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**REPORT No. 74/16**

**PETITION 568-06**

REPORT ON ADMISSIBILITY

H.O.V.T. AND OTHERS

GUATEMALA

Approved by the Commission at its session No. 2070 held on December 6, 2016.  
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Guatemala. December 6, 2016.

**REPORT No. 74/16**  
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DECEMBER 6, 2016

**I. SUMMARY**

1. On June 2, 2006, the Inter-American Commission on Human Rights (hereinafter, “the Inter-American Commission,” “the Commission,” or “the IACHR”) received, from the Office of the General Secretariat of the Organization of American States in Guatemala, a petition presented on February 20, 2006, by Fredy Leonel Valiente Contreras (hereinafter, “the petitioner”) against Guatemala (hereinafter, “Guatemala” or “the State”). The petition was presented on behalf of H.O.V.T., Miguel Iván Valiente Torres, F.L.V.T., Walter Aroldo Ocaña Chiroy, Mario Lisandro Pocón Ramos, and their families.

2. The petitioner claims that his three sons and two of their friends were illegally and arbitrarily arrested, beaten, and threatened by officers of the National Civilian Police, and that one of his sons was murdered, at the age of 13 years, on the orders of one of that force’s officers. He further contends that those incidents remain unpunished. In turn, the State describes a series of court proceedings carried out as a result of the complaints filed by the alleged victims’ families; it does not, however, expressly invoke any reasons for the petition’s inadmissibility.

3. Without prejudging the merits of the case, after analyzing the petitioner’s position, and in compliance with the requirements set in Articles 31 to 34 of the IACHR’s Rules of Procedure (hereinafter “the Rules of Procedure”), the Commission decides to declare the petition admissible in order to examine the claims related to the alleged violation of the rights enshrined in Articles 4 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 19 (rights of the child), 22 (right to freedom of movement and residence), and 25 (judicial protection) of the American Convention on Human Rights (hereinafter, “the American Convention” or “the Convention”), in accordance with the general obligations set down in Article 1.1 (obligation to respect rights) thereof, together with Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture. In addition, the Commission resolves to give notice of this decision to the parties, to publish it, and to include it in its Annual Report to the General Assembly of the Organization of American States.

**II. PROCESSING BY THE IACHR**

4. The IACHR received the petition on June 2, 2006, and forwarded a copy of the relevant parts to the State on April 4, 2007, giving it a deadline of two months to present its comments, in line with Article 30.3 of the Rules of Procedure then in force. The State’s reply was received on June 28, 2007, and it was forwarded to the petitioner on July 2, 2007.

5. The petitioner submitted additional comments on December 14, 2007; February 12 and November 4, 2008; July 27, 2010; February 11, 2011; and November 7, 2012. In turn, the State submitted additional comments on June 10 and November 10, 2010, and on March 22 and May 5, 2011. Those comments were duly forwarded to the petitioner.

**III. POSITIONS OF THE PARTIES**

**A. Position of the petitioner**

6. The petition involves a series of alleged human rights violations committed by members of the National Civilian Police between 2004 and 2006 against H.O.V.T., Miguel Iván Valiente Torres, and F.L.V.T,

the sons of the petitioner and Claudia Ermelia Torres, and against Walter Aroldo Ocaña Chiroy and Mario Lisandro Pocón Ramos. First, it alleges several episodes involving illegal detention, torture, and mistreatment. Second, it accuses the National Civilian Police of the deaths of H.O.V.T. in 2005, when he was 13 years old, of Mario Lisandro Pocón Ramos in 2009, and, sometime later, of Walter Aroldo Ocaña Chiroy.

H.O.V.T.

7. According to the petitioner, his son H.O.V.T. was illegally arrested, beaten, and threatened with death by two officers of the National Civilian Police from the San Pedro Sacatepéquez police post when he was aged 13. According to documents in the case file, the alleged detention took place on October 4, 2004, and lasted for three days.

