

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 157TH REGULAR SESSION



San José, Costa Rica, May 4, 2023- The Inter-American Court of Human Rights held its 157th Regular Session on April 17 -28, 2023. From April 17 to 21, the Court held virtual sessions and from April 24 to 28, it held in-person sessions in Santiago de Chile.

The President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, emphasized that “the holding of this Regular Session of the Inter-American Court in Chile is a great opportunity to deepen knowledge of the Court’s work and to enable all those interested in the subject of human rights to participate in its public activities.”

During its 157th Regular Session, the Court conducted four Public Hearings of Contentious Cases, deliberated one Judgment and held Public Hearings on Monitoring Compliance with Judgment and Provisional Measures.

The Inter-American Court of Human Rights is grateful to the Norwegian Ministry of Foreign Affairs, the Cooperation provided by the German Federal Ministry for Economic Cooperation and Development (BMZ), implemented by the GIZ, the Ministry of Foreign Affairs of Chile, the Constitutional Court of Chile and the University of Chile for their support in organizing this, Session.

I. Installation Ceremony of the Court’s 157th Regular Session in Chile



The Installation Ceremony of the Court's 157th Regular Session in Chile took place on Monday, April 24, with the participation of the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, the President of the Chilean Supreme Court of Justice, Juan Eduardo Fuentes Belmar, the President of the Constitutional Court of Chile, Nancy Yáñez Fuenzalida, the Minister of Foreign Affairs of Chile, Alberto van Klaveren and the Minister of Justice and Human Rights, Luis Cordero.

The President of the Inter-American Court emphasized that "for the Inter-American Court of Human Rights, the Sessions held outside of its regular seat, in San José, Costa Rica, are events of great importance. Since 2003, the Court has held 32 Regular Sessions in 16 States Parties to the American Convention."

"Today the Inter-American Court is in Chile to show its work in a transparent and accessible way, within the framework of its open justice policy, which links this Court directly with the people of this country," said the President of the Court.

Access the video of the ceremony [here](#).

II. Tribute to Former Judge and Former Vice President of the Inter-American Court, Eduardo Vio Grossi



As part of the Installation Ceremony of the 157th Regular Session, the President of the Inter-American Court paid tribute to a Former Judge and Former Vice President of the Court, Eduardo Vio Grossi.

In his tribute, the President of the Court, Judge Ricardo C. Pérez Manrique, recalled that: "The Respected Judge, author, essayist and professor, Dr. Vio Grossi is, above all, an authority in the field of International Law. Judge Vio Grossi has had an exemplary life experience in the defense and promotion of human rights in our continent and in his beloved Chile, from which he had to go into involuntary exile during several years of the dictatorship. He himself has experienced what it means to be a victim of human rights violations, both in exile and later on upon his return to democracy, and this great jurist has contributed enormously to the consolidation of international law," said Pérez Manrique.

See the video of the tribute [here](#).

III. Public Hearings of Contentious Cases

The Court held Public Hearings of several Contentious Cases. The Hearings took place at the Constitutional Court of Chile and were well attended by the public who were able to see firsthand how the Inter-American Court operates.

i. In-Person Public Hearings

a) Case of the U'wa Indigenous People and its members v. Colombia¹



The case concerns the alleged international responsibility of Colombia for the lack of effective protection of the U'wa People's right to ancestral property, as well as the implementation of a number of oil, mining, tourism and infrastructure activities, to the detriment of their rights. It is argued that the U'wa Peoples have been severely affected by the internal armed conflict in Colombia, even to the point of being threatened with extinction.

In addition, it is alleged that Colombia has not provided the necessary legal security to ensure

effective protection of the right to property, as well as its peaceful and exclusively indigenous possession.

