

Press Release

Inter-American Court of Human Rights
I/A Court H.R._PR-54/2022 English

Should you have any trouble viewing this message, please click [HERE](#)



I/A Court H.R. Protecting Rights

INTER-AMERICAN COURT OF HUMAN RIGHTS HOLDS ITS 150TH REGULAR SESSION IN BRAZIL



I/A Court H.R.
Protecting Rights



150 Regular
Session

Brasilia, Brazil

August 22 to 27, 2022

Organizers

MINISTÉRIO DAS
RELAÇÕES EXTERIORES



STJ
SUPERIOR
TRIBUNAL DE JUSTIÇA

Support



ASSOCIAÇÃO DOS
JUIZES FEDERAIS
DO BRASIL



Norwegian Embassy



Suecia
Sverige



cooperación
alemana
GERMAN DEVELOPMENT COOPERATION



Brasilia, Brazil, August 29, 2022. Between August 22 and 27, 2022, the Inter-American Court of Human Rights held its 150th Regular Session in Brasília, Brazil. The Session was held thanks to an invitation from the State of Brazil to the Court and was jointly organized by the Brazilian Ministry of Foreign Affairs and the Superior Court of Justice of Brazil (STJ).

At the opening of the Session, the Inter-American Court President, Judge Ricardo C. Pérez Manrique, stated that "Sessions outside the headquarters fulfill very important objectives for the Inter-American Court, they facilitate the dissemination of its work and Jurisprudence, they bring the Court closer to all people, and promote a very beneficial dialogue with the highest national authorities and people from civil society. Ultimately, the visiting sessions give the Court the opportunity to be much closer to the differing realities of our America and be closer to the true recipients of its activities: the people."

The Session included four Public Hearings of Contentious Cases and the deliberation of a Judgment. A public seminar was held on "Control of conventionality and groups in vulnerable situations" in homage to the former President and former Judge, Prof. Antônio Augusto Cançado Trindade, just as cooperation agreements were signed with various institutions. The course on "Training of Brazilian Trainers in the Jurisprudence of the Inter-American Court of Human Rights" was also held, organized by the Inter-American Court, the National Council of Justice, the Unit for Monitoring and Oversight of Decisions of the Inter-American Court and ENFAM, National Training School for Magistrates.

The Inter-American Court of Human Rights reiterates its gratitude to the Association of Federal Judges of Brazil AJUFE, the Swedish International Development Cooperation Agency (SIDA), the Norwegian Ministry of Foreign Affairs, and the German Federal Ministry for Economic Cooperation and Development (BMZ), implemented by the GIZ, for their support in holding this Session.

I. Opening Ceremony of the 150th Regular Session in Brasilia.



Last Monday, August 22, the Opening Ceremony of the 150th Regular Session was held in Brasilia. The event was attended by the President of the Inter-American Court of Human Rights, Judge Ricardo C. Pérez Manrique, the Minister of Foreign Affairs of Brazil, Ambassador Carlos Alberto Franco França, the President of the Superior Court of Justice, Humberto Soares Martins, the Minister for Women, Family and Human Rights of Brazil, Mrs. Cristiane Britto, the Attorney General of Brazil, Minister Bruno Bianco Leal, Judge of the Inter-American Court, Rodrigo Mudrovitsch and the Secretary General of Itamaraty, Ambassador Fernando Simas Magalhães.

The President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, stressed that "today the Inter-American Court is sitting in Brazil to show its work in a transparent and accessible way, within the framework of its policy of open justice, linking the Court directly with the men and women of Brazil."

"The Court's presence in Brazil provides a direct appreciation of how an international process unfolds before the Inter-American Court." said the President of the Court.

The President highlighted that the "Jurisprudence regarding Brazil is vast and has allowed the development of important standards. Just to name a few examples, the scrutiny and supervision of mental health institutions, the concept of contemporary slavery and human trafficking, the limits to the use of State force and the elements of crimes against humanity in light of the Inter-American System. The Court was also able to determine the content of the right to work in relation to the equitable and satisfactory conditions that guarantee safety, health, and hygiene. Similarly, the Court has dealt with cases on very current issues such as the criteria to overcome the obstacles that generate impunity in cases of gender violence and femicide" indicated the Judge. Watch the full Opening Speech of the 150th Regular Session [here](#)).

