

IV

## Contentious Function



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### A. Cases submitted to the Court

During 2023, 34 new contentious cases were submitted to the Court's consideration:

#### 1. Case of Andía Neira et al v. Peru

The Inter-American Commission submitted this case to the Court on January 11. It relates to the alleged international responsibility of the Peruvian State for the application of anti-terrorist laws and policies in the Republic of Peru. The Admissibility and Merits Report No. 378/20 covers seventeen cases, of which seven contain more than one individual petition. In total, the Commission evaluated and ruled on 64 individual petitions. The Commission's decision to merge these cases was adopted pursuant to Article 29.5 of its Rules of Procedure, after concluding *prima facie*, that the facts alleged for the petitioners do not constitute isolated events, but that all these share certain common aspects in view of the applicable temporal, spatial and legal framework, as well as in view of the allegations presented in the cases and of the systematic patterns of human rights violations. In this context, the Commission conducted an individual analysis of the evidence contained in each of the petitions to determine how the specific circumstances of each petitioner translated into violations of their rights.

#### 2. Case of Di-Gianluca Sebastiani v. Venezuela

The Inter-American Commission submitted this case to the Court on March 21. It relates to the alleged international responsibility of the Venezuelan State for the violation of the right of defense of the siblings Doménico and Angela Di Gianluca Sebastiani, within the framework of a criminal proceeding against them, including the restriction of their possibility of appointing a defense counsel and having access to the case file and the charges. On May 31, 2023, the alleged victims reported that "for personal reasons," they had decided to withdraw this case from the Inter-American Court. Having regard to Article 61 of the Court's Rules of Procedure, the withdrawal of the case was accepted and it was decided not to continue processing it before the Court, it was returned to the Inter-American Commission so that, if appropriate, it could consider the application of Article 51 of the Convention.

#### 3. Case of the Manaure Flores Brothers et al. v. Venezuela

The Inter-American Commission submitted this case to the Court on March 31. It relates to the alleged international responsibility of Venezuela for the extrajudicial executions of Israel Benjamín Manaure Flores, Martín Daniel Manaure Flores, Leonel David Manaure Flores, and Leonardo José Manaure Flores in 2017, as well as the failure to investigate the facts. The Commission indicated that the facts occurred against a background of extrajudicial executions carried out during citizen security operations in the state of Aragua, Venezuela. The Commission identified similarities with previous cases analyzed by the Court, pointing out that the executions occurred in the context of irregular actions by the security forces, which particularly targeted young men from low-income backgrounds in poorer neighborhoods. The Commission affirmed that these executions, justified under the pretext of citizen security, tended to occur during raids carried out without a warrant, with simulated clashes and possible tampering with the crime scene.

#### **4. Case of Gattass Sahih v. Ecuador**

The Inter-American Commission submitted this case to the Court on May 20. It concerns the alleged responsibility of the State of Ecuador for the violation of the rights to personal liberty, judicial guarantees, right of movement and residence, and judicial protection of Elías Gattass Sahih in the context of an administrative process to revoke his immigrant visa in 2001. The Commission states that Mr. Gattass obtained an immigrant visa in 2001, following his marriage to an Ecuadorian citizen. However, his partner filed a complaint months later alleging a hostile and threatening attitude on the part of Mr. Gattass and later filed a petition to have his visa revoked. The State of Ecuador decided to revoke his visa and initiated a deportation process, for which reason Mr. Gattass was arrested. Despite his subsequent release, the decision to revoke the visa was confirmed by the Criminal Court and the Constitutional Court, and Mr. Gattass was forced to leave Ecuador and go to the United States.

#### **5. Case of Lynn v. Argentina**

The Inter-American Commission submitted this case to the Court on May 28. It relates to the alleged international responsibility of Argentina for violations of the rights to personal integrity, personal liberty, judicial guarantees, and judicial protection to the detriment of Guillermo Patricio Lynn while he served his sentence at a prison in Buenos Aires province. The Commission indicated that Mr. Patricio Lynn was convicted and sentenced to life imprisonment on March 26, 1990, for aggravated homicide, but during the time he was held in the Penal Colony of Ezeia he obtained the benefit of temporary release. According to the State's version, disputed by the petitioners, after an outing, he allegedly returned to the prison intoxicated, for which reason, the following day he was notified that he would be sanctioned with solitary confinement. Fifteen minutes after he was notified of the decision, a hearing took place before the director of the prison, in which Mr. Lynn was not accompanied by a defense counsel and was unable to present evidence. Due to the disciplinary sanction, the prison director revoked the benefit of temporary outings (day release), a measure confirmed by the Enforcement Judge two days later.

#### **6. Case of Ramos Durand et al. v. Peru**

The Inter-American Commission submitted this case to the Court on June 5. It relates to the alleged international responsibility of the Peruvian State for violations of the right to life, personal integrity, judicial guarantees, private and family life, access to information, equality before the law, judicial protection, and the rights to sexual and reproductive health to the detriment of Celia Edith Ramos Durand. The Commission stated that these violations occurred as a consequence of Ms. Ramos' death as a result of the sterilization procedure to which she was subjected without her consent, as part of the National Program on Reproductive Health and Family Planning in 1997. The Commission alleges that this Program acted in a manner based on gender stereotypes. Consequently, the State failed to provide protection by allowing measures that discriminated against women in their sexual and reproductive rights. Furthermore, the Commission argues that the necessary requirements and conditions to obtain her free, prior, and informed consent were not met, and that the place where Ms. Ramos Durand was sterilized did not have the appropriate means to carry out the procedure safely. Also, it stated that the surgery practiced was aimed at the permanent loss of her reproductive capacity, which constituted an arbitrary interference in Ms. Ramos' private life. The Commission further argued that Ms. Ramos Durand was the victim of intersectional discrimination due to her gender and financial situation and that she was subjected to involuntary sterilization, which constituted an act of violence against this woman.

#### **7. Case of Melinho v. Brazil**

The Inter-American Commission submitted this case to the Court on June 7. It concerns the alleged international responsibility of Brazil for violations of the rights to health, personal integrity, private life, equality,

and non-discrimination of Luiza Melinho, in the context of the performance of “sexual affirmation” surgery. The Commission found that Luiza Melinho, a person who had sought medical treatment related to her gender identity since 1997, faced numerous obstacles and discrimination in gaining access to medical care. The Commission argued that the lack of access to adequate and timely medical treatment affected Melinho’s physical and mental health since she made three suicide attempts and suffered from depression, anxiety, and the mutilation of her scrotum. Despite legal efforts to obtain the necessary surgery, the courts initially rejected her case. Although a judicial ruling was eventually issued at the national level that recognized the right to gender affirmation surgery in the public health system, Melinho experienced prolonged delays in gaining access to the appropriate medical care, forcing her to seek treatment in the private sector.

## **8. Case of Félix Humberto Peralta Armijos v. Ecuador**

The Inter-American Commission submitted this case to the Court on June 9. It relates to the alleged international responsibility of Ecuador for the violation of the rights to judicial guarantees and judicial protection to the detriment of Félix Humberto Peralta Armijos. According to the Commission, this case concerns the judicial proceedings related to a request for promotion in the National Fisheries Institute of Ecuador (INP) in 1997 and the violations committed during administrative and judicial proceedings that resulted in Peralta’s dismissal from his position as officer in January 2005. Following his dismissal, Peralta filed an appeal before District Court No. 2 for contentious administrative matters, which ruled that his dismissal was unlawful and ordered his reinstatement. However, the court decided that the payment of unpaid salaries was not appropriate, due to the illegality of the dismissal, concluding that Peralta did not have access to an effective judicial remedy to obtain compensation for his unjustified dismissal.

## **9. Case of Ascencio Rosario et al. v. Mexico**

The Inter-American Commission submitted this case to the Court on June 12. It relates to the alleged international responsibility of Mexico for violations of the rights to life, health, personal integrity, honor, dignity, and the right of women to live free of violence to the detriment of Ernestina Ascencio Rosario, who was raped by police officers in 2007. In addition, Mexico was held responsible for violations of the rights to judicial guarantees, judicial protection, and equality by failing to prevent, punish, and eradicate violence against women. The Mexican State was also allegedly responsible for failing to investigate acts of torture. The Commission noted that the repeated rape caused intentional mistreatment, intense physical and mental suffering and that the situation was especially serious, given the number of attackers, the victim’s advanced age, and the fact that state agents were involved.

## **10. Case of Cley Mendes et al. v. Brazil**

The Inter-American Commission submitted this case to the Court on June 19. It relates to the State of Brazil’s alleged international responsibility for violations of the rights to personal integrity of the victim’s next of kin, judicial guarantees, rights of the child, and judicial protection to the detriment of the adolescents Max Cley Mendes, Marciley Roseval Melo Mendes and Luís Fábio Coutinho da Silva, who were murdered on December 13, 1994. The Commission stated that the alleged victims were threatened, beaten, and murdered by Military Police agents in the Tapanã neighborhood of the city of Belém, capital of the state of Pará. Subsequently, the Military Police opened an investigation into the facts. The Prosecutor’s Office brought charges against 21 agents for their participation in the operation that resulted in the death of the three adolescents. All the accused were acquitted by a popular jury due to insufficient evidence in the case. The Public Prosecutor’s Office did not file an appeal against the judgment of acquittal, which became final. Therefore, the Commission argued that the Brazilian State was responsible for the violation of the rights of the alleged victims, and their families.

### **11. Case of Bravo Garvich et al. (Workers Dismissed from the “Empresa Nacional de Puertos S.A.”) v. Peru**

The Inter-American Commission submitted this case to the Court on June 23. It relates to the alleged international responsibility of Peru for the violation of the rights to judicial guarantees, judicial protection, and the right to work to the detriment of Ernesto Yovera Álvarez, Gloria Cahua Ríos, and César Bravo Garvich. The Commission indicated that, in the 1990s, the Peruvian government issued regulations that allowed the dismissal of workers from the Empresa Nacional de Puertos S.A.- ENAPU (National Ports Company) including the alleged victims. Despite opposition from the Fentenapu Federation, the domestic courts rejected their claims, arguing that ENAPU had followed the legally established procedure. Subsequently, with the arrival of the transition government in the year 2000, legal changes were introduced that allowed a review of the collective dismissals. This led to the reinstatement of the three persons affected between 2003 and 2004.

### **12. Case of the Campesino Movement of Aguán v. Honduras**

The Inter-American Commission submitted this case to the Court on July 4. It concerns the alleged international responsibility of the Republic of Honduras for violations of the rights to life, personal integrity, personal liberty, freedom of expression, freedom of association, and private property to the detriment of members of the United Campesino Movement of Aguán (MUCA). According to the Commission, the 1962 Agrarian Reform Law of Honduras assigned lands in an irregular manner. This led to the formation of the MUCA in 2001 to reclaim those rights. The Commission argues that, as a consequence of MUCA's demands, the region experienced high levels of violence, with numerous deaths, threats, and evictions. Despite the creation of the Unit of Violent Deaths of Bajo Aguán (UMVIBA), the State did not provide adequate protection. Several violent evictions were carried out with support from the armed forces and the police. The Commission also alleged violations of the rights to judicial guarantees and judicial protection to the detriment of the rural communities in the Aguán region. The victims, in this case, belong to peasant populations in the area of Bajo Aguán in Honduras, who have faced a situation of violence and uncertainty with respect to their property and homes as a result of conflicts over land ownership.

### **13. Case of Gamboa García et al. v. Peru**

The Inter-American Commission submitted this case to the Court on July 6. It concerns the alleged international responsibility of the Peruvian State for the detention, torture, and rape of Georgina Gamboa García, a 17-year-old Quechua indigenous woman, by the Peruvian police on January 17, 1981, and the lack of due diligence in the investigation of the facts and the punishment of those responsible. It is alleged that the State is responsible for the violation of the right to personal integrity, personal liberty, judicial guarantees, privacy, and family life, the rights of the child, and the right to judicial protection to the detriment of the alleged victim and her family.

### **14. Case of the Community of Salango v. Ecuador**

The Inter-American Commission submitted this case to the Court on July 10. It relates to the alleged international responsibility of Ecuador for the violation of the right to legal personality, judicial guarantees, collective property, equality before the law, judicial protection, and cultural rights to the detriment of the Salango Community. The Commission argues that the State of Ecuador failed to ensure protection for the ancestral property of the Salango Community during a land sale and purchase process involving a foreign businessman between 2000 and 2002. It noted the lack of adequate regulation, which led to the initial registration of the community as a commune in 1979, instead of receiving constitutional protection for indigenous peoples. The Commission argued that the State should have ensured respect for the traditional systems of land transfer rights and that the registration of the territory in favor of a third party led to the privatization of ancestral roads,

affecting the community's traditional activities. It also alleged the violation of the right to judicial protection, since the authorities dismissed the claims as matters of "mere legality" and adopted an administrative silence without conducting the analysis required for processes linked to collective property.

### **15. Case of García Romero et al. v. Ecuador**

The Inter-American Commission submitted this case to the Court on July 10. It concerns the alleged international responsibility of the State of Ecuador for the violation of the rights to life, personal integrity, judicial guarantees, freedom of expression, the right of assembly, and judicial protection to the detriment of Julio García Romero. The Commission noted that on April 19, 2005, Mr. García attended a protest in Quito as part of his work as a photojournalist. The police had launched a brutal attack against the protesters and released large quantities of tear gas. This situation resulted in the suffocation and death of Mr. García. The Commission argued that Ecuador is responsible for his death and for the lack of a diligent and effective investigation of the facts. The case is framed in the context of an institutional crisis and the excessive use of force in the repression of the protests that took place in 2005. The Commission also determined that the absence of a legal framework to regulate the actions of the security forces during mass protests violates obligations in this regard.

### **16. Case of Ramírez Mejía et al. v. Peru**

The Inter-American Commission submitted this case to the Court on July 25. It concerns the alleged responsibility of the State of Peru for the violation of the right to life, personal integrity, judicial guarantees, and judicial protection in relation to the death and injuries of members of a peasant patrol (*ronda campesina*) in February 1992. The Commission stated that on February 3, 1992, a peasant patrol from the community of Challhuayaco, department of Ancash, arrested Román González Leyva and accused him of the crime of cattle-rustling, within the framework of the powers granted to them by law. Four days later, following a complaint by Mr. Gonzalez's family, police officers entered this community and took him away. On February 8, 1992, several people from the community, including members of the peasant patrol, went to the police station in the town of Chavón, where Mr. González was being held. According to the petitioners, they intended to request that he be judged according to the practices of the peasant patrols. However, after the community leader refused an invitation to enter the station to discuss the matter, the police agents used tear gas and fired shots causing the death of five people and injuring 22 others.

