

Press Release

Inter-American Court of Human Rights
I/A Court H.R._PR-40/2022 English

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I/A Court H.R. Protecting Rights

THE INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 149TH REGULAR SESSION



San José, Costa Rica, July 6, 2022. The Inter-American Court held its 149th Regular Session from June 13 to July 1, 2022.

The Court held a hybrid session, combining in-person and virtual activities.

During the Session, three Judgments were deliberated and five public hearings of Contentious Cases were held. The Court also heard various matters related to Monitoring Compliance with Judgments, Provisional Measures, and dealt with several administrative matters. Furthermore, in relation to the *Case of Flores Bedregal et al. v. Bolivia*, the Court announced that this case will be analyzed in its next Session.

I. Judgments

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

a) Case of Guevara Díaz v. Costa Rica¹

The case relates to the State's alleged international responsibility for the violation of Mr. Guevara's human rights in the context 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 attain 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 was 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. As a consequence of this decision, a favorable decision for the General Labor Inspectorate was recorded.

It is alleged that the State did not provide a detailed and precise response that would disprove the presumption of discrimination, which is reinforced by the mere invocation of reasons of discretionary power as the only explanation.

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

b) Case of Sales Pimenta v. Brazil²

This case relates to the State's alleged responsibility for the supposed 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 received several death threats, for which he 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.

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

c) Case of Movilla Galarcio et al. v. Colombia³

The case deals with the alleged international responsibility of the Republic of Colombia, for the disappearance of Pedro Julio Movilla Galarcio, a prominent union leader, member of the left-wing political party PCCML, and Colombian social activist, on May 13, 1993. Pedro Movilla's disappearance would have occurred after he left his daughter at school. In addition, it would have happened following Pedro Movilla and his family moving from their residence on two occasions due to alleged harassment, and after Mr. Movilla was the target of intelligence activities by State security forces. In addition, three contextual elements relevant to the case are discussed, such as: the context related to the identification of trade unionists as the domestic enemy in state intelligence and counter-guerrilla manuals, political violence in Colombia leading to alarming numbers of executions and disappearances of people linked to certain political parties with the characteristics of the PCCML, and the high incidence of forced disappearances in the context of the armed conflict in Colombia.

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

II. Public Hearings of Contentious Cases

The Court held public hearings of the following Contentious Cases.

a) Case of Baraona Bray v. Chile⁴

This case relates to the alleged human rights violations committed within the criminal proceedings brought against Carlos Baraona Bray, a lawyer and environmental defender who gave a series of interviews and made statements in which he maintained that a Senator of the

Republic, had exerted pressure and influenced the authorities to carry out the illegal felling of the alerce (Patagonian Cypress), a species of ancient tree preserved in Chile. The criminal proceedings, filed by the Senator, culminated in the sentence for the crime of "serious insults", 300 days suspended prison sentence, a fine, as well as an additional penalty of suspension from public positions or office for the period of the sentence. It is alleged that the provisions that penalize serious insult and its criminal punishment do not comply with the requirement of strict criminal legality and the right to freedom of expression. In addition, it is argued that there is no imperative social interest that justifies the use of criminal measures to sanction public interest statements in cases such as this one.

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

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

b) Case of Valencia Campos et al. v. Bolivia

The case refers to the alleged international responsibility of the Plurinational State of Bolivia in relation to the alleged illegal search of homes and alleged acts of excessive violence by state agents, including torture, sexual violence and incommunicado detention, during arrests and subsequent detention. It is argued that, in the early hours of December 18, 2001, numerous heavily armed state officers violently raided four buildings with the aim of arresting people suspected of being involved in the robbery of a Prosegur van in which two policemen were killed. It is alleged that during said raid a group of 22 men and women were severely beaten, 17 were transferred to the Technical Investigative Police premises where they suffered similar abuse while being interrogated and were presented to the press as being responsible for the robbery of Prosegur, without having been prosecuted or convicted. It is argued that these searches were illegal, arbitrary and with a high degree of physical and psychological violence against the people in the buildings, including children.