8. The file indicates that criminal proceedings were brought against H.O.V.T. for the crime of aggravated robbery and that, on October 6, 2004, the First Court for Juvenile Offenders resolved a personal exhibition remedy lodged by the petitioner on behalf of his adolescent son, who was released the following day. The petitioner claims that in that remedy he stated that his son was threatened with death by the members of the National Civilian Police who illegally arrested him, and he adds that at that time, the person in charge of the National Civilian Police in San Pedro Sacatepéquez was the Officer Third Class.

9. He states that the harassment and threats made by the National Civilian Police were reported to the Public Criminal Defense Institute as a part of proceedings 14468-2004, without indicating the date thereof, and to the Interior Ministry's Commission on Human Rights in December 2004.

10. In his statement given to the Public Criminal Defense Institute, H.O.V.T. offered the following narrative:

The day I was arrested [the police hit me] in the head with something and I started to cry; then, they took me to the Peace Court (...). The truth is that the police accused me of aggravated robbery, but that was not true, because that day I was walking to school, (...) when I walked by after buying an ice cream, walking in front of me there was a man with a mustache, and the police came and arrested him; then they said to me, "You, stay there." Then they arrested me as well, saying that I had stolen a watch, but they never told me whose watch I had stolen (...). Afterwards, they took me to Gaviotas, but my mother went to the court and cleared up the situation; after I had left that place the police threatened me again, saying they were now going to kill me.

11. The petitioner claims that on February 12, 2005, at between 5:20 and 5:30 p.m., unidentified individuals shot firearms at H.O.V.T. at a location adjacent to the fire station in downtown Aldea Vista Hermosa, municipality of San Pedro Sacatepéquez, Guatemala department. He died of his injuries the following day in the intensive care unit of the Roosevelt Hospital. He adds that one hour before the murder, two police officers identified H.O.V.T. and harassed him as he was playing.

12. From the documents furnished by the petitioner, the Commission notes that on March 1, 2005, the Office of the Prosecutor for Crimes against Life and Physical Integrity sent the case file in investigation MP 001/2005/13562, dealing with the death of H.O.V.T., to the Municipal Prosecutor's Office in San Juan Sacatepéquez. The Prosecutor's Office found on February 13, 2005, that the death was caused by a "gunshot wound to the left side of the pelvis" and gave homicide as the "likely cause of death."

13. On March 9, 2005, H.O.V.T.'s mother gave a statement to the Criminal Investigation Service of the National Civilian Police in which she expressed her suspicions regarding the Officer Third Class of the National Civilian Police, who by that time had been dismissed but who had been seen on several occasions in the town park; she also stated that on the day H.O.V.T. was killed, her son had told her that officers from the National Civilian Police had stolen 300 quetzals from him.

14. The petitioner indicates that on February 16, 2006, both he and his wife gave statements to the Public Prosecution Service in San Pedro Sacatepéquez as part of the investigation into their son's death. In her statement, Mrs. Torres said:

After my boy was released, he told me that (...) they had taken him to San Juan Sacatepéquez for no reason and had been threatening him (...). He also told me (...) that when they took him to Gaviotas; they said they were going to kill him; (...) after he had returned home, whenever my children went outside the police would stop them in the street, search them, and take away their money; but they hit my little son in the head and told him once again that they were going to kill him.

15. The petitioner adds that the official responsible for taking the statements had been delaying the formality for more than six months. In a communication of January 11, 2007, he said that the Public Prosecution Service had told him the investigation was at a standstill because the bullet was not found inside H.O.V.T.'s body. Finally, he contends that it was Officer Third Class who ordered suspected "hitmen" to kill his son.

