

Press Release

Inter-American Court of Human Rights

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I/A Court H.R. Protecting Rights

INTER-AMERICAN COURT OF HUMAN RIGHTS WILL HOLD ITS 162nd REGULAR SESSION IN COLOMBIA



Organizers:



Support:



San José, Costa Rica, October 5th, 2023.- From October 9th to 13rd, the Inter-American Court of Human Rights will hold in Colombia its 162nd Regular Session, at the invitation of the State. Subsequently, the Regular Session will continue virtually until October 20th, 2023. During the virtual phase the Court will continue deliberating the Judgments that were being heard.

The President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, expressed that “holding this Regular Session of the Inter-American Court in Colombia is a great opportunity to build a better understanding of the Court’s work and for everyone interested in human rights to participate in the public activities.”

“In the recent visit by the President of Colombia, Gustavo Petro, we expressed our gratitude to the State for this invitation and highlighted the importance of these types of instances for the inter-American System for the protection of Human Rights.”

During the Regular Session three public hearings will be held for Contentious Cases as well as hearings to Monitor Compliance with Judgment. In addition, an International Seminar will be held on Monday October 9 at Universidad Externado.

Information on the cases, schedule, and registration forms to attend the activities listed below are available at the following link: <https://www.corteidh.or.cr/tablas/162POS-Colombia/>

All activities are public and free of charge. In Colombia the public hearings will be held at the premises of the Ombudsman's Office of Colombia (from October 10 to October 12). The Inter-American Court will issue attendance certificates for the activities only for those individuals who register beforehand and who participate in person.

The Inter-American Court of Human Rights would like to thank Spanish Cooperation through the Spanish Agency for International Development Cooperation, Cooperation from the Kingdom of Sweden, the Ministry of Foreign Affairs of Colombia, the Ombudsman's Office of Colombia, the Agency for Legal Defense of the State, Universidad Externado and the Special Jurisdiction for Peace (JEP) for their support of this Regular Session.

I. Opening Ceremony of the 162nd Regular Session in Colombia

On Monday October 9th, 2023, after 09:00 AM (Colombia time) the Opening Ceremony of the 162nd Regular Session will be held at the Ministry of Foreign Affairs of Colombia; it is a private event.

The ceremony will be live streamed through the Inter-American Court's social media channels.

II. International Seminar: 75 years after the American Declaration and 45 years after the American Convention on Human Rights: Achievements and challenges

Scheduled for Monday October 9th, 2023, after 2:15 PM, is the international seminar "**75 years after the American Declaration and 45 years after the American Convention on Human Rights: Achievements and challenges.**" The activity will be held at Universidad Externado. The Judges of the Inter-American Court will be participating alongside renowned academics.

The Seminar will be live streamed through the Inter-American Court's social media channels.

To attend the Seminar please register [here](#).

The preliminary program of the seminar can be accessed [here](#).

III. Public Hearings on Contentious Cases

The Court will hold in-person public hearings on the Cases listed below. The public hearings will be held at the premises of the Ombudsman's Office of Colombia. They will be live streamed through the Inter-American Court's social media channels.

a) Case of Huilcaman Paillama et al. v. Chile¹

This case relates to the alleged responsibility of the State for a series of violations during criminal proceedings against 140 Mapuche individuals, in the context of a series of protests held in 1992 to mark the 500-year anniversary of the Spanish conquest of the Americas. Between June 16th and June 20th, 1992, members of the All Lands Council (Consejo de Todas las Tierras), an organization that grouped Mapuche authorities, took over eleven properties adjacent to their communities seeking attention from the public opinion regarding several claims, as well as the attention of the Senate, where the Indigenous Law was being processed. This consisted of holding demonstrations for a brief period at the occupied properties, placing signs that asked for the land to be given back. The occupations ended when the premises were allegedly cleared by the public forces.

