

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-19/2022 English

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I/A Court H.R. Protecting Rights

THE INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 147th REGULAR SESSION PERIOD



San José, Costa Rica, April 10, 2022. The Inter-American Court held its 147th Regular Session Period, from March 16 to April 7, 2022.

The Court held virtual sessions and carried out face-to-face activities to supervise the implementation of Provisional Measures.

During the Session Period, the Court held eight Public Hearings for contentious cases, proceedings to receive evidence, one hearing on Monitoring of Provisional Measures, one hearing on a request for Provisional Measures, and two private hearings on Monitoring Compliance with Judgments. The Court also heard various matters related to Monitoring Compliance with Judgment, Provisional Measures, and dealt with various administrative matters.

I. Visit and Hearing in Panama on the implementation of Provisional Measures in the Case of Vélez Loor v. Panama



On March 17 and 18, a delegation from the Inter-American Court and its Secretariat visited the province of Darién and held a private hearing in Panama City, to obtain information to monitor the execution of the Provisional Measures ordered in the Case of Vélez Loor v. Panama, and assess the request made by Panama regarding their lifting. The delegation was made up of the President of the Court, Judge Ricardo C. Pérez Manrique, the Vice President, Judge Humberto Antonio Sierra Porto, and Judge Nancy Hernández López. The Court's delegation also included the Court Secretary, Pablo Saavedra Alessandri, the Deputy Secretary Romina I. Sijniensky and Bruno Rodríguez Revegino, Advisor to the Presidency.

The President of the Court thanked the State of Panama for all its support and the organization to carry out these proceedings in its territory.

On March 17, 2022, the Inter-American Court delegation visited the province of Darién, in order to directly verify, on the ground, the level of implementation of the Provisional Measures.

The Court's delegation toured:

1. The host community of Bajo Chiquito, one of the arrival points for people in a situation of mobility who enter Panama after the great difficulties of crossing the Darién jungle on the Colombian-Panamanian border.
2. The Lajas Blancas Migration Reception Center which, during the time these measures have been in force, was reconditioned by the State to house people infected or suspected of being infected with COVID-19 in separate areas.
3. The San Vicente Migration Reception Center, inaugurated by the State under these measures to house part of the migrant population that enters Panama through the Darién region.

During the tours, the Court's delegation also posed questions it considered necessary, and interviewed people in a situation of mobility, of different nationalities.

More information about these proceedings can be found at:
https://corteidh.or.cr/docs/comunicados/cp_17_2022_eng.pdf

Private hearing held in Panama City



On Friday, March 18, from 8:00 a.m. to 10:00 a.m., a private hearing was held so that the State, the beneficiaries' representatives, the Commission, and the Ombudsman of Panama could supplement and review the information received during the previous day's visit.

The information received during the visit and the hearing will be brought to the attention of the Court, so that it can subsequently assess it through an order.

II. Public hearings of Contentious Cases

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

a) Case of Cortez Espinoza v. Ecuador

This Case refers to the alleged illegality and arbitrariness of three arrests made against the discharged military officer Gonzalo Cortez Espinoza in 1997 and 2000, as well as the alleged effects on his physical integrity and violations of due process in the framework of criminal proceedings for "offenses against property". It is alleged that the first detention was illegal insofar as the State did not explain the reasons the Military Prosecutor's Office was competent to issue the arrest warrant for Mr. Cortez, especially taking into account his status as a retired military officer. As for the second and third detentions, it is alleged that these were also illegal as he was not shown an arrest warrant and was not informed of the reasons for his detention. Regarding the preventive detentions between July 30 and December 19, 1997, and between February 28 and May 11, 2000, it is argued that Mr. Cortez did not have individualized substantiation regarding the purpose of the proceedings intended against him. It was also pointed out that Mr. Cortez did not file a writ of habeas corpus, since, at the time of the events, a writ of this nature had to be filed with the mayor. Finally, it is alleged that the apparent incommunicado detention suffered by Mr. Cortez while he was deprived of liberty, would have entailed a violation of the alleged victim's personal integrity.

Learn more about the case [here](#).

