



# **INTER-AMERICAN COURT OF HUMAN RIGHTS**

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**COMMITTEE BULLETIN**

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# Welcome Letter from Director of English Committees

Welcome delegates!

My name is Mayte Cruz and I am the current director of English Committees. My debate journey began in 2021 in OAS Special Mission, continued through to 2022 in the Press Corps committee, directed the same committee in 2023, and now have the honor to serve in the board of directors of the congress.

DALE will be an experience that allows you to immerse yourself in two days of rich conferences, a place for you to voice your ideas, and a platform that will impulse you into your future. Regardless of the committee that you choose, you will leave DALE with a sense of excellence and accomplishment. Delegates that dedicate themselves to their research and the congress as a whole are the ones who most often grow throughout this conference. I encourage you to give this experience all you have and dedicate your time to truly make this an enriching learning experience for you.

On a personal note, DALE has broadened my horizons to so many different opportunities and perspectives that have been platforms for new ideas. I am confident that it can do the same for you, too. I am open to any questions or concerns you may have leading up to the conference, so do not hesitate to contact me! Thank you for joining the DALE XI family, and see you at Camino Real!

Best of luck,

Mayte Cruz ([macruz@ans.edu.ni](mailto:macruz@ans.edu.ni))  
Director of English Committees

## Welcome letters from Co-Directors

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Hello delegates! My name is Emily Tingle and I'll be one of your directors in DALE XI 2024. I am currently 17 and a senior at Nicaragua Christian Academy Matagalpa, but by the time of the conference I will have graduated and will be on my way to college. Court has always had a special place in my heart and I hope it grows on you too. The first time I debated was in court, I remember being nervous to talk but as soon as I started I couldn't stop. I got engulfed into the topic, it suddenly felt like I met the victim's and that the case was mine to defend. I have participated in DALE Nicaragua for four years and recently participated in HACIA Democracy. Debate has opened a whole new skill set for me, from speaking in public to making new friends. I hope that while you participate in the conference you get more confident in your skills and use teamwork to make your side more convincing. I look forward to seeing you all at the conference and thank you for picking the Inter-American court of Human Rights.

Best Regards,

Emily Tingle

[emilygreentingle@gmail.com](mailto:emilygreentingle@gmail.com)

Hello, delegates! My name is Andrea de la Roca, and for this edition of DALE, I will have the great pleasure of being one of your co-directors for the Inter-American Court of Human Rights. At the time of writing this, I am a 16 year old senior at Colegio Centro América, but by the time of the conference I will be just one step away from university. Some of my hobbies are guitar playing, creative writing and drawing. Debate has been a very recent joy in my life, but a pleasant one nonetheless. MUN never really gave me what I wanted in a debate, as I found it too restricting and “standard”, but when I discovered the Court Model, I realized that’s where I needed to be. For me, Court is like a theater play: you study the cases, prepare, set up arguments with your team, get in character and do your best! My first time participating in Court didn’t go exactly as planned, but despite my nerves and fears, I still walked out with a medal in hand and a fulfilled heart. I especially recommend participating in this model if you’re planning on studying any career related to law (or simply like the themes discussed!). I greatly thank you for choosing this committee, and I assure you that no matter whether you win your case or not, your time here won’t be boring. In the same way, I hope you’ll be able to feel the same as I do when you participate in Court, whether it’s your first time or not.

From now on, Emily and I will be working for a successful DALE XI Conference, so please don’t hesitate to contact us if you have any questions. Looking forward to meeting you!

Best regards,

Andrea de la Roca

[andreadlroca07@gmail.com](mailto:andreadlroca07@gmail.com)

## **Purpose of the court and its role**

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The Inter-American Court of Human Rights is an institution that stems from the Inter-American System of Human Rights protection. It was founded in 1979 to promote and protect human rights in the Americas. This committee, just like in the real world, is driven by human rights protection. The IACHR works in a totally different manner from the rest of the committees. On the day of the conference, delegates will be assigned their respective positions. Delegates have to prepare for all three sides for the day of the debate. Make sure to have points for all the positions.

**Judges:** Listen closely to both sides of the case, formulate questions to keep the debate going and formulate a conclusion to the debate. The judges get to choose the winner of the debate.

**State:** Defend the state being accused by the petitioners by mentioning the constitution of the given country and documents ratified by the OAS, UN, and the Court. Defend the government of the country in the case, using the constitution and verifying that the actions taken were legal.

**Petitioners:** Accuse a country of violating human rights. Defend ideas based on the occurrences of the case. Documents ratified by the OAS, UN, and the Court are maintained as the main source of arguments. Defend the victims of the case using focusing on the human rights violated in the case, furthermore provide evidence of ignorance from the state.

