Case study: SUMMA–CEJIL database

Monitoring judicial response and improving case-law accessibility

Summary

The SUMMA database created by the [Center for Justice and International Law](#) (CEJIL[1], by its acronym in Spanish) grants free access to every active or closed case opened in the last decades by the Commission and the Interamerican Court of Human Rights, the bodies of the Interamerican Human Rights System. Understanding Court judgements and resolutions about human rights violations in Latin America is essential for activists.

The system provides quick and intuitive access to a lot of case law issued by the Court and the Commission. Also, it allows to look up every relevant document connected to a case and filter documents by typology, country, case status, signatory judge, etc. The database was developed using UWAZI, the open source platform created by HURIDOCS to organize, analyze and share collections of documents. The database described in this document is constantly updated with new decisions made by the Court and the Commission and can be accessed in the following link: https://summa.cejil.org/

This case study addresses the methodological considerations that were taken into account for enhancing access to judicial information. The guide is, thus, a kickoff to think how to develop a data model and how information should be registered and structured to facilitate its retrieval by users, as well as to provide aggregated information regarding cases, all this accurately and reliably.

Needs that motivated the creation of SUMMA

CEJIL works with a network of human rights practitioners in the legal and academic fields as well as national and international human rights organizations.

For these practitioners and other human rights defenders, the access to cases and decisions made by the Court and the Commission is a constant need. Understanding case

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[1] CEJIL works on the defense and promotion of human rights in Latin America harnessing the Interamerican Human Rights System and other international mechanisms of protection. Taking advantage of these instruments, the Center seeks to reduce inequality and exclusion in the region, pursuit justice in cases of human rights violations, strengthen democracy and public institutions and improve the efficacy of the Interamerican Human Rights System.

law, the interpretation of human rights international standards and, sometimes, the local legislation, can make the difference for the judicial strategy. Before the existence of SUMMA, these documents were not systematized and, therefore, it was more difficult to find and compare them.

For the reasons above mentioned, CEJIL decided to provide better access to the case law generated by the Interamerican Human Rights System. In order to do so, in addition to gathering all the information in the same platform, specialized search criteria based on human rights standards, keywords, and several filters (topic, country, types of resolution, etc.) were included.

Furthermore, the platform was customized to display aggregated information about a case by means of a chronological line with milestones, about provisional measures (the ones dictated by the Court to prevent additional harm), and about the composition of the Court and the Commission. All this information had to be exportable and analyzable as a whole and, lastly, the usage of the database had to be intuitive, especially regarding the quick access and visualization of information.

Database design

Data model: how to structure the database to describe the judicial response from international bodies?

The model capable of meeting these needs was based on the type of information handled at the system and in the most common usage of the database. Regarding this last point, the purpose was to facilitate the retrieval of information about decisions made by the bodies and the tracking of legal cases. The goals also included measuring the judicial response and comparing the commissioners' decisions on different cases.

The set of elements to be presented is just one among various valid proposals to fulfil the objectives, and it could be complemented with other elements or adapted to address new requirements. After several meetings with CEJIL, the following types of documents were identified:

- *Interamerican Court Judgement*

- *Order of the Interamerican Court*

- *Order of the President of the Interamerican Commission*

- *Admissibility report*

- *Admissibility and merits report*

- *Merits report*

- *Letter of Submission to the Interamerican Court*

- *Hearing*

- *Resolution of the Interamerican Commission*

- *Separate vote*

- *Provisional Measure*

The database was structured around these elements plus the *judge-commissioner* and the *case* elements*.* The *case* element was created to gather all the documents connected to a procedure.

The *case* is the core element of the model. It gives intelligibility to the rest of the components as it represents the whole legal process in which the involvement of one or more rights is discussed with evidence that prove the occurrence of the facts as they are stated in the complaint, which determines the innocence or guilt of the alleged perpetrators.

The case starts with a complaint presented to the Court and ends with a judgement. Between both points, admissibility reports, merits reports, hearings and other decisions can be issued.

In the database, the case element is described through properties such as:

- Case summary

- Case status (active or closed)

- Place of the facts

- Thematic descriptors (explained in the next section)

- Affected rights: one of the key indicators reflected in sentences and merits reports which is shown in the case.

