



### STF imposes limits on data sharing of the Brazilian Intelligence System (Sisbin)

By interpreting the law that created Abin in accordance with the Constitution, the Plenary rejected the possibility that sharing would serve personal or private interests.

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## Jurisprudence



### ARGENTINA

#### Supreme Court of Justice of Argentina

- **Argentine Supreme Court declares the law of Cordoba that prohibits the unionization of the provincial penitentiary service personnel as constitutional.**

Thursday, August 12, 2020.

This is a case in which the Superior Court of Justice of the said province confirmed the rejection of a protection action promoted by a retired person of the Prison Service of Cordoba and by the representative of the Civil Clinical Juridical Association of Public Interest of Cordoba whose objective was to obtain the authorization of the personnel of the said service to form a union. The Superior Court held that, although in its article 14 bis "the National Constitution has received the principle of protection of freedom of association," as well as several international treaties, the truth is that ILO Convention 87 left free "the legislative autonomy of the member states to establish the scope of the right to form an union for the armed forces and the police, and the exclusions from the exercise of this right must be interpreted in a restrictive manner. Therefore, "the rule of prohibition of unionism does not violate the letter or intent of conventional and international norms.

The Supreme Court confirmed the majority decision. It noted that the issue raised was similar to that decided in 2017 in the case of "Buenos Aires Police Union c/ Ministry of Labor s/law of associations. Union", where - also by majority - it established that "in our legal system the right of unionization recognized to members of the police and other internal security organs by international treaties on human rights is subject to restrictions or prohibitions arising from a formal law" that

corresponds to being dictated by the provincial legislator, because "what concerns the bonds between the provincial authorities and the members of their security forces belongs to the sphere of local public employment and, therefore, is part of the public law of each province.

[Source](#)

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- **The Supreme Court orders the creation of an "Environmental Emergency Committee" to stop and control irregular fires in the Paraná Delta**
- 

Tuesday, August 11, 2020

The Supreme Court of Justice of the Nation unanimously declared its competence to hear an action of collective environmental protection, promoted by a civil association ("Equística Defensa del Medio Ambiente") against the National State, the provinces of Santa Fe and Entre Ríos, and the municipalities of Rosario and Victoria, due to the irregular fires that have been occurring in the chain of islands off the coast of the city of Rosario.

In view of the sector where the fires are concentrated, it decided to summon the Province of Buenos Aires and ordered, as a precautionary measure, that this provincial State as well as the provinces and municipalities being sued constitute, immediately, an Environmental Emergency Committee.

It also ordered that this Committee adopt effective measures for the prevention, control, and cessation of irregular fires in the region of the Paraná Delta, using the bases of the "Comprehensive Strategic Plan for Conservation and Sustainable Use in the Paraná Delta" (PIECAS-DP) of 2009. It also ordered that, within 15 calendar days, they submit to the Court a report on compliance with the measure ordered, the establishment of the Environmental Emergency Committee and the actions taken.

The Court considered that there are sufficient elements to consider that the aforementioned fires, although they constitute an old practice, have acquired a dimension that affects the entire ecosystem and the health of the population. It also pointed out that this is not the case of the trial of an isolated burning of pastures, but rather the cumulative effect of numerous fires that have spread throughout the region, putting the environment at risk.

[Source](#)

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## **BRAZIL** **Brazilian Federal Supreme Court**

- **STF endorses measures to fight Covid-19 on indigenous lands**
- 

Wednesday, August 8, 2020.

The Plenary of the Brazilian Federal Supreme Court (STF), in this Wednesday's session (08/05), confirmed the determination of the federal government to adopt measures to contain the advance of Covid-19 in the indigenous communities. The Justices have endorsed a partial injunction granted by Justice Luís Roberto Barroso in the Argument of Non-compliance with Fundamental Precept (ADPF) 709, in which the Articulation of Indigenous Peoples of Brazil, together with six political parties (PSB, PSOL, PCdoB,

Rede, PT, PDT), argue that there are flaws and omissions of the federal government in the fight against the coronavirus in indigenous villages.

The majority of Justices agreed with all the measures granted in the injunction by Justice Luís Roberto Barroso, rapporteur of ADPF, such as the creation of sanitary barriers and a situation room, the withdrawal of invaders and the presentation of a confrontation plan. In Monday's session (08/03), Barroso had voted for full ratification of the injunction, in which only the request for immediate disintrusion was denied, as he understood that the invaders should be removed only after a plan gets produced by the Union.

