

# Press Release

Inter-American Court of Human Rights  
I/A Court H.R.\_PR-17/2023 English

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## I/A Court H.R. Protecting Rights

### INTER-AMERICAN COURT OF HUMAN RIGHTS TO HOLD ITS 156<sup>TH</sup> REGULAR SESSION



*San José, Costa Rica, March 3, 2023.* The Inter-American Court will hold its 156<sup>th</sup> Regular Session between March 6 and 24, 2023. It will be held as a hybrid session, combining both in-person and virtual activities. The public hearings will be broadcast on the Court's social media channels.

#### **I. Judgments**

The Court will deliberate judgment on the following contentious cases:

##### **1) Case of Hendrix v. Guatemala**

This case relates to the alleged international responsibility of the State for administrative decisions and a judicial decision that allegedly prevented Steven Edward Hendrix from exercising the profession of notary, despite having the respective university degree obtained in Guatemala, due to the fact he was not a Guatemalan national.

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

##### **2) Case of Scot Cochran v. Costa Rica<sup>1</sup>**

This case relates to the alleged international responsibility of the State for the alleged violation of certain judicial guarantees and, in particular, of the right to information on consular assistance of Thomas Scot Cochran, during the criminal proceedings against him.

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

### **3) Case of Álvarez v. Argentina<sup>2</sup>**

This case relates to the alleged human rights violations of which Guillermo Antonio Álvarez was a victim in the context of criminal proceedings against him, since he did not have the time and means to prepare an adequate defense. In addition, it is argued that the court did not carry out an analysis of the possible conflict of interest in the representation of two defendants by a joint defense counsel. It is also alleged that the lack of active argument in favor of the interests of Mr. Álvarez, as well as the improper justification of the appeals filed, had an impact on his right to an effective defense. It is also alleged that Mr. Álvarez was presented at the hearing in handcuffs, without the State justifying that such a measure was suitable and proportional to reduce the risk of flight or violence, which would have affected his right to the presumption of innocence.

Furthermore, regarding the imposition of the sentence of life imprisonment plus additional imprisonment for an indeterminate period of effective enforcement, it is alleged that said sentence would mean, in a best-case scenario, that the alleged victim would obtain his unconditional release in a minimum of 30 years. It is therefore argued that said penalty was disproportionate and contrary to the purpose of reincorporation into society. Similarly, the additional penalty imposed as a result of the alleged victim's convictions in other proceedings would have constituted an expression of criminal law based on the individual actor that would imply, in practice, an unjustified differential treatment compared to other individuals who would have committed the same crime.

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

### **4) Case of the Community Garifuna of San Juan and its members v. Honduras**

This case refers to the alleged international responsibility of the State for the presumed lack of protection of the ancestral lands of the Garifuna Communities of San Juan and Tornabé, as well as the presumed threats against several of their leaders. In this regard, it is alleged that although, in 2000, the National Agrarian Institute granted a title recognizing a portion of the ancestrally claimed territory, the State has not complied with titling the community's entire territory, which has prevented them from the peaceful use and enjoyment of their lands. Additionally, in a context of the lack of legal certainty regarding their ancestral territories, it is argued that titles have been granted to third parties outside the community, such as the granting and operation of hotel projects, expansion of the urban center of the Municipality of Tela, and the creation of a National Park in territory claimed by the community.

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

### **5) Case of the Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala**

The case relates to the alleged international responsibility of the Republic of Guatemala to the detriment of the Maya Q'eqchi' Community of Agua Caliente, due to the alleged lack of domestic legislation to guarantee their right to collective property, the granting and establishment of a mining project in their territory, and the alleged absence of adequate and effective remedies to demand protection of their rights. Since 1890, the Community's Traditional lands have been identified as "Lot 9", however, the Community alleges that they do not have a collective property title to their ancestral lands and territories, despite the efforts they have made for more than four decades. In turn, they assert the existence of various omissions and irregularities during the processing of the collective property title, against which domestic remedies would have been ineffective.

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

## **II. Public Hearings of Contentious Cases**

The Court will hold public hearings in the following contentious cases. The hearings will be broadcast on the Court's social media channels.

