

# Press Release

Inter-American Court of Human Rights

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## THE INTER-AMERICAN COURT ITS CELEBRATED 129 ORDINARY SESSION

San José, Costa Rica, February 11, 2019. The Inter-American Court held its 129th Regular Session Between January 28 and February 8 in San José, Costa Rica.

### I. Opening Ceremony of the Judicial Year 2019

On Monday, January 28, the Opening Ceremony of the Inter-American Judicial Year 2019 was held at the Tribunal's headquarters.

During the ceremony, the plenary of the Court and its secretaries were present, as well as the President of the Republic of Costa Rica, Carlos Alvarado Quesada, the First Lady of the Republic, Claudia Dobles Camargo, the Minister of Foreign Affairs of Costa Rica, Manuel Ventura Robles, the Minister of the Presidency, Rodolfo Piza Rocafort and the Vice President of the Court of Justice of the European Union, Rosario Silva de Lapuerta. National authorities of Costa Rica, representatives of universities and of the civil society, as well as members of the diplomatic corps accredited in Costa Rica attended the event.



In the framework of the aforementioned ceremony, the swearing-in or solemn declaration of the new Judge Ricardo C. Pérez Manrique was made, who was elected as Judge of the Inter-American Court by the General Assembly of the Organization of American States on June 5 2018.



After the act of swearing in, the President of the Inter-American Court delivered the opening speech, under which he made a call to the international community "to claim and strengthen the Social Rule of Law, strengthen democracies and multiculturalism, all for the sake of the common good and of a sustainable development around peace, equality and respect for every person in their human dignity ". He also highlighted the "importance of the necessary strengthening of multilevel dialogue, both with national and international bodies". After the President of the Court, the President of the Republic of Costa Rica took the floor, to reaffirm the commitment of the Costa Rican State to the Inter-American System for the Protection of Human Rights.

As a closing of the opening ceremony, the Vice President of the Court of Justice of the European Union gave a keynote speech entitled "The Court of Justice of the European Union and the protection of human rights: Main achievements and current challenges".

You can find the recording of the Ceremony [here](#) and the photographs [here](#).

## **II. Sentences**

The Inter-American Court adopted the following judgments, which will be notified shortly and will be available [here](#):

### *a) Case of Villaseñor Velarde et al v. Guatemala*

The case is related to a presumed prolonged sequence of threats, assaults, harassment and intimidation suffered by María Eugenia Villaseñor Velarde in her role as judge in Guatemala. The Commission noted that Mrs. Villaseñor Velarde participated in multiple judicial proceedings between 1991 and 2012, some of which would have had an impact at national and international levels. As alleged, throughout the aforementioned years, Mrs. Villaseñor reported through various means that she was the victim, among other acts, of: i) death threats by telephone and of unidentified persons outside her home; ii) attempt or threat of kidnapping her daughter iii)

the kidnapping of one of the police officers who guarded her home in order to interrogate him about her activities as a judge; iv) the destruction of property such as tires of her vehicle, and v) statements and communications from unidentified persons denigrating her work as a judge. The Commission determined that the foregoing acts took place in a presumed context of insecurity faced by judges in Guatemala, in particular, related to their knowledge of cases of human rights violations committed by state agents. The Commission also alleged that the allegations and the information available to the State regarding Mrs. Villaseñor's situation were not duly investigated as to identify the sources of risk, help eradicate them, identify those responsible and impose the corresponding penalties. The Commission maintained that the alleged situation of impunity of all the facts denounced is total. You can learn more about the case [here](#).

b) *Case of Colindres Schonenberg v. El Salvador*

The case is related to the dismissals of Mr. Eduardo Benjamín Colindres from his post as magistrate of the Supreme Electoral Tribunal by the Legislative Assembly. The Commission determined that his dismissals allegedly occurred in violation of multiple guarantees of due process and the principle of legality. It also indicated that the alleged violations were analyzed in light of the principle of judicial independence, taking into account the position held by the alleged victim. Therefore, the Commission determined that, derived from the supposed cessation of arbitration, the State allegedly also violated the right to access the public service under conditions of equality. You can learn more about the case [here](#) (in Spanish).

