

# Press Release

Inter-American Court of Human Rights

CorteIDH\_CP-10/19 Inglés

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## INTER-AMERICAN COURT CELEBRATED 130TH ORDINARY PERIOD

*San José, Costa Rica, March 15, 2019.- The Inter-American Court held its 130th Ordinary Period of Sessions in San José, Costa Rica, between March 4 and 15.*



### I. Judgments

The Inter-American Court of Human Rights adopted the following judgments, which will be notified shortly and will be available [here](#) (in Spanish):

- *Case Muelle Flores v. Peru*

The case is related to the alleged violation of the right to effective judicial protection as a consequence of a non-compliance of 24 years, of a judicial decision in favor of Mr. Muelle Flores within the framework of an *amparo* remedy in which his reinstatement to the pension regime of Law Decree No. 20530 was ordered. The Commission determined that the authorities of the Peruvian State had failed to comply with the judicial decision favorable to Mr. Muelle and that the judicial mechanisms activated subsequently to achieve said compliance had been ineffective. You can find out more about the case [here](#) (in Spanish).

### II. Supervision of Compliance with Judgments

The Court issued the following Judgments on Compliance with Judgment, which will be notified shortly and will be available [here](#):

- Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other Guatemalan's Cases v. Guatemala<sup>1</sup>
- *Case of Molina Theissen v. Guatemala*
- *Case of Herrera Espinoza et al. v. Ecuador*
- *Case of Cruz Sánchez et al. v. Peru*
- *Case of Tarazona Arrieta v. Peru*
- *Case of the Girls Yean and Bosico and Case of expelled Dominicans and Haitians v. Dominican Republic.*

### **III. Provisional Measures**

The Court issued the following resolutions of provisional measures and requests for provisional measures, which will be notified shortly and will be available [here](#):

- *Matter of Mery Naranjo et al. regarding Colombia*
- *Case of Mack Chang v. Guatemala*
- Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other Guatemalan's Cases v. Guatemala<sup>2</sup>
- *Case of Fernandez Ortega et al. v. Mexico*
- *Matter of Mery Naranjo et al concerning Colombia*

### **IV. Public hearings on contentious cases**

The Court held the following public hearings:

- *Case of Ruiz Fuentes v. Guatemala*

The case is related to an alleged series of violations of due process committed in the framework of the criminal proceedings against the alleged victim for the crime of kidnapping that culminated in his sentence to death, as well as the alleged torture perpetrated at the time of the detention. It is alleged that the alleged victim was extrajudicially executed after he had escaped from prison in 2005. You can learn more about the case [here](#) and access the judgement to call a hearing [here](#) (in Spanish).

- *Case of Valenzuela Avila et al. v. Guatemala*

The case is related to an alleged series of violations of due process committed in the framework of the criminal proceedings against Mr. Tirso Román Valenzuela Ávila, for the crime of murder, which culminated in his sentence to death, as well as the alleged torture perpetrated at the time of arrest, after being recaptured after two escapes occurred in 1998 and 2001, respectively. In addition, it is related to the alleged extrajudicial execution of Mr. Valenzuela after a third escape in 2005. You can learn more about the case [here](#) and access the judgement to call a hearing [here \(in Spanish\)](#).

- *Case of Rodríguez Revolorio et al. v. Guatemala*

The case is related to an alleged series of violations of due process committed in the framework of the criminal proceeding allegedly against Miguel Ángel Rodríguez Revolorio, Miguel Ángel López Calo and Aníbal Archila Pérez for the crime of murder and attempted murder of members of Patrol 603 of the National Police of Guatemala. On May 23, 1996, the Fourth Criminal Sentencing Court sentenced the alleged victims to death. You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (in Spanish).

- *Case of López et al. v. Argentina*<sup>3</sup>

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<sup>1</sup> Provisional Measures and Supervision of Compliance with Judgment.

<sup>2</sup> *Idem*.

The case is related to the alleged violations of the rights to humane treatment and dignity, to that a punishment has a resocializing purpose, not to suffer arbitrary interference in family life and family protection, to the detriment of Néstor Rolando López, Miguel Ángel Gonzalez Mendoza, Jose Heriberto Muñoz Zabala and Hugo Alberto Blanco. According to the Inter-American Commission on Human Rights, the alleged victims received a criminal conviction in the Province of Neuquén and, while they were deprived of their liberty in that province, they were transferred to other federal detention centers 800 to 2000 kilometers away from the where their families and / or dependents, the judges in charge of the execution of the penalty and, in some cases, their defenders, were located. You can learn more about the case [here](#) and access the judgement to call a hearing [here](#) (in Spanish).

