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Amicable Solutions

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Abstract: *The amicable solution, also referred to as mediated solution, amicable settlement,self-compound process or as friendly solution, is a non-jurisdictional dispute settlement procedure of the Inter-American System for the protection of human rights, which examines the legal nature and process before the Inter-American Commission and Court of Human Rights, to set in a friendly way the negotiation, limits, duration of alleged violations of human rights made by a country (state member). In the end, conclusions are reached after analyzing the cases resolution until July 2017. Also reported from the Inter-American Commission and Sentences of the Inter-American Court of Human Rights concerning the issue of amicable solutions. Procedure, which must be based on respect of human rights and it should be used on specific cases.*

Keyword: *American Convention on Human Rights, Inter-American Commission on Human Rights, Inter-American Court of Human Rights, Human rights, Methods of conflict resolution.*

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I. INTRODUCCTION

In the Inter-American non-judicial system for the protection of human rights presents cases of serious human rights violations, after spending years in front of the national courts or authorities, without satisfactory resolution for the victims and in addition they spend several more years in resolutions in inter-american instances. In the face of this there is an imperative need to reduce this long time in conflict resolution for human rights violations; And to satisfy the just-reasonable compensation of the victims of these violations. So it is necessary to evaluate the system of amicable conflict resolution in the inter-american system.

Previous studies on the subject do not yet have the number of cases that have been resolved to date to analyze. So in the work, we analyze a period more extensive than the previous studies, so now we propose some reflections, from one hundred fourteen cases resolved the date of July 2017. In reports of the Inter-American Commission on Human Rights, IACHR, and the sentences issued by the Inter-American Court of Human Rights, ICHR. The foregoing allows highlighting the advantages and disadvantages of the mediated solution.

The method used in this work, is the legal realism from reports of the IACHR and sentences of the Inter-American Court.

II. NON JURISDICTIONAL PROTECTION OF HUMAN RIGHTS

The two institutions envisaged in the Inter-American system for the protection of Human rights are the Commission and the Inter-American Court of Human Rights. Human rights recognized in ten international instruments of the inter-american system are as follows: The American Declaration of the Rights and Duties of man; The American Convention on Human Rights; Its Additional Protocol on economic, social and cultural rights; the Protocol on the abolition of the death penalty; The Inter-American Convention to Prevent and Punish torture; The Inter-American Convention to Prevent, Punish and eradicate Violence against women; The Inter-American Convention on Forced Disappearance of persons; The Inter-American Convention on the Elimination of All Forms of Discrimination against persons with disabilities; The Inter-American Democratic Charter; and the Declaration of Principles on freedom of expression.

The inter-american system for the protection of non-jurisdictional human rights is the amicable solution, according to the Dictionary of the Royal Spanish Academy defines solution as the outcome of a process, or a business, etcetera; while friendship, among its meanings, defines it as favor, amicable pact (dictionary of the Royal Academy, 2016). There will have been an amicable form that outcome of a process that is characterized by being favorable to all parties involved. The American Convention mentions it in article 48, numeral 1, subparagraph (e) and (f); that the Inter-American Commission on Human Rights, IACHR, "... may ask the States concerned for any pertinent information and shall receive, if requested, the verbal or written expositions presented by the interested parties", this in order to "reach a amicable solution to the matter founded on respect for the human rights recognized in this Convention" (American Convention on Human Rights, Pact de San José de Costa Rica 1979).

In this regard, the Inter-American Court confirms that the Action of the Commission should be attempted only when the circumstances of a dispute determine the need or the desirability of using this instrument [the amicable solution], and assumptions subject to the Commission's assessment (Court HDI, 2003, Case of Juan Humberto Sánchez vs. Honduras). The Commission in its *Practical Guide* mentions that an amicable solution "is a process facilitated by the Commission which aims to ensure that the State concerned and the alleged victims and/or petitioners achieve an agreement, which allows the resolution of the alleged violation of human Rights (Inter-American Commission on Human Rights 2015). It is important to emphasize, that the text of the American Convention determines as the limit of the dispute settlement self-compound procedure, "to come to a amicable solution of the matter founded on the respect of the human rights recognized in this Convention".