## Court's function

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The IACHR is a principal and autonomous organ of the Organization of American States (“OAS”) whose mission is to promote and protect human rights in the American hemisphere. It is composed of seven independent members who serve in a personal capacity. The principal function of the Inter-American Court of Human rights is to promote the observance and protection of human rights in the Americas. As Article 106 of the Charter of the Organization states:

[t]here shall be an Inter-American Commission on Human Rights, whose principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.

An Inter-American convention on human rights shall determine the structure, competence, and procedure of this Commission and those of other organs responsible for these matters. In furtherance of its mandate, the Commission:

- Receives, analyzes, and investigates individual petitions in which human rights violations are alleged to have been committed either by a Member State of the OAS that has ratified the American Convention or by one that has not.
- Observes the general situation of human rights in the Member States and publishes, when it deems appropriate, reports on the situation in a given Member States.
- Visits to countries to conduct an in-depth analysis of the general situation and/or to investigate a specific case. These visits prepare a report on the observed human rights



situation, which is published and presented to the Permanent Council and the General Assembly of the OAS.

- Develops an awareness of human rights among the peoples of the Americas. To that end, the Commission prepares and publishes reports on specific issues, such as the measures that must be taken to ensure greater access to justice; the effects that internal armed conflicts have on particular groups; the human rights situation of children, women, and migrant workers and their families, persons deprived of liberty, human rights defenders, indigenous persons, persons of African descent; freedom of expression; citizen security and terrorism, and how they relate to human rights, and so on.
- Organizes and holds visits, lectures, seminars, and meetings with government representatives, academic institutions, non-governmental organizations, and others to communicate information and promote a broad understanding of the work of the inter-American human rights system.
- Recommends to the OAS Member States the measures they should take better to protect human rights in the countries of the hemisphere.

It is imperative that you comprehend the functions and authority of the Inter-American Court of Human Rights among the nations that make up the Organization of the American States (OAS) in order to participate in this committee. The instances you will be examining are from Ecuador and the United States of America. Examine any prior rulings the court may have in relation to both nations as well as any comparable instances involving OAS members overseas. The American Convention on Human Rights (OAS) is the most important document you will need for this committee.

# Case A - Michael Domingues v. United States of America

## Facts and Background

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On May 1, 2000 the Inter-American Commission on Human Rights received a petition from Mr. William A. Courson of the Magnus Hirschfield Center for Human Rights against the United States of America. The Petition was presented on behalf of Mr. Michael Domingues, who is incarcerated on death row in the State of Nevada. On December 8, 2000 the petition was



supplemented by a second petition filed on behalf of Mr. Domingues by Mr. Mark Blaskey, Clark County Public Defender. It was subsequently agreed by Mr. Domingues, Mr. Courson and Mr. Blaskey that Mr. Blaskey would act as Mr. Domingues' sole representative in proceedings before the Commission

(the "Petitioner").

On October 22nd, 1993, sixteen-year-old Michael Domingues brutally murdered Arjin Chanel Pechpo and her four-year-old son, Jonathan Smith. Due to the two homicides that took place in the state of Nevada Mr. Dominguez was sentenced to death at sixteen years old.



Furthermore, on November 1st, 1999 the Supreme Court of the United States declined to review a ruling by the Supreme Court of the State of Nevada permitting the execution of a person convicted of a crime committed while a juvenile. The issue is that the United States is part of the American Convention on human rights, and we can clearly see breaches of Articles I (right to life), II (right to equality before law), VII (right to protection for mothers and children) and XXVI (right to due process of law), and others. The United States claims to not be in breach of any of these articles due to Article 6 of the ICCPR (International Covenant on Civil and Political Rights) permits the use of the death penalty in limited circumstances, it also provides that “nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment



by any State Party to the present Covenant.”, as well as the United States amendments. Mr. Domingues had been denied his right to a substantive appeal on these issues and had exhausted domestic remedies in accordance with Article 31 of the Commission’s Rules

of Procedure.

Mr. Domingues was a U.S. citizen who in August 1994 was tried and convicted by a jury in Nevada of one count of burglary, one count of robbery with the use of a deadly weapon, one count of first degree murder and one count of first degree murder with the use of a deadly weapon. Mr. Domingues was sentenced to death for each of the two murder convictions. Michael Dominguez is the only person on Nevada's death row who was a juvenile when he committed his crime. Dominguez, now 25, is currently on death row at the Nevada State Prison in Ely. He has not been given an execution date.

