

# Press Release

Inter-American Court of Human Rights

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## **INTER-AMERICAN COURT HELD A SPECIAL SESSION IN URUGUAY FROM MAY 6 TO 10**

*San José, Costa Rica, May 13, 2019.*- Between May 6 and 10, 2019, the Inter-American Court of Human Rights held its 60<sup>th</sup> Special Session in Montevideo thanks to an invitation from the Government of Uruguay. The Inter-American Court also thanks the German Cooperation Agency, GIZ, for the technical support provided.

All activities were public and free (except for those intended for the deliberation of judgments) and took place in the Plenary Hall, Mercosur Building, between May 6 and 8, 2019 and in the Auditorium of the University of the Republic of Uruguay on May 10, 2019.

### **I. Public Hearings on contentious cases**

The Court held the following public hearings:

#### **a) Case of Hernández v. Argentina<sup>1</sup>**

The case is related to the alleged lack of access to health of José Luis Hernández, who allegedly contracted meningitis while he was deprived of his liberty. The Inter-American Commission on Human Rights, stated that the State had violated the rights to personal integrity and to not be subjected to cruel, inhuman and degrading treatment. In this regard, the Commission also argued that Mr. Hernández did not have an effective remedy to protect his right to health. It also alleged that the State violated the right to personal liberty and presumption of innocence of the alleged victim, since it imposed a mandatory preventive detention in violation of the Inter-American standards and because the victim had been deprived of his liberty for one year and six months in a police station. Finally, the Commission alleged a violation of the right to personal integrity to the detriment of Mr. Hernández's mother.

You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (Only in Spanish).

#### **b) Case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru**

The case refers to the alleged violation of the right to judicial protection for the alleged failure to comply with a judicial ruling of the Supreme Court of Justice of Peru, of October 1993, which recognized pension rights for members of the National Association of the Unemployed and Retirees of the National Superintendence of Tax Administration (ANCEJUB-SUNAT). The Inter-American Commission considered that the Peruvian judiciary did not allegedly apply the necessary measures to resolve fundamental aspects of the implementation of a judicial ruling favorable to a group of pensioners, such as the authority in charge of compliance, the

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<sup>1</sup> Judge Raúl Zaffaroni did not participate in the knowledge or deliberation of the case because of his Argentine nationality, in accordance with the provisions of Article 19.1 of the Rules of the Court.

beneficiaries of the judgment and the patrimonial implications of the same in the amount of the pensions, as well as in the amounts not received in all these years. It also added that, more than 23 years after the first judicial ruling in favor of the members of the ANCEJUB-SUNAT, the State allegedly continues to violate its right to effective judicial protection in the absence of execution of the final judgment issued in its favor, as well as the ineffectiveness of the judicial mechanisms activated later to achieve such compliance.

You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (Only in Spanish).

### **c) Case of Gorigoitia v. Argentina<sup>2</sup>**

The case is related to the alleged inexistence of an ordinary appeal that would allow the integral review of a conviction against Mr. Oscar Raúl Gorigoitia in the context of a criminal proceeding in the Province of Mendoza, Argentina, in 1997. The Inter-American Commission of Human Rights alleged that Mr. Gorigoitia did not have the necessary recourse before a hierarchical authority to conduct a comprehensive review of said judgment, including the issues of fact and evidentiary value alleged by the defense through the appeal. In this regard, the Commission concluded that the Argentine State allegedly violated Mr. Gorigoitia's right to appeal the judgment. The Commission also stated that as a consequence of the alleged limited nature of the cassation appeal and the extraordinary appeal, the alleged victim did not have simple and effective judicial remedies in the criminal proceeding that culminated in his conviction.

You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (Only in Spanish).

