

Press Release

Inter-American Court of Human Rights
I/A Court H.R._PR-39/2021 English

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I/A Court H.R. Protecting Rights

INTER-AMERICAN COURT OF HUMAN RIGHTS HELD THE 142ND REGULAR SESSION



San José, Costa Rica, June 30, 2021.- The Inter-American Court held its 142nd regular sessions period, between May 24, and June 25, 2021.

The sessions were held virtually. During the sessions, public hearings were held for six cases, alongside hearings on monitoring compliance with Judgment and Provisional Measures. Also, the Court deliberated on three Judgments: two Judgments of interpretation, and one advisory opinion. The Court also heard of a variety of matters related to measures of monitoring compliance with judgment and provisional measures; and dealt with several administrative matters.

I. Judgments

The Court deliberated on judgments in the following contentious cases. These Judgments will be notified soon and will be available [here](#).

a) Case of Grijalva Bueno v. Ecuador¹

This Case has to do with the alleged arbitrary dismissal of Vicente Aníbal Grijalva Bueno from his position as port Captain of the Ecuadorian Navy in 1993, as well as the alleged lack of judicial guarantees in the administrative dismissal procedure, and the criminal military process for “crimes against military discipline” brought against him. It is alleged that the State of Ecuador violated Mr. Grijalva’s right to an impartial authority during the dismissal process and the opportunity to hear, participate in, and defend himself in the disciplinary proceeding that ended

with his dismissal. It is also argued that the statements issued by different members of the Ecuadorian Navy indicated that they were subjected to acts of torture to get them to testify against Mr. Grijalva, something that was corroborated by the Truth Commission. This situation was alleged to have amounted to a violation of the right to due guarantees, as well as the right to defense and to a fair trial.

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

b) Case of Moya Solís v. Peru

This Case refers to the alleged violations of multiple Conventional rights, in an administrative disciplinary process of ratification framework, which ended with the dismissal of the alleged victim from her post as the judicial secretary of the Third Court of the Work and Organized Labor Jurisdiction of Peru. It is alleged that the State violated the right to prior notification in detail of charges and adequate time and means for defense, given that during the ratification process, the alleged victim was not notified of the charges or accusations against her, nor was she informed of the allegations or complaints, so as to enable her to present evidence or exculpatory information regarding them. It is also argued that she was verbally notified of the non-ratification decision, which affected her right to defense in appeals forums because she did not know the reasons leading the Committee of Judges to decide not to ratify her. It was additionally argued that in the processing of neither the appeal for review nor the *amparo* did the competent authorities allow the victim access to the case file of ratifications that could have revealed in detail the arguments and evidence presented against her leading to her non-ratification that would have enabled her to challenge them with her own arguments or exculpatory evidence.

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

c) Case of Guerrero, Molina et al. v. Venezuela

This Case deals with the alleged extrajudicial executions of Jimmy Guerrero and Ramón Molina that took place on March 29, 2003, at the hands of officials of the Armed Police Forces of the State of Falcón in Venezuela. The alleged victims are said to have experienced situations of profound terror prior to their executions, amounting to violation of their rights to life and personal integrity. Additionally, it is argued that in the case of Jimmy Guerrero, the State violated its obligation to investigate possible acts of torture.

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

The Inter-American Court also deliberated on judgments of interpretation in the following cases:

d) Case of the Employees of the Fireworks Factory of Santo Antonio de Jesus and their families v. Brazil

e) Case of Martínez Esquivia v. Colombia²

II. Deliberation on Request for Advisory Opinion

The Court deliberated on a Request for Advisory Opinion on indefinite presidential reelection in the context of the Inter-American Human Rights System. The advisory opinion will be notified soon and is available [here](#).

Learn more about the request for advisory opinion [here](#).

III. Public hearings on Contentious Cases

The Court held virtual public hearings on the following Contentious Cases.

a) Case of Teachers of Chañaral and other Municipalities v. Chile³

This case involves the alleged violation of the rights to due process, private property, and judicial protection as a result of a failure to comply with 13 final judicial judgments issued in favor of 848 teachers. These judgments ordered the municipalities to pay certain amounts to teachers in the context of the municipalization of the education system and the transfer of students to the private sector during the military regime in Chile in the 1980s.

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

Watch the public hearing [here](#).

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

The 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](#).

Watch the public hearing [here](#).

c) Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala

This case involves the alleged impossibility of four community radio stations operated by indigenous peoples in Guatemala (the Maya Kaqchikel of Sumpango, the Achí Maya of San Miguel Chicaj, Mam the Maya of Cajolá, and the Maya of Todos Santos of Cuchumatán) to freely exercise their right to freedom of expression and their cultural rights due to the existence of legal obstacles to accessing radio frequencies and an alleged policy of criminalizing community broadcasting operated without permission in Guatemala.

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

Watch the public hearing [here](#).

d) Case of Palacio Urrutia et al. v. Ecuador⁴

This case involves an alleged series of human rights violations resulting from a criminal process allegedly brought by former president Rafael Correa against journalist Emilio Palacios Urrutia and the directors of the newspaper *El Universal*—Carlos Nicolás Pérez Lapentti, César Enrique Pérez Barriga, and Carlos Eduardo Pérez Barriga—over the publication of an opinion article on a matter significantly in the public interest on the events surrounding the political crisis in September 2010 in Ecuador and the actions of former president Rafael Correa and other authorities in the framework of the crisis. In this regard, it is alleged that the courts convicted the journalist and the directors of *El Universal* and sentenced them to three years in prison, along with a civil sanction of US\$30 million, for the crime of “grave calumnious defamation against authorities” for the publication of an opinion article on a matter significantly in the public interest. Likewise, a civil penalty of \$10 million was handed down against the corporation that published *El Universo*. It was also noted that the facts of this case took place in a context documented by the IACHR Office of the Special Rapporteur for Freedom of Expression to involve a variety of violations and setbacks, as well as government repression, impacting the free exercise of freedom of expression.

