorities "did not act with the due diligence required to adequately prevent the death and assaults suffered by Claudina Velásquez and did not act as reasonably expected according to the context of the case and the circumstances of the alleged incident."

2. Assessment of evidence and assignment of responsibilities

As mentioned in previous sections, **for the context to be considered by the Inter-American Court to assign State responsibilities, the aforementioned context must materialize in the facts in question.** In this sense, for example, with the attribution of responsibility to the State for acts of individuals.

► **The Inter-American Court has established**, among other things, that to establish state responsibility for the transgression of the duty of respect about the actions of third parties, a general situation of collaboration and acquiescence context is not enough, but it is necessary that in the in a specific case, state acquiescence or collaboration is given off in the circumstances of the same.

Along this same line of reasoning, the Inter-American Court establishes that:

► **To establish state responsibility** for transgression of the duty of respect in relation to the actions of its agents, it is not enough to have a general situation or a context in that region of human rights violations by state officials, it is also necessary that in a specific case, the obligations of respect in charge of the States are violated in the circumstances of the same.

However, **the Inter-American Court has also established that to assign State responsibilities** the State must have knowledge of the context at the time of the events to establish specific duties and, consequently, responsibilities. For example, in the case of *Gutiérrez Hernández et al. V. Guatemala*, the Court confirmed the existence of a context of femicidal violence against women on the rise since 2001 in Guatemala; however, the facts submitted for its consideration dated from April 2000, the year in which the victim disappeared, so since it had not been proven that the State knew of this context of femicidal violence by April 2000, the Inter-American Court considered that in this particular case, the duty of strict due diligence does not apply to the State regarding complaints of disappearance of women, regarding their search during the first hours and the first days, which it has applied in other cases against Guatemala.

However, **it is important to consider that the use of the context also allows for a broad evaluation of the available evidence to determine its materialization in the specific case, to find human rights violations and, consequently, to assign responsibilities.** In particular, the Inter-American Court has considered the historical and political context in which the facts are framed as an indication to determine, in a specific case, the materialization of said context in the particular case and, consequently, the existence of a human rights violation. For example, the Court has pointed out that, regarding circumstantial evidence, the indications and presumptions that derive from the aforementioned context "can be used as long as conclusions consistent with the facts can be inferred from them". However, the Court clarifies, "it is not necessary for there to be an absolute correspondence that there be an absolute correspondence between the different elements of these contexts and the facts of the case for them to be taken into account when analyzing a specific case".

The importance of the existence of a historical and political context of serious human rights violations, as an indication to establish the commission of a human rights violation in a specific case, has become evident in those cases in which there is no direct evidence of the participation of State agents and the Inter-American Court expressly declares the non-existence of this context.

In such cases, the Court has indicated the need to resort to other elements of evidence presented in the process that allows setting up, in the absence of the context, the circumstantial evidence. This situation occurred, for example, in the **Case of Arrom Suhurt et al. V. Paraguay**, related to the alleged enforced disappearance of two persons, where the Inter-American Court indicated that the case, unlike others known to this Court, "it is not framed within a context of systematic and generalized practice of enforced disappearances, political persecution or other human rights violations, so it is not possible to use it to corroborate other evidence." In this case, the Court also pointed out that: "In this sense, in a case such as the present one, in the absence of a context and contradictory positions on the events that occurred, it is necessary that what was indicated by the alleged victims coincide with other elements of evidence that allow the Court to use these statements to obtain more information about what happened. " In other words, the absence of a context of systematic and/or generalized practice of serious human rights violations, political persecution, or other human rights violations, leaves the testimonies of the victims more exposed.

