

Press Release

Inter-American Court of Human Rights
I/A Court H.R._PR-91/2023 English

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I/A Court H.R. Protecting Rights

INTER-AMERICAN COURT OF HUMAN RIGHTS HELD ITS 163rd REGULAR SESSION



San José, Costa Rica, December 8, 2023. - The Inter-American Court held its 163rd Regular Session from November 13 to 29, 2023, combining virtual and in-person activities.

During the Regular Session eight Judgments were deliberated and two Public Hearings were held.

I. Judgments

The Court deliberated on the following Contentious Cases:

1. 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. It is argued that 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](#).

2. Case of Airton Honorato et al. v. Brazil¹

This case relates to the alleged responsibility of the State for the violent death of 12 individuals (José Airton Honorato, José Maria Menezes, Aleksandro de Oliveira Araujo, Djalma Fernandes Andrade de Souza, Fabio 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) at the hands of military police members of “Grupo de Repressão e Análise dos Delitos de Intolerância” (Group of Repression and Analysis of Crimes of Intolerance; hereinafter “GRADI”). 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 Military Police allegedly surrounded the place with approximately one hundred policemen. Moreover, the Inter-American Commission claims that more than 700 shots were fired.

The case also refers to the alleged lack of due diligence and a reasonable term of the investigations and proceedings carried out as a result of the facts.

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

3. Case of Tavares Pereira et al. v. Brazil²

This case relates to the alleged responsibility of the State for the murder of rural worker Antonio Tavares Pereira and the injuries allegedly sustained by 185 other workers, members of the Landless Rural Workers’ Movement (MST), by military police officers. The facts took place on May 2, 2000, in the state of Paraná, during a march for agrarian reform by the workers. The case also refers to the alleged impunity of the facts to date and falls within a suspected context of violence in response to the demands for land and agrarian reform in Brazil.

The Commission concluded that the State did not provide an explanation that would allow it to consider that the death of Mr. Tavares Pereira was the result of a legitimate use of force. It noted that the shot fired by the police officer that caused the death of Mr. Tavares Pereira did not have a legitimate purpose, nor was it suitable, necessary or proportional.

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

The Court began deliberating the Judgment on the following Contentious Cases:

4. Case of Viteri Ungaretti et al. v. Ecuador

This case is related to the alleged international responsibility of the State of Ecuador for the alleged reprisals endured by Julio Rogelio Viteri Ungaretti, member of the Armed Forces, and his family. These reprisals allegedly occurred as a result of a complaint about serious irregularities in the public administration and acts of corruption within the Armed Forces made by Mr. Viteri in November 2001. It deals with the structural relationship between freedom of expression and democracy, particularly freedom of expression as a means of denouncing acts of corruption. It refers to the actions, communications, or complaint of Mr. Viteri, in his role as whistleblower, if the actions adopted by the State were justified or entailed a disproportionate restriction of the right to freedom of expression. The Commission claimed that the State of Ecuador is responsible

for the violation of the rights to freedom of expression, judicial protection and personal liberty to the detriment of Mr. Viteri. Moreover, it claimed the violation of the right to movement and residence, right to psychological and moral integrity of Mr. Viteri and his family.

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

5. Case of Cajahuanca Vásquez v. Peru

This case relates to alleged violation of treaty obligations during a disciplinary procedure that ended with the removal of Mr. Humberto Cajahuanca Vásquez from his position as judge of the Superior Court of Justice of Huánuco. The State allegedly violated the principle of legality and favorability, given that the grounds for removal applied were very broad and did not refer to specific behaviors that would be reprehensible from a disciplinary perspective and because Mr. Cajahuanca was given the most severe punishment even though the laws in effect contemplated a less severe option. It also claims the violation of the principle of judicial independence and the right to adequate grounds, given that the disciplinary decision did not provide clear grounds on why the actions of the alleged victim required the more severe punishment.

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

6. Case of Gutiérrez Navas et al. v. Honduras

The case relates to the alleged international responsibility of the State of Honduras for the purported arbitrary and illegal removal of José Antonio Gutiérrez Navas, José Francisco Ruiz Gaekel, Gustavo Enrique Bustillo Palma and Rosalinda Cruz Sequeira from their positions as justices of the Constitutional Chamber of the Supreme Court of Justice of Honduras. According to the information provided, the facts of the case took place between 2012 and 2014. It is claimed that at the time when the alleged victims were removed from their positions, Honduras did not have legal procedures in place regulating the jurisdiction of justices or the sanctioning procedure of a political nature to which they were subjected.

Consequently, it claims that, in violation of the guarantees recognized in Article 8 of the American Convention on Human Rights, the National Congress created an ad hoc mechanism aimed at removing from office the aforementioned judicial authorities (justices). Moreover, article 205, paragraph 20, of the Constitution of Honduras indicates that Congress has the power to approve or disapprove the administrative conduct of the justices, which it claims is a very broad regulation that does not specify which conducts would be punishable from a disciplinary standpoint. Therefore, it claims that the lack of predictability allowed Congress excessive discretion, which is directly contrary to the principle of freedom from ex post facto laws. In addition, it claims that the alleged victims did not have the opportunity to be heard and prepare an adequate defense, since they were neither summoned to exercise their right nor notified in advance of any accusation or the opening of a disciplinary procedure.