From the perspective of the former President of the Inter-American Court, the amicable settlement is a compositional act between the parties, and the result of the understanding of the will of the contenders and not of a third party; either before attending a public process or by means of competent authority resolution, generally of a judicial nature as an alternative to the judicial procedure that many times is more prolonged, onerous and complex (García, 2015). The self-compound solution can be given to the Commission, in accordance with article 48. (number 1, and subparagraph (f)) of the American Convention on Human Rights, by putting "at the disposal of the parties concerned, to reach anamicable solution to the matter based on respect for the human rightsrecognized in this Convention", or before the Inter-American Court. The legal nature of the amicable solution as a process for some is of good deal, for others of mediation and some mention that of conciliation. Sepúlveda (1984) said that it is more focused on a process of conciliation because in the good deal the third (the IACHR) would seek only that the parties were fixed between them without intervening at all; Mediation is a concept where the mediator who leads to the negotiation can make proposals that will be accepted or rejected by the parties; While conciliation allows the third party to investigate the facts and make a resolution or recommendations, in the event of not being accepted by the parties, it would continue with the process. That is the final report issued.

To the date of June 2017, there have identified one hundred and fourteen amicable solutions before the Inter-American Commission on Human Rights held by fourteen countries: twenty eight cases Ecuador, twenty-two cases Argentina, eleven cases of Guatemala, nine cases Mexico and Peru, eight cases Chile, six cases Colombia,four cases Bolivia and Honduras, three cases Paraguay and Venezuela, two cases Brazil, and a case Dominican Republic and Uruguay. Of these amicable solutions made the level of compliance is reduced, by half, in total compliance; only forty and two of the hundred and fourteen amicable solutions; seventy have partial compliance, and two have not accredited compliance and one still on trial. The implementation of the agreements made in the amicable settlement by countries (member states) is the following: Argentina. a case not accredited, eleven of partial compliance and eleven of total compliance; Bolivia: a amicable solution of partial compliance and three of total compliance; Brazil: a case of partial compliance and one of total compliance; Chile: a case of partial compliance and seven of total compliance; Colombia: four cases of partial compliance and two of total compliance; Ecuador: twenty-seven cases of partial compliance and one of total compliance; Guatemala a case not credited the compliance, nine cases of partial compliance, and a case of total compliance; in Honduras, three cases of total compliance; Mexico: three cases of partial compliance and six total compliance; Paraguay: two cases of partial compliance and a case of total compliance; Peru: five cases of partial compliance and four total compliance; the Dominican Republic: a case of total compliance; Uruguay: a case of total compliance; and in Venezuela: a pending case, and two cases of partial compliance. The above demonstrates the need to strengthen the system of implementation of the agreements made in the framework of the amicable solutions.

When a state, that is attentive to the rights backed by the American Convention, petitioners may request the contentious process, and that is where the Commission provides this alternative by encouraging dialogue between the parties; conducting work meetings, providing the necessary information and requested by the parties to reach an agreement. Also this process allows the conflict to be resolved more quickly and preventing the start of judicial action (Salgado Pensantes, 2003), in order to expedite the process and not elongation of it.

2.1. Process

Next, is described the process of amicable solution before the Commission and before the Inter-American Court of Human rights.

2.1.1 Process before the IACHR

The mechanism of amicable solutions in the System of Requests and Cases before the Inter-American Commission of Human rights immediately comment on the scopes and the limits of the above-mentioned process.

The Regulation of the Inter-American Commission of Human rights contains dispositions relative to the amicable solutions in the following terms: the initial procedure of requests of a preferable way, in case the parts expressed in a formal way its intention of entering a process of amicable solution (Article 29.3); the beginning and continuation of the process of amicable solution is based on the assent of the parts (Article 40.2); and that in the hearings on requests, will be on new facts and additional information that was contributed during the procedure of amicable solution (Article 64.1)

The Inter-American Commission is empowered by its *Regulation* with regard to the amicable settlement, to: before deciding or ruling on the merits of a case, setting a time limit for the parties to express their interest initiating a process of amicable settlement (Article 37.4); It is made available to the parties at any stage to discuss a request made byany of the parties or its own initiative of the Commission, to reach anamicable settlement based on respect for human rights (Article 40.1); The commission is empowered to appoint one or more of its members to facilitate the negotiation (Article 40.3); also empowered to terminate the self-compound procedure, if a resolution that "it is not likely to be resolved by this track," or one of the parties does not want to continue; or does not show a willingness to reach anamicablesettlement based on respect to human rights" (Article 40.4); The Commission, in the absence of agreement of the parties, will continue with the processing of the petition (Article 40.6); The Commission, in the case of agreement by the parties, shall adopt a report in respect to the solution obtained (Article 40.5); The Commission, once published the aforementioned report of agreement, may take follow-up measures, as requesting information from the parties, hold hearings and report on that monitoring (Article 48.1 and 2); that the Commission shall include in the Annual Report to the General Assembly General of the OAS, in chapter II, amicable solutions approved (Article 59.2. (c) (iv)); The Commission shall transmit to the Court petitions, tests, information, or documents in the case, and exempt documents "concerning futile attempts to reach anamicable settlement" (Article 75).