*Miguel Iván Valiente Torres, Walter Aroldo Ocaña Chiroy, and Mario Lisandro Pocón Ramos*

16. According to the petitioner, on November 7, 2004, his son Miguel Iván Valiente Torres was arrested, along with Walter Aroldo Ocaña Chiroy and Mario Lisandro Pocón Ramos, "who were initially charged with kidnapping, murder, robbery, and illegal possession of firearms." The proceedings were brought before the Tenth First-instance Court for Criminal Matters, Drugs Offenses, and Crimes against the Environment. He adds that "they were released from the most sinister prisons belonging to the Guatemalan police system after both they and their families had been subjected to physical and mental torture" on February 11, 2005.

17. The petitioner states that on November 8, 2004, a complaint was filed for the illegal arrest and mistreatment of the three young men with the Professional Responsibility Office of the National Civilian Police, naming the Officer Third Class — who had also allegedly been involved in H.O.V.T.'s death — and officers of the National Civilian Police belonging to Police Unit No. 16-018, and requesting the intervention of the Public Prosecution Service. In addition, he reports that a complaint was lodged with the Attorney for Human Rights regarding the "violation of the human rights" of the three young men.

18. The petitioner contends that on November 25, 2004, Claudia Ermelia Torres Osorio, María Natalia Ramos Valle, and María Esther Chiroy Buch — the mothers of Miguel Iván Valiente Torres, Mario Lisandro Pocón Ramos, and Walter Aroldo Ocaña Chiroy, respectively — filed a complaint with Agency No. 3 of the Public Prosecution Service of the office of the Prosecutor for Administrative Offenses (complaint M0012/2004/1402) against the Officer Third Class of Police Unit No. 16-018. The complaint was thrown out by the Eleventh First-instance Criminal Judge. The petitioner adds that the officer in question had previously been reported by Mrs. Torres for the crime of sexual harassment against her.

19. In addition, the petitioner reports that Mario Lisandro Pocón Ramos was arrested again on February 26, 2005, and on February 29, 2006, and that he was murdered in 2009. He further contends that Mario Lisandro Pocón's younger brother also suffered two attempts on his life. Finally, he reports that Walter Aroldo Ocaña Chiroy was murdered on a later date. The petitioner contends that they could be victims of the Officer Third Class of the National Civilian Police, given that he had previously made death threats against them. The petitioner provides no additional information on those incidents.

*Other alleged facts affecting the Valiente Torres family*

20. The petitioner claims that his son F.L.V.T. was arrested by the National Civilian Police of San Juan Sacatepéquez for the crime of aggravated robbery on December 30, 2004, and that he was beaten on the street by police officers. He states that a personal exhibition remedy was filed on his behalf, as a result of which he was released on January 11, 2005, as part of proceedings No. 20-2005 1st Officer.

21. In addition, the documents furnished indicate that F.L.V.T. gave a statement to Guatemala's Public Criminal Defense Institute, in which it was stated that he was 17 years old.<sup>1</sup>

22. Finally, the petitioner indicates that in October 2005, his family received threats from an "Anonymous Committee of San Pedro Sacatepéquez Residents." In addition, in a communication dated December 18, 2006, he reported that 15 days earlier a "homemade bomb" was placed on his window and, as a result, he fled with his family to Nicaragua, in order to safeguard their lives.

## **B. Position of the State**

H.O.V.T.

23. The State indicates that H.O.V.T. was arrested, along with another person, and brought before the Peace Court in the municipality of San Pedro Sacatepéquez, where he was ordered held in custody for the crimes of aggravated robbery and bribery. H.O.V.T. was sent to the Men's Location and Diagnosis Center and the proceedings (C-414-2004) were referred to the First Court for Juvenile Offenders on October 6, 2004. The State indicates that the First Court ratified the prosecution solely for the crime of aggravated robbery and overturned the custodial order with the adoption of an alternative precautionary measure. On that same date it resolved a personal exhibition remedy on behalf of H.O.V.T. presented by his father, which was dismissed because his release had been ordered.

24. According to the State, on November 10, 2004, the Court granted the young man a favorable ruling on the grounds that the crime under investigation did not represent a serious affectation of the public interest, and it concluded the proceedings by sending the case to the archive.