## **Demand**

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This case refers to the responsibility of the United States to protect minors from the death penalty, to hold them accountable for their crimes and misdemeanors. Additionally, the responsibility of the state to stay true to their amendments and protect their citizens. Focusing on the ICCPR (International Covenant on Civil and Political Rights) which is the main covenant that does not permit this, does not align with the constitution of the United States. Another factor to keep in mind is that Mr. Dominguez tried to get his sentence appealed multiple times.

## **Petitioners**

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As a petitioner you are in charge of defending Mr. Dominguez and his juvenile rights. The Petitioners would allege that Mr. Domingues has exhausted his domestic remedies and therefore that his petition is admissible. He also alleges that by sentencing Mr. Domingues to death for crimes committed while he was a juvenile, the State is in breach of Articles I (right to life), II (right to equality before law), VII (right to protection for mothers and children) and XXVI (right to due process of law) of the American Declaration of the Rights and Duties of Man (“the American Declaration”). More particularly, the Petitioner could argue that the United States is in violation of Article I of the American Declaration because of an international jus cogens

norm prohibiting the execution of juvenile offenders. The Petitioner also defends that the failure of the United States to preempt the pattern of legislative arbitrariness within the individual states of the U.S. in respect of the application of the death penalty to juvenile offenders has resulted in the arbitrary deprivation of life and inequality before the law. He states that on this basis, the U.S. is in violation of Articles I and II of the Declaration. Finally, it's important to remember that the application of the death sentence to Mr. Dominguez would represent a breach of Article VII and XXVI of the Declaration.

You also have to keep in mind that Mr. Dominguez exhausted all of his options before bringing it into the Inter-American court of Human Rights. On November 1, 1999 the Supreme Court of the United States declined to review a ruling by the Supreme Court of the State of Nevada permitting the execution of a person convicted of a crime committed while a juvenile. As of the date of this report, no date for Mr. Domingues' execution had been scheduled. It is important for you as a petitioner to investigate the full timeline and exactly how hard he tried to get his sentence appealed.

Another factor to look into is the reason juveniles are protected by different conventions. Investigate the psychological factors behind it, as well as the context of his original murder case.

The conventions that you can use to defend the petitioners are:

1. American convention of the rights and duties of man.
2. Universal declaration of human rights
3. ICCPR (International Covenant on Civil and Political Rights)
4. The Convention on the Rights of the Child
5. The Vienna Convention

## State

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As state you are representing the United States of America, a country that deeply believes in capital punishment. The United States would recognize that some treaties contain provisions that would prohibit the imposition of the death penalty in this case – including the American Convention on Human Rights (“American Convention”), the Convention on the Rights of the Child (CRC), and the International Covenant on Civil and Political Rights (ICCPR). However, the United States is not a party to either the American Convention or the CRC and, with respect to the ICCPR, the United States has accepted no obligation under any of that instrument to abjure or prohibit the imposition of the death penalty in this case.

Even if the execution of sixteen and seventeen-year-old offenders were prohibited by customary international law – which it is not – the United States has consistently and persistently objected to the application of such a principle to the United States. It is generally accepted that, a state may contract out of a custom in the process of formation by persistent objection

The U.S. practice regarding execution of juvenile offenders is consistent with its obligations under international law. The United States had accepted no treaty obligation which would have prohibited it from executing Mr. Domingues in this case. The total abolition of capital punishment has not yet risen to the level of customary international law, and customary international law does not prohibit the execution of a person aged sixteen or seventeen at the time of commission of the crime for which they were judged competent to be tried as adults.

Your responsibility as state is to defend the principle of capital punishment and show how brutal these homicide cases were. You will look for loopholes in the conventions and use the United States constitution to defend your principles. We recommend that you show other similar cases and demonstrate how those states acted.

You can use:

1. Constitution of the United States
2. The constitution of the state of Nevada

As well as other conventions to search for loopholes.

## Judges

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As a Judge you want to be able to move the debate along, in this debate you have to assure it doesn't stay in one place, because there are a lot of possible points to make. Keep in mind the murder trial, the hearings to get the sentence appealed, the laws that the United States follow, as well as the treaties and constitutions. Some questions you may ask are:

- Why did the United States feel the need to condemn this underage child to the death penalty?
- Were there psychological tests applied to Mr. Dominguez?
- Why should Mr. Dominguez be protected by the United States law system?
- Where should the line be drawn for the death penalty?

