

Press Release

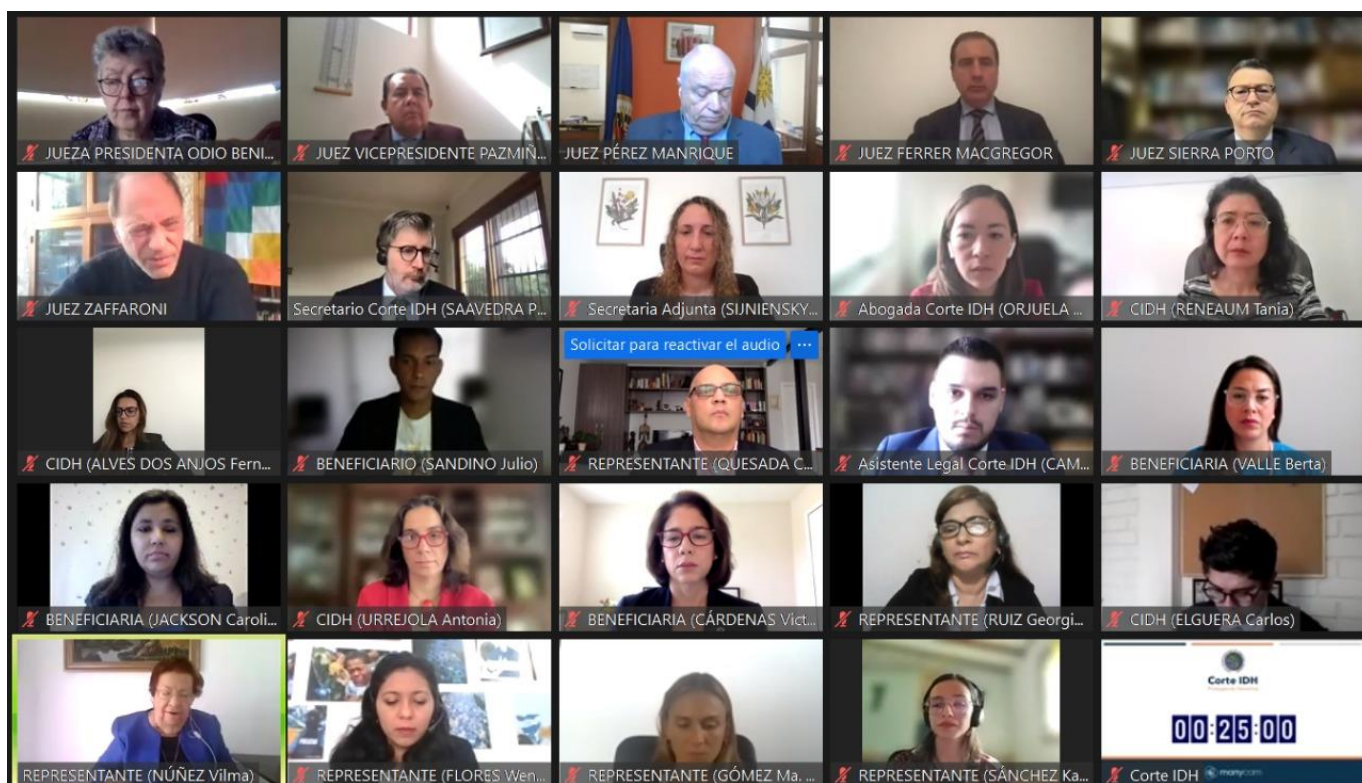
Inter-American Court of Human Rights
I/A Court H.R._PR-63/2021 English

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I/A Court H.R. Protecting Rights

INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 143RD REGULAR SESSION PERIOD



San José, Costa Rica, September 10, 2021.- The Inter-American Court held its 143rd Regular Session Period from August 17 to September 10, 2021.

The Court met in a virtual session, in which public hearings were held on Monitoring Compliance with Judgments, Provisional Measures and Urgent Measures. The Court also dealt with seven Judgments (six on merits, and one on interpretation); various matters related to measures to Monitor Compliance with Judgments, Provisional Measures, and various administrative matters.

