

# Press Release

Inter-American Court of Human Rights  
I/A Court H.R.\_PR-57/2023 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 WILL HOLD ITS 160<sup>TH</sup> REGULAR SESSION



*San José, Costa Rica, August 18, 2023.* - The Inter-American Court will hold its 160<sup>th</sup> Regular Session from August 21 to September 6, 2023. It will include both virtual and in-person activities.

#### **I. Judgments**

The Court will deliberate Judgment on the following Contentious Cases:

##### **1. Case of Tavares Pereira et al. v. Brazil<sup>1</sup>**

This case relates to the alleged responsibility of the State for the murder of rural worker Antonio Tavares Pereira and the injuries allegedly sustained by 185 other workers, members of the Landless Rural Workers' Movement (MST), by Military Police officers. The facts took place on May 2, 2000, in the state of Paraná, during a march for agrarian reform by the workers. The case also refers to the alleged impunity of the facts to date and falls within a suspected context of violence in response to the demands for land and agrarian reform in Brazil.

The Commission concluded that the State did not provide an explanation that would allow it to consider that the death of Mr. Tavares Pereira was the result of a legitimate use of force. It noted that the shot fired by the police officer that caused the death of Mr. Tavares Pereira did not have a legitimate purpose, nor was it suitable, necessary or proportional.

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

Once the Judgments are notified, they will be available [here](#).

## **2. Case of Guzmán Medina et al. v. Colombia<sup>2</sup>**

This case refers to the alleged disappearance of Arles Edisson Guzmán Medina, which took place in Medellín, Colombia, on November 30, 2002. The Inter-American Commission on Human Rights determined in its Report on Merits No. 58/19 that it was a forced disappearance, considering that on that date Mr. Guzmán Medina was taken from a restaurant by two persons identified as paramilitaries, allegedly to be interrogated by a commander.

The Commission indicated that the facts occurred within the context of Operation Orion, which took place weeks before the disappearance of Mr. Guzmán Medina. In addition, it noted the existence of a link between paramilitary groups and members of the Security Forces in Colombia, in the specific context of collaboration in Comuna 13, where the events took place, as well as the link between the actions of the prosecutor's office and state agents. It also noted that the State did not begin an investigation ex officio, rather, it was until the Ombudsman's Office filed a complaint, at the request of the alleged victim's brother.

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

## **3. Case of Members of the José Alvear Restrepo Lawyers Collective (CAJAR) v. Colombia<sup>3</sup>**

The instant case concerns alleged facts of violence, intimidation, harassment and threats against the members of the José Alvear Restrepo Collective Lawyers Corporation (CAJAR) since the 1990s and up to the present day, linked to their activities in defense of human rights. The members of CAJAR have allegedly been victims of multiple threats, harassment and being followed in various places by people whose identity was not confirmed to be able to establish whether they were state agents. However, it is claimed that the State performed actions that actively contributed to the materialization of such acts of violence, such as arbitrary intelligence work and stigmatizing rulings issued by high officials.

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

## **4. Case of Baptiste et al. v. Haiti**

This case relates to the alleged international responsibility of the State for the lack of protection of the rights of Baptiste Willer and his next of kin from multiple threats and attempted murders to which they were subjected between 2007 and 2009, as well as the lack of due diligence in the investigation and the impunity surrounding the death of his brother. The events in the instant case allegedly took place in the context of continuous threats and harassment by gang members acting with impunity. On February 4, 2007, Mr. Willer's brother was murdered by the same individuals who had attempted to kill Mr. Willer a few hours earlier. The alleged victim alerted the authorities that his life and that of his family were in danger, and he requested judicial assistance by means of a letter addressed to various authorities, providing information on the identity of the suspects and the type of threats and harassment to which he was subjected. He also informed them that, fearing for his and his family's safety, he had been forced to leave his place of residence. It is claimed that after having informed the authorities of what had happened, and without receiving any protection, assistance or response from the State, Baptiste Willer, his wife and minor children continued to be displaced, experiencing a permanent sense of insecurity and being victims of continuous threats by telephone and in person, as well as several attacks.

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

## **5. Case of María et al. v. Argentina<sup>4</sup>**

This case relates to the alleged international responsibility of the State, within the context of the administrative and judicial process of granting custody and adoption of the child "Mariano," to the detriment of the child, his mother "María" (who at the time of his birth was only 13 years old) and the mother of "María."

It is claimed that the State did not adopt the measures for the minor to be raised by his biological family, did not exhaust the measures for this to happen, and did not ensure that the adoption decision was free and in the best interest of minors.

