

# Press Release

Inter-American Court of Human Rights

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## INTER-AMERICAN COURT WILL HOLD ITS 128<sup>th</sup> PERIOD OF REGULAR SESSIONS

*San José, Costa Rica, November 16, 2018* - The Inter-American Court will hold its 128<sup>th</sup> Period of Regular Sessions from November 19-30 in San José, Costa Rica.

### I. Decisions and Judgments

The Court will deliberate the following contentious cases:

#### 1) *Case of Villamizar Durán et al. v. Colombia*<sup>1</sup>

This case relates to the alleged extrajudicial executions of Gustavo Giraldo Villamizar Duran on August 11, 1996; Elio Gelves Carrillo on May 28, 1997; Carlos Arturo Uva Velandia on June 21, 1992; and Wilfredo Quiñónez Bárcenas, José Gregorio Romero Reyes and Albeiro Ramírez Jorge on September 4, 1995. It is argued that all these deaths would have occurred at the hands of the State's security agents, and that they would have taken place in the context of the "false positives" practice, which consisted in the alleged extrajudicial executions that occurred during the armed conflict, with a *modus operandi* characterized by the death of civilians who were subsequently presented to the public as members of unlawful armed groups killed in combat, using different means to fake the scene of the crime and the time, place and manner in which the events had occurred. In addition, the Commission concluded that in all cases there were multiple factors of impunity that affected the rights of access to justice for the relatives of the presumed victims. You can learn more about the case [here](#) (in Spanish).

#### 2) *Case of Isaza Uribe et. al. v. Colombia*<sup>2</sup>

This case concerns the presumed enforced disappearance of Víctor Manuel Isaza Uribe since November 19, 1987, while detained on remand in the prison of Puerto Nare, Antioquia. Mr. Isaza Uribe was allegedly a member of the United Workers Union of the Construction Materials Industry (SUTIMAC), as well as a supporter of the Patriotic Union political party. To this date the fate or whereabouts of the presumed victim is not known. It is alleged that his disappearance had taken place in the context of a normative framework that led to paramilitarism and the identification of trade unionists within the notion of "internal enemy". Furthermore, the investigation of the facts would have been subject to unjustified delays and there would be no relevant lines of investigation. You can learn more about the case [here](#) (in Spanish).

#### 3) *Case of Omeara Carrascal et al. v. Colombia*<sup>3</sup>

This case relates to the alleged series of human rights violations committed against three members of a family. Specifically, the alleged attack suffered by Noel Emiro Omeara Carrascal on January 28, 1994, and his subsequent death; the alleged disappearance and execution of Manuel Guillermo Omeara Miraval, son of the above, as of October 27, 1994; and the alleged attack on and subsequent death of Héctor Álvarez Sánchez, the latter's father-in-law on October

<sup>1</sup> Judge Humberto Antonio Sierra Porto will participate in neither the hearing nor the deliberations of the case as he is of Colombian nationality, pursuant to Article 19(1) of the Rules of the Court.

<sup>2</sup> Ídem.

<sup>3</sup> Ídem.

21, 1994. The Commission affirmed that the facts of the case occurred in an alleged context of acquiescence and coordination between members of the security forces and an unlawful armed group. It also alleged that the failure to establish an adequate link between each of the investigations and proceedings involving the presumed victims in this case could have obstructed the elucidation of the facts and the identification of those responsible. It also indicated that, despite the evidence indicating the responsibility of State agents and members of paramilitary groups, the State had failed to prove that it had carried out a serious, timely and thorough investigation. It argued that the delays incurred by the State had meant that some of the presumed perpetrators had already died and that, even though more than 21 years had passed since the events had taken place, the truth about the reasons and circumstances in which the violent acts were ordered and, if applicable, coordinated with State agents, had not been determined. You can learn more about the case [here](#) (in Spanish).

#### 4) *Case of Selvas Gómez et al. v. Mexico*<sup>4</sup>

This case concerns a series of alleged violations of the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, allegedly committed against Mariana Selvas Gómez, Georgina Edith Rosales Gutiérrez, María Patricia Romero Hernández, Norma Aidé Jiménez Osorio, Claudia Hernández Martínez, Bárbara Italia Méndez Moreno, Ana María Velasco Rodríguez, Yolanda Muñoz Diosdada, Cristina Sánchez Hernández, Angélica Patricia Torres Linares and Suhelen Gabriela Cuevas Jaramillo in the context of the alleged arrests and transfers carried out during police operations in the municipalities of Texcoco and San Salvador Atenco on May 3 and 4, 2006, respectively, in the course of conflicts and protests by flower growers and other groups. It is argued that these eleven women were illegally and arbitrarily detained and that, in addition, they had been subject to serious acts of physical and psychological violence, including, in some cases, sexual violence, allegedly committed by State agents. You can learn more about the case [here](#) (in Spanish).

