Mariclaire ACOSTA	Founder, Mexican Commission for the Defense and Promotion of Human Rights
Carlos AYALA	Vice President, International Commission of Jurists
Catalina BOTERO	Dean, Law School, University of Los Anes
Juan MÉNDEZ	Professor of Human Rights Law in Residence, American University Washington College of Law
Judith SCHÖNSTEINER	Professor and Researcher, Center for Human Rights, Diego Portales University

Center for Human Rights & Humanitarian Law, American University Washington College of Law

[1] This is an abridged version of the full report. The full report is available in Spanish at https://www.wcl.american.edu/impact/initiatives-programs/center/documents/2questionnaire and interviews. A full English version will be available on July 30,

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PRESENTATION

just, transparent, and inclusive elections, as well as through the nomination of qualified candidates that ensure a balanced and representative composition of the Commission. The Panel would also like to thank the candidates for their cooperation in this process, for their responses to the survey questionnaire sent by the Panel, and for agreeing to be interviewed by the Panel. The Panel's appreciation is also extended to

various social media platforms of the Secretariat[5]. It also issued various written materials[6] and audiovisual infographics that outlined the future work of the Panel[7]. Once completed, the Panel's conclusions were presented in a Report in three different events. The first event was a private convening in Washington, D.C. attended exclusively by the permanent delegations of the States before the OAS and those holding the status of permanent observer. The first public event took place in Washington, D.C., and the second will take place in Medellín, Colombia, during the meeting of the General Assembly of the OAS.

The role of the Permanent Missions before the OAS

On March 26 2019, a statement was issued via email to all of the permanent missions before the OAS, providing information regarding the composition and mission of the Panel. Afterwards, another statement was issued to the missions, inquiring about the nomination processes of the candidates on a national level. On April 26 2019, the Panel released the survey questionnaire, which had been sent to the nominees and to the corresponding permanent missions that had nominated them. Finally, on June 6, 2019, the Panel released its Report (in Spanish) at the event for the representatives of the permanent missions before the OAS.

Consideration of the candidates' presentations before the Permanent Council

The Panel took into consideration the candidates' public presentations and their responses to questions issued to them during the Permanent Council session on May 21, 2017, and in the public forum convened by civil society organizations on the same day.

The role of the candidates

The Panel contacted the candidates in accordance with the information provided by the permanent missions. A survey questionnaire wa Tw 10.989 0 A2a-3.(es)CID 9 BDC Ttha

The Panel analyzed the questionnaire responses of the candidates, their written statements (academic publications, presentations in international forums, resolutions issued as public officials, blogs, and social media accounts), interviews, and various public presentations before the Permanent Council and civil society. Additionally, the Panel analyzed information submitted by organizations and other interested parties through the previously mentioned form. The Panel also undertook its own research, considering available media and other publically accessible information when it found it necessary to supplement or verify information received from various parties.

Meetings and deliberations

The Panel held regular meetings throughout the evaluation process. Once the process (receiving questionnaires, holding interviews, reviewing the information provided) was concluded, the Panel held several sessions of deliberations.

Decisions

All of the decisions reached by the Panel were made by consensus.

Recusals

To preserve the impartiality of the Panel, its members agreed that those who would have reasons that may justify their recusal from the evaluation of one or more candidates, would disclose the conflict before the evaluation process and would abstain from participating in it. Catalina Botero recused herself from participating in the evaluation of the candidate Everth Bustamante García. Ms. Botero justified this recusal in the fact that

with the repeated recommendations of the General Assembly to the States. Finally, the Panel has examined the nature of the processes at a national level through which the candidates have been nominated.

1. Independence and impartiality

The Commission represents all of the Member States of the O

positions with decision-making capacity in civil society organizations, academic institutions, corporations or private entities, or State-related organizations may also give rise to the possibility of conflict of interest.[18]

To evaluate the independence and impartiality of the candidates, the Panel considered the responses provided by the candidates on this issue, as well as the information provided by civil society that was available in the press online when necessary to supplement or confirm existing information.