### **Health barriers and situation room**

According to the Court's unanimous understanding, there is a need to create sanitary barriers, due to the vulnerability of indigenous people, who must remain isolated to ensure greater protection. The Justices also converged on the situation room, emphasizing that, in times of great catastrophe, all sectors involved, including indigenous representatives, must act together, in compliance with the principle of efficiency.

### **Removal of invaders**

The most sensitive point of the ADPF was the issue of the withdrawal of the invaders. The Court considered the illegality of the occupations, but noted the need for action protocols. The majority voted along the rapporteur's vote, for the elaboration of a plan of disintrusion so that, later, the withdrawal of the invaders would occur.

### **Operational infrastructure**

Justice Alexandre de Moraes, who fully followed the rapporteur's vote, stressed that the disintrusions should be carried out by the Federal Police with the help of the local Military Police and a larger support structure, formed by social workers, psychologists, doctors and nurses who are currently mobilized in the fight against the pandemic. "There is a pre-police work to direct the people who invaded there," he said. According to him, the withdrawal of invaders needs an operational infrastructure, with the establishment of action protocols, hence the importance of a plan.

[Source](#)



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## **COLOMBIA**

### **Supreme Court of Justice of Colombia**

- **Supreme Court of Colombia revokes order to remove tweet from President of the Republic**

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Thursday, August 20, 2020.

After warning him to be particularly careful in the use of his personal social networks in the interest of the neutrality of the position he occupies, the Supreme Court of Justice revoked the protective action that had ordered the President of the Republic, Iván Duque Márquez, to withdraw from the Twitter account @IvanDuque the message alluding to the commemoration of the Virgin of Chiquinquirá.

The Chamber of Labor Cassation determined that the President Duke acted protected by his fundamental right to freedom of speech, while he published the tweet as a citizen.

According to the Chamber, the official's statement managed to remain the expression of an individual feeling of his Catholic beliefs, which was not of sufficient entity to compromise the secular position of the State he represents. Likewise, the situation analyzed here makes clear the emergence of new dynamics of interaction between public power and users of social networks, and reveals that the fundamental right to freedom of speech is in constant collective construction and adaptation to these new languages, exchanges and channels of communication.

However, the Court warns the President of the Republic that he must be particularly careful when using his personal accounts on social networks, as he must ensure that his pronouncements in such spaces are in keeping with the neutrality proper to the governmental position he occupies temporarily, in order to avoid confusion between his role as a citizen and his inauguration as head of state which, in other circumstances, may be considered prejudicial to fundamental constitutional guarantees.

[Source](#)

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- **Colombia's Supreme Court orders house arrest for Senator Alvaro Uribe**

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Tuesday, August 4, 2020.

The Special Investigation Panel of the Criminal Chamber of the Supreme Court of Justice, by a decision of August 3, approved and signed unanimously, resolved the legal situation of Senator Alvaro Uribe Velez with the imposition of a preventive custody measure, as a supposed determinant of the crimes of bribery of a witness in criminal proceedings and procedural fraud.

This measure was replaced by house arrest. Therefore, Senator Uribe Vélez will serve the deprivation of liberty in his residence and from there he will be able to continue exercising his defense with all the guarantees of due process.

[Source](#)

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**PARAGUAY**  
**Supreme Court of Justice of Paraguay**

- **Work to contain former Chaco War combatants will begin as part of a judicial eviction process**

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Thursday, August 6, 2020.

The plenary of the Supreme Court of Justice met in an extraordinary plenary session on Thursday to discuss the situation affecting a former combatant of the Chaco War in the context of an eviction case. In this sense, it was decided to start the work of containment of the affected through the Directorate of Human Rights.

The Supreme Court of Justice resolved this Thursday, August 6, 2020 "To convene the Director of Human Rights of the Supreme Court of Justice, Abg. Nury Montiel, to

take the appropriate steps - in coordination with other institutions - to carry out containment work to a former combatant of the Chaco War in the context of a case for eviction". The plenary also unanimously decided "NOT to interfere, either implicitly or tacitly, in the judicial process".

[Source](#)

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## News

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Bolivia |

### Gender Committee highlights International Webinar with presentation of international exhibitors and 6,129 subscriptions

Wednesday, August 19, 2020.