**[For all delegates, regardless of your role: Remember that additional conventions, declarations, articles, and videos will only be considered if permission is requested and granted by the chairs before the debate. You may send this evidence attached in an email to BOTH directors with anticipation so we can grant you approval.]**



# Case B - Guzmán Albarracín v. Ecuador

## Facts and background

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Paola del Rosario Guzmán Albarracín was born on December 10, 1986, in the city of Guayaquil, where she lived with her mother, grandmother and younger sister. From the age of 12



onwards she attended a public school for girls under the supervision of the Ministry of Education of the Republic of Ecuador. In 2001, when she was 14 years old and in her second year at the school, Paola began having difficulties with certain subjects and faced the prospect of having to repeat the year. The vice

principal of the school, Bolívar Eduardo Espín Zurtía, offered to help her pass to the next grade, on condition that she would have sexual relations with him. There are also testimonies and indications suggesting that the staff at the school knew about the relationship between the two, and that Paola had not been the only student with whom the vice principal had had close contacts of that nature. On December 12, 2002, Paola swallowed some pellets containing white phosphorus (also known as “diablillos”) at home. On the way to school she told her classmates what she had done, and when she arrived at school, they took her to the infirmary. The Inspector



General was informed and went to the infirmary, where she offered no more help than urging Paola to pray to God. Her classmates called Paola's mother, who arrived at the school nearly 30 minutes later, and then took Paola away in a taxi to the Hospital Luis Vernaza, where they pumped her stomach. When she did not improve, they took Paola to the Clínica Kennedy.

On the morning of December 13, 2002, Paola del Rosario Guzmán Albarracín died at the



Clínica Kennedy, in the city of Guayaquil, as a result of poisoning caused by voluntary ingestion of white phosphorus. Paola left three letters before she committed suicide. In one letter, addressed to the vice principal, Paola says that she felt “betrayed” by him, and that she decided to take

poison because she could no longer bear “all the things I’ve suffered.”

According to a study conducted by the World Health Organization, in 2008 -years after Paola's abuse took place-, 23.3% of the children surveyed in Guayaquil reported having been victims of some form of sexual abuse. As a delegate, you must investigate further on the facts



regarding Paola's case, the whereabouts of her abusers and the measures taken by the Ecuatorian State regarding the situation. You may rely on the American Convention, the Protocol of San Salvador, the Belém do Pará Convention and the

Convention on the Rights of the Child.

## **Demand**

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The case concerns the alleged sexual violence suffered by Paola del Rosario Guzmán Albarracín while at school, when she was between 14 and 16 years old, and her subsequent suicide by swallowing “diablillos” on December 12, 2002, which caused her death the following day. Additionally, it refers to the States violation of several articles of the American Convention on Human Rights, of the Additional Protocol to the Convention on Economic, Social and Cultural Rights or “Protocol of San Salvador”, and of the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women, “Convention of Belém do Pará”.

## **Petitioners**

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As a petitioner, you are in charge to defend Paola’s rights as a girl who was victim of not only sexual abuse, but emotional and psychological. As such, there are several ways in which delegates could approach their arguments, including factual and emotional. Paola's case involves violence based on her gender and age. Highlight that the relationship with the vice principal constituted sexual harassment and statutory rape contributes to a broader context of gender-based violence; in the same way, don’t forget to mention the additional abuse inflicted by the school doctor, who allegedly coerced Paola into having sexual relations in exchange for performing an abortion. Additionally, stress the Commission's assertion that there are "multiple indications of a

causal link" between the violence suffered by Paola and her tragic suicide. Emphasize that the Ecuadorian State did not deny this causal link during the proceedings, and no alternative hypotheses emerged from domestic investigations. The petitioners should argue that the State's negligence allowed public officials, in positions of authority, to exploit their roles for personal gain, contributing to the violation of Paola's rights.

Most importantly, argue that Paola's rights to health, personal integrity, honor, and dignity, as well as her rights to equality, non-discrimination, and education, were all compromised due to the acts of sexual violence committed against her. Point out that the State is responsible for the violation of specific articles in international agreements such as the American Convention, the Protocol of San Salvador, and the Belém do Pará Convention. Equally, **pay attention to Paola's specific rights as an underaged girl**. Make sure to further research more articles that can be used in your arguments and remember to include them in your concluding statements.