### **1) Case of Viteri Ungaretti v. Ecuador**

This case relates to the alleged international responsibility of the State of Ecuador for the alleged reprisals suffered by Julio Rogelio Viteri Ungaretti, a member of the Armed Forces and his family. It is alleged that said reprisals occurred as a consequence of a complaint, made by Mr. Viteri in November 2001, of serious irregularities in public administration and corruption within the Armed Forces.

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

The in-person public hearing will be held on Monday March 20, 2023, from 09:00 a.m. (Costa Rican time).

### **2) Case of Rodríguez Pacheco et al. v. Venezuela**

This case relates to the alleged international responsibility of the State of Venezuela for the deficiencies in the health care provided to Mrs. Rodríguez Pacheco in a private health care center and for the lack of diligent investigation and adequate reparation of alleged acts of medical malpractice, after the alleged victim underwent a cesarean section.

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

The in-person public hearing will be held on Monday Tuesday 21, 2023, from 09:00 a.m. (Costa Rican time).

### **3) Case of Beatriz et al. v. El Salvador**

This case relates to the alleged violations of the rights of Beatriz and her family due to the prohibition of the voluntary termination of pregnancy in El Salvador, which allegedly prevented her from the possibility of accessing a legal, early and timely termination when dealing with of a situation of alleged risk to life, health and personal integrity; as well as the non-viability of the fetus outside the womb.

Beatriz had been diagnosed with systemic lupus erythematosus, lupus nephropathy and rheumatoid arthritis. It is argued that a medical report considered the pregnancy high risk and later it was diagnosed that the fetus was anencephalic, it's survival outside the womb was non-viable, and that if the pregnancy progressed there was a probability of maternal mortality.

Beatriz's legal defense filed an amparo claim requesting the termination of the pregnancy in order to save Beatriz's life, and the Constitutional Chamber admitted the amparo claim and issued a precautionary measure. On May 28, 2013, the Constitutional Chamber declared the amparo claim "inadmissible", since it considered that there was no conduct of omission on the part of the respondent authorities that would have caused serious threat to the rights to life and health of Beatriz.

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

The in-person public hearing will be held on Wednesday, March 22, and Thursday, March 23, 2023, starting at 09:00 (Costa Rica time). If you wish to participate in this hearing, you must register in advance at the following links.

Wednesday March 22, 2023: <https://www.eventbrite.com.mx/e/entradas-audiencia-publica-caso-beatriz-y-otros-vs-el-salvador-22-de-marzo-570054226537>

Thursday March 23, 2023: <https://www.eventbrite.com.mx/e/entradas-audiencia-p-ublica-caso-beatriz-y-otros-vs-el-salvador-23-de-marzo-570060736007>

### **III. Hearings on Monitoring Compliance**

The Court will hold hearings on monitoring compliance with judgments in the following cases:

#### **1) Case of García and family members v. Guatemala**

The public hearing to monitor compliance with the judgment is scheduled for March 13, 2023, from 2:00 p.m. (Costa Rican time). The hearing will be broadcast on the Court's social media channels.

#### **2) Case of Radilla Pacheco v. México<sup>3</sup>:**

The private hearing to monitor compliance with the judgment is scheduled for March 13, 2023, from 2:00 p.m. (Costa Rican time).

#### **3) Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala:**

The public hearing to monitor compliance and implementation of provisional measures is scheduled for March 20, 2023, from 5:00 p.m. (Costa Rican time). The hearing will be broadcast on the Court's social media channels.

### **IV. Monitoring Compliance with Judgments, Provisional Measures and administrative issues.**

The Court will also monitor compliance with various judgments and implementation of provisional measures under its remit, as well as procedural issues of various contentious cases. It will also hear several matters of an administrative nature.

Regular updates will be provided regarding the development of the various activities of the 156<sup>th</sup> Regular Session.

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<sup>1</sup> Judge Nancy Hernández López will not participate in the deliberation of this Judgment due to her Costa Rican nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

<sup>2</sup> Judge Verónica Gómez will not participate in the deliberation of this Judgment due to her Argentine nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

<sup>3</sup> Vice President Judge Eduardo Ferrer Mac-Gregor will not participate in the Hearing Monitoring Compliance in this case, due to his Mexican nationality, in accordance with Art. 19 of the Court's Rules of Procedure.

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

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