Furthermore, it is alleged that the State did not carry out a free and informed prior consultation

before granting permits, licenses and concessions for oil, mining and infrastructure projects on the lands of the U'wa People or in adjacent areas, which could affect their lands, territories and way of life. Likewise, Colombia has allegedly failed to carry out environmental and social impact studies of those activities, and lacks legislation to adequately regulate the consultation process. On the other hand, it is argued that the entry of companies into the territory of the U'wa People, the fact that their territory has not been completely restored and the continued presence of settlers on it, prevents them from having free access to their lands and sacred sites, thus affecting their traditions and their cultural and spiritual survival. Moreover, it is alleged that when the State created "El Cocuy" Natural Park, it granted its administration and management to the National Directorate of Natural Parks and not to the traditional authorities of the U'wa People, despite the fact that the entire park is located in their territory. Finally, it is argued that, despite the complaints and appeals against the licenses and projects carried out in their territory, the members of the U'wa People did not have an effective remedy to protect their property rights, nor to achieve the restoration promised to the victims since 1999.

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

The public hearing was held in person on Tuesday, April 25 and Wednesday, April 26, 2023. The video of the public hearing is available [here](#).

b) Case of the Quilombolas Communities of Alcântara v. Brazil²



The case relates to the alleged harm caused to the collective property of 152 Quilombola communities in the municipality of Alcântara, in the State of Maranhão, owing to the alleged failure of the Brazilian State to issue title deeds to their lands, the creation of an aerospace facility without the required prior consultation and consent of these communities, the alleged expropriation of their lands and territories, and the lack of judicial remedies to redress this situation.

According to the Inter-American Commission, on September 12, 1980, an area of 52,000 hectares in part of the territory inhabited by 32 Quilombola communities was declared of “public utility.” Subsequently, the Brazilian State allegedly expropriated the aforementioned hectares and initiated the creation of the Alcântara Launch Center (CLA) in order to develop a national space program.

These Quilombola communities have reportedly been resettled in seven farming villages, while

the rest of the communities continue in their traditional territories. Regarding the communities that remain on their ancestral lands, the Commission noted that despite the efforts made by the communities to obtain collective property titles to their traditional lands and territories, they have not been able to use and enjoy their lands peacefully.

With regard to the communities resettled in the farming villages, the Commission noted that they do not possess property titles to their lands and territories; that the resettlement process was not carried out in accordance with the parameters stipulated by international law; and that their right to make a claim had not expired, at least with respect to the portion of the territory that was originally expropriated for the CLA and the return of which would not be impossible.

The Commission also found that the State did not comply with its international obligations in the construction of CLA and the resettlement of 32 quilombola communities, by failing to ensure that the restrictions on the right to property protected the communities' right to ancestral property; failing to conduct adequate environmental and social studies; implementing a resettlement process with serious deficiencies; and failing to provide full compensation.

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

The public hearing was held in person on Wednesday, April 26 and Thursday, April 27, 2023. The video of the public hearing is available [here](#).

c) Case of Córdoba and another v. Paraguay



This case concerns the alleged international responsibility of the State of Paraguay for the violation of the rights of Arnaldo Javier Córdoba and the child "D", which occurred in the context of a process of international return of a minor. The facts of this case allegedly began in January 2006, after the child "D" (an Argentinian national) was taken by his mother (a Paraguayan national) from Argentina, where his parents' marital home was located, to Paraguay, without the consent of his father, who therefore initiated an international restitution proceeding in Paraguay.

During the proceeding, in June 2006, a first instance court ordered the international return of child "D". In August 2006, the Court of Appeals for Children and Adolescents upheld the first instance ruling in all its parts. In September of the same year, the Supreme Court of Paraguay confirmed the decision to grant the child's return, after which a restitution hearing was convened. The child's mother did not attend the hearing and, in spite of all the proceedings and searches carried out by INTERPOL, the authorities only discovered the child's whereabouts in 2015.

At that time, a protective custody measure for "D" was issued in favor of his maternal aunt and a progressive relationship regime was established between "D", Mr. Córdoba and the extended paternal family. After several measures of accompaniment and psychological assessments aimed at developing the relationship between father and son, in March 2017, a precautionary measure was issued ordering that child "D" should remain in Paraguay.

