

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-20/2021 English

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I/A Court H.R. Protecting Rights

INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 140TH REGULAR SESSION



San José, Costa Rica, March 29, 2021. The Inter-American Court held its 140th Regular Session from March 1 to 26, 2021.

During the Session, public hearings were held in four cases being processed by the I/A Court H.R., deliberations took place on two Judgments, and measures for Monitoring Compliance with Judgment, Provisional Measures, and diverse administrative matters were examined.

I. Judgments

The Court deliberated the Judgments in the following Contentious Cases. They will be notified shortly, and will be available [here](#).

a) Case of Vicky Hernández et al. v. Honduras

The case relates to the presumed international responsibility of the State of Honduras for the alleged extrajudicial execution of Vicky Hernández, a trans woman and human rights defender, between the evening of June 28 and the early morning hours of June 29, 2009, while a curfew was in place. It is alleged that the death of Vicky Hernández occurred in two relevant contexts. On the one hand, the presumed context of violence and discrimination against the LGBT community in Honduras with a high incidence of acts committed by law enforcement agents and, on the other, the presumed context of the 2009 coup d'état.

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

b) Case of Guachalá Chimbo et al. v. Ecuador¹

The case relates to the presumed disappearance of Luis Eduardo Guachalá Chimbo, who had a mental disability, in January 2004 while he was presumably in a public mental health facility in Quito, Ecuador. It is alleged that the State violated the right to legal capacity (as a component of the right to recognition of juridical personality), among other rights of the presumed victim by institutionalizing him in a mental health facility without his informed consent. For the same reason, it is argued that Mr. Guachalá's internment constituted an arbitrary deprivation of liberty that was incompatible with the American Convention and a form of discrimination based on his disability.

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

II. Public hearings in Contentious Cases

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

a) Case of Ríos Ávalos et al. v Paraguay

The case relates to a series of violations during the impeachment proceedings that culminated in the dismissal of the presumed victims, Bonifacio Ríos Avalos and Carlos Fernández Gadea, from their posts as justices of the Supreme Court of Justice of Paraguay in 2003. It is alleged that the State violated their right to a competent authority and previously established proceedings. It is argued that, after the charges had been brought against the presumed victims, the Senate issued Resolution No. 222 establishing the Impeachment Procedure Regulations, as well as procedural rules for impeachments, which had a substantive impact on the exercise of their right of defense and other aspects related to the guarantees of due process. It is also alleged that the State violated the right to an impartial judge, taking into account that the said regulations did not permit recusals against the disciplinary organ.

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

The Public Hearing can be seen [here](#).

b) Case of Cuya Lavy et al. v. Peru

The case relates to an alleged series of violations during an evaluation and ratification process for the victims in this case – prosecutors and judges – by the National Council of the Judicature in 2001 and 2002. It is alleged that the State violated the right to prior notification in detail of the charges against them, as well as adequate time and means for the preparation of their defense because the National Council of the Judicature never brought charges against the victims during the evaluation and ratification process or informed them of reports or complaints against them that would have allowed them to present rebuttal evidence prior to the decision not to ratify them.

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

The Public Hearing can be seen [here](#)

c) Case of Manuela et al. v. El Salvador

The case refers to a series of presumed violations during the criminal proceedings that culminated in the conviction of the victim in this case for the crime of aggravated homicide owing to the criminalization of abortion in El Salvador. It is alleged that the State violated the right to personal liberty owing to the unlawful detention of the presumed victim, considering that she was detained on February 28, 2008, under the offense of *flagrante delicto* without having met the requirements for this, and while she was receiving medical treatment in the San Francisco

de Gotera National Hospital. It is also argued that the State violated the right not to be deprived of liberty arbitrarily, the principle of the presumption of innocence, and the right to judicial protection because the decision to impose pre-trial detention was taken based on the seriousness of the offense, applying a legal provision which established that, in cases involving the crime of aggravated homicide, preventive detention could not be substituted by another precautionary measure. Violation of the right to defend oneself and to judicial protection are also alleged because the presumed victim did not have defense counsel during the preliminary procedures conducted on February 28, 2008, and, subsequently, the public defender committed certain errors that had an impact on her rights, including a serious omission consisting in failing to file an appeal against the judgment sentencing her to 30 years' imprisonment.

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

The Public Hearing can be seen [here](#)

d) Case of Bedoya Lima et al. v. Colombia²

The case relates to a series of alleged human rights violations derived from the abduction, torture and rape of the journalist Jineth Bedoya Lima for reasons linked to her profession, and the State's alleged failure to take prompt and adequate measures to protect her and to prevent the occurrence of these facts. It is alleged that the journalist Jineth Bedoya was abducted in front of a State prison and retained for several hours, while she was carrying out her work as an investigative journalist in relation to a confrontation between members of the paramilitary and of ordinary criminal groups inside the Model National Prison. In this situation, it is argued that the Colombian State was aware of the situation of real and imminent danger faced by the journalist and failed to adopt the measures that could be considered reasonable to protect her. It is also argued that the State had a special obligation to act with due diligence to protect Jineth Bedoya from an attack on her personal safety and from acts of sexual violence owing to the general context of sexual violence against women that had allegedly characterized the Colombian armed conflict. Lastly, it was indicated that this is the first case in which the Court will have occasion to develop standards on the positive obligations of protection with a gender perspective that State must adopt to ensure the safety of women when they are in a situation of special risk in one of the most dangerous regions for the exercise of journalism.

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

The Public Hearing can be seen [here](#).