On the contrary, **when there is a defined context, the Inter-American Court has determined the existence violations of human rights and has assigned the respective responsibilities by evaluating the available evidence based on the context in question.** For example, in the case of **López Soto et al. V. Venezuela**, the Inter-American Court found a context of violence against women, as well as a pattern of denying the reception and investigation of complaints in cases of violence against women. Taking into consideration this context, the Court granted probative value to the statement of one of the witnesses in that she tried to file the complaint of the disappearance of her sister immediately, however, the authorities have refused to receive it. Similarly, in the **case of Alvarado Espinoza et al. V. Mexico**, given the existence of a context proven of disappearances and impunity, the Court considered that "the testimonies of the family members and state agents in light of the prevailing context at the time of the events, lead in a conclusive manner to prove the participation of state agents in the detentions that are subject to analysis".

The Inter-American Court has also considered the context in which the facts are framed to establish the existence of a modus operandi, determine whether the specific case materializes that modus operandi and make the respective attribution of international responsibility to the State. Thus, for example, in the **Villamizar Durán et al. V. Colombia** case, the Inter-American Court found that the extrajudicial executions fall within the context of homicides of persons at the hands of State security agents, also known as "false positives.", which was carried out "with a **modus operandi** characterized by the death of civilians later presented as members of illegal armed groups killed in combat, through various mechanisms to distort the crime scene and the circumstances of manner, time and place in which the events occurred"; consequently, the Inter-American Court found the State responsible for violations of the rights to life, personal integrity, among others.

The Inter-American Court has also learned about normative contexts to assign responsibilities. In particular, just as other international courts, the Inter-American Court has considered the legal context of the States to assess whether their legal system or parts of their legal system are in conformity with international human rights standards. This has happened in cases where it has been evaluated whether the jury system that decides in conscience is by with the standards of independence and impartiality.

For example, in the V.R.P. **Case, V.P.C. and others vs. Nicaragua**, the Inter-American Court made a presentation on the development of the criminal process in Nicaragua at the time of the events and then examined the question regarding the alleged lack of impartiality and reasons for the verdict issued by the jury. In this regard, the Court noted, among other things, the following:

► **The Court considers** that the Commission's argument, in terms of maintaining that the fact that the acquittal was unjustified implies per se a violation of Article 8.1 of the American Convention, results in a general and abstract affirmation, which does not correspond to be accepted without further argumentation or analysis of the historical, social and cultural context in which the criminal prosecution models were developed in the countries of the American continent and, in particular, of how the jury's verdict was designed and traditionally in a classical sense did not require a motivation or externalization of the grounds, since the assessment of the evidence was based on the intimate conviction of the judges.

The Inter-American Court considered, in this case, following the jurisprudence of the European Court of Human Rights, that the lack of externalization of the justification of the verdict of a jury of conscience does not in itself violate the guarantee of motivation. This, because according to the Inter-American Court, "every verdict is always motivated, although as corresponds to the essence of the jury, it is not expressed." However, the Inter-American Court considered that the verdict of a jury "should allow that, in light of the evidence and the debate at the hearing, whoever evaluates it can reconstruct the logical course of the decision of the jurors, who would have incurred arbitrariness in the event that this reconstruction was not viable according to rational guidelines."

3. Origin of certain reparation measures

The context has also been considered by the Inter-American Court to order measures of reparation, in particular, guarantees of non-repetition, measures of satisfaction and measures related to the investigation of the facts.

It is possible to discern a clear line in the jurisprudence of the Inter-American Court regarding the conditionality of the origin of guarantees of non-repetition to the proven existence of a general context. Thus, for example, in the **case of Rosadio Villavicencio v. Peru**, the Inter-American Court did not consider it pertinent to order the guarantees of non-repetition requested by the Inter-American Commission since it was not found that the violations declared "had a structural cause or were part of a general context". On the contrary, in various cases where the violations found were considered to be part of a general context, the Inter-American Court deemed it necessary to analyze the relevance of the guarantees of non-repetition requested. Thus, for example, in the **Case of Velásquez Paiz et al. V. Guatemala**, where, as noted above, the Inter-American Court established the existence of a context of increased homicidal violence against women in Guatemala, the Court ordered, among other measures, "to incorporate into the curriculum of the National Educational System, at all educational levels, a permanent education program on the need to eradicate gender discrimination, gender stereotypes and violence against women in Guatemala, in light of international regulations on the matter and the jurisprudence of this Court ." Similarly, in the **Atenco v. Mexico case**, the Inter-American Court determined that the abuses committed against the eleven female victims

were framed in a broader context of sexual violence against women in the framework of police operations and repression. Therefore, taking into account this context, the Inter-American Court ordered the State.

