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The case of *Velásquez-Rodríguez v. Honduras* presented to the Inter-American Court of Human Rights is a typical illustration of the duty to protect – indeed, it is paradigmatic in this regard. The case involved the forced disappearance of Manfredo Velasquez, a Honduran student, in 1981, during a period in which such practices were systematic. The Court concluded that the disappearance had been carried out by military personnel or by persons connected to and tolerated by the military; it thereby found a violation of Articles 7 (personal liberty), 5 (personal integrity) and 4 (right to life) of the American Convention on Human Rights. The Court then decided *motu proprio* to examine whether the acts also involved a violation of Article 1(1) of the ACHR. Read the short excerpts (/c4x/LouvainX/Louv2.01x/asset/_Materials__Duty_to_Protect_-_Velazquez-Rodriguez__Final_.pdf) of the case in order to better understand the nature of the obligation to protect.

READING THE VELÁSQUEZ-RODRÍGUEZ CASE - EXERCISE (3/3 points)

Please answer the following questions concerning the *Velásquez-Rodríguez v. Honduras* case:

1. The judgment distinguishes the duty to respect the rights of the American Convention on Human Rights and the duty to prevent human rights violations. This latter duty in turn:

- ☐ refers to a duty to provide monetary compensation to victims or violations which are not caused by State organs;
- ☐ refers to a duty of the State to investigate alleged human rights violations which are not caused by State organs;
- ☒ refers to a duty of the State to take measures that seek both to prevent the violations and, if preventive measures fail, to investigate the violation, to punish those found responsible and to ensure the victim adequate compensation. ✓

2. The Inter-American Court of Human Rights states that "while the State is obligated to prevent human rights abuses, the existence of a particular violation does not, in itself, prove the failure to take preventive measures" (para. 175). This implies:

- ☐ that certain violations of human rights are caused, not by the State, but by private (non-State) actors who are then responsible under international law;
- ☒ that, even in cases where a certain prejudice results for the individual from his/her human rights being infringed, the State is not necessarily responsible, if the State has acted with due diligence to take all measures that could reasonably be taken to prevent the event from occurring or, if it does occur, to investigate it, in order to punish the perpetrators and provide compensation to the victim; ✓
- ☐ that all violations of human rights engage the State's responsibility, either because they will be directly imputable to the State, or because they will reveal a failure by the State to take effective preventive measures.

3. In the *Velásquez-Rodríguez v. Honduras* case, the defending State argued that the family members of the "disappeared" victim had put forward no piece of evidence showing that those responsible for the disappearance were connected to the State. This argument:

- ☐ is irrelevant as far as the duty of the State to protect (i.e., to prevent and to investigate) is concerned;
- ☐ is wrong, since it is the State organs, and not the victim's family members, who have a duty to investigate the disappearance in order to collect evidence and identify the perpetrators;
- ☒ both of the above. ✓

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