### **17. Case of Guevara Rodríguez et al. v. Venezuela**

The Inter-American Commission submitted this case to the Court on August 16. It concerns the alleged international responsibility of the Venezuelan State for the violation of the right to recognition of legal personality, personal integrity, personal liberty, judicial guarantees, and judicial protection to the detriment of Juan Bautista Guevara Rodríguez, Rolando Jesús Guevara Pérez, and Otoniel José Guevara Pérez. The Commission stated that this case related to the illegal and arbitrary detention of these individuals in November 2004, as well as acts of torture and lack of judicial guarantees. The Commission considers that the State is responsible for the violation of the right to personal liberty, stressing the illegal nature of their detention due to the lack of a warrant or flagrancy. It considered that the detentions were arbitrary since they were initially recorded, but the alleged victims were then taken to an unknown destination, where they were subjected to torture before being secretly freed without an order for release. Furthermore, the Commission argued that the victims were not informed of the reasons for their arrest nor brought before a competent judicial authority, adding that this situation constituted a forced disappearance during the period when their whereabouts were unknown. The victims also denounced acts of torture, such as beatings, suffocation, electrocution, threats, and isolation.

## 18. Case of Rondón Gallardo v. Venezuela

The Inter-American Commission submitted this case to the Court on August 23. It relates to the alleged international responsibility of the State of Venezuela for the violation of the rights to personal integrity, freedom of expression, movement, and residence, equality before the law, judicial guarantees, and judicial protection to the detriment of Jesús Rondón Gallardo. The Commission stated that Mr. Rondón is a human rights defender of the LGBTI community. On May 11 and 12, 2016, the alleged victim publicly denounced the lack of access to anti-retroviral medications for 30 people with HIV in Mérida, reported the lack of formula milk for the children of mothers with HIV, and a shortage of reagents for tests to monitor persons diagnosed HIV positive. As a consequence of these complaints, the alleged victim allegedly experienced numerous episodes of violence and threats by armed groups and was considered at risk because of his work as a human rights defender, a gay person, and with HIV. The Commission noted that these events occurred in the context of a wider pattern of violence against human rights defenders and the LGBTI population in Venezuela. Despite the fact that Rondón denounced the facts before the local authorities, the latter allegedly refused to process and record the complaints, suggesting that the State was aware of the risk to which he was exposed.

## 19. Case of Silva Reyes et al. v. Nicaragua

The Inter-American Commission submitted this case to the Court on August 31. It concerns the alleged international responsibility of the Republic of Nicaragua for the violation of the rights to legal personality, life, personal integrity, personal liberty, judicial guarantees, and judicial protection to the detriment of José Ramón Silva Reyes. The Commission states that Mr. Silva was a retired colonel of Nicaragua's National Guard. Following the triumph of the Sandinista Revolution on July 18, 1979, Mr. Silva and his family went to the Embassy of the Republic of Guatemala in Managua to request political asylum and protection. During his time in asylum, Mr. Silva repeatedly requested safe conduct, but this was not granted. On October 31, 1983, the Government of Nicaragua reported that Mr. Silva had escaped from the embassy, but in 1985 it was revealed that he had been captured along with other persons in asylum, and murdered by members of Department F-1 under specific orders. His family denounced his disappearance, torture, and execution, but were harassed by the Prosecutor's Office and had to flee Nicaragua due to death threats. The Commission affirms that Mr. Silva's disappearance constituted a forced disappearance and that the State failed to conduct the necessary investigations to determine the truth.

## 20. Case of Rojas Riega v. Venezuela

The Inter-American Commission submitted this case to the Court on September 8. It relates to the alleged international responsibility of the State of Venezuela for the violation of the rights to personal integrity, personal liberty, judicial guarantees, and the right to assembly and to judicial protection of Jorge Rojas Riera. The Commission affirms that Mr. Rojas was arrested on September 19, 2003, in Plaza Francia de Altamira, in the city of Caracas, by agents of the Directorate of Intelligence and Prevention Services during a peaceful protest and was taken to the Helicoide Detention Center. During his detention, he was interrogated about other people who had participated in the protest and suffered physical violence, as confirmed by the forensic doctor. In 2003, the judicial authority ordered the pretrial detention of Mr. Rojas, which was maintained until January 2004. On August 9, 2004, the court hearing his case convicted him and sentenced him to a prison term of four years, six months and fifteen days. Subsequently, the expiration of his criminal liability was declared in 2009.

## 21. Case of Cuadra Bravo v. Peru

The Inter-American Commission submitted this case to the Court on September 11. It relates to the alleged international responsibility of the State of Peru for the violation of the rights to judicial guarantees, judicial



protection, social security, personal integrity, and private property to the detriment of Eduardo Nicolás Cuadra Bravo. The Commission affirms that Mr. Cuadra began his job at the Banco de la Nación in 1979. In 1991, he was incorporated into the pension scheme in which he was granted 20 years, 5 months, and 28 days of service until November 1990. However, this decision was annulled in 1992 after the applicable pension system was questioned. From 1994 to 2003, Mr. Cuadra pursued several administrative and judicial procedures before the authorities demanding the payment of his pension benefits. In 2003, the 17th Special Civil Court of Lima accepted his claim and ordered the payment of severance benefits with legal interest. However, the dispute regarding the payment continued over time. Therefore, the Commission argues that Peru is responsible for failing to ensure compliance with judicial rulings that recognized Mr. Cuadra's right to receive a pension in accordance with the applicable pension regime, as well as the failure to take measures for their enforcement.

## **22. Case of Pérez et al. (Massacre of El Junquito) v. Venezuela**

On October 11, the Inter-American Commission submitted this case to the Court. It concerns the alleged responsibility of the Venezuelan State for the violation of the rights to life, personal integrity, judicial guarantees, freedom of conscience and religion, and judicial protection of Oscar Pérez and six others. According to the Commission, Mr. Pérez and the other victims were executed by agents of the State in 2018, in the so-called massacre of "El Junquito" village. The Commission held that Oscar Pérez, an active officer in the country's Scientific, Criminal, and Forensic Corps (CICPC), was a vocal critic of the government of Nicolás Maduro. He also demanded his resignation in a video published on YouTube. Subsequently, he founded the "Movimiento Equilibrio Nacional", a group critical of the government. As part of his activism, Pérez and other members of the movement stormed the barracks of the Bolivarian National Guard in San Pedro de los Altos and seized some weapons. Pérez described this action as "Operation Genesis" and justified it by citing the National Constitution. In response, Maduro ordered his forces to combat the "terrorist group" with lethal force. The security forces surrounded the house where Pérez and six other members of the movement were staying. Although they surrendered and indicated their willingness to negotiate, the authorities entered the house using heavy weapons and grenade launchers. None of the seven victims survived this operation.

## **23. Case of Fiallos Navarro v. Nicaragua**

The Inter-American Commission submitted this case to the Court on October 24. It relates to the alleged international responsibility of the Nicaraguan State for the violation of the rights to personal liberty, judicial guarantees, political rights, and judicial protection to the detriment of Alejandro Fiallos Navarro. The Commission noted that Mr. Fiallos held several public positions in Nicaragua during the government of Enrique Bolaños Geyer. In 2004, proceedings were initiated against him, and in August 2004 he was arrested and disqualified from office without Mr. Fiallos being aware of the conviction against him. The Commission considers that Mr. Fiallos' detention was illegal, since the judge ordered his arrest before notifying the conviction judgment of the first instance and without giving the defense an opportunity to appeal, in breach of domestic laws and procedures. Despite the defense's request for a personal bond, this was delayed for eight days, and culminated with an illegal detention. As for the judicial guarantees, the Commission noted irregularities in the proceedings, such as the violation of the right of defense and the principle of presumption of innocence. The Commission also considered that the judgments lacked sufficient grounds and gave weight to witness statements based on hearsay, without corroboration.



## **24. Case of Tenorio Morales et al. (“Ervin Abarca Jimenez” Union for Higher Education Professionals of the National Engineering University) v. Nicaragua**

The Inter-American Commission submitted this case to the Court on October 31. It relates to the alleged international responsibility of Nicaragua for the violation of the rights to freedom of association, trade union rights, collective bargaining, judicial guarantees, and judicial protection, to the detriment of 42 members of the “Ervin Abarca Jimenez” Union for Higher Education Professionals of the National Engineering University (SIPRES-UNI-ATD), established on February 17, 1993: According to the Commission, the union’s governing board, represented by Julio Canales, requested special audits from the National Engineering University on December 18, 2001: This request was denied, triggering a legal dispute and the formation of parallel governing boards. In spite of several judicial rulings in favor of the board represented by Julio Canales, in 2002, the university authorities refused to recognize it and did not execute any of the court rulings, thereby affecting the union’s financial situation. The Commission found that the failure to recognize the governing board presided by Julio Canales, as well as failure to comply with court rulings and to retain the quotas prevented union members from exercising their rights to freedom of association and trade union rights for more than 20 years. This situation affected both their individual and collective rights, preventing the free election and representation of union leaders.

## **25. Case of Lalinde et al. v. Colombia**

The Inter-American Commission submitted this case to the Court on November 6. It relates to the Colombian State’s alleged international responsibility for violations of the right to judicial guarantees and judicial protection for the situation of impunity regarding the detention and subsequent death of Luis Fernando Lalinde by state agents in 1984. Mr. Lalinde was detained and subsequently murdered with impunity by the Infantry Battalion of Ayacucho. His remains were buried without identification. Despite the investigations, the case was archived due to lack of evidence. In 2014, the Supreme Court ordered a review of the case file, but the investigation proceeded slowly and there was no trial. The family sought compensation for the detention and death of Lalinde, obtaining favorable rulings in 2000 and 2016, which awarded payment for moral and pecuniary damage. The Commission emphasized that the investigation by the military, which conducted most of the procedures, should have taken place in the ordinary courts. The Commission concluded that the State failed in its duty to ensure a proper investigation and that the 37-year delay also violated the rights of Lalinde’s family, affecting their mental and moral integrity, which was further aggravated by reprisals.

## **26. Case of Maleno v. Venezuela**

The Inter-American Commission submitted this case to the Court on November 8. It concerns the international responsibility of the State of Venezuela for the violations of judicial guarantees and judicial protection in the criminal proceedings against Dianora Maleno, and for subjecting her to inhuman conditions of detention and the rape she suffered while deprived of her liberty. The Commission affirmed that, in 2001, Ms. Maleno was arrested for the alleged homicide of her daughter, but was denied a psychiatric assessment requested by her defense attorney. As a consequence, she was sent to a detention center with serious problems of overcrowding and deficient infrastructure, where women faced risks of gender-based violence, including sexual violence. In 2002, she was the victim of a rape perpetrated by five inmates. Despite her complaint, she was transferred without adequate medical attention to another facility with equally precarious conditions. The Prosecutor’s Office opened an investigation into a reported simulation of a crime, but there is no information on its progress. In 2003, her pretrial detention was replaced with a precautionary measure, but the criminal process has remained inactive since 2007 without a first-instance judgment. The Commission concluded that the detention of Maleno was arbitrary and unjustifiably prolonged, without an adequate psychiatric evaluation. Moreover, her prison conditions were inhuman and degrading, constituting cruel and inhuman treatment, and the gang rape she suffered was considered torture. The State failed to take effective measures to protect her rights and to investigate the facts.

## **27. Case of Galdeano Ibáñez v. Nicaragua**

The Inter-American Commission submitted this case to the Court on November 9. It relates to the alleged responsibility of the State of Nicaragua for the lack of guarantees and due judicial protection in a criminal investigation to the detriment of José María Galdeano Ibáñez, a Spanish citizen. The Commission affirmed that Mr. Galdeano suffered physical injuries at the hands of Mark Anthony Andrews, a United States citizen, outside the Hotel Oasis in Granada, Nicaragua in January 2009. After filing a complaint, the National Police arrested Andrews who was then released despite the fact that Mr. Galdeano's injuries were confirmed. The Commission argued that the State of Nicaragua did not justify the factual and legal reasons for not bringing criminal charges in connection with the injuries suffered by Mr. Galdeano, and should therefore be declared responsible.

## **28. Case of the Garifuna Community of Cayos Cochinos and its Members v. Honduras**

The Inter-American Commission submitted this case to the Court on November 16. It relates to the alleged international responsibility of the State of Honduras for violations of the right to personal integrity, procedural guarantees, freedom of thought and expression, collective property, the right to participate in the conduct of public affairs, judicial protection, and cultural rights to the detriment of the Garifuna Community of Cayos Cochinos and its members. The Commission argued that the State's actions impeded the full titling of community lands between 2002 and 2005. The Commission further noted that in November 1993, the State declared Cayos Cochinos a protected area, without authorization from the community, imposing conservation measures and military surveillance that restrict its activities. In July 2003, the archipelago was designated a "Natural Marine Monument," without previously consulting the Garifuna Community, and its administration was entrusted to external entities. These measures imposed restrictions on fishing, which affected the community's subsistence and led to acts of harassment and violence against the Garifuna Community.

## **29. Case of Chavarría Morales et al. v. Nicaragua**

The Inter-American Commission submitted this case to the Court on November 17. It relates to the alleged international responsibility of the State of Nicaragua for the violations of the right to personal integrity, judicial guarantees, and judicial protection to the detriment of Chavarría Alonso's family, his wife, and children. The Commission stated that in 2008, Jaime Antonio Chavarría Morales, a candidate for councilor in Nicaragua, suffered physical violence and threats, together with his family, during the process of citizen verification for the municipal elections. The complaints filed before various electoral and police bodies, as well as the legal remedies, did not yield effective actions to protect his family or to investigate the facts. The Commission also indicated that the threats and the violence persisted, especially after Mr. Chavarría filed a petition before the Commission, forcing his son to seek refuge in the United States. The Commission determined that the State failed in its duty to protect the personal integrity of Chavarría and his family, emphasizing the State's failure to intervene to halt the acts of violence and effectively investigate the complaints.