► **The creation and implementation**, within a period of two years, of a training plan for officers of the Federal Police and of the State of Mexico aimed at: (I) sensitizing members of the police forces to approach police operations with a gender perspective, the discriminatory nature of gender stereotypes such as those employed in this case and the absolute duty of respect and protection of the civilian population with whom they come into contact in the framework of their public order work, as well as (II) Train police officers on the standards regarding the use of force in contexts of social protest established in this Judgment and in the jurisprudence of this Court.

Similarly, in contexts of serious massive violations committed against a particular population, the Inter-American Court has ordered the public recognition of said context by the responsible State. For example, in the Case of Members of the Chichupac Village and neighboring communities of the Municipality of Rabinal v. Guatemala, the Inter-American Court ordered the State to hold a public act of acknowledgment of responsibility in which reference was made to “the facts of the case, to the context of serious and massive violations of human rights perpetrated by the State, and of international responsibility declared in the terms of this Judgment”.

The context has also been relevant for the Inter-American Court when determining measures of satisfaction. In the **Case of Maldonado Vargas et al. V. Chile**, the Inter-American Court ordered the State to unveil “in a place with public access to the members of the Air War Academy so that it remains in it, a plaque with the inscription of the names of the victims in this case with a brief text narrating the circumstances in which the violations of their human rights occurred.” Similarly, in the **case of Ramírez Escobar et al. v. Guatemala**, the Inter-American Court ordered the State to carry out a “Documentary on the facts of the case, the context in which they took place and the violations found in the Judgment.” **Also, on multiple occasions the Inter-American Court has considered it pertinent the broad publication of the official summary of the Judgment prepared by itself, as well as the judgment in its entirety, which include the context identified by the Inter-American Court.**

V. THE USE OF THE CONTEXT AS A CRITERION FOR CRIMINAL INVESTIGATION

In addition to the use that the Inter-American Court makes of the context in the assessment of facts, rights, evidence, responsibilities, and reparation measures, **it is relevant to make a special mention of the use that the Court makes of the context as a guiding criterion to define the content of the State's obligation to investigate.** That is why this particular use will be developed in this special section.

The Court, in multiple cases, has indicated to the States their duty to consider the context and circumstances in which the events occurred and, in accordance with that context, to establish plausible hypotheses of investigation and logical and pertinent lines of investigation, as well as the motives for the event, patterns and modus operandi, structures involved in the events, and those criminally responsible for the event.

For example, in cases where the Inter-American Court has established the existence of a context of serious generalized and/or systematic human rights violations, it has indicated that the States have the duty to "refrain from resorting to figures such as amnesty for the benefit of the authors, as well as any other analogous provision, the prescription, non-retroactivity of the criminal law, res judicata, **ne bis in idem** or any similar defense of responsibility." In these contexts, the States have the obligation to determine procedurally "the patterns of joint action and of all the persons who in various ways participated in said violations and their corresponding responsibilities." This implies, the Court has also said, "that the authorities in charge of the investigations have the duty to ensure that in the course of the investigations the systematic patterns that allowed the commission of serious human rights violations are assessed."

In relation to the context, the Court has expressly said, in these cases, **that "To guarantee its effectiveness, the investigation must be conducted by taking into account the complexity of this type of events and the structure in which the persons probably involved in them are located, according to the context in which they occurred, particularly in contexts of massive and systematic or generalized attacks on some sector of the population, thus avoiding omissions in the collection of evidence and in the follow-up of logical lines of investigation."**

Likewise, in cases that the Inter-American Court has identified as "complex cases," the Court has also indicated that the obligation to investigate:

► **It entails the duty** to direct the efforts of the state apparatus to unravel the structures that allowed these violations, their causes, their beneficiaries, and their consequences, for which an investigation can only be effective if it is carried out from a comprehensive view of the facts that takes into account the antecedents and the context in which they occurred and that seeks to reveal the structures of participation.