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

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

c) Case of Tzompaxtle Tecpile et al. v. Mexico⁵

This case refers to the illegal and arbitrary detention in January 2006 of Jorge Marcial Tzompaxtle Tecpile, Gerardo Tzompaxtle Tecpile and Gustavo Robles López by police officers on a highway between the cities of Veracruz and Mexico City, as well as the application of the concept of *arraigo* (preventative detention) and the lack of judicial guarantees in the criminal process against them. In its Merits Report, the Commission concluded that the victims were detained and searched by police officers without a court order and that there was no evidence of any possible situation of *flagrante delicto*. It also considered that the detention was illegal and arbitrary. It added that the subsequent search of the vehicle constituted an infringement of the right to privacy, in addition the victims were not informed of the reasons for their arrest nor were they brought promptly before a judicial authority. Furthermore, it analyzed the concept of *arraigo* and its application in this case, establishing that the application of the concept of *arraigo* was a punitive and not a precautionary measure, pointing out that said concept is contrary to the American Convention and, in this case, constituted arbitrary detention. Finally, it considered that the State violated the right to prior and detailed notification of the charges to the legal representation in the days immediately following the arrest, given that during that time relevant proceedings were carried out in which evidence was collected against them and the *arraigo* ordered.

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

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

d) Case of Tavares Pereira et al. v. Brazil⁶

This case relates to the alleged State responsibility for the murder of the worker Antonio Tavares Pereira and the injuries to another 185 workers belonging to the Landless Rural Workers Movement (MST), by military police officers. The events occurred on May 2, 2000 in the State of Paraná, during a march by workers for agrarian reform. The case also refers to the alleged ongoing impunity surrounding the events and is framed in an alleged context of violence linked to demands for land and for agrarian reform in Brazil. The Commission concluded that the State did not provide an explanation that would make it possible to consider that the death of Antonio Tavares Pereira was the result of the legitimate use of force. It pointed out that the shot fired by the police officer that caused Mr. Tavares Pereira's death did not have a legitimate purpose, nor was it an appropriate, necessary, and proportional measure.

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

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

e) Case of Aroca Palma et al. v. Ecuador

The present case refers to the alleged international responsibility of the Republic of Ecuador for the presumed illegal and arbitrary detention, and the subsequent extrajudicial execution of Joffre Antonio Aroca Palma, as well as the impunity that would continue to surround the events. It is argued that there is no dispute as to the fact that Mr. Aroca Palma died on February 27, 2001 as a result of a shot fired by an on-duty police officer. In this regard, the State could provide no explanation for considering said death as a legitimate use of force. Alternatively, the State recognized that the police officer fired the shot, in response to which the respective investigation was initiated, culminating in the issuance of a conviction in the police jurisdiction. Allegedly, the evidence provided made it possible to rule out contradictory versions referring to the fact that the alleged victim had run away or that he had tried to grab the police officer's weapon resulting in a struggle, causing the shot to be accidentally fired. Consequently, it is argued that the use of lethal force was unjustified, unnecessary, disproportionate, that it lacked a legitimate purpose, and would have constituted an extrajudicial execution and, therefore, a violation of the right to life.

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

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

III. Monitoring of Compliance with Judgments, Provisional Measures, and administrative matters.

The Court will also monitor compliance with various Judgments and implementation of the Provisional Measures that are under its remit, and processing of Cases and Provisional Measures. It will also deal with various matters of an administrative nature.

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

- *Case of Urrutia Laubreaux v. Chile*⁷
- *Case of Valenzuela Ávila v. Guatemala* (on the measures ordered in operative paragraphs 13, 14 and 15 of the Judgment).
- *Case of Radilla Pacheco v. México* (on the measures ordered in operative paragraph 11 of the Judgment).⁸
- *Case of the Yakye Axa Indigenous Community v. Paraguay*.

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

Finally, the following decisions regarding requests for **Provisional Measures** were also approved in this Session:

- *Matter of the Members of the Yanomami, Ye'kwana and Munduruku Indigenous Peoples regarding Brazil*⁹
- *Case of J. v. Peru*

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

¹ 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.

² Judge Rodrigo Mudrovitsch did not participate in the deliberation of this Judgment due to his Brazilian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

³ Vice President Judge Humberto Antonio Sierra Porto did not participate in the deliberation of this Judgment due to his Colombian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁴ Judge Patricia Pérez Goldberg did not participate in the public hearing of this case due to her Chilean nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁵ Judge Eduardo Ferrer Mac Gregor Poisot did not participate in the public hearing of this case due to his Mexican nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁶ 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.

⁷ Judge Patricia Pérez Goldberg did not participate in the deliberation of this Order due to her Chilean nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁸ Judge Eduardo Ferrer Mac Gregor Poisot did not participate in the deliberation of this Order due to his Mexican nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁹ Judge Rodrigo Mudrovitsch did not participate in the deliberation of this Order due to his Brazilian nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

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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