The public hearing was held on Monday March 21, 2022 and is available [here](#).

b) Case of Sales Pimenta v. Brazil¹

This case has to do with the State's alleged responsibility for the supposed situation of impunity in the events relating to the death of Gabriel Sales Pimenta, lawyer for the Rural Workers Union of Marabá. As a result of his work, he would have received several death threats, for which he

would have requested state protection on multiple occasions before the Secretary of Public Security of Belém, in the State of Pará. He was eventually assassinated on July 18, 1982. Said death allegedly occurred in the context of violence related to demands for land and agrarian reform in Brazil. The Commission concluded that the investigation of the facts related to the death of Gabriel Sales Pimenta, which concluded in 2006 with a decision that the case was outside the statute of limitations, was marked by omissions by the State. The Commission established that the authorities did not act with due diligence or within a reasonable time. In 2008, Mr. Sales Pimenta's mother filed a claim for compensation against the State of Pará for the moral damages caused. She died in 2016 without having received any compensation, either for herself or her relatives. The Commission also concluded that the State violated the right to personal integrity to the detriment of the victim's relatives. Furthermore, the Commission considered that the State violated the right to freedom of association, since Mr. Sales Pimenta's defense of the rights of rural workers resulted in retaliation against him.

Learn more about the case [here](#).

The public hearing was held on Tuesday March 22 and Wednesday March 23, 2022 and is available [here](#).

c) Case of Guevara Díaz v. Costa Rica²

The Case relates to the alleged international responsibility of the State for the violation of the human rights of Mr. Guevara in the framework of a public examination for the Ministry of Finance in which he was not selected. The alleged victim worked in an interim miscellaneous position in the Ministry of Finance and intended to acquire tenure in the position through the public examination. On June 13, 2003, he was notified that he had not been selected and his interim position would cease on June 16. Mr. Guevara indicated that this was due to a report from the Ministry of Finance that recommended not hiring him due to "his problems of retardation and emotional blockage." Faced with this situation, Mr. Guevara filed an appeal for annulment against the dismissal decision, which was denied.

Additionally, the Constitutional Chamber of the Supreme Court of Justice declared an amparo appeal against the decision inadmissible, considering that it was not incumbent upon it to carry out an analysis of legality given that it involved the exercise of discretionary powers. Therefore, a favorable decision for the General Labor Inspectorate was filed. It is alleged that the State did not provide a circumstantial and precise response that would disprove the presumption of discrimination, which is reinforced by the mere invocation of reasons of discretion as the only explanation.

Learn more about the case [here](#).

The public hearing was held on Thursday, March 24, 2022, and is available [here](#).

d) Case of Hendrix v. Guatemala

The Case relates to the alleged international responsibility of the State for administrative decisions and a judicial decision that allegedly prevented Steven Edward Hendrix from exercising the profession of notary, despite having the respective university degree obtained in Guatemala, due to the fact he was not a Guatemalan national.

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

The public hearing was held on Monday, March 28, 2022, and is available [here](#).

e) Case of Angulo Lozada v. Bolivia

This Case refers to the alleged responsibility of the State for the violation of its duty to guarantee the right of access to justice, free of age or gender discrimination, in relation to the sexual violence allegedly suffered by the then 16-year-old adolescent, Brisa Liliana De Angulo Losada,

at the hands of her 26-year-old cousin. The case also deals with the alleged violation of Brisa Losada's rights to humane treatment and a private life. It is alleged that the Public Prosecution did not carry out a diligent investigation, with enhanced due diligence aimed at determining the truth on the allegations of sexual abuse, violence and rape, nor did it properly pursue criminal proceedings based on the available evidence. Therefore, the alleged victim would not have had an adequate remedy and would have been the victim of age and gender discrimination in her access to justice. It is argued that the criminal proceedings have not been decided within a reasonable time, since, more than 18 years after the events, there is no final judgment.

Learn more about the case [here](#).

