

Press Release

Inter-American Court of Human Rights
I/A Court H.R._PR-63/2022 English

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I/A Court H.R. Protecting Rights

INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 151ST REGULAR SESSION

151st Regular
Session
RS

From August 29 to September 9, 2022



I/A Court H.R.
Protecting Rights

San José, Costa Rica, September 14, 2022. The Inter-American Court held its 151st Regular Session from August 29 to September 9, 2022.

The Court held the session virtually.

During the Session two Judgments were deliberated and a public hearing of a Contentious Case was held, as well as a Hearing of a Request for Provisional Measures. The Court also heard various matters related to Monitoring Compliance of Judgments, Provisional Measures, and dealt with various administrative matters.

I. Judgments

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

a) Case of Mina Cuero v. Ecuador

This case refers to the alleged international responsibility of the Republic of Ecuador for the violations of various rights committed within the disciplinary process that culminated in the dismissal of Víctor Henry Mina Cuero, a member of the National Police. The events in the case occurred between September 2000 and August 2001. It is argued that the State violated the right to know in advance and in detail the accusation made, to have adequate time and means for a defense, and to be assisted by a defense attorney of choice, to the detriment of Mr. Mina Cuero. This arose from the fact that the State had failed to demonstrate that the alleged victim received clear and detailed information notifying him of the opening of proceedings against him, or the factual and legal grounds on which the proceedings were based prior to making his first statement. Furthermore, in the hearing held during the course of the proceedings, the disciplinary body referred generically to the infractions that were alleged to have been committed by the alleged victim, without there being any clarity about the reasons for initiating the process. Similarly, Mr. Mina Cuero gave a statement before the Judicial Police without legal assistance.

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

b) Case of Habbal et al. v. Argentina¹

This case relates to the alleged human rights violations against Mrs. Raghda Habbal and her four minor children. It alleges the deprivation of Mrs. Habbal's Argentine nationality, acquired by naturalization, and of the permanent residence of three of her children of Syrian nationality, as well as the alleged violations of the judicial guarantees given in the framework of both processes. According to the facts presented in the Merits Report, Mrs. Habbal obtained Argentine nationality by naturalization on April 3, 1992, after taking an oath and renouncing her Syrian nationality.

However, the following month, the National Director of Population and Migration issued a resolution in which it declared the settlement of Mrs. Habbal and three of her children null and void, on the grounds that a previous resolution had annulled her husband's residence. In the same resolution, the administrative authority ordered the alleged victims' precautionary detention and their expulsion. By means of legal judgment of October 27, 1994, the decision that granted Argentine citizenship to Mrs. Habbal was declared null and void on the grounds that there was evidence it had been obtained by fraudulent actions. In response, Mrs. Habbal filed an application for appeal and annulment, claiming that she had not been notified of the process in accordance with the legal requirements and other procedural defects. This appeal and all those filed subsequently were refused.

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

The Court also continued the deliberations in the following judgment which it will continue to analyze in the following Session:

a) Case of Flores Bedregal et al. v. Bolivia

This case involves the alleged forced disappearance of Juan Carlos Flores Bedregal, leader of the Revolutionary Workers' Party, and of a national deputy, as well as the alleged impunity still surrounding these events.

His disappearance allegedly began during the July 1980 coup d'état carried out by military forces. It is alleged that although there were prosecutions that culminated in convictions, it has not yet been fully clarified what happened to the alleged victim, including the whereabouts of his mortal remains. This situation is the result of multiple cover-up mechanisms. In this regard, it is argued that the existence of evidence regarding the death of Flores Bedregal would not change the legal classification of forced disappearance, given that 38 years after his disappearance, his next of kin still have no information on or access to his remains that would provide them with certainty as to his fate.

