

Press Release

Inter-American Court of Human Rights

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I/A Court H.R. Protecting Rights

THE INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 158TH REGULAR SESSION



San José, Costa Rica, June 01, 2023. The Inter-American Court of Human Rights held its 158th Regular Session between May 15 and 26, 2023.

During this Session, the Court held a public hearing on one contentious case, deliberated five judgments and hosted the International Forum on Human Rights, which included the meeting between the three Regional Human Rights Courts

I. Public Hearing of a Contentious Case

The Court held a public hearing in the following Contentious Case:

a) Case of Arboleda Gómez v. Colombia¹

The case concerns the alleged violation of the rights to judicial guarantees and judicial protection

of Saulo Arboleda Gómez in the context of a criminal proceeding against him. On August 17, 1997, several media outlets published transcripts of a conversation that had been recorded, allegedly without consent, between Saulo Arboleda Gómez, who served as Colombia's Communications Minister and the then Minister of Mines and Energy, regarding the process of awarding a contract to operate a radio station. On August 20, 1997, the Country's Attorney General opened a preliminary investigation against both ministers, who were charged on October 21, 1998, with the "crime of having an illegal interest in signing contracts."

In response to the judgment issued by the Criminal Cassation Chamber of the Supreme Court of Justice, the alleged victim filed a writ for the protection of his fundamental rights in relation to his conviction and the actions of the public prosecutor's office, alleging that his right to due process had been violated during the criminal proceedings. In addition, between 2007 and 2017, Mr. Arboleda filed at least five requests for review of his conviction before the same Criminal Cassation Chamber of the Supreme Court, all of which were rejected.

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

The public hearing was held virtually on Friday, May 19. The broadcast is available [here](#).

II. Judgments

The Court deliberated the Judgment on the following Contentious Cases:

1) Case of the Maya Q'eqchi Indigenous Community of Agua Caliente v. Guatemala

The case concerns the international responsibility of the Republic of Guatemala to the detriment of the Maya Q'eqchi' Agua Caliente Community, owing to the alleged lack of domestic legislation to guarantee the community's right to collective property, the concession and establishment of a mining project in their territory, and the alleged absence of adequate and effective remedies for the protection of their rights. Since 1890, the Community's ancestral lands have been identified as "Lot 9"; however, the Community alleges that it does not have a collective property title for these ancestral lands and territories, despite the efforts made by its members for more than four decades. In turn, they claim that numerous omissions and irregularities have occurred in the processing of the collective property title, against which the domestic remedies have been ineffective.

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

2) Case of López Sosa v. Paraguay

The case concerns the State's international responsibility for the alleged unlawful detention, torture, and violation of judicial guarantees and judicial protection, in respect of Jorge Luis López Sosa, who at the time of the events (the year 2000) was a police inspector. According to the petitioner, the alleged victim's detention occurred in the context of a state of emergency. The Commission concluded that the State is responsible for the violation of the rights to humane treatment (personal integrity), personal liberty, judicial guarantees and judicial protection, established in Articles 5.1, 5.2, 7.1, 7.2, 7.4, 7.5, 8.1, and 25.1 of the American Convention on Human Rights in relation to Articles 1.1 and 2 thereof, to the detriment of Jorge López Sosa. The Commission also concluded that the State is responsible for the violation of Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.

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

3) Case of Núñez Naranjo et al. v. Ecuador

The case refers to the alleged forced disappearance of Fredy Marcelo Núñez Naranjo. It is alleged that on July 15, 2001, while the victim was in a bar owned by his mother, several intoxicated individuals entered the bar and caused damage. Núñez confronted them, for which reason the

police arrived on the scene and took the alleged victim and the other persons to the Police Station in Cantón Quero. It is alleged that Mr. Núñez Naranjo was abducted from the police station by members of the Juntas del Campesinado of Cantón Quero and taken, first to the Puñachisag community and later to the Shausi community, where he was subjected to mistreatment. Since then his whereabouts are unknown. It is argued that what happened to Mr. Núñez Naranjo constituted an enforced disappearance, given that the constituent elements of such a human rights violation were present.