## **30. Case of Navarro López v. Venezuela**

The Inter-American Commission submitted this case to the Court on November 17. It relates to the alleged international responsibility of the Venezuelan State for the violation of the rights to personal integrity, personal liberty, judicial guarantees, honor and dignity, freedom of movement and residence, and judicial protection to the detriment of Víctor Alfonso Navarro López, who was a human rights defender at the time of the events. The Commission states that in January 2018, Mr. Navarro, aged 22, who worked at the "Embajadores Comunitarios" foundation and the "Corazón Salvaje" project, was subject to criminal proceedings for his alleged participation

in public order offenses. The authorities presented a report that falsely linked the foundation with violent activities and recommended the control and neutralization of its members. Consequently, agents of the Bolivarian National Intelligence Service (SEBIN) entered his home without a warrant and illegally arrested him. He was taken to the Helicoide Detention Center, where he was beaten, threatened, and subjected to inhuman conditions, such as overcrowding, lack of access to ventilation, light, water, and adequate medical assistance. Mr. Navarro was released on June 2, 2018. On May 3, 2019, he crossed the border to Colombia, and on May 10, 2019, he entered Argentina where the National Commission for Refugees recognized his refugee status.

### **31. Case Zapata v. Colombia**

The Inter-American Commission submitted this case to the Court on December 16. It relates to the alleged international responsibility of Colombia for the violation of the rights to life, personal integrity, judicial guarantees, honor and dignity, freedom of thought and expression, freedom of association, freedom of movement and residence, and judicial protection to the detriment of Jesús Ramiro Zapata. The Commission considered that the State of Colombia was responsible for the murder of Mr. Zapata, a human rights defender in the municipality of Segovia, Department of Antioquia on May 3, 2000. The Commission noted that the facts of this case took place against a background of political violence resulting from the armed conflict in Colombia, which extended to the municipality of Segovia. Mr. Zapata was a teacher and a human rights defender. The Commission had already granted him precautionary measures in 1998, recognizing his situation of risk. However, he was murdered by individuals who identified themselves as members of the "Autodefensas Unidas de Colombia" (AUC). The Commission considers that the Colombian State failed in its duty to protect Mr. Zapata's human rights, and did not ensure a diligent investigation, given that this process took more than 19 years. Furthermore, the Commission argues that Mr. Zapata was subjected to judicial harassment and hostile situations that forced him into displacement, affecting his rights to personal integrity, honor, and dignity, and his freedom of expression, association, and movement.

### **32. Case of Graffe Henríquez v. Venezuela**

The Inter-American Commission submitted this case to the Court on December 20. It relates to the alleged international responsibility of the Venezuelan State for the violation of the rights to personal integrity, personal liberty, judicial guarantees, honor and dignity, freedom of expression, judicial protection, and health, to the detriment of Carlos Enrique Graffe Henríquez. The Commission argued that on June 7, 2017, Deputy Diosdado Cabello described Mr. Graffe as a "terrorist" responsible for certain acts of violence in the "La Isabelica" urbanization. Subsequently, on July 13, 2017, Mr. Graffe was arrested by state agents without a warrant and without being in flagrante delicto. He was charged with instigation of rebellion and theft of military property and subjected to a military judicial process. Finally, on November 15, 2021, a precautionary alternative measure of liberty with restrictions was imposed on him. Based on these facts, the Commission held that the detention of Mr. Graffe Henríquez was arbitrary and illegal and that the conditions of detention impacted his rights to personal integrity and health. The Commission also indicated that judicial guarantees and judicial protection were violated.

### **33. Case of Navarro Hevia v. Venezuela**

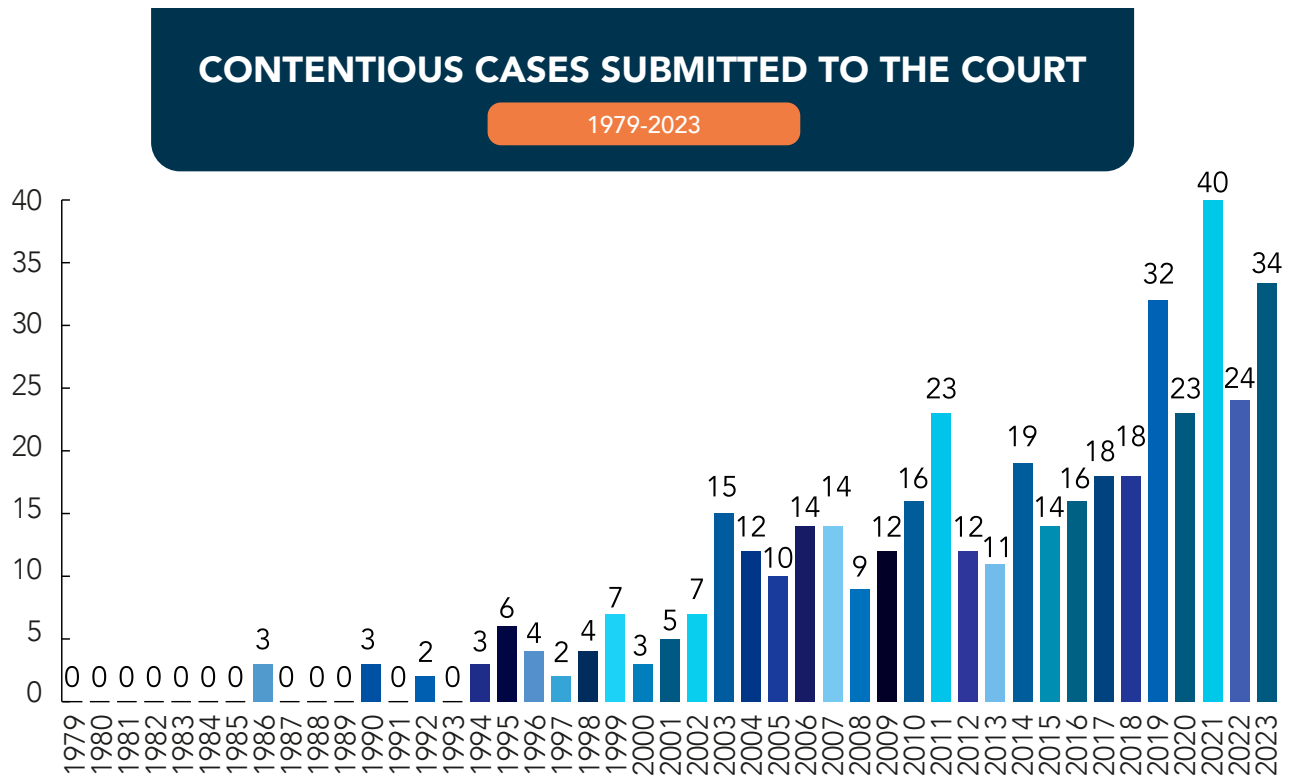
The Inter-American Commission submitted this case to the Court on December 26. It relates to the alleged international responsibility of the Venezuelan State for the violation of the rights to judicial guarantees, the principle of legality, freedom of thought and expression, judicial protection, and the right to work, to the detriment of José Antonio Navarro Hevia. The Commission indicated that Mr. Navarro was an official at the Venezuelan Ministry of Defense from 1978 until 2001. In January 2000, he faced an administrative investigation for denouncing acts of corruption within that institution. Consequently, he was rebuked, dismissed from his

position, and suspended with pay while investigations were carried out. Faced with these facts, the Commission argued that the State violated the principle of legality by applying a sanction arbitrarily. The Commission also noted irregularities in the implementation of the administrative process. Finally, the Commission argued a lack of reasonable time in as much as the organs of the Administration in Venezuela took nine years to issue a final decision.

### 34. Case of García Andrade et al. v. Mexico

The Inter-American Commission submitted this case to the Court on December 28. It relates to the alleged international responsibility of the Mexican State for the disappearance and subsequent discovery of the dead body of Lilia Alejandra García Andrade in 2001, in a context of violence against women in Ciudad Juárez, state of Chihuahua, and for the lack of due diligence in the investigation. The Commission stated that Lilia Alejandra García Andrade was 17 years old when she disappeared on February 14, 2001, after leaving her job in Ciudad Juárez. She had lived with Ricardo Barreto Aranda for approximately one year, with whom she had two children. Following her separation from Barreto Aranda, she lived with her mother, Norma Esther Andrade. The Commission argues that Mexico is internationally responsible for the violation of the rights to personal integrity, judicial guarantees, protection of the family, and judicial protection recognized in the American Convention, as well as the duty to punish and eradicate violence against women established in the Convention of Belém do Pará, to the detriment of Ms. Norma Andrade and the children of Lilia Alejandra García Andrade.

Further information on the contentious cases currently being processed is available [here](#)



As of December 31, 2023, 69 cases were pending a decision by the Court:

NO.	NAME OF THE CASE	COUNTRY	DATE SUBMITTED
1	Tagaeri and Taromenane Indigenous Peoples	Ecuador	30-09-2020
2	U'wa Indigenous People	Colombia	21-10-2020
3	Members of the Consolidated Workers' Union of ECASA–SUTECASA	Peru	16-11-2020
4	Active Memory Civil Association (victims and family members of the victims of the terrorist attack of July 18, 1994, on the headquarters of the Israeli-Argentine Mutual Association)	Argentina	25-03-2021
5	Yangali Iparraguirre	Peru	23-05-2021
6	Gadea Mantilla	Nicaragua	05-06-2021
7	Poggioli Pérez	Venezuela	18-06-2021
8	Dos Santos Nascimento and Ferreira Gomes	Brazil	29-07-2021
9	Aguas Acosta et al.	Ecuador	15-09-2021
10	Arboleda Gómez	Colombia	30-09-2021
11	Vega González et al.	Chile	22-11-2021
12	Da Silva et al.	Brazil	26-11-2021
13	Rama and Kriol Peoples, Monkey Point Community, and Black Creole Indigenous Community of Bluefields and their members	Nicaragua	26-11-2021
14	Adolescents held in short and long-term facilities run by the National Children's Service (SENAME)	Chile	17-12-2021
15	Beatriz et al.	El Salvador	05-01-2022
16	Quilombolas Communities of Alcántara	Brazil	05-01-2022
17	Aguirre Magaña	El Salvador	12-01-2022
18	González Méndez	Mexico	22-02-2022
19	Huilcaman Pailana et al.	Chile	27-02-2022

NO.	NAME OF THE CASE	COUNTRY	DATE SUBMITTED
20	Galetovic Sapunar	Chile	15-02-2022
21	Chirinos Salamanca et al.	Venezuela	16-02-2022
22	Carrión et al.	Nicaragua	22-02-2022
23	Hidalgo et al.	Ecuador	30-03-2022
24	Leite de Souza et al.	Brazil	22-04-2022
25	Capriles	Venezuela	28-04-2022
26	Revilla Soto	Venezuela	09-05-2022
27	Cuéllar Sandoval et al.	El Salvador	14-05-2022
28	Collen Leite et al.	Brazil	17-05-2022
29	Lares Rangel et al.	Venezuela	06-07-2022
30	Muniz Da Silva	Brazil	29-08-2022
31	Camejo Blanco	Venezuela	01-09-2022
32	Pérez Lucas et al.	Guatemala	26-09-2022
33	Ubaté et al.	Colombia	26-10-2022
34	Reyes Mantilla et al.	Ecuador	23-11-2022
35	Hernández Norambuena	Brazil	30-11-2022
36	Rodríguez Pighi	Peru	06-12-2022
37	Andina Neira et al.	Peru	13-01-2023
38	Manaure Flores et al.	Venezuela	29-03-2023
39	Gattass Sahih	Ecuador	20-05-2023
40	Lynn	Argentina	28-05-2023

NO.	NAME OF THE CASE	COUNTRY	DATE SUBMITTED
41	Ramos Durand et al.	Peru	05-06-2023
42	Luiza Melinho	Brazil	07-06-2023
43	Félix Humberto Peralta Armijos	Ecuador	09-06-2023
44	Ascencio Rosario et al.	Mexico	12-06-2023
45	Cley Mendes et al.	Brazil	19-06-2023
46	Bravo Garvich et al. (Dismissed Workers of the Empresa Nacional de Puertos S.A. ENAPU)	Peru	23-06-2023
47	Campesino Movements of Aguán	Honduras	04-07-2023
48	Gamboa García et al.	Peru	06-07-2023
49	Community of Salango	Ecuador	10-07-2023
50	García Romero et al.	Ecuador	10-07-2023
51	Ramírez Mejía et al.	Peru	25-07-2023
52	Guevara Rodríguez et al.	Venezuela	16-08-2023
53	Rondón Gallardo	Venezuela	23-08-2023
54	Silva Reyes et al.	Nicaragua	31-08-2023
55	Rojas Riera	Venezuela	08-09-2023
56	Cuadra Bravo	Peru	11-09-2023
57	Pérez et al. (Massacre of El Junquito)	Venezuela	11-10-2023
58	Fiallos Navarro	Nicaragua	24-09-2023
59	Tenorio Morales et al. (Union for Higher Education Professionals "Ervin Abarca Jimenez" of the National Engineering University)	Nicaragua	31-10-2023
60	Lalinde et al.	Colombia	06-11-2023
61	Maleno	Venezuela	08-11-2023



NO.	NAME OF THE CASE	COUNTRY	DATE SUBMITTED
62	Galdeano Ibáñez	Nicaragua	09-11-2023
63	Garifuna Community of Cayos Cochinos and its members	Honduras	16-11-2023
64	Chavarría Morales et al.	Nicaragua	17-11-2023
65	Navarro López	Venezuela	17-11-2023
66	Ramiro Zapata	Colombia	16-12-2023
67	Graffe Henríquez	Venezuela	20-12-2023
68	Navarro Hevia	Venezuela	26-12-2023
69	García Andrade	Mexico	28-12-2023

## B. | Hearings

In 2023, the Court held 24 public hearings and one (1) evidentiary procedure in contentious cases, as follows:

NO.	HEARING	MATTER	DATE
1	Case Baptiste et al. v. Haiti	Procedure	January 26, 2023
2	Case López Sosa v. Paraguay	Contentious case	January 27, 2023
3	Case of Guzmán Medina et al. v. Colombia	Contentious case	January 31, 2023
4	Case of Vega González et al. v. Chile	Contentious case	February 1, 2023
5	Case of Rama and Kriol Peoples et al. v. Nicaragua	Contentious case	February 2, 2023
6	Núñez Naranjo et al. v. Ecuador	Contentious case	February 3, 2023
7	Cajahuanca Vásquez v. Peru	Contentious case	February 6, 2023
8	Gutiérrez Navas et al. v. Honduras	Contentious case	February 6-7, 2023