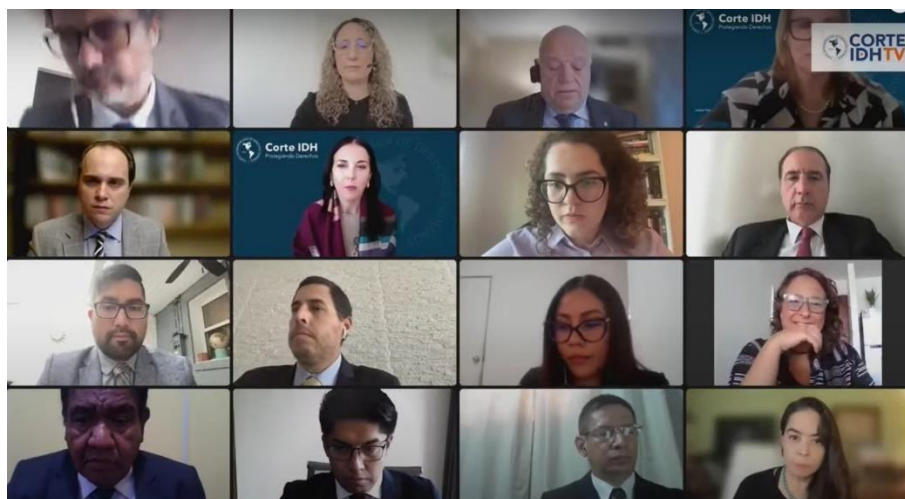
Learn more about the case [here](#).

The public hearing was held in person on April 28, 2023. The video of the public hearing is available [here](#).

ii. Virtual Public Hearing

The following Public Hearing took place virtually in the context of the 157th Regular Session:

d) Case of Bendeزú Tuncar v. Peru



The case concerns the alleged international responsibility of the State of Peru for the violation of the rights of Mr. Leónidas Bendeزú Tuncar, in the context of his dismissal from his position as Office Assistant at the Faculty of Financial and Accounting Sciences of the University of San Martín de Porres.

Mr. Bendeزú had worked for the university since 1981. He was dismissed from his position following

a disciplinary process that the University carried out against him, in which he was sanctioned for serious misconduct as provided for in the Law for the Promotion of Employment, Supreme Decree No. 05-95-TR. However, it is alleged that his dismissal was a reprisal against him. As a result, the alleged victim filed an appeal for annulment before the 15th Labor Court of Lima, which declared the lawsuit admissible, considering his dismissal to be arbitrary and ordering his reinstatement. However, the University appealed this decision, which was declared admissible. In view of this, Mr. Bendezú filed a cassation appeal before the Constitutional and Social Chamber of the Supreme Court of Justice, which was declared inadmissible. Consequently, it is alleged that the State is responsible for the violation of the rights to judicial guarantees, the principle of legality, judicial protection and job security established in Articles 8, 9, 11, 25 and 26 of the American Convention, in relation to the obligations established in Article 1(1) of this instrument.

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

The public hearing took place on Friday, April 21, 2023. The video of the public hearing is available [here](#).

IV. Judgments

The Court began deliberation of the Judgment in the following Contentious Case which will be continued at the next Session:

1) Case of the Maya Q'eqchi Indigenous Community of Agua Caliente v. Guatemala

The case concerns the alleged international responsibility of the Republic of Guatemala to the detriment of the Maya Q'eqchi' Agua Caliente Community, due to the alleged lack of domestic legislation to guarantee the community's right to collective property, the concession 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 ancestral lands have been identified as "Lot 9"; however, the Community alleges that it does not have a collective property title for these ancestral lands and territories, despite the efforts made by its members for more than four decades. In turn, they claim that numerous omissions and irregularities have occurred in the processing of the collective property title, against which the domestic remedies have been ineffective.

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

V. Monitoring Compliance with Judgments

i. Hearings on Monitoring Compliance with Judgments

With the agreement of the State of Chile, the Court held private hearings on Monitoring Compliance and made one visit to Monitor Compliance with judgments issued in cases involving that State. By delegation of the Court¹, Vice President Judge Eduardo Ferrer Mac-Gregor Poisot was responsible for conducting the following proceedings:

1. Case of Maldonado Vargas et al. v. Chile



A private hearing to Monitor Compliance with this Judgment took place on April 24, 2023, with the aim of receiving information on compliance with the measure ordered in the Judgment issued on September 2, 2015, namely to “continue and conclude, within a reasonable time, the investigation of the acts” of torture perpetrated against the victims of the present case.”