It also argues that neither the trial completed in 1993 nor the conviction handed down in 2007 constituted an effective remedy for establishing the truth around what happened to Mr. Flores Bedregal. Finally, it is alleged that the Bolivian State has so far not complied with its obligation to obtain, produce, analyze, classify, organize, and facilitate society-wide access to the military archives relating to serious human rights violations from the recent past. This would have had a direct impact on the State's response to the specific requests of Juan Carlos Flores Bedregal's next of kin.

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

II. Public Hearings of Contentious Cases

The Court held a virtual public hearing in the following contentious case:

a) Case of Aguinaga Aillón v. Ecuador

This case is related to a series of alleged violations of the human rights of Mr. Carlos Julio Aguinaga Aillón in the framework of the disciplinary process conducted by the Congress of the Republic, which culminated in his dismissal as member of the Supreme Electoral Court of Ecuador. It is claimed that the alleged victim was removed from his position by means of an ad hoc mechanism not provided for by the Constitution or the law, and without complying with previously established measures. Therefore, it is argued that the State violated the right to have access to a competent authority through previously established procedures, the principle of legality, and the principle of judicial independence. It is also alleged that Ecuador violated the right to know in advance and in detail the accusation made and to have adequate time and means for a defense, as there is no evidence that the alleged victim was notified about the initiation of a procedure that could lead to his dismissal, nor did it grant him any possibility of a hearing or to build a defense prior to his dismissal. Similarly, violations of the rights to appeal the ruling and to judicial protection are alleged, since the alleged victim did not have any process to challenge the decision given that the dismissal procedure was not provided for in domestic regulations. In addition, it is alleged that the State issued a resolution to hinder the possibility of filing an amparo remedy against the resolution of Congress.

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

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

III. Hearing on Request of Provisional Measures

On Tuesday, September 6, the Court held a virtual hearing on the Request for Provisional Measures:

a) Joint Hearing on the Request for Provisional Measures in the Cases of Bámaca Velásquez, Maritza Urrutia, Plan de Sánchez Massacre, Chitay Nech et al., Río Negro Massacres, and Gudiel Álvarez et al. v. Guatemala

IV. Monitoring of Compliance with Judgments, Provisional Measures, and Administrative Matters

The Court also monitored compliance with various Judgments and the implementation of Provisional Measures for which it has oversight and procedural issues of several Cases and Provisional Measures. It also addressed various administrative matters.

The Court issued orders on the requests for Provisional Measures presented in the following Cases:

1. *Case of Dismissed Employees of Petroperú et al. v. Peru.*
2. *Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala.*

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

The Court issued orders of Monitoring Compliance of Judgments in the following Cases:

1. *Joint Cases of Mendoza, Gorigoitia, and Valle Ambrosio et al.*
2. *Case of Valle Ambrosio et al. v. Argentina*².
3. *Case of Ibsen Castro and Ibsen Peña v. Bolivia.*
4. *Case of Isaza Uribe et al. v. Colombia*³.
5. *Case of Palamara Iribarne v. Chile*⁴.
6. *Case of Coc Max et al. (Xamán Massacre) v. Guatemala*
7. *Case of Girón et al. v. Guatemala.*
8. *Case of Kawas Fernández v. Honduras.*
9. *Case of Vicky Hernández et al. v. Honduras.*
10. *Case of García Cruz and Sánchez Silvestre v. Mexico*⁵.

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

Finally, the Court issued orders in the Case of Arrom Suhurt et al. v. Paraguay. The order will be notified soon.

¹ Judge Verónica Gómez did not participate in the deliberation of this judgment due to her Argentine nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

² Judge Verónica Gómez did not participate in the adoption of this order due to her Argentine 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 adoption of this order 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 adoption of this order due to her Chilean nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

⁵ Judge Eduardo Ferrer Mac-Gregor did not participate in the adoption of this order due to his Mexican 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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Avenida 10, Calles 45 y 47 Los Yoses, San Pedro, San José, Costa Rica.



www.corteidh.or.cr
corteidh@cortheidh.or.cr



(506) 2527-1600



10th Av, between street 45
and street 47, Los Yoses, San
Pedro, San Jose, Costa Rica.

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