- *Case of the Indigenous Communities of the Lhaka Honhat Association v. Argentina*<sup>4</sup>

The case is related to the alleged violation of the right to property to the detriment of the Indigenous Communities Members of the Lhaka Honhat Association due to the alleged lack of effective access to the title of their ancestral territory. The Inter-American Commission on Human Rights determined that the State had incurred in a violation of the right to property, inasmuch as it allegedly abstained from materializing the legally recognized rights of said Communities. On this point, the Commission alleged that the State had frustrated the legitimate trust that the actions of the provincial authorities generated in the indigenous communities to accede to a common title of territorial property. Likewise, it concluded that there had been a violation of the rights to judicial guarantees and judicial protection due to the lack of an effective procedure to access the property of the ancestral territory, as well as to the successive variations in the administrative procedure applicable to the claim on indigenous territory, on no less than six occasions. The case is also related to the alleged ignorance of property rights, access to information and the right to participate in matters that may affect them, all to the detriment of indigenous communities, having carried out public works and granted concessions for the exploration of hydrocarbons in the ancestral territory without satisfying the requirements of advancing expropriation processes; not threaten the subsistence of indigenous communities; conduct free, prior and informed consultations, as well as social and environmental impact studies and guarantee the participation of indigenous communities in the benefits derived from the granted concessions. Finally, the Commission determined that the State had also violated the right to property to the detriment of the indigenous communities for allegedly failing to undertake effective actions to control the deforestation of the indigenous territory through the illegal felling and extraction of wood. You can learn more about the case [here](#) and access the judgement to call a hearing [here](#) (in Spanish).



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<sup>3</sup> Judge Raúl Zaffaroni does not participate in the knowledge or deliberation of the case because he is of Argentine nationality, in accordance with the provisions of Article 19.1 of the Rules of the Court.

<sup>4</sup> *Idem*.

## **V. Public hearings on supervision of Compliance with Judgments**

The Court held the following public hearings on compliance with Judgments:

- *Case of Molina Theissen v. Guatemala*

The purpose of the hearing was to receive from the State of Guatemala updated information on compliance with all the reparation measures pending compliance. In particular, the State was asked to refer to the allegations made by the representatives of the victims regarding the eventual modification of the National Reconciliation Law and its impact on the reparation measure corresponding to the duty to investigate the facts in this case. Specifically, the following measures were monitored: locate and deliver the mortal remains of Marco Antonio Molina Theissen to his relatives; investigate effectively the facts of the present case, in order to identify, judge and punish the material and intellectual authors of the forced disappearance of the young Molina Theissen and the result of this process must be publicly disclosed; create an expedited procedure that allows obtaining the declaration of absence and presumption of death due to forced disappearance, and adopt the legislative, administrative and any other measures that are necessary to create a genetic information system. The purpose of the hearing was also to listen to the observations of the representative of the victim and the opinion of the Commission in this regard. You can learn more about the case [here](#).

- *Case of Acosta et al. v. Nicaragua*

The purpose of the hearing was to receive updated information from the State of Nicaragua on compliance with the reparation measures ordered in the Judgment handed down in this case, regarding the investigation of the facts and the development of protection and investigation mechanisms against aggressions against human rights defenders. The purpose of the hearing was also to listen to the observations of the representative of the victim and the opinion of the Commission in this regard. You can learn more about the case [here](#).

## **VI. Ceremonial Activities**

- *Visit of European Authorities*

The Secretary-General for Political Affairs and Director of the European External Action Service, Jean-Christophe Belliard, and the Ambassador of the European Union, Pelayo Castro Zuzuárregui, visited the headquarters of the Inter-American Court where they had a fruitful meeting with members of the Court and of the Secretariat of the Inter-American Court.



- *Signing of cooperation agreements*

In order to coordinate efforts to strengthen relations, deepen knowledge of the law and disseminate international instruments for the promotion and defense of human rights, in order to improve the administration of justice, the Inter-American Court of Human Rights signed three collaboration agreements with the following institutions:

- *Central University of Valle del Cauca, Colombia*
- *Human Rights Commission of the State of Mexico*
- *Escuela Libre de Derecho de Puebla, Mexico*

## **VII. Pending matters and administrative issues**

In addition, the Court examined various matters, such as a request made by the representatives of the alleged victims in the *Case of Arrom Suhurt et al. v. Paraguay*, the processing of contentious cases that are under its knowledge and administrative issues.

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The composition of the Court for this period of regular sessions will include the following: Judge Eduardo Ferrer Mac-Gregor Poisot, President (Mexico); Judge Eduardo Vio Grossi, Vice-President (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Judge Elizabeth Odio Benito (Costa Rica); Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Patricio Pazmiño Freire (Ecuador).

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This press release was produced by the Secretariat of the Inter-American Court of Human Rights, which has the sole responsibility to do so.

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