I. Judgments

The Court deliberated in judgments in the following contentious cases, which will be notified shortly and which will be available [here](#).

a) Case of Ríos Avalos et al. v. Paraguay

This case relates to a series of violations in the framework of impeachment proceedings that culminated in the dismissal of the presumed victims, Bonifacio Ríos Avalos and Carlos Fernández Gadea, from their positions as Ministers of the Supreme Court of Justice of Paraguay, in 2003.

It is alleged that the State violated the right to hearing by a competent authority through previously established procedures. In this regard, it is argued that, after accusation against the alleged victims, the Senate issued Resolution No. 222, which states Regulations for the Processing of Impeachment Proceedings, as well as procedural rules for impeachment proceedings that have a substantive impact on the exercise of the right of defense and on other aspects related to guarantees of due process. It is also mentioned that the State violated the right to have an impartial judge, as the regulations issued did not allow challenges against the disciplinary body

Find more information about this case [here](#).

b) Case of Villarroel Merino et al. v. Ecuador¹

This case relates to the alleged illegal and arbitrary detention of the then officers of the National Police: Jorge Villarroel Merino, Mario Rommel Cevallos Moreno, Jorge Coloma Gaybor, Fernando López Ortiz, Amílcar Ascazubi Albán and Patricio Vinuesa Pánchez, in May 2003, as well as the alleged violations of judicial guarantees committed in the proceedings against them for the crime of embezzlement. It is alleged that, the State of Ecuador imposed preventive and compulsory detention on the officers, thus violating the principle of equality before the law. In addition, it is argued that the period of detention was not reasonable because while in force, it was not subject to periodic review, and it was also arbitrary in practice, as the exceptionality criterion was reversed. Furthermore, it is stated that the presumed victims presented a series of remedies that were neither suitable, nor effective, to obtain due judicial protection.

Find more information about this case [here](#).

c) Case of Bedoya Lima et al. v. Colombia²

This case relates to a series of alleged human rights violations arising from the kidnapping, torture and rape of journalist Jineth Bedoya Lima, by reason of her profession, and the State's alleged failure to adopt adequate and timely measures to protect her and prevent the occurrence of those events. It was alleged that the journalist Jineth Bedoya was kidnapped in front of a state prison and she was held for several hours, while working as a journalist investigating the confrontation between paramilitaries and members of common criminal groups inside the *La Modelo* National Prison. Thus, it was argued that the Colombian State was aware of the real and imminent danger faced by the journalist and did not take reasonable measures to protect her. Additionally, it was alleged that the State had a special obligation to act with due diligence to protect Jineth Bedoya against attacks on her personal safety and acts of sexual violence due to the general context of sexual violence against women that could be said to characterize the Colombian armed conflict. Lastly, it was indicated that this is the first case in which the Court will have the opportunity to develop standards on the positive obligations for gender-based protection to be adopted by the States to guarantee the safety of women, when they are in high-risk situations in one of the most dangerous regions for journalists to be professionally active.

Find more information about this case [here](#).

d) Case of Lemoth Morris et al. (Miskito Divers) v. Honduras

This case relates to the alleged infringement of multiple rights to the detriment of a group belonging to the Miskito indigenous people who live in the department of *Gracias a Dios*. It is alleged that the State violated the right to personal integrity of 34 Miskito people, who suffered accidents as a result of undertaking deep dives that caused decompression sickness.

In addition, it is alleged that the State violated the right to life of the twelve Miskito divers who

died moments after these accidents. The State's omission and indifference to the problem of labor exploitation by fishing companies and diving in dangerous conditions that caused said accidents, was evident in the lack of adequate oversight, which is alleged to be a total lack of prevention. Furthermore, due to the particular severity and level of neglect by the State over a prolonged period, despite full knowledge of the situation and its consequences, it is alleged that the State's omission can also be understood as a form of tolerance.

Find more information about this case [here](#).

e) Case of Garzón Guzmán v. Ecuador³

This case relates to the alleged forced disappearance of César Gustavo Garzón Guzmán, on November 9, 1990, in Quito, Ecuador. It is argued that the incident took place in the overall context of forced disappearances committed by State agents against persons identified as subversive, members of the groups "Alfaro Vive Carajo" and "Montoneras Patria Libre." It is also alleged that the case was documented in the report of the Ecuadorian Truth Commission as a forced disappearance committed by the National Police, and that sufficient evidence exists to conclude that César Gustavo Garzón Guzmán had been deprived of his liberty by agents of the State. Additionally, it is argued that the authorities' refusal to acknowledge the detention, taking into account the evidence in the case file and the context at the time, would have constituted concealment of the facts