Likewise, in cases located in a context of armed conflict, the Inter-American Court has also indicated that, in criminal investigations, the systematic pattern of human rights violations in the context of the armed conflict must be taken into account, as well as the military operations within which the facts are framed, "in order that the pertinent processes and investigations are conducted in consideration

of the complexity of these facts and the context in which they occurred, avoiding omissions in the collection of evidence and in the follow-up of logical lines of investigation based on a correct assessment of the systematic patterns that gave rise to the facts being investigated."

In other cases, such as the cases of attacks against human rights defenders, the Inter-American Court has said that the States "have the obligation to ensure impartial, timely and informal justice, which implies an exhaustive search of all the information to design and carry out an investigation that leads to the proper analysis of the hypotheses of authorship, by action or by omission, at different levels, exploring all the pertinent lines of investigation to identify the authors. " And, specifically about the context, it has established:

► **Faced with indications or allegations** that a certain act or crime could constitute retaliation for the activities or work of an attacked human rights defender, the investigating authorities must take into account the context of the facts and such activities to identify the interests that could have been affected in the exercise of the same, to establish lines of investigation and hypothesis of the crime, as well as carry out the pertinent procedures to determine if these indications could be linked to the motive of the aggression.

Thus, for example, in the **Case of Human Rights Defender et al. V. Guatemala**, the Inter-American Court found that the investigations carried out at the domestic level had not taken into account "the context of the events and that A.A. was a human rights defender, as well as the tasks and activities that he carried out at the time of his death "and that the authorities in charge of the investigations had not followed" clear and logical lines of investigation that would have taken those elements into account." **In this regard, the Inter-American Court has reiterated that, in cases where there has been an attack or violation of human rights against a human rights defender,** "the investigation must be carried out taking into account the context in which the defender carried out their work."

Similarly, **the Inter-American Court has established specific investigative duties in the case of cases situated in contexts of generalized human rights violations. Specifically, in a generalized context of enforced disappearances or a generalized context of homicides or extrajudicial executions or acts of torture, or, also, in a context of dictatorship with systematic patterns of serious human rights violations or in a context of state violence,** such as it may be a context of high lethality and police violence, the Inter-American Court has indicated that the State has a reinforced obligation to investigate the facts with diligence and seriousness. In these contexts, the obligation to investigate "acquires a particular and determining intensity and importance." The Inter-American Court has also said that, in these contexts, the obligation to investigate "cannot be carried out in any way, but must be carried out by with the standards established by international norms and jurisprudence that characterize investigations of serious human rights violations. " Thus, for example, in the **case of Días Loreto et al. V. Venezuela**, the Court said that "given the context of extrajudicial executions in Venezuela [...] it is concluded that the State did not investigate taking that context into account even though patterns of extrajudicial executions were identified[.]" For these reasons, the Inter-American Court considered that the State had incurred a violation of due diligence in the investigation.

For example, in the **Case of Goiburú et al. V. Paraguay**, where the Court established a context with a systematic practice of arbitrary detentions, torture, executions and disappearances perpetrated by the security forces. The Court noted that the State's duty to investigate and prosecute the perpetrators of these human rights violations acquired "special relevance since the events occurred in a context of systematic violation of human rights –both constituting crimes against humanity– which generates for the States the obligation to ensure that these conducts are criminally prosecuted, and their perpetrators punished." This obligation entails a duty of inter-state cooperation, i.e., the States would have the obligation to adopt "the measures that are necessary to not leave these violations unpunished, either by exercising their jurisdiction to apply their domestic law and international law to prosecute and, where appropriate, punish those responsible, or collaborating with other States that do or seek to do so.

