

OEA/Ser.L/V/II.157  
Doc. 19  
14 April 2016  
Original: Spanish

**REPORT No. 15/16**  
**PETITION 1171-09**  
REPORT ON FRIENDLY SETTLEMENT

ANANIAS LAPARRA MARTINEZ AND FAMILY  
MEXICO

Approved by the Commission at its session No. 2063 held on April 14, 2016  
157 Regular Period of Sessions

**Cite as:** IACHR, Report No. 15/16, Petition 1171-09. Friendly Settlement. Ananias Laparra  
Martinez and Family. Mexico. April 14, 2016.

**REPORT No. 15/16**  
**PETITION 1171-09**  
FRIENDLY SETTLEMENT  
ANANIAS LAPARRA MARTINEZ AND FAMILY  
MEXICO  
APRIL 14, 2016<sup>1</sup>

**I. SUMMARY**

1. On September 21, 2009, the Inter-American Commission on Human Rights (hereinafter the “Inter-American Commission,” “Commission,” or “IACHR”) received a petition lodged by the lawyers Thomas Antkowiak, Ricardo Lagunes Gasca, and Alejandra Gonza, with support from the Human Rights Clinic of Seattle University Law School (hereinafter “the petitioners”), which claimed that the United Mexican States (hereinafter the “State” or “Mexican State”) bore international responsibility for violations of Articles 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 25 (right to judicial protection), 19 (rights of the child), and 2 (domestic legal effects [duty to adopt measures under domestic law]), taken in conjunction with Article 1(1) of the American Convention on Human Rights, to the detriment of Ananías Laparra and his family (hereinafter the “victim” or “victims”).

2. The petitioners denounced the acts that occurred on October 14, 1999, in Tapachula, Chiapas, concerning the unlawful and arbitrary detention of Mr. Ananías Laparra and his subsequent conviction based on a confession obtained under torture by agents of the Judicial Police of the State of Chiapas. The petitioners also charged that two of Mr. Ananías Laparra’s children, who were minors at the time—14-year-old José Ananías Laparra Godínez and 16-year-old Rocío Fulvia Laparra Godínez— and his wife, Rosa Godínez, were also tortured and forced to sign statements incriminating Mr. Laparra in the homicide of Elvis Díaz Martínez, a young man from the town of Unión Roja, in the Municipality of Cacahoatán, Chiapas.

3. The parties signed a friendly settlement agreement in Tuxtla Gutiérrez, Chiapas, on September 5, 2014, by which the State undertook to implement reparation measures in favor of Ananías Laparra and his family for the injuries caused to them.

4. Pursuant to Articles 49 of the Convention and 40(5) of the Commission’s Rules of Procedure, this friendly settlement report includes a summary of the petitioners’ allegations, transcribes the friendly settlement agreement signed on September 5, 2014, by the petitioners and representatives of the Mexican State, analyzes the agreement’s compatibility with the Convention, and assesses its implementation. Finally, the Commission has decided to publish this report in its Annual Report to the General Assembly of the Organization of American States.

**II. PROCESSING BY THE COMMISSION**

5. The IACHR received the petition on September 21, 2009, and served notice of it to the Mexican State. On August 4, 2011, the petitioners applied to the IACHR for a precautionary measure in favor of Ananías Laparra, which was granted on January 18, 2012, for the purpose of protecting his rights to health and the integrity of his person. That precautionary measure was registered as No. PM-351-11.

6. On April 18, July 26, and November 6, 2012, and February 12, April 16, and October 25, 2013, the petitioners submitted additional information, which was forwarded to the State.

---

<sup>1</sup>In accordance with Article 17(2)(a) of the Rules of Procedure of the IACHR, Commissioner José de Jesús Orozco, a Mexican national, did not participate in the discussion or decision on this case.

7. On October 26, 2012; April 19, July 11, and August 16, 2013; October 28, 2014; July 17 and October 15, 2015; and February 25, 2016, the State presented comments, which were relayed to the petitioners.

8. The parties embarked on a friendly settlement procedure in October 2013. On October 30, 2013, the parties held their first working meeting facilitated by the IACHR at its 149th regular session. On March 26, 2014, the parties held a second working meeting facilitated by the IACHR at its 150th regular session.

9. On September 5, 2014, the parties signed a friendly settlement agreement in Tuxtla Gutiérrez, Chiapas.

10. On September 24, 2015, the parties held a third working meeting, which was facilitated by the IACHR in Mexico City in the context of the visit by Commissioner James Cavallaro in his capacity as country rapporteur.

11. On March 3, 2016, the petitioners requested the adoption of a friendly settlement report under Article 49 of the Convention, an assessment by the IACHR of the agreement's fulfillment, and follow-up on the points pending in the wake of the report's adoption.

### III. ALLEGED FACTS

12. In their communication of March 3, 2016, the petitioners asked the IACHR to take all the facts described in Chapter IV of the friendly settlement agreement as established, "without abridgment, summary, or amendment through the inclusion of conditionals ..., so that Ananías Laparra and his family may finally have an official account of the facts in their case impartially confirmed by the IACHR." Taking into consideration the terms of the agreement, the State's acknowledgment of responsibility in the friendly settlement agreement, and the facts established by the parties in said document, the Commission hereby declares that Chapter IV of the friendly settlement agreement constitutes the factual framework of the petition.

### IV. FRIENDLY SETTLEMENT

13. On September 5, 2014, the Mexican State and the victims with their representatives signed the following friendly settlement agreement:

#### FRIENDLY SETTLEMENT AGREEMENT IN THE MATTER P-1171-09, ANANÍAS LAPARRA MARTÍNEZ AND FAMILY

Which is entered into, on one hand, by the Mexican State, represented in this act by **Minister Lía Limón García**, Assistant Secretary for Human Rights (hereinafter "**SEGOB**"), **Ambassador** Juan Manuel Gómez Robledo, Assistant Secretary for Multilateral Affairs and Human Rights of the Ministry of Foreign Affairs (hereinafter "**SRE**"), **Minister Mario Carlos Culebro Velasco**, Assistant Secretary of the Interior and Human Rights, **Mr. José Ramón Cancino Ibarra**, Assistant Secretary for Legal Affairs, both of the Ministry of the Interior of the State of Chiapas, and **Dr. Rutilio Escandón Cadena**, President of the Superior Court of Justice of the State of Chiapas; and, on the other hand, by the victims **Ananías Laparra Martínez, Rosa Godínez Chávez, Rocío Fulvia Laparra Godínez, and José Ananías Laparra Godínez**, who appear in their own right accompanied by their representatives **Alejandra Gonza, Thomas Antkowiak, and Ricardo Arturo Lagunes Gasca**.

#### I. PURPOSE

The purpose of this friendly settlement agreement (hereinafter the "**AGREEMENT**") is to establish the basis for reparation of the victims in petition P-1171-09—Ananías Laparra

Martínez, Rosa Godínez Chávez, Rocío Fulvia Laparra Godínez, and José Ananías Laparra Godínez (hereinafter the "VICTIMS")—and to recognize the international responsibility of the Mexican State for the acts and violations of human rights established in the course of this document.

## II. PROCESSING OF THE CASE IN THE INTER-AMERICAN SYSTEM FOR PROTECTION OF HUMAN RIGHTS:

**II.1** On January 18, 2012, the **IACHR** granted precautionary measures (registered as **PM-351-11**) in favor of Mr. Ananías Laparra Martínez to protect his health and physical integrity. In the framework of those measures, both parties presented a number of communications regarding their implementation.

**II.2** On March 8, 2012, the Mexican State was notified of the initial communication from the representatives of Mr. Ananías Laparra Martínez and his family with respect to the petition (registered as **P-1171-09**) that was lodged against it on September 29, 2009, and the request for precautionary measures.

**II.3** On August 24, 2012, the **IACHR** relayed additional information supplied by the petitioners to the Mexican State for its information.

**II.4** On October 23 and December 20, 2012, the Mexican State presented its first two reports: the first in connection with the petition (**P-1171-09**) and the second concerning the precautionary measures adopted in favor of Mr. Ananías Laparra Martínez.

**II.5** On February 2012 (sic), the Mexican State informed that Mr. Ananías Laparra Martínez have been released as he had been granted the benefit of a suspended sentence.

**II.6** On April 5 and June 17, 2013, the **IACHR** relayed to the Mexican State the response of the petitioners to the Mexican State's reports of October 23, 2012, and April 16, 2013.

**II.7** On April 16, 2013, the Mexican State ratified its earlier reports on implementation of precautionary measures and on the facts alleged in the petition (**P-1171-09**). On July 10, 2013 the Mexican State submitted a report in the same vein.

**II.8** On August 15, 2013, the Mexican State presented its last response, ratifying its earlier reports. The **IACHR** acknowledged receipt of the last report on September 25, 2013.

**II.9** On October 29, 2013, the petitioners wrote to the Commission to request the formal opening of a friendly settlement procedure under Article 40 of the Rules of Procedure of the **IACHR**, given that both parties were engaged in negotiations with a view to reaching an accommodation.

**II.10** At the request of both parties, on October 30, 2013, the Inter-American Commission on Human Rights (**IACHR**) convened a meeting to initiate a friendly settlement procedure in accordance with Article 40 of its Rules of Procedure.

