

# Press Release

Inter-American Court of Human Rights

I/A Court H.R.\_PR-31/2022 English

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

### THE INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 148<sup>th</sup> REGULAR SESSION



*San José, Costa Rica, June 6, 2022.* The Inter-American Court held its 148<sup>th</sup> Regular Session from May 9 to 25, 2022.

The Court held a hybrid session, combining face-to-face and virtual activities.

During the Session, the Court deliberated two Judgments, and held three public hearings of Contentious Cases, two proceedings of cases under review by the Court, two private hearings of Monitoring Compliance with Judgments, and a hearing of Provisional Measures and Monitoring of Compliance. The Court also heard various matters related to Monitoring Compliance with Judgments, Provisional Measures, and dealt with various administrative matters.

#### **I. Judgments**

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

### **a) Case of Casierra Quiñonez et al. v. Ecuador**

This case relates to the death of Luis Eduardo and injuries caused to Andrés Alejandro, both with the surnames Casierra Quiñonez, presumably by agents of the National Navy of the Republic of Ecuador in December 1999. It alleges the violation of the rights to life and personal integrity of Luis Eduardo, and the right to personal integrity of Andrés Alejandro, because the State did not provide a satisfactory explanation for the use of lethal force, as the result of an independent, impartial investigation, with due diligence.

It also argues that the use of force by the State would not have had a legitimate purpose and would have been unnecessary and disproportionate. Similarly, it alleges that, since they are alleged human rights violations, specifically violations of the rights to life and personal integrity, the facts could not be considered as possible "crimes committed in the line of duty", reason for which the investigation should have been progressed in the ordinary jurisdiction. Consequently, it is argued that, by applying military criminal justice, the State violated the rights to judicial guarantees and judicial protection, specifically the right to have a competent, independent and impartial authority, as well as to have a proper and effective judicial remedy.

Finally, it is alleged that the State violated the right to personal integrity of the family members of the Casierra Quiñonez brothers identified in the Merits Report, insofar as the loss of a loved one and the injury of another, as well as the absence of truth and justice, caused suffering and anguish to the detriment of the aforementioned family members.

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

### **b) Case of Moya Chacón et al. v. Costa Rica<sup>1</sup>**

This case relates to the imposition of a measure of further liability against journalists Ronald Moya Chacón and Freddy Parrales Chaves for the publication, on December 17, 2005, of a newspaper article in the *La Nación* newspaper, reporting on alleged irregularities in the control of the importation of liquor into Costa Rica, in the border area with Panama. One of the police officers involved in the investigation filed a complaint for the crime of slander and "defamation through the press", as well as a civil action for compensation against the journalists, due to the alleged existence of falsehood regarding the information published. Although the journalists were not criminally convicted of committing a crime due to the absence of willful intent, they were sentenced to pay, jointly and severally, five million colones as civil compensation for non-pecuniary damage.

It is alleged that Article 145 of the Penal Code and Article 7 of the Printing Law, which establish the criminal category of "insults through the press", are incompatible with the principle of strict criminal legality and the right to freedom of expression, by not establishing clear parameters that allow the prohibited conduct and its elements to be foreseen. Although there was no criminal conviction in this specific case, it is argued that it is appropriate to analyze its legality given that the victims were subjected to a process based on said regulations and these are currently in force in Costa Rica. It is also alleged that the application of Article 1045 of the Costa Rican Civil Code, which regulates non-contractual civil liability, was not in accordance with inter-American standards. In addition, it pointed out that the requirement of strict necessity was not met. Based on this, it was argued that the State had violated Articles 9 and 13 in relation to Articles 1(1) and 2 of the American Convention.

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

## **II. Public Hearings of Contentious Cases**

The Court held in-person public hearings in the following Contentious Cases.

