

Press Release

Inter-American Court of Human Rights
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INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 162ND REGULAR SESSION



San José, Costa Rica, October 27th, 2023.- From October 9th to 20th, 2023, the Inter-American Court of Human Rights held its 162nd Regular Session, which was divided into one week of activities held in Colombia (October 9th to 13th) and another week held virtually (October 16th to 20th).

The President of the Inter-American Court, Judge Ricardo C. Pérez Manrique, expressed that “holding this Regular Session of the Inter-American Court in Colombia was a great opportunity to create a better understanding of the Court's work among the Colombian population. The public activities also created a space for exchange and participation for anyone interested in human rights.”

During the Regular Session in Colombia three Public Hearings on Contentious Cases, five Private Hearings on Monitoring Compliance with Judgment and a Public International Seminar were held.

In the virtual part of the Regular Session the Court deliberated one Judgment and began deliberating on two Judgments.

The Inter-American Court of Human Rights would like to thank the Ministry of Foreign Affairs of Colombia, the Ombudsman's Office of Colombia, the Special Jurisdiction for Peace (SJP) and Universidad Externado for the support in holding this Regular Session. Moreover, we would like to thank the Cooperation of Spain and Sweden, whose financial support was key to hosting this Regular Session.

Information on the protocol activities held in Colombia can be accessed [here](#).

I. Judgments

During the virtual part of the Regular Session the Court continued deliberating and adopted the following Judgment:

1. Case of Members of the José Alvear Restrepo Lawyers Collective (CAJAR) v. Colombia¹

The instant case concerns alleged facts of violence, intimidation, harassment and threats against the members of the José Alvear Restrepo Collective Lawyers Corporation (CAJAR) since the 1990s and up to the present day, linked to their activities in defense of human rights. The members of CAJAR have allegedly been victims of multiple threats, harassment and being followed in various places by people whose identity was not confirmed to be able to establish whether they were state agents. However, it is claimed that the State performed actions that actively contributed to the materialization of such acts of violence, such as arbitrary intelligence work and stigmatizing rulings issued by high officials.

Further information on this case can be accessed [here](#).

The Court also began deliberating the following Judgments, which it will continue during the next Regular Session:

2. Case of La Oroya Community v. Peru

This case concerns the international responsibility of the State for the damages caused to a group of inhabitants of La Oroya Community, as a consequence of pollution caused by a metallurgical complex in the community. The overall claim is that Peru's non-compliance with its international obligations allowed the mining activity to generate high levels of pollution that seriously affected the health of the alleged victims. In this regard, the State failed to comply with due diligence in its duties to regulate, supervise and oversee the behavior of both private and public companies regarding the potential jeopardizing of the human rights of the community's inhabitants, as well as the general obligation to prevent human rights violations. Moreover, it is claimed that the State failed to adopt adequate measures to address the risks that environmental pollution poses to the children's health in the community. In addition, Peru failed to guarantee public participation and the right of access to information of the alleged victims in decisions that affect them directly, nor did it investigate the threats, harassment and retaliation against the alleged victims. The State thus allegedly failed its immediate obligations on the rights to a healthy environment and to health, as well as its obligation to progressively achieve the full realization of those rights.

Further information on this case can be accessed [here](#).

3. Case of Airtón Honorato et al. v. Brazil²

This case relates to the alleged responsibility of the State for the death of 12 former prisoners: José Airtón Honorato, José Maia Menezes, Aleksandro de Oliveira Araujo, Djalma Fernandes Andrade de Souza, Fábio Fernandes Andrade de Souza, Gerson Machado da Silva, Jeferson Leandro Andrade, José Cicero Pereira dos Santos, Laercio Antonio Luis, Luciano da Silva Barbosa, Sandro Rogerio da Silva and Silvio Bernardino do Carmo, who, allegedly under the instructions of "Grupo de Repressão e Análise dos Delitos de Intolerância" (Group of Repression and Analysis of Crimes of Intolerance; "GRADI") — created by the Public Security Secretariat of the State of São Paulo — had acted as informants in criminal organizations. In this context, GRADI acted with the intelligence service of the military police. On March 5, 2002, in Castelinho, located in the vicinity of the city of Sorocaba, São Paulo, GRADI and the military police carried out an operation known as "Castelinho" against "Primeiro Comando da Capital" (PCC), allegedly the main criminal organization in the city of Sorocaba. The Inter-American Commission claims that in this operation GRADI instructed the 12 former prisoners to deceive PCC about the existence of a plane containing

money that would arrive at the Sorocaba airport. The Military Police allegedly surrounded the place with approximately one hundred policemen. Moreover, the Inter-American Commission claims that more than 700 shots were fired, resulting in only one policeman wounded with minor injuries and the death of the 12 victims of this case.

Further information on this case can be accessed [here](#).

Once the Judgments are notified, they will be available [here](#).

II. Public Hearings of Contentious Cases

The Court held in-person public hearings on the Cases listed below. The public hearings were held at the premises of the Ombudsman's Office of Colombia.

a) Case of Huilcaman Paillama et al. v. Chile³



This case relates to the alleged responsibility of the State for a series of violations during criminal proceedings against 140 Mapuche individuals, in the context of a series of protests held in 1992 to mark the 500-year anniversary of the Spanish conquest of the Americas. Between June 16th and June 20th, 1992, members of the All Lands Council (Consejo de Todas las Tierras), an organization that grouped Mapuche authorities, took over eleven properties adjacent to their communities seeking attention from the public opinion regarding several claims, as well as the attention of the Senate, where the Indigenous Law was being processed. This consisted of holding demonstrations for a brief period at the occupied properties, placing signs that asked for the land to be given back. The occupations ended when the premises were allegedly cleared by the public forces.

Subsequently, the alleged victims were subjected to criminal proceedings and on March 11th, 1993, they were convicted of the crimes of usurpation, illegal association, contempt, theft, cover-up of theft and bodily harm, with penalties ranging from the payment of a fine equivalent to six minimum wages to three years and nine months in prison. It is claimed that during the criminal proceedings several human rights violations were committed regarding: the right to be heard by an impartial tribunal, right to adequate grounds, principle of presumption of innocence, right to prior notification in detail of the charges, right to adequate time and means to prepare a defense, principle of freedom for ex post facto laws, right to freedom of expression, right to freedom of association and the principle of equality and non-discrimination.

Further information on this case can be accessed [here](#)

The in-person public hearing took place on Tuesday, October 10, 2023, at 09:00 am (Colombia time). The recording of the public hearing can be accessed [here](#).

b) Case of Pérez Lucas et al. v. Guatemala



This case refers to the alleged responsibility of the State for the alleged violations that took place as a consequence of the detention in April 1989 of Agapito Pérez Lucas, Nicolás Mateo, Macario Pú Chivalán and Luis Ruiz Luis, their subsequent forced disappearance and the alleged impunity status of the investigations.

According to the Commission, the alleged victims were human rights defenders and members of the Runujel Junam Council of Ethnic Communities (CERJ). They were detained by state agents who refused to indicate the grounds for the detention, the place where they were transferred and the whereabouts of the alleged victims. The Commission also considered that the State did not perform a diligent or timely investigation of the facts. Consequently, it asked the Republic of Guatemala to be declared internationally responsible for the violation of the rights to juridical personality, to life, to humane treatment, to personal liberty, to freedom of association to defend human rights, to judicial guarantees and to judicial protection, enshrined in (Articles 3, 4.1), 5.1, 7.1, 16.1, 8.1 and 25.1 of the American Convention on Human Rights, respectively, in relation to Article 1.1 thereof, in addition to the violation of Articles I a) and I b) of the Inter-American Convention on Forced Disappearance of Persons.

Further information on this case can be accessed [here](#).

The in-person public hearing took place on Wednesday, October 11th, 2023, at 09:00 am (Colombia time). The recording of the public hearing can be accessed [here](#).

c) Case of Leite de Souza et al. v. Brazil⁴



This case concerns the alleged responsibility of the State for the forced disappearance of Viviane Rocha, Cristiane Leite de Souza, Wudson de Souza, Wallace do Nascimento, Antônio Carlos da Silva, Luiz Henrique Euzébio, Edson de Souza, Rosana Lima de Souza, Moisés dos Santos Cruz, Luiz Carlos Vasconcelos de Deus and Edio do Nascimento, as well as alleged acts of sexual violence against women in the context of those disappearances. The case also concerns the murder of Edméa da Silva Euzébio and Sheila da Conceição, mother and cousin of Luiz Henrique Euzébio, one of the alleged victims of forced disappearance, and the lack of due diligence in the investigation and punishment of those responsible. According to the Commission, on July 26th, 1990, a group of civilian and military police abducted the victims and took them to the ranch of a military officer, where they were subjected to sexual violence, murdered and thrown into the Estrela River.

The police investigation began on July 31st, 1990. On July 27th, 2010, the Public Prosecutor's Office of Rio de Janeiro shelved the police investigation, although criminal proceedings had not been opened, since "the bodies were never found, therefore there was no technical evidence of the materiality of the crime of homicide" and the statute of limitations of the punitive claim. The investigation was reopened on December 13th, 2011, allegedly to address the petition filed before the Inter-American Commission. Moreover, on January 15th, 1993, Edméa da Silva Euzébio and Sheila da Conceição were murdered in Rio de Janeiro shortly after Ms. Da Silva testified in court that police officers had taken part in the disappearances. The criminal investigation of these deaths was opened on February 25th, 1993. According to the Commission, the person charged as mastermind was acquitted in 1996 by the Jury Court (Tribunal de Jurado) at the request of the Public Prosecutor's Office, due to lack of evidence. Subsequently, seven military police officers of the 9th Battalion of the Military Police, known as "Running Horses" (Caballos Corredores) were accused of the murders. On September 22, 2014, the case was brought to the Jury Court.

Further information on this case can be accessed [here](#).

The in-person public hearing took place on Thursday, October 12, 2023, at 09:00 am (Colombia time). The recording of the public hearing can be accessed [here](#).

III. Hearings on Monitoring Compliance with Judgment

The Court held private hearings on Monitoring Compliance with Judgment.

a) Private hearing on Monitoring Compliance with Judgment in the Case of Isaza Uribe et al. v. Colombia⁵



The hearing took place on Monday October 9th, 2023.

b) Private hearing on Monitoring Compliance with Judgment in the Case of the Ituango Massacres v. Colombia⁶



The hearing took place on Monday October 9th, 2023.

c) Private hearing on Monitoring Compliance with Judgment in the Case of Vereda La Esperanza v. Colombia⁷



The hearing took place on Monday October 9th, 2023.

d) Private hearing on Monitoring Compliance with Judgment in the Case of the Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia⁸



The hearing took place on Friday October 13th, 2023.

e) Private hearing on Monitoring Compliance with Judgment in the Case of Bedoya Lima et al. v. Colombia⁹



The hearing took place on Friday October 13th, 2023.

IV. Orders on Monitoring Compliance with Judgment

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

1. *Case of Argüelles et al. v. Argentina*
2. *Case of Fornerón and daughter v. Argentina*
3. *Case of the Hacienda Brasil Verde Workers v. Brazil.*
4. *Case of Flor Freire v. Ecuador*
5. *Case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru*

Once the orders are notified, they will be available [here](#).

V. Orders on Provisional Measures

The Court deliberated orders on **Provisional Measures** in the following cases:

1. [Case of the Members of the Village Chichupac and neighboring communities of the Municipality of Rabinal, Case of Molina Theissen and 12 other cases against Guatemala.](#)
2. *Matter of the Members of the Nicaraguan Center for Human Rights and the Permanent Commission of Human Rights (CENIDH-CPDH) regarding Nicaragua*

Once the orders are notified, they will be available [here](#)

VI. Monitoring Compliance with Judgments, Provisional Measures and administrative matters

The Court also monitored compliance with various Judgments and the implementation of Provisional Measures that it has ordered, as well as the processing of Cases and Provisional Measures. It also addressed several administrative matters.

¹ Judge Humberto Antonio Sierra Porto, of Colombian nationality, did not participate in the deliberation of this Judgment, in conformity with Article 19 of the Rules of Procedure of the Court.

² Judge Rodrigo Mudrovitsch, of Brazilian nationality, did not participate in the deliberation of this Judgment, in conformity with Article 19 of the Rules of Procedure of the Court.

³ Judge Patricia Pérez Goldberg, of Chilean nationality, did not participate in the public hearing in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

⁴ Judge Rodrigo Mudrovitsch, of Brazilian nationality, did not participate in the public hearing in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

⁵ Judge Humberto Antonio Sierra Porto, of Colombian nationality, will not participate in the hearing of Monitoring Compliance with Judgment in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

⁶ Judge Humberto Antonio Sierra Porto, of Colombian nationality, did not participate in the hearing of Monitoring Compliance with Judgment in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

⁷ Judge Humberto Antonio Sierra Porto, of Colombian nationality, did not participate in the hearing of Monitoring Compliance with Judgment in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

⁸ Judge Humberto Antonio Sierra Porto, of Colombian nationality, did not participate in the hearing of Monitoring Compliance with Judgment in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

⁹ Judge Humberto Antonio Sierra Porto, of Colombian nationality, did not participate in the hearing of Monitoring Compliance with Judgment in this case, in conformity with Article 19 of the Rules of Procedure of the Court.

The Court's composition for this Regular Session was 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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