

# Press Release

Inter-American Court of Human Rights  
I/A Court H.R.\_PR-97/2021 English

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

### INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 145<sup>th</sup> REGULAR SESSION



San José, Costa Rica, December 1st, 2021. The Inter-American Court held its 145<sup>th</sup> Regular Session Period from November 1st to 26, 2021.

The Court held virtual sessions, during which it deliberated seven Judgments and began the analysis of one Judgment. 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 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 it. 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.

The Judgment of November 2, 2021 is available [here](#).

### **b) Case of the Massacre of the village of Los Josefinos v. Guatemala**

This case has to do with 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](#).

### **c) Case of Teachers of Chañaral and other Municipalities v. Chile<sup>1</sup>**

This case deals with the alleged violation of the right to judicial protection due to failure to comply with 13 final judicial decisions, handed down in favor of 848 teachers. It is argued that those judgments established amounts that the corresponding municipalities must pay to professors for social security allowances. It is alleged that it is a debt that the country has with the teaching union, known as "the historical debt." The foregoing arose, in the alleged context of the municipalization of the educational system and the transfer of teachers to the private sector, during Chile's military regime during the 1980s. It is argued that the State has not ensured the means to guarantee the execution of the 13 judgments and it was noted that the many actions taken by the beneficiaries within these causes have not been fruitful due to the internal regulations that prohibit the seizure of municipal assets, and it is also alleged that the State has refused to allocate the funds necessary to allow the municipalities to comply with the aforementioned judgments.

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

### **d) Case of Maidanik et al. v. Uruguay<sup>2</sup>**

This case refers to the alleged forced disappearance of Luis Eduardo González González and Osear Tassino Asteazu, as well as the alleged extrajudicial executions of Diana Maidanik, Laura Raggio Odizzio and Silvia Reyes, within the framework of the civic-military dictatorship in Uruguay, during which serious human rights violations were committed by state agents. In this sense, it refers to the fact that the State violated the rights to legal status, life, personal integrity and personal liberty. Similarly, it is argued that the application of the Expiry Law of the State's Punitive Claim represented an obstacle to the investigation of the facts at various moments, since it had the apparent effect of seeking impunity, thus violating judicial guarantees and protection judicial. Finally, it is alleged that the lack of clarification around the events implied a violation of the right to personal integrity of family members resulting from pain, anguish and uncertainty, which has been deepening due to the serious violations.

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

### **e) Case of Former Employees of the Judiciary v. Guatemala**

This case is related to the alleged dismissal of 93 employees of the Judicial Branch of Guatemala, as a consequence of a strike carried out in 1996. After the alleged declaration of the strike's illegitimacy on May 13, 1996, the First Chamber of the Court of Labor and Social Welfare Appeals allegedly set a term of twenty days for the Judicial Branch to terminate the employment contracts of the workers who allegedly did not work, and on September 1, 1999, the Supreme Court of Justice proceeded to execute the dismissals of four hundred and four workers, including the alleged victims. It is alleged that they were not subject to an administrative procedure prior to the penalty of dismissal and that therefore they were not notified of the initiation of the disciplinary procedure against them, nor did they have the opportunity to defend themselves in regard to it. This allegedly led to at least 27 workers who were allegedly not participating in the strike, being possibly dismissed for having their names wrongly included in the lists of the strikers. It is argued that, of the total of 93 alleged victims, 28 were rehired and 65 allegedly were not, despite the fact that their dismissal took place in an alleged procedure without guarantees of due process. It is also argued that the imposition of the sanction was not mandatory in accordance with the applicable regulations, but rather that it was a power that should have been analyzed within the framework of a process with appropriate guarantees.

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

### **f) Case of Palacio Urrutia et al. v. Ecuador<sup>3</sup>**

This case refers to an alleged series of human rights violations derived from the criminal proceedings allegedly promoted by former President Rafael Correa against the journalist Emilio Palacios Urrutia and the directors of the newspaper El Universo, Carlos Nicolás Pérez Lapentti, César Enrique Pérez Barriga and Carlos Eduardo Pérez Barriga on the occasion of the publication of an opinion article on a matter of high public interest regarding the events of the political crisis that occurred in September 2010 in Ecuador and the actions of former President Rafael Correa and other authorities within the framework of said crisis. In this regard, it is alleged that the judicial bodies issued a criminal sentence of three years of imprisonment and a civil penalty of 30 million dollars for the commission of the crime of "serious slanderous insults against the authority" to the detriment of the journalist Emilio Palacios Urrutia and the directors of the newspaper El Universo, Carlos Nicolás Pérez Lapentti, César Enrique Pérez Barriga and Carlos Eduardo Pérez Barriga on the occasion of the publication of the opinion article on a matter of high public interest. A civil sentence of 10 million dollars was also established against the legal entity that published El Universo. It is also argued that the facts of this case are framed in a context accredited by the Inter-American Court's Office of the Special Rapporteur for Freedom of Expression, in which various violations and setbacks were observed, such as government repression, affecting the unrestricted exercise of freedom of expression.