**II.11** That meeting yielded the first draft of an agreement, which required the acknowledgment on the part of the State of Chiapas of the torture to which Mr. Ananías Laparra Martínez was subjected and his innocence.

**II.12** On November 11, 2013, the **IACHR** wrote a letter to follow-up on the promise by the State of Chiapas.

**II.13** On April 26, 2014, in the context of the 150th regular period of sessions of the Inter-American Commission on Human Rights, it was agreed that the draft friendly settlement agreement in the case of Mr. Ananías Laparra and family would be signed once the amendments to the Rules of Operation of the Human Rights Obligations Compliance Trust (*Fideicomiso para el Cumplimiento de Obligaciones en Materia de los Derechos Humanos*) were published in the Official Gazette of the Federation.

**II.14** The amendments to the Rules of Operation of the Human Rights Obligations Compliance Trust were published in the Official Gazette of the Federation on May 29, 2014, with the result that the term for signing the friendly settlement agreement in the case of Mr. Ananías Laparra and family expires on August 29, 2014.

### **III. JURISDICTION OF THE INTER-AMERICAN SYSTEM FOR PROTECTION OF HUMAN RIGHTS**

1. Mexico has been a state party to the American Convention on Human Rights since March 24, 1981; to the Inter-American Convention to Prevent and Punish Torture since June 22, 1987; and to the Convention on the Rights of the Child since September 21, 1990.
2. The present agreement is founded on Article 40 of the Rules of Procedure of the Inter-American Commission on Human Rights, which recognizes the competence of said organ to take cognizance of friendly settlements reached by parties and to follow-up thereon.

### **IV. ACKNOWLEDGED FACTS**

#### **A.- WITH RESPECT TO MR. ANANÍAS LAPARRA**

1. The Mexican State acknowledges its international responsibility for the unlawful and arbitrary detention and the torture of Mr. Ananías Laparra Martínez for the purpose of obtaining a confession and, thereby, his conviction. The Mexican State also acknowledges that a confession thus obtained is devoid of any legal force or effect.

It also acknowledges international responsibility for the unlawful and arbitrary detention of his two children, José Ananías Laparra Godínez and Rocío Fulvia Laparra Godínez, who were 14 and 16 years old, respectively, at the time of the events; and his wife, Rosa Godínez Chávez, all of whom were illegally detained, tortured, and forced to sign statements incriminating Mr. Ananías Laparra Martínez, which statements can have no legal force or effect whatever.

2. On October 14, 1999, Ananías Laparra Martínez's human rights were violated as a result of being unlawfully and arbitrarily detained by the Judicial Police, as they were then called, without a judicial or ministerial order and with the involvement of the Office of the Attorney General of the State of Chiapas, for the crime of aggravated homicide of Mr. Elvis Díaz Martínez.

During the preliminary investigation, Ananías Laparra Martínez lacked a proper defense and various pieces of evidence were fabricated that had nothing to do with the offense of which he was accused and yet were used against him in court, including a confession and photographic evidence that was not supported by an expert legal opinion.

The First Criminal Court in the State of Chiapas ruled that Mr. Laparra Martínez's detention lawful based on the exception of "urgency and flagrancy" provided in Article 16 of the Constitution of the United Mexican States, in spite of the fact that he was apprehended at his place of work five days after the homicide of which he was accused had occurred.

3. While in detention he was subjected to torture to extract a confession, which, as documented by the Commission on Human Rights of the Federal District in accordance with the Istanbul Protocol, included blunt trauma from punches and kicks, stretching apart of his limbs, prolonged constraint of movement, asphyxiation, crush injuries, violence to genitals, forced nakedness, humiliation through verbal abuse, and forcing him to witness the torture of his son in order to coerce him.

4. On January 31, 2002, the Judge of the First Criminal Court of Soconusco Judicial District, Chiapas State, delivered a conviction in Criminal Case 273/1999, finding Mr. Ananías Laparra Martínez guilty of the charge of aggravated homicide of Elvis Díaz Martínez and sentencing him to a term of imprisonment of 28 years, seven months, and 15 days, in spite of the irregularities and violations registered in the aforementioned criminal case, without investigating the complaints of torture and coercion of the Laparra family and dismissing all testimony and evidence from confrontations of witnesses tending to demonstrate his innocence

5. During the time that he was confined at State Convict Prison No. 3 (Centro Estatal para la Reinserción Social de Sentenciados N° 3) in Chiapas State he did not have access to basic medical care to treat the illnesses and injuries caused by the trauma that he sustained during his detention. He also lacked health care, had to lived in squalid conditions, and ate a deficient diet, which led to a variety of diseases and infections during the 12 years that he

was incarcerated, a situation that ultimately contributed to his developing three types of cancer, among other diseases, and, in May 2012, to have one of his kidneys removed.

6. Ananías Laparra Martínez filed an appeal (second instance) against the conviction of January 31, 2002 handed down by the Judge of the First Criminal Court of Soconusco Judicial District, Chiapas State, in Criminal Case 273/1999.

7. On August 21, 2002, the Second Regional Division for Criminal Matters in the Southern Zone of the Superior Court of Justice of the State of Chiapas decided by a unanimous vote of its members to **uphold** the decision of January 31, 2002, to convict Ananías Laparra Martínez, ratifying all the judicial and ministerial decisions in Criminal Case 273/1999, dismissing the analysis of the complaints of torture and coercion of the Laparra family for lack of evidence, and rejecting the testimony of witnesses for the defense.

8. On November 27, 2002, an application for constitutional relief (*amparo*) was filed against the aforementioned judgment of August 21, 2002. On March 12, 2003, the “Application for Protection and Relief under Federal Justice” for Mr. Ananías Laparra Martínez presented to the 20th Circuit Collegiate Court alleging violation of constitutional rights was denied.

9. On September 19, 2007, a complaint was lodged with the erstwhile State Commission on Human Rights—since superseded by the autonomous Chiapas State Council for Human Rights (CEDH)—alleging the unlawful detention and torture of Mr. Laparra Martínez and his family, which was rejected as time-barred.

10. On October 11, 2007, the Laparra family filed a criminal complaint with the Public Prosecution Service's Special Attorney for Offenses Committed by Public Servants against Donato Vela Rodas, in his capacity as an attorney of the Public Prosecution Service; and Miguel Ángel Castañón Armente and Pablo "N", in their capacity as judicial police officers, for the crimes of physical and psychological torture, illegal deprivation of liberty, and abuse of authority.

11. On March 26, 2008, the complaint lodged with the CEDH was challenged before the National Commission on Human Rights, which agency, in exercise of its powers, issued a decision in which it instructed that case file CDH/0797/2007 be reopened in order to gather more evidence with which to reach an appropriate final decision in this case; however, it was closed again in March 2010.

12. On May 7, 2008, Ananías Laparra Martínez and his family presented various applications to the Reconciliation Panel (*Mesa de Reconciliación*) of the Government of the State of Chiapas,<sup>2</sup> requesting that Ananías Laparra be granted release under a suspended sentence.

13. On April 14, 2010, the Office of the Special Prosecutor for Offenses concerning Public Servants decided "**NOT TO TAKE CRIMINAL ACTION**" on the grounds that the statute of limitations had run and that at the time of the events the crime of torture was not classified in the Criminal Code of the State of Chiapas. That decision, challenged by Mr. Laparra by means of an application for reversal, was upheld with prejudice on June 8, 2010.

14. On August 22, 2010, the victims' representative presented a petition to the **IACHR** requesting an examination of merits in light of the serious human rights violations that had occurred and the granting of precautionary measures in two respects: (a) with regard to the merits of the case, that the Commission recommend release until a decision on merits was adopted; and (b) in connection with the conditions of detention, lack of adequate healthcare, and implementation of international precautionary measures ordered by the **IACHR**. [Tr: Spanish unclear]

The CEDH opened case **CEDH/1086/2011** to examine the application filed by Ananías Laparra Martínez, only with regard to the lack of adequate healthcare and conditions of detention, without adopting any recommendation on the merits of this case.

<sup>2</sup> Article 1.- The Reconciliation Panel of the Government of the State of Chiapas (hereinafter the "Panel") is hereby established as a permanent organ of the Government of the State of Chiapas, with the purpose of issuing, based on the study and analysis of the various stages of criminal proceedings, from the preliminary inquiry until final judgment, the appropriate recommendations to the relevant authorities, so that they may take the pertinent steps to ensure lawful due process and observance of the human rights and individual guarantees of the accused. **Decree 257 establishing the Reconciliation Panel of the Government the State of Chiapas.**

15. On February 6, 2012, another application for precautionary measures was presented to the **CEDH**, requesting that it order measures of protection for Ananías Laparra Martínez and calling for his immediate release as the only effective step for complying with the precautionary measure of the IACHR (registered as PM-351-11) for protecting his health and physical integrity, as well as safeguarding jurisdiction over the merits of the matter. In a decision dated February 22, 2012, the **CEDH** issued precautionary measure **CEDH/MC/034/2012**, addressed to the Minister of the Interior of the State of Chiapas and the Assistant Secretary for Enforcement of Criminal Penalties and Security Measures of the State, requesting that the necessary effective precautionary measures be adopted in favor of Mr. Laparra, but without offering any recommendation with regard to the merits of the case.