Find more information about this case [here](#).

f) Case of Barbosa de Souza et al. v. Brazil

This case has to do with the alleged violation of the mental and moral integrity of the mother and father of Márcia Barbosa de Souza, who was allegedly murdered by Aécio Pereira de Lima, a former state deputy. It is argued that the parliamentary immunity would have caused an excessive delay in the criminal process and that the investigation and the criminal proceedings would have lasted 9 years. It additionally alleges the violation of the rights to judicial guarantees and judicial protection, and to the principles of equality and non-discrimination, in relation to the right to life.

Find more information about this case [here](#).

The Court also deliberated a **Judgment of Interpretation**, that has been notified:

a) Case of Casa Nina v. Peru

Judgment of Interpretation is available [here](#).

II. Hearings on Urgent and Provisional Measures

The Court held virtual public hearings with regard to the implementation of the following Urgent and Provisional Measures:

a) Public Hearing on Supervision of Provisional Measures and Urgent Measures in the Matter of Juan Sebastián Chamorro et al. regarding Nicaragua.

The hearing was held on Friday, August 27, 2021.

The hearing can be seen [here](#).

b) Joint Public Hearing on Request for Provisional Measures in the Case of Valenzuela Ávila and the Case of Ruiz Fuentes et al. v. Guatemala

The hearing was held on Friday, August 27, 2021.

The hearing can be seen [here](#).

III. Hearings on Monitoring Compliance with Judgments

The Court held virtual public hearings with regard to the Monitoring of Compliance with Judgments in the following cases:

a) Public Hearing on Monitoring Compliance with Judgments in the Case of Favela Nova Brasília v. Brazil

The hearing was held on Friday, August 20, 2021.

The hearing can be seen [here](#)

b) Private Hearing in the Case of Heliodoro Portugal v. Panamá

The hearing was held on Friday, August 20, 2021.

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

The Court also monitored compliance with several judgments and implementation of Provisional Measures for which it has oversight, as well as processing of cases and Provisional Measures. It also dealt with several administrative matters.

During this Session the following resolutions for **Monitoring Compliance with Judgments** were approved:

- a) Case of Baena Ricardo et al. v. Panamá**
- b) Case of Velásquez Paiz et al. v. Guatemala**
- c) Case of Veliz Franco et al. v. Guatemala**
- d) Case of Terrones Silva et al. v. Peru**
- e) Case of the Dismissed Congressional Employees (Aguado Alfaro et al.) v. Peru**
- f) Case of Urrutia Laubreaux v. Chile⁴**
- g) Case of Vásquez Durand et al. v. Ecuador⁵**

Provisional Measures orders were also adopted in the following cases:

- a) Matter of Juan Sebastián Chamorro et al. regarding Nicaragua**
- b) Matter of Members of the Nicaraguan Center for Human Rights (CENIDH) and the Permanent Commission on Human Rights (CPDH) regarding Nicaragua**

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

¹ The Judge Patricio Pazmiño Freire, an Ecuadorian national, did not participate in the deliberation of the Judgment in this case, in accordance with Art. 19 of the Court's Rules of Procedure.

² The Judge Humberto Antonio Sierra Porto, a Colombian national, did not participate in the deliberation of the Judgment in this case, in accordance with Art. 19 of the Court's Rules of Procedure.

³ The Judge Patricio Pazmiño Freire an Ecuadorian national, did not participate in the deliberation of the Judgment in this case, in accordance with Art. 19 of the Court's Rules of Procedure.

⁴ The Judge Eduardo Vio Grossi, a Chilean national, did not participate in the deliberation of the Judgment in this case, in accordance with Art. 19 of the Court's Rules of Procedure.

⁵ The Judge Patricio Pazmiño Freire, an Ecuadorian national, did not participate in the deliberation of the Judgment in this case, in accordance with Art. 19 of the Court's Rules of Procedure.

The Court's composition for this session was as follows: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Patricio Pazmiño Freire, Vice President (Ecuador), Judge Eduardo Vio Grossi (Chile); Judge Humberto Antonio Sierra Porto (Colombia), Judge Eduardo Ferrer Mac-Gregor Poisot (México), Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Ricardo Pérez Manrique (Uruguay).

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