2. High moral authority and recognized competenc

These resolutions, issued throughout the years, allow the Panel to affirm that the balanced and representative composition of the organization is a critical criterion for its composition, which should especially be considered at the moment of the electing its members.

4. Processes of nomination at a national level

The Panel assessed the processes of nomination of the candidates with the understanding that transparent and inclusive internal nomination processes based on the merits and competency of the candidates serves as a guarantee of the independence, impartiality, and suitability of the candidates. This approach also diminishes the power of States over internal selection processes when civil society, academia, and other interested parties are granted the capacity to participate in these processes.[30] Though they do not prevent the existence of "reciprocal political agreements (the exchange of votes)"[31]--a practice which the previous panels have been firmly opposed--these practices promote better guarantees of independence, impartiality, understanding and experience.

The Panel adopted the statements of the 2015 Panel under which

> "The affirmation and the fulfillment of the principles of competence, independence, and

With respect to the process of nomination at national levels, the Panel considers that the existence of such internal processes on the part of States is crucial to improving the nominations and elections before the OAS. Nonetheless, the absence of these processes do not invalidate a candidate, nor does the passing of a candidate through such a system guarantee their suitability for the position. As it currently stands, with local processes of nominations that are nonexistent or of poor transparency or inclusivity, the position of having been nominated does not offer sufficient guarantees of suitability and independence. With the implementation of such processes, having been nominated in accordance with these standards would eventually allow for a candidate's nomination to serve as a better guarantee of the suitability, independence, and impartiality than if the candidate had not passed through such a process.

PART II Evaluation of the candidates[33]

A. JULISSA MANTILLA FALCÓN

The Panel concludes that Julissa Mantilla meets the requirements to be elected commissioner, and that, if elected, she would contribute significantly to the work of the IACHR due to her relevant knowledge and experience.

On the requirement of high moral authority the Panel received more than twenty letters from different academic institutions, organizations, and individuals—all leaders in the human rights field—that illustrate the respect and trust the candidate has garnered throughout her career in human rights, in her country, as well as internationally. There is nothing in her file that indicates any disciplinary action, unethical behavior, or professional impropriety.

Regarding the requirement of recognized competence in the field of human rights, Professor Mantilla has a respected academic background in international human rights law, with professional experience in issues relating to crimes against humanity; memory, truth, and justice; sexual violence; discrimination; and analysis of human rights violations in different contexts. Furthermore, she has directly contributed to the legal development of the Inter-American Human Rights System: first, in her role as expert of the Inter-American Commission on Human Rights before the IACtHR and, second, as coauthor of a report on the Peruvian Truth and Reconciliation Commission that was later cited by the Inter-American Court of Human Rights in an emblematic decision of the IAHRS.[34]

The Panel also believes that her professional experience working in different sectors—government, academia, United Nations— and her direct work with civil society organizations working with victims from indigenous peoples and Afro-descendant communities constituted an added value. During candidate Mantilla's interview, the Panel confirmed that such experience has enabled her to incorporate perspectives from different areas and develop strong interpersonal skills to establish dialogues and interactions between governmental institutions and societal organizations. The Panel believes this is an essential skill for a commissioner of the Inter-American Commission on Human Rights.

[33] The presentation order of the candidates in this chapter responds to the chronological order in which the interviews were performed.
[34] See Isl

On the requirement of high moral authority the Panel analyzed candidate Macaulay's career dedicated to activism and the promotion of human rights in the Caribbean and throughout the region. Candidate Macaulay was elected judge of the Inter-American Court of Human Rights and commissioner of the IACHR, positions for which she also met "the highest moral authority" and "high moral authority," respectively. There is nothing in her file that indicates any disciplinary action, unethical behavior, or professional impropriety.