VI. THE USE OF CONTEXT IN CASES OF ENFORCED DISAPPEARANCE

An important number of the cases known to the Inter-American Court are related to the enforced disappearance of persons. This has led to the developments formulated by it regarding the use and analysis of context deriving in a relevant way from this type of case. In this section the different uses developed previously, applied to the phenomenon of enforced disappearance will be studied.

As noted above, **the Inter-American Court has stated on multiple occasions that the study of a restriction or limitation to certain rights must be done in its entirety, including the circumstances and the context in which the facts occurred. The analysis of cases of enforced disappearance is not alien to this standard.** The Inter-American Court has established that in cases of serious human rights violations, such as the enforced disappearance of persons, "the analysis of a possible enforced disappearance must cover the totality of all the facts that are presented to the Court for consideration." Only in this way, the Court has said, "the legal analysis of the possible enforced disappearance is consistent with the complex violation of human rights that it entails, with its permanent nature and with the need to consider the context in which the events occurred, to analyze its long-term effects and comprehensively focus on its consequences, taking into account the corpus juris of both inter-American and international protection."

Consideration of the evidence and contexts in cases of disappearance of persons plays a crucial role in determining the commission of an enforced disappearance given the absence of evidence or the impossibility of accessing it. For example, in the **Case of González Medina and family members v. Dominican Republic**, the Court considered that there was a contemporary context to the facts of the case "of political tension and surveillance of opponents and critics of the Government, as well as a practice of illegal detentions and cruel, inhuman or degrading treatment and torture by security organizations "which represented" an indication in relation to the alleged enforced disappearance of Narciso González Medina." In this case, the Inter-American Court considered that the context at the time of the events, added to other evidence provided in the process, allowed it to reach the conclusion that Mr. Narciso González Medina had been forcibly disappeared by the Dominican Republic.

The Inter-American Court has been emphatic in also pointing out the importance of the evidence and contexts in cases of enforced disappearance to determine responsibilities. Thus, in the **Case of Isaza Uribe et al. V. Colombia**, the Court determined that the indicated evidence and contexts allowed it to consider that the disappearance of Mr. Isaza was committed by members of an organized paramilitary structure, who in that context acted with the acquiescence of members of the State security forces. Therefore, the Court concluded, "to conclude that the indicated indications are not sufficient to establish that Mr. Isaza Uribe was forcibly disappeared would imply allowing the State to take refuge in the negligence and ineffectiveness of its investigations to evade its international responsibility."

Likewise, in contexts where enforced disappearance is a generalized practice, the Inter-American Court tends to assign a preponderant value to the statements of the witnesses given the evidentiary difficulties that commonly accompany these events.

► In this sense, the Court attributes a high probative value to the statements of the witnesses, within the context and circumstances of a case of enforced disappearance, with all the difficulties that derive from it, where the evidence is essentially indirect and circumstantial testimonies due to the very nature of this crime, added to pertinent logical inferences, as well as its link to a general practice of disappearances.

The consideration of indications and contexts has also allowed the Court to infer the commission of various human rights violations. Thus, for example, in multiple cases, it has determined that “the fact that a person is missing for a long period of time and in a context of violence is a sufficient indication to conclude that the person was deprived of their life”.

Regarding the need for the context in question to be materialized in the specific facts of the case, in cases of enforced disappearance, the Inter-American Court has indicated:

► Although there is a context of systematic and generalized practice of enforced disappearance, to determine the occurrence of enforced disappearance, the existence of other elements is required to corroborate that the person was deprived of their liberty with the participation of state agents or individuals acting with the authorization, support or acquiescence of the State. In this regard, this Court has determined that “the mere verification of the practice of disappearances is not enough, in the absence of any other evidence, even circumstantial or indirect, to demonstrate that a person whose whereabouts is unknown was a victim of it.”