The public hearing was held on Tuesday, March 29 and Wednesday, March 30, and is available [here](#).

f) Case of Mina Cuero v. Ecuador

This Case refers to the alleged international responsibility of the Republic of Ecuador for the violations of various rights committed within the disciplinary process that culminated in the dismissal of Víctor Henry Mina Cuero, a member of the National Police. The facts of the case occurred between September 2000 and August 2001. It is argued that the State violated the right to know in advance and in detail the accusation made, to have adequate time and means for a defense, and to be assisted by a defense attorney of choice, to the detriment of Mr. Mina Cuero. This derived from the fact that the State had failed to demonstrate that the alleged victim was notified with clear and detailed information on the opening of proceedings against him, or the factual and legal grounds on which they were based, before giving his first statement. Furthermore, in the hearing held during the course of proceedings, the disciplinary body would have referred generically to the infractions that were alleged to have been committed by the alleged victim, without there being any clarity about the reasons for initiating the process. Similarly, Mr. Mina Cuero would have given a statement before the Judicial Police without legal assistance.

Learn more about the case [here](#).

The public hearing was held on Thursday, March 31, and is available [here](#).

g) Case of Habbal et al v. Argentina³

The Case relates to the alleged human rights violations against Mrs. Raghda Habbal and her four minor children. It alleges the arbitrary deprivation of Mrs. Habbal's Argentine nationality, acquired by naturalization, and of the permanent residence of three of her children, all of Syrian nationality, as well as alleged violations of the judicial guarantees given in the framework of both processes.

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

The public hearing was held on Friday, April 1st, and is available [here](#).

h) Case of the Community Garifuna of San Juan and its members v. Honduras

This Case refers to the alleged international responsibility of the State for the presumed lack of protection of the ancestral lands of the Garífuna Communities of San Juan and Tornabé, as well as the presumed threats against several of their leaders. It is an undisputed fact that the Garífuna Community of San Juan does not have a collective property title that recognizes all of its ancestral lands and territories. In this regard, it is alleged that although, in 2000, the National Agrarian Institute granted a title recognizing a portion of the ancestrally claimed territory, the State has not complied with titling the community's entire territory, which has prevented them from the peaceful use and enjoyment of their lands. Additionally, in a context of the lack of legal certainty regarding their ancestral territories, it is argued that titles have been granted to third

parties outside the community, such as the granting and operation of hotel projects, expansion of the urban center of the Municipality of Tela, and the creation of a National Park in territory claimed by the community.

Learn more about the case [here](#).

The public hearing was held on Monday, April 4 and Tuesday, April 5, and is available [here](#).

III. Proceedings in the Case of Leguizamón Zaván et al. v. Paraguay

This Case refers to the violations of rights under the convention, presumably committed as a consequence of the homicide of the journalist Santiago Leguizamón Zaván on April 26, 1991, in the city of Pedro Juan Caballero. In particular, the Commission submitted to the Court the alleged State actions and omissions that occurred or continued to occur after March 11, 1993, the date on which Paraguay accepted the contentious jurisdiction of the Inter-American Court. It was argued that the investigation and criminal proceedings did not meet standards of due diligence nor a reasonable timeframe, nor did they follow a logical line of investigation. It also argued a lack of due diligence and unjustified delays in requests to Brazil for international cooperation, as the murder occurred in a border area and several of the alleged perpetrators were in that country. The violation of the right to mental and moral integrity of the journalist's family is also alleged, due to the suffering and affliction incidents in the judicial process would have caused them.

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

The proceedings were held on Friday, March 25, 2022, and are available [here](#).

IV. Private Hearings on Monitoring Compliance with Judgments

a. Private hearing on Monitoring Compliance with the Judgment in the Case of the Yakye Axa Indigenous Community v. Paraguay.

On Thursday April 7, 2022, the private hearing on Monitoring Compliance with the Judgment in the *Case of the Yakye Axa Indigenous Community v. Paraguay* was held.

b. Private hearing on Monitoring Compliance with the Judgment in the Case of Human Rights Defender et al. v. Guatemala

On Thursday April 7, 2022, the private hearing on Monitoring Compliance with the Judgment in the *Case of Human Rights Defender et al. v. Guatemala* was held.

V. Monitoring Compliance with Judgments, Provisional Measures, and administrative matters

The Court also monitored compliance with several Judgments and implementation of Provisional Measures for which it has oversight, as well as the processing of cases and Provisional Measures. It also dealt with several administrative matters.