25. The State claims that the petitioner reported the threats made against his son and his death to the Public Prosecution Service on February 16, 2006, in case file MP 010/2005/548, which was processed by the Assistant District Prosecutor's Office of the San Juan Sacatepéquez Municipal Prosecutor's Office. Guatemala indicates that as part of those proceedings, a post mortem certificate was prepared, an autopsy was ordered, the body was inspected and photographed, the report of the Technical Criminal Investigations Department of the Public Prosecution Service was received, the autopsy report was prepared, the death certificate was requested, witness statements were taken from the deceased's mother and father, the National Civilian Police's Criminal Investigations Division (DINC) was asked to conduct an investigation, information was requested from the officers of the National Civilian Police who knew of the incident, and information was requested from the Roosevelt Hospital.

26. In its comments received on June 10, 2010, the State reports that the Criminal Investigations Department stated that the investigation had concluded that the young man's killers were unidentified gang members. However, the State reports that it does not have evidence to identify the person or persons responsible and that the proceedings before the Public Prosecution Service remain at the investigation stage.

*Miguel Iván Valiente Torres, Walter Aroldo Ocaña Chiroy, and Mario Lisandro Pocón Ramos*

27. The State indicates that Walter Aroldo Ocaña Chiroy, Mario Lisandro Pocón Ramos, and Miguel Iván Valiente Torres were arrested on November 7, 2004, "for the provisional offenses of aggravated robbery, kidnapping or abduction, and illegal possession of ammunition for firearms." The proceedings were brought before the Tenth First-instance Court for Criminal Matters, Drugs Offenses, and Crimes against the Environment.

28. It reports that orders were issued for the preventive custody of the three young men and their prosecution for the crimes of "kidnapping and disappearance or death of the abductee." On February 8, 2005, they were given the benefit of an alternative measure and their release was ordered. On June 14, 2005, the provisional suspension of the proceedings was ordered at the request of the Public Prosecution Service on

<sup>1</sup> The Commission only has a fragment of that statement, where it states that at the time he was aged 17 years.

the grounds that “the evidence is insufficient for the trial to be opened, the minor victim’s statement was contradictory in its narrative of the facts, and the participation of the accused in the crime could not be established.”

29. The State reports that on November 8, 2004, the mothers of the three young men reported their sons’ arrest to the National Civilian Police’s Professional Responsibility Office. In their complaints they stated that their sons were unjustly arrested by officers from the San Pedro Sacatepéquez police post and threatened, in particular, by the Officer Third Class of the National Civilian Police. The State indicated that the Professional Responsibility Office began an investigation of the case and concluded that the Officer Third Class and two other National Civilian Police officers were allegedly responsible for the charges made against them.

30. In addition, the mothers’ complaint was referred to the Public Prosecution Service and the office of the Prosecutor for Administrative Offenses began a criminal investigation on November 25, 2004. The Commission has no information on developments in those proceedings after that date; however, the documents furnished by the State indicate that on May 12, 2009, the Public Prosecution Service asked the Eleventh First-instance Court for Criminal Matters, Drugs Offenses, and Crimes against the Environment to dismiss the complaint lodged by the three young men’s mothers, and that request was admitted and the case sent to the archive on May 20, 2009.

31. The State reports that the Officer Third Class was dismissed on November 16, 2004, and the two other officers on May 18, 2006, and March 3, 2006. The information provided by the State does not indicate whether those dismissals were motivated by the facts alleged in this petition.

F.L.V.T.

32. In the context of its comments regarding the arrest of Miguel Iván Valiente Torres, Ocaña Chiroy, and Pocón Ramos, the State indicates that on May 23, 2006, Claudia Ermelia Torres appeared before the National Civilian Police’s Professional Responsibility Office and reported having had “problems” with the members of Police Unit 16-053 from the San Pedro Sacatepéquez post and that, on May 21, 2006, those officers attacked her son F.L.V.T. and one of his brothers (without specifying which), telling them that they did not want to see them again or “they would plant drugs on them to incriminate them.” The State provides no additional information regarding F.L.V.T.