The Rules of procedure of the IACHR states, in article 40 entitled "Amicable Solutions" (Inter-American Commission on Human Rights, 2013) in the first numeral states that the Commission has the disposition to initiate the amicable settlement process at any stage. The beginning may be at the request of either party, or by decision of the same Commission, unless in evaluating the case it is determined that it cannot be treated under this method, or that either party withdraws its consent to continue the process or does not show the willingness to cooperate with it. The amicable solution is a method where the parties have to have the disposition to start and terminate the agreement, but if there are cases where countries actors urge petitioners to carry out anamicable settlement when the petitioners are not in the same position, there is no element of consent of the parties; an essential requirement for the continuity of the compositional process.

The self-compound process can be concluded, in the four following cases: if it is observed that this process "is not capable of being solved by this route"; if one of the part does not agree to its application or does not have a will to continue the process; or does not show the willingness to come to anamicable solution based on the respect for the human rights. In some countries it is characterized by the authoritarianism in the decisions of the leader and it is not on the juridical system. It is the bad application and observance of the same one. It is possible that the defendant takes a negative position towards the petitioners, and this is where the Inter-American Court has the duty to take actions in this matter how to dictate precautionary measures. The third is one that takes part in the amicable solutions to be able to be named by the Commission, to one or more members to accept the task of "facilitating the negotiation" between the parts, the State and the victims.

2.1.2 Negotiations

From the first negotiation stage where the IACHR commissioners within its functions chairing the meetings of work, carries out the framework of the sessions and/or in working visits to the country. The Commissioners and Commission facilitate negotiations between the partiesand help in the monitoring of compliance with the commitments undertaken in an agreement. It is from this stage of negotiation that the understanding as a process of dialog between the parties with the objective of reaching an agreement acceptable to all (Inter-American Commission on Human Rights, 2013) is comprehended.

The agreement or compositional understanding between the parties requires compliance with four conditions: 1. That it is fair; 2. That it is consistent with the protection of human rights; 3. That it is sustainable of the facts; 4. That it is acceptable for the purposes of the human rights protection system to deliver the solution to the parties, not a jurisdictional instance (Garcia, 2015). In the event that the parties reach a favorable agreement for both, the Commission will be responsible for drafting a report explaining the facts and the way in which they reached the amicable settlement. It shall make it known to the parties and publish it in the annual report to the General Assembly of the Organization of American States; however, if an agreement is not reached, the Commission will continue with the initial demand process. After, when the report is published, the Commission will be responsible for monitoring the agreement signed by verifying that the clauses are fulfilled or failing to request information when the agreement is not complied with.

Article 48 of the Rules of Procedure of the Inter-American Court expressed: "Once published a report on amicable settlement [...], the Commission may adopt the follow-up measures it deems appropriate, such as requesting information from the parties and holding hearings in order to verify compliance with the amicable settlement agreements [...]" (Inter-American Commission on Human Rights, 2013).

In Report N° 107/00 mentioned above, the petitioners reported on the situation of non-compliance on the part of the Mexican State on the agreements taken in the amicable settlement, in the following terms: "…we wish to inform you that the annual allocation of the amount of $6,000.00 (six thousand Mexican pesos) for each one of the smaller, more a pantry monthly for nutrition, it has not so far been given to the minors…" (Report No. 107/00, Case 11.808, Valentín Carrillo Saldaña, 2007, para. 16). In this respect the Commission decided in the same report "to monitor the points of the agreement that have not been fulfilled in its entirety and certify, in your opportunity, the delivery of the benefits to the relatives of Valentín Carrillo Saldaña" (Report No. 107/00, Case 11.808, Valentín Carrillo Saldaña, 2007, para. 23), based on article 48 of the Regulation.

2.1.3 Delay

The agreement would have to be without delay. There are cases that say otherwise, for example, "…in the recent condemnation of the Colombian State in the case of Senator Manuel Cepeda Vargas indications and pressures on the part of the State, lack of recognition of the victims, lack of progress in justice and absence of response to the demands of symbolic reparation and economic…" (Steppe, 2011, p. 13).This prolongation of the response time meant that the provision of the petitioners was terminated. Today the delay in the processes conducive to that more people are seen in cases of human rights violated that is why it is necessary an agile system to start an international negotiation.