The establishment of a **modus operandi** in which the specific events are framed has allowed the Inter-American Court to classify such events as enforced disappearance and assign the corresponding responsibilities. Thus, for example, in the **Case of Tenorio Roca et al. V. Peru**, the Inter-American Court established that the arrest and subsequent disappearance of Mr. Tenorio Roca “did not constitute an isolated event, but rather was inserted in a generalized context of enforced disappearances carried out by the forces of order in the province of Huanta”, and considered that it had “sufficient elements to reach the conviction that the arrest and the subsequent actions followed the modus operandi regarding enforced disappearances committed by state agents during the relevant period as part of the counter-subversive strategy.”

Similarly, in the **Case of Vereda La Esperanza v. Colombia**, the Inter-American Court, after identifying the context that framed the facts and the elements of the case that allowed it to determine whether the facts were adjusted to the characteristics of a context of collaboration between paramilitary groups and members of the Army, concluded, after evaluating the context together with the evidence provided, that “the events that occurred took place within the framework of a collaborative relationship between the military forces located in the area” and found, in relation to the disappearance of eleven of the victims, that there was a mode of operation similar to that described in the context: “According to the evidence collected, the Court notes that there was a very similar form of deprivation of

liberty among all the alleged victims, who were initially identified as members or collaborators of the guerrilla and, subsequently, were taken by men armed that were transported in vans or private cars and even today their whereabouts are unknown."

► **In a similar sense, the Human Rights Committee has considered the context of enforced disappearances existing at the time of the events and the modus operandi of those disappearances, to establish that, in a specific case, the victims had been forcibly disappeared and the State was responsible for the violation of various rights. In Communication No. 2134/2012, the Human Rights Committee noted, in this regard, the following: "In light of all the foregoing, as well as the general context of human rights violations - in particular, the practice of enforced disappearances - prevailing in the place and time when the events occurred, according to extensive information provided by the authors, the Committee considers that the State party has violated the rights of Messrs. Anzola and Molina recognized in articles 6, 7 and 9 of the Covenant."**

However, also in cases of enforced disappearance, the Inter-American Court has established specific duties in cases situated in contexts of generalized human rights violations. In this sense, the Inter-American Court has established that "the authorities must generate hypotheses and lines of investigation, according to the relevant contexts, to determine the people who in various ways allowed, designed and carried out the fact, intellectually and materially, the patterns of joint action and the beneficiaries of the crime, according to their corresponding responsibilities." Thus, for example, in the Case of Tenorio Roca v. Peru, where the Court identified the existence at the time of occurrence of the fact of a generalized context of enforced disappearances, she indicated that "given the context and complexity of the facts, it is reasonable to consider that there are different degrees of responsibility at different levels, and the State is obliged to identify all the members who participated, as well as their degree of intervention in the commission of the enforced disappearance."

The United Nations CED Committee has also pointed out the centrality of the context to define lines of investigation, identify those responsible and reveal the criminal structures involved. In various urgent actions regarding Mexico, motivated by the disappearance of 147 people in Iguala Guerrero, the CED Committee expressed its concern over the State's failure to adopt a general search and investigation strategy that considers the context in which the events occurred.

► **In this situation, the Committee** required Mexico to immediately design and implement a general investigation and search strategy, which must take into account an adequate reconstruction of the context of each of the disappearances; an exhaustive analysis of this context by a specialized team; an identification of the existing pattern or patterns; and an identification of the criminal structures linked to the disappearances (including their possible links and forms of articulation with local, state and federal authorities).

Similarly, in the **Case of Rochac Hernández et al. V. El Salvador**, related to the enforced disappearance of children in a context in which a systematic pattern of disappearance of boys and girls was proven, the Inter-American Court found that in the investigations carried out at the internal level, it had not taken into account "the context of the events, their complexity, the patterns that explain their commission, the complex network of people involved, nor the special position within the state structure, at that time, of the people who might be responsible."

