

Press Release

Inter-American Court of Human Rights

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I/A Court H.R. Protecting Rights

THE INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 146TH REGULAR SESSIONS PERIOD



San José, Costa Rica, February 17, 2022 — The Inter-American Court held its 146th Regular Sessions Period from January 31st to February 15, 2022.

The sessions were held virtually and in person. During the Sessions, the Court also carried out the Opening of the Inter-American Judicial Year 2022, as well as the swearing in of the new Inter-American Judges and the symbolic inauguration of the new President and Vice President for 2022-2023.

During the Sessions, Judgments were deliberated with the previous composition of the Court, and six public hearings for Contentious Cases were held. The Court also heard a variety of matters related to measures of Monitoring Compliance with Judgment and Provisional Measures, and dealt with a number of administrative matters.

I. Opening Ceremony of the Inter-American Judicial Year 2022



On February 7, 2022, the Opening Ceremony of the Inter-American Judicial Year 2022 was held, with the symbolic inauguration of the new President and Vice President of the Inter-American Court: President Judge Ricardo C. Pérez Manrique (national of Uruguay) and the Vice President Judge Humberto Antonio Sierra Porto (national of Colombia).

Also, the new Judges of the Inter-American Court were sworn in for the 2022-2027 period: Judge Nancy Hernández López of Costa Rican nationality; Judge Verónica Gómez of Argentine nationality; Judge Patricia Pérez Goldberg of Chilean nationality; and Judge Rodrigo Mudrovitsch of Brazilian nationality.

The Ceremony was attended by the former President of the Inter-American Court, Elizabeth Odio Benito, the former Vice President, Patricio Pazmiño Freire, and former Judge Eugenio Raúl Zaffaroni. The former President thanked her fellow Judges for the work done during the 2020-2021 working period during the pandemic, which “enabled the Court to do its work despite the circumstances,” she said.

The President of the Court, Judge Ricardo C. Pérez Manrique, thanked the Judges for the trust placed in him in having elected him President for 2022 and 2023. “I assume this great responsibility with total humility and with the commitment to give my best to guide this institution, which shelters all the hopes and fears of the people of our America,” he said.

The Foreign Minister of the Republic of Costa Rica, Mr. Rodolfo Solano Quirós, highlighted the importance of gender parity in the membership of the Inter-American Court. “I am pleased to see three distinguished women Judges on the Inter-American Court. Their presence is a breath of fresh air, a message that women in our continent can continue advancing in the leadership they must continue to exercise.”

Watch the Opening Ceremony of the Inter-American Judicial Year 2022 [here](#).

II. Judgments

In accordance with articles 54(3) of the American Convention on Human Rights, 5(3) of the Statute of the Court, and 17(1) of its Rules of Procedure, the Court deliberated with its previous composition on Judgments in the following Contentious Cases, which will be notified shortly and will be available [here](#).

a) Case of the National Federation of Maritime and Port Workers (FEMAPOR) v. Peru

This case involves the alleged violation of the right to judicial protection on failure to comply with an amparo judgment of the Supreme Court of the Republic of Peru, which established the correct way to calculate additional pay increases for 4,106 former maritime, port, and waterway workers. It was alleged that the period of more than 25 years that have passed without full execution of the judgment of the Supreme Court of February 12, 1992, exceeds what could be considered reasonable. It was also argued that the State is responsible for the violation of the right to property of the beneficiaries of the aforementioned judgment.

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

b) Case of Pavez Pavez v. Chile¹

This case involves the State's alleged international responsibility for disqualifying Ms. Sandra Cecilia Pavez Pavez from teaching religion in a public education institution—a position she held for more than 22 years—on the basis of her sexual orientation. It is alleged that on July 25, 2007, the Vicariate for Education of the Bishopric of San Bernardo revoked her suitability certification—required by Decree 924 of the Ministry of Education of 1983 to work as a religion teacher—based on her sexual orientation, which is why she was disqualified from holding the teaching position. In addition, it is argued that Ms. Pavez Pavez filed an appeal for protection, which was rejected by the Court of Appeals of San Miguel on finding that the action under appeal was neither illegal nor arbitrary. This decision was then upheld by the Supreme Court of Justice.

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

The Court continued to hear the following case, the Judgment for which will continue to be deliberated during the 148th Regular Sessions.

Case of Members and Militants of the Patriotic Union v. Colombia²

On June 13, 2018, the State of Colombia submitted this case before the Court under articles 51 and 61 of the American Convention on Human Rights. Likewise, on June 29, 2018, the Inter-American Commission on Human Rights also submitted this case to the Court.