33. Finally, the Commission notes that during the admissibility stage, the State presented no comments regarding the alleged deaths of Mario Lisandro Pocón Ramos and Walter Aroldo Ocaña Chiroy or about the alleged “homemade bomb” that was purportedly placed on the petitioner’s window, causing him and his family to flee to Nicaragua.

#### **IV. ANALYSIS ON COMPETENCE AND ADMISSIBILITY**

##### **A. Competence**

34. The petitioners are in principle entitled, under Article 23 of the Rules of Procedure and Article 44 of the American Convention, to present petitions to the Commission. The petition indicates clearly identified persons as the alleged victims, with respect to whom the State of Guatemala has agreed to respect and ensure the rights enshrined in the American Convention on Human Rights, to which Guatemala has been a party since May 25, 1978, the date on which it deposited the corresponding instrument of ratification. Similarly, the Inter-American Convention to Prevent and Punish Torture came into force in Guatemala on February 28, 1987. The Commission therefore has competence *ratione personae* to examine the petition. In addition, the Commission has competence *ratione loci* to examine the petition, in that it alleges violations taking place within the territory of Guatemala.

35. The Commission has competence *ratione temporis* since the obligation of respecting and ensuring the rights protected by the American Convention on Human Rights was in force for the State on the

date on which the incidents described in the petition allegedly occurred. Finally, the Commission has competence *ratione materiae* regarding the alleged violations of human rights protected by that Convention.

## **B. Admissibility requirements**

### **1. Exhaustion of domestic remedies**

36. Article 46.1.a of the Convention and Article 31.1 of the Rules of Procedure require the prior exhaustion of the resources available under domestic jurisdiction in accordance with generally recognized principles of international law as a prior condition for the admission of claims presented in a petition. This requirement is intended to facilitate the domestic authorities' examination of the alleged violation of a protected right and, if appropriate, to resolve the situation before it is placed before an international venue. However, Article 31.2 of the Rules of Procedure and Article 46.2 of the Convention state that the prior exhaustion of domestic remedies shall not be required when: (i) the domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated, (ii) the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them, or (iii) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

37. The petitioner claims that both the death threats made against his 13-year-old son and his subsequent killing by officers of the National Civilian Police remain unpunished, as do the alleged facts involving another two of his sons and two other people. In connection with the alleged arrest of Miguel Iván Valiente Torres, Walter Aroldo Ocaña Chiroy, and Mario Lisandro Pocón Ramos, he states that the complaint lodged by their mothers was dismissed by the Eleventh First-instance Criminal Judge. Regarding the alleged arrest and mistreatment of F.L.V.T., he indicates that a personal exhibition remedy was lodged on his behalf and he was released on January 11, 2005.

38. In turn, the State contends that the criminal proceedings brought in connection with the death of H.O.V.T. remain at the investigation stage within the Public Prosecution Service. Regarding Miguel Iván Valiente Torres, Walter Aroldo Ocaña Chiroy, and Mario Lisandro Pocón Ramos, Guatemala indicates that on June 14, 2005, the provisional suspension of the proceedings against them was ordered because of insufficient evidence and that, on May 20, 2009, the Eleventh First-instance Judge for Criminal Matters, Drugs Offenses, and Crimes against the Environment sent the complaint lodged by their mothers to the archive on the grounds that he found that their arrest was not illegal. In connection with F.L.V.T., the State notes that on May 23, 2006, his mother reported the alleged attack to the National Civilian Police's Professional Responsibility Office but it does not indicate what the result of that was. Finally, in connection with the deaths of Mario Lisandro Pocón Ramos and Walter Aroldo Ocaña Chiroy, the State presented no comments.

