

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-44/2023 English

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I/A Court H.R. Protecting Rights

INTER-AMERICAN COURT OF HUMAN RIGHTS HOLDS ITS 159TH REGULAR SESSION



San José, Costa Rica, July 5, 2023. The Inter-American Court held its 159th Regular Session from June 12 to 29, 2023, combining virtual and in-person activities.

During the Session, the Court held three Public Hearings on Contentious Cases it was examining, deliberated on one Judgment, and continued the analysis of another two Judgments.

I. Public hearings on Contentious Cases

The Court held Public Hearings on the following Contentious Cases:

1) Case of González Méndez et al. v. Mexico¹

The case relates to the alleged international responsibility of the United Mexican States for the disappearance of Antonio González Méndez on January 18, 1999. He was a member of the Cho'l indigenous people from the community of El Calvario and also a civilian supporter of the Zapatista Army of National Liberation (EZLN). Antonio González disappeared after he left his home, accompanied, to buy a firearm and ammunition. Before leaving, he told his wife that he

would be back around 1 a.m. and that she should stay up to open the door for him. However, as of that time, his whereabouts are unknown. It is argued that this disappearance was not an isolated incident; rather it formed part of a context of operations carried out by paramilitary armed groups that had been operating in Chiapas since 1995 under a State plan seeking to disrupt civil society's support of the EZLN.

Based on the above, the Court examined the State's responsibility for the violation of the rights to personal integrity, judicial guarantees and judicial protection, as well as the obligation not to carry out forced disappearances, established in Articles 5, 8 and 25 of the American Convention, and in the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Antonio González Méndez.

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

The public hearing was held on Wednesday, June 21 2023. The video is available [here](#).

2) Case of Members of the Consolidated Workers Union of ECASA (SUTECASA) v. Peru²

ECASA was a State company subject to the private activity regime. In 1990, it signed a Collective Agreement with SUTECASA establishing a series of benefits, including wage increases. Subsequently, under two Supreme Decrees, the wage increases established by the Collective Agreements were suspended, and this led the members of SUTECASA to file an application for amparo. After being referred to various courts, the proceedings ended in 1993, when the Supreme Court of Justice issued a ruling establishing that the supreme decrees were inapplicable. It is alleged that, as of that time, a process to execute this ruling was initiated and remains open. In this case, it is argued that there was a violation of the rights to judicial guarantees, collective bargaining, property, and judicial protection established in Articles 8.1, 21, 25.1, 25.2(c) and 26 of the American Convention.

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

The public hearing was held on Tuesday, June 27, and Wednesday, June 28, 2023. The video is available [here](#).

3) Case of Dos Santos Nascimento et al. v. Brazil³

This case relates to the alleged responsibility of the State of Brazil for the alleged work-related racial discrimination suffered by two Afro-descendant women, Neusa dos Santos Nascimento and Gisele Ana Ferreira. According to the Commission, owing to a vacancy in Nipomed, Ms. dos Santos and Ms. Ferreira went to the company and expressed their interest in the position. However, the person who received them informed them that all the vacancies had been filled. Some time later, a white woman went to the company, also expressing her interest; she was attended by the same person who referred her to a recruiter who hired her. When Ms. dos Santos and Ms. Ferreira learned of this, they again went to the company and were received by another recruiter who asked them to fill in a form. Subsequently, Ms. dos Santos and Ms. Ferreira were not contacted.

The case also relates to the alleged situation of impunity regarding these facts.

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

The public hearing was held on Wednesday, June 28, and Thursday, June 29, 2023. The video is available [here](#).

II. Judgments

The Court deliberated on its Judgment in the following Contentious Case:

1) Case of Meza v. Ecuador

The dispute relates to the alleged human rights violations arising from the failure to comply with a domestic decision ordering the Sport Emelec Football Club to pay salaries and financial compensation to the Argentine football player, Juan José Meza. On November 19, 1991, Mr. Meza filed a labor complaint against Sport Emelec Club due to unjustified layoff. When this was rejected, he filed an appeal in relation to payment of the amounts owed, including the bonus established in his contract. This was admitted, and the ruling was referred to the Fourth Labor Court of Guayas for execution. However, following several challenges and modifications in the calculation of the sums to be paid, the case was closed on May 28, 2007. Based on the foregoing, the Ecuadorian State was found responsible for violating the judicial guarantees and judicial protection established in Articles 8 and 25 of the American Convention on Human Rights, in relation to Article 1.1 of this instrument.

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

The Court examined the following contentious cases and will continue deliberating on them at its next Session:

2) Case of María et al. v. Argentina⁴

The case relates to the alleged international responsibility of the State in the context of the administrative and legal procedures for the foster care and adoption of the child "Mariano," to the detriment of the child himself, of his mother "María," who was 13 years of age when her son was born, and of the mother of "María."

It is alleged that the State did not take steps so that the child could be raised by his biological family; failed to exhaust measures to make sure that this could occur, and did not ensure that the adoption decision was taken freely and was in the best interests of the minors.

It is also argued that the judge's decision to deliver the unborn child to a couple unrelated to the family as pre-adoptive guardians not only had no legal basis but also suffered from a lack of substantiation. In addition, it is argued that there were various delays in the forensic process, and in the procedures for the initial contacts and re-establishment of ties between "María" and her son. Moreover, it is alleged that the latter procedure was not free from problems owing to the vulnerable situation of the presumed victim, and the alleged lack of flexibility and timely interventions of the court concerned.