16. On February 27, 2012, at the request of the **CEDH**, the Reconciliation Panel, through its Interagency Commission on Liberty under Suspended Sentence, decided to grant Ananías Laparra Martínez the benefit of liberty under suspended sentence on account of his age, the amount of time served under his sentence, and his state of health.

17. On February 28, 2012, Mr. Ananías Laparra Martínez was notified that the Constitutional Governor of the State of Chiapas, in exercise of his authority under the Constitution of the State of Chiapas, had granted him the benefit of liberty under a suspended sentence in accordance with the rules and conditions established in the system of laws in that regard, since which time Mr. Laparra Martínez has been free.

It should be mentioned that said benefit does not recognize his innocence or expunge his criminal record.

18. At present, Mr. Ananías Laparra Martínez lives in poverty and is unable to work. His priority is to have his innocence recognized, his good name and that of his family restored, and comprehensive reparation for the injuries caused; the foregoing with the aim of avoiding a recurrence of cases such as his.

#### **B. WITH RESPECT TO MRS. ROSA GODÍNEZ CHÁVEZ**

1. Mrs. Rosa Godínez Chávez, the wife of Ananías Laparra Martínez, was detained without a court order on two occasions. The first was on October 10, 1999, by public security agents in the Municipality of Cacaohatán, Chiapas State, who took her to their offices and detained her for approximately five hours.

The second occasion, was on October 14, 1999, when she was detained with her daughter at the so-called "palace of buzzards" (*palacio de zopilotes*) in Tapachula, Chiapas, where agents of the Judicial Police of the State of Chiapas and the government attorney from the Public Prosecution Service forced her to make a statement against her husband and made her sign that statement, despite the fact that she could not read or write. She was detained for approximately 13 hours without the assistance of legal counsel.

As a result of her husband's ensuing unlawful conviction, she was left without economic means to support her family, endured the suffering of having her husband in prison, and had to move residence. She sold their home in order to seek assistance and engaged in a variety of activities to make ends meet in order to survive. According to a preliminary psychological evaluation, she suffers from depression, insecurity, sadness, uncertainty, anxiety, chronic disorders, slowed movement, and physical weakness. The current situation of her son, José Ananías Laparra Godínez, is a particular source of anxiety for her.

2. In the course of this process, a psychological assessment and victimological study was requested for Mrs. Rosa Godínez Chávez and Ms. Rocío Fulvia Laparra Godínez. After an appraisal of the victims' studies, it was determined that they suffered from depression and anxiety and the Office of the State Prosecutor General referred them for psychological treatment via the Human Development Institute (IDH) in the State of Chiapas under Articles 2, 7, and 12 of the Victim Protection Law of the State of Chiapas.

#### **C. WITH RESPECT TO MRS. ROCÍO FULVIA LAPARRA GODÍNEZ**

1. As regards their family, also on October 14, 1999, the victim Rocío Fulvia Laparra Godínez, who was a minor at the time of the events, was separated from her mother and illegally detained for almost 13 hours, during which time she was interrogated, physically and

psychologically tortured, threatened with rape in the judicial police cells in the “palace of buzzards” by judicial agents and the government attorney from the Public Prosecution Service. She was afforded no measure of protection whatever or legal assistance as envisaged by the Constitution of the United Mexican States and the Convention on the Rights of the Child, and in those circumstances she was forced to sign a statement in which she accused her father, Ananías Laparra Martínez, of the homicide of Elvis Díaz Martínez. At that time, the victim Rocío Fulvia Laparra Godínez was attending her first year of secondary school. As a result of what occurred she was never able to complete her education but had to devote her life to visiting her father and looking for a way to secure his release. Her dream is to be able to study and even go to university.

#### **D. WITH RESPECT TO MR. JOSÉ ANANÍAS LAPARRA GODÍNEZ.**

1. Also on October 14, 1999, José Ananías Laparra Godínez, who was a minor at the time of the events, was unlawfully and arbitrarily detained without a court order by the judicial police of the State of Chiapas and taken before a government attorney from the Public Prosecution Service in order to give a statement on the facts under investigation. Despite being too young--he was 14 years old--to be charged with a criminal offense under the Criminal Code of Chiapas then in force, the child José Ananías Laparra Godínez was arrested. Without the assistance of legal counsel or being charged, the boy was forced to make a statement against his father, which he was made to sign under torture. He was afforded no measure of protection whatever or legal assistance as envisaged by the Constitution of the United Mexican states and the Convention on the Rights of the Child. The State of Chiapas identified a reporter of “El Orbe,” a newspaper, as a person of confidence. The physical and psychological torture included asphyxiation by drowning, insertion of liquid through the nose, and heavy blows to various parts of the body whenever he said that his father could not have committed the crime because he had not come home that day. The boy was attending his first year of secondary school at the time of the events but dropped out as a result of what happened. In 2000, José Ananías Laparra Godínez abandoned his home state and moved to Mexico City, where he lost contact with his family for many years. He is now back with his family and is addicted to drugs. [Tr: Spanish unclear]

#### **V. LEGAL BASIS FOR THE MEXICAN STATE'S ACKNOWLEDGMENT OF RESPONSIBILITY**

**SOLE ARTICLE.** The parties hereby agree that the facts set forth in the preceding chapter constitute the factual basis of this agreement and, therefore, of the Mexican State's acknowledgment of responsibility.

In that sense, the Mexican State accepts its international responsibility for the serious violations of human rights recognized in Articles 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 10 (right to compensation), 25 (right to judicial protection), 19 (rights of the child), and 2 (domestic legal effects [duty to adopt measures under domestic law]) of the American Convention, taken in conjunction with Article 1(1) (obligation to respect rights) of the same instrument, to the detriment of the victims Ananías Laparra Martínez, Rosa Godínez Chávez, Rocío Fulvia Laparra Godínez, and José Ananías Laparra Godínez.

Also established are violations of Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture and Articles 37 and 40 of the Convention on the Rights of the Child.

#### **VI. DECLARATIONS OF THE STATE**

1. The Mexican State hereby expresses its broadest and most absolute commitment to the observance of, respect for, and promotion of human rights.

2. In accordance with Article 40 of the Rules of Procedure of the Inter-American Commission on Human Rights, the Mexican State confirms its full willingness to reach a friendly settlement of this matter and to implement the reparations established in this agreement.



3. The Mexican State undertakes to abide by this agreement in strict observance of its international obligations and in a manner that fosters dialogue and the involvement of the victims in the case in the measures adopted to that end.

4. Notwithstanding the responsibility of the Mexican State as a whole and of its various component branches and organs, the Ministry of the Interior, the Ministry of Foreign Affairs, the Government of the State of Chiapas, the Office of the Attorney General of the State of Chiapas, and the Ministry of the Interior of the State of Chiapas will coordinate the measures that they adopt in implementing this agreement

## VII. STATEMENTS

### **THE MINISTRY OF THE INTERIOR HEREBY DECLARES THAT:**

1. Its representative states that, in accordance with Articles 1, 26, and 27 of the Organic Law of the Federal Public Administration, the Ministry of the Interior (*Secretaría de Gobernación - SEGOB*) is a unit of the executive branch of the Union that, *inter alia*, has stewardship of the interior policy of the federal executive branch where not expressly attributed to another unit thereof; it also oversees compliance with constitutional provisions by the country's authorities, especially with regard to the guarantees of the individual, and adopts the necessary administrative measures to that end.

2. The Assistant Secretary for Human Rights, Minister Lía Limón García, has, pursuant to Sections IV (6), XII, and XVII of Article 2 (A) of the Internal Regulations of the Ministry of the Interior, among other powers, that of signing documents having regard to the exercise of her powers.

3. The Mexican State, through the Human Rights Obligations Compliance Trust (*Fideicomiso para el Cumplimiento de Obligaciones en Materia de los Derechos Humanos*) has sufficient funds to meet the financial obligations under this agreement.

4. It states that its domicile for all legal purposes under this agreement is Bucareli número 99, Colonia Juárez, Delegación Cuauhtémoc, Código Postal. 06600, Ciudad de México, Distrito Federal.

### **THE MINISTRY OF FOREIGN AFFAIRS HEREBY DECLARES THAT:**

1. Its representatives state that, in accordance with Articles 1, 26, and 28 (I) and (III) of the Organic Law of the Federal Public Administration, the Ministry of Foreign Affairs (*Secretaría de Relaciones Exteriores - SRE*) is a unit of the executive branch of the Union that, *inter alia*, promotes, fosters, and ensures the coordination of the foreign policy of the federal executive branch and participates in the international organizations of which the Mexican Government is a member.

2. The Assistant Secretary for Multilateral Affairs and Human Rights has, pursuant to Articles 8 (III), (VIII), and (X); and 29 (XI) of the Internal Regulations of the Ministry of Foreign Affairs, authority to represent the ministry and sign agreements having regard to the exercise of her powers and those of the administrative units under her charge, including, *inter alia*, to receive and process grievances and complaints brought against the Mexican State in international human rights forums, represent the Government of Mexico in litigation or proceedings deriving therefrom, and promote the adoption of measures necessary to settle such grievances or complaints in accordance to law

3. The Department of Human Rights and Democracy has, pursuant to Article 29 (XI) of the Internal Regulations of the Ministry of Foreign Affairs, authority to receive and process grievances and complaints brought against the Mexican State in international human rights forums, represent the Government of Mexico in litigation or proceedings deriving therefrom, and promote the adoption of measures necessary to settle such grievances or complaints in accordance to law

4. It states that its domicile for all legal purposes under this agreement is Avenida Juárez número 20 Colonia Centro Delegación Cuauhtémoc Código Postal. 06010, Ciudad de México, Distrito Federal.

