

# Press Release

Inter-American Court of Human Rights

I/A Court H.R.\_PR-07/2021 English

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## I/A Court H.R. Protecting Rights

### INTER-AMERICAN COURT OF HUMAN RIGHTS HOLDS ITS 139TH REGULAR SESSION



*San José, Costa Rica, February 19, 2021.* The Inter-American Court held its 139th Regular Session from January 25 to February 19, 2021.

During this Session, the Inter-American Court met virtually holding public hearings in five cases it is examining, deliberating one Judgment and conducting procedures in cases being processed. The Court also examined various issues concerning measures with regard to Monitoring Compliance with Judgment and Provisional Measures, and dealt with different administrative matters.

#### **I. Judgments**

The Court deliberated the Judgment in the following Contentious Case:

##### **a) Case of Cordero Bernal v. Peru**

This case relates to alleged violations in the context of a disciplinary procedures that culminated in the dismissal of Héctor Fidel Cordero Bernal from his post as Fourth Criminal Judge of the city of Huánuco, Peru, in 1996. The dismissal occurred as the result of a decision in which Mr. Cordero Bernal granted unconditional release to two defendants.

It is alleged that the State violated the principle of legality owing to the significant breadth and vagueness of the grounds for the presumed victim's dismissal and because these grounds referred to a serious act that, "without being an offense," had compromised the dignity of the office, even though a criminal action for the same facts was being processed at the same time. In addition, it is alleged that the principle of the most favorable norm had been disregarded, because two norms existed – one that allowed imposing the penalty of dismissal only when the

official had already been penalized by suspension, and the other that did not require a prior suspension. However, the disciplinary body allegedly chose to apply the norm that was less favorable to Mr. Cordero Bernal's interests.

Further information on the case is available [here](#).

The Judgment will be notified shortly and will be published [here](#).

## **II. Public hearings in Contentious Cases**

The Court held virtual public hearings in the following Contentious Cases:

### **a) Case of Garzón Guzmán v. Ecuador<sup>1</sup>**

The public hearing was held on Wednesday, January 27, and Thursday, January 28, 2021. The recording of the hearing can be accessed [here](#).

The case relates to the presumed forced disappearance of César Gustavo Garzón Guzmán on November 9, 1990, in Quito, Ecuador. It is alleged that this occurred in a general context of forced disappearances committed by Stage agents against individuals identified as "subversives," members of the "*Alfaro Vive Carajo*" and "*Montoneras Patria Libre*" groups. It is also alleged that the case was documented in the report of the Ecuadorian Truth Commission as a forced disappearance committed by the National Police and that there was supposedly sufficient evidence to conclude that César Gustavo Garzón Guzmán had been deprived of liberty by State agents. In addition, it is argued that the refusal of the authorities to acknowledge the detention, in the context of that time and taking into account the evidence in the case file, constituted concealment of the facts.

Further information on the case is available [here](#).

### **b) Case of Vera Rojas v. Chile<sup>2</sup>**

The public hearing was held on Monday, February 1, and Tuesday, February 2, 2021. The recording of the hearing can be accessed [here](#).

This case relates to the alleged endorsement by the State of the decision of the health insurance company, Isapre MásVida, to end, unilaterally and arbitrarily, the "home hospitalization" regime that the child, Martina Vera, diagnosed with Leigh syndrome, presumably required to ensure her survival. In this situation, it is alleged that the family of the child, Martina Vera, filed an action for protection on October 26, 2010. This was heard in final instance by the Supreme Court of Justice, which, on January 26, 2011, ruled in favor of the insurance company without taking into consideration its special position as guarantor of the rights of the child and persons with disabilities, or the social rights of the child, Martina Vera. It is also argued that, in December 2011, the family filed a second action, of an arbitral nature, before the Health Superintendence, contesting the removal of Martina Vera's treatment. The Superintendence ruled in favor of the victim on August 27, 2012, because an economic study showed that it was more efficient to provide coverage owing to the subsequent financial liability that its suspension could lead to.

Further information on the case is available [here](#).

### **c) Case of Barbosa de Souza et al. v. Brazil**

The public hearing was held on Wednesday, February 3, and Thursday, February 4, 2021. The recording of the hearing can be accessed [here](#).

The case relates to the alleged violation of the psychological and mental integrity of the mother and father of Márcia Barbosa de Souza, who was presumably murdered by Aécio Pereira de Lima, a former state representative. It is argued that parliamentary immunity had resulted in

an exorbitant delay in the criminal proceedings: the investigation and criminal proceedings had taken 9 years. In addition, it is alleged that the State had violated the rights to judicial guarantees and judicial protection, and the principles of equality and non-discrimination, in relation to the right to life.

Further information on the case is available [here](#).

#### **d) Case of Members and Militants of the Patriotic Union v. Colombia<sup>3</sup>**

The public hearing was held on Monday, February 8, to Friday, February 12, 2021. The recording of the hearing can be accessed [here](#).