Furthermore, the intervening judge's decision to appoint as pre-adoption guardians of the unborn baby a married couple outside of the family had no legal grounds or justification. Moreover, there were several delays in the medical and forensic processes for "María" to meet with and reconnect with her son. The latter process was plagued with difficulties due to the vulnerability of the alleged victim and the lack of flexibility and timely responses by the intervening court. Therefore, it is claimed that the State has failed to comply with its duty to guarantee the rights of the family of the alleged victims and has violated the following rights: to humane treatment, judicial guarantees, a family life, protection of the family, equal protection and judicial protection, to the detriment of the alleged victims.

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

## **6. Case of Córdoba et al. v. Paraguay**

This case relates to the alleged international responsibility of the State of Paraguay for the violation of the rights of Arnaldo Javier Córdoba and the child "D", in the context of a process for international restitution of the minor. The facts of this case began in January 2006, after the child D (of Argentinian nationality) was transferred by his mother (of Paraguayan nationality) from Argentina, where the parents lived, to Paraguay, without the father's consent. Therefore, the latter began an international restitution process in Paraguay.

In that process, in June of 2006 a decision of first instance set forth the international restitution of child D. In August 2006, the Court of Appeals of Children and Adolescents, confirmed in full the judgment of first instance. In September of that year, through a resolution confirmed by the Supreme Court of Paraguay, it was decided to perform the restitution and a restitution hearing was convened. The mother did not attend the hearing, and in spite of the steps taken and the search by INTERPOL, the authorities did not find her until 2015. At that time a precautionary measure was issued that granted custody of D to his maternal aunt, and a plan for progressive familiarization was established between D, Mr. Córdoba and the paternal extended family. After several measures for accompaniment and psychological appraisals that sought to create a connection between the father and the child, in March of 2017 a precautionary measure was issued which ordered D to remain in Paraguay.

It is claimed that the State did not act in a diligent manner or with the speed required to guarantee the rights of the child and of his father. This allegedly entailed a lack of legal protection of the rights to not suffer arbitrary interference in his family life and lack of protection of the family, according to the best interests of the child.

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

## **7. Case of Bendezú Tuncar v. Peru**

This case relates to the alleged international responsibility of the State for the violation of the rights of Leónidas Bendezú Tuncar, in the context of his dismissal from the position of office Assistant at the Faculty of Financial and Accounting Sciences of Universidad de San Martín de Porres. Mr. Bendezú worked at that University since 1981. However, he was fired from his position after a disciplinary proceeding carried out by the University, which found him responsible for serious misconduct in conformity with the Law to Promote Employment, Supreme Decree No. 05-95-TR.

However, it is claimed that his dismissal was an act of retaliation. The alleged victim filed an appeal for annulment before the 15<sup>th</sup> Labor Court of Lima, which was admitted, declaring his dismissal as arbitrary and ordering his restitution. However, the University appealed the decision and the appeal was admitted. Subsequently, Mr. Bendezú filed an appeal for review by a higher court before the Constitutional and Social Chamber of the Supreme Court of Justice and it was declared inadmissible.

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

## **8. Case of the Community Garifuna of San Juan and its members v. Honduras**

This case concerns the international responsibility of the State for the lack of protection of the ancestral lands of the Garifuna Communities of San Juan and Tornabé, as well as the alleged threats to several of their leaders. It is an undisputed fact that the Garifuna Community of San Juan does not have a collective property title that recognizes all of its ancestral land and territories. In this regard, although in the year 2000 the National Agrarian Institute granted a title recognizing a portion of the ancestral land claimed, the State has not complied with giving the title to the community's entire territory, which has prevented the community from using and enjoying its land peacefully.

Moreover, in this scenario of legal uncertainty regarding its ancestral territories events have occurred such as the granting of titles to third parties that are not part of the community; the granting and operation of hotel projects; expansion of the urban area of the Municipality of Tela; and the creation of a National Park in territory claimed by the community. Consequently, the State's failure to: provide ownership title for the entire territory to the Community of San Juan, ensure peaceful ownership and non-interference by third parties, and adopt a law in conformity with international standards, has violated the right to collective property to the detriment of the Garifuna Community of San Juan and its members.

In addition, the lack of prior consultation regarding the granting of tourism projects in part of the land and territories claimed by the community, as well as the inexistence of a legal framework to enable such consultations to take place, violated the community's rights to collective property, access to information and participation in matters likely to affect them.

Finally, it is an undisputed fact that on February 26, 2006, the community members Gino Eligio López and Epon Andrés Castillo were shot by state agents, resulting in their death. The use of lethal force by state agents was unjustified, unnecessary, disproportionate and lacked a legitimate purpose; therefore, these were extrajudicial killings that violated the right to life of Gino Eligio López and Epon Andrés Castillo.