***THE GOVERNMENT OF THE STATE OF CHIAPAS HEREBY DECLARES THAT:***

1. The state of Chiapas is a free and sovereign federative entity with its own juridical personality and independent assets, in accordance with Articles 40, 41 (first paragraph), 42 (first section), 43, and 116 of the Constitution of the United Mexican States; and 1, 2, and 36 of the Constitution of the State of Chiapas, which is a constituent part of the Federation in which both the state's representation and the exercise of executive authority resides in the Governor of the State.
2. Mr. José Ramón Cancino Ibarra, Assistant Secretary for Legal Affairs of the Ministry of the Interior, under the terms of the appointment issued by the Constitutional Governor of the State of Chiapas on July 3, 2013, and Article 36 of the Internal Regulations of this Interior Ministry, is authorized to sign the present legal document.
3. Mr. Mario Carlos Culebro Velasco, Assistant Secretary for the Interior and Human Rights of the Ministry of the Interior, under the terms of the appointment issued by the Constitutional Governor of the State of Chiapas on February 1, 2013, and Article 30 of the Internal Regulations of the Interior Ministry, is authorized to sign the present legal document.
4. Mr. Rutilio Escandón Cadenas, President of the Superior Court of Justice of the State of Chiapas, pursuant to Articles 38 and 41 (XVI) and (XXIII) of the Organizational Code of the Judiciary of the State of Chiapas, is authorized to sign the present agreement.
5. It states that its domicile for all legal purposes under this agreement is Palacio de Gobierno, Segundo Piso, Colonia Centro, Código Postal 29000, Tuxtla Gutiérrez, Chiapas.

***THE VICTIMS HEREBY DECLARE THAT:***

1. Mr. Ananías Laparra Martínez, a Mexican national of majority age, appears freely in this act in his own right. Who, as proof of his identity hereby shows his official identification issued by the Federal Electoral Institute, with the number [...]. He also states that his legal domicile for the purposes of this agreement is [...].
2. Mrs. Rosa Godínez Chávez, a Mexican national of majority age, appears freely in this act in her own right. Who, as proof of her identity hereby shows her official identification issued by the Federal Electoral Institute, number [...], and states that her legal domicile for the purposes of this agreement is [...].
3. Ms. Rocío Fulvia Laparra Godínez, a Mexican national of majority age who was a minor at the time of the events, appears freely in her own right. Who, as proof of her identity hereby shows her official identification issued by the Federal Electoral Institute, with the number [...]. She also states that her legal domicile for the purposes of this agreement is [...].
4. Mr. José Ananías Laparra Godínez, a Mexican national of majority age who was a minor at the time of the events, appears freely in his own right. Who, as proof of his identity hereby shows his official identification, registration password and personal identity number [...], and states that his legal domicile for the purposes of this agreement is [...].
5. Messrs. Ricardo A. Lagunes Gasca, Alejandra Gonza, and Thomas Antkowiak, who are acting as representatives for Mr. Ananías Laparra Martínez and family in the present agreement, as proof of their identities hereby shows their official identification: Ricardo A. Lagunes Gasca, Ministry of Public Education ID number [...]; Alejandra Gonza, United States of America passport number [...]; and Thomas Antkowiak, United States of America passport number [...]. The representatives state the following as their legal domiciles for the purposes of this agreement: in Mexico, with lawyer Ricardo A. Lagunes Gasca, [...]; and in the United States of America, with the lawyers Thomas Antkowiak and Alejandra Gonza, [...].

***THE PARTIES HEREBY DECLARE THAT:***

1. They mutually recognize the standing with which they appear at the signing of the present agreement.
2. The obligations of the Mexican state under the precautionary measures ordered by the IACHR that have been implemented in favor of Mr. Ananías Laparra Martínez, are hereby replaced by those arising from the friendly settlement agreement reached in petition P-

**1171-09**, as stipulated herein, which agreement shall be ratified before the Inter-American Commission on Human Rights, which shall follow up on its implementation.

**3.** For the purposes of achieving the object of this agreement, **THE PARTIES** undertake to advance formulas for reaching a settlement in full adherence to inter-American standards, giving priority to the rights of the victims, to which end, an arrangement has been jointly designed that meets international standards in that regard.

### **VIII. COMPREHENSIVE REPARATION FOR INJURIES CAUSED**

The Mexican State and the petitioners, bearing in mind the jurisprudence of the **IACHR**, hereby reach an agreement on comprehensive reparation for the victims under the following terms:

#### **VIII.1. RESTITUTION**

Bearing in mind that obtaining a declaration of innocence is a priority restitution measure for Mr. Ananías Laparra Martínez and in view of his delicate state of health, the Mexican State, through the executive branch of the State of Chiapas, via the Assistant Secretaries for the Interior and Human Rights and for Legal Affairs, undertakes to adopt all such administrative and other measures as may be necessary to bring about his innocence, which shall be accomplished within 6 months of the signing of this agreement.

The representatives of the victims agreed to file a petition for recognition of innocence with the courts of the State of Chiapas, using as supervening evidence the State's international acknowledgment of responsibility before the **IACHR**.

The executive branch of the State of Chiapas and the Ministry of the Interior, through the Human Rights Defense Unit, agree to assist in said proceeding by presenting this friendly settlement agreement as evidence and working with the representatives during the proceedings following that incidental petition.

Once his recognition of innocence has been secured at the domestic level, all such administrative and other measures as may be necessary shall be adopted to render null and void the conviction, expunge the criminal record in connection with same, leave public recognition of Mr. Ananías Laparra Martínez's innocence, and restore all the rights that were restricted by said conviction.

The victims are aware that the acknowledgment of innocence by the Mexican State is not grounds for further domestic actions for compensation or reparation, which are exclusively confined and limited to those expressly stipulated in this friendly settlement agreement, the full implementation of which shall be supervised by the Inter-American Commission on Human Rights.

#### **VIII.2. REPARATION FOR NONPECUNIARY DAMAGES AND MEASURES OF SATISFACTION<sup>3</sup>**

##### **VIII.2.1. FINANCIAL COMPENSATION FOR NON-PECUNIARY DAMAGES**

Based on the case law of the inter-American system for protection of human rights, <sup>4</sup>, the Mexican State, through the Human Rights Defense Unit, shall deliver the amount mentioned in Annex 1 to Mr. Ananías Laparra Martínez, as well as the amounts also mentioned in Annex 1 to each of the following persons: Rosa Godínez Chávez, Rocío Fulvia Laparra Godínez and José Ananías Laparra Godínez, on the understanding that those amounts correspond to nonpecuniary damages.

<sup>3</sup>The Court has developed the concept of non-pecuniary damages in its jurisprudence and determined that they "may include suffering and distress caused to the direct victims and their next of kin, the harm to values that are highly significant to individuals, as well as the changes, of a non-pecuniary nature, in the living conditions of the victims or their family." Case of Luna López, par. 251; Case of Suárez Peralta, par. 217; and Cfr. Case of Zambrano-Vélez et al., par. 142.

<sup>4</sup> Case of Fleury et al. v. Haiti. Judgment of November 23, 2011, par. 143 to 146.

The parties hereby agree to keep confidential the amounts mentioned in the preceding paragraph and in any other paragraph where monetary amounts are mentioned, in order to avoid possible risks to victims.

#### **VIII.2.2. MEDICAL INSURANCE**

The Mexican State agrees to make the necessary arrangements to provide the victims with comprehensive preferential health care free of charge. In addition, they shall have access to the pharmaceutical goods and services established under the medical coverage provided by the *Seguro Popular*. If the victims change their domicile to another federative entity of the Mexican Republic, medical care shall be provided in the new place of residence through the *Seguro Popular* or a similar program that offers the same level of care as established under this agreement. In the event that the medical services required are provided at facilities outside their area of residence, they shall be entitled to defrayment of their travel and per diem expenses by the Mexican State. This obligation shall be met within six months of the signing of this agreement.

#### **VIII.2.3. PSYCHOLOGICAL TREATMENT**

Once the agreement is signed, the Human Rights Defense Unit and the Department of Human Rights and Democracy of the Ministry of Foreign Affairs will make the necessary arrangements for the Executive Committee for Victim Assistance to provide psychological treatment to the victims Ananías Laparra Martínez, Rosa Godínez Chávez, Rocío Fulvia Laparra Godínez, and José Ananías Laparra Godínez for as long as necessary at the facilities of the Victim Assistance Center (*Centro de Atención a Víctimas y Ofendidos*) closest to their domicile or at any other facility of that center that the victims may choose and for as long as they may require. The psychological and medical treatment should take into account that they are victims of torture, that one of them has been deprived of liberty for 12 years, and that the treatment should be provided in accordance with international standards and the standards of care envisaged in the Istanbul Protocol.