NO.	HEARING	MATTER	DATE
9	Airton Honorato et al. v. Brazil	Contentious case	February 8-9 2023
10	Viteri Ungaretti et al. v. Ecuador	Contentious case	March 20, 2023
11	Rodríguez Pacheco et al. v. Venezuela	Contentious case	March 21, 2023
12	Beatriz et al. v. El Salvador	Contentious case	March 22-23, 2023
13	Bendezú Tuncar v. Peru.	Contentious case	April 21, 2023
14	Uwa Indigenous Peoples and their members v. Colombia	Contentious case	April 25-26, 2023
15	Quilombolas Communities Alcântara v. Brazil	Contentious case	April 26 – 27, 2023
16	Córdoba et al. v. Paraguay	Contentious case	April 28, 2023
17	Arboleda Gómez v. Colombia	Contentious case	May 19, 2023
18	González Méndez et al. v. Mexico	Contentious case	June 21, 2023
19	Dos Santos Nascimento et al. v. Brazil	Contentious case	June 28-29, 2023
20	Members of ECASA -SUTECASA Workers' Union v. Peru	Contentious case	June 27-28, 2023
21	Yangali Iparraguirre v. Peru	Contentious case	August 31, 2023
22	Leite Souza v. Brazil	Contentious case	October 12, 2023
23	Pérez Lucas et al. v. Guatemala	Contentious case	October 11, 2023
24	Huilcaman Paillama v. Chile	Contentious case	October 10, 2023
25	Cuéllar Sandoval et al. v. El Salvador	Contentious case	November 22, 2023

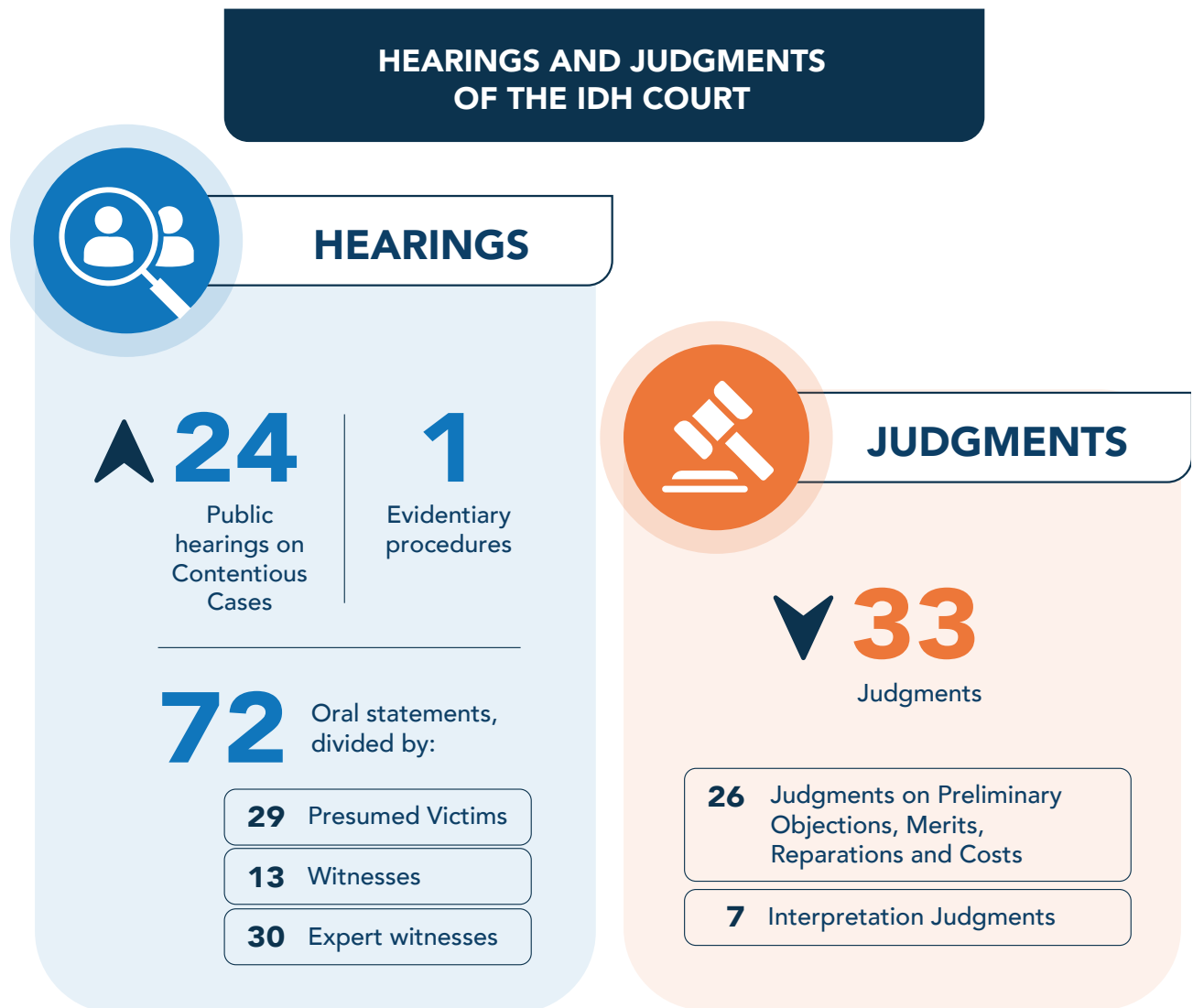
The hearings were transmitted on different social networks: [Facebook](#), [X](#) (@CorteIDH for the account in Spanish and @IACourtHR for the account in English) [YouTube](#), [LinkedIn](#), and [Corte IDH TV](#).

These can be accessed [here](#).

## C. | Judgments

During 2023, the Court issued a total of 33 judgments, of which 26 were judgments on preliminary objections, merits, reparations, and costs, and 7 were interpretation judgments.

All the judgments can be found on the Court's website [here](#).



## C.1. Judgments in Contentious Cases

### 1. Case of *García Rodríguez et al. v. Mexico. Preliminary objections, merits, reparations and costs. Judgment of January 25, 2023*

- ▶ **Summary:** The Inter-American Commission submitted this case on May 6, 2021. It was related to the analysis of two legal concepts regulated under Mexican law: arraigo and official preventive detention in the context of the arrest and imprisonment of Daniel García and Reyes Alpízar. On February 25, 2002, Daniel García was arrested in Mexico City and taken to make a statement before the Public Prosecutor's Office regarding the homicide of the mayor of the municipality of Atizapán de Zaragoza, María de los Ángeles Tamés Pérez, on September 5, 2001. Mr. García was questioned and a measure of arraigo was ordered against him on the same day of his arrest. The arraigo measure involved his confinement for 47 days until the formal order of imprisonment (auto formal de prisión) was issued on April 16, 2002. In addition, on October 25, 2002, Reyes Alpízar was also linked to the homicide of the mayor of Atizapán and was arrested after being asked for identification by police and trying to escape. That same day he was questioned and a measure of arraigo was ordered against him, which lasted for 34 days until the formal order of imprisonment was issued for the crimes of aggravated homicide, bribery, and organized crime, on November 30, 2002. Both men were held in pretrial detention for more than 17 years. On August 23, 2019, they were released but remained subject to the tracking and localization system. On May 12, 2022, the judgment was issued in which they were convicted of the crime of homicide and were sentenced to 35 years in prison. Daniel García and Reyes Alpízar reported having been subjected to severe mistreatment during the period of arraigo to obtain their confessions in relation to the murder of mayor María de los Ángeles Tamés Pérez. In the process, the State of Mexico acknowledged responsibility for the described events.
- ▶ **Ruling:** On January 25, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of the State of Mexico for the violation of the rights to personal integrity, personal liberty, judicial guarantees, equality before the law, and judicial protection, contained in Articles 5, 7, 8, 24 and 25 of the American Convention on Human Rights, in relation to the obligations to respect and adopt provisions of domestic law contained in Articles 1(1) and 2 of the same instrument, as well as of Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture. These violations of the Convention were committed to the detriment of Daniel García Rodríguez and Reyes Alpízar Ortiz, and occurred during their arrest, detention, and deprivation of liberty, as well as during the criminal proceedings to which they were subjected, the measure of arraigo imposed on them, and the period during which they were held in pretrial detention which lasted for more than 17 years. The facts of the case began on February 25, 2002, and continued until 2023.

The judgment can be found [here](#) and the official summary [here](#) (only in Spanish).

### 2. Case of *Aguinaga Aillón v. Ecuador. Merits, reparations, and costs. Judgment of January 30, 2023*

- ▶ **Summary:** The Inter-American Commission submitted this case on May 20, 2021. It was related to the dismissals of members of the Constitutional Court, the Supreme Electoral Tribunal, and the Supreme Court of Ecuador, which occurred in November and December of 2004. The Court has already addressed these dismissals in the cases of *The Supreme Court of Justice (Quintana Coello et al.) v. Ecuador* and *The Constitutional Court (Camba Campos et al.) v. Ecuador*. The dismissals were conducted by the National Congress over the course of 14 days in an atmosphere of political instability. This case focused on the dismissal of one of the members of the Supreme Electoral Tribunal (TSE) on November 25, 2004, through Resolution 25-160 issued by the National Congress. In this resolution, the Congress indicated that members of the Supreme Electoral Tribunal were being dismissed "because they were appointed without consideration for the provisions of Article 209 of the Constitution of

Ecuador, regarding the means of appointment, and to proceed to appoint members pursuant to this constitutional text, based on the outcome of the October 20, 2002, elections.” Mr. Aguinaga was a member of the TSE and therefore was dismissed by the aforementioned resolution. On November 26, 2004, the Congress appointed new principal and alternate members of the Supreme Electoral Tribunal.

On December 2, 2004, the Constitutional Court, made up of the regular members appointed after the Congress adopted Resolution 25-160, issued a ruling on December 2, 2004, in response to a request from the President “to prevent trial judges from admitting constitutional motions against Congressional Resolution 25-160, adopted by the National Congress on November 25, 2004.” The ruling established that “the only admissible action to suspend the effects of a congressional resolution, including No. 25-160 adopted by the National Congress on November 25, 2004, for the alleged violation of the Constitution, in substance or in form, is a motion of unconstitutionality that must be filed before the Constitutional Court [...], and if any such constitutional remedy against this resolution should be filed in the country’s lower courts, it must be rejected outright by the judges and not admitted, because otherwise they would be hearing a case contrary to an explicit law and this would be liable to judicial action.” By virtue of the Constitutional Court’s decision, Mr. Aguinaga Aillón did not lodge a constitutional motion.

- ▶ **Ruling:** On January 30, the Inter-American Court of Human Rights delivered its judgment which declared the international responsibility of the State of Ecuador for the violation of several rights to the detriment of Carlos Julio Aguinaga Aillón. In particular, the Court found that Mr. Aguinaga was dismissed from his position as a member of the Supreme Electoral Tribunal through Congressional Resolution 25-160 and that the Constitutional Court of Ecuador issued a ruling that prevented its judges from admitting constitutional motions against Resolution 25-160. The Court considered that the Congress acted beyond its powers by dismissing Mr. Aguinaga Aillón and that the ruling of the Constitutional Court restricted his possibility of obtaining a judicial remedy for the protection of his rights. Thus, the Court concluded that the dismissal was carried out in violation of his judicial guarantees, judicial independence, political rights, the right to work, and the right to judicial protection, to the detriment of Mr. Aguinaga Aillón. Consequently, and given the State’s partial acknowledgment of responsibility, the Court concluded that the State is responsible for the violation of Articles 8(1), 8(2), 23, 25, and 26 of the American Convention on Human Rights, in relation to Articles 1(1) and 2 of the same instrument.

The judgment can be found [here](#) and the official summary [here](#) (only in Spanish).

### 3. Case of *Olivera Fuentes v. Peru*. Preliminary objections, merits, reparations and costs. Judgment of February 4, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case on June 4, 2021. It was related to the events that occurred on August 11, 2004, when Crissthian Manuel Olivera Fuentes and his same-sex romantic partner were in a cafeteria located inside the Supermercado Santa Isabel de San Miguel, in Lima. During his visit to the commercial establishment, Mr. Olivera and his partner engaged in displays of affection. A customer at the establishment made a complaint to the supermarket manager, saying he felt “uncomfortable and annoyed” by the “attitude” of Mr. Olivera and his partner. As a result of this complaint, the store manager, together with members of the security staff, approached the couple and asked them to “cease their amorous scenes out of respect for the other customers,” since one of them was complaining because “there were children passing nearby for the games.” The store manager told them that they had to buy items from the cafeteria and refrain from their affectionate behavior so as not to disturb the clientele, or else they had to leave the establishment. Mr. Olivera voiced his disagreement with what he considered to be “discriminatory treatment,” pointing out that, unlike heterosexual couples, homosexual couples could not display affection in the establishment.

- ▶ **Ruling:** On February 4, the Inter-American Court of Human Rights delivered its judgment which declared the international responsibility of the State of Peru for the violation of the rights to personal liberty, judicial guarantees, private life, equality before the law, and judicial protection to the detriment of Mr. Olivera Fuentes, due to the administrative and judicial responses of the national authorities to his complaint alleging that on August 11, 2004, he suffered discrimination in the cafeteria of a supermarket because of his sexual orientation.

The judgment can be found [here](#) the official summary [here](#) (only in Spanish).

#### 4. Case of Hendrix v. Guatemala. Merits. Judgment of March 7, 2023

Summary: The Inter-American Commission submitted this case on November 25, 2020. It was related to the refusal by the Lawyers' Association of Guatemala to allow Steven Edward Hendrix, a national of the United States, to exercise his profession as a notary. Mr. Hendrix obtained a juris doctorate degree from the University of Wisconsin-Madison in the United States of America in 1987. Subsequently, on September 19, 1997, Mr. Hendrix submitted a request for recognition of his juris doctorate degree issued by the University of Wisconsin-Madison (USA) to the Universidad de San Carlos de Guatemala (USAC). On November 17, 1997, the Board of the USAC Faculty of Legal and Social Sciences admitted his request, and, on March 30, 1998, he was declared a member of the Faculty of Legal and Social Sciences and awarded the title of Doctor in Legal and Social Sciences. On August 17, 1998, the Board of the USAC School of Legal and Social Sciences authorized Mr. Hendrix to carry out legal practice so that he could continue with the necessary procedures to take the Technical Professional Examination. On September 18, 2000, the USAC awarded Mr. Hendrix the title of Doctor in Legal and Social Sciences with the titles of Attorney and Notary", since he had complied with the legal requirements of the documentation and incorporation.

On November 22, 2000, Mr. Hendrix filed a request to register as an attorney and notary with the Professional Association of Lawyers and Notaries of Guatemala (CANG). However, on February 6, 2001, its governing board decided only to register him and swear him in as a lawyer, since domestic legislation establishes that all notaries must be Guatemalan by birth. Mr. Hendrix initiated various administrative and judicial procedures to appeal this decision. On April 21, 2004, the Constitutional Court declared the appeal admissible, revoked the judgment, and declared that Mr. Hendrix should be authorized to exercise the profession of notary, on condition that he obtain Guatemalan nationality.