This case deals with the alleged successive and serious human rights violations committed to the detriment of more than 6,000 victims, members, and supporters of the Patriotic Union (UP) political party in Colombia starting in 1984 and lasting for more than 20 years. The facts involve forced disappearances, threats, harassment, forced displacement, and attempted murders of members and supporters of the UP, allegedly perpetrated by both State agents and by non-State actors with the alleged tolerance and acquiescence of the State.

It has additionally been alleged that certain victims in the case had been subjected to groundless criminal prosecution or the arbitrary use of criminal law and torture in the framework of several cases, based on which it is argued that the State violated the rights to personal liberty, judicial guarantees, honor and dignity, and judicial protection. In addition, the State allegedly violated political rights, freedom of thought and expression, freedom of association, and the principle of equality and non-discrimination, since the serious human rights violations committed against the alleged victims were allegedly based on their membership in a political party and the expression of their ideas through it

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

III. Public hearings on Contentious Cases

The Court held—in person and virtually as indicated below—public hearings in the following Contentious Cases.

a) Case of the Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala. In-person hearing

This case address the State's alleged international responsibility to the detriment of the Maya Q'eqchi' Community for the lack of domestic legislation guaranteeing their right to collective property; for granting and establishing a mining project in their territory; and for the lack of adequate and effective remedies to seek the protection of their rights. It is alleged that the Agua Caliente Community does not hold collective property title to its ancestral lands and territories despite multiple efforts made by the community over more than four decades. In addition, multiple omissions and irregularities are alleged in the processing of the request presented by the community for a collective property title, along with a lack of internal mechanisms to enforce the collective nature of indigenous lands and territories.

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

The public hearing was held on Wednesday, February 9, 2022 and you can see it again [here](#).

b) Case of Flores Bedregal et al. v. Bolivia. In-person hearing

This case involves the alleged forced disappearance of Juan Carlos Flores Bedregal, leader of the Partido Obrero Revolucionario and a national deputy, as well as the alleged impunity in which these facts have remained. His disappearance allegedly began in the framework of the July 1980 *coup d'état* carried out by military forces.

It is alleged that although prosecutions were pursued and culminated in convictions, it has not yet been fully clarified what happened to the alleged victim, including the whereabouts of his mortal remains, a situation that is the result of multiple cover-up mechanisms. In this regard, it is argued that the existence of evidence regarding the death of Flores Bedregal would not change the legal classification of forced disappearance, given that 38 years since his disappearance, his next of kin still have no information on or access to his mortal remains that would provide certainty as to his fate. It is likewise argued that neither the trial completed in 1993 nor the conviction handed down in 2007 constituted an effective remedy for establishing the truth about what happened to Mr. Flores Bedregal. Finally, it is alleged that the Bolivian State has so far not complied with its obligation to obtain, produce, analyze, classify, organize, and facilitate access to the military archives related to grave human rights violations from the recent past for society as a whole, with a direct impact on the way in which the State responded to the specific requests of the next of kin of Juan Carlos Flores Bedregal.

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

The public hearing was held on Thursday, February 10, 2022 and you can see it again [here](#).

c) Case of Benites Cabrera et al. (Dismissed Employees of the Congress of the Republic) v. Peru. Virtual hearing.

This case involves alleged violations of the rights to judicial guarantees, judicial protection and work, contained in the American Convention on Human Rights, in relation to the obligations established in articles 1(1) and 2 of the same instrument, to the detriment of 192 alleged victims, who were fired from the Congress of the Republic of Peru in the framework of the "staff streamlining" program, carried out during the presidency of Alberto Fujimori.

The alleged victims are said to have been subjected to the regulations of Article 9 of Decree Law No. 26540 and Resolution No. 1239-A-92-CACL, which prohibited the filing of *amparo* or administrative actions to challenge the dismissals.

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

The public hearing was held on Friday, February 11, 2022 and you can see it again [here](#).

d) Case of Casierra Quiñonez et al. v. Ecuador. Virtual hearing.

This case is related to the death of Luis Eduardo and the injuries caused to Andrés Alejandro, both with the surnames Casierra Quiñonez, allegedly by agents of the National Navy of the Republic of Ecuador in December 1999. Violation of the rights to life and personal integrity of Luis Eduardo and of the right to humane treatment of Andrés Alejandro is alleged as a result of the fact that the State failed to provide a satisfactory explanation regarding the use of lethal force by means of an independent and impartial investigation conducted with due diligence. It is likewise argued that the use of force by the State did not have a legitimate purpose and was unnecessary and disproportionate. It is similarly alleged that because they are alleged violations of human rights—specifically violations of the rights to life and personal integrity—the facts cannot be considered "crimes committed in the line of duty," for which reason the investigation should have taken place through the civilian system of justice. Consequently, it is argued that, by applying military criminal justice, the State violated the rights to judicial guarantees and judicial protection—specifically, the right to a competent, independent and impartial authority, as well as the right to a proper and effective judicial remedy.