The Panel also concluded that candidate Macaulay satisfies the requirement of recognized competence in the field of human rights after examining her extensive career as a teacher, speaker, and activist for human rights in Jamaica—at the regional and international levels. The Panel also considered her extensive work promoting the ratification of human rights treaties in the Caribbean, as well as her experience as a judge of the Inter-American Court of Human Rights and as commissioner

> Dr. Bustamante In the most attentive way I am referring to the call that American University, through the Center for Human Rights and Humanitarian Law, has made for you to attend on May 17 at 4 pm to an Interview with the Panel. Taking into account that a judicial process has been opened around your candidacy, I would like to thank the Panel of Experts for requesting that this interview be stpponed until this situation has been clarified. Regards. Mauricio Baquero Pardo. GIT Coordinator of Institutional Affairs. Head of the Directorate of Multilateral Political Affairs [contact information]

After analyzing Mr. Bustamante's refusal to participate in the interview, the Panel concluded that the decision of candidate Bustamante, made per his government's request, should not prevent the Panel from analyzing his qualifications as a candidate to the IACHR, especially considering that interviews were opportunities given to the candidates to provide complementary and additional information. The Panel decided to respect the request of the candidate to not participate in an interview. Mr. Bustamante offered to notify the Panel if a possibility of an interview opened up once the legal proceedings in Colombia were over. The Panel regrets that the candidate did not want to take advantage of the opportunity to share or contrast the information the Panel had gathered on behalf his nomination.

Even though candidate Bustamante also requested that his answers to the questionnaire not be used by the Panel, Mr. Bustamante posted on his public website answers to 5 of the 19 questions issued by the Panel.[37] Those answers remained public at the moment of issuing this Report and for that reason, the Panel considered them as part of public information available on the candidate.

The

nominated candidates—to reflect on the importance of presenting candidates with high moral authority and professional suitability in sufficient numbers as to allow for a wide margin of choice, depending on the vacancies in any given cycle. The number of candidates proposed, and their qualifications, should be reviewed for upcoming elections.

According to this Panel, of the nominated individuals, only three—Esmeralda Arosemena de Troitiño, Margarette May Macaulay, and Julissa Mantilla Falcón—meet the qualifications required by

that can reflect diversity of people and legal systems, as well as the promotion of gender parity and geographic representation within the organs.

Once nominations are submitted and made public,

> "what usually happens is that States seek to obtain promises from other States to vote for their candidate (…). In order to obtain firmer commitments, States engage in an exchange of votes, given that in most cases there is more than one vacancy for the respective organ. However, the exchange of votes is not limited to the same election or organ. States can exchange a vote for a judge by voting for a Commissioner, and it is not uncommon for votes in elections for positions in organs not related to the IAHRS, as well as for other elected positions, even outside the OAS."[40]

The result, according to the 2018 Panel, is that "successful candidates tend to be those whose candidate countries have a very active, committed, and participatory diplomacy and who can offer benefits to other States in exchange for their votes."[41] According to the 2018 Panel, this system does not automatically favor those persons nominated by the most powerful States, but it has been comparatively more difficult for small Latin American countries to get their candidates elected to the IACHR and the IACtHR.[42] This system also favors "voting in blocks, so that a group of small states that have common language, geography, and other interests generally vote together and become crucial for electing certain members or denying others election or re-election."[43]

This Panel agrees with the 2018 Panel when it states that "a perfect system that routinely or evenuv2.3(l.96 17e)-

The Advisory Committee could also access the information compiled on the candidate at the national level and in the local nomination process. The Committee should assess the suitability of the candidates based not only on the criteria regarding professional eligibility for the election, but also on the personal qualities of independence, impartiality, integrity, propriety, competence, diligence, fairness, and empathy. Finally, it should also take into account the diversity of candidates in its recommendations."[57]

"iii) The OAS should publish and disseminate the names and curriculum vitae of the candidates within a reasonable and appropriate time before upcomiidSe,en