The gala of international exhibitors of the highest level accompanied the Gender Committee of the Judiciary and the Plurinational Constitutional Court on the night of August 13, 2020 next to the School of Judges of the State.

This consultative body, through its President, Judge Karem Lorena Gallardo Sejas, thanked the highest authorities of the Judicial Branch and the international cooperation through the Swedish Embassy, the Swiss Cooperation, UN Women, the United Nations Population Fund, UNODC, DIAKONIA and the Human Rights Community; with an ambitious and particular mention, since it pointed out that the good practices and emblematic experiences that will be conceived in that event should not remain in the imagination, but made the invitation to translate them into sentences and resolutions that will be issued by those in charge and responsible for providing justice in the Plurinational State of Bolivia.

[Read more](#)

Brazil |

### Seminar "Impact of COVID-19 on the Rule of Law and its Challenges".

Thursday, 30 July 2020.

Within the framework of the Inter-American Conference Series organized by the Inter-American Court of Human Rights, the Seminar "Impact of COVID-19 on the Rule of Law and its Challenges" was held, moderated by Judge Ricardo Pérez Manrique and with the participation of panelists from Africa, the Americas and Europe.

"The risks of authoritarianism, deviation from power and the advance of policies restricting freedoms and human rights, under the pretext of the pandemic, are of concern to this Court," said Judge Pérez Manrique. "I emphasize the concern for the post-pandemic world, we are facing an opportunity to improve the relationship between human beings within the framework of the rule of law and respect for human rights. The day after or the new normality, whose limits and content are for now in process, will be a consequence of how one acts in these days in the emergency", highlighted Pérez Manrique.

[Read more](#)

Brazil |

### Chief Justice of the Brazilian Federal Supreme Court decrees official mourning for 100,000 deaths by Covid-19

Today, Brazil mourns over the 100,000 deaths due to Covid-19. We are a grieving nation, suffering for the loss of relatives, friends and people from our social coexistence.

We have never experienced a tragedy of this magnitude in our country. There are 100,000 people who had a name, a profession, projects and dreams. One hundred thousand lives that certainly left their mark on the world and on the lives of other people. They are daughters and sons who will no longer be with their parents on tomorrow's special day. They are fathers who will have nothing to celebrate this Sunday.

On behalf of the Judiciary and the Federal Supreme Court, I express our feelings of deep sadness and solidarity with the families and friends of each of the 100,000 victims. In solidarity with the pain of countless Brazilians and in honor of each one of the 100 thousand victims, the Federal Supreme Court decrees a three-day official mourning.

The National Judiciary and the Brazilian Federal Supreme Court (STF) will continue to stand ready to serve Brazilians in their demands for justice, even more essential at this time of social fragility. We will follow tirelessly in protecting the most vulnerable and unassisted and in ensuring the fundamental rights of citizens, promoting justice and social peace.

Justice Dias Toffoli

Chief Justice of the Brazilian Federal Supreme Court and head of the National Council of Justice

Read the entire [Resolution](#)

[Read more](#)

Brazil |

**STF Educa: registration for free online training courses is open**

Monday, August 03, 2020.

From this Monday (3) until August 31, registrations for the fourth cycle of long distance courses at STF Educa are open. Two new courses, "General Repercussion: origins, innovations and their application to the STF" and "Information Security: understand the risks and protect yourself", are now part of the platform. All courses are free and open to the community. The activities of the fourth cycle must be completed by September 30.

The project is a partnership between the Federal Supreme Court (STF) and the National Council of Justice (CNJ). The classes are all self-instructional, without tutoring, so that the student can follow the rhythm he wants, without a defined periodicity for access, just observing the deadline for closing the course. To receive the certificate it is necessary to access all the classes, to have a minimum score of 70% in the activities and to complete the reaction evaluation, requirements for approval.

To register, simply access the [e-learning platform of the CNJ](#) and follow the instructions.

[Read more](#)

Colombia |

**Colombia's Constitutional Court undertakes four strategies to ensure gender equity**

Friday, August 21, 2020.

By decision of the Plenary Chamber, the magistrates Cristina Pardo Schlesinger, Diana Fajardo Rivera and Gloria Stella Ortiz Delgado assumed the coordination of the Committee on Gender Equality in the Constitutional Court. Specifically, they are leading the implementation of the action plan to strengthen the mechanisms and scenarios for gender equity within the Corporation, which was designed in response to the recommendations reported in the report "The Glass Ceiling Layers: Gender Equity in the Constitutional Court.