### **III. Supervision of Compliance with Judgments**

The Court issued the following Sentencing Supervision Supervision resolutions, which will be notified shortly and will be available [here](#) (in Spanish):

- *Case of Argüelles et al. v. Argentina*
- *Case of the Supreme Court of Justice (Quintana Coello et al.) v. Ecuador*
- *Case of Fermín Ramírez v. Guatemala*
- *Case of Raxcacó Reyes v. Guatemala*
- *Case of Dismissed Employees of PetroPeru et al. v. Peru*

### **IV. Provisional Measures**

The Inter-American court of Human Rights issued the following resolutions of provisional measures and requests for provisional measures:

- [Case of Petro Urrego v. Colombia](#) (in Spanish)
- [Case of Coc Max et al. \(Xamán Massacre\) v. Guatemala](#) (in Spanish)
- [Case of Arrom Suhurt et al. V. Paraguay](#) (in Spanish)

### **V. Public Hearings**

The Court held the following public hearings:

a) *Case of Álvarez Ramos v. Venezuela*

The case is related to the alleged violation of Mr. Tulio Álvarez Ramos' right to freedom of expression, his political rights and freedom of movement, in a criminal proceeding against him because of the alleged commission of the crime of aggravated defamation. In addition, he

claimed that there was an alleged violation of his right to presumption of innocence and other guarantees of due process during the trial brought against him. You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (both in Spanish).

b) *Case of Perrone and Preckel v. Argentina*<sup>1</sup>

The case is related to the alleged violation of the rights to judicial guarantees and judicial protection in the administrative and judicial proceedings initiated by Elba Clotilde Perrone and Juan José Preckel for the purpose of requesting the payment of salaries and social benefits which - as a consequence of their alleged arbitrary deprivation of freedom by state agents during the military dictatorship in 1976 - they did not receive from the state entity for which they worked. The Inter-American Commission on Human Rights considered that the lapse of more than twelve years of administrative and judicial proceedings would exceed a period that could be considered reasonable. It also concluded that the judicial and administrative authorities allegedly violated the right to have sufficient and adequate motivation. Additionally, the Inter-American Commission considered that having violated said guarantees of due process, administrative and judicial proceedings would also imply a violation of the right to judicial protection. You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (both in Spanish).

c) *Case of Díaz Loreto et al. v. Venezuela*

The case is related to the alleged international responsibility of the State of Venezuela for the extrajudicial executions of the brothers Robert Ignacio and David Octavio Díaz Loreto and his father Octavio Ignacio Díaz Álvarez, which occurred on January 6, 2003 allegedly by police officers of the Corps of Security and Public Order of the Aragua State in Venezuela (CSOPEA). Having two radically different versions of the facts, and after more than 14 years without definitive judicial clarification, the Commission determined that the State would not have fulfilled the burden of offering a satisfactory explanation of the lethal use of force. The Commission identified similarities with the context and modus operandi of extrajudicial executions in Venezuela, known by the inter-American system in other cases. The Commission also determined that the State had violated the guarantees and judicial protection in the framework of the investigation and criminal proceedings. Furthermore, the Commission determined the affectation to the psychological and moral integrity of the relatives caused by the pain and suffering inherent to the circumstances in which the three victims lost their lives, as well as the lack of an answer to the actions of justice that they have undertaken, particularly in a context in which they also reported threats and harassment against them because of the momentum they have given to the process. You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (both in Spanish).

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<sup>1</sup> Judge Raúl Zaffaroni did not participate in the knowledge and deliberation of the Case due to his Argentinian nationality, according to what is stipulated in Article 19.1 of the Regulation of the Court.

d) *Case of Jenkins v. Argentina*<sup>2</sup>

The case is related to the alleged international responsibility of the State of Argentina for the alleged arbitrary deprivation of liberty of Gabriel Oscar Jenkins from June 8, 1994 to November 13, 1997, in the context of the case known as "Padilla Echeverry and others " followed by the Oral Federal Criminal Court No. 6 for the crimes of illicit drug trafficking and illicit association, of which he was finally acquitted. The Commission determined that the arbitrariness of the preventive detention was proven by the fact that it was operated automatically and that, in the case of Mr. Jenkins, it was based on indications of responsibility and did not pursue any procedural purpose motivated in an individualized manner in the respective decisions. In addition, the Commission established that during the time that Mr. Jenkins was deprived of his liberty, there was no review of his preventive detention and the need to maintain it. This lack of review occurred as a result of which, as stated, the preventive detention operated automatically and due to the fact that there was a legal prohibition of release in Article 10 of Law 24,390 for the offense for which he was prosecuted. Consequently, the Commission determined that the duration of three years and five months of pretrial detention was excessive and constituted an anticipation of the penalty. The Commission added that the judicial remedies filed did not allow a prompt and effective review of both the motivation and the duration of the preventive detention. The Inter-American Commission also determined that the difference in treatment contemplated in Article 10 of Law 24,390 and its application in this case, was incompatible with the right to equality before the law. Finally, the Commission concluded that the civil action for damages brought by Mr. Jenkins had an unreasonable duration. You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (both in Spanish).

e) *Case of Rosadio Villavicencio v. Peru*

The case refers to the alleged various violations of due process that were committed in the three i) disciplinary, ii) criminal and iii) military criminal proceedings that were initiated against Jorge Rosadio Villavicencio, for his actions in an operation of intelligence in which he had to infiltrate drug trafficking groups in the Zion area of Peru in order to proceed with the capture of the drug traffickers. You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (both in Spanish).