39. Regarding the alleged illegal arrest, mistreatment, threats made against, and subsequent death of the adolescent H.O.V.T., the Commission again notes that whenever an alleged publicly prosecutable crime is committed, the State is obliged to institute and pursue criminal proceedings and that, in such cases, this is the suitable channel to clarify the facts, prosecute the responsible parties, establish appropriate criminal penalties, and make possible other means of financial reparation. The Commission notes that the Public Prosecution Service was informed of the death of the adolescent H.O.V.T. on February 13, 2005, and that as of the date of this report's adoption, more than 11 years later, the proceedings remain at the investigation stage without the identification of any suspects. Consequently, in the case at hand, the prior exhaustion requirement cannot be interpreted in a way that would cause a prolonged or unjustified delay in access to the inter-American system.

40. Likewise, the information provided does not indicate that there was an effective response by the authorities to the alleged arrest and mistreatment of Miguel Iván Valiente Torres, F.L.V.T., Walter Aroldo Ocaña Chiroy, and Mario Lisandro Pocón Ramos. Similarly, although the parties did not report on the status of any criminal investigation opened following the deaths of Walter Aroldo Ocaña Chiroy and Mario Lisandro Pocón Ramos, the information available indicates that a complaint was previously lodged with the National Civilian Police's Professional Responsibility Office for threats allegedly made by police officers, in particular

the Officer Third Class, who was purportedly involved in the later deaths. The Commission notes that there is no information on steps taken to investigate that complaint. The State speaks of the dismissal of the complaint in 2009, but it does not report on whether any process was followed to review that decision. In addition, the State presents merely a narrative about the judicial proceedings pursued in connection with the complaints lodged by the alleged victims' families; it does not, however, provide any information on the conclusions of the proceedings opened and it does not expressly cite grounds for the petition's inadmissibility.

41. Consequently, the IACHR finds that there has been an unwarranted delay in the investigation of the incidents alleged in this petition, and so the exception provided for in Article 46.2.c of the Convention is applicable.

## **2. Timeliness of the petition**

42. Article 46.1.b of the Convention and Article 32.1 of the Rules of Procedure require that for a petition or communication to be admitted by the Commission, it must be lodged within a period of six months from the date on which the alleged victim of a rights violation was notified of the final judgment. In the instant case, the IACHR has admitted the exception to the exhaustion of domestic remedies provided for in Article 46.2.c of the Convention and Article 31.2.c of the Rules of Procedure. In this regard, Article 46.2 of the Convention and Article 32.2 of the Rules of Procedure state that in cases in which the exceptions to the requirement of prior exhaustion of domestic remedies are applicable, petitions must be presented within what the Commission considers a reasonable period of time. For that purpose, the Commission is to consider the date on which the alleged violation of rights occurred and the circumstances of each case.

43. The IACHR has established the applicability of the exception to the exhaustion of domestic remedies provided for in Article 46.2.c of the American Convention and 31.2.c of the Rules of Procedure. The petition before the IACHR was received on June 2, 2006, and the facts alleged therein began in late 2004 and their effects extend into the present. Consequently, considering the context and characteristics of this case, the Commission believes that the petition was lodged within a reasonable time and that the admissibility requirement regarding the timeliness of the petition must be deemed met.

## **3. Duplication and international *res judicata***

44. Nothing in the case file indicates that the substance of the petition is pending in any other international settlement proceeding or that it is substantially the same as any other petition already examined by this Commission or another international body. Consequently, the grounds for inadmissibility established in Articles 46.1.c and 47.d of the Convention and Articles 33.1.a and 33.1.b of the Rules of Procedure do not apply.