- ▶ **Ruling:** On March 7, the Inter-American Court of Human Rights delivered a judgment in which it found that the State is not internationally responsible for the violation of the rights to equality before the law and to judicial protection, contained in Articles 24 and 25(1) of the American Convention on Human Rights, in relation to Articles 1(1) and 2 of the same instrument, to the detriment of Mr. Steven Edward Hendrix.

The judgment can be found [here](#) and the official summary [here](#) (only in Spanish).

#### 5. Case of Scot Cochran v. Costa Rica. Preliminary objections and merits. Judgment of March 10, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on June 6, 2021. It relates to the arrest of Thomas Scot Cochran in 2003. On the afternoon of January 20, 2003, at the request of the Public Prosecution Service Office, the Special Criminal Court of San José ordered the pretrial detention of Scot Cochran for six months. On August 17, 2004, the Criminal Trial Court of the First Judicial Circuit of San José declared with the unanimous vote of its three judges, in judgment No.851-04, that Scot Cochran was responsible for the crimes of: "violation of the Law on Narcotics, Psychotropic Substances, Drugs of Unauthorized Use, and Related Activities, by supplying drugs to minors, to the detriment of public health [...]; fabrication or production of pornography, and dissemination of

pornography, both committed to the detriment of [a number of minors][. . .]; paid sexual relations with minors, and corruption,” all these crimes committed cumulatively (en concurso material). Consequently, the accused was sentenced to 154 years’ imprisonment which, under the rules for cumulative crimes established in Article 22 of the Costa Rican Criminal Code, was reduced to 45 years’ imprisonment.

- ▶ **Ruling:** On March 10, the Inter-American Court of Human Rights delivered its judgment which declared that the Republic of Costa Rica was not internationally responsible for the violation of the rights to personal liberty and judicial guarantees, specifically the right to information and effective access to consular assistance and the guarantee of an impartial judge, as well as the right to appeal a ruling before a higher judge or court, recognized in Articles 7(4), 8(1), 8(2) and 8(2)(h) of the American Convention on Human Rights, in relation to Article 1(1) of the same instrument, to the detriment of Thomas Scot Cochran.

The judgment can be found [here](#) (only in Spanish) and the official summary [here](#) (only in Spanish).

## 6. Case of *Álvarez v. Argentina. Preliminary objection, merits, and reparations. Judgment of March 24, 2023*

- ▶ **Summary:** The Inter-American Commission submitted this case on March 27, 2021. It relates to the trial conducted against Mr. Álvarez and another person for various crimes in which irregularities were allegedly committed. This included a decision by the Oral Juvenile Court (Tribunal Oral de Menores-TOM) of October 12, 1999, not to grant the accused a term to appoint as defense counsel an attorney of his own choosing, due to the revoking of the power granted to the person that was representing him in the processing of the case. Rather, it decided that he would be represented by the official public defender who was helping another person jointly accused in the proceedings. In addition, Mr. Álvarez was handcuffed throughout the duration of the oral trial, and the court denied his defense attorney’s request to extend the suspension of the trial in order to prepare an appropriate defense strategy, and rejected an appeal against this decision. For this reason, Mr. Alvarez decided not to testify and stated his intention to appeal in cassation, since he could not choose a defense counsel he trusted. On October 13, 18, 19, and 25, 1999, the witnesses testified in the absence of the defendants, at their request. On October 28, 1999, the TOM issued a judgment by which it sentenced Mr. Alvarez to life imprisonment plus the accessory penalty of imprisonment for an indeterminate period of time to be served, legal accessories, and costs. Argentina acknowledged its responsibility for the facts related to the restraining measures (handcuffs) imposed on Mr. Álvarez during the oral proceedings, as well as for the inaction of the defense and the inadequate substantiation of the appeals filed, and the lack of action by the courts to remedy the deficiencies of the defense.
- ▶ **Ruling:** On March 24, the Inter-American Court of Human Rights delivered a judgment in which it declared Argentina internationally responsible for the violation of the rights to judicial guarantees and judicial protection to the detriment of Guillermo Antonio Álvarez, in the context of a criminal trial followed against him before the Oral Juvenile Court No. 1. The Court declared that Argentina is responsible for the violation of Articles 8(1), 8(2) (c), 8(2) (d), 8(2) (e), 8(2) (f) and 25(1) of the American Convention on Human Rights, in relation to Article 1(1) of the same instrument. It also declared the State responsible for the violation of Article 8(2) (h) of the Convention, in relation to Articles 1(1) and 2 thereof.

The judgment can be found [here](#) (only in Spanish) and the official summary [here](#) (only in Spanish).

## 7. Case of the *Maya Q’eqchi Agua Caliente Indigenous Community v. Guatemala. Merits, reparations, and costs. Judgment of May 16, 2023*

- ▶ **Summary:** The Inter-American Commission submitted this case on August 7, 2020. It was related to the State’s alleged failure to recognize the collective property rights of the Maya Q’eqchi’ Community of Agua Caliente to ancestral lands known as “Lot 9,” located in El Estor, Department of Izabal. Over time,



the community's traditional lands were designated as "Lot 9" and handed over to private individuals for agricultural activities. Despite having met the land titling requirements in 2002, the Community faced administrative obstacles to obtaining the title deed and transferring ownership. In parallel, the mining company Exploraciones y explotaciones mineras Izabal, Sociedad Anónima" was granted a license for mining exploration in 2004, without prior consultation, directly affecting the community's lands. Furthermore, between 2006 and 2019, there were reports of violence, attacks, harassment, and threats, as well as evictions in communities near Agua Caliente.

- ▶ **Ruling:** On May 16, the Inter-American Court of Human Rights issued a judgment in which it declared the international responsibility of the State of Guatemala for its failure to ensure the proper delimitation, demarcation, and titling of the communal territory of the Maya Q'eqchi' Agua Caliente indigenous community known as "Lot 9." It also determined that the State did not engage in a prior and informed consultation of the Community regarding a mining project that affected their territory. Lastly, the Court established that various acts of violence, threats, and harassment related to the territorial conflict adversely affected the communal life and moral integrity of all members of the Community. Consequently, it found that Guatemala violated the rights to the acknowledgment of legal personality, personal integrity, judicial guarantees, property, access to information, political rights, and the right to judicial protection to the detriment of the entire Community. It also found that failure to acknowledge collective property and to ensure prior consultation were linked to shortcomings in domestic law. The State's conduct prior to June 2020, in relation to the consultation on mining activities, was also considered discriminatory.

The judgment can be found [here](#) and the official summary [here](#) (only in Spanish).

## 8. Case of López Sosa v. Paraguay. Merits, reparations, and costs. Judgment of May 17, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on November 20, 2021. It was related to the detention of Jorge Luis López Sosa during the coup d'état in Paraguay in May 2000. Mr. López Sosa, a junior officer of the National Police at the time of the events, was summoned by his superior and taken to the Metropolitan Police Station 11, where he was disarmed, bound, blindfolded, and beaten. He was interrogated on his alleged participation in the attempted coup d'état. He was then transferred to the Specialized Group of the National Police and held in precarious conditions. On May 21, he was taken to the Marine Infantry barracks, where he was again blindfolded and interrogated in the presence of the Interior Minister, W.B.

Mr. López Sosa was subjected to a police disciplinary procedure and a criminal proceeding for his alleged participation in the attempted coup d'état. Regarding the police disciplinary proceeding, in a ruling issued on June 19, 2000, the Fourth Instruction Court described the "offense" committed by Mr. López Sosa as "serious" and imposed an administrative sanction on him, along with other officers, dismissing him from the service. Subsequently, by Presidential Decree No. 9249 of July 20, 2000, Mr. López Sosa was discharged for "serious misconduct committed in the performance of his duties." With regard to the criminal proceeding, Mr. López Sosa was held in preventive detention until December 14 of the same year, when this measure was replaced by house arrest. On May 28, 2003, the Criminal Court of Asunción declared the expiration of the criminal action against Mr. López Sosa and ordered the definitive dismissal of the case. On December 12, 2003, the victim was reinstated in the National Police with the rank of Inspector Officer, the same rank he held prior to his discharge.

- ▶ **Ruling:** On May 17, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of the State of Paraguay for the torture to which Mr. Jorge Luis López Sosa was subjected on May 19, 2000, when he worked as a police inspector - and the consequent violation of his rights to personal integrity, personal liberty, judicial guarantees, and judicial protection.

The judgment can be found [here](#) and the official summary [here](#) (only in Spanish).

## 9. Case of Boleso v. Argentina. Preliminary objections, merits, reparations and costs. Judgment of May 22, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case on September 21, 2021. It was related to the delay by the State of Argentina in complying with the decision of an appeal related to the remuneration of Mr. Héctor Hugo Boleso, a labor judge of the First Trial Court of the province of Corrientes. On February 21, 1990, Mr. Boleso filed an appeal against the province of Corrientes alleging infringement of the inviolability of his remuneration as a judge, following a decrease in his remuneration as a result of hyperinflation. In August 1992, a second instance decision admitted his appeal. The province of Corrientes then filed an extraordinary federal appeal against that decision, which was rejected in August 1997. However, when Mr. Boleso sought the enforcement of the Amparo ruling, the Superior Court of Justice of Corrientes informed him that the decision was merely “declaratory” and that there was no payment order. After filing several motions, the Supreme Court of Justice, issued a decision in August 2003 ordering the invalidation of the judgment that affirmed the declaratory nature of the Amparo, and ordering a new ruling in accordance with what had been decided in the original judgment. In June 2004, the Superior Court of Justice of Corrientes issued a new ruling ordering the payment of the amount owed, which occurred in March 2011, in accordance with the settlement agreed by Mr. Boleso.
- ▶ **Ruling:** On May 22, the Inter-American Court of Human Rights delivered a judgment in which it declared Argentina responsible for the violation of the rights, guarantees, and judicial protections enshrined in Articles 8(1) and 25(1) of the American Convention on Human Rights, in relation to the obligation to respect and guarantee rights, contained in Article 1(1) of the same instrument, to the detriment of Mr. Boleso.

The judgment can be found [here](#) and the official summary [here](#) (only in Spanish).

## 10. Case of Tabares Toro et al. v. Colombia. Merits, reparations, and costs. Judgment of May 23, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on May 25, 2021. It was related to the disappearance of Oscar Iván Tabares Toro on December 28, 1997. Mr. Tabares, a soldier of the Colombian National Army, disappeared after an incident in which gunshots and an explosion were heard during a military camp. Despite his mother’s efforts to find him, military authorities gave contradictory versions of his whereabouts. Internal investigations and judicial proceedings were initiated, but at the date of issuance of the judgment, no information emerged about his fate or whereabouts of his remains. The judicial proceedings included a military investigation that concluded with an acquittal, a complaint before the Human Rights Office of the Departmental Attorney General’s Office, and complaints before the ordinary criminal justice system. Despite these efforts, the judicial processes were hampered by delays, changes in the assignment of the case, and a lack of due diligence in the investigation. Although inspections were carried out at the scene of the incident, the criminal proceedings are still in the investigation stage.

The search for information on the whereabouts of Oscar Tabares led his mother to leave their home for long periods of time, leaving his younger sisters in the care of the older sister. The family also suffered threats and harassment, which forced them to change residence several times and caused them economic hardship. In 2022, the mother and sister of Oscar Tabares, along with other family members, were forced to leave Colombia for exile due to these circumstances.

- ▶ **Ruling:** On May 23, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of the Colombian State for the forced disappearance of the soldier Oscar Iván Tabares Toro, as well as for the violation of the rights to judicial guarantees and judicial

protection, to the detriment of Mr. Tabares Toro and his family. In addition, the Court declared the violation of the following rights: to know the truth, personal integrity, protection of honor, protection of the family, and the rights of the child, to the detriment of his next of kin. It should be noted that Colombia acknowledged its international responsibility with respect to the violations of the following rights: the rights to juridical personality, life, personal integrity, and personal liberty, for the forced disappearance of Oscar Iván Tabares Toro; the rights to judicial guarantees and judicial protection; and the rights to personal integrity, protection of honor and dignity and protection of the family, due to the State's lack of response to Oscar Tabares' family in their efforts to obtain justice, their displacement and the stigmatization they suffered as a result of these events.

The judgment can be found [here](#) (only in Spanish) and the official summary [here](#) (only in Spanish).

## 11. Case of Núñez Naranjo et al. v. Ecuador. Merits, reparations, and costs. Judgment of May 23, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on July 10, 2021. It was related to the disappearance of Fredy Núñez Naranjo. On July 15, 2001, Fredy Núñez Naranjo was arrested and taken to the police station in the canton of Quero (Tungurahua province) due to his involvement in a quarrel with Mr. OM. Approximately one hour later, a group of around 400 people from the communities of Puñachizag and Shaushi arrived at the police station, released OM and took as hostages Fredy Núñez Naranjo, his mother, Gregoria Naranjo and his sister, Marcia Núñez Naranjo. There is no record that the police officers who were present took any action to prevent the kidnapping of members of the Núñez Naranjo family, who were taken to the community of Puñachizag, where they were subjected to physical violence. Subsequently, Gregoria Naranjo and Marcia Núñez Naranjo were driven to the village of Shaushi where they were released, while Fredy Núñez Naranjo was forced into a vehicle and taken to "an unknown destination." Since then his whereabouts remain unknown.

Following Mr. Núñez Naranjo's disappearance, an investigation was initiated, including a preliminary inquiry, and charges were brought against seven individuals for the crime of abduction. However, the pretrial detention of the accused was revoked and the case was provisionally filed due to lack of evidence. For more than 13 years no new procedures were carried out, until April 2018, when an investigation was opened into the forced disappearance and alleged torture of Fredy's mother and sister. These investigations are currently at the preliminary stage.

- ▶ **Ruling:** On May 23, the Inter-American Court of Human Rights issued a judgment in which it declared the international responsibility of the State of Ecuador for the forced disappearance of Fredy Núñez Naranjo, for the violation of his and his family's rights to judicial guarantees and judicial protection owing to the failure to conduct an immediate search and to investigate and punish those responsible. In addition, the Court declared the violation of the rights to know the truth and to personal integrity of Mr. Núñez Naranjo's next of kin. The Court also declared the violation of the rights to judicial guarantees and judicial protection of the mother and one of the sisters of Fredy Núñez Naranjo due to the lack of a timely investigation into the injuries they allegedly suffered. Although the State disputed that a forced disappearance had occurred, it acknowledged its international responsibility for the violation of the rights to judicial guarantees and judicial protection, owing to the inadequate investigation into the kidnapping of Fredy Núñez Naranjo.