#### 5) *Case of Alvarado Espinoza v. Mexico*<sup>5</sup>

This case concerns the alleged enforced disappearance of Nitza Paola Alvarado Espinoza, José Ángel Alvarado Herrera and Rocío Irene Alvarado Reyes by State agents in the Ejido Benito Juárez, state of Chihuahua, Mexico, starting on December 29, 2009. To date, there is no information on the whereabouts or fate of three of those who were disappeared. Specifically, it is alleged that José Ángel Alvarado Herrera, Nitza Paola Alvarado Espinoza and Rocío Irene Alvarado would have been deprived of their liberty by a group of between eight and ten people who were carrying long weapons and wearing uniforms that they identified as military. Regarding the direct participation of state agents, it was alleged that there are a series of contextual elements, as well as various statements and considerations of internal authorities and international experts, on the existence of sufficient evidence regarding the participation of the Army in the events of the case. It was also alleged that these disappearances took place within the framework of the implementation of the Chihuahua Joint Operation, in which the Army, in addition to carrying out security tasks, performed tasks outside of his traditional functions, in the context of the fight against drug trafficking and organized crime in Mexico. The case is also related to the alleged situation of impunity in which the three disappearances are found, for which it was determined that the application of military justice to the specific case could be in violation of the right to have a competent, independent and impartial authority for the investigation obtaining justice. Finally, a series of related violations were alleged, stemming from the threats and harassment that family groups would have had to face, including the forced displacement of some of them. You can learn more about the case [here](#) (in Spanish).

#### 6) *Case Trueba Arciniega et al. v. Mexico*<sup>6</sup>

This case relates to the alleged extrajudicial execution of the Mirey Trueba Arciniega on August 22, 1998, by members of the Army in the state of Chihuahua. Allegedly, this fact occurred in a context in which the Mexican State assigned to its Armed Forces public order tasks, with all the

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<sup>4</sup> Judge Eduardo Ferrer Mac-Gregor will participate in neither the hearing nor the deliberations of the case as he is of Mexican nationality, pursuant to Article 19(1) of the Rules of the Court.

<sup>5</sup> Ídem.

<sup>6</sup> Ídem

risks that this decision implied and without providing the necessary safeguards in terms of regulation, training, provision and monitoring to prevent arbitrary deprivation of the right to life as a consequence of the use of force by said agents. In addition, the Commission determined that Mirey Trueba would have suffered extreme physical suffering incompatible with his right to personal integrity; and that the State, through their agents, would not have given an immediate response despite the seriousness of the situation in order to seek medical assistance as soon as possible. It also alleged that the State violated the rights to judicial guarantees and judicial protection due to the use of military criminal justice, as well as to the lack of due diligence in conducting investigations. Finally, the Commission determined that the State had violated the right to personal integrity of Mirey Trueba's family members. You can learn more about the case [here](#) (in Spanish).

#### 7) *Case of Órdenes Guerra et al. v. Chile*<sup>7</sup>

This case relates to the alleged responsibility of Chile for the presumed violation of the rights to judicial guarantees and judicial protection owing to the application of the statute of limitations to civil actions seeking reparation related to alleged crimes against humanity. The presumed victims are seven groups of persons who had filed civil actions for reparation based on the disappearance and/or assassination of family members, presumably committed by state agents in 1973 and 1974 during the civic-military dictatorship. These actions had been rejected by application of the statute of limitations established in the Civil Code. It considered that the existence of an administrative reparation program did not exclude the possibility that victims of serious violations may choose to seek redress through the courts and that, in the case of crimes against humanity, it was disproportionate to deny the rights of the victims to reparations under the argument of legal security that supports the figure of the statute of limitations. You can learn more about the case [here](#) (in Spanish).

## **II. Private Hearings on supervision of execution of judgments**

The Court will hold the following private hearings on the supervision of execution of judgments:

a) *Cases of Punta Piedra Garifuna Community and its members and Triunfo de la Cruz Garifuna Community and its members v. Honduras* (29 November, from 15:00 to 16:30)

During this joint private hearing on monitoring of compliance of the judgment, the State of Honduras must inform the Court, in a complete and detailed manner, about the implementation of each of the measures required by the Court, specifically regarding the sanitation of lands communal property of these communities, as well as the obligation to investigate, prosecute and, if appropriate, sanction, the facts of both cases. In addition, the Court will listen to the observations of the representatives of the victims and the opinion of the Inter-American Commission on Human Rights in this regard. This hearing will be celebrated following the requests made on May 17, 2018 by the representatives of the victims of both cases.

b) *Case of Afro-descendent Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia* (29 November, from 15:00 to 16:30)<sup>8</sup>

During this private hearing the State of Colombia must inform the Court, in a complete and detailed manner, about the implementation of each of the measures required by the Court. In addition, the Court will listen to the observations of the representatives of the victims and the opinion of the Inter-American Commission on Human Rights in this regard. This hearing will be celebrated following the requests made by the representatives of the victims on February 21 and August 16, 2018, as well as the opinion of the Inter-American Commission of August 7, 2018, in view of the time elapsed since the publication of the judgment, the alleged lack of concrete progress and, particularly, the serious situations that continues to arise in the area where the facts took place due to the alleged paramilitary presence and the disagreement with respect to the regulations applicable to the award of compensation. You can learn more about the case [here](#) (in Spanish).

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<sup>7</sup> Judge Eduardo Vio Grossi will participate in neither the hearing nor the deliberations of the case as he is of Chilean nationality, pursuant to Article 19(1) of the Rules of the Court.

<sup>8</sup> Judge Humberto Antonio Sierra Porto will participate in neither the hearing nor the deliberations of the case as he is of Colombian nationality, pursuant to Article 19(1) of the Rules of the Court.

### III. Supervision of execution of judgments, provisional measures and administrative matters

Additionally, the Court will supervise the compliance of others judgments and the implementation of provisional measures, as well as deal with administrative matters.

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The composition of the Court for this period of regular sessions will include the following: Judge Eduardo Ferrer Mac-Gregor Poisot, President (Mexico); Judge Eduardo Vio Grossi, Vice-President (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Judge Elizabeth Odio Benito (Costa Rica); Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Patricio Pazmiño Freire (Ecuador).

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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.

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