#### **VIII.2.4. ADDICTION TREATMENT AND REHABILITATION**

The Mexican State undertakes to make necessary and reasonable arrangements to identify the needs of José Ananías Laparra Godínez, in coordination with his family and having special consideration to his vulnerability, and on the basis thereof, to provide him, with his consent and at his request, treatment for his addictions through the appropriate health care bodies. Such arrangements shall begin within six months of the signing of the agreement and the obligation may be deemed to have been met once the Mexican state makes the necessary and reasonable arrangements for José Ananías Laparra Godínez to have access to the relevant treatment, regardless of whether or not he chooses to accept it.

#### **VIII.2.5. EDUCATIONAL SCHOLARSHIPS**

The Mexican State agrees to award educational scholarships to Rocío and José Ananías Laparra Godínez to enable them to complete the necessary and appropriate preparatory studies to pursue a university or technical degree of their choosing. Owing to the fact that Rocío would be unable to study for a law degree outside the Municipality of Tapachula, Chiapas State, the relevant arrangements shall be made to cover the cost of university studies for a degree in law or another field of her choice in the City of Tapachula, Chiapas State. Moving elsewhere to pursue her studies would prevent her from achieving that. Given that the city of Tapachula, Chiapas state, does not have a public law school, a degree in law initially being the preferred choice of Rocío Fulvia Laparra Godínez, should the victim so request, the State of Chiapas shall make appropriate arrangements to reach an accommodation with private law schools that have an agreement with the government, or other institutions of her choice, so that a grant may be extended to Rocío Fulvia Laparra Godínez to cover the shortfall, thus ensuring an effective scholarship to complete her studies. After a medical and psychological assessment of José Ananías Laparra is performed, the appropriateness of this measure will be evaluated and, should his health preclude it, it will

be replaced with another, more suitable one (such as a craft or a trade), in coordination with the victims, in order to enable him to lead a decent life off the streets.

Payment of the educational scholarships shall be arranged by the Human Rights Defense Unit in accordance with the Rules of Operation of the Human Rights Obligations Compliance Trust, once the appropriate requirements have been met by the victims, which shall be done within six months.

#### **VIII.2.6. PUBLIC ACT OF ACKNOWLEDGMENT OF RESPONSIBILITY**

In keeping with best practices in cases in which the international responsibility of the Mexican State has been established, based on a free and informed agreement with the victims and the petitioners, a public act of acknowledgment of responsibility and apology will be held by senior officials at the national and state level. The act will be attended by representatives of the State Executive Branch, the Judiciary of the State of Chiapas, the Ministry of the Interior, and the Ministry of Foreign Affairs. The act must be held within 12 months of the signing of this agreement.

Said act will allow for the participation of the victims and whomsoever they may designate, and reference shall be made to the innocence of Mr. Ananías Laparra Martínez, the unlawful detention, torture, lack of protection for children, and violations of the rights to humane treatment and a fair trial suffered by all the victims. It shall be disseminated in different mass media with local and national coverage, and shall be published on an Internet site of the Federal Government and the State Government of Chiapas.

#### **VIII.2.7. PUBLICATION OF THE REPORT OF THE IACHR**

The Mexican State agrees to publish one time only in the Official Gazette of the Federation, the Official Gazette of the State of Chiapas, and a broadly distributed national and local newspaper a summary of the facts in the case recognized by the Mexican State and the human rights violations recognized and established in the report of the IACHR, as agreed upon in advance with the victims and their representatives.

In addition, the Mexican State undertakes to post for one year on the web site of a number of the following authorities a public version of the report of the IACHR, as agreed upon in advance with the victims: the Government of the State of Chiapas, the Superior Court of Justice of the State of Chiapas, the Office of the Attorney General of the State of Chiapas, the Human Rights Council of the State of Chiapas, and the Ministry of the Interior or Ministry of Foreign Affairs. The foregoing is on the understanding that the publication shall be done on the web site of at least one of the aforementioned federal authorities and two of the aforementioned state authorities. This obligation shall be performed within six months of the publication of the report of the IACHR.

### **VIII.3. REPARATION FOR PECUNIARY DAMAGES**

The following part of the agreement details the agreed-upon reparations for pecuniary damages. In that regard, the parties undertake to keep the information on financial reparation confidential and not to make public the amounts thereof, for the purpose of protecting the victims. The IACHR is requested in its report only to make a broad reference to the economic reparations without mentioning the figures in this agreement.

#### **VIII.3.1. LOSS OF PAST AND FUTURE INCOME**

Based on the case law of the inter-American system for protection of human rights,<sup>5</sup> in equity, the Mexican State, through the Human Rights Defense Unit, shall deliver to each of the victims the amounts indicated for each in Annex 1, in compensation for impairment of their life plans.

---

<sup>5</sup> The Inter-American Court of human rights has determined that material damages include "loss of or detriment to the victims' income, the expenses incurred as a result of the facts, and the monetary consequences that have a causal nexus with the facts in the case." Case of Torres Millacura et al. v. Argentina, par. 180

### VIII.3.2. SOCIAL HOUSING

The parties agree that the amount stated for housing under this agreement shall be provided.

### VIII.3.3. EXPENSES AND COSTS

Based on the case law of the inter-American system for protection of human rights,<sup>6</sup> the Mexican State shall deliver the amounts mentioned in Annex 1 to the lawyers Ricardo A. Lagunes Gasca and Alejandra Gonza, which cover the expenses incurred in handling the case from the moment they took up litigation of this matter.

## IX. GUARANTEES OF NON REPETITION

### IX.1. INVESTIGATION OF THE VIOLATIONS OF THE FAIR-TRIAL GUARANTEES OF MR. ANANÍAS LAPARRA MARTÍNEZ AND HIS FAMILY

**The duty of the Mexican State to investigate and punish those responsible.** The Mexican State, through the Office of the Attorney General of Chiapas, agrees within a reasonable time to conduct and diligently pursue all the necessary investigations and steps to identify those responsible and, where appropriate, impose punishment for the crime of torture. That duty includes the acts and omissions committed to the detriment of the victims that engaged the international responsibility the Mexican State. In complying with that obligation, the State must remove all *de facto* and *de jure* obstacles that preserve impunity, bearing in mind the facts established in this agreement, and enable the effective participation of the victims.

**The obligation to investigate ex officio.** The Mexican State acknowledges that the investigations must comply with all the obligations set down in the Constitution of the United Mexican States, in particular Article 1 thereof, and in the international treaties to which the Mexican State is party.

**The petition for recognition of innocence.** In accordance with Section VIII.1 (Restitution) herein, the Mexican State shall take the necessary steps to comply with that part of the agreement.

### IX.2. TRAINING PROGRAM FOR THE JUDICIARY OF THE STATE OF CHIAPAS, THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF CHIAPAS, THE MINISTRY OF PUBLIC SECURITY OF THE STATE OF CHIAPAS, THE PUBLIC DEFENDER OFFICE OF THE STATE OF CHIAPAS, AND THE STATE HUMAN RIGHTS COUNCIL

The Mexican State, through the experts selected by the Human Rights Defense Unit in agreement with the representatives of the victim and the Government of the State of Chiapas, undertakes to provide training to persons involved in the administration of justice at the highest international standards, so that they may identify, respond to, correct, protect against, prevent, report, and punish the use of torture and coercion. The training shall also cover the most stringent international standards on compliance with due process of law in order to avoid any violation of rights by penal, law enforcement, and justice administration officials. Particular consideration will be given to the prerequisites for making an arrest, the need for a proper defense, the need to correct improper application of the principle of procedural immediacy, the need to advance ex officio investigations of complaints of torture made by individuals facing criminal charges, application of the Istanbul Protocol, the scope of the principle of presumption of innocence, application of the concept of unlawful evidence and its invalidity, and invalidity of statements obtained under duress or torture, in accordance with decisions of the Supreme Court of Justice of Mexico and international

<sup>6</sup> The Inter-American Court of Human Rights has ruled that costs and expenses are included in the concept of reparations recognized in Article 63(1) of the American Convention. Case of Fleury et al. v. Haiti, par. 147.

jurisprudence. Attention shall also be given to the special protections established for children in criminal matters.

The persons involved in the administration of justice who take part in the program mentioned in the foregoing paragraph shall include members of the judiciary, Office of the Attorney General, Ministry of Public Security, the Chiapas Public Defender Office, and the Commission on Human Rights.

This training shall be provided within one year of the signing of this agreement.

### **IX.3. PROMOTION OF LEGISLATIVE DEBATE ON RECOGNITION OF INNOCENCE IN THE EVENT OF HUMAN RIGHTS VIOLATIONS**

The Mexican State, through the Government of Chiapas, with advice from the Human Rights Defense Unit, undertakes to promote legislative debate on the causes for admissibility of petitions for recognition of innocence in cases involving human rights violations.

Furthermore, the Mexican State, through the Government of the State of Chiapas, agrees to accelerate the process of consolidation of the State Human Rights Council, so that it may address underlying grievances and issue recommendations on human rights violations; and to introduce an initiative in the local legislature that includes the possibility that recommendations on human rights violations may provide the basis for applications for recognition of innocence.

Those initiatives shall be presented within one year of the signing of this agreement.