At the Opening Ceremony, the Foreign Minister, Ambassador Carlos Alberto Franco França, stressed that "holding this Session in Brazil reflects the historical commitment that the State has to the Inter-American Human Rights System."

The President of the STJ, Humberto Soares Martins, pointed out that "the presence of the Inter-American Court of Human Rights in Brazil is a stimulus for society to reflect on the current situation of human rights throughout the American hemisphere."

The Minister for Women, Family and Human Rights, Cristiane Britto, emphasized that "this is the third time that we have hosted the Court in Brazil, with previous sessions being held in 2006 and 2013. It is important to say that in each session we renew our commitment to the Brazilian public to publicize the Court's crucial work in promoting and defending human rights in our continent", the Minister reiterated.

See the full broadcast of the Opening of the 150th Regular Session [here](#).

II. International Seminar: "Conventionality Control and Vulnerable Groups" in tribute to the Former President and Former Judge, Prof. Antônio Augusto Cançado Trindade.



On Monday, August 22, in Tribute to the Former President and Former Judge, Prof. Antônio Augusto Cançado Trindade, the International Seminar "**Control of conventionality and vulnerable groups**" was held in his honor.

a. Homage.

During the Ceremony to pay tribute to Professor Cançado Trindade, the President of the Inter-American Court highlighted "the great legacy and memory that the Inter-American Court owes to the jurist Antônio Augusto Cançado Trindade, who was Judge of the Inter-American Court between 1995 and 2006, and its President for two terms (1999-2003)."

"Few people have had such an impact on the way we understand International Law today as Cançado Trindade. The centrality and subjectivity of the individual in International Law and the *locus standi* of the victims before international courts are ongoing challenges that we adopt as our own", said the President of the Inter-American Court.

The Secretary General of the Ministry of Foreign Affairs, Ambassador Fernando Simas Magalhães, highlighted Judge Antônio Augusto Cançado Trindade's career, "which has shaped so many generations of diplomats in our country and so many legal and diplomatic professionals around the world."

Judge Antônio Augusto Cançado Trindade's son, Counselor Otávio Augusto Drummond Cançado Trindade, gave thanks for the homage paid to his father and recalled "Professor Cançado Trindade's dedication and commitment to the defense of human rights throughout the world through his work both in the Inter-American Court of Human Rights and in the International Court of Justice."

The Alexandre de Gusmão Foundation (FUNAG) highlighted the great work achieved by Cançado Trindade, producing a video that was screened during the Tribute Ceremony. Watch the video tribute [here](#).

See the Ceremony in tribute to Prof. Antônio Augusto Cançado Trindade [here](#).

b. International Seminar.

As part of the activities carried out in tribute to Prof. Antônio Augusto Cançado Trindade, the International Seminar "Control of conventionality and vulnerable groups" was held in his honor. The Panel was moderated by the Ambassador of Brazil in Costa Rica, Ambassador Antônio Francisco da Costa e Silva Neto.

At the opening of the Seminar, the Panel "The central place of the victim in international human rights law" was held, an opportunity in which the Inter-American Court Judge, Rodrigo Mdrovitsch, emphasized how the former President Cançado Trindade "forged a path as Magistrate who is a guide for all judges of the Court and for those who work in international human rights law."

In the Panel "Function of the Inter-American System for the Protection of Human Rights and Conventionality Control", Judge Verónica Gómez highlighted the importance that Judge Cançado Trindade placed on the participation of victims and their access to the Inter-American System. "In this task of promoting international human rights law, Cançado Trindade promoted victims' direct participation in the processes before the Inter-American System and respect for human rights by the protection of the bodies themselves."

Regarding the control of conventionality, Vice President Judge Humberto Antonio Sierra Porto, stressed that "international law is a matter for national judges. Today, judicial bodies are interested in working on issues of international human rights law because it has practical relevance in each country. What is said in the Inter-American Court impacts on the work of each national justice system", he pointed out.