During this Regular session the following orders of **Monitoring Compliance with Judgments** were adopted:

1. Case of Ximenes Lopes v. Brazil⁴
2. Case of Poblete Vilches et al. v. Chile⁵
3. Case of Carvajal Carvajal et al. v. Colombia⁶

4. Case of Martínez Esquivia v. Colombia⁷
5. Case of the Ituango Massacres v. Colombia⁸
6. Case of Flor Freire v. Ecuador
7. Case of Rochac Hernández et al. v. El Salvador
8. Case of Cuscul Pivaral et al. v. Guatemala
9. Case of Women Victims of Sexual Torture in Atenco v. Mexico⁹
10. Case of Azul Rojas Marín et al. v. Peru
11. Case of Casa Nina v. Peru
12. Case of Moya Solís v. Peru
13. Joint orders for the Cases of Tarazona Arrieta et al., Canales Huapaya et al., Wong Ho Wing, Zegarra Marín, and Lagos del Campo v. Peru

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

VI. Orders and hearing regarding the request for Provisional Measures in the Case of Barrios Altos and Case of La Cantuta v. Peru.

The Court received a request for Provisional Measures from the representatives of the victims of the Case of Barrios Altos and Case of La Cantuta v. Peru.

On March 30, 2022, the Court adopted an order whereby it required Peru to "refrain from executing the order of the Constitutional Court of Peru to order the release of Alberto Fujimori Fujimori, until this international Court can decide on the request for Provisional Measures in the 147th Regular Session." A public hearing was convened to receive more information prior to ruling on the request. The order is available [here](#).

On April 1, 2022, the virtual public hearing was held on the request for Provisional Measures in the Case of Barrios Altos and Case of La Cantuta v. Peru. The recording of the hearing is available [here](#).

On April 7, 2022, the Court adopted an order in which it decided:

1. To carry out specific supervision regarding the pardon "for humanitarian reasons" granted to Alberto Fujimori Fujimori, through supervision of compliance with the obligation to investigate, prosecute and punish the serious human rights violations in the *Cases of Barrios Altos and La Cantuta*, as it did in its order on Monitoring of Compliance with Judgments of May 30, 2018, in the terms of considering paragraphs 32 to 42 of this order.
2. The State of Peru must refrain from implementing the ruling issued by the Constitutional Court of Peru on March 17, 2022, which restores the effects of the pardon "for humanitarian reasons" granted to Alberto Fujimori Fujimori on December 24, 2017, due to the fact that it did not comply with the conditions determined in the Monitoring Compliance with Judgments order of May 30, 2018, in the terms of considering paragraphs 12 to 20 and 37 to 42 of this order.

The order is available [here](#).

¹ Judge Rodrigo Mudrovitsch did not participate in the public hearing of this case due to his Brazilian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

² Judge Nancy Hernández López did not participate in the public hearing in this case due to her Costa Rican nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

³ Judge Verónica Gómez did not participate in the public hearing in this case due to her Argentinian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁴ Judge Rodrigo Mudrovitsch did not participate in the deliberation on this order due to his Brazilian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁵ Judge Patricia Pérez Goldberg did not participate in the deliberation on this order due to her Chilean nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁶ Judge Humberto Antonio Sierra Porto did not participate in the deliberation on this order due to his Colombian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁷ Judge Humberto Antonio Sierra Porto did not participate in the deliberation on this order due to his Colombian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁸ Judge Humberto Antonio Sierra Porto did not participate in the deliberation on this order due to his Colombian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁹ Judge Eduardo Ferrer Mac Gregor did not participate in the deliberation on this order due to his Mexican nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

The composition of the Court for these sessions was as follows: Judge Ricardo C. Pérez Manrique, President (Uruguay), Judge Humberto Antonio Sierra Porto, Vice President (Colombia), Judge Eduardo Ferrer Mac Gregor Poisot (Mexico), Judge Nancy Hernández López (Costa Rica), Judge Verónica Gómez (Argentina), Judge Patricia Pérez Goldberg (Chile) and Judge Rodrigo Mudrovitsch (Brazil).

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Inter-American Court of Human Rights. 2022. 

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