### **d) Case of Romero Feris v. Argentina<sup>3</sup>**

The case is related to the alleged illegal and arbitrary detention against Mr. Raúl Rolando Romero Feris, in Argentina, in 1999, as well as the alleged violations of due process in the criminal cases brought against him. The Inter-American Commission considered that Mr. Romero Feris was deprived of his liberty for five additional months at the time of the extension of his preventive detention. Consequently, it argued that the duration of such preventive detention did not respect the terms established in the applicable legislation and were arbitrary and in violation of the principle of presumption of innocence. In addition, the Commission argued that the decision by which Mr. Romero Feris' request for release was resolved did not constitute an effective remedy to challenge the deprivation of liberty. On the other hand, the Commission concluded that throughout the criminal cases brought against Mr. Romero Feris, his defense had submitted, through different resources, a series of questions related to the right to be judged by a competent, independent and impartial authority. These remedies were allegedly rejected through motivations in which either generic invocations of the law were effected or it might have been suggested that the matter was not subject to analysis through the respective channel.

You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (Only in Spanish).

## **II. Judgment**

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

### **a) Case of Martínez Coronado v. Guatemala**

The case is related to a supposed series of violations of due process committed in the framework of the criminal proceeding against the alleged victim, which culminated in the imposition of the death penalty by lethal injection. It is alleged that the principle of legality was breached. Furthermore, it is alleged that the common defense of the victim and his co-

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<sup>2</sup> *Ídem.*

<sup>3</sup> *Ídem.*

prosecution violated the right to have adequate means for the preparation of the defense and the right to be assisted by a defender provided by the State. Finally, it is alleged that the right to life was violated because the death penalty was applied.

You can learn more about the case [here](#) (Only in Spanish).

### **III. Formal meetings, training activities, collaboration agreements, pending and administrative matters**

The Court adopted different resolutions concerning some of the cases which are currently pending. Likewise, the Court met with high Uruguayan authorities throughout the session.

#### **a) Formal meetings**

- **Meeting with the President of the Oriental Republic of Uruguay Tabaré Vázquez**

On Monday, May 6, the plenary of the Court held a meeting with the President of the Oriental Republic of Uruguay Tabaré Vázquez and the Minister of Foreign Rodolfo Nin Novoa.



- **Meeting with the Inter-American Children’s Institute**

On Tuesday, May 7, the President of the Court, Judge Eduardo Ferrer Mac-Gregor, Judge Ricardo Pérez Manrique and the Secretary Pablo Saavedra Alessandri met with the Víctor Alberto Giorgi Director of the Inter-American Children’s Institute - the Specialized Organization of the Organization of American States (OAS) on children and adolescents – with the aim of strengthening their relationship.

- **Meeting with stakeholders of Uruguayan civil society**

On Wednesday, May 8, the President of the Court Judge Eduardo Ferrer Mac-Gregor Poisot, the Judges Elizabeth Odio Benito, Humberto Antonio Sierra Porto, Patricio Pazmiño Freire and Ricardo Pérez Manrique, as well as the Secretary Pablo Saavedra Alessandri held a meeting with several stakeholders of the civil society to discuss the current challenges of human rights in the region.

- **Meeting with legislative authorities of the Oriental Republic of Uruguay**

On Thursday, May 9, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice-president, Judge Eduardo Vio Grossi; Judges Humberto Antonio Sierra Porto, Elizabeth Odio Benito, L. Patricio Pazmiño Freire, Ricardo C. Pérez Manrique and the Secretary Pablo Saavedra Alessandri held a meeting at the Legislative Palace with the President of the House of Representatives Cecilia Bottino. They later met with the coordinators of the political parties of the Chamber of Senators. Finally, the judges and its Secretary also held a meeting with the Vice-president of Uruguay and President of the General Assembly and Chamber of Senators, Dr. Lucía Topolansky.



**b) Training activities**

- **Dialogue with the Center of Judicial Studies of Uruguay (CEJU) and the judicial power of Uruguay**

On Tuesday, May 7, the President of the Court Judge Eduardo Ferrer Mac-Gregor Poisot, Judges L. Patricio Pazmiño Freire and Raúl Eugenio Zaffaroni and the Secretary Pablo Saavedra Alessandri participated in a seminar organized by the Centre of Judicial Studies of Uruguay (CEJU) and Uruguay's Judicial Power aimed at judges, prosecutors and candidates.

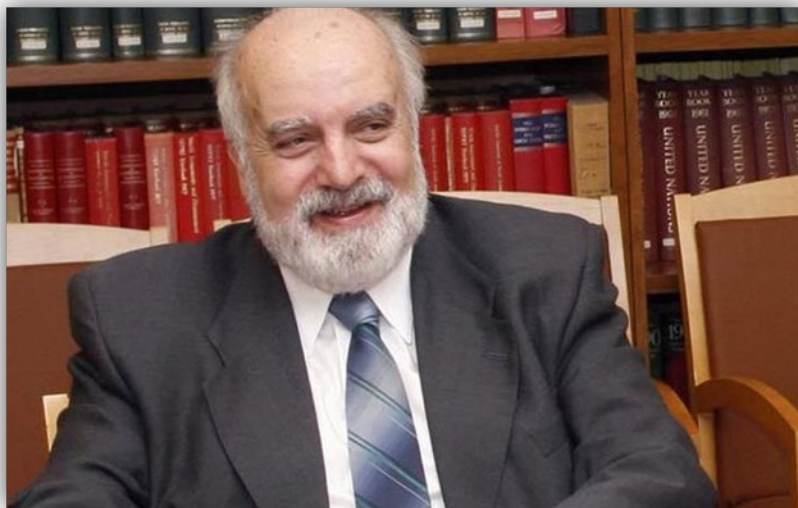
- **International Seminar "Inter-American Court: 40 years protecting rights"**

On Friday, May 10, the Inter-American Court held in the Auditorium of the University of the Republic of Uruguay an international seminar called "Inter-American Court: 40 years protecting rights".

The seminar was inaugurated by Judge Eduardo Ferrer Mac-Gregor Poisot, President of the Inter-American Court of Human Rights, Mr. Eduardo Turell Araquistain, President of the Supreme Court of Justice of Uruguay, Mr. Rodrigo Arim, Rector of the University of the Republic

and by Mrs. Cristina Mangarelli, Dean of the Faculty of Law of the University of the Republic. The seminar had as panelists the Judge Vice President Eduardo Vio Grossi, Judge Elizabeth Odio Benito and Judge Ricardo Pérez Manrique and other experts in the field of human rights.

After the international seminar had taken place, the Inter-American Court paid a posthumous tribute to the former Judge of the Court Alberto Pérez Pérez. Judge Pérez, of Uruguayan nationality, was a renowned jurist with a distinguished career in the field of international human rights law.



The President of the Court Judge Ferrer Mac-Gregor, the Vice-president Judge Vio Grossi, Judge Sierra Porto, the former President of the Tribunal Diego García Sayán and the Dean of the Faculty of Law of the University of the Republic of Uruguay, Cristina Mangarelli addressed the public. Friends and family members were also present.



### c) Collaboration agreements

The following collaboration agreements were signed:

- **Judicial Power**

- a) Supreme Court of Uruguay
- b) Prosecutor-General of Uruguay
- c) Magistrate's Union of Uruguay
- d) Bar Association of Uruguay
- e) Iberoamerican Judicial Summit (*Cumbre Judicial Iberoamericana*)



Signing of the collaboration of agreement with the Supreme Court of Justice of Uruguay

- **Academia**

- a) Latin American center for human economy (*CLAEH*)
- b) University of the Republic
- c) Catholic University of Uruguay
- d) University of Montevideo
- e) Business University (*Universidad de la Empresa – UDE*)


The President of the Court, Judge Eduardo Ferrer Mac-Gregor would like to “thank once again the hospitality of the Oriental Republic of Uruguay for the kind invitation to hold sessions in Uruguayan territory for a second time, for the support and all the kind services provided along this week, as well as for the “strong commitment that this country has shown with the full realization of human rights in the region, a laudable mission that we share”. Judge Ferrer also highlights the importance of this type of visits, which allow the citizens to get a closer look at the Inter-American Court’s daily work, our Tribunal of the Americas”. The President is confident that after the present visit and thanks to the several collaboration agreements that have been signed, the relationship between the Court and the Oriental Republic of Uruguay “will be further strengthened”.

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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. For more information please go to the page of the Inter-American Court <http://corteidh.or.cr/> or send an email to Pablo Saavedra Alessandri, Secretary to [corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr).

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