The judgment can be found [here](#) (only in Spanish) and the official summary [here](#) (only in Spanish).

## 12. Case of Meza v. Ecuador. Preliminary objection, merits, reparations, and costs. Judgment of June 14, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case on September 9, 2021. It was related to the human rights violations arising from the failure to comply with a domestic ruling ordering the

Sport Emelec Football Club to pay salaries and financial compensation to the Argentine football player, Juan José Meza. On November 19, 1991, Mr. Meza filed a labor complaint against Sport Emelec Club due to an unjustified layoff. When this was rejected, he filed an appeal in relation to payment of the amounts owed, including the bonus established in his contract. This appeal was admitted, and the ruling was referred to the Fourth Labor Court of Guayas for execution. However, following several challenges and modifications in the calculation of the sums to be paid, the case was closed on May 28, 2007.

- ▶ **Ruling:** On June 14, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of the State of Ecuador for failure to ensure a reasonable time in the process of executing the judgment ordering the Sport Emelec Football Club to pay salaries and compensation to the football player Juan José Meza. Accordingly, the Court determined that Ecuador violated the rights to judicial guarantees and judicial protection, recognized in Articles 8(1) and 25(2) (c) of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of Mr. Meza.

The judgment can be found [here](#) (only in Spanish) and the official summary [here](#) (only in Spanish).

### 13. Case of María et al. v. Argentina. Merits, reparations, and costs. Judgment of August 22, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on April 25, 2022. It was related to the facts surrounding Maria's pregnancy and the subsequent placement for adoption of her child. On May 30, 2014, 12-year-old Maria was diagnosed with a pregnancy of 28 weeks gestation. She lived with her mother in a situation of poverty and family violence. María was admitted to a public maternity clinic, where the staff pressured her to give up her unborn child for adoption. On July 23, 2014, María and her mother signed a document without legal representation in which they agreed to hand over the newborn child in pre-adoptive guardianship and subsequent adoption. On August 1, 2014, the Provincial Ombudswoman for Children and Adolescents initiated the adoption procedure, characterized by several irregularities, and the Family Court judge issued a simple unreasoned order to hand over the newborn child to a married couple called López. On August 23, 2014, Mariano was born in the public maternity clinic. María was deprived of basic care during the three days she spent at the clinic, and was only allowed to receive visits from her mother; other family members were prevented from visiting her. Maria expressed her desire not to give her son up for adoption to various judicial, social work, and mental health officials. It was not until April 1, 2016, that a contact regime was established between Maria and Mariano, which was notable for its rigidity and the existence of multiple obstacles. Maria and her mother filed several appeals against the decisions of the authorities with the aim of recovering Mariano. At the time of the deliberation of the judgment, all appeals had been rejected except for the complaint, which was still pending resolution.
- ▶ **Ruling:** On August 22, the Inter-American Court of Human Rights delivered a judgment declaring the international responsibility of the State of Argentina for the violation of several rights in the context of an administrative and judicial process that resulted in the separation of the child Mariano from his mother María, 13 years old at the time of his birth, and his placement with a family other than his biological family for more than eight years and up to the present. The Court declared the violation of the rights to family life, protection of the family, judicial guarantees, and judicial protection to the detriment of María, her mother, and Mariano. In addition, it declared the violation of the rights of the child to the detriment of María and Mariano. Furthermore, it considered that the State also violated the rights to personal integrity, equality and to live a life free from violence to the detriment of María and Mariano's right to identity.

The judgment can be found [here](#) (only in Spanish) and the official summary [here](#) (only in Spanish).

#### 14. Case of Guzmán Medina et al. v. Colombia. Merits, reparations, and costs. Judgment of August 23, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on September 5, 2021. It was related to the forced disappearance of Arles Edison Guzmán Medina in Medellín, Colombia, on November 30, 2002. In 2002, the Colombian State conducted “Operation Orion” which resulted in forced disappearances, arbitrary detentions, murders, attacks, death threats, and displacements. At the time of the events, Arles Edison was 29 years old, married, and lived with Luz Enith Franco Noreña. He was abducted by two men dressed as civilians who arrived in a taxi at the place where he was working. Several proceedings were initiated in the domestic jurisdiction to investigate the events of November 30, 2002. However, in 2004, the authorities decided to suspend and archive the investigation due to the long period that had elapsed without identifying those responsible. In 2005, this suspension was revoked. At the date of the issuance of the judgment the investigation was ongoing and Mr. Guzmán’s whereabouts remained unknown.
- ▶ **Ruling:** On May 23, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of Colombia for the forced disappearance of Arles Edison Guzmán Medina, and for the violation of the rights to judicial guarantees and judicial protection, to the detriment of Mr. Guzmán Medina and his next of kin. The Court also declared the violation of the right to know the truth, to personal integrity, and to the protection of the family, to the detriment of his family members. The State of Colombia acknowledged its international responsibility for the violation of the following rights: recognition of legal personality, life, personal integrity and personal liberty, judicial guarantees, judicial protection, and the protection of the family.

The judgment can be found [here](#) (only in Spanish) and the official summary [here](#) (only in Spanish).

#### 15. Case of the Garifuna Community of San Juan and its Members v. Honduras. Preliminary objections, Merits, reparations, and costs. Judgment of August 29, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on August 12, 2020. It was related to the Garifuna Community of San Juan located in the department of Atlántida, municipality of Tela, on the Caribbean coast of Honduras. In 1979, the State of Honduras began to grant property titles to land in favor of the community of Triunfo San Juan and its members. In 1997, 1998, 2000 and 2002, the Garifuna community of San Juan made several applications for ownership titles of a territory, a situation that caused several problems, including i) the judicial and administrative processes presented by Community representatives related to requests for titling; ii) the sale and adjudication to third parties of lands claimed by the community; iii) the extension of the urban radius of the Municipality of Tela in 1989, which encompassed part of the territory claimed by the community and recognized as such by the State, and iv) the creation of the protected area “Parque Janeth Kawas” in part of the Community’s territory. The investigations related to deaths, violence, and threats against members of the Community of San Juan were also analyzed.
- ▶ **Ruling:** On August 29, the Inter-American Court of Human Rights delivered a judgment, in which it declared the State of Honduras responsible for the violation of the right to collective property, the obligation to guarantee participation in public affairs and access to public information, recognized in Articles 21, 23 and 13 of the American Convention on Human Rights, to the detriment of the Garifuna Community of San Juan and its members. These violations occurred because the State failed in its obligations to grant titles, delimit and demarcate the Community’s territory, to guarantee its use and enjoyment of this communal property, and did not ensure the community’s participation in public affairs that affected them. Similarly, the Court considered that the State was responsible for the violation of

judicial guarantees and judicial protection recognized in Articles 8(1) and 25 of the Convention to the detriment of the Community and its members, considering that some requests for full ownership submitted and processed for the Community did not receive a reply from the authorities, and for failure to investigate the acts denounced by the Community and its members. The State was also declared responsible for the violation of the personal integrity of members of the Garifuna Community of San Juan due to the atmosphere of threats and violence against it.

The judgment can be found [here](#) (only in Spanish) and the official summary [here](#) (only in Spanish).

## 16. Case of Bendezú Tuncar v. Peru. Preliminary objections and merits. Judgment of August 29, 2023

- ▶ **Summary:** This case was submitted to the Court by the Inter-American Commission on August 20, 2021. It was related to the dismissal of Leónidas Bendezú Tuncar from the University of San Martín de Porras (USMP). On March 21, 1996, a student sent a letter to the Dean accusing Mr. Bendezú Tuncar of adulterating documents concerning the process of updating her registration. The USMP began disciplinary proceedings against the victim and, on April 15, 1996, sent Mr. Bendezú “a notarized letter of notice of dismissal.” On April 24, he presented his defense, and five days later he received a notarized letter of dismissal for serious misconduct. The dismissal became effective on May 13, 1996, and on June 2, Mr. Bendezú reported the situation to the Ministry of Labor and Social Promotion. Mr. Bendezú filed three legal actions seeking reparation for his dismissal, which he considered contrary to his rights. None of these proceedings resulted in a favorable outcome for Mr. Bendezú.
- ▶ **Ruling:** On August 29, the Inter-American Court of Human Rights delivered a judgment in which it declared that the State is not internationally responsible for the violation of the rights to judicial guarantees and judicial protection, contained in Articles 8(1), 8(2) and 8(2)(c) and 25(1) of the American Convention on Human Rights, to the detriment of Mr. Leónidas Bendezú Tuncar.

The judgment can be found [here](#) and the official summary [here](#) (both only in Spanish).

## 17. Case of Baptiste et al. v. Haiti. Merits and reparations. Judgment of September 1, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on May 19, 2020. It relates to the attacks and threats suffered by Mr. Willer Baptiste and his family. On February 4, 2007, at around 9:00 AM, as he made his way to the pharmacy to buy medicines, a group of people tried to attack Mr. Willer Baptiste, who managed to hide in the patio of his business. That same day, between 5:00 and 6:00 pm, the same group murdered his younger brother, Frédo Guirand, aged 16, in the street. After this episode, Mr. Baptiste and his family continued to receive death threats and threats against their security. On October 19, 2016, as he left a laundry, Mr. Baptiste was attacked by two unidentified men, who also threatened to kill him. This last incident prompted him to go into exile in the United States on November 3, 2016, where he still lives. The rest of his family members were still living in Haiti when the judgment in this case was issued.
- ▶ **Ruling:** On September 1, the Inter-American Court of Human Rights delivered a judgment in which it declared the international responsibility of Haiti for failing to protect the rights of Mr. Willer Baptiste and his family, following numerous threats and murder attempts to which they subjected between 2007 and 2009, as well as for the lack of due diligence in the investigation and the alleged impunity surrounding the death of his 16-year-old brother, Frédo Guirand, and the aforementioned death threats and murder attempts.

The judgment can be found [here](#) and the official summary [here](#) (both only in Spanish)



## 18. Case of Rodríguez Pacheco et al. v. Venezuela. Preliminary objections, merits, reparations and costs. Judgment of September 1, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on March 22, 2021. It was related to a series of surgical procedures that constituted medical malpractice to the detriment of Mrs. Rodríguez Pacheco. On August 12, 1998, Mrs. Rodríguez Pacheco, who was 39 weeks pregnant, went to the private clinic of “La Concepcion, Centro Materno C.A.” for a prenatal checkup with Dr. J.C.Z.P. The doctor warned that her pregnancy was high-risk and agreed to perform an elective cesarean. This operation, which resulted in medical malpractice, led to several surgical interventions in which Mrs. Rodríguez underwent a total hysterectomy, ligation of her ureters and organ perforations, reconstruction of the ureters and urinary system, and “a condition of hypophysis-gonadal dysfunction, hypothyroidism, and post-surgical menopause.” As a result, in 2000, the Disability Evaluation Commission of the Venezuelan Social Security Institute issued a report in which it concluded that Mrs. Pacheco had a “permanent partial work disability of 50%.”

In 1999, Mrs. Rodríguez Pacheco filed a complaint for medical malpractice before the Lara State Delegation of the Technical Judicial Police Corps for medical malpractice. The case passed through several courts, with delays and errors in the proceedings. In 2003, the Constitutional Chamber of the Supreme Court ordered that the trial be transferred to the courts of Caracas. In Caracas, charges were brought against several doctors, but the dismissal of some defendants was requested due to the statute of limitations. In 2012, the case was dismissed and confirmed on appeal in 2013. In addition, complaints were filed for related offenses in connection with the case.

- ▶ **Ruling:** On September 1, 2023, the Inter-American Court of Human Rights delivered a judgment that declared the international responsibility of the State of Venezuela for shortcomings in the judicial proceedings held in relation to a complaint for alleged acts of obstetric violence and medical malpractice that occurred in a private hospital and the consequent violation of the rights to judicial guarantees and judicial protection, in relation to the right to personal integrity and the right to health, as well as the violation of subparagraphs b), f) and g) of Article 7 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.

The judgment can be found [here](#) and the official summary [here](#) (both only in Spanish).

## 19. Case of Córdoba v. Paraguay. Merits, reparations, and costs. Judgment of September 5, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on January 7, 2022. It concerns the infant son of Arnaldo Javier Córdoba, who was taken to Paraguay by his mother. Mr. Córdoba, an Argentine national, was married to Ms. M. a Paraguayan national, and they established their marital home in Argentina. On February 26, 2004, the couple’s only son, “D”, was born in Buenos Aires. On January 21, 2006, when the child was one year and eleven months old, Ms. M. removed him from Buenos Aires (Argentina) and took him to Atyrá (Paraguay), without the father’s consent. On January 22, 2006, Mr. Córdoba denounced the unlawful removal of his son and initiated a procedure for the international return of the child. On September 28, 2008, a court hearing for the return of the child was held, which Ms. M. did not attend. On May 22, 2015, following the offer of a reward by the Argentine State, INTERPOL located “D” and his mother in Paraguay. Ms. M. was preventively detained, while the child “D” informed the competent authorities that he wished to stay in Paraguay. Subsequently, efforts were made to reestablish contact between father and son, but the latter expressed his lack of interest in doing so. On May 10, 2019, the Inter-American Commission on Human Rights granted precautionary measures in response to the facts described. Within the framework of the precautionary measures file, on July 2, 2019, the State presented several proposals for the reunification between father and son, which did not materialize.



- ▶ **Ruling:** On September 4, 2023, the Inter-American Court of Human Rights delivered a judgment in which it declared the State of Paraguay responsible for the violation of the rights to personal integrity, private and family life, and enforcement of judicial rulings, recognized in Articles 5(1), 11(2), 17 and 25(2) (c) of the American Convention on Human Rights, in relation to the obligations established in Articles 1(1) and 2 thereof, to the detriment of Mr. Arnaldo Javier Córdoba.

Find [here](#) the judgment and the official summary [here](#) (both only in Spanish).