In one hundred and fourteen amicable solutions before the Inter-American Commission analyzed, the time in which it performs the understanding between the parties, on the basis of the facts until the reach of an agreement, is the following: of up to five years, in twenty-eight cases of amicable solutions; six to ten years, in thirty-two cases; of eleven to twenty years, in thirty-five cases; twenty-one to thirty years, in eight cases; of more than thirty years to one hundred years, in four cases; and more than a hundred years in six cases.

From the above, it can be said that the understanding between the parties prevails in one hundred and fourteen cases of amicable solutions until July 2017. In the majority of cases the duration is of between six and twenty years. It is noteworthy that at the assertion that the judicial system is many times "longer" (García, 2015), or the amicable settlement "allows that the conflict was resolved with greater brevity" (Salgado thoughtful 2003). It is not entirely correct, since the analysis of the one hundred and fourteen amicable solutions mentioned, it can be observed that this is not the case; as the duration of the understanding between the parties, counted among the facts to the date of the agreement lasted between eleven and more than thirty years, 49% of the cases. A fortiori, it identified cases in which this time was more than a hundred years in six cases: Four cases of Peru; one in Argentina and another in Paraguay.

In order to give understanding between parties, more than one hundred years had been spent. At international level, with regard to rights of indigenous peoples, cases of success, there are many cases in the world that are not recognized human rights to indigenous peoples. In case 11,713, of the indigenous communities Enxet-Lamenxay and Kayleyphapopyet-Ricchiuto-in Paraguay, invaded territories affecting their way of life. Conflict began in 1885, when the Paraguayan government began to sell all the lands of the Chaco to foreigners.The Chaco have been claiming their traditional territories for many years, and since 1991 have made administrative procedures for the recovery of their traditional territories (IACHR, 1999, report).

2.1.4 Report

The American Convention contains rules on the amicable settlement: the Commission shall draw up a report, if the parties have reached anamicable settlement that will contain a statement of facts and the obtained solution (Article 49). if the parties do not reach an agreement, the report shall set out the facts and its conclusions, divergent opinions of the members of the Commission and oral and written statements (Article 50).

2.1.5 Limits

The limits to the amicable solutions are the following: the amicable solutions are not compatible with the violation of all human rights, since that article 40 of the Rules of Procedure of the Inter-American Commission, stipulates it shall be made available to the parties in order to arrive at anamicable settlement, founded in respect for human rights. The purpose of the institution is the respect of human rights, a situation that cannot be present if it violates the right to life, among other serious violations of human rights. In this regard, notes the former president of the Inter-American Court, which may not be the subject of a amicable settlement are those cases in which there are violations of human rights of "extreme gravity"; when there is "complexity of the facts" by "high convenience" that the international authority to issue recommendations or rulings (Garcia, 2015) for example in the prolonged detention arbitrary executions, torture, arbitrary arrests, forced

disappearance, the right to life.Presented next are two cases concerning the claim of the violation of the right to life. On the one hand, the amicable solution to the Commission is allowed; The other case, this procedure was not accepted as a resolution to the conflict

The first case, although it is true, cannot be negotiated when the right to life is violated because there is no arrangement that satisfies that violation, an agreement was observed on this right in report N° 107/0 case 11,808 of the Commission where Mr. Valentín Carillo left his house on October 12, 1996 and never returned. His corpse was found later with signs of torture. The amicable settlement agreement reached by the Parties (Mexico and the Centre for Justice and the law, together with the Commission on Solidarity and Human rights Protection, A.C.) is based on the follow-up of the demands to the alleged accomplices of the assassination of Carrillo, granting scholarships for minor children, monthly nutritional support, and an amount of $102, 661 the widow of the victim as compensation for the repair of material damage including repair and funeral expenses (report N° 107/00, Case 11,808, Valentín Carrillo Saldaña 2007).

In the second case, the Inter-American Court has sentenced in three cases against Honduras. The Commission's action are not objectionable in evaluating the origin and legal effects of the Commission's resolution; not accepting the amicable settlement in the case of a person's disappearance because the state refuses to accept the facts of the disappearance, it is not possible to achieve a amicable agreement of respect for life, integrity and personal liberties. (Court HDI, 1987, Case Godínez, Fairen and Velázquez). However, the report of the Commission and the judgment of the Court cited, allowing or disallowing the amicable settlement in the cases is "founded on respect for human rights"; it has made amicable solutions that the petitioners allegedviolation of the right to life in 40 cases, out of one hundred and fourteen amicable solutions made until July 2017.

