

# Press Release

Inter-American Court of Human Rights

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## INTER-AMERICAN COURT HELD SPECIAL SESSION IN ARGENTINA FROM MAY 13 TO MAY 17

*San Jose, Costa Rica, May 28, 2019.*- Between May 13 and 17, 2019, the Inter-American Court of Human Rights held its 61<sup>th</sup> Period of Special Session in Buenos Aires thanks to an invitation from the Government of Argentina.

The inauguration ceremony, which took place in the Palace of Justice of the Nation, was attended by the President of the Court, Eduardo Ferrer Mac-Gregor Poisot, and the President of the Supreme Court of Argentina, Carlos Rosenkrantz. On the side of the Argentine Government were present the Minister of Justice, Germán Garavano, as well as other high authorities of the country.

### I. Judgments

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

- **Case of Arrom Suhurt et al. v. Paraguay**

The case relates to the alleged enforced disappearance and torture of Juan Francisco Arrom Suhurt and Anuncio Martí Méndez, presumably leaders of the political movement, Patria Libre, from January 17 to 30, 2002. Mr. Arrom and Mr. Martí reported that they had been detained by state agents who apparently questioned them about their political activities and exerted pressure on them to admit they had abducted María Edith Bordón de Debernardi. They stated that their next of kin looked for them until they found them. Presumably Mr. Arrom and Mr. Martí obtained refugee status in Brazil on December 1, 2003. In addition, it is argued that during the judicial proceedings to investigate the abduction of María Edith Bordón, Messrs. Arrom and Martí were declared in contempt of court because they failed to appear.

You can learn more about the case [here](#) (Only in Spanish).

- **Case of Cuscul Piraval et al. v. Guatemala (Request for Interpretation of Judgment)**

In the judgment of August 23, 2018 in the Case Cuscul Piraval et al. v. Guatemala the Inter-American Court of Human Rights declared that Guatemala was responsible for violating the right to health, life, personal integrity, right to a fair trial and to judicial protection of several people living or having lived with HIV, as well as for committing discriminatory acts based on gender against two pregnant women. The Court also declared for the first time the responsibility of a State for the violation of the progressivity principle, since Guatemala failed to comply with their obligation to progressively develop the right to health. You can learn more about the Judgment [here](#) (Only in Spanish).

On January 23, 2019, the representatives submitted a request for interpretation of the Judgment in relation to the lack of clarity or precision regarding the identity of the victims of the violations declared in the judgment and the facts considered as proven by the Court, specifically regarding some of the relatives of the victims of the case.

You can learn more about the case [here](#) (Only in Spanish).

## **II. Private hearings on monitoring compliance with judgments concerning Argentina<sup>1</sup>**

The Court held the following hearings on monitoring compliance with judgments:

### **a) Case of Torres Millacura et al. v. Argentina**

The purpose of the hearing was to receive updated information of the State of Argentina regarding the pending compliance of three measures of reparations:

1. initiate, direct, and complete the necessary investigations and proceedings within a reasonable period of time toward establishing the truth of the facts, as well as toward identifying and, where applicable, punishing all those responsible for what happened to Iván Eladio Torres Millacura;
2. continue an effective search for the whereabouts of Mr. Iván Eladio Torres Millacura, and,
3. implement a permanent and obligatory program or course on human rights directed toward all levels of the Chubut provincial police hierarchy.

Additionally, the purpose of the hearing was to listen to the victim's representative's observations and the opinion of the IACHR.

You can learn more about the case [here](#) and the judgment that determined the reparations [here](#) (both available only in Spanish).

### **b) Case of Furlan and family v. Argentina**

The purpose of the hearing was to receive updated information of the State of Argentina regarding the pending compliance of three measures of reparations:

1. provide medical and psychological or psychiatric care, free of charge and in an immediate, appropriate and effective manner to the victims who request it;
2. establish an interdisciplinary group which, taking into account the opinion of Sebastián Furlan, shall determine the measures of protection and assistance that would be most appropriate for his inclusion in the social, educational, vocational and employment spheres, and
3. adopt the measures necessary to ensure that as soon as a person is diagnosed with serious problems or consequences related to a disability, that person or his family shall be provided with a "charter of rights" that summarizes in a concise, clear and easily understood manner the benefits provided under Argentine legislation. As regards this issue, Argentina complied with the drafting of the charter. The only thing pending is for the State of Argentina to indicate the measures that are being implemented to guarantee that this charter is being served to as stipulated in the judgment.