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

Watch the public hearing [here](#).

e) Case of Maidanik et al. v. Uruguay⁵

This case involves the alleged forced disappearance of Luis Eduardo González González and Osear Tassino Asteazu, as well as the alleged extrajudicial executions of Diana Maidanik, Laura Raggio Odizzio, and Silvia Reyes, in the framework of the civic-military dictatorship in Uruguay, a period during which grave human rights violations were committed by State agents. In this regard, the State is alleged to have violated the rights to juridical personality, life, personal integrity, and personal liberty. It is also argued that the application of the Law on the Expiration of the Punitive Claims of the State constituted an obstacle to the investigation of the facts at different times, given that its apparent effect was the fostering of impunity, thereby violating the rights to judicial guarantees and judicial protection.

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

Watch the public hearing [here](#).

f) Case of Former Employees of the Judiciary v. Guatemala

This case involves the alleged dismissal of 93 employees of the Judicial Branch in Guatemala in response to a strike carried out in 1996. Following the alleged finding that the strike was illegal, on May 13, 1996, the First Chamber of the Appellate Court on Labor and Social Security supposedly gave a deadline of 20 days for the Judicial Branch to terminate the work contracts of the workers who presumably went on strike, and on September 1, 1999, the Supreme Court of Justice moved forward with dismissing 404 workers, including the alleged victims. These individuals were allegedly not subjected to an administrative proceeding prior to the dismissal sanction, and therefore, they were not notified of the initiation of the disciplinary proceeding against them, nor did they have an opportunity to defend themselves against it. Allegedly as a result of this, at least 27 workers who say they did not participate in the strike were possibly dismissed on their names having been mistakenly included on the list of strikers.

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

Watch the public hearing [here](#).

IV. Provisional Measures Hearings:

The Court held virtual public hearings on the implementation of the following Provisional Measures:

a) During the public hearing on Provisional Measures regarding the Federative Republic of Brazil in the Matters of the Socio-Educational Internment Facility, of the Penitentiary Complex of Curado, of the Penitentiary Complex of Pedrinhas and the Criminal Institute of Plácido de Sá Carvalho.

Watch the public hearing [here](#).

b) Matter of the Members Choréachi Indigenous Community regarding Mexico⁶

Watch the public hearing [here](#).

V. Hearings on Monitoring Compliance with Judgment

The Court held virtual public hearings on monitoring compliance with judgment in the following cases:

a) Monitoring Compliance with Judgment in the Case of Montero Aranguren et al. (Detention Center of Catia) v. Venezuela

Watch the public hearing [here](#).

b) Monitoring Compliance with Judgment in the Case of Gomes Lund et al. (Guerrilha do Araguaia) v. Brazil and the Case of Herzog et al. v. Brazil

Watch the public hearing [here](#).

It also held a private hearing on Monitoring Compliance with Judgment:

c) Monitoring Compliance with Judgment, Case of the Santo Domingo Massacre v. Colombia⁷

VI. 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, provisional measures, and advisory opinions. It also handled a number of administrative matters.

During the sessions, the following orders on **Monitoring Compliance with Judgments** were approved:

a) Case of Juan Humberto Sánchez v. Honduras

b) Case of Acevedo Buendía et al. (“Discharged and Retired Employees of the Office of the Comptroller”) v. Peru

c) Case of Peasant Community of Santa Bárbara v. Peru

d) Case of Hernández v. Argentina

e) Case of Spoltore v. Argentina

f) Joindered Cases of Véliz Franco et al. and Velázquez Paiz et al. v. Guatemala, regarding guarantees of non-repetition.

Orders on **requests for and implementation of Provisional Measures** were also adopted in the following cases:

a) Case of Vélez Loo v. Panama

b) Case of Favela Nova Brasília v. Brazil

c) Case of Petro Urrego v. Colombia

d) Matter of Juan Sebastián Chamorro et al. regarding Nicaragua

e) Case of Tavares Pereira et al. v. Brazil

The orders will be notified soon and are available [here](#).

¹ Judge Patricio Pazmiño Freire did not participate in the deliberation of the Judgment in this case due to his Ecuadorian 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 Eduardo Vio Grossi did not participate in the public hearing or 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.

⁴ Judge Patricio Pazmiño Freire did not participate in public hearing or in the deliberation of the

Judgment in this case due to his Ecuadorian nationality, in keeping with Article 19 of the Rules of Procedure of the Court.

⁵ Judge Ricardo Pérez Manrique did not participate in the public hearing or in the deliberation of the Judgment in this case due to his Uruguayan nationality, in keeping with Article 19 of the Rules of Procedure of the Court.

⁶ Judge Eduardo Ferrer Mac-Gregor Poisot did not participate in the public hearing or 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.

⁷ Judge Humberto Antonio Sierra Porto did not participate in the hearing due to his Colombian nationality, in keeping with Article 19 of the Rules of Procedure of the Court.

The composition of the Court for these sessions was as follows: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Patricio Pazmiño Freire, Vice President (Ecuador); Judge Eduardo Vio Grossi (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eduardo Ferrer Mac-Gregor Poisot (Mexico); Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Ricardo Pérez Manrique (Uruguay).

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Avenida 10, Calles 45 y 47 Los Yoses, San Pedro, San José, Costa Rica.

 (506) 2527-1600

 www.corteidh.or.cr
corteidh@corteidh.or.cr

 Avenida 10, Calles 45 y 47 Los Yoses,
San Pedro, San José, Costa Rica.