The violations of human rights alleged that out of the hundred and fourteen amicable solutions held until July 2017 before the Inter-American Commission, of higher incidence, are the following: judicial guarantees in sixty-eight amicable solutions; the right to judicial protection in sixty-six cases; the right to personal integrity in sixty-two cases; personal freedom in forty-three cases; right to life in forty cases; the right to equality before the law in twenty-five cases; and the right to honor and dignity in fifteen cases.

2.2. Proceedings before the Inter-American Court of Human Rights

The amicable settlement proceedings before the Inter-American Court of Human Rights provided for in its Regulation, Articles 63 and 64. In order that when the Commission, victims or alleged victims or their representatives, the respondent State and, in their case, the claimant State, in a case before the Court inform it to the existence of anamicable settlement, a compromise or other fact ideal for the solution of the dispute, the Court shall decide at the appropriate point in the proceedings on its origin and its legal effects. Since this could decide to continue the examination of the case, notwithstanding the existence of a case of amicable settlement, of Advent or other done to solve the dispute (I/A Court H.R., Cut Human Rights, 2013, Regulations, article 63). Of the four regulations that the Court has had since 1980, 1991, 1996 and the existing 2000 and their two reforms of 2003 and 2009 provide similar wording.

When the regulation states the word "communicate" it means that any other form prior to the contentious process that the parties may take is without intervention of the Court, it shall be communicated only once the solution has been carried out. Here we find the word "compromise", which according to the Dictionary of the Royal Academy means to agree, to adjust the discorded parts. The violation of human rights enshrined in the American Convention is that disability in the personal integrity of the aggrieved; the fact that the State is willing to cooperate under the will of a negotiation and in its effect covering reparations is compromise.The other suitable fact for the settlement of the dispute is the method that the parties decide to resolve their dispute or is the act that leaves the beginning of the process without effect, whether "the enactment of a law by Congress or the emergence of a person who was considered missing, they may end up with a conflict raised in international Headquarters" (Cardozo, 1998, p. 394).The court may revise any method of dispute resolution or solution made/accepted by the parties for the settlement of the dispute, and may analyze its provenance, and the effects on the case. It is shown that the court is independent of the solution presented by those involved, and will only be responsible for verifying its validity and compatibility.

The Inter-American Court has the power to assess the origin and legal effects of the amicable settlement or advents in the following terms: in resolving that it is not appropriate to order additional pecuniary repairs, in accordance with the principle of complementarity, for damages caused to relatives, because they had already been compensated in the internal jurisdiction, through a conciliation between the victims and the Ministry of Defense, approved by the Council of State, in which reparations were fixed (court HDI, 2013, case of Santo Domingo vs. Colombia); In another case, it resolved the court, however that amicable settlement had been concluded between the parties, and that under the agreements the victims had been compensated, at that time, it petitioned the court to grant additional compensation for lack of justice and impunity that had persisted

from year 2000 to 2009, for immaterial damages due to its impact on its integrity (Inter-American Court , 2009, Case massacre of the two Erres vs. Guatemala.

In another case, the Court determined that the effects of the amicable settlement were saved, both the recognition of international responsibility, such as the determination of the victims, beneficiaries and family; that as a result, the right to reparation would be transmitted by succession to their families (I/A Court H.R., 2003,Bulacio Case Vs. Argentina).For the protection of petitioners, the Court must take appropriate measures to protect petitioners from any attack that State agents may commit. We then expose anillustrative case. In the case of the brothers Gómez Paquiyauri vs. Peru it can be found a clear example of this situation. On June 21, 1991, the brothers Emilio Moisés and Rafael Samuel Gómez Paquiyauri, both minors were detained in the midst of two police operations of the National Police of Peru, placed in the trunk of a patrol and killed there. In the resolution of the Peruvian tribunals civil reparation was determined to the material authors that had not been paid to the relatives of the Paquiyauri.

The petitioners (Centre for Studies and Action for Peace) and the State party (Peru) were informed on May 1st 2000 about the Commission's readiness to reach anamicable solution. But on April 23rd, 2001, the State party said that it did not "wish to submit, for the moment, to the amicable settlement procedure" (court HDI, 2004, case of the Brothers Paquiyauri vs. Peru), however, the petitioners expressed their willingness to initiate the process. After the contested case was initiated, the witnesses and all the relatives involved in the lawsuit said that they had been persecuted and harassed. The representative of the victims and their relatives stated to the court that "Tom [ARA] The measures that I believe suitable for [...]" The members of the Gómez Paquiyauri family [...] do not suffer reprisals for their position as [presumed] victims in this case or harassment or harassment with interference at home with pressures and threats (Inter-American Court, 2004, case of the brothers Paquiyauri vs. Peru, para. 36) thus encouraging victims to accept the State party's amicable arrangements.