The Inter-American Court of Human Rights issued an Order in the Case of Bedoya Lima et al. v. Colombia, in relation to a recusal filed by the State of Colombia in this case. The Order is available [here](#).

III. Hearings on Monitoring Compliance and Provisional Measures

The following public hearings were held on March 4:

a) Case of the Massacres of El Mozote and surrounding areas v. El Salvador.

The Public Hearing can be seen [here](#).

b) Jointly for the Cases of the Garifuna Triunfo de la Cruz Community and Punta Piedra v. Honduras.

The Public Hearing can be seen [here](#).

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

In addition, the Court monitored compliance with various Judgments and the implementation of Provisional Measures it is overseeing, and also processed several cases, provisional measures and advisory opinions. It also dealt with diverse administrative matters.

During this Session, the following orders on **Monitoring Compliance with Judgment** were adopted:

1. *Case of Cuscul Pivaral et al. v. Guatemala.*
2. *Case of Acosta et al. v. Nicaragua.*

The following orders for Provisional Measures were adopted:

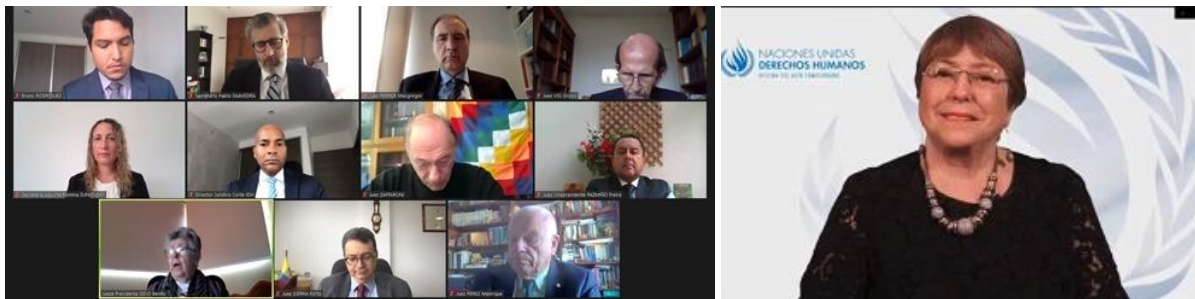
1. *Case of the Miguel Castro Castro Prison v. Peru*
2. *Case of Members and Militants of the Patriotic Union v. Colombia*
3. *Case of Bedoya Lima et al. v. Colombia.*

The Court also adopted another order:

1. *Case of Arrom Suhurt et al. v. Paraguay.*

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

V. Inauguration of the 2021 Inter-American Judicial Year



On Friday, March 19, 2021, the 2021 Inter-American Judicial Year was inaugurated with the participation of the President of the Inter-American Court, Judge Elizabeth Odio Benito, the Vice President, Judge Patricio Pazmiño Freire, and the Court's judges. The keynote address was given by the United Nations High Commissioner for Human Rights, Michelle Bachelet Jeria, who spoke on: "The global challenges to human rights in a post-pandemic world."

The event was also attended by representatives of the Government of Costa Rica, host country to the Inter-American Court, representatives of Member States of the Organization of American States, members of the Diplomatic Corps accredited to Costa Rica, and representatives of international organizations and civil society.

In her address for the Inauguration of the 2021 Inter-American Judicial Year, the President of the Court expressed her support for the victims of COVID-19. She emphasized that, one year after the pandemic had been declared, important challenges remained. However, she indicated that the Court had been able to adapt and to continue its work by teleworking in order to comply with its mandate for the protection of human rights. "The Inter-American Court has proved to be a resilient, flexible and adaptable institution," stated the President.

The United Nations High Commissioner for Human Rights (UNHCHR), Michelle Bachelet, indicated that "since its creation, the Inter-American Court has played a central role in combatting impunity and defending human rights in the Americas." She stated that, "[t]hrough its case law, the Court has established human rights standards that are reference points for the effective protection of the individual on essential issues such as women's rights, the rights of the LGBTIQ

community, and the interdependence of civil and political rights and economic, social, cultural and environmental rights.”

VI. Dialogue between the three Regional Human Rights Courts



On March 24, 2021, the Inter-American Court of Human Rights, the European Court of Human Rights and the African Court of Human and Peoples’ Rights held the Second International Forum on Human Rights: Dialogue between the three Regional Human Rights Courts, organized by the European Court. The International Forum is available [here](#).

The forum was presided by the President of the European Court of Human Rights, Judge Robert Spano, and the President of the African Court of Human and Peoples’ Rights, Judge Sylvan Oré, the President of the Inter-American Court of Human Rights, Judge Elizabeth Odio Benito, together with judges of the three regional courts took part in the activity.

The judges of the three courts reflected on various significant matters that each of the regional courts is processing, and exchanged opinions on the case law dialogue.

The virtual Forum was held as part of the Permanent Dialogue between the three Regional Human Rights Courts, and as a continuation to the forums held in San José, Costa Rica (2018), and Kampala, Uganda (2019).

¹ Judge Patricio Pazmiño Freire, an Ecuadorian national, did not take part in the deliberation of the judgment in this case pursuant to Article 19 of the Court’s Rules of Procedure.

² Judge Humberto Antonio Sierra, a Colombian national, did not take part in the public hearing or the deliberation of the judgment in this case pursuant to Article 19 of the Court’s Rules of Procedure.

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).

This press release was produced by the Secretariat of the Inter-American Court of Human Rights, which is the only responsible for its content.

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Inter-American Court of Human Rights. 2021. 

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