### **X. JOINT PETITION**

In the instant case, the disagreement over the facts and the international responsibility of the Mexican State has ceased and agreement has been reached on appropriate comprehensive reparations. However, the need remains for guidance from the Inter-American Commission on the rights to presumption of innocence and a fair trial for the purpose of avoiding a recurrence of events such as those in the instant case. Accordingly, both parties hereby request the Inter-American Commission on Human Rights, in its report on this agreement, to elaborate on the international standards governing the guarantees that must be observed for a confession to be considered valid evidence, on the doctrine of procedural immediacy, and on the exceptions of "urgency" and "flagrancy" used in this case to detain a person without a court order, in the light of the guarantees provided in the Convention.

### **XI. FINAL PROVISIONS**

**SOLE ARTICLE.** The State shall pay the amounts due to the victims in compensation within 180 business days of the signing of this agreement, and the obligations under the precautionary measures granted in the framework of the present petition are hereby replaced by those originating in this agreement.

### **XII. SUPERVISION OF COMPLIANCE WITH THE FRIENDLY SETTLEMENT AGREEMENT**

1. The petitioners expressly agree to and accept the obligations adopted by the Mexican State in giving attention to the present case and acknowledge the institutional effort made by the authorities to respond in an appropriate and timely manner in complying with the reparations under this agreement.

2. Pursuant to Article 40 of the Rules of Procedure of the Inter-American Commission on Human Rights, it behooves the Commission to verify compliance with this agreement.

3. This agreement shall enter into force upon its signing and an agreement shall be reached with the victims on its publication by the Inter-American Commission; it shall conclude once the obligations that it contains have been performed in full.

4. In the event of any doubt or controversy over the interpretation of the agreement, the parties agree to submit to the arbitration of the Inter-American Commission on Human Rights, which shall request such information on compliance as it deems pertinent.

**THE PARTIES, HAVING READ THE PRESENT AGREEMENT AND BEING COGNIZANT OF ITS CONTENTS, VALIDITY, AND LEGAL SCOPE, DO SIGN IT IN SIX COPIES AT TUXTLA GUTIÉRREZ, CHIAPAS, ON SEPTEMBER 5, 2014.**

**VI. DETERMINATION OF COMPATIBILITY AND COMPLIANCE**

14. The IACHR reiterates that, under Articles 48(1)(f) and 49 of the Convention, this procedure has the objective of “reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.” The State’s consent to pursue this avenue is evidence of its good faith to honor the Convention’s purposes and objectives, based on the principle of *pacta sunt servanda*. According to that principle, States must comply in good faith with the obligations undertaken in treaties. The IACHR also wishes to point out that, with the friendly settlement procedure provided for in the Convention, individual cases can be settled in a non-contentious manner. In cases involving a number of countries, the friendly settlement procedure has proven to be a useful vehicle that both parties can utilize to arrive at a solution.

15. The Inter-American Commission has facilitated and closely monitored the progress of the friendly settlement reached in the present case and greatly values the efforts that both parties in negotiating this friendly settlement agreement, which is compatible with the object and purpose of the Convention.

16. The IACHR notes that, in light of the information provided to date by the parties, it must evaluate compliance with the friendly settlement agreement reached by the parties in this case.

***Clause VIII.1 Restitution measures to restore the innocence of Ananías Laparra and Clause VIII.2.6 Public act of acknowledgment of responsibility***

17. With respect to the public act of acknowledgment of innocence of Ananías Laparra, on July 17, 2015, the State advised that it had been held on September 5, 2014. In the act, the President of the Superior Court of Justice of the State of Chiapas offered a public apology; direct responsibility for the events was acknowledged; and recognition of the innocence of Ananías Laparra and his family was made. The event was attended by Assistant Secretary Lía Limón García and Governor Manuel Velasco Coello, who in their speeches acknowledged responsibility for the events and stressed their commitment not to allow such situations to occur again. The State provided plain copies of the officials’ speeches. At a working meeting on September 24, 2015, the parties agreed that the public act of acknowledgment of responsibility had been complied with.

18. As to judicial recognition of innocence for Ananías Laparra Martínez, on January 27, 2015, the Constitutional Court of the Superior Court of Justice of the State of Chiapas meeting en banc in special session adopted a decision approving by a majority of votes the petition for recognition of innocence presented by Ananías Laparra, declaring it admissible, as agreed upon in the friendly settlement agreement, in connection with the conviction pronounced on January 31, 2002 by the Judge of the First Criminal Courts of the Judicial District of Soconusco against the petitioner and other individuals for the crime of aggravated homicide of Elvis Diaz Martinez. The State also provided a copy of the Official Gazette of the Ministry of the Interior of Chiapas dated February 11, 2015, which published the operative parts of the ruling of recognition of innocence in favor of Ananías Laparra Martínez, who was a victim of human rights violations in the criminal proceeding involving the aggravated homicide of Elvis Diaz Martinez, in relation to criminal case no. 273/1999. That decision ruled as follows:

1. The petition for recognition of innocence formulated by Ananías Laparra Martínez with respect to the conviction pronounced on January 31, 2002 by the Judge of the First Criminal Court of the Judicial District of Soconusco, which resides in the city of Tapachula, Chiapas, in criminal case no. 273/1999 against said petitioner and other individuals for the aggravated homicide of Elvis Diaz Martinez, is hereby admitted.
2. Let notice of this verdict be given personally to Ananías Laparra Martínez, as well as to the Public Prosecution Service prosecutor attached to this Constitutional Court.



3. Let an authenticated copy of this ruling be transmitted to the original court for its cognizance and the appropriate legal effects and let the operative parts of this ruling be published in the Official Gazette, in accordance with Article 550 *octer* of the Code of Criminal Procedure. Let the present case duly be set aside as a fully concluded matter. So ordered.

19. The State also informed that in relation to the expungement of Mr. Laparra's criminal record as a priority measure of restitution for the victims, on June 14, 2015, the Director of Technological Infrastructure Development of the Federal Judicature Council was requested to amend the information contained in the CARTAPEN system by deleting the particulars, procedural information and criminal record of Ananías Laparra Martínez from that database. According to information furnished by the State, on July 15, 2015, the Federal Judicature Council advised that said request had been met.

20. In that connection, at a working meeting held on September 24, 2015, the petitioner said that in spite of the efforts of the State to move forward with implementing this point, that part of the agreement could only be considered complied with once a certificate of no criminal record was actually produced, transmitted to said representation, and published together with the expungement in the Official Gazette of Chiapas.

21. On December 3, 2015, the IACHR forwarded the petitioners the Official Gazette of the State of Chiapas in which the decision to admit the petition for recognition of innocence was published.

22. On February 29, 2016, the State provided a certificate of no criminal record dated February 23, 2016, which read:

The Judicature Council of the Judiciary of the State of Chiapas, through the Executive Secretariat,

**HEREBY CERTIFIES**

That, having reviewed the records contained in the database of the Superior Court of Justice of the State pursuant to Article 304 of the Code of Criminal Procedure in force, in the entity **THERE IS NO CRIMINAL RECORD FOR ANANÍAS LAPARRA MARTÍNEZ.**

23. The IACHR finds that, in keeping in with the friendly settlement agreement, the Mexican State has abrogated the conviction handed down on Ananías Laparra Martinez, whose human rights were violated, as the State has recognized, by being convicted in violation of his right to be presumed innocent, and that it has publicly acknowledged his innocence, both in a public act of atonement in which state officials took part, and in the appropriate judicial and administrative documents. For the foregoing reasons, the IACHR considers clauses VIII.1 and VIII.2.6 of the friendly settlement agreement met.

***Clause VIII.2.1 Financial compensation measure for non-pecuniary damages***

24. As for financial compensation measures, in its communication of July 17, 2015, the State mentioned that on December 1, 2014 the amount agreed upon by the parties in Annex 1 of the friendly settlement agreement was paid.<sup>7</sup> That information was confirmed by the parties at the working meeting of September 24, 2015. Accordingly, the IACHR concludes that the State has met that part of the agreement.

***Clause VIII.2.2 Rehabilitation measure for provision of medical insurance***

25. As regards rehabilitation measures, in the report of July 17, 2015, the State mentioned that, in the event that the victims may require medical care, the Highly Specialized Regional Hospital in Tapachula, Chiapas, was available for them to go and receive immediate care.

<sup>7</sup> The agreed-upon amount has been kept confidential at the request of the parties.

26. At the meeting held by the parties on September 24, 2015, to follow up on the friendly settlement agreement, the State, through the Ministry of the Interior, promised to send a circular to the appropriate health bodies reminding about the specific circumstances of the case and instructing them to continue to provide Mr. Laparra with the appropriate care.

27. Based on the information provided by the parties, the IACHR values the steps that the State has taken to move forward with implementing this clause of the friendly settlement agreement and, in that connection, urges the State to continue to provide complete and detailed information on its compliance with this point.

***Clause VIII.2.3 Rehabilitation measure involving psychological treatment***

28. As to psychological treatment, the State reported in its brief of July 17, 2015 that the victims had yet to avail themselves of that service. At all events, the state reiterated its promise to provide such health care to the beneficiaries of the agreement upon request. According to what emerges from the agreements reached by the parties at the meeting held on September 24, 2015, the Ministry of the Interior has undertaken to hold a working meeting with the Executive Committee for Victim Assistance in Tapachula, Chiapas, with a view to informing the Laparra family and their representatives about the procedure to be followed in providing psychological treatment and furnishing them with a written copy of the protocol of care.

