

# Press Release

Inter-American Court of Human Rights  
I/A Court H.R.\_PR-74/2021 English

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## I/A Court H.R. Protecting Rights

### INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 144<sup>th</sup> REGULAR SESSION PERIOD



*San José, Costa Rica, October 19, 2021.* The Inter-American Court held its 144<sup>th</sup> Regular Session Period, from September 20, to October 15, 2021.

The Court held virtual sessions, during which it deliberated five Judgments, began the deliberation of two Judgments, and held hearings on Monitoring Compliance with Judgments. The Court also heard various matters related to measures of Monitoring Compliance with Judgments, Provisional Measures, and dealt with several administrative matters.

#### **I. Judgments**

The Court deliberated on Judgments in the following contentious cases. These Judgments will be notified soon and will be available [here](#).

##### **a) Case of González et al. v. Venezuela**

This case relates to the alleged unlawful and arbitrary detention of Olimpiades González and his family members, María Angélica González, Belkis Mirelis González, Fernando González, Wilmer Antonio Barliza and Luis Guillermo González, by agents of the State in November 1998 and January 1999. It is alleged that the period during which four of the presumed victims were held in pre-trial detention was unreasonable, because it was not subject to periodic review of the ongoing validity of grounds, under the Convention, to detain them for said period. Similarly, the

remedies filed by the presumed victims to question their detention were neither appropriate nor effective in obtaining due judicial protection. Additionally, it is alleged that, as persons under prosecution, the victims' right not to be held with convicted persons was violated. Finally, it was argued that the State is responsible for the murder of Olimpiades González in December 2006 given that it appears that the State did not undertake proceedings within the framework of the investigation, did not undertake a risk assessment of Mr González's current situation and did not adopt measures to protect him.

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

#### **b) Case of the Julien Grisonas Family v. Argentina<sup>1</sup>**

This case relates to the presumed international responsibility of the Argentine State for the forced disappearance of Mario Roger Julien Cáceres and Victoria Lucía Grisonas Andrijauskaite in a police and military operation conducted during the Argentine dictatorship. It is also alleged that there has been no satisfactory investigation, punishment and reparation for these acts. Finally alleged are the presumed torture, forced disappearance and other violations to the detriment of Anatole and Victoria, son and daughter of the Julien-Grisonas marriage, resulting from the same operation.

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

#### **c) Case of Cuya Lavy et al. v. Peru**

This case relates to an alleged series of violations during an evaluation and ratification process of the prosecutors and Judges, victims in this case, by the National Council of the Judicature in 2001 and 2002. It is alleged that the State violated the right to prior and detailed notification of the charges against them, as well as adequate time and means for the preparation of their defense given that, during the evaluation and ratification process, the National Council of the Judicature neither brought charges against the victims nor were they informed of the complaints and allegations against them, which would have allowed them to present evidence to disprove the allegations prior to the decision not to ratify them.

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

#### **d) Case of Vera Rojas et al. v. Chile<sup>2</sup>**

This case relates to the alleged endorsement by the State of the decision of the health insurance company, Isapre Más Vida, to end, unilaterally and arbitrarily, the "home hospitalization" regime essential to the survival of the child Martina Vera, diagnosed with Leigh syndrome. Faced with this situation, it is alleged that the family of the child, Martina Vera, filed a protective action on October 26, 2010. This was heard in the final instance by the Supreme Court of Justice, which, on January 26, 2011, ruled in favor of the insurance company without taking into consideration its special position as guarantor of the rights of the child and persons with disabilities, or the social rights of the child, Martina Vera. It is also argued that, in December 2011, the family filed a second, arbitral action before the Superintendency of Health, challenging the removal of Martina Vera's treatment. The Superintendency ruled in favor of the victim on August 27, 2012, following an economic study indicating that it was more efficient to provide coverage due to the subsequent financial consequences its suspension could cause.

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

#### **e) Case of the Maya Kaqchikuel Indigenous Peoples of Sumpango et al. v. Guatemala**

This case relates to the alleged inability of four community radio stations operated by indigenous peoples in Guatemala (the Maya Kaqchikuel of Sumpango, the Achí Maya of San Miguel Chicaj, the Mam Maya of Cajolá and the Maya of Todos Santos de Cuchumatán) to freely exercise their right to freedom of expression and their cultural rights owing to the existence of legal obstacles

to access radio frequencies and a supposed policy of the criminalization of community radio stations operated without authorization in Guatemala.