In developing this plan of action, the Constitutional Court, working with USAID, planned four key activities: i) disseminating the results of the report and the activities to be implemented; ii) constructing a participatory policy of gender equity and zero tolerance of gender-based violence; iii) designing and implementing internal communications to promote equitable relationships; and iv) developing a proposal to incorporate positive actions for women and ethnic communities in the process of selecting students for internships at the Constitutional Court, and to ensure access to scholarships for these populations.

[Read more](#)

Paraguay |

## Court of Appeal confirms conviction for breach of trust

Monday, July 6, 2020.

The Court of Appeals in Criminal Matters of the Capital confirmed the sentences handed down by the Court of Justice presided by Judge María Fernanda García de Zúñiga and composed of Judges Juan Carlos Zárate and Cinthia Lovera against two people who were found guilty of causing damage to G. 1,270,279,626 to 30 beneficiaries of the Takuru Puku project.

The accused Mercedes Geraldine González Alfonso was sentenced to 6 years in prison, while Wenceslao Lorenza Alfonso de González was sentenced to 4 years in prison for the punishable act of breach of trust; they were also held civilly liable for the damages caused.

As could be demonstrated in the oral and public trial, in which prosecutor Yolanda Portillo upheld the charge, Mercedes Geraldine González was registered by the Ministry of Urbanism, Housing and Habitat as SAT (Technical Assistance Service) and used this to enter into a contract with the beneficiaries of the families called Takuru Puku housing complex, which consisted of the purchase of the land and the construction of a housing unit, on which the 30 plots of land should have been purchased and the houses built.

[Read more](#)

Paraguay |

## Jurisdictional protection for adolescents deprived of their liberty resolved

Wednesday, August 19, 2020.

The resolution in question was motivated in order to guarantee the fundamental right to health of the adolescents interned at the Itauguá Educational Center, so that they can continue to use the medical and nursing service, in response to the situation caused by the covid-19 pandemic.

In this regard, the Ministry of Justice provided for the provision of mobile washing facilities and the immediate distribution of personal hygiene and cleaning supplies.

The Ministry of Justice also provided for educational health talks on the harmful effects of tobacco consumption and on the prevention of covid-19.

[Read more](#)

Paraguay |

## Improving the justice system for citizens is a priority of the Draft Budget for 2021

Thursday, August 13, 2020.

The Budget Director of the Paraguayan Supreme Court of Justice, Carlos Benítez, explained that the task of administering institutional resources aims at a better redistribution of

expenses required by the justice system to ensure a better service to the citizen. He said that the goal for 2021 is to strengthen the electronic archive because of its multiple benefits.

The proposed budget for 2021 does not present any increase in personal services (salaries). In order to expand some of the purely jurisdictional processes, the operational part (operational resources) is where a small increase is observed.

[Read more](#)

Perú |

## Callao Court imposes life sentence on a man for femicide

Tuesday, August 18, 2020.

In a unanimous decision, the Permanent Criminal Court of the Superior Court of Callao sentenced Héctor Edson Pérez Aguilar (36) to life imprisonment for the crime of aggravated femicide against Luzmila Quisuruco Pariona (18). The Court determined that the crime was committed in a context of discrimination and violence against women.

The events took place on January 24, 2019, when Pérez Aguilar, after drinking liquor until the early hours of the morning, went to the victim's room and attacked her with a knife, causing multiple injuries to her body.

The woman managed to ask for help from her neighbors, who came to her aid and immediately took her to the Negreiros Hospital in Callao, where they certified her death.

[Read more](#)

Perú |

## The Judiciary holds an international conference on access to justice for the elderly

Wednesday, August 19, 2020.

For the second consecutive year, the Permanent Commission on Access to Justice for Persons in Conditions of Vulnerability and Justice in your Community will hold the "National and International Congress on Access to Justice for Senior Citizens" tomorrow, August 20, at 4:00 pm.

The event, which will have the participation of renowned national and international speakers, will be developed through the Google Meet and Facebook Live platforms, with more than 2,300 people registered to date.

It should be noted that this activity is part of Axis No. 3 regarding access to justice for people with disabilities of the National Plan for Access to Justice for People in Vulnerable Conditions - Judicial Branch 2016-2021.

[Read more](#)