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

The public hearing was held on Friday, February 11, 2022 and you can see it again [here](#).

e) Case of Moya Chacón et al. v. Costa Rica³. In-person hearing

This case involves the imposition of a measure of subsequent liability against journalists Ronald Moya Chacón and Freddy Parrales Chaves for the December 17, 2005, publication of a newspaper article in the newspaper *La Nación* reporting on alleged irregularities in controls on liquor imports into Costa Rica in the border area with Panama. One of the police officers involved in the investigation filed a complaint for the crime of slander and "defamation through the media," along with a civil suit against the journalists seeking compensation for alleged falsehoods in the information published. Although the journalists were not criminally convicted of committing a crime because of the lack of criminal intent, they were sentenced to pay, jointly and severally, five million colones as civil compensation for nonpecuniary damages. It is alleged that article 145 of the Criminal Code and article 7 of the Press Act—which establish the criminal offense of "defamation through the press"—are incompatible with the principle of strict criminal legality and the right to freedom of expression because they fail to set clear parameters making it possible to identify prohibited conduct and its elements ahead of time. Although there was no criminal conviction in this case, it is argued that its legality can be analyzed given that the victims were prosecuted under the law in question and it remains in force in Costa Rica. It is likewise alleged that application of Article 1045 of the Costa Rican Civil Code, which regulates extracontractual civil liability, does not meet inter-American standards. In addition, it pointed out that the requirement of strict necessity was not met. Based on this, it was argued that the State had violated articles 9 and 13 in relation to articles 1(1) and 2 of the American Convention.

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

The public hearing was held on Monday, February 14, 2022 and you can see it again [here](#).

f) Case of Movilla Galarcio et al. v. Colombia⁴. In-person hearing

This case is related to the alleged forced disappearance of Pedro Julio Movilla—a union leader, member of the left-wing political party PCC-ML, and Colombian social activist—on May 13, 1993. There is alleged to be much circumstantial and contextual evidence indicating the State is responsible for the disappearance of the victim. It is therefore argued that at least three relevant contexts converged for the purposes of this case: the context related to trade unionists being identified in State intelligence and guerrilla-fighting manuals as domestic enemies; political violence in Colombia, which led to alarming numbers of executions and disappearances of people

associated with certain political parties similar to the PCC-ML; and the high rate of forced disappearances in the context of the armed conflict in Colombia. It is also alleged that other elements indicate he and his family suffered persecution, including intelligence activities by State security forces, placing the alleged victim in the position of being targeted by State security bodies at the time of the facts.

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

The public hearing was held on Tuesday, February 15, 2022 and you can see it again [here](#).

IV Monitoring compliance with Judgment, Provisional Measures, and administrative matters

The Court also supervised compliance with a number of Judgments and the implementation of Provisional Measures before it, as well as the processing of cases and Provisional Measures. It also handled a number of administrative matters.

¹ Judge Eduardo Vio Grossi did not participate in the deliberation of the Judgment in this case due to his Chilean nationality, in keeping with Article 19 of the Rules of Procedure of the Court.

² Judge Humberto Antonio Sierra Porto did not participate in the deliberation of the Judgment in this case due to his Colombian nationality, in keeping with Article 19 of the Rules of Procedure of the Court.

³ Judge Nancy Hernández López did not participate in the public hearing in this case due to her Costa Rican nationality, in keeping with Article 19 of the Rules of Procedure of the Court.

⁴ Judge Humberto Antonio Sierra Porto did not participate in the public hearing in this case due to his Colombian nationality, in keeping with Article 19 of the Rules of Procedure of the Court. Judge Verónica Gómez recused herself from participating in the public hearing.

The composition of the Court for these sessions was as follows: Judge Ricardo C. Pérez Manrique, President (Uruguay), Judge Humberto Antonio Sierra Porto, Vice President (Colombia), Judge Eduardo Ferrer Mac Gregor Poisot (Mexico), Judge Nancy Hernández López (Costa Rica), Judge Verónica Gómez (Argentina); Judge Patricia Pérez Goldberg (Chile) and Judge Rodrigo Mudrovitsch (Brazil).

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