Likewise, the CED Committee in the Cristian Téllez case Padilla and family members v. Mexico, given the existence of a context of links between state authorities and organized crime groups, considered that the State did not guarantee the right to an accessible, effective, and enforceable remedy of the victims since the proceedings of the investigation into the disappearance of Mr. Téllez did not consider, among other things, the context in which the disappearance of the victim was framed. Consequently, the Committee ordered the Mexican State to carry out an exhaustive, rigorous, impartial, independent, and effective investigation into the circumstances of the disappearance of Mr. Téllez Padilla, considering the identified context of the link between state authorities and organized crime groups.

Regarding reparations in cases of enforced disappearance, it is common for the Inter-American Court to order as a measure of reparation the conduct of investigations aimed at locating the disappeared persons. In relation to this, the aforementioned Court has indicated that "the remains of a deceased person and the place where they are found can provide valuable information about what happened and about the perpetrators of the violations or the institution to which they belonged, particularly in the case of state agents. " Also, the Inter-American Court has ordered as a measure of reparation the conduct of pertinent investigations taking into account the context of the case, avoiding omissions in the collection of evidence and in monitoring the logical lines of investigation, as well as integrating them into a single investigation that allow to achieve specific results".

As in other types of cases, as mentioned in the previous section, the identification of a context is a condition for the Inter-American Court to order 'more severe' reparation measures, such as measures of satisfaction or guarantees of non-repetition. Thus, for example, given the existence of a context of enforced disappearances, in the **Case of Goiburú et al. V. Paraguay**, the Inter-American Court ordered the State to build a monument in memory of the disappeared victims, stating that the monument "must have a plaque to record the name of those victims and refer to the context of the enforced disappearances that occurred during the Operation Condor. "

VII. CONCLUSIONS

Throughout this document, some findings were presented that derive from a general reading of the jurisprudence of the Inter-American Court and other conventional bodies. In the first place, the conditions that said Court has established to consider a context and derive legal consequences from it were addressed. As such, the Court has indicated that an alleged context must form part of the factual framework submitted for its consideration by the Commission, otherwise it cannot enter into its study.

Also, the importance that the Inter-American Court, the Human Rights Committee, and the CED Committee have given to the context to define both search and investigation plans and to establish the international responsibility of the State was also highlighted. It has established that it is not necessary to allege the existence of a context when sufficient elements emerge from the specific facts to account for a violation of human rights. On the other hand, when the existence of a context is invoked, sufficient arguments and evidence must be offered to account for its existence, as well as its materialization in the specific case, to establish the international responsibility of the State in question.

Second, the different uses that the Inter-American Court makes of the context were analyzed in this document. In this area, the importance that this tool has had to assess in a more comprehensive and precise way the facts, the restrictions or limitations to the rights, the evidence, the obligations, or special duties of the States in certain contexts, and the measures repair facilities. Also, emphasis was placed on the frequent use that the Inter-American Court makes of the context as a guiding criterion in criminal investigations to define hypotheses and lines of investigation, reveal the structures involved in the events, and identify those responsible.

Finally, it was specially addressed how the Inter-American Court has applied the practices described above in cases of enforced disappearance. In particular, the importance of the evidence and the context to determine the commission of an enforced disappearance was highlighted, as well as to identify those responsible, given the absence of direct evidence that usually characterizes these events.

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This document represents an effort to systematize, disseminate the standards and jurisprudence generated by international bodies for the protection of human rights regarding the context analysis methodology. I(dh)eas, with its litigation work carried out in the last six years, has contributed to the jurisprudence of the United Nations Universal System for the Protection of Human Rights, particularly in the litigation of cases involving Mexico.

We want to express our gratitude to all those people who have trusted us, in particular the families of the victims, sister social organizations and cooperation agencies whose support makes our work possible. We also want to recognize the people who have integrated our organization over the last few years, who with their dedication and professionalism have supported the institutional consolidation.

Thanks for reading us. We have committed to breaking the impunity pact and we will continue to work on it with independence and responsibility, always betting on building strategies and joining forces.
April 2021, Mexico City.



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