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

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

This case refers to the alleged international responsibility of the State for the presumed failure to protect the ancestral lands of the San Juan and Tornabé Garifuna Communities, as well as the alleged threats against several of their leaders. It is an undisputed fact that the San Juan Garifuna community does not have a collective land title recognizing all its ancestral lands and territories. In this regard, it is argued that, although the National Agrarian Institute granted a title recognizing a portion of the claimed ancestral territory in 2000, the State has not granted title to all the community's territory, which means that the community has been unable to peacefully use and enjoy its lands.

Furthermore, in a situation of lack of legal certainty with regard to the ancestral territories, it is alleged that titles have been granted to third parties from outside the community; hotel projects have been approved and are in operation; the urban area of the Municipality of Tela has been expanded, and a National Park has been created on the territory claimed by the Community. Consequently, it is argued that the State's failure to grant title to all the territory of the San Juan

community, including the failure to ensure ownership and peaceful possession, and non-interference by third parties, as well as the alleged failure to enact legislation that conforms to international standards, has violated the right to collective property of the San Juan Garifuna Community and its members.

Additionally, the alleged lack of prior consultation in relation to the granting of tourism projects on part of the lands and territories claimed by the community, together with the inexistence of a legal framework concerning implementation of such consultation, has violated the rights of the community to collective property, access to information, and to take part in matters that could have an impact on it.

Lastly, it is alleged that no dispute exists with regard to the fact that, on February 26, 2006, Gino Eligio López and Epsón Andrés Castillo, members of the community, were shot and killed by police officers. In this regard, the use of lethal force by the police officers was unjustified, unnecessary, disproportionate, and without a legitimate purpose, so that it constituted extrajudicial execution and, consequently, a violation of the right to life of Gino Eligio López and Epsón Andrés Castillo.

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

When the Judgments have been notified they will be available [here](#).

III. Orders on Monitoring Compliance with Judgments

The Court issued orders on monitoring compliance with Judgment in the following cases:

- a) *Case of the Xucuru Indigenous People and its members v. Brazil*⁵
- b) *Case of Teachers of Chañaral and other municipalities v. Chile*⁶
- c) *Case of Moya Chacón et al. v. Costa Rica*⁷
- d) *Case of Garzón Guzmán et al. v. Ecuador*
- e) *Case of Manuela et al. v. El Salvador*
- f) *Case of Alvarado Espinoza et al. v. Mexico*⁸
- g) *Case of Digna Ochoa and family v. Mexico*⁹

When the orders have been notified they will be available [here](#).

IV. Orders on Provisional Measures

The Court deliberated on orders for **Provisional Measures** in the following matters and case:

- a) Matter of four members of the Mayangna indigenous People deprived of liberty with regard to Nicaragua
- b) Matter of Monsignor Rolando José Álvarez Lagos regarding Nicaragua
- c) Expansion of measures in the Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua
- d) Case of García Rodríguez et al. v. Mexico¹⁰

When the orders have been notified they will be available [here](#).

V. Extension of the time frame for receiving written Observations on the requests for an Advisory Opinion

The President of the Inter-American Court of Human Rights, in consultation with the full Court, has decided to extend until August 21, 2023, the time frame for the presentation of written observations with regard to the request for an Advisory Opinion on “The activities of private companies engaged in the firearms industry and their impact on human rights” presented by the United Mexican States.

In addition, the deadline for the presentation of written observations with regard to the request for an Advisory Opinion on “The Climate Emergency and Human Rights” presented by the State of Chile and the State of Colombia has been extended until October 18, 2023.

VI. Monitoring Compliance with Judgments and Provisional Measures, and also administrative matters

In addition, the Court monitored compliance with several Judgments and the implementation of Provisional Measures it has ordered, and processed several Cases and Provisional Measures. It also attended to diverse administrative matters.

¹ The Vice President, Judge Eduardo Ferrer Mac-Gregor Poisot, a Mexican national, did not take part in the public hearing of this case pursuant to Art. 19 of the Court’s Rules of Procedure.

² The President, Judge Ricardo C. Pérez Manrique, did not take part in the public hearing for reasons beyond his control.

³ Judge Rodrigo Mudrovitsch, a Brazilian national, did not take part in the public hearing of this case pursuant to Art. 19 of the Court’s Rules of Procedure. The President, Judge Ricardo C. Pérez Manrique, did not take part in the public hearing for reasons beyond his control.

⁴ Judge Verónica Gómez, an Argentine national, did not take part in the deliberation of this judgment pursuant to Art. 19 of the Court’s Rules of Procedure.

⁵ Judge Rodrigo Mudrovitsch, a Brazilian national, did not take part in the deliberation of this order pursuant to Art. 19 of the Court’s Rules of Procedure.

⁶ Judge Patricia Pérez Goldberg, a Chilean national, did not take part in the deliberation of this order pursuant to Art. 19 of the Court’s Rules of Procedure.

⁷ Judge Nancy Hernández Lopez, a Costa Rican national, did not take part in the deliberation of this order pursuant to Art. 19 of the Court’s Rules of Procedure.

⁸ The Vice President, Judge Eduardo Ferrer Mac-Gregor Poisot, a Mexican national, did not take part in the deliberation of this order pursuant to Art. 19 of the Court’s Rules of Procedure.

⁹ The Vice President, Judge Eduardo Ferrer Mac-Gregor Poisot, a Mexican national, did not take part in the deliberation of this order pursuant to Art. 19 of the Court’s Rules of Procedure.

¹⁰ The Vice President, Judge Eduardo Ferrer Mac-Gregor Poisot, a Mexican national, did not take part in the deliberation of this order pursuant to Art. 19 of the Court’s Rules of Procedure.

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), Judge 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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