To show this last indicator, the cases include a textual reference to the articles of the American Convention of Human Rights that have (or have not) been violated according to the sentence or the merits report. The vast majority of cases refer to articles of the American Convention on Human Rights, but others refer to the American Declaration of the Rights and Duties of Man; the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador); the Inter-American Convention to Prevent and Punish Torture; the Inter-American Convention on Forced Disappearance of Persons; and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém Do Pará).

The collection of articles of international instruments violated according to judgements and merit reports is basic for this system. This happens because queries guided by these criteria are frequent, but also because this reference allows operationalizing concepts that look abstract at first sight. Human rights are settled on international protection mechanisms and judicial processes refer to these mechanisms. When it comes to facilitating case law accessibility, it is very effective to extract this information from every judicial decision and point it out within the case.

What kind of questions can be answered with the database?

Combining filters, it is possible to perform queries as the following (the underscore indicates the filters used for each query):

- Number of open cases (case status) in Perú (country) presented to the Commission between 2000 and 2005 (date range).

- Countries with more cases in which the Article 5.1 of the American Convention (*Every person has the right to have his physical, mental, and moral integrity respected*) has been violated according to the Court judgements.

- Provisory measures linked to indigenous peoples (descriptor).

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- <u>Judges</u> with more <u>separate votes</u> emitted.

- <u>Judgements</u> related to reparations (<u>typology</u>) dictated between 2005 and 2012 (<u>date range</u>).

The number of queries is infinite considering every possible combination between filters, but queries by descriptive term or by affected rights are the most frequent.

Also, there is a group of preset queries that can be visualized with graphics from the sections of the top menu:

- Cases and provisory measures by country.

- Frequent descriptive terms in cases.

- Composition of the Court and the Commission by sex and country.

Descriptors: how to facilitate the retrieval of information about decisions made by the Court and the Commission?

Improving information access means facilitating relevant information retrieval in the shortest time possible. To do so, information needs to be properly structured and described, with terms providing knowledge about documents' meaning and context, the same ones that will lead users' searches.

Including descriptive terms (called *descriptors*) allows to find documents throughout various search paths. For example, in the SUMMA database documents can be retrieved by typology, involved countries, signatory judges or topics covered by documents.

Making these descriptive terms effective demands the creation of a closed index so people in charge of populating the database can choose within them. Normalization (the process of defining a set of possible values so there is no confusion between terms) helps to avoid problems related to human language. Think, for instance, about recording a new case opened in Guatemala. If the person who records the case chooses the official name of the State, "Republic of Guatemala", the case won't be retrieved when looking for cases in "Guatemala". In this manner, normalized descriptors serve to avoid these inconsistencies.

The country example is very simple, but there are other lists of variables that are not that evident. In the SUMMA database, the most complex index is the one used to describe

cases, which includes around 70 terms that can be combined to provide a general idea about the case. This index mixes terms related to violations typologies, affected groups, rights typologies, etc. This is the full list of descriptors:

> *Extrajudicial execution; Torture and cruel, inhuman or degrading treatment; Forced disappearance; Deprivation of liberty; Childhood; Military jurisdiction; Property; Detention conditions: Gender violence; Discrimination; Indigenous peoples; Pretrial detention; Freedom of expression; Use of force; Human rights defenders; Right to appeal the judgment; Threats and harassment: Death penalty; Public official dismission; Antiterrorism law; Judges; Labour rights; Health; Amnesty; Forced displacement; Freedom of association; Administrative process; Political rights; Stereotypes; Effective judicial protection; Family; Migrants; State of emergency; Trade union; Access to public information; Environment; Military service; Reproductive rights; Right to consultation; Sexual orientation; Slavery; Technical defense; Nationality; Poverty; Consular assistance; Crimes against humanity; Democracy; Disability; Education; Extradition; Gang; Identity; Lack of exhaustion of domestic remedies; Social Security; Witness; Information access; Civil action; Corruption; Costs; Humanitarian law; Interception of communications; Journalists; Medical secret; Mother language; Older persons; Refugees; Special jurisdiction.*

Although it would have been valid to disaggregate this list into "human rights violations", "affected population" and other categories to allow more structured searches, the partner chose to gather all the describing terms within the same list and allow the multiple selection between them. This way, search stages were reduced and, thus, searches were more intuitive for users.