Subsequently, the alleged victims were subjected to criminal proceedings and on March 11th, 1993, they were convicted of the crimes of usurpation, illegal association, contempt, theft, cover-up of theft and bodily harm, with penalties ranging from the payment of a fine equivalent to six minimum wages to three years and nine months in prison. It is claimed that during the criminal proceedings several human rights violations were committed regarding: the right to be heard by an impartial tribunal, right to adequate grounds, principle of presumption of innocence, right to prior notification

in detail of the charges, right to adequate time and means to prepare a defense, principle of freedom for ex post facto laws, right to freedom of expression, right to freedom of association and the principle of equality and non-discrimination.

Further information on this case can be accessed [here](#).

The in-person public hearing will take place on Tuesday, October 10th, 2023, at 09:00 am (Colombia time). The public hearing will be held at the premises of the Ombudsman's Office of Colombia. To attend this hearing in person please register [here](#).

b) Case of Pérez Lucas et al. v. Guatemala

This case refers to the alleged responsibility of the State for the alleged violations that took place as a consequence of the detention in April 1989 of Agapito Pérez Lucas, Nicolás Mateo, Macario Pú Chivalán and Luis Ruiz Luis, their subsequent forced disappearance and the alleged impunity status of the investigations.

According to the Commission, the alleged victims were human rights defenders and members of the Runujel Junam Council of Ethnic Communities (CERJ). They were detained by state agents who refused to indicate the grounds for the detention, the place where they were transferred and the whereabouts of the alleged victims. The Commission also considered that the State did not perform a diligent or timely investigation of the facts. Consequently, it asked the Republic of Guatemala to be declared internationally responsible for the violation of the rights to juridical personality, to life, to humane treatment, to personal liberty, to freedom of association to defend human rights, to judicial guarantees and to judicial protection, enshrined in Articles 3, 4.1, 5.1, 7.1, 16.1, 8.1 and 25.1 of the American Convention on Human Rights, respectively, in relation to Article 1(1) thereof, in addition to the violation of Articles I(a) and I(b) of the Inter-American Convention on Forced Disappearance of Persons.

Further information on this case can be accessed [here](#).

The in-person public hearing will take place on Wednesday, October 11th, 2023, at 09:30 AM (Colombia time). The public hearing will be held at the premises of the Ombudsman's Office of Colombia. To attend this hearing in person please register [here](#).

c) Case of Leite de Souza et al. v. Brazil²

This case concerns the alleged responsibility of the State for the forced disappearance of Viviane Rocha, Cristiane Leite de Souza, Wudson de Souza, Wallace do Nascimento, Antônio Carlos da Silva, Luiz Henrique Euzébio, Edson de Souza, Rosana Lima de Souza, Moisés dos Santos Cruz, Luiz Carlos Vasconcelos de Deus and Edio do Nascimento, as well as alleged acts of sexual violence against women in the context of those disappearances. The case also concerns the alleged murder of Edméa da Silva Euzébio and Sheila da Conceição, mother and cousin of Luiz Henrique Euzébio, one of the alleged victims of forced disappearance, and the lack of due diligence in the investigation and punishment of those responsible. According to the Commission, on July 26, 1990, a group of civilian and military police abducted the victims and took them to the ranch of a military officer, where they were subjected to sexual violence, murdered and thrown into the Estrela River.

The police investigation began on July 31st, 1990. On July 27th, 2010, the Public Prosecutor's Office of Rio de Janeiro shelved the police investigation, although criminal proceedings had not been opened, since "the bodies were never found, therefore there was no technical evidence of the materiality of the crime of homicide" and the statute of limitations of the punitive claim. The investigation was reopened on December 13th, 2011, allegedly to address the petition filed before the Inter-American Commission. Moreover, on January 15th, 1993, Edméa da Silva Euzébio and Sheila da Conceição were murdered in Rio de Janeiro shortly after Ms. Da Silva testified in court that police officers had taken part in the disappearances. The criminal investigation of these deaths was opened on February 25th, 1993. According to the Commission, the person charged as mastermind was acquitted in 1996 by the Jury Court (Tribunal de Jurado) at the request of the Public Prosecutor's Office, due to lack of evidence. Subsequently, seven military police officers of

the 9th Battalion of the Military Police, known as “Running Horses” (Caballos Corredores) were accused of the murders. On September 22nd, 2014, the case was brought to the Jury Court.