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<sup>2</sup> Judge Raúl Zaffaroni did not participate in the knowledge and deliberation of the Case due to his Argentinian nationality, according to what is stipulated in Article 19.1 of the Regulation of the Court.



*f) Case of Arrom Suhurt et al. v. Paraguay*<sup>3</sup>

The case is related to the alleged forced disappearance and torture of Juan Francisco Arrom Suhurt and Anuncio Martí Méndez, presumably leaders of the Patria Libre political movement, from January 17 to January 30, 2002. Messrs. Arrom and Martí denounced that they were detained by State agents who apparently interrogated them about their political activities and pressured them to plead guilty to the abduction of Mrs. María Edith Bordón de Debernardi. The petitioners reported that their relatives undertook their search until they found their whereabouts. In addition, it is alleged that in the judicial process investigating the abduction of Mrs. María Edith Bordón, Messrs. Arrom and Martí were declared in absentia for not appearing there. You can learn more about the case [here](#) and access the hearing notice resolution [here](#) (both in Spanish).

The President of the Republic of Paraguay, Mario Abdo Benítez, the First Lady of the Republic, Silvana López Moreira Bo, the Minister of Foreign Affairs, Luis Alberto Castiglioni, and other high authorities of the State of Paraguay attended the public hearing.

*g) Case of the Yean and Bosico Girls and Case of Expelled Dominicans and Haitians v. Dominican Republic*

This hearing was convened with the objective of receiving from the Dominican Republic updated information on compliance with the two measures of reparation pending in compliance in the case of the Yean and Bosico Girls, firstly the performance of a public act of recognition of international responsibility and secondly to adopt measures in its domestic legislation, which regulate the procedure and requirements conducive to acquiring Dominican nationality through a late declaration of birth, ordered in the seventh and eighth operative paragraphs of the Judgment of that case and to receive information for the first time, on compliance with the ten measures of reparation ordered in the Judgment of the case of Dominicans and Haitians expelled, as well as to listen to the observations of the representatives of the victims and the opinion of the Inter-American Commission in this regard.

The State of the Dominican Republic did not accredit a delegation that represented it in this public hearing and did not show up for the execution of it. On the other hand, the representative of the Inter-American Commission, who was in San José, Costa Rica, was not able to participate in this hearing for reasons of force majeure and of health.

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<sup>3</sup> Judge Eugenio Raúl Zaffaroni was excused from knowing the present case, conforming to the articles 19.2 of the Court's Statute and 21.2 of its Regulation, which was accepted by the President following the Resolution of January 16, 2019.

Therefore, during the meeting, only the opinion of the representatives of the victims and of one of the victims of the case of the Yean and Bosico Girls was heard.

## VI. Signature of agreement

The Inter-American Court of Human Rights signed a collaboration agreement with the following institution:

- *General Council of the Mexican Advocacy, A.C.*

## VII. Pending issues and administrative issues


In addition, the Court examined various other matters, such as the processing of contentious cases known to it and administrative matters.

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The composition of the Court for this session was as follows: Judge Eduardo Ferrer Mac-Gregor Poisot, President (Mexico); Judge Eduardo Vio Grossi, Vice President (Chile); Judge Humberto A. Sierra Porto (Colombia); Judge Elizabeth Odio Benito (Costa Rica); Judge Eugenio Raúl Zaffaroni (Argentina); Judge L. Patricio Pazmiño Freire (Ecuador), and Judge Ricardo C. Pérez Manrique (Uruguay).

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This press release was produced by the Secretariat of the Inter-American Court of Human Rights, which has the sole responsibility to do so. For more information please go to the page of the Inter-American Court <http://corteidh.or.cr/> or send an email to Pablo Saavedra Alessandri, Secretary to [corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr). For the press office, contact Marta Cabrera Martín at [prensa@corteidh.or.cr](mailto:prensa@corteidh.or.cr). You can subscribe to the information services of the Court [here](#). In order to unsubscribe send an email at [biblioteca@corteidh.or.cr](mailto:biblioteca@corteidh.or.cr). You can also follow the activities of the Court on [Facebook](#), [Twitter](#), [Flickr](#), [Vimeo](#) and [Soundcloud](#).

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



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Correo



(506) 2527 - 1600



(506) 2280 - 5074



Apdo. 6906 - 1000  
San José, Costa Rica



[corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr)



[www.corteidh.or.cr](http://www.corteidh.or.cr)