Additionally, the purpose of the hearing was to listen to the victim's representative's observations and the opinion of the IACHR.

You can learn more about the case [here](#) and the judgment that determined the reparations [here](#) (both available only in Spanish).

### **c) Case of Fornerón and daughter v. Argentina**

The purpose of the hearing was to receive updated information of the State of Argentina regarding the pending compliance of three measures of reparations:

1. establish immediately a procedure designed to develop a real relationship between Mr. Fornerón and his daughter M;
2. verify, as of notification of this judgment and within a reasonable time, in accordance with the pertinent disciplinary norms, whether the conduct of the public officials who intervened in the different domestic proceedings related to this case was in conformity with the law and, as

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<sup>1</sup> Judge Raúl Zaffaroni, of Argentine nationality, did not participate in the deliberation and adoption of these decisions, in accordance with Article 19.1 of the Rules of the Court.

appropriate, establish the corresponding responsibilities, and  
3. adopt all necessary measures to criminalize the sale of children, so that the act of surrendering a child in exchange for remuneration or any other type of compensation, for any purpose or in any form, constitutes a criminal offense, in accordance with international standards and the provisions of this judgment.

Additionally, the purpose of the hearing was to listen to the legal representatives of Mr. Leonardo Fornerón and the opinion of the IACHR.

You can learn more about the case [here](#) and the judgment that determined the reparations [here](#) (both available only in Spanish).

#### **d) Case of Garrido and Baigorria v. Argentina**

The purpose of the hearing was to receive updated information of the State of Argentina regarding the pending compliance of the measures of reparations ordered in the present case regarding the investigation of facts leading to the disappearance of Adolfo Garrido and Raúl Baigorria and prosecute and punish their authors, accomplices, accessories after the fact and all those who may have had some part in these events.

Additionally, the purpose of the hearing was to listen to the victim's representative's observations and the opinion of the IACHR.

You can learn more about the case [here](#) and the judgment that determined the reparations [here](#) (both available only in Spanish).

#### **e) Case of Bueno Alves v. Argentina**

The purpose of the hearing was to receive updated information of the State of Argentina regarding the pending compliance of three measures of reparations:

1. pay the amounts set in the judgment as compensation for non-pecuniary damages regarding the deceased victim, Tomasa Alves de Lima, and
2. conduct forthwith the necessary investigations so that those responsible for the facts of the instant case be identified and punished as provided by law.

Additionally, the purpose of the hearing was to listen to the victim's representative's observations and the opinion of the IACHR.

You can learn more about the case [here](#) and the judgment that determined the reparations [here](#) (both available only in Spanish).

### **III. Decisions on Supervision of Compliance with Judgments, Provisional Measures, pending and administrative matters**

The Court adopted different resolutions on Supervision of Compliance with Judgments and on Provisional Measures.

#### **a) Decisions on Supervision of Compliance with Judgments**

The Court issued the following resolutions on Supervision of Compliance with Judgments, which will be notified shortly and will be available [here](#) (only in Spanish):

- Case of the Yakyé Axa Indigenous Community v. Paraguay.
- Case of the Sawhoyamaxa Indigenous Community v. Paraguay
- Case of the Xákmok Kásek Indigenous Community. v. Paraguay
- Case of Goiburú et al. v. Paraguay
- Case of the Garífuna Punta Piedra Community and its members v. Honduras
- Case of the Community Garífuna Triunfo de la Cruz and its members v. Honduras
- Case of Gómez Palomino, Anzualdo Castro, Osorio Rivera and family and Tenorio Roca et al. v. Peru, (joint resolution)
- Case of Cantoral Huamaní and García Santa Cruz v. Peru

- Case of Munárriz Escobar et al. v. Peru
- Case of Poblete Vilches et al. v. Chile

## **b) Resolutions on Provisional Measures**

The Court issued a resolution on provisional measures in the Case of Arrom Suhurt et al. v. Paraguay, which will be notified shortly and will be available [here](#) (Only in Spanish).

## **IV. Formal meetings, training activities, collaboration agreements.**

In the framework of this extraordinary period of session the Court met with high Argentinian authorities, as well as members of the Academia and civil society.