In the Panel, "The case law of the Inter-American Court relating to vulnerable groups", Judge Eduardo Ferrer Mac-Gregor Poisot recalled the Court's Jurisprudence in defense of the human rights of older persons. "The regulations on the protection of older people require special attention, because older people have different times. The Inter-American Court has developed special jurisprudence in this regard, as in the recent cases of *Muelle Flores v. Peru* (right to social security), *Case of Teachers of Chañaral and other municipalities v. Chile* (access to justice), *Case of the National Federation of Maritime and Port Workers v. Peru*, among others."

Judge Patricia Pérez Goldberg highlighted the jurisprudence issued by the Inter-American Court in defense of women's human rights. "To achieve substantive equality, we have to consider the differential impacts that situations of vulnerability have on women. This will guide us in building effective measures of reparation", highlighted the Judge.

Judge Nancy Hernández López reviewed the impact of the Inter-American Court's case law on persons deprived of liberty. The Court "has developed more than 40 judgments related to the protection of persons deprived of liberty. In a context of extreme vulnerability such as prison environments, a focus on the protection of vulnerable groups regarding their special needs is necessary," the Judge stressed.

The President of the Court, Judge Ricardo C. Pérez Manrique, highlighted the Court's Jurisprudence in defense of the human rights of children and adolescents.

"Children and adolescents are full holders of rights and an essential part of the Inter-American System. I am convinced that children's best interest is a priority mandate, in the sense that it informs those who must resolve a situation involving the rights of children and adolescents that their rights must prevail", the President stressed.

Accordingly "we are working towards the Inter-American Court's third dialogue with children and adolescents. We will advance towards the construction of a Protocol for the Access of Children and Adolescents to the Inter-American Court," he said.

You can watch the International Seminar [here](#).

III. Public Hearings of Contentious Cases.

The Court held in-person public hearings in the following contentious cases. All hearings were held at the headquarters of the Superior Court of Justice of Brazil.



a) Case of the Tagaeri and Taromenane Indigenous Peoples v. Ecuador.

This case refers to the alleged international responsibility of the State of Ecuador for a series of alleged violations of the rights of the Tagaeri and Taromenane Indigenous Peoples and their members, involving projects that allegedly affect their territories, natural resources, and way of life. Also alleged are three incidences of violent deaths of members of these people that occurred in 2003, 2006 and 2013, as well as the lack of adequate protection measures in relation to two Taromenane girls after the events of 2013. The Tagaeri and Taromenane are indigenous peoples in voluntary isolation who have chosen to live without maintaining contact with the majority population. They are also known as ecosystemic peoples because they live in a strict relationship

of dependency with their ecological environment. They live according to a pattern of seasonal mobility throughout a wide territory that allows them to hunt and gather, as well as search for places related to their ancestors. It is alleged that, due to this strict dependence on the ecosystem, any change in the natural habitat can harm both the physical survival of its members and that of the group as an indigenous people.

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

Watch the Public Hearing [here](#).

b) Case of Olivera Fuentes v. Peru.

This case relates to the alleged violation of Mr. Olivera Fuentes' rights to equality and non-discrimination, a private life, a fair trial and judicial protection, as a consequence of discrimination resulting from an expression of his sexual orientation in a supermarket. In particular, on August 11, 2004, Mr. Olivera and his same-sex partner were reprimanded by staff at the "Dulces y Salados" cafeteria of the "Santa Isabel de San Miguel" supermarket for publicly displaying affection. On October 1, 2004, Mr. Olivera filed a discrimination complaint with INDECOPI (National Institute for the Defense of Competition and the Protection of Intellectual Property), which was rejected, obtaining a final unfavorable appeal court decision on April 11, 2011. The Commission concluded that the State violated the guarantee of reasonable time due to the time that each authority took to resolve the appeals filed, without the State having provided reasons that justify the time elapsed for the decision of each appeal. In view of the above, it concluded that the Peruvian State is responsible for the violation of the rights to a fair trial, private life, equality before the law, and judicial protection enshrined in Articles 8(1), 11, 24, and 25(1) of the American Convention, in relation to the obligations established in article 1(1) of the same instrument.

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

Watch the Public Hearing [here](#).

c) Case of Álvarez v. Argentina¹.