## State

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As the State, your role will be to defend Ecuador's action before, during and after Paola's suicide occurred, **no matter what it takes**. Question every single point Petitioners bring up with arguments based on your own research. Additionally, don't forget to take into account the context of Ecuador regarding gender-based violence and sexual abuse. The State could argue that suicide is a complex and multifaceted phenomenon influenced by various factors, and it is difficult to definitively attribute it to a single cause; hence, the State wouldn't be completely "at

fault” for Paola’s death. Likewise, contest the claim that the State acknowledged Paola as a victim of sexual harassment and statutory rape during the admissibility stage. The State may argue that any acknowledgment made during that stage was not a conclusive admission of guilt but rather a procedural consideration. Clarify the distinction between alleged sexual harassment and the crime of rape, as the case, being investigated domestically, pertains to the former and not the latter. **Don’t deny the facts of the situation -as it would be a fallacy-, instead, shift the attention of the debate somewhere else.** Shift the focus to the actions of individual perpetrators, such as the vice principal and the school doctor, emphasizing that their actions were not reflective of broader institutional failures. The State may contend that these individuals acted independently, and their actions cannot be imputed to the entire education system. You could also defend the State's actions by stating that it fulfilled its duty of protection through existing regulatory systems, highlighting the prompt emergency medical assistance provided to Paola, emphasizing the limited role of the educational institution in comparison to a health institution.

Finally, the State could argue that it adhered to the principles outlined in the agreements and that any shortcomings were isolated incidents, not indicative of a systemic failure. Mention how the State did take preventive measures, presenting evidence of any existing policies or protocols in place at the time. Make sure to further research more articles that can be used in your arguments and remember to include them in your concluding statements.

## Judge

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To know whether or not the accused side is guilty, judges will have the responsibility to formulate questions directed towards delegates **as a team**. We recommend that your questions do not repeat what others have already said, to keep ideas fresh and dynamic. Remember that your questions should generally be two-sided so all delegates can get the most out of the debate. However, if you find it necessary, your questions could be one-sided. Both of them are completely correct, so use them as you prefer. In this way, you could catch a **contradiction** in the arguments of any side, **which could lead to their loss of the case**. Here are some examples of questions you could bring up:

- Why did Paola's classmates not speak up sooner about her situation?
- Why didn't the other victims of the vice principal's abuse face the same consequences as Paola did?
- Why did Paola's family members not notice any change in her behaviour?
- How did the state penalize Paola's abuser? Were the measures taken enough?

Remember that for one-sided questions there is a rebuttal and a counter-rebuttal, however, two-sided questions only have a rebuttal.

Additionally, at the end of each debate session Judges will be collectively responsible for redacting a resolution to the case. What you write on this paper will decide whether the State is guilty or not of the accusations of the Commission. **The power is in your hands, so be righteous**

**and, above all, wise and factual with your decisions.** Here is an example of the format of a resolution paper for the Court model:

In the case of *Guzmán Albarracín et al.*,

the Inter-American Court of Human Rights, composed of the following judges:

Andrea de la Roca, Judge

Emily Tingle, Judge

pursuant to Articles 62(3) and 63(1) of the American Convention on Human Rights and Articles 31, 32, 65 and 67 of the Rules of Procedure of the Court, delivers this judgment.

Therefore,

**THE COURT DECLARES,**

Unanimously, that:

1. The State is responsible for the violation of the rights to life, personal integrity, the protection of honor and dignity and education... to the detriment of the victim.
2. The State is responsible for the violation of the right to personal integrity, recognized in Article 5(1) of the American Convention on Human Rights... to the detriment of the victim and the victim's family.
3. The State is not responsible for the violation of the right not to be subjected to torture recognized in Article 5(2) and the right to freedom of thought and expression recognized in Article 13 of the American Convention on Human Rights.

**AND ORDERS,**

Unanimously, that:

1. The State shall hold a public act to acknowledge its international responsibility.
2. The State shall pay the amounts established in paragraphs 256, 263 and 269 of this judgment as compensation for pecuniary and non-pecuniary damage.
3. The State, within one year of notification of this judgment, shall provide the Court with a report on the measures adopted to comply with it, notwithstanding the provisions of paragraph 231 of this judgment.

So it is ordered.

Written and approved, at Managua, Nicaragua, on April 20, 2024, in the English language.

**[For all delegates, regardless of your role: Remember that additional conventions, declarations, articles, and videos will only be considered if permission is requested and granted by the chairs before the debate. You may send this evidence attached in an email to BOTH directors with anticipation so we can grant you approval.]**



## Bibliography

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Organization of the American States [OAS]. (s. f.). *What is the IACHR?*  
<https://www.oas.org/en/iachr/jsForm?File=/en/iachr/mandate/what.asp>

Inter-American Court of Human Rights [IACHR]. (2020). *Case of Guzmán Albarración et al. v. Ecuador - Judgement of June 24, 2020.*  
[https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_405\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_405_ing.pdf)