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

The Court **began the deliberation of the following Judgments**, analysis of which will continue in the forthcoming 145<sup>th</sup> Regular Session.

#### **f) Case of Manuela et al. v. El Salvador**

This case refers to a series of presumed violations during the criminal proceedings that culminated in the victim's conviction for the crime of aggravated homicide owing to the criminalization of abortion in El Salvador. It is alleged that the State violated the right to personal liberty through the unlawful detention of the presumed victim, considering that she was detained while receiving medical treatment in the 'San Francisco de Gotera' National Hospital on February 28, 2008, under the offense of *flagrante delicto* without meeting the requirements for this. It is also argued that the State violated the right not to be arbitrarily deprived of liberty, the principle of the presumption of innocence, and the right to judicial protection because the decision to impose pre-trial detention was taken based on the seriousness of the offense, applying a legal provision which established that, in cases involving the crime of aggravated homicide, preventive detention could not be substituted by another precautionary measure. Violation of the right to defend oneself and to judicial protection are also alleged because the presumed victim did not have defense counsel during the preliminary proceedings conducted on February 28, 2008, and, subsequently, the defense committed certain errors that impacted her rights, including the serious error of failing to file an appeal against the judgment sentencing her to 30 years' imprisonment.

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

#### **g) Case of the Massacre of the Village of Los Josefinos v. Guatemala**

This case relates to alleged events that occurred on April 29 and 30, 1982, in the village of Los Josefinos in the department of Petén, Guatemala, in the context of the internal armed conflict. It is alleged that, on the morning of April 29, 1982, members of the armed guerrilla forces entered the village of Los Josefinos, capturing and killing two individuals owing to their alleged links to the Army. Following a confrontation with the guerrilla, the Guatemalan Army had supposedly laid siege to the village, preventing its inhabitants from leaving. In the early morning hours of April 30, 1982, the Army invaded the village. It is alleged that, on entering the village, members of the Army killed at least five members of a patrol in the street and began to set fire to homes, massacring the inhabitants, entering houses to verify whether there were any survivors and murdering those they found, including men, women and children. In addition, it is alleged that at least three people disappeared during the massacre, having been seen for the last time in the custody of State law enforcement personnel and that, to date, the State has still not determined their whereabouts. It is alleged that, though the State was aware of the facts, it failed to begin any investigation *ex officio* and that to date, more than 37 years after the events occurred and 23 years after an investigation was initiated on behalf of the presumed victims, the actions remain unpunished. No attempt has been made to identify remains that have been exhumed, and no measures have been taken to discover the whereabouts of further remains.

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

## **II. Hearings on Monitoring Compliance with Judgments**

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

#### **a) Private Hearing on Monitoring Compliance with Judgment in the Case of the Río Negro Massacres v. Guatemala**

The Hearing was held on Thursday, October 14, 2021.

## **b) Private Hearing on Monitoring Compliance with Judgments in the Case of the Plan de Sánchez Massacre v. Guatemala**

The Hearing was held on Thursday, October 14, 2021.

### **III. 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 the processing of cases and Provisional Measures. It also dealt with several administrative matters.

During this Regular session the following orders of **Monitoring Compliance with Judgments** were adopted:

- Case of Guzmán Albarracín et al. v. Ecuador
- Case of Mendoza et al. v. Argentina

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

In addition, **orders on Provisional Measures** were adopted in the following cases:

- Cases of Valenzuela Ávila and Case of Ruiz Fuentes et al. v. Guatemala
- Matter of Members Choréachi Indigenous Community regarding Mexico
- Matter of the Members of the Miskitu Indigenous Peoples of the Northern Caribbean Coast regarding Nicaragua
- Matter of the Nicaraguan Center for Human Rights and the Permanent Commission of Human Rights (CENIDH-CPDH) regarding Nicaragua

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

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<sup>1</sup> Judge Eugenio Raul Zaffaroni, as an Argentinian 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. Judge Ricardo Pérez Manrique excused himself from participating in the hearing of this case.

<sup>2</sup> Judge Eduardo Vio Grossi, as 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.

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The Court's composition for this session was: 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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