The case relates to the alleged human rights violations of which Guillermo Antonio Álvarez was a victim in the context of criminal proceedings against him, as he would not have had the time and means to prepare an adequate defense. It is argued that, after the withdrawal of the support of the alleged victim's trusted representatives, the court in charge of the process decided not to grant him time to appoint a new defense attorney, but instead appointed *ex-officio*, on the same day that the trial hearing began, the public defender who was representing another defendant in the same process.

The alleged victim would have only been able to meet with the defender one hour before the hearing. Although the court considered that the designated defense attorney would have knowledge of the case, it is alleged that she herself indicated that it was not possible for her to study Mr. Álvarez's situation in less than 24 hours. In addition, it is argued that the court did not carry out an analysis of the possible incompatibility of two defendants being represented in the same case by a common defender.

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

Watch the Public Hearing [here](#).

d) Case of García Rodríguez and Reyes Alpízar v. Mexico².

The case concerns the alleged international responsibility of Mexico for torture, violations of due process and personal liberty against Daniel García Rodríguez and Reyes Alpízar Ortíz, who remained in preventive detention for more than 17 years.

It is alleged that the alleged victims were detained without being presented with a court order issued prior to their detention and without complying with the conditions established in the Code of Criminal Procedure. In this regard, the Commission concluded that Daniel García and Reyes Alpízar were only formally informed of the reasons for their detention and the charges filed when they were brought before a judge, 45 and 34 days after their deprivation of liberty, a period during which they were detained under preventative detention (*arraigo*). The Commission established that the application of the concept of *arraigo* constituted a punitive and not a precautionary measure and, therefore, an arbitrary deprivation of liberty and a violation of the principle of presumption of innocence.

It also concluded that the preventive detention following the *arraigo* ordered, which lasted 17 years, was arbitrary. It also concluded that the right to defense had been violated given that, among other things, the alleged victims were unable to present the exculpatory evidence presented as essential in the criminal proceeding and the judge in the case did not take measures to ensure that information was sent.

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

Watch the Public Hearing [here](#).

IV. Judgment.

The court deliberated the judgment in the following contentious case, which will be notified soon and will be available [here](#).

a) Case of Deras García et al v. Honduras.

This case refers to the alleged international responsibility of the State 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 occurred in a context of serious human rights violations in Honduras during the 1980s. It is alleged that, due to Mr. Deras García's political and union activities, in January 1983, he was 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 of Mr Deras García was committed with a clear motive of retaliation for his activities as a political and union leader, and therefore his rights to freedom of expression and association were also violated. Furthermore, it is alleged that the alleged beatings and ill-treatment, house raids and arrests by military agents, without a court order, of Mr. Deras García's relatives, including children, constituted a violation of their rights to personal integrity, personal liberty, private life, and the rights of the child.

It is also argued that the departure of Mr. Deras García's brother from the country 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. Finally, it is mentioned that the State had violated the rights to a fair trial and judicial protection due to the lack of due diligence and failure to observe the reasonable term in the criminal proceeding initiated to examine the alleged execution of Mr. Deras García.

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

V. Signing of Cooperation Agreements.

During the celebration of the 150th Regular Period of Sessions in Brasilia, the Inter-American Court entered into several Cooperation Agreements with organizations linked to the justice sector.

a. Signing of the Cooperation Agreement with the Brazilian Federal Public Defenders Office.



b. Signing of the Cooperation Agreement with Brazilian Research and Development Institute (IDP).



c. Signing of the Cooperation Agreement with the Order of Attorneys of Brazil.



VI. Launch of the new website in Portuguese.

As part of its 150th Regular Session taking place in Brasilia, Brazil, the Inter-American Court launched its website in Portuguese at <https://www.corteidh.or.cr/index.cfm?lang=pt>.

On the new website you will find all the information associated with the Inter-American Court's Jurisprudence, press releases and institutional information translated into Portuguese. "This is a great opportunity for our Court to make the website of the Inter-American Court available to Brazilians in Portuguese, bringing us closer to the country and its people," said the President of the Inter-American Court, Judge Ricardo C. Perez Manrique.

VII. Publication of the Case Law Bulletin relating to Brazil and Bulletin on Reparation Measures in Portuguese.

The Inter-American Court of Human Rights is pleased to announce the publication in Portuguese of the 36th *Case Law Bulletin of the Inter-American Court of Human Rights: Case Law relating to Brazil*.