Each option entails advantages and disadvantages, so selecting the most appropriate depends on the ability to bring all these questions to the table. The list of descriptive terms that we have presented was the result of the CEJIL efforts to analyze cases and documents belonging to the Interamerican Human Rights System.

The database includes another list of relevant terms used to locate judgements and resolutions by *type*. It includes the following terms:

> Precautionary Measures; Monitoring compliance with Judgment; Merits; Reparations; Costs; Preliminary Objections; Interpretation; Victims' Legal Assistance Fund; Competence.

One of the main challenges when it comes to launching an information system is creating lists of terms capable of meeting the specific needs of a given institution. In order to help you to create these lists of terms, HURIDOCS provides thesauri for different fields with normalized terms about different topics. You can check them at:
https://www.huridocs.org/resource/micro-thesauri/

These description terms constitute access points to retrieve documents using different criteria, which makes them essential for the effectiveness of the database.

Data presentation

The database allows to filter documents and elements by type of instrument, country, signatory judges, description terms and hearing format (open or closed). The search combining different filters is the main feature of the database interface.
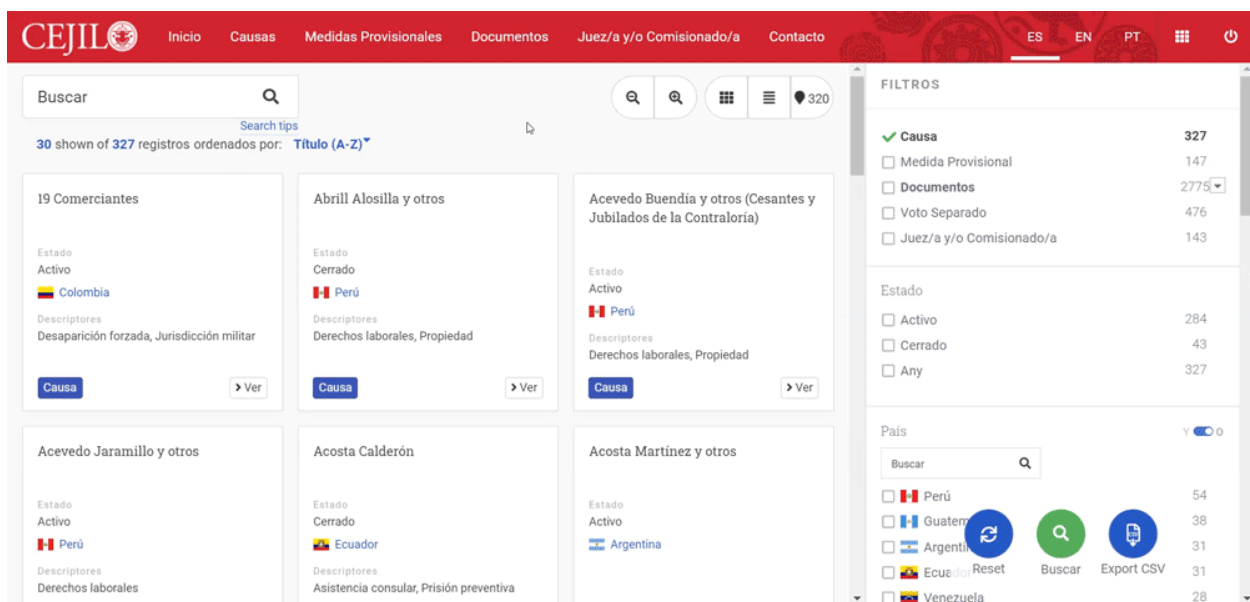
Click on the image or here to see the use of filters in a sequence of images.

However, the cases constitute the main element of the model, as they gather documents covering different stages of the legal process at the Interamerican Human Rights System.
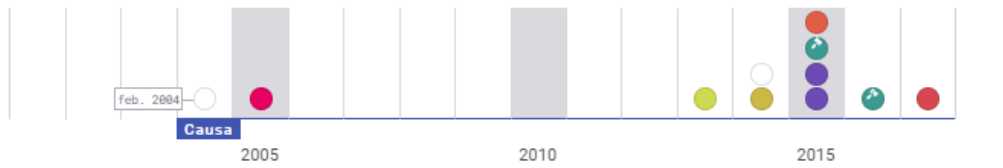
The platform enables visualizing data related to the same case in a timeline which gives a quick overview on the process and links every relevant document. The information about the case is completed with a summary, the mention of the rights violated according to the American Convention (and other five international instruments), the descriptors and a geographical reference to locate facts in a map.