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

## **9. Case of Rodríguez Pacheco et al. v. Venezuela**

The instant case is related to the alleged international responsibility of the State of Venezuela for deficiencies in the healthcare provided to Ms. Rodríguez Pacheco at a private medical center and for the violation of judicial guarantees and protection, due to the lack of diligent investigation and adequate reparation for alleged medical malpractice committed after the victim underwent a cesarean section. The Commission concluded that there were deficiencies in the health care provided to Ms. Rodriguez at a private medical center, which were not investigated, punished or adequate reparation provided by the public authorities who performed the investigation process, who therefore violated the judicial guarantees and protection enshrined in Articles 8.1 and 25.1 of the American Convention, in relation to the rights to humane treatment (personal integrity) and to health included in Articles 5 and 26 of the Convention, as well as Article 1.1 thereof. Moreover, the Commission requested the declaration of responsibility of the State for the violation of Article 7 of the Convention of Belém do Pará to the detriment of Balbina Francisca Rodríguez Pacheco, and the right to mental and moral integrity set forth in Article 5.1 to the detriment of her next of kin.

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

## **II. Public Hearing**

The Court will hold the public hearing of the following Contentious Case, which will be broadcast through the Inter-American Court's social media:

## **1. Case of Yangali Iparraguirre v. Peru**

This case is related to the alleged international responsibility of the State of Peru for the violation of the rights to judicial guarantees and judicial protection of Gino Ernesto Yangali Iparraguirre, as a result of noncompliance with a judgment that ordered the payment of compensation for damages regarding the arbitrary dismissal from his position as judge of the Superior Court of Justice of Lima. According to the Commission, Mr. Yangali Iparraguirre was removed from the position of judge in 1992, and after several judicial proceedings he was reinstated on March 2, 2004. However, he was denied the accrued wages and other work benefits. Consequently, he filed judicial actions to claim damages, and on April 6, 2016, a judgment which ordered the corresponding compensation.

Notwithstanding the aforementioned judgment, the public entities subject of the claim: the Judicial Branch and the Presidency of the Council of Ministers, did not comply with that ordered and the State did not adopt the measures necessary for effective compliance. Consequently, the Commission asked the declaration of the responsibility of the State of Peru for the violation of Articles 8.1 and 25.2 c) of the American Convention on Human Rights, in relation to Article 1.1 thereof, to the detriment of Mr. Yangali Iparraguirre.

The public hearing will be held in person on August 31, at 9:00 am Costa Rican time.

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

## **III. Hearings on Monitoring of Compliance with Judgment and Provisional Measures**

The Court will hold a private hearing on Monitoring of Compliance with Judgment and a hearing to request for Provisional Measures.

### **1. Private Hearing on Monitoring of Compliance with Judgment in the Case of Heliodoro Portugal v. Panama**

The private hearing of Monitoring Compliance with Judgment is scheduled for August 24.

### **2. Private Hearing to request Provisional Measures in the Matter of Salas Arenas regarding Peru**

The private hearing to request Provisional Measures is scheduled for August 29.

## **IV. Monitoring of Compliance with Judgments, Provisional Measures and administrative matters**

The Court will also monitor compliance with various Judgments and the implementation of Provisional Measures that it has ordered, as well as procedural issues in various contentious cases. It will also address several administrative matters.

Regular information will be provided on the different activities of this 160<sup>th</sup> Regular Session.

\*\*\*

<sup>1</sup> Judge Rodrigo Mudrovitsch, of Brazilian nationality, will not participate in the deliberation of this Judgment, in conformity with Art. 19 of the Rules of Procedure of the Court.

<sup>2</sup> Judge Humberto Antonio Sierra Porto, of Colombian nationality, will not participate in the deliberation of this Judgment, in conformity with Art. 19 of the Rules of Procedure of the Court.

<sup>3</sup> Judge Humberto Antonio Sierra Porto, of Colombian nationality, will not participate in the deliberation of this Judgment, in conformity with Art. 19 of the Rules of Procedure of the Court.

<sup>4</sup> Judge Verónica Gómez, of Argentinian nationality, will not participate in the deliberation of this Judgment, in conformity with Art. 19 of the Rules of Procedure of the Court.

\*\*\*

The Court's composition for this Session will be 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).

\*\*\*

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](mailto:corteidh@corteidh.or.cr). For press inquiries please contact Gabriela Sancho at [prensa@corteidh.or.cr](mailto: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](mailto: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. 2023. 

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.