### **a) Case of Nissen Pessolani v. Paraguay**

This case relates to the alleged international responsibility of the State for the alleged violation of the judicial guarantees of Mr. Alejandro Nissen Pessolani in the context of proceedings against him by the Jury for the Trial of Magistrates (JEM) that determined his removal from his position as Criminal Prosecutor. Mr. Nissen was a prosecutor in the city of Asunción and mainly carried out investigations related to cases of corruption. In March 2002, a complaint was filed against him alleging poor performance in his duties. The Trial Jury issued a punitive sentence ordering his removal from office in April 2003, and in 2004 the Supreme Court of Justice rejected an action of unconstitutionality filed by the alleged victim. It is alleged that during the processing of this proceeding, the alleged victim did not have a competent, independent, and impartial judge, and that his right to defense, the principle of consistency, and reasonable time were not respected. Furthermore, it is alleged that dismissing a prosecutor, among other reasons, for giving information to the press about the cases he is handling would be contrary to freedom of expression. Regarding the actions brought to appeal the dismissal decision, it is argued that Mr. Nissen Pessolani's right to judicial protection was affected. Finally, it was alleged that the arbitrary dismissal affected Prosecutor Nissen Pessolani's political rights.

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

The video of the public hearing is available [here](#).

### **b) Case of Deras García et al. v. Honduras**

This case refers to the State's alleged international responsibility for the alleged extrajudicial execution of Herminio Deras García, teacher, leader of the Honduran Communist Party and adviser to several trade unions on the north coast of Honduras, as well as the alleged threats, illegal arrests and acts of torture against his family members. These events would have occurred in a context of serious human rights violations that occurred in Honduras during the 1980s. It is alleged that, due to Mr. Deras García's political and union activities, in January 1983, he would have been detained by agents of the State and, subsequently, executed in his vehicle, for which a violation of the right to life is argued to his detriment. It is argued that the alleged extrajudicial execution was committed in retaliation for his activities as a political and union leader, for which his rights to freedom of expression and association were also violated.

Furthermore, it is stated that the alleged beatings and ill-treatment, house raids and arrests by military agents, without any court order, of Mr. Deras García's relatives, including children, constituted a violation of their rights to personal integrity, personal liberty, private life and rights of the child. It is also argued that the departure from the country of Mr. Deras García's brother and the inability of his sister to return to Honduras, due to the alleged lack of investigation and absence of effective protection measures regarding the alleged acts of violence, threats and harassment against the family, resulted in the violation of the right of movement and residence. Lastly, it is mentioned that the State had violated the rights to judicial guarantees and judicial protection due to the lack of due diligence and non-observance of the reasonable term in the criminal proceeding initiated to examine the alleged execution of Mr. Deras García.

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

The video of the public hearing is available [here](#).

### **c) Case of Members of the José Alvear Restrepo Lawyers Collective (CAJAR) v. Colombia<sup>2</sup>**

This case relates to alleged acts of violence, intimidation, harassment, and threats against the members of the "José Alvear Restrepo" Lawyers Collective Corporation (CAJAR) from the 1990s to the present, relating to their activities in defense of human rights. It is alleged that the members of CAJAR have been victims of multiple instances of threats, harassment, and surveillance in various places by individuals, without being able to establish whether or not they were state agents.

However, it is argued that the State carried out actions that actively contributed to the materialization of the acts of violence, such as arbitrary intelligence work, as well as stigmatizing statements by high-ranking officials. Specifically in relation to the alleged intelligence activities, it is argued that the work of the Administrative Department of Security (DAS) through a special strategic intelligence group included monitoring the work activities of CAJAR members, intercepting their landline and cell phone calls and emails, and making personal files on each member containing their personal data. In this sense, it is alleged that Colombia did not satisfy the legality requirement to carry out monitoring and surveillance activities of CAJAR members. It also refers to the fact that these activities were carried out without any type of judicial control. In addition, regarding the possible justification for said interference, it is argued that the State did not invoke any legitimate purpose for such intelligence work nor did it present elements that would allow an analysis of the suitability, necessity and proportionality of such measures in light of a possible legitimate purpose. Therefore, the illegality and arbitrariness of the intelligence work of the DAS to the detriment of the members of CAJAR is alleged.