Regarding the alleged deprivation of liberty, there is no dispute that the alleged victim was detained and subsequently abducted. As for the direct intervention or acquiescence of State agents, it is not disputed that members of the Juntas del Campesinado were the ones who removed Mr. Núñez Naranjo from the prison. However, it is alleged that, despite reports of serious human rights violations committed by members of these Juntas, the State rarely responded effectively to complaints about their activities.

Finally, regarding the refusal to acknowledge the detention or reveal the fate and whereabouts of the alleged victim, it is argued that the State, through its failure to act diligently, allowed the victim's whereabouts to be covered up.

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

4) Case of Boleso v. Argentina²

The case refers to the State's international responsibility for the delay in implementing a ruling in a legal protection action regarding the remuneration of the alleged victim, Héctor Hugo Boleso, who at the time was a labor judge in the Province of Corrientes. In February 1990, Mr. Boleso filed a legal protection action on the grounds that his right to the "intangibility of his remuneration as a judge," a constitutionally recognized right, had been violated. In a judgment of first instance issued on June 18, 1991, this action was rejected. On August 7, 1992, the Superior Court of Justice of the Province of Corrientes revoked this decision in its entirety. On August 28, 1992, the Province of Corrientes filed a special federal review procedure, which was rejected on August 4, 1997.

However, when the alleged victim sought to enforce the judgment, the State challenged the payment schedule, arguing that the judgment was declaratory and did not order the payment of a sum of money. This led to the filing of a series of actions and appeals by the State and Mr. Boleso, which resulted in the claimed payment only being made effective on June 1, 2011.

It is therefore alleged that the State violated the guarantee of reasonable time and is presumably responsible for the violation of the rights to judicial protection and judicial guarantees recognized in Articles 8.1 and 25.1 of the American Convention, in relation to the obligations established in Article 1.1, to the detriment of Héctor Hugo Boleso.

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

5) Case of Tabares Toro v. Colombia³

This case relates to the alleged international responsibility of Colombia for the forced disappearance of Oscar Iván Tabares Toro, as well as the subsequent failure to investigate the facts and clarify the circumstances surrounding his disappearance. Mr. Tabares, who was a soldier assigned to the General Artillery School, disappeared on the night of December 28, 1997, while camping with the "Tigre" Company of the Counter-guerrilla Battalion No. 20 in the department of Meta, as an active soldier of the Colombian National Army.

It is argued that there are sufficient elements to classify what happened to Mr. Tabares as forced disappearance, since (i) the alleged victim was under the control of State agents the last time he was seen; (ii) the people who would have been involved in the events were soldiers, and (iii) from the moment of Mr. Tabares' disappearance, the Colombian National Army has refused to acknowledge his detention and reveal his true fate and whereabouts. It is pointed out that not

only did the National Army fail to initiate the search for Oscar Tabares after his alleged escape,

but that it also failed to notify his next of kin of his disappearance or help them in their search for him. It is further alleged that, to date, the investigation has not made any significant progress.

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

After notification, the judgments will be available [here](#).

III. Orders on Monitoring Compliance with Judgment

The Court issued Orders on Monitoring Compliance with Judgment in the following cases:

a) *Case of Hernández v. Argentina*⁴

After notification, the orders will be available [here](#).

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

During this Session, the Court monitored Compliance with several Judgments as well as the implementation of Provisional Measures that are currently under its jurisdiction. It also discussed various Matters of an administrative nature.

V. Meeting of the three Regional Human Rights Courts



On Thursday, May 25 and Friday, May 26, 2023, the Inter-American Court of Human Rights, the European Court of Human Rights and the African Court on Human and People's Rights, held a Dialogue between the three Regional Human Rights Courts in San José, Costa Rica. This International Forum has been held every two years since 2018, when the Declaration of San José was adopted during the first meeting of the three Regional Courts.