## 20. Case of the Members of the José Alvear Restrepo Lawyers' Collective Corporation (CAJAR) v. Colombia. Preliminary objections, merits, reparations and costs, Judgment October 18, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on July 8, 2020. It was related to acts of violence, intimidation, harassment, and threats committed against members of the José Alvear Restrepo Lawyers' Collective Corporation (CAJAR) since the 1990s and up to the present day, linked to their work in defense of human rights. Through various agencies, the Colombian State, including the Administrative Department of Security (DAS), carried out various actions related to intelligence work, surveillance, and monitoring of communications of CAJAR members, without legal justification or judicial control. The protection measures provided by the State were insufficient, in addition to the lack of clarification of the facts, impunity, and stigmatizing statements by officials. This affected the freedom of expression and freedom of association of CAJAR members. Moreover, the State did not carry out an adequate investigation to clarify the facts, or to identify, prosecute and punish those responsible. The victims did not have adequate recourse to access the information about them contained in the intelligence files. Finally, it was noted that the situation caused well-founded fear and led to the exile of several CAJAR members and their families, including children and adolescents.
- ▶ **Ruling:** On October 18, 2023, the Inter-American Court of Human Rights delivered a judgment declaring the State's international responsibility for the violation of the following rights, to the detriment of the members of CAJAR and their families: the rights to life, personal integrity, private life, freedom of thought and expression, informational self-determination, the right to know the truth, honor, judicial guarantees, judicial protection, freedom of association, movement and residence, the protection of the family, the rights of the child and the right to defend human rights. Consequently, the Court declared that Colombia is responsible for the violation of Articles 4(1), 5(1), 5(2), 8(1), 11(1), 11(2), 11(3), 13(1), 16(1), 17(1), 19, 22(1), 25(1) of the American Convention on Human Rights, in relation, respectively, to the obligations to respect and guarantee rights and to adopt provisions of domestic law established in Articles 1(1) and 2 of the same instrument, and to refrain from any action or practice of violence against women contained in Article 7(a) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).

The judgment can be found [here](#) and the official summary [here](#) (both only in Spanish).

## 21. Case of Tavares Pereira et al. v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of November 16, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on February 6, 2021. It concerns the homicide of a rural worker, Antonio Tavares Pereira, by military police agents, as well as the injuries allegedly suffered by many other workers of the Landless Rural Workers' Movement (MST). The events took place on May 2, 2000, in the state of Paraná, during a march by rural workers to demand agrarian reform. The police actions to prevent the march included the use of force, firearms, rubber bullets, clubs, dogs, and physical force. These actions resulted in the bullet fired by the soldier

J.L.S.A. ricocheting off the asphalt and hitting Antonio Tavares Pereira, who died as a result of acute hemorrhage.

On May 4, 2000, the Military Police of the state of Paraná opened an investigation about the death of Mr. Tavares Pereira. On October 5, 2000, the Military Prosecutor's Office requested that the investigation be closed. On October 10 of the same year, the Military Judge Advocate decided to archive the investigation. In addition, a police investigation began in the ordinary criminal jurisdiction on May 3, 2000. On April 17, 2003, the Court of Justice of Paraná decided to dismiss the criminal action. Finally, in December 2002, the widow of Mr. Tavares Pereira and his children filed an action for compensation against the state of Paraná to obtain civil reparation for the moral and pecuniary harm caused. These reparations have not been duly paid.

- ▶ **Ruling:** On November 16, 2023, the Inter-American Court of Human Rights delivered a judgment in which it declared the Federative Republic of Brazil internationally responsible for the disproportionate use of force by military police agents on May 2, 2000, against Antônio Tavares Pereira and other rural workers who sought to protest peacefully and publicly, resulting in the violation of their rights to life, personal integrity, freedom of thought and expression, assembly, movement and rights of the child. The Court also found Brazil internationally responsible for the violation of the rights established in Articles 8(1) and 25(1) of the American Convention, to the detriment of the families of Mr. Tavares Pereira and the 69 injured rural workers, due to the lack of due diligence in the investigation and criminal proceedings. The Court also considered that the lengthy duration of the civil suit filed by the family members of Mr. Tavares Pereira in order to obtain reparation for the moral and pecuniary damage caused, violated the judicial guarantee of reasonable time, established in Article 8(1) of the American Convention. Lastly, the Court found the State responsible for the violation of Article 5 (1) of the American Convention, given the effects on the personal integrity of Mr. Tavares Pereira's family resulting from his death and the subsequent failure to investigate, prosecute, and punish those responsible.

The judgment can be found [here](#) and the official summary [here](#) (both only in Spanish).

## 22. Case of Airton Honorato v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of November 27, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on May 28, 2021. It relates to a series of state actions that culminated in the homicide of 12 people through excessive use of force by the military police, on March 5, 2002, in the context of "Operation Castelhinho", and the impunity surrounding the deaths of G.L.S., M.M. and R.C.C. These individuals had been sentenced to imprisonment but were authorized by court order to leave prison temporarily in order to collaborate with the Group for the Repression and Analysis of Intolerance Crimes (GRADI). Part of their work in this operation involved infiltrating an illegal activity. On this occasion, a group of at least 53 military police officers were waiting for them. On March 5, 2002, upon arriving with the rest of the people at the agreed place in a convoy, the police surrounded the bus and opened fire for approximately 10 minutes. The bus was hit with bullets that left 114 entry holes and 20 exit holes. The 12 victims, who were on the bus and in the vans that followed it, died as a result of internal bleeding caused by gunshot wounds.

Following an investigation, on December 4, 2003, the Public Prosecutor's Office filed criminal charges against 55 persons: 53 police officers and 2 prison inmates, charging them with twelve crimes of aggravated homicide. On November 4, 2014, a verdict of acquittal was handed down. On January 15, 2015, the Public Prosecutor's Office of São Paulo appealed the decision and on February 14, 2017, the Court of Justice of the state of São Paulo dismissed the appeal. In addition, the relatives of some of the executed persons filed civil suits for reparations. The evidence in the case file shows that six of the civil actions filed were processed between 2002 and 2005. Only some of the lawsuits filed by family members were admitted, while others were declared inadmissible.

- ▶ **Ruling:** On November 27, 2023, the Inter-American Court of Human Rights delivered a judgment declaring the Federative Republic of Brazil internationally responsible for the extrajudicial execution of 12 persons by the military police during “Operation Castelinho” on March 5, 2002. The Court declared a violation of the right to life, contained in Article 4 of the American Convention, to the detriment of these 12 persons, and of the rights established in Articles 8(1), 25(1), and 25(2)(c) of the American Convention, to the detriment of their next of kin, due to the lack of due diligence and guarantees of reasonable time in the investigation and criminal proceedings initiated, the violation of the right to the truth and the violation of the right to compliance with judicial rulings in relation to the civil actions filed by the next of kin. Finally, the Court concluded that the State is responsible for the violation of Article 5(1) of the American Convention, due to the harm caused to the personal integrity of the next of kin of the executed persons, as a consequence of their violent murder committed by State agents and the subsequent failure to investigate, prosecute and punish those responsible.

The judgment can be found [here](#) and the official summary [here](#) (both only in Spanish).

### 23. Case of Cajahuanca Vásquez v. Peru. Preliminary objections and merits. Judgment of November 27, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on May 12, 2021. It relates to violations of conventional rights that occurred in the context of a disciplinary process that ended with the dismissal of Mr. Humberto Cajahuanca Vásquez as a judge of the Superior Court of Justice of Huánuco. In June 1995, the President of the Superior Court of Justice of Huanuco, Mr. Cajahuanca, convened a meeting of the full court and appointed a judge to replace another judge. This judge, Héctor Fidel Cordero Bernal, granted unconditional release to two persons prosecuted for drug trafficking, which led to an investigation by the Office of Control of the Judiciary. As a result, the removal of the President of the Court was proposed. The Executive Council of the Judiciary approved the dismissal in October 1995, and the National Council of Magistrates executed the order in August 1996. The dismissed judge filed legal appeals, but all of them were rejected.
- ▶ **Ruling:** On November 27, 2023, the Inter-American Court of Human Rights issued a judgment declaring that the State of Peru is not internationally responsible for the violation of the rights to judicial guarantees, the principle of legality and retroactivity, political rights and judicial protection recognized in Articles 8, 9, 23 and 25 of the American Convention on Human Rights, in relation to the obligations to respect and guarantee such rights and to adopt provisions of domestic law, enshrined in Articles 1(1) and 2 of the same instrument, to the detriment of Mr. Humberto Cajahuanca Vásquez.

The judgment can be found [here](#) and the official summary [here](#) (both only in Spanish).

### 24. Case of Viteri Ungaretti et al. v. Ecuador. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 27, 2023

- ▶ **Summary:** On July 5, 2021, the Inter-American Commission submitted to the consideration of the Court the case of Julio Viteri Ungaretti and Family v. Ecuador. The case relates to the reprisals taken against Navy Captain Julio Rogelio Viteri Ungaretti and his family: his wife, Ligia Rocío Alarcón Gallegos, his children Sebastián and Michelle Rocío, both Alarcón Gallegos and his mother-in-law, Rosa María Gallegos Pozo, in retaliation for having reported serious irregularities in the public administration and acts of corruption within the Armed Forces in November 2001. The case concerns the right to freedom of expression as a means to denounce acts of corruption. The Commission also noted that Mr. Viteri was subjected to several sanctions of arrest and that the writ of habeas corpus presented by the alleged victim was denied.

- ▶ **Ruling:** On November 27, the Court delivered a judgment in which it declared the State of Ecuador responsible for the violation of the rights to freedom of expression, personal liberty, judicial protection, the right to work, and political rights, established in Articles 13(1), 13(2), 7(1), 7(3), 7(6), 25(1), 26 and 23 of the American Convention on Human Rights, in relation to Articles 1(1) and 2 thereof, to the detriment of Julio Rogelio Viteri Ungaretti. It also found the State responsible for the violation of the rights to freedom of movement and residence, personal integrity, and protection of the family, enshrined in Articles 22, 5(1) and 17 of the American Convention, in relation to Article 1(1) thereof, to the detriment of Julio Rogelio Viteri Ungaretti, Ligia Rocío Alarcón Gallegos, and Sebastián and Michelle Rocío Alarcón Gallegos, and Rosa María Gallegos Pozo. Furthermore, the State was found responsible for the violation of the rights of the child, enshrined in Article 19 of the American Convention on Human Rights, in relation to Article 1(1), to the detriment of Sebastián and Michelle Rocío Alarcón Gallegos.

The judgment can be found [here](#) and the official summary [here](#) (both only in Spanish).

## 25. Case of the Community of La Oroya v. Peru. Preliminary objections, merits, reparations and costs. Judgment of November 27, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on September 30, 2021. It relates to a series of alleged human rights violations to the detriment of a group of residents of La Oroya as a consequence of alleged pollution caused by the Metallurgical Complex of La Oroya. The Inter-American Commission alleged that the State had failed in its duty of due diligence regarding the regulation, supervision, and inspection of the CMLO's activities with respect to the rights to a healthy environment, health, life, and personal integrity. Similarly, it alleged that the State had failed in its obligation to progressively achieve the realization of the rights to health and a healthy environment as a result of the amendment of the air quality standards approved by the State. It also held that Peru is responsible for the violation of the rights of the child, and noted that the State did not ensure public participation by the alleged victims, who did not receive relevant information on measures that affected their rights. It also noted that the State violated the right to judicial protection, because more than 14 years had elapsed since the Constitutional Court issued a ruling ordering measures of protection for the community, yet the State had not taken effective measures to fully implement all the points mentioned in the judgment, and had not taken steps to ensure compliance. Finally, the Commission indicated that the State is also responsible for failing to conduct a thorough and effective investigation into alleged acts of harassment, threats, and reprisals that were reported by some alleged victims.
- ▶ **Ruling:** On November 27, 2023, the Inter-American Court delivered a judgment that declared the international responsibility of Peru for the human rights violations committed against 80 inhabitants of La Oroya. The violations resulted from the air, water, and soil pollution caused by mining and metallurgical activities at the Metallurgical Complex of La Oroya (CMLO), and by the State's failure to regulate and oversee its activities. These actions and omissions violated the right to a healthy environment, as well as the rights to health, life, and personal integrity of the victims. The Court also concluded that the State failed in its obligation to foster progressive development of the right to a healthy environment resulting from the modification of the air quality standards approved by the State, which constituted a regressive measure in the protection of the environment. Furthermore, it found the State responsible for the violation of the rights of the child, owing to the lack of adequate protection measures, considering the differentiated impact that the pollution had on the children of La Oroya. Moreover, it considered that the State did not ensure the victims' right to participate in this matter and did not provide them with sufficient information on measures that affected their rights. It also determined that the State violated the right to judicial protection since although more than 17 years have elapsed since the Constitutional Court's ruling requiring the protection of the inhabitants of La Oroya, the State has not taken effective measures to comply with the judgment. Finally, the Court concluded that the State is responsible for failing to investigate the alleged acts of harassment,

threats, and reprisals reported by some victims. Consequently, the Court concluded that the State is responsible for the violation of Articles 26, 5, 4(1), 8(1), 13, 19, 23, and 25 of the American Convention, in relation to Articles 1(1) and 2 of that instrument.

The judgment can be found [here](#) and the official summary [here](#) (both only in Spanish).

## 26. Case of Gutiérrez Navas et al. v. Honduras. Merits, reparations, and costs. Judgment of November 29, 2023

- ▶ **Summary:** The Inter-American Commission submitted this case to the Court on November 25, 2021. It relates to the dismissal of José Antonio Gutiérrez Navas, José Francisco Ruiz Gaekel, Gustavo Enrique Bustillo Palma, and Rosalinda Cruz Sequeira, who at the time were judges of the Constitutional Chamber of the Supreme Court of Justice of Honduras, and whose dismissal the Commission described as arbitrary and unlawful. The case also concerns the alleged failure to investigate the threats and harassment to which these judges were subjected.
- ▶ **Ruling:** On November 29, the Inter-American Court of Human Rights delivered a judgment declaring the State of Honduras responsible for the violation of judicial guarantees, the principle of legality, political rights, the right to judicial protection, and the right to job stability, established in Articles 8(1), 8(2) (b), (c), (d) and (h), 9, 23(1) (c), 25(1) of the American Convention, in relation to the obligations established in Articles 1(1) and 2 of the same instrument. It also found the State responsible for the violation of the right to job stability, recognized in Article 26 of the American Convention, in relation to the obligations established in Articles 1(1) and 2 thereof. Finally, the State was found responsible for the violation of the rights to personal integrity, judicial guarantees, and judicial protection, recognized in Articles, 5(1), 8(1), and 25(1) of the American Convention on Human Rights, in relation to Article 1(1), to the detriment of José Antonio Gutiérrez Navas, José Francisco Ruíz Gaekel, Gustavo Enrique Bustillo Palma and Rosalinda Cruz Sequeira.

The judgment can be found [here](#) and the official summary [here](#) (both only in Spanish).