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

The Court deliberated the following Interpretation Judgments:

7. Case of Olivera Fuentes v. Peru

8. Caso of Benites Cabrera et al. v. Peru

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

II. Public hearings on Contentious Cases and Request for Advisory Opinion

The Court held in-person public hearings on the Contentious Case and Request for Advisory Opinion detailed below:

1) Case of Cuéllar Sandoval et al. v. El Salvador

This case refers to the alleged international responsibility of the State of El Salvador for the alleged forced disappearance of Patricia Emilie Cuéllar Sandoval, Mauricio Cuéllar Sandoval and Julia Orbelina Pérez, as well as the alleged lack of due diligence in the investigation and impunity of the facts. Patricia Emilie Cuéllar Sandoval was an active collaborator of christian movements and worked for Christian Legal Aid (Oficina del Socorro Jurídico Cristiano) from 1979 to 1980. Between August and September 1978, approximately 50 officers of the National Police, dressed as civilians and heavily armed, entered and searched her home and took pictures. On July 5, 1980, several agents of the police and Armed Forces also entered and searched her place of work. The National Police, in its report on the search, qualified the members of the organization as “subversive,” which led the victim to resign from her position. On July 27, 1982, one day before her alleged disappearance, Ms. Cuéllar went to the offices of Christian Legal Aid to report that while driving her car she was chased by officers who were dressed as civilians. The following day, armed men in military uniforms searched Ms. Cuéllar’s apartment and took several appliances, personal documents and her car. During the night of July 28, 1982, and dawn of the next day, Mauricio Cuéllar Cuéllar, father of Patricia Cuéllar, and Julia Orbelina Pérez, domestic worker, were violently removed from his home.

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

The public hearing was held in person on Wednesday, November 22, 2023. The recording of the Public Hearing can be accessed [here](#).

2) Request for Advisory Opinion on “the activities of private arms manufacturing companies and their effects on human rights”

The Public Hearing on the Request for an Advisory Opinion on “the activities of private arms manufacturing companies and their effects on human rights,” submitted by Mexico, was held on November 28 and 29, 2023.

More information on the Request for Advisory Opinion please can be accessed [here](#).

The recording of the Public Hearing can be accessed [here](#).

III. Orders on Monitoring Compliance with Judgment

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

1. *Case of Torres Millacura et al. v. Argentina* Resolution on the reimbursement to the Victims’ Legal Assistance Fund.³
2. *Case of the 19 Merchants v. Colombia*⁴
3. *Case of Members and Militants of the Patriotic Union v. Colombia*⁵
4. *Case of Guevara Díaz v. Costa Rica*⁶
5. *Case of Palacio Urrutia et al. v. Ecuador*
6. *Case of the Village of Los Josefinos Massacre v. Guatemala*
7. *Case of Chinchilla Sandoval et al. v. Guatemala*
8. *Case of the “White Van” (Paniagua Morales et al.) v. Guatemala*
9. *Case of Former Employees of the Judiciary v. Guatemala*
10. *Case of Muelle Flores v. Peru*
11. *Case of Rosadio Villavicencio v. Peru*
12. *Case of Chocrón Chocrón v. Venezuela*
13. *Case of the Landaeta Mejías Brothers et al., Case of López Soto et al. and Case of Díaz Loreto et al. v. Venezuela.* Joint Order on Monitoring Compliance with Judgment.

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

IV. Orders on Provisional Measures

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

1. *Case of the “Las Dos Erres” Massacre v. Guatemala*
2. *Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding v. Nicaragua*

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

V. Election of the Directive Table 2024-2025

During the 163rd Regular Session, the Inter-American Court of Human Rights elected Judge Nancy Hernández López, from Costa Rica, as its new President. Judge Rodrigo Mudrovitsch, from Brazil, was elected as the new Vice President. The new President and Vice President will begin their mandate on January 1, 2024, and it will end on December 31, 2025.

VI. Election of the Registrar for 2024-2026

The Inter-American Court of Human Rights, during its 163rd Regular Session, reelected as Registrar Mr. Pablo Saavedra Alessandri, who will serve the new mandate from January 1, 2024 to March 31, 2026.

VII. Protocol Acts and signing of Cooperation Agreements

a. **Signing of the Cooperation Agreement between the Inter-American Court of Human Rights and the Ministry of Labor and Employment of Brazil.**



b. **Presentation of the book “The Impact of the Jurisprudence of the Inter-American Court of Human rights from the Public Defenders’ perspective” by AIDEF and the I/A Court H.R.**



VII. 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 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.

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 Verónica Gómez, of Argentinian nationality, did not participate in the deliberation of this Order, in conformity with Article 19 of the Rules of Procedure of the Court.

⁴ Judge Humberto Antonio Sierra Porto, of Colombian nationality, did not participate in the deliberation of this Order, in conformity with Article 19 of the Rules of Procedure of the Court.

⁵ Judge Humberto Antonio Sierra Porto, of Colombian nationality, did not participate in the deliberation of this Order, in conformity with Article 19 of the Rules of Procedure of the Court.

⁶ Judge Nancy Hernández López, of Costa Rican nationality, did not participate in the deliberation on this Order, 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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