On June 13, 2018, the State of Colombia submitted this case to the Court under Articles 51 and 61 of the American Convention on Human Rights. In addition, on June 29, 2018, the Inter-American Commission on Human Rights also submitted the case to the Court. The case relates to the alleged successive and egregious human rights violations committed against more than 6,000 victims, members and activists of the Patriotic Union (UP) political party in Colombia, starting in 1984 and continuing for more than 20 years. The facts allegedly involve forced disappearances, threats, harassment, forced displacement and attempted homicide against UP members and activists perpetrated presumably both by State agents and by non-state agents with the alleged tolerance and acquiescence of the former.

Further information on the case is available [here](#).

#### **e) Case of the Massacre of the village of Los Josefinos v. Guatemala**

The public hearing was held on Wednesday, February 17, and Thursday, February 18, 2021. The recording of the hearing can be accessed [here](#).

The case relates to the alleged events that occurred on April 29 and 30, 1982, in the village of Los Josefinos in the department of Petén, Guatemala, in the context of the internal armed conflict. It is alleged that, on the morning of April 29, 1982, members of the armed guerrilla had entered the village of Los Josefinos, capturing and killing two individual owing to their alleged links to the Army. Following a confrontation with the guerrilla, the Guatemalan Army had supposedly laid siege to the village, prohibiting its inhabitants from leaving. In the early morning hours of April 30, 1982, the Army invaded the village. It is alleged that, on entering the village, members of the Army killed at least five members of a patrol who were on the street and then began to set fire to dwellings, massacring the inhabitants, entering the homes to verify whether there were any survivors and murdering those they found, including men, women and children. In addition, it is argued that at least three people disappeared during the massacre after having been seen for the last time in the custody of State law enforcement personnel and that, to date, the State has still not determined their whereabouts.

It is alleged that, even though the State was aware of the facts, it failed to initiate any investigation *ex officio* and that, to date, more than 37 years after the events occurred and 23 years after an investigation was initiated by the presumed victims, the facts continue unpunished; no effort has been made to identify the remains that have been exhumed, and no measures have been taken to discover the whereabouts of the other remains.

Further information on the case is available [here](#).

### **III. Evidentiary procedure in a case being processed**

On Tuesday, January 26, an evidentiary procedure was conducted in the Case of Guerrero *et al.* v. Venezuela, currently being processed before the Court.

The case relates to the alleged extrajudicial execution of Jimmy Guerrero and Ramón Molina, on March 29, 2003, by officers of the Police Armed Forces of Falcón state in Venezuela. It is alleged

that the presumed victims experienced profound fear before their execution and, therefore, their rights to life and personal integrity had been violated. It is also argued that, in the case of Jimmy Guerrero, since his body had been dragged along the road by a vehicle for several meters and then abandoned, the State had violated its obligation to investigate possible acts of torture.

Further information on the case is available [here](#).

#### **IV. Monitoring Compliance with Judgment, Provisional Measures, and administrative matters**

The Court monitored compliance with several judgments and implementation of provisional measures in cases it is examining, as well as processing cases, provisional measures, and advisory opinions. It also dealt with various administrative matters.

During the session, the Court adopted the following orders on **Monitoring Compliance with Judgment:**

- Case of Ximenes Lopes v. Brazil
- Case of Norin Catrimán *et al.* (Leaders, Members and Activist of the Indigenous Mapuche People) v. Chile<sup>4</sup>
- Case of the Río Negro Massacres v. Guatemala
- Case of ANCEJUB-SUNAT v. Peru
- Case of Rosadio Villavicencio v. Peru.

The orders will be notified shortly and will be available [here](#).

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<sup>1</sup> Judge Patricio Pazmiño Freire, an Ecuadorian national, did not take part in the public hearing of this case pursuant to Art. 19 of the Court's Rules of Procedure.

<sup>2</sup> Judge Eduardo Vio Grossi, a Chilean national, did not take part in the public hearing of this case pursuant to Art. 19 of the Court's Rules of Procedure.

<sup>3</sup> Judge Humberto Antonio Sierra, a Colombian national, did not take part in the public hearing of this case pursuant to Art. 19 of the Court's Rules of Procedure.

<sup>4</sup> Judge Eduardo Vio Grossi, a Chilean national, did not take part in this order pursuant to Art. 19 of the Court's Rules of Procedure.

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The composition of the Court for this session was as follows: Judge Elizabeth Odio Benito, President (Costa Rica), Judge Patricio Pazmiño Freire, Vice President (Ecuador), Judge Eduardo Vio Grossi, (Chile), Judge Humberto Antonio Sierra Porto (Colombia), Judge Eduardo Ferrer MacGregor Poisot, (Mexico), Judge Eugenio Raúl Zaffaroni (Argentina) and Judge Ricardo Pérez Manrique (Uruguay).

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