29. The IACHR notes that implementation of this clause is ongoing and, therefore, requests the parties to keep it apprised of any progress in regard thereto.

***Clause VIII.2.4 Special medical and psychological rehabilitation measure for Jose Ananías Laparra***

30. On July 17, 2015, the State said that the Ministry of Health of the State of Mexico and Mr. José Ananías Laparra had scheduled an appointment on October 1, 2015 at Uneme Capa, Chimalhuacán, for an initial evaluation. However, the representative of the victims reported on October 8, 2014, that the young man had moved to Tapachula. In that regard, the Minister of Health said that there was an opening for Mr. José Ananías Laparra.

31. The IACHR values the steps taken by the State to enable the victim to have access to the appropriate treatment and, given Mr. Ananías Laparra's condition, awaits further information about the willingness of the beneficiary to avail himself of the measure.

***Clause VIII.2.5. Social rehabilitation measure through educational scholarships***

32. On July 17, 2015, the State explained that at a meeting held on April 17, 2015, the Technical Committee had approved the creation of sub accounts for Mr. Laparra's children and, therefore, reported that the State was willing to comply with the measure. It also advised that on May 15, 2015, the victims' representative sent documents requesting the release of the check for the 2015-2016 school year for Rocío Fulvia Laparra.

33. With respect to José Ananías Laparra, the Commission has not yet received further information on this part of the agreement regarding steps taken to determine the pertinence of this measure and whether it should be substituted with another, more appropriate one. Accordingly, the Commission finds that this measure is ongoing and requests the parties to keep it apprised of any progress made in regard thereto.

***Clause VIII.3. Financial compensation measure for pecuniary damages***

34. As regards reparation for pecuniary damages, in its brief of July 17, 2015, the State mentioned that on December 1, 2014, the amount agreed upon by the parties in Annex 1 of the friendly

settlement agreement was paid.<sup>8</sup> That part of the agreement was deemed met by the parties at the working meeting of September 24, 2015. Therefore, the IACHR considers that the provisions contained in clauses VIII.3.1, 3.2, and 3.3; and Clause VIII.3 of the friendly settlement agreement have been met.

***Clause IX.1 Measure of satisfaction concerning investigation of the violations of the fair-trial guarantees of Mr. Ananías Laparra Martínez and his family.***

35. As to the investigation of the events that led to the petition lodged with the IACHR, the State reported in its communication of July 17, 2015, that on April 6 and 7, 2015, the Office of the Attorney General of Chiapas carried out a psychological assessment with the assistance of the Chiapas delegation of the Office of the Attorney General of the Republic and added that at a meeting with the representative of Mr. Laparra, it was agreed that he would request an evaluation of Mr. Laparra Martínez under the Istanbul Protocol by the Commission on Human Rights of the Federal District (CDHDF). The State informed that said Commission forwarded the evaluation of the victim under the Istanbul Protocol and that, at that time, the Office of the Attorney General of Chiapas was using it as evidence to continue the investigations.

36. Based on the agreements reached at the meeting held on September 24, 2015, to follow up on compliance with the friendly settlement agreement, the Office of the Prosecutor for Human Rights and the victims' representative agreed to hold a working meeting with the Special Anticorruption Prosecutor on October 2, 2015, for a briefing on the status of the relevant investigations. Likewise, the Ministry of Foreign Affairs agreed to advise the Office of the Prosecutor in Chiapas on the absence of a statute of limitations on torture, based on international standards.

37. In their communication of March 3, 2016, the petitioners asked the IACHR to continue to monitor this clause after the report was published.

38. Based on the information provided by the parties, the IACHR values the progress that the State has made in implementing this clause of the friendly settlement agreement and, in that connection, urges the State to continue to provide complete and detailed information on its compliance with this point.

***Clause IX.2 Measure of non-repetition involving training for the judiciary of the State of Chiapas, the Office of the Attorney General of the State of Chiapas, the Ministry of Public Security of the State of Chiapas, the Public Defender Office of the State of Chiapas, and the State Human Rights Council***

39. With respect to the undertaking given to provide training to public officials, the State reported on July 17, 2015, that a meeting had been held to follow-up on the logistical coordination of the training course with the Ministry of the Interior of Chiapas, the Office of the Attorney General of Chiapas, and the Superior Court of Justice of the State of Chiapas. It also said that a training course on "Human Rights and the Crime of Torture: Identification, Punishment, and Prevention" had been held at the offices of the Supreme Court of the State of Chiapas for persons involved in the administration of justice in said federative entity from July 8 to 10, 2015. The course focused in particular on the prohibition of torture, application of the Istanbul Protocol, and fair-trial guarantees in accordance with the standards of the inter-American human rights system. The activity received print media coverage.

40. According to the minutes of the working meeting held by the parties on September 24, 2015, the parties considered implemented the training program for the judiciary, Office of the Attorney General, Ministry of Public Security, Public Defender Office, and State Human Rights Council of Chiapas. In that connection, the IACHR observes that in those minutes the State also promised to make the necessary arrangements to organize two one-day training courses: one to be held in the city of Tapachula and the other in the city of San Cristóbal de Las Casas, Chiapas.

---

<sup>8</sup> The agreed-upon amount has been kept confidential at the request of the parties.

41. Based on the information provided by the parties, the IACHR considers that Clause IX.2 has been met. The foregoing notwithstanding, the IACHR urges the parties to report on the holding of the courses in Tapachula and San Cristóbal de las Casas.

**Clause IX.3. Measure of non-repetition concerning promotion of legislative debate on recognition of innocence in the event of human rights violations**

42. As regards legal reform measures and, at the working meeting held by the parties on September 24, 2015, the Mexican State, through the Government of the State of Chiapas, agreed to send the petitioners the legislative bill for harmonizing the crime of torture with international standards and inclusion of a declaration of innocence in cases involving human rights violations. It also promised to involve the petitioners in the legislative debate.

43. On March 3, 2016, the petitioners, for their part, indicated that, thus far, performance of that obligation remained pending and they asked the IACHR to continue to verify its compliance, taking advantage of what they considered "*an historic opportunity for the IACHR to monitor, through this case, the texts currently under discussion (torture) and those to be submitted in compliance with this case (recognition of innocence).*"

44. Based on the foregoing, the IACHR considers that compliance with this part of the agreement remains pending and it urges the parties to provide commission for its follow-up.

**Clause X. Joint petition of the parties to the IACHR**

45. The IACHR takes note of the joint petition of the parties regarding the establishment of "*international standards governing the guarantees that must be observed for a confession to be considered valid evidence, on the doctrine of procedural immediacy, and on the exceptions of 'urgency' and 'flagrancy' used in this case to detain a person without a court order, in the light of the guarantees provided in the Convention.*" In that regard, it notes that in a case with a similar factual background (*Juan García Cruz and Santiago Sanchez Silvestre v. Mexico*), the parties arrived at a friendly settlement agreement before the Inter-American Court of Human Rights, the text of which included a request for the establishment of standards similar to the joint request contained in the agreement in this case. On that occasion, the IACHR established the relevant applicable standards in Merits Report No. 138/11<sup>9</sup> submitted to the I/A Court H.R. at the time. In that report, the IACHR determined that:

*The Commission is aware that domestic judges and courts are bound to respect the rule of law and, therefore, they are bound to apply the provisions in force within the legal system. But when a State has ratified an international treaty such as the American Convention, its judges, as part of the State, are also bound by such Convention. This forces them to see that all the effects of the provisions embodied in the Convention are not adversely affected by the enforcement of laws, which run counter to its purpose and that do not have any legal effects since their inception. In other words, the Judiciary must exercise a sort of "consistency control" between the domestic legal provisions, which are applied to specific cases and the American Convention on Human Rights. To perform this task, the Judiciary has to take into account not only the treaty, but also the interpretation thereof made by the Inter-American Court, which is the ultimate interpreter of the American Convention.<sup>10</sup>*

[...]

*Mexican courts assign primary value to the initial confession, above subsequent statements of defendants:*

<sup>9</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011.

<sup>10</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 220. See also, I/A Court H.R. *Case of La Cantuta*. Judgment of November 29, 2006. Series C No. 162, par. 173; *Case of Almonacid Arellano et al.* Judgment of September 26, 2006. Series C No. 154, pars. 123 a 125.