## **4. Colorable claim**

45. For the purposes of admissibility, the Commission must decide whether the alleged facts tend to establish a rights violation, as stipulated in Article 47.b of the Convention and Article 34.a of the Rules of Procedure, or whether the petition is "manifestly groundless" or "obviously out of order," as described in Articles 47.c and 34.b of those two instruments. The standard of appreciation used to analyze admissibility differs from that used in examining the merits of a petition, given that the Commission conducts only a *prima facie* review to determine whether the petitioners have established an apparent or possible violation of a right guaranteed by the Convention. This is a summary analysis that in no way implies a preliminary judgment or opinion on the merits of the matter.

46. In addition, the corresponding legal instruments do not require the petitioners to identify the specific rights they believe were violated by the State in a matter placed before the Commission, although the petitioners may do so. Instead, it falls to the Commission, based on the precedents set by the system, to determine in its admissibility reports what provisions of the relevant inter-American instruments are



applicable, the violation of which could be established if the alleged facts are proven by means of adequate evidence.

47. The petitioner contends that the death of his son H.O.V.T. occurred on the orders of the Officer Third Class of the National Civilian Police and that, in spite of both the threats made and his subsequent death having been reported to the authorities, to date the guilty have been neither prosecuted nor punished. In turn, as regards the investigation into the death of H.O.V.T., the State contends that it does not have evidence to identify the person or persons responsible and that the proceedings before the Public Prosecution Service remain at the investigation stage.

48. As regards the complaint for the alleged arrest of Miguel Iván Valiente Torres, Walter Aroldo Ocaña Chiroy, and Mario Lisandro Pocón Ramos, the petitioner contends that to date, the persons responsible have not been punished. In turn, the State contends that the complaint was dismissed during the criminal proceedings. In addition, the petitioner claims that Walter Aroldo Ocaña Chiroy and Mario Lisandro Pocón Ramos were murdered and that the Officer Third Class of the National Civilian Police was responsible for their killings, given that he had previously threatened them. He also claims that to protect his life and that of his family, they were forced to leave their country and seek refuge in Nicaragua.

49. Having seen the elements of fact and law presented by the parties and the nature of the matter brought before it, the IACHR finds that the petitioner's claims regarding the scope of the State's alleged responsibility in the incidents described in this petition could tend to establish possible violations of the rights enshrined in Articles 4, 5, 7, 8, 19, 22, and 25 of the American Convention with regard to the alleged victims, and of Articles 5, 8, and 25 of that instrument with regard to their families, all in conjunction with the obligations arising from Article 1.1 thereof. In addition, at the merits stage the IACHR will examine whether the petitioner's claims regarding the mistreatment inflicted on the alleged victims by agents of the State could tend to establish possible violations of Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture.

50. Also at the merits stage, the IACHR will examine whether the petitioner's claims regarding the responsibility of police officers in the deaths, if proven, could tend to establish a violation of the right enshrined in Article 4 of the American Convention on Human Rights, in conjunction with Article 1.1 thereof.

## **V. CONCLUSIONS**

51. Based on the foregoing legal and factual considerations, the Inter-American Commission concludes that the instant petition satisfies the admissibility requirements set forth in Articles 31 and 34 of the Rules of Procedure and Articles 46 and 47 of the American Convention and, without prejudging the merits of the case,

### **THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

#### **DECIDES:**

1. To declare this petition admissible in connection with Articles 4, 5, 7, 8, 19, 22, and 25 of the American Convention on Human Rights, in accordance with the general obligations enshrined in Article 1.1 thereof, and with Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture;
2. To notify the parties of this decision;
3. To continue with its analysis of the merits of the complaint; and,
4. To publish this decision and to include it in its Annual Report to the General Assembly of the Organization of American States.

Done and signed in the city of Panama, on the 6<sup>th</sup> day of the month of December, 2016. (Signed): James L. Cavallaro, President; Francisco José Eguiguren, First Vice President; Margarete May Macaulay, Second Vice President; José de Jesús Orozco Henríquez, Paulo Vannuchi, Esmeralda E. Arosemena Bernal de Troitiño and Enrique Gil Botero, Commissioners.