## C.2. Interpretation Judgments

### 1. Case of Valencia Campos et al. v. Bolivia. Interpretation of the judgment on preliminary objection, merits, reparations, and costs. Judgment of August 30, 2023

- ▶ **Summary:** On April 17, 2023, the State of Bolivia submitted a request for interpretation regarding the scope of the payment for costs and expenses of one of the representatives and the measure related to medical, psychological, and/or psychiatric treatment.
- ▶ **Ruling:** On August 30, 2023, the Inter-American Court of Human Rights admitted the request for interpretation of the judgment inasmuch as it was filed within the corresponding term. However, it declared inadmissible the requests for interpretation with respect to the payment of costs and expenses and the rehabilitation measure ordered. Finally, it ordered notification to the representatives of the victims and the Inter-American Commission on Human Rights.

The judgment can be found [here](#).

## 2. Case of Nissen Pessolani v. Paraguay. Interpretation of the judgment on merits, reparations, and costs. Judgment of August 30, 2023

- ▶ **Summary:** On February 20, 2023, the State of Paraguay submitted a request for interpretation of the judgment in which it called for “the rectification of an error of calculation made to determine the amount of compensation set for pecuniary damage.”
- ▶ **Ruling:** On August 30, 2023, the Inter-American Court of Human Rights declared admissible the request for interpretation, since it was submitted within the corresponding term. However, it rejected as inadmissible the request for interpretation regarding the rectification of an error made in the calculation to determine the amount of compensation set for pecuniary damage, since the State’s request did not correspond to a simple rectification of a material error or to the cases of interpretation established in Article 67 of the Convention, but rather sought to modify the amount established for pecuniary damage in the judgment on the basis of new information that was not brought to the Court’s attention at the appropriate procedural moment. Finally, it ordered the Secretariat to notify the victims’ representatives and the Inter-American Commission on Human Rights.

The judgment can be found [here](#).

## 3. Case of Leguizamón Zaván et al. v. Paraguay. Interpretation of the judgment on merits, reparations, and costs. Judgment of August 30, 2023

- ▶ **Summary:** On January 30, 2023, the representatives of the victims submitted a request for interpretation on the scope of paragraphs 97 and 98 of the judgment, regarding the obligation to investigate.
- ▶ **Ruling:** On August 30, 2023, the Inter-American Court of Human Rights declared the request for interpretation admissible, in the terms indicated by the judgment, to interpret the creation and characteristics of the Working Group referred to in paragraphs 97 and 98 of the Judgment as part of the reparation measures on which the Court will monitor compliance, include the sixth operative paragraph in the judgment on merits and reparations, order the State to create a Working Group to establish the circumstances of Mr. Leguizamón Zaván’s murder, amend the numbering of operative paragraphs 6 to 16 of the judgment on merits, reparations and costs issued in the case of Leguizamón Zaván et al. v. Paraguay, and order the notification of the judgment to the Republic of Paraguay, to the representatives of the victims and to the Inter-American Commission on Human Rights.

The judgment can be found [here](#).

## 4. Case of Mina Cuero v. Ecuador. Interpretation of the judgment on preliminary objection, merits, reparations, and costs. Judgment of August 30, 2023

- ▶ **Summary:** On March 9, 2023, the representative of Víctor Henry Mina Cuero submitted a request for interpretation of the judgment on the scope of the reparations ordered, specifically regarding (i) the right to social benefits of Mr. Mina Cuero, with a view to future retirement, and (ii) the validity of the sanction against him that resulted in his discharge from the police service.



- ▶ **Ruling:** On August 30, 2023, the Inter-American Court of Human Rights declared the request for interpretation admissible as it met the required deadline for its submission. Regarding the merits, the Court dismissed the request because the amounts established for both categories included all the elements inherent to or derived from the labor relationship in the corresponding period, and because the representative refers in his request for interpretation to aspects that were not analyzed in the judgment due to the lack of specific arguments during the processing of this case. The Court also ordered the Secretariat to notify the judgment of interpretation to the Republic of Ecuador, to the representative of the victim, and to the Inter-American Commission on Human Rights.

The judgment can be found [here](#).

## 5. Case of Sales Pimenta v. Brazil. Interpretation of the judgment on preliminary objections, merits, reparations, and costs. Judgment of August 30, 2023

- ▶ **Summary:** On January 9, 2023, the representatives submitted a request for interpretation regarding the scope of the twelfth and seventeenth operative paragraphs of the judgment.
- ▶ **Ruling:** On August 30, 2023, the Inter-American Court of Human Rights declared the request for interpretation admissible in the terms set forth in the judgment, clarified the judgment on the point that refers to the place where the public memorial should be erected, and, regarding the twelfth operative paragraph of the judgment, it rectified the material error related to the creation of a public memorial in the city of Belo Horizonte. Furthermore, it declared inadmissible the request for interpretation with respect to the measure of reparation to investigate the facts of the case and to identify, prosecute and, if appropriate, punish those responsible. Finally, it ordered the Secretariat of the Court to notify the interpretation of the judgment of the Federative Republic of Brazil, the representatives of the victims, and the Inter-American Commission on Human Rights.

The judgment can be found [here](#).

## 6. Case of Olivera Fuentes v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations, and costs. Judgment of November 28, 2023

- ▶ **Summary:** On July 10, 2023, the State of Peru submitted to the Court a request for interpretation of the judgment. First, it requested clarification on which guarantees contemplated in Article 8(1) of the American Convention on Human Rights had allegedly been violated in order to establish the State's responsibility in the terms of the third operative paragraph of the judgment. Second, it asked the Court to grant a specific time limit for the victim or his representatives to submit their request to receive or not to receive the psychological and/or psychiatric treatment ordered in paragraph 140 of the Judgment and to clarify the duration of such treatment. Third, it requested that the Court clarify the nature of the "educational plan" referred to in paragraph 155 of the judgment. Finally, it requested that the Court clarify the meaning of the term "require companies" used in paragraph 156 of the judgment, in view of the alleged impossibility within the Peruvian legal system of imposing obligations on third parties through a public policy.
- ▶ **Ruling:** On November 28, 2023, the Inter-American Court of Human Rights issued an interpretation judgment in which it declared admissible the request for interpretation of the judgment since it complied with the deadline for its presentation. However, on the merits, the Court declared the request for interpretation inadmissible because the wording of the judgment is clear and precise, and because several of the arguments presented correspond in reality to arguments that should be presented at the



stage of monitoring compliance with the judgment. It recalled the international obligation according to which the States cannot allege domestic reasons for not assuming the international responsibility already established. It clarified, by means of an interpretation, the rehabilitation measure ordered in the fifth operative paragraph, indicating that psychological and/or psychiatric care should be provided “for as long as necessary,” and ordered the Secretariat of the Court to notify the Republic of Peru, the representatives of the victims and the Inter-American Commission on Human Rights of the interpretation judgment.

The judgment can be found [here](#) (only in Spanish).

## 7. Case of Benites Cabrera et al. v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations, and costs. Judgment of November 28, 2023

- ▶ **Summary:** On April 25, 2023, the Peruvian State submitted a request for interpretation of the content of the judgment with respect to the rights to judicial guarantees and judicial protection; the right to work; the measure of satisfaction regarding the requirement to register in the National Registry of Irregularly Dismissed Workers; and costs and expenses.
- ▶ **Ruling:** On November 28, 2023, the Inter-American Court of Human Rights declared the request for interpretation admissible as to compliance with the deadline for interpretation, but declared the request for interpretation inadmissible as it refers to the submission of matters on which the Court has already ruled, and ordered the Secretariat of the Court to notify the interpretation judgment to the Republic of Peru, the representative of the victims and the Inter-American Commission on Human Rights.

The judgment can be found [here](#) (only in Spanish).

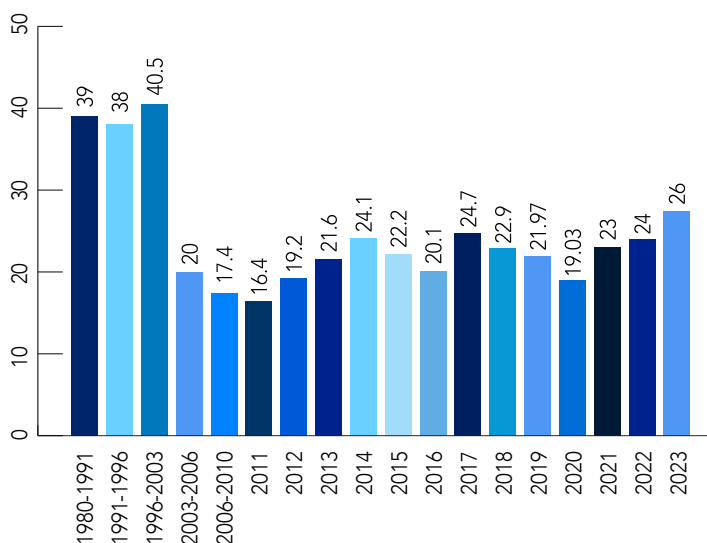
## D. | Average time to process cases

Every year the Court makes a great effort to decide the cases before it promptly. The principle of a reasonable time established in the American Convention and the Court’s consistent case law is applicable not only to the domestic proceedings in each State Party but also to the international organs or courts whose function it is to decide petitions concerning alleged human rights violations.

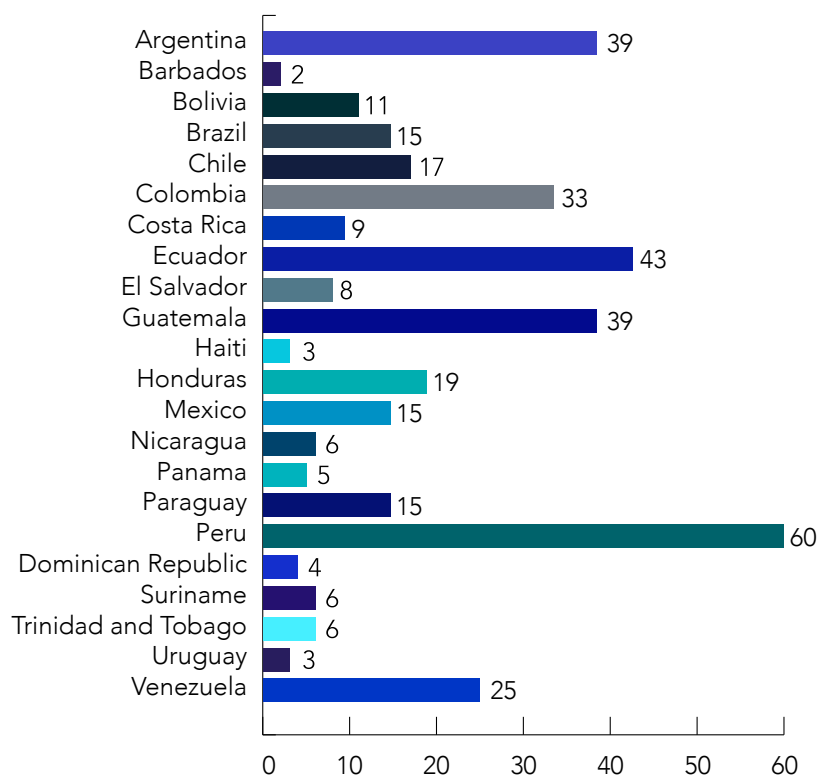
In 2023, the average time required to process cases before the Court was 26 months.

## AVERAGE DURATION OF CASES BEFORE THE COURT (MONTHS)

1980-2023



## TOTAL CASES RESOLVED BY STATE AT THE END OF 2023



# Merits and Interpretation Judgments in 2023



## ARGENTINA

- Inter-American Court of Human Rights. Case of Álvarez V. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of March 24 of 2023
- Inter-American Court of Human Rights. Case of Boleso V. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment Of May 22 of 2023
- Inter-American Court of Human Rights. Case of María et al. V. Argentina. Merits, Reparations and Costs. Judgment Of August 22 of 2023

## BRAZIL

- Inter-American Court of Human Rights. Case of Tavares Pereira et al. V. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 16 of 2023
- Inter-American Court of Human Rights. Case of Honorato et al. V. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment Of November 27 of 2023

## COLOMBIA

- Inter-American Court of Human Rights. Case of Tabares Toro et al. V. Colombia. Merits, Reparations and Costs. Judgment Of May 23 of 2023
- Inter-American Court of Human Rights. Case of Guzmán Medina et al. V. Colombia. Merits, Reparations and Costs. Judgment of August 23 of 2023
- Inter-American Court of Human Rights. Case of Members of the Cooperation Collective of Lawyers "Jose Alvear Restrepo" V. Colombia. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 18 of 2023

## COSTA RICA

- Inter-American Court of Human Rights. Case of Scot Cochran V. Costa Rica. Preliminary Objections and Merits Judgment Of March 10, 2023

## ECUADOR

- Inter-American Court of Human Rights. Case Of Aguinaga Aillón V. Ecuador. Merits, Reparations and Costs. Judgment of January 30, 2023
- Inter-American Court of Human Rights. Case of Nuñez Naranjo et al. V. Ecuador. Merits, Reparations and Costs. Judgment of May 23 of 2023
- Inter-American Court of Human Rights. Case of Mesa



## GUATEMALA

- Inter-American Court of Human Rights. Case of Hendrix V. Guatemala. Merits. Judgment Of March 7, 2023
- Inter-American Court of Human Rights. Case of Indigenaous Maya Community Q'eqchi Agua Caliente V. Guatemala. Merits, Reparations and Costs. Judgment of May 16m of 2023

## HONDURAS

- Inter-American Court of Human Rights. Case of Garífuna Community of San Juan and members. V. Honduras. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 29 of 2023
- Inter-American Court of Human Rights. Case of Gutiérrez Navas et al. V. Honduras. Merits, Reparations and Costs. Judgment of November 29 of 2023

## HAITI

- Inter-American Court of Human Rights. Case of Baptiste etal V. Haiti. Merits, and Reparations. Judgment of September 1 of 2023

## PARAGUAY

- Inter-American Court of Human Rights. Case of López Sosa V. Paraguay. Merits, reparations, and costs. Judgment of May 17, 2023.
- Inter-American Court of Human Rights. Case of Córdoba V. Paraguay. Merits, Reparations and Costs. Judgment of September 4 of 2023

## PERU

- Inter-American Court of Human Rights. Case Of Olivera Fuentes V. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of February 4, 2023
- Inter-American Court of Human Rights. Case Bendezú Tucnar V. Peru Preliminary Objections, and Merits. Judgment of August 29 of 2023
- Inter-American Court of Human Rights. Case Cajahuanca Vásquez V. Peru. Preliminary Objections, and Merits. Judgment of November 7 of 2023
- Inter-American Court of Human Rights. Case of La Oroya habitantes V. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 27 of 2023