### **a) Formal meetings**

- **Meeting with the President of the Republic of Argentina, Mauricio Macri**

On Wednesday, May 15, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice-president, Judge Eduardo Vio Grossi and the Secretary Pablo Saavedra Alessandri met with Argentinian Chief of State Mauricio Macri at his office in the *Casa Rosada*.



- **Meeting with the Plenary of the Supreme Court of Justice of the Argentine Nation**

On Monday, May 13, after the opening ceremony of this Extraordinary Period of Sessions, the Plenary of the Inter-American Court met with the Plenary of the Supreme Court of Justice of the Argentine Nation



- **Meeting with the Inter-American Association of Public Defenders (AIDEF in its Spanish acronym) and signing of a collaboration agreement**

On Tuesday, May 14, the President of Inter-American Court, Judge Eduardo Ferrer Mac-Gregor, Judge Ricardo Pérez Manrique and Secretary Pablo Saavedra, held a meeting with the General Coordinator of Inter-American Association of Public Defenders (AIDEF), Nydia Arevalo and some of its members and signed an important collaboration agreement. The purpose of this agreement is to allow the designation of Interamerican Public Defenders when the victims lack effective representation at the stage of monitoring compliance with judgments.



- **Meeting with the Regional Representative for South America of the Office of the High Commissioner for Human Rights**

On Wednesday, May 15, the President of the Inter-American Court, Judge Eduardo Ferrer Mac-Gregor Poisot and the Secretary Pablo Saavedra Alessandri held a meeting with the Regional Representative for South America of the Office of the High Commissioner for Human Rights, Mrs. Birgit Gerstenberg.

- **Meeting with organizations of Argentinian civil society**

On Thursday, May 16, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, the Vice-president, Judge Eduardo Vio Grossi; Judges Elizabeth Odio Benito, Eugenio Raúl Zaffaroni, Ricardo C. Pérez Manrique and the Secretary Pablo Saavedra Alessandri met with several civil society organizations.



## **b) Training activities**

- **International Seminar "Inter-American Court: 40 years protecting rights. Jurisprudential developments and challenges"**

On Wednesday, May 15 and Thursday, May 16 the Inter-American Court with the Human Rights Center of the Faculty of Law of the University of Buenos Aires (UBA) held in the Main Hall (Aula Magna) of the University of Buenos Aires an international seminar called "Inter-American Court: 40 years protecting rights. Jurisprudential developments and challenges". The Inter-American Court thanks the Human Rights Center of the Faculty of Law of the University of Buenos Aires, as well as the Rule of Law Programme for Latin America of the Konrad Adenauer Foundation for the support provided.

The seminar was inaugurated by Judge Eduardo Ferrer Mac-Gregor Poisot, President of the Inter-American Court of Human Rights and Alberto J. Bueres, Dean of the Faculty of Law of the University of Buenos Aires. The seminar had as panelists and moderators the Vice President of the Court, Judge Eduardo Vio Grossi, Judge Humberto Antonio Sierra Porto, Judge Elizabeth Odio Benito, Judge L. Patricio Pazmiño Freire, Judge Ricardo Pérez Manrique as well as other experts in the field of human rights.

You can access the video of the seminar [here](#) (Only in Spanish).



- **Panel discussion at the seat of the city of Buenos Aires Bar Association.**

On Thursday, May 16, the President of the Court, Judge Eduardo Ferrer Mac-Gregor Poisot, participated in a panel discussion on the Court's work at the seat of the city of Buenos Aires Bar Associati

## **V. Visit to the Indigenous Communities of the Lhaka Honhat Association**

In the framework of the *Case of the Indigenous Communities of the Lhaka Honhat Association v. Argentina* on May 17 and 18, a delegation of the Court – composed of judges Humberto A. Sierra Porto, Patricio Pazmiño Freire and the lawyers Alexei Julio Estrada and Agustín Martín – visited the Indigenous Communities of the Lhaka Honhat Association in the Rivadavia Department (Salta Province). The purpose of the visit was to get acquainted with the territorial problem through the direct contact with people living there, indigenous people whose communities belong to the Lhaka Honhat Association, indigenous people whose communities do not belong to this association, and "criollos", non-indigenous people. Additionally, the purpose of the visit was to get acquaintance with the territory and the works carried out either by the State or private persons, as well with the activities that are being developed in the area. This will include the observation of the alleged presence of fencing and livestock, as well as the international bridge "La Paz Mission", *inter alia*.

You can learn more about the case [here](#) (Only in Spanish).



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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).

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