2. Case of Poblete Vilches et al. v. Chile



(i) Visit to the Sótero del Río Hospital



On April 24, the Vice President of the Court, Eduardo Ferrer Mac-Gregor Poisot, visited the Sótero del Río Hospital in order to monitor the situation and receive information directly from the hospital's authorities and officials on compliance with the guarantee of non-repetition ordered in the Judgment, as follows:

To ensure that the Sótero del Río Hospital has the essential infrastructure to provide adequate, opportune and quality care to its patients, particularly in emergency health care situations, providing increased protection to older persons.

(ii) Private hearing

On April 25, 2023, a private hearing took place on Monitoring Compliance with the following reparations ordered in the judgment issued on March 8, 2018:

- a) Provide medical and psychological care to the victims;
- b) Implement permanent education and training programs for medical students and medical professionals, as well as all the personnel of the health care and social security systems;
- c) Ensure that the Sótero del Río Hospital has the essential infrastructure to provide adequate, opportune and quality care to its patients, particularly in emergency health care situations, providing increased protection to older persons;
- d) Design a publication or leaflet outlining, in a concise, clear and accessible way, the rights of the older person in relation to health care contained in the standards established in this judgment, as well as the obligations of medical personnel when providing medical care. This publication (printed and/or in digital form) must be available in all public and private hospitals in Chile, for both the patients and the medical staff, and also on the Ministry of Health's website.
- e) Design a general policy for the comprehensive protection of the older person.

3. Case of Pavez Pavez v. Chile



On April 27, 2023, the Vice President of the Court, Eduardo Ferrer Mac-Gregor Poisot, met with officials of the Directorate of Human Rights of the Chilean Foreign Ministry, of the Ministry of

Education and of the Undersecretary for Human Rights of the Ministry of Justice and Human Rights regarding the implementation of the reparations ordered in the Judgment in the Case of Pavez Pavez v. Chile. The delegation of the Inter-American Court also included Deputy Registrar, Romina I. Sijniensky and the Director of Monitoring Compliance with Judgment, Gabriela Pacheco.

ii. Orders on Monitoring Compliance with Judgments

The Court issued orders on Monitoring Compliance with Judgment in the following cases:

1. *Case of Fontevecchia and D'Amico v. Argentina*
2. *Case of Pavez Pavez v. Chile*
3. *Case of Maldonado Vargas et al. v. Chile*
4. *Case of Trueba Arciniega et al. v. Mexico*
5. *Case of Noguera and another v. Paraguay*
6. *Case of Ríos Avalos et al. v. Paraguay*
7. *Case of the Xákmok Kásek Indigenous Community v. Paraguay*
8. *Case of Maidanik et al. v. Uruguay*

The Orders, after notification, are available [here](#).

VI. Meetings with Authorities and National and International Organizations

a. Meeting with the President of the Republic of Chile



A delegation from the Inter-American Court of Human Rights, headed by its President, Judge Ricardo C. Pérez Manrique, together with the full bench of Judges, held a meeting with the President of the Republic of Chile, Gabriel Boric. The delegation included the Court's Registrar Pablo Saavedra Alessandri and Deputy Registrar Romina I. Sijniensky.

b. Meeting with the Plenary of the Supreme Court of Justice of Chile



A delegation from the Inter-American Court of Human Rights, headed by its President, Judge Ricardo C. Pérez Manrique, together with the full bench of Judges of the Court, held a meeting with the plenary of the Supreme Court of Justice of Chile. The delegation was accompanied by Registrar Pablo Saavedra Alessandri and Deputy Registrar Romina I. Sijniensky.

c. Meeting with the Plenary of the Constitutional Court of Chile



A delegation from the Inter-American Court of Human Rights, headed by its President, Judge Ricardo C. Pérez Manrique, accompanied by the full panel of Judges of the Court, held a meeting with the plenary of the Constitutional Court of Chile. The delegation was accompanied by Registrar Pablo Saavedra Alessandri and Deputy Registrar Romina I. Sijniensky.