This is the seventh Bulletin taking a systematic approach to the Inter-American Court's case law regarding a State and represents an historic occasion as it is the first Case Law Bulletin edited and originally published in Portuguese by the Court of San José. Download the Bulletin [here](#).

The Inter-American Court of Human Rights also announced the publication of the Inter-American Court of Human Rights' *Case Law Bulletin No. 32: Reparation Measures* in Portuguese.

This issue compiles the Inter-American Court's most relevant decisions on reparation measures issued within the context of Article 63(1) of the American Convention on Human Rights. Download the Bulletin [here](#).

VIII. Training of Brazilian Trainers on the Case Law of the Inter-American Court of Human Rights.



As part of the Regular Session of the Inter-American Court being held in Brazil, the course on "Training of Brazilian Trainers in the case law of the Inter-American Court of Human Rights" was held, organized by the Inter-American Court, the National Council of Justice, the Unit for Monitoring and Oversight of Decisions of the Inter-American Court and ENFAM, National Training School for Magistrates.

Over forty magistrates from across the country participated in the event, taking the opportunity to interact with the judges and officers of the Office of the Secretariat of the Inter-American Court.

"We value the exchange and training of judges in the Jurisprudence of the Inter-American Court for application in the domestic sphere", indicated the Court's President, Judge Ricardo C. Pérez Manrique.

IX. Academic Seminars and Activities.

During the course of the 150th Regular Session, various academic events were held with the participation of the Judges of the Court.

a. Book launch seminar: "Women deprived of liberty and the capabilities approach", written by Judge Patricia Pérez Goldberg. The event was co-organized by the Brazilian Research and Development Institute IDP and the Getulio Vargas Foundation.



Watch the seminar [here](#).

b. The President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, gave a Keynote Address to students from the Rio Branco Diplomatic Training Institute in Brazil.



c. The President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, gave a seminar: "The Inter-American Court of Human Rights and the challenges surrounding freedom of expression in the 21st century" at the IDP Research and Development Institute of Brazil.



Watch the seminar [here](#).

d. Judge Eduardo Ferrer Mac-Gregor gave a Master Class at the Seminar "The Affirmation of Economic, Social, Cultural and Environmental Rights: Contemporary Challenges for Latin America" at the Research and Development Institute of Brazil (IDP).

X. Meetings with the State Authorities of Brazil.

a. Meeting of the Inter-American Court with the President of the Superior Court of Justice, Minister Humberto Eustáquio Soares Martins, and the incoming President of the Superior Court of Justice, Minister María Thereza de Assis.



b. Visit of the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique and Judge Rodrigo Mudrovitsch to the headquarters of the Federal Supreme Court of Brazil and meeting with Minister Gilmar Mendes.



c. Joint Press Conference of the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique and the Brazilian Minister of Foreign Affairs, Ambassador Carlos Alberto Franco França.



Watch the Press Release [here](#).

d. Participation of Judges of the Inter-American Court of Human Rights in the inauguration of the new President of the Superior Court of Justice, María Thereza de Assis.



1 Judge Verónica Gómez did not participate in the public hearing of this case, due to her Argentine nationality, in accordance with Art. 19 of the Court's rules of procedure.

2 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.

The Court's composition for this Regular 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).

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

For the latest information please visit the website of the Inter-American Court, <http://www.corteidh.or.cr/index-en.cfm>, or send an email to Pablo Saavedra Alessandri, Secretary, at corteidh@corteidh.or.cr. For press inquiries please contact Matías Ponce at prensa@corteidh.or.cr.

You can subscribe to the information services of the Court [here](#). You can sign up for updates from the Court here or unsubscribe sending an email to comunicaciones@corteidh.or.cr. You can also follow the activities of the Court on [Facebook](#), [Twitter](#) (@CorteIDH for the Spanish account and @IACourtHR for the English account), [Instagram](#), [Flickr](#), [Vimeo](#) and [Soundcloud](#).

[Inter-American Court of Human Rights](#), 2022.  BY-NC-ND

Esta obra está bajo una [Licencia Creative Commons Atribución-NoComercial-SinDerivadas 3.0 Unported](#)

Avenida 10, Calles 45 y 47 Los Yoses, San Pedro, San José, Costa Rica.