"In the dialogue between the three Regional Human Rights Courts, topics such as the environment, climate change, judicial independence and the rule of law were addressed. This type of activity

enriches the work of each of the Courts, allowing the Judges to broaden their perspectives on possible responses or solutions to the human rights challenges facing the Americas, Africa and Europe,” emphasized the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique. “I wish to thank my fellow Judges of the European Court and the African Court for coming to our Court. This event is a sign of the dialogue and cooperation between the Courts, which will continue in the future,” he added.

The event concluded with the signing of the [Declaration of San José \(II\)](#), in which the High Courts reaffirmed their commitment to the principles and objectives contained in their respective regional human rights instruments. Furthermore, in this Declaration the Courts agreed that the States of the three regions under their respective jurisdictions must guarantee the effective protection of democracy, human rights and sustainable development, since these are essential to preserve peace and ensure respect for the dignity of the human being.

The next International Human Rights Forum will be held in 2025 and will be hosted by the African Court on Human and People’s Rights.

Finally, within the framework of this Dialogue between the three Courts, an International Seminar on “The Regional Systems for the Protection of Human Rights and challenges” was held at the University of Costa Rica with the participation of the presidencies of the three Courts. You can access the Seminar [here](#).

The Inter-American Court is grateful to the German International Cooperation for providing financial support for the organization of this meeting.

VI. Cooperation Agreement signed between the Inter-American Court of Human Rights, the Regional Electoral Tribunal of the Federal District and the Federal Judicial School of the 1st Region of Brazil

On May 23, a Cooperation Agreement was signed between the Inter-American Court of Human Rights, the Regional Electoral Tribunal of the Federal District and the Federal Judicial School of the 1st Region of Brazil. Participating on behalf of the Court were the President, Judge Ricardo C. Pérez Manrique, Vice President Judge Eduardo Ferrer Mac-Gregor, Judge Verónica Gómez, Judge Rodrigo Mudrovitsch and Registrar Pablo Saavedra Alessandri.

On behalf of the delegations: the President of the Regional Electoral Court, Magistrate Roberval Casemiro Belinati and the President of the Federal Judicial School of the 1st Region, Judge Antônio Souza Prudente.

VII. Presentation of the Book “Commentary on the procedure before the Inter-American Human Rights System”

On May 24, the presentation of the book entitled “Commentary on the procedure before the Inter-American Human Rights System” took place. The participants were welcomed by the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique and Mr. Hartmut Rank, Director of the KAS. This was followed by a commentary on the book by Mr. Miguel Ángel Barboza, the KAS Project Coordinator. Finally, a panel discussion was held on “Democratic access to the Inter-American Human Rights System: challenges for strengthening it in light of the Commentary,” with the participation of Judge Nancy Hernández López, of the Inter-American Court, the Court’s Registrar Pablo Saavedra Alessandri, Ms. Elizabeth Salmón, Special Rapporteur on Human Rights in the Democratic People’s Republic of Korea, Mr. Armin Von Bogdandy, Director of the Max Planck Institute and Mr. Juan Carlos Pérez Murillo, Director of Public Defense.

¹ Judge Humberto Antonio Sierra Porto did not participate in the Public Hearing of this case as he is a Colombian national, pursuant to Article 19 of the Court's Rules of Procedure.

² Judge Verónica Gómez did not participate in the deliberation of the Judgment in this case as she is an Argentine national, pursuant to Art. 19 of the Court's Rules of Procedure.

³ Judge Humberto Antonio Sierra Porto did not participate in the deliberation of the Judgment in this case as he is a Colombian national, pursuant to Art. 19 of the Court's Rules of Procedure.

⁴ Judge Verónica Gómez did not participate in the deliberation of the order in this case as she is an Argentine national, 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 Ricardo C. Pérez Manrique, President, (Uruguay), Judge Eduardo Ferrer Mac-Gregor Poisot, Vice President (Mexico), Humberto Antonio Sierra Porto (Colombia), Judge Nancy Hernández López (Costa Rica), Judge Verónica Gómez (Argentina); Judge Patricia Pérez Goldberg (Chile) and Judge Rodrigo Mudrovitsch (Brazil).

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