d. Meeting with the Minister of Foreign Affairs of Chile



A delegation from the Inter-American Court of Human Rights, headed by its President, Judge Ricardo C. Pérez Manrique, together with the full panel of Judges of the Court, held a meeting with the Minister of Foreign Affairs, Alberto Van Klaveren. The delegation included the Court's Registrar, Pablo Saavedra Alessandri, and Deputy Registrar Romina I. Sijniensky.

e. Meeting with the Minister of Justice and Human Rights of Chile



A delegation from the Inter-American Court of Human Rights, headed by its President, Judge Ricardo C. Pérez Manrique, together with the full panel of Judges of the Court, met with the Minister of Justice and Human Rights, Luis Cordero. The delegation included Registrar Pablo Saavedra Alessandri and Deputy Registrar Romina I. Sijniensky.

VII. International Seminar: The Impact of the Inter-American Court's Jurisprudence in Chile and its challenges



On Monday, April 24, 2023, the International Seminar on “The Impact of the Inter-American Court's Jurisprudence in Chile and its challenges” took place, with the participation of the judges of the Inter-American Court and distinguished academics. The event was held in the Aula Magna of the Casa Central of the University of Chile.

The seminar included a tribute to the work and achievements of Former President and Former Judge Cecilia Medina Quiroga, with the participation of the President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, the Minister of Foreign Affairs of Chile, Alberto van Klaveren and the Rector of the University of Chile, Rosa Deves.

Access the video [here](#).

VIII. Workshop “The transformative impact of compliance with the decisions of the Inter-American Court in Chile”



On April 26, 2023, the workshop on **“The transformative impact of compliance with the decisions of the Inter-American Court in Chile”** was organized jointly with the Ministry of Foreign Affairs of Chile and the Max Planck Institute for Comparative Public Law and International Law. The event was attended by Judge Rodrigo Mudrovitsch and the Director of Monitoring Compliance with Judgment of the Secretariat of the Court, Gabriela Pacheco.

Authorities and officials from different public institutions also participated, including the Undersecretary for Human Rights of Ministry of Justice and the Director of Human Rights of the Ministry of Foreign Affairs. The event was also attended by victims’ representatives and members of civil society organizations and academia.

IX. Training Course for Inter-American Public Defenders



In the context of the 157th Regular Session, a training course was held for inter-American public defenders, organized jointly with the Inter-American Association of Public Defender's Offices and the Public Defender's Office of Chile.

X. Signing of Agreements

During this Regular Session, agreements were signed with authorities of the following institutions:

- a. Supreme Court of Justice of Chile**
- b. Constitutional Court of Chile**
- c. Ministry of Foreign Affairs of Chile**
- d. University of Chile**
- e. University Adolfo Ibañez**
- f. University Alberto Hurtado**

g. University de Concepcion

h. University Diego Portales

i. University de los Andes

j. Chilean Association of Journalists

XI. Monitoring Compliance with Judgment, Provisional Measures and Administrative Matters

In addition, the Court monitored compliance with various Judgments and the implementation of the Provisional Measures that are currently under its jurisdiction, as well as the processing of Cases and Provisional Measures. It also discussed various matters of an administrative nature.

¹ In accordance with Art. 19 of the Court's Rules of Procedure, Judge Humberto Antonio Sierra Porto did not participate in the Public Hearing of this case because he is of Colombian nationality.

² In accordance with Art. 19 of the Court's Rules of Procedure, Judge Rodrigo Mudrovitsch did not participate in the Public Hearing of this case because he is of Brazilian nationality.

The composition of the Court for this Session was as follows: Judge Ricardo C. Pérez Manrique, President, (Uruguay), Judge Eduardo Ferrer Mac-Gregor Poisot, Vice President (Mexico), 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).

The Court expresses its gratitude to the cooperation of Norway, Germany, and Sweden, whose financial support is essential for the holding of this session period in Chile.



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