Summary

The proceedings conducted before the military jurisdiction determined that the injuries resulted from the victim's service. Likewise, the criminal justice also failed to establish liability.

The IA Court developed standards on the role of State as guarantor of persons under its custody, establishing the particular situation of those who perform military service. It also reiterated its previous assessment of the scope of the military court's jurisdiction.

Status	Country	Presentation to the IACommission	Submission to the IACourt
Active	Peru	Feb 3, 2004	Aug 5, 2014

IACommission / Merits report rights violated

ACHR	IACPPT
5.1, 5.2, 1.1	8
8, 25, 1.1	
5.1, 1.1	

IACourt / Judgment: rights violated

ACHR	IACPPT
5.1, 5.2	-
8.1, 1.1	-
8.1, 25, 1.1	1, 6, 8
25.1, 1.1	-
5.1, 1.1	-

IACourt / Judgment: rights non-violated

ACHR
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Descriptors
Detention conditions
Military jurisdiction
Military service

View

The same information can be visualized showing relations between documents and elements. From this point of view, the case is made by different decisions (resulting in documents), the same ones appearing in the timeline. Enabling relationships between different elements to facilitate a general understanding of the case is one of the main features of UWAZI.
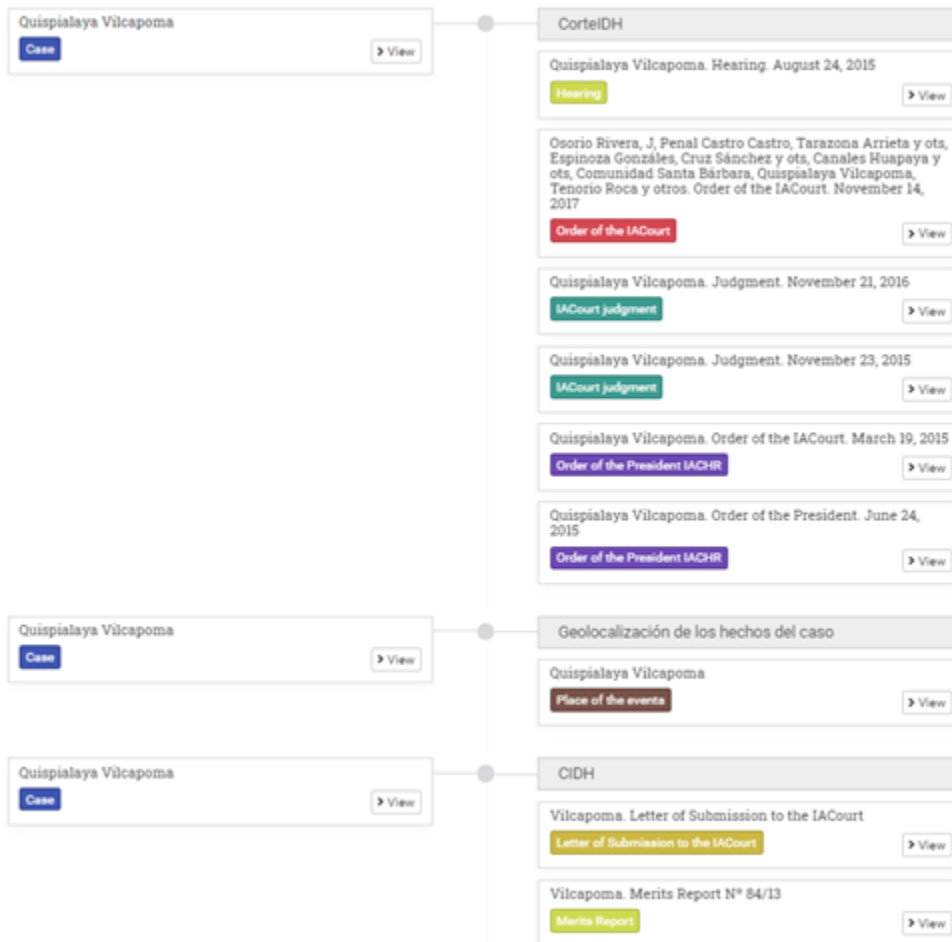
Besides, there is a special section dedicated to the judges and commissioners which belong to the Court and the Commission. This information is presented by sex and country in a graph.