In 2004, the Commission through a resolution required the country to take the necessary measures to protect the integrity and life of witnesses and family members. One finds the trespassing, which consists in a "unilateral manifestation of will by the state and the amicable solution comply with the agreement to which the parties arrive in a contest" (Estepa, 2011). The State party has an obligation to recognize its international responsibility as it has signed the American Convention and all its clauses. The acceptance and implementation is essential so that it can develop anamicable solution. First the State must be prepared under the requirements that the Commission points out about the necessary reparations, and the country would be in compliance with these requirements because it denotes the disposition and follow-up of the process.

When that state agreed on the petition the definition of reparations and costs is continued according to the rights that have been violated and are enshrined in the Convention. This conformity strengthens the protection system because better recommendations can be made and ensuring the effectiveness of the guarantees (Estepa, 2011). A negative point of amicable solutions is that even in the same name there is a certain conflict because it is doubtful to reach a "amicable" arrangement when the state refuses to recognize its responsibility of the facts (Estepa, 2011). Likewise, the search was a little ironic according to Carmona (2005) because it is the state's responsibility to have the disposition to solve this conflict, as the RAID is recognized its initiative of resolution and good faith, but it is obligatory action. In the process a negative result, after a long period of efforts could be interpreted as a hindering voluntary on the part of the State (Cardozo, 1998), also the obstruction volunteer is a threat with which to fight the petitioner due to the prolongation of negotiations and responses on the part of the Country. The evidence changed and disappears; this also means harassment of agents of the country. There are no cases that cannot be solved with anamicable settlement, but that there are States that have no desire to implement it. When you develop the judicial action through the contested case, the respondent State is involved in a national dispute that detracts from the prestige of "Lord Protector", by means of the amicable settlement is the reservation of the procedure which is, of course, advisable for the State, is in addition to achieving direct contact with those involved.

III. Conclusions

The amicable settlement is a system for the settlement of conflicts; non-jurisdictional, writing that is presented in the violation of human rights in the inter-American system for the protection of human rights. The legal nature of the amicable settlement is of a conciliatory nature, since the third party is investigating the facts and proposals, and recommendations. If they are not accepted, continues the judicial process. Experience shows that of the total of cases solved in amicable settlement, (one hundred and fourteen cases), less than a half, were conducted in totality, (only forty two cases). The above demonstrates that the system of amicable settlement requires modifications to the commitments agreed upon will be met. The states with the highest number of cases of amicable settlement are in decreasing order: Ecuador, Argentina, Guatemala, Mexico, Peru, Chile, Colombia, Bolivia, Honduras, Paraguay, Venezuela, Brazil, Dominican Republic and Uruguay. The time required for the solution of conflicts until they reach an understanding through amicable settlement, of the majority of the cases,

resolves to a term is six to twenty years. 15 per cent of the total of cases, take more than twenty years for the parties to reach an understanding. The analysis carried out has shown that for the system of amicable settlement, the time of solution(without referring to other benefits has as the satisfaction of the parties)is not always agile of efficient.

The IACHR when appointingone or several countries or state members to facilitate the negotiation and communication between the parties, third parties come to the country of conflict, which is beneficial to the parties. Since instead of going to the IACHR headquarters in Washington (United States) or in its case to the seat of the Court in San Jose (Costa Rica), to attend the hearings, the parties talk in the state of the place of the facts. The amicable settlement, requires compliance with four conditions: that is fair; that it is consistent with the protection of human rights; that it is sustainable in the reality of the facts; that it is acceptable for the purposes of the system of protection of human rights to deliver the solution to the parties, not a judicial body.

The amicable settlement must be based on the respect of human rights and therefore should not be allowed in cases of serious violations of human rights or violations of "extreme gravity" or by the "complexity of the facts". There are cases in the alleged violations that include, violation of the right to life in forty cases of the one hundred and fourteen cases. While these cases are alleged violations, victims also, are claiming that the investigations do not go unpunished for such violations; setting rules for the amicable settlement agreements can be based on the respect of human rights in any case; since it is clear that not all cases be the subject of anamicable settlement.

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