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

### **g) Case of Relatives of Digna Ochoa and Plácido v. México<sup>4</sup>**

The case has to do with the alleged death of Mrs. Digna Ochoa in a context of threats and attacks against human rights defenders at the time of the events. It was stated that, from the day of the death of the defender Digna Ochoa, the State began an investigation in the criminal jurisdiction, which would have lasted about ten years. In its legal analysis, the existence of a series of irregularities in the investigation was argued with respect to the duty of impartiality of the investigating body in the first stage of the investigation, which determined that the death of Mrs. Ochoa was a suicide. The obstruction of the participation of Mrs. Ochoa's family in the investigations was similarly alleged. Accordingly, it was argued that the State had violated Articles 8(1) and 25(1) in relation to 1(1), as well as 5(1) of the American Convention.

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

The Court **began deliberation on the following Judgment**, the analysis of which will continue in the 146th Regular Session Period, with the current composition of Judges.

#### **a) Case of Members and Militants of the Patriotic Union v. Colombia<sup>5</sup>**

On June 13, 2018, the State of Colombia submitted this case to the Court, in accordance with Articles 51 and 61 of the American Convention on Human Rights. On June 29, 2018, the Inter-American Commission on Human Rights also submitted this case to the Court. The case concerns the alleged successive and serious human rights violations committed to the detriment of more than 6,000 victims, members and activists of the Patriotic Union (Unión Patriótica or UP) a political party in Colombia since 1984 and for over 20 years. The events involve forced disappearances, threats, harassment, forced displacement and attempted homicides against members and activists of the UP, allegedly perpetrated by both state agents and non-state actors with the alleged tolerance and acquiescence of the former.

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

### **II. 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 Perrone and Preckel v. Argentina<sup>6</sup>*
- *Case of I.V. v. Bolivia*
- *Case of Favela Nova Brasília v. Brazil*
- *Case of Petro Urrego v. Colombia<sup>7</sup>*
- *Case of the Massacres of El Mozote and surrounding areas v. El Salvador*
- *Case of the Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal v. Guatemala*
- *Case of Roche Azaña et al. v. Nicaragua*
- *Case of the "Five Pensioners" v. Peru*
- *Case of Ortiz Hernández et al. v. Venezuela*

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

- Matter of Juan Sebastián Chamorro et al. regarding Nicaragua.

The orders are available [here](#).

### **III. Election of Next Board of the Inter-American Court for 2022-2023 Period**

In this regular session period, the Inter-American Court of Human Rights elected Judge Ricardo Pérez Manrique of Uruguayan nationality as its new President. In the same session, Judge Humberto Sierra Porto was elected as the new Vice President. The President- and Vice President-Elect will begin their mandate on January 1, 2022, completing it on December 31, 2023.

#### IV. "Gender Stereotypes and Administration of Justice" Conference



On the International Day for the Elimination of Violence against Women, November 25, 2021, the "Round Table: Gender Stereotypes and Administration of Justice" was held, with the participation of the President of the Inter-American Court, Judge Elizabeth Odio Benito, the Deputy Secretary of the Court, Romina I. Sijniensky, Leticia Bonifaz, member of the Committee for the Elimination of Discrimination against Women (CEDAW), Luz Patricia Mejía, Technical Secretary of the Follow-up Mechanism of the Convention of Belém do Para (MESECVI), Andrea Muñoz, Minister in charge of the Gender Secretariat of the Supreme Court of Justice of Chile and Natalia Gherardi, Executive Director of the Latin American Justice and Gender Team.

Access the Conference [here](#).

#### **V. Cases at the Judgment and Advisory Opinion stage that will continue to be heard by the current composition of the Court in the 146<sup>th</sup> Regular Session**

In accordance with Article 3 of the Statute of the Court and Article 17 of its Rules of Procedure, the Judges whose mandate has expired will continue to hear cases that have already been heard and are still at the judgment stage. The following cases have been heard by the current composition of the Court and are at the Judgment stage: 1) Members and Militants of the Patriotic Union v. Colombia, 2) Pavez Pavez v. Chile, 3) National Federation of Maritime and Port Workers (FEMAPOR) v. Peru.

The current composition of the Court will also continue to hear the Advisory Opinion on differing approaches to persons deprived of liberty, hearing for which was held between April 19 and 22, 2021, and is therefore in a state of deliberation.

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<sup>1</sup> Judge Eduardo Vio Grossi, a Chilean national, did not participate in the deliberation of this Judgment, in accordance with Art. 19 of the Court's Rules of Procedure.

<sup>2</sup> Judge Ricardo Pérez Manrique, a Uruguayan national, did not participate in the deliberation of this Judgment, in accordance with Art. 19 of the Court's Rules of Procedure.

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

<sup>4</sup> Judge Eduardo Ferrer Mac-Gregor, a Mexican national, did not participate in the deliberation of this Judgment, in accordance with Art. 19 of the Court's Rules of Procedure.

<sup>5</sup> Judge Humberto Antonio Sierra Porto a Colombian national, did not participate in the deliberation of this Judgment, in accordance with Art. 19 of the Court's Rules of Procedure.

<sup>6</sup> Judge Eugenio Raúl Zaffaroni, an Argentine national, did not participate in the deliberation of this Order, in accordance with Art. 19 of the Court's Rules of Procedure.



<sup>7</sup> Judge Humberto Antonio Sierra Porto a Colombian national, did not participate in the deliberation of this Order, in accordance with Art. 19 of the Court's Rules of Procedure.

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The Court's composition for this Regular 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 MacGregor Poisot (Mexico), Judge Eugenio Raúl Zaffaroni (Argentina), and Judge Ricardo Pérez Manrique (Uruguay).

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