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

The video of the public hearing is available [here](#).

### **III. Proceedings in active Cases**

The Court held proceedings in active Contentious Cases:

#### **a) Private proceedings in the Case of the Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala**

The proceedings were held on Wednesday, May 25.

#### **b) Proceedings in the Case of Britez Arce et al. v. Argentina<sup>3</sup>**

The proceedings were held on Friday, May 20.

The video of the proceedings is available [here](#).

### **IV. Hearings on Monitoring Compliance with Judgments and Implementation of Provisional Measures**

The court held private hearings on the Monitoring of Compliance with Judgments in the following Cases:

#### **a) Case of Bámaca Velásquez v. Guatemala**

The hearing was held on Tuesday, May 24.

#### **b) Case of Pacheco León et al. v. Honduras**

The hearing was held on Tuesday, May 24.

#### **c) Provisional Measures and Monitoring Compliance with the obligation to investigate in the *Cases of Valenzuela Ávila and Case of Ruiz Fuentes v. Guatemala***

The hearing was held on Tuesday, May 24.

### **V. Monitoring Compliance with Judgments and Provisional Measures, as well as administrative matters**

The Court also monitored compliance with various Judgments and implementation of Provisional Measures for which it has oversight and processing of Cases and Provisional Measures. It also addressed various matters of an administrative nature.

During this Session the following resolutions were approved on **Monitoring Compliance with Judgments**

- Case of Jenkins v. Argentina<sup>4</sup>
- Case of Omeara Carrascal et al. v. Colombia<sup>5</sup>
- Case of the Rochela Massacre v. Colombia<sup>6</sup>
- Case of Martínez Coronado v. Guatemala
- Case of Pacheco León et al. v. Honduras
- Case of V.R.P., V.P.C. et al. v. Nicaragua

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

Finally, the following resolutions on **Provisional Measures** were approved:

- Case of Vélez Lóor v. Panamá
- Matter of Juan Sebastián Chamorro et al. regarding Nicaragua

The decisions were notified and will be available [here](#).

## **VI. Work Meetings and Activities for Cooperation**

Within the framework of the 148 Regular Session, activities for cooperation and signing of agreements were carried out:

**a)** Meeting of the Plenary Session of the Inter-American Court with the Chilean Minister of Foreign Affairs, Antonia Urrejola.

**b)** Meeting of the President of the Inter-American Court, together with the Norwegian Ambassador in Mexico and Central America, Ragnhild Imerslund, and Counselor Gro Dahle.

**c)** Working meeting between the Secretariat of the Inter-American Court and the Embassy of Norway in Mexico and the Embassy of Sweden in Guatemala and SIDA.

**d)** The Judge of the Inter-American Court, Nancy Hernández López, together with the Secretariat of the Court received the special rapporteur of the United Nations Organization on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz.

**e)** Institutional visit by the Judges of the Superior Labor Court of Brazil to the headquarters of the Inter-American Court. Delegation headed by Minister Dora Maria da Costa.

**f)** Signing of the agreement and meeting with a delegation of judges of the Superior Labor Court of Brazil and signing of the Institutional Cooperation Agreement with the National School for the Training and Improvement of Labor Magistrates.

**g)** Signing of the Cooperation Agreement with the National Bar Association of Panama.

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<sup>1</sup> Judge Nancy Hernández López did not participate in the deliberation of this judgment due to her Costa Rican nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

<sup>2</sup> Judge Humberto Antonio Sierra Porto did not participate in the public hearing of this case, due to his Colombian nationality, in accordance with Art. 19 of the Court's Rules of Procedure. Judge Verónica Gómez excused herself from participating in the hearing.

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

<sup>5</sup> Judge Humberto Antonio Sierra Porto did not participate in the decision in this case, due to his Colombian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

<sup>6</sup> Judge Humberto Antonio Sierra Porto did not participate in the decision in this case, due to his Colombian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

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The composition of the Court for this Session was: 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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