*Confession. First statements by a detained person. In conformity with the principle of procedural immediacy [inmediación procesal] and unless the retraction of the confession is legal, the first statements by the accused which are made without sufficient time for preparation or for exculpatory reflection should prevail over later statements.*<sup>11</sup>

*According to the Mexican Supreme Court “the first statements have greater validity, inasmuch as they are provided without any type of external influence and without the possibility to reflect about the facts,”<sup>12</sup> and therefore the principle of procedural immediacy within the Mexican legal system implies that the first statements shall prevail over subsequent statements, regardless of whether or not they are made before a competent judicial authority, since they are provided without preparation. In contrast, in a majority of the countries of the hemisphere, the principle of immediacy means something totally different, which is that it seeks to “avoid a distancing of the judge from the elements of the process, especially the accused,”<sup>13</sup> and consequently, “improper and erroneous interpretations, including statements given at police stations or at the Office of the Public Prosecutor should be rejected, since they are not given before the judge himself.”<sup>14</sup>*

*With respect to the above, the IACHR has held that*

*A comparative analysis of the various elements of fair trial in the hemisphere clearly shows that the process should be conducted directly and promptly by the judge, with special emphasis being placed on the direct relationship between the judge and the person accused. Both the International Covenant on Civil and Political Rights and the American Convention provide that the accused must be brought “... promptly before a judge.*

*The logic behind the guarantees of the criminal proceeding is the personal intervention of the judge in his court, which is deemed to be the appropriate organ for the protection of such rights. The objective behind the principle of principle of immediacy is to avoid as much as possible any distancing of the judge from the elements of the proceeding and especially from the accused.*

*[...]*

*In criminal matters, the principle of procedural immediacy is of fundamental importance, since the problems to be resolved by the court concern the basic faculties of the human person, which may be affected by the criminal justice system of the State. Consequently, the guarantee of procedural immediacy should in all cases be construed as having effect only between the judge and the accused person. Improper and erroneous interpretations, including statements given at police stations or at the Office of the Public Prosecutor should be rejected, since they are not given before the judge himself.*

*The Mexican State is construing the guarantee of procedural immediacy in a way which, instead of serving as a procedural guarantee for those accused of a crime, is becoming its very antithesis, the source of abuse of the rights of accused persons. Instead of being brought promptly before an impartial and competent organ for the protection of their rights, such as*

<sup>11</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 229. See also, Thesis Number 82. Judicial Weekly of the Federation, Appendix of Defined Jurisprudence 1917-1971, Part II, First Chamber, Page 175. Also see, Report on the Situation of Human Rights in Mexico, Chapter IV: The right to humane treatment, OEA/Ser.L/V/II.100, Doc. 7 rev. 1, September 24, 1998, par. 309.

<sup>12</sup> Supreme Court of Justice of the Nation, First Chamber, Thesis 106, Sixth Epoch, Appendix of 1995, volume II, Part SCJN, p. 60. Also see Second Collegiate Appeals Court of the Sixth Circuit, Thesis: VI. 2nd J/61, Ninth Epoch, Judicial Weekly of the Federation and the Gazette thereof, Volume: IV, August 1996, pg. 576.

<sup>13</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 230. IACHR, Report No. 2/99 (Merits) Case 11.509, Manuel Manríquez v. Mexico. February 23, 1999, par. 80.

<sup>14</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 230. IACHR, *Report on the Situation of Human Rights in Mexico*, Chapter IV: The right to humane treatment, OEA/Ser.L/V/II.100, Doc. 7 rev. 1, September 24, 1998, par. 314.

*the competent judge in each specific case, accused persons are held for 48 hours or 96 hours by the judicial police without any judicial oversight. In many cases the judicial police use coercion and torture to extract self-incriminating testimony from the accused. In this regard, the IACHR notes that it has had no knowledge of acts of torture taking place during the period in which persons accused of crimes are brought before a competent judge; on the other hand, it is aware of numerous cases of torture that have taken place when accused persons are under the responsibility of the judicial police, be they federal or state.<sup>15</sup>*

*Moreover, the Inter-American Court has held that:*

*[...] The validity of each juridical proceeding influences the validity of the whole, since each one is built upon the one that preceded it, and will in turn be the foundation of the one that follows it. That sequence of juridical proceedings culminates in the judgment that settles the controversy and establishes the legal truth with the authority of *res judicata*.*

*If the proceedings upon which the judgment rests have serious defects that strip them of the efficacy they must have under normal circumstances, then the judgment will not stand. It will not have the necessary underpinning, which is litigation conducted under law. The concept of nullification of a proceeding is a familiar one. With it, certain acts are invalidated and any proceedings that followed the proceeding in which the violation that caused the invalidation occurred, are repeated. This, in turn, means that a new judgment is handed down. The legitimacy of the judgment rests upon the legitimacy of the process. [...].<sup>16</sup>*

*To accord “probative value to extrajudicial statements or statements made during the investigative stage of criminal proceedings merely encourages the practice of torture, insofar as the police prefer to expend less effort in the investigation and to seek instead the confession of the accused person.”<sup>17</sup>*

*In interpreting the principle of immediacy, the IACHR has previously found that it has been erroneously characterized in Mexico as the thesis of immediacy (*inmediatez* or *inmediación*), inasmuch as immediacy or *inmediación* only occurs, legally, when the judge himself or herself is present at the procedural acts.<sup>18</sup> Therefore, the principle of procedural immediacy as viewed by the Mexican State, instead of serving as a procedural guarantee for those accused of a crime, is becoming its very antithesis, the source of abuse of the rights of accused persons.<sup>19</sup>*

*Accordingly, the Commission has held that the statements that should prevail as fully admissible evidence are the judicial statements, i.e. those made before a judge with jurisdiction,*

<sup>15</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 231. IACHR, Application in the case of Alfonso Martín del Campo Dood (Case 12.228) v. United Mexican States, par. 51. Also see, Report on the Situation of Human Rights in Mexico, Chapter IV: The right to humane treatment, OEA/Ser.L/V/II.100, Doc. 7 rev. 1, September 24, 1998, pars. 309 to 315.

<sup>16</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 232. I/A Court H.R., *Castillo Petruzzi et al.* Judgment of November 19, 1999, pars. 218 to 220.

<sup>17</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 234. IACHR, *Report on the Situation of Human Rights in Mexico*, Chapter IV: The right to humane treatment, OEA/Ser.L/V/II.100, Doc. 7 rev. 1, September 24, 1998, pars. 309 to 315. Also see IACHR, Report No. 2/99 (Admissibility) Case 11.509, Manuel Manríquez, February 23, 1999, par. 78.

<sup>18</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 235. IACHR, Report No. 2/99 (Admissibility). Case 11.509, Manuel Manríquez, February 23, 1999, par. 77.

<sup>19</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 236. IACHR, *Report on the Situation of Human Rights in Mexico*, Chapter IV: The right to humane treatment, OEA/Ser.L/V/II.100, Doc. 7 rev. 1, September 24, 1998, par. 315. Also see IACHR, Report No. 2/99 (Admissibility) Case 11.509, Manuel Manríquez, February 23, 1999, par. 82.

*not those made during a pre-judicial stage,<sup>20</sup> as is reaffirmed in adversarial criminal proceedings.*

*[...]*

*With respect to the obligation to investigate, the Commission notes that the aforementioned law does not have a frame of reference for public authorities regarding what conduct must be investigated and prosecuted as the crime of bodily harm –particularly considering the general nature of said criminal conduct-, as opposed to what conduct should be considered an act of torture. Even though the definition of torture constitutes the tool for such a determination, greater precision is required in this regard, in light of the significant legal impact it eventually has.*

*[...]*

*With respect to the right at a defense at trial, the Commission finds that the institution of the “person of trust” to assist in judicial statements of persons charged with crimes is incompatible with the American Convention, inasmuch as this is the involvement of persons who do not necessarily have the qualifications of an accredited attorney, as reflected in the proven facts, with regard to the participation of a person with this position in the instant case. Said institution is incorporated into the relevant domestic law on the subject matter.*

*The Commission finds that the meaning of the rights to a fair trial provided for in Article 8 of the Convention, in relation to the right to a defense and the obligation to adopt measures of domestic law, set forth in Article 2 of the Convention, implies that persons charged with a crime who provide a statement or confession in proceedings, require technical and legal assistance in order to guarantee effective enjoyment of their rights. With regard to a technical defense, the Inter-American Court has indicated that an accusation can be confronted and refuted by the accused through his own acts, including the statement that he provides on the facts that are attributed to him, and by means of a technical defense, mounted by a professional in Law, who advises the person under investigation on his duties and rights and executes, inter alia, critical control and control of the legality in the production of evidence.<sup>21</sup>*

46. Finally, based on the information submitted by the parties in writing and at the working meetings held, the Commission finds that the State has complied substantially with the friendly settlement agreement. At the same time, the Commission underscores the importance of the recognition of Mr. Ananías Laparra’s innocence, the expungement of his criminal record, and the issue of a certificate of no criminal record in his name as fundamental components of the friendly settlement agreement whose fulfillment is at the core of the reparations and of critical significance to the victim in this case.

## VIII. CONCLUSIONS

1. Based on the foregoing and in keeping with the procedure provided for in Articles 48(1)(f) and 49 of the American Convention, the Commission would like to reiterate its profound appreciation of the efforts made by the parties and its satisfaction that a friendly settlement has been arrived at in the present case on the basis of respect for human rights and consistent with the object and purpose of the American Convention.

<sup>20</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 238. IACHR, Report No. 2/99 (Merits), Case 11.509 Manuel Manríquez (Mexico). February 23, 1999, par. 84.

<sup>21</sup> IACHR, Merits Report No. 138/11, Case 12.288, Juan García Cruz and Santiago Sánchez Silvestre. Mexico. October 31, 2011, par. 240. I/A Court H.R., *Case of Barreto Leiva v. Venezuela*. Merits, Reparations and Costs. Judgment of November 17, 2009. Series C No. 206. par. 61.

2. Based on the considerations and conclusions contained in this report,

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

**DECIDES:**

1. To approve the terms