Members of the Court by country
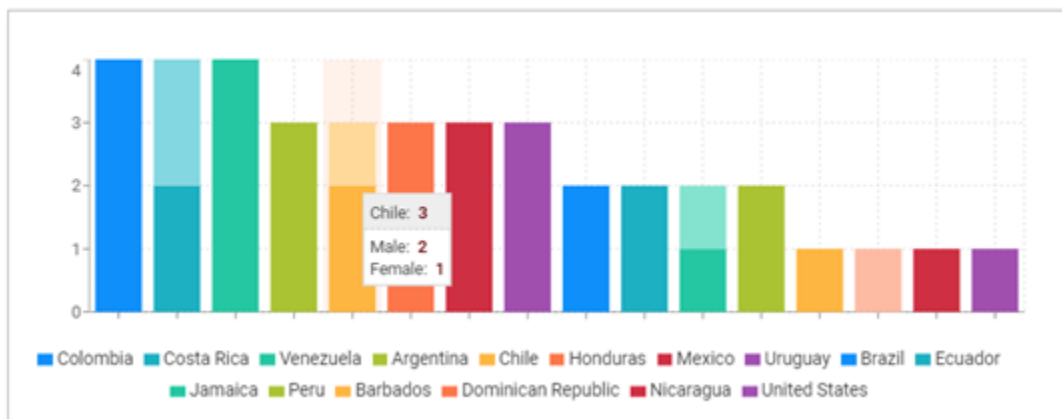
Lastly, when accessing documents, the descriptive information is shown as secondary, giving priority to document visualization. Also, a table of contents is provided to facilitate navigation through the document structure.

The hearings are the only element commonly presented in audiovisual format. In order to facilitate the search, the videos include time marks which allow to directly jump to specific moments.

Time	Description
▶ 00:00:09	opening
▶ 00:05:04	initial statement IACHR
▶ 00:14:00	testimony of Angel ACOSTA MARTINEZ/ alleged victim
▶ 00:36:30	State representatives questions
▶ 00:40:05	IACourt questions
▶ 01:43:50	RECESS
▶ 01:47:52	testimony of Andrés Alberto FRESCO/ witness proposed by the alleged victims
▶ 02:07:25	State representatives questions
▶ 02:07:40	IACourt questions
▶ 02:24:06	statement of Juan Pablo GOMARA/ expert witness proposed by the IACHR
▶ 02:33:42	IACHR questions
▶ 02:48:30	alleged victims representatives questions
▶ 02:48:40	State representatives questions
▶ 02:48:53	IACourt questions
▶ 03:11:35	RECESS
▶ 03:12:10	oral statements: State representatives
▶ 03:32:27	final observations IACHR
▶ 03:47:13	IACourt questions
▶ 03:53:10	CLOSE OF THE HEARING

Conclusions and lessons learned

The SUMMA database responds to the peculiarities of the Interamerican Human Rights System to facilitate the retrieval of case law dictated by the bodies which form it, the Court and the Interamerican Commission of Human Rights.

Although the case law of the Interamerican System makes the most part of this system, the human rights framework includes similar mechanisms around the world, so many of the features of this database can be extrapolated to other contexts.

In general, when doing the legal tracking of a case, it is effective to aggregate the full procedure under the same "umbrella" element, as this database does with the *case* element. This way, it is possible to record several types of case law, each with its peculiarities, and gather them within a case. Also, the chronological visualization helps to have a clear picture of the whole process and makes a good method to link all the relevant information about a case.

When describing different types of case law, the options to retrieve relevant documents are greatly increased by the inclusion of normalized descriptive terms. Regarding this point, the database includes a broad list of terms helping to describe cases, as well as other typologies for resolutions and judgements. Both indexes constitute good solutions to improve retrieval opportunities.

In the same line, listing the articles of international mechanisms to reference the rights that have (or don't have) been violated according to sentences and merit reports add valuable access points to find cases and quickly visualize the rights at stake in each case.

Finally, as we always like to highlight, when developing and implementing an information system every institution needs to adapt the information structure and the descriptive terms to meet its needs.