Further information on this case can be accessed [here](#).

The in-person public hearing will take place on Thursday, October 12th, 2023, at 09:00 am (Colombia time). The public hearing will be held at the premises of the Ombudsman’s Office of Colombia. To attend this hearing in person please register [here](#)

IV. Judgments

After leaving Colombia, during the virtual phase of the Session the Court will deliberate on the following Contentious Cases:

1. Case of La Oroya Community v. Peru

This case concerns the international responsibility of the State for the damages caused to a group of inhabitants of La Oroya Community, as a consequence of pollution caused by a metallurgical complex in the community. The overall claim is that Peru’s non-compliance with its international obligations allowed the mining activity to generate high levels of pollution that seriously affected the health of the alleged victims. In this regard, the State failed to comply with due diligence in its duties to regulate, supervise and oversee the behavior of both private and public companies regarding the potential jeopardizing of the human rights of the community's inhabitants, as well as the general obligation to prevent human rights violations. Moreover, it is claimed that the State failed to adopt adequate measures to address the risks that environmental pollution poses to the children’s health in the community. In addition, Peru failed to guarantee public participation and the right of access to information of the alleged victims in decisions that affect them directly, nor did it investigate the threats, harassment and retaliation against the alleged victims. The State thus allegedly failed its immediate obligations on the rights to a healthy environment and to health, as well as its obligation to progressively achieve the full realization of those rights.

Further information on this case can be accessed [here](#).

The Court will continue deliberating the following Contentious Cases:

2. Case of Tavares Pereira et al. v. Brazil³

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 2nd, 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 can be accessed [here](#).

3. Case of Members of the José Alvear Restrepo Lawyers Collective (CAJAR) v. Colombia⁴

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 can be accessed [here](#).

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

4. Hearings on Monitoring Compliance with Judgment

The Court will hold private hearings on the Monitoring of Compliance with Judgment.

a) Private hearing on Monitoring Compliance with Judgment in the Case of Isaza Uribe et al. v. Colombia⁵

The hearing will be held on Monday October 9th, 2023.

b) Private hearing on Monitoring Compliance with Judgment in the Case of the Ituango Massacres v. Colombia⁶

The hearing will be held on Monday October 9th, 2023.

c) Private hearing on Monitoring Compliance with Judgment in the Case of Vereda La Esperanza v. Colombia⁷

The hearing will be held on Monday October 9th, 2023.

d) Private hearing on Monitoring Compliance with Judgment in the Case of the Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia⁸

The hearing will be held on Friday October 13th, 2023.

e) Private hearing on Monitoring Compliance with Judgment in the Case of Bedoya Lima et al. v. Colombia⁹

The hearing will be held on Friday October 13th, 2023.

5. Monitoring 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 162nd Regular Session.

¹ Judge Patricia Pérez Goldberg, of Chilean nationality, will not participate in the public hearing in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

² Judge Rodrigo Mudrovitsch, of Brazilian nationality, will not participate in the public hearing in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

³ Judge Rodrigo Mudrovitsch, of Brazilian nationality, did not participate in the deliberation of this Judgment, in conformity with Article 19 of the Rules of Procedure of the Court.

⁴ Judge Humberto Antonio Sierra Porto, of Colombian nationality, did not participate in the deliberation of this Judgment, in conformity with Article 19 of the Rules of Procedure of the Court.

⁵ Judge Humberto Antonio Sierra Porto, of Colombian nationality, will not participate in the hearing of Monitoring Compliance with Judgment in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

⁶ Judge Humberto Antonio Sierra Porto, of Colombian nationality, will not participate in the hearing of Monitoring Compliance with Judgment in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

⁷ Judge Humberto Antonio Sierra Porto, of Colombian nationality, will not participate in the hearing of Monitoring Compliance with Judgment in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

⁸ Judge Humberto Antonio Sierra Porto, of Colombian nationality, will not participate in the hearing of Monitoring Compliance with Judgment in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

⁹ Judge Humberto Antonio Sierra Porto, of Colombian nationality, will not participate in the hearing of Monitoring Compliance with Judgment in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

The Court's composition for this Regular 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).

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

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