

# Press Release

Inter-American Court of Human Rights  
I/A Court H.R.\_PR-79/2021 English

Should you have any trouble viewing this message, please click [HERE](#)



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

### INTER-AMERICAN COURT OF HUMAN RIGHTS WILL HOLD ITS 145<sup>TH</sup> REGULAR SESSION PERIOD

Inter-American Court of Human Rights

# 145 RS

Regular Session

From November 1 to 28, 2021



I/A Court H.R.  
Protecting Rights

*San José, Costa Rica, October 28, 2021.* The Inter-American Court will hold its 145th Regular Session Period, from November 1 to 28, 2021.

The Court will gather virtually and, during the session, it will deliberate on eight Judgments. The Court will also examine various issues related to Monitoring Compliance with Judgments and Provisional Measures, and will deal with different administrative matters.

Information on the activities of the 145th Session Period will be provided on a regular basis.

#### **I. Judgments**

The Court will deliberate on the Judgments in the following Contentious Cases:

##### **a) Case of Manuela et al. v. El Salvador**

This case relates to a series of presumed violations in the course of the criminal proceedings that culminated in the conviction of the victim in this case for the crime of aggravated homicide in the context of the criminalization of abortion in El Salvador. It is alleged that the State violated the right to personal liberty owing to the presumed victim's unlawful detention, considering that she was detained on February 28, 2008, on the grounds that she was *in flagrante delicto*, even though she did not meet the corresponding requirements, and while she was being treated in the National Hospital in San Francisco de Gotera. It is also alleged that the State violated the right to not be deprived of liberty arbitrarily, the principle of the presumption of innocence, and the right to judicial protection, because the decision to impose pre-trial detention was taken based on the gravity of the offense, applying a legal provision which established that pre-trial detention could not be substituted by any other precautionary measure in the case of the crime of aggravated homicide. In addition, violation of the right of defense and to judicial protection is alleged because the presumed victim did not have defense counsel during the preliminary procedures conducted on February 28, 2008, and, furthermore, her defense counsel failed to take certain measures that had an impact on her rights, including a serious omission consisting in the failure to file an appeal against the Judgment, sentencing her to 30 years in prison.

Further information on this case available [here](#).

#### **b) Case of the Massacre of the village of Los Josefinos v. Guatemala**

This case has to do with events that allegedly occurred on April 29 and 30, 1982, in the village of Los Josefinos, in the Department of Petén, Guatemala, in the context of the internal armed conflict. It is alleged that, on the morning of April 29, 1982, members of the guerrilla forces entered the village of Los Josefinos and captured and murdered two individuals due to their alleged ties to the army. After a confrontation with the guerrilla, the Guatemalan Army allegedly surrounded the village and prevented the inhabitants from leaving. Then, after midnight, on April 30, 1982, the army invaded the village. It is stated that, upon entering, the soldiers killed at least five members of a civil defense patrol who were on the street, before beginning to set fire to the houses, killing the inhabitants. Then, they entered the houses to verify if there were any survivors and murdered those they found: men, women and children. It is also alleged that at least three people disappeared during the massacre, after having been seen for the last time in the custody of state law enforcement agents and that, to date, the State has never determined their whereabouts. Furthermore, it is alleged that, even though the State was aware of the events, it failed to open an investigation *ex officio* and that, up to this date, more than 37 years after the events took place, and 23 years after the initiation of an investigation by the presumed victims, the facts remain unpunished, the remains that have been exhumed have not been identified, and no steps have been taken to locate the whereabouts of any other remains.

Further information on this case available [here](#).

#### **c) Case of Members and Militants of the Patriotic Union v. Colombia<sup>1</sup>**

On June 13, 2018, the State de Colombia submitted this case to the Court pursuant to Articles 51 and 61 of the American Convention on Human Rights. Then, on June 29, 2018, the Inter-American Commission on Human Rights also submitted the case to the Court. This case concerns the alleged successive serious human rights violations perpetrated against more than 6,000 victims, members and supporters of the Patriotic Union (UP) Political Party in Colombia, over more than 20 years, starting in 1984. The facts allegedly involved forced disappearances, threats, harassment, forced displacement and attempted homicides against UP members and supporters, presumably perpetrated both by state agents, and also by non-state actors with the alleged tolerance and acquiescence of the latter.

Further information on this case available [here](#).

#### **d) Case of Teachers of Chañaral and other Municipalities v. Chile<sup>2</sup>**

This case relates to the alleged violation of the right to judicial protection owing to the failure to execute 13 final judgments handed down in favor of 848 teachers. It is argued that those judgments established sums that the corresponding municipalities were required to pay to the teachers as social security contributions. It is alleged that this is a debt that the country owes to the teaching profession, known as the "historical debt." The events occurred in the alleged context of the municipalization of the educational system and the transfer of teachers to the private sector in the 1980s, during the Chilean military regime. It is argued that the State had failed to ensure the means to guarantee the execution of the 13 judgments and it was noted that the numerous actions filed by the beneficiaries in relation to those judgments had been unsuccessful owing to domestic laws that prohibit the embargo of municipal assets. It is also alleged that the State has refused to allocate the necessary funds to allow the municipalities to comply with the said judgments.

Further information on this case available [here](#).

#### **e) Case of Maidanik et al. v. Uruguay<sup>3</sup>**

This case relates to the alleged forced disappearance of Luis Eduardo González and Osear Tassino Asteazu, and also the alleged extrajudicial execution of Diana Maidanik, Laura Raggio Odizzio and Silvia Reyes, in the context of the civil-military dictatorship in Uruguay, during which gross human rights violations were committed by state agents. In this regard, it is alleged that the State violated the rights to juridical personality, life, personal integrity and personal liberty. It is also argued that, at various times, the application of the Law on the Expiry of the Punitive Claims of the State constituted an obstacle to the investigation of the facts because it had the apparent effect of ensuring impunity, thus violating judicial guarantees and judicial protection. Lastly, it is alleged that the failure to clarify what happened entailed a violation of the right to personal integrity of the family members because of their grief, anguish and uncertainty, which has been exacerbated owing to the severity of the violations.

Further information on this case available [here](#).

#### **f) Case of Palacio Urrutia et al. v. Ecuador<sup>4</sup>**

This case relates to alleged series of human rights violations arising from the criminal proceedings allegedly brought by former president Rafael Correa against the journalist Emilio Palacios Urrutia and the directors of the *El Universo* newspaper, Carlos Nicolás Pérez Lapentti, César Enrique Pérez Barriga and Carlos Eduardo Pérez Barriga, owing to the publication of an editorial article on a matter of significant public interest relating to the political crisis of September 2010 in Ecuador and the actions of former president Rafael Correa and other authorities in the context of this crisis. It is alleged that the courts sentenced the journalist Emilio Palacios Urrutia and the directors of the *El Universo* newspaper, Carlos Nicolás Pérez Lapentti, César Enrique Pérez Barriga and Carlos Eduardo Pérez Barriga, to three years' imprisonment and a fine of US\$30 million for the crime of "serious and libelous insults against the authorities" based on the publication of an editorial article on a matter of significant public interest. The legal entity that published *El Universo* was also fined US\$10 million. It is also alleged that the facts of this case occurred in a context verified by the IACHR Special Rapporteurship for Freedom of Expression in which diverse violations and setbacks could be observed, as well as government repression, that impaired the free exercise of freedom of expression.

Further information on this case available [here](#).

#### **g) Case of Former Employees of the Judiciary v. Guatemala**

This case relates to the presumed dismissal of 93 employees of the Guatemalan Judiciary in 1996 as a result of a strike. Following the declaration that the strike was allegedly unlawful, on May 13, 1996, the First Chamber of the Appellate Court of Labor and Social Security supposedly established a time limit of 20 days for the Judiciary to terminate the employment contracts of

the employees who had presumably gone on strike and, on September 1, 1999, the Supreme Court of Justice proceeded to execute the dismissal of 404 employees, including the presumed victims. It is alleged that they were not subject to an administrative procedure prior to their dismissal and, consequently, were not notified of the opening of the disciplinary procedure against them and were unable to defend themselves in this regard. Consequently, at least 27 employees who allegedly had not taken part in the strike were possibly dismissed because their names had erroneously been included on the list of those on strike. It is argued that, of the 93 presumed victims, 28 had been rehired and 65 had supposedly not been rehired, even though their dismissal occurred as a result of proceedings that were allegedly conducted without observing the guarantees of due process. In addition, it is argued that, based on the applicable law, it was not obligatory to impose the said sanction; rather, this was a possibility that should have been analyzed during proceedings with due guarantees.

Further information on this case available [here](#).

#### **h) Case of Relatives of Digna Ochoa and Plácido v. Mexico<sup>5</sup>**

This case relates to the death of Digna Ochoa in an alleged context of threats and attacks against human rights defenders at the time of the events. It is alleged that the State opened a criminal investigation on the day the defender, Digna Ochoa, died and that this has lasted around 10 years. In its legal analysis, the Commission argued the existence of a series of irregularities in the investigation in relation to the obligation to ensure the impartiality of the investigating body during the first stage of the investigation, which determined that the cause of Ms. Ochoa's death was suicide. It also alleged that Ms. Ochoa's family members were presumably prevented from participating in the investigations. Based on the foregoing, it was argued that the State had violated Articles 8(1) and 25(1) in relation to Article 1(1) and also 5(1) of the American Convention.

Further information on this case available [here](#).

## **II. Monitoring Compliance with Judgments and Provisional Measures, and administrative matters**

The Court will also monitor Compliance with several Judgments and the implementation of the Provisional Measures it has ordered, as well as process cases and Provisional Measures. In addition, it will deal with various administrative matters.

\*\*\*

<sup>1</sup> Judge Humberto Antonio Sierra Porto, a Colombian national, will not take part in the deliberation of the judgment in this case pursuant to Art. 19 of the Court's Rules of Procedure.

<sup>2</sup> Judge Eduardo Vio Grossi, a Chilean national, will not take part in the deliberation of the judgment in this case pursuant to Art. 19 of the Court's Rules of Procedure.

<sup>3</sup> Judge Ricardo Pérez Manrique, a Uruguayan national, will not take part in the deliberation of the judgment in this case pursuant to Art. 19 of the Court's Rules of Procedure.

<sup>4</sup> Judge Patricio Pazmiño Freire, an Ecuadorian national, will not take part in the deliberation of the judgment in this case pursuant to Art. 19 of the Court's Rules of Procedure.

<sup>5</sup> Judge Eduardo Ferrer Mac-Gregor, a Mexican national, will not take part in the deliberation of the judgment in this case pursuant to Art. 19 of the Court's Rules of Procedure.

\*\*\*

The composition of the Court for this session 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 MacGregor Poisot (Mexico); Judge Eugenio Raúl Zaffaroni (Argentina), and Judge Ricardo Pérez Manrique (Uruguay).

\*\*\*

This press release was produced by the Secretariat of the Inter-American Court of Human Rights, which is the only responsible for its content.

For the latest information please visit the website of the Inter-American Court, <http://www.corteidh.or.cr/index-en.cfm>, or send an email to Pablo Saavedra Alessandri, Secretary, at [corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr). For press inquiries please contact Matías Ponce at [prensa@corteidh.or.cr](mailto:prensa@corteidh.or.cr).

You can subscribe to the information services of the Court [here](#). You can sign up for updates from the Court here or unsubscribe sending an email to [comunicaciones@corteidh.or.cr](mailto:comunicaciones@corteidh.or.cr). You can also follow the activities of the Court on [Facebook](#), [Twitter](#) (@CorteIDH for the Spanish account and @IACourtHR for the English account), [Instagram](#), [Flickr](#), [Vimeo](#) and [Soundcloud](#).

[Inter-American Court of Human Rights. 2021.](#) 

Esta obra está bajo una [Licencia Creative Commons Atribución-NoComercial-SinDerivadas 3.0 Unported](#)

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



[www.corteidh.or.cr](http://www.corteidh.or.cr)  
[corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr)



(506) 2527-1600



10th Av, between street 45  
and street 47, Los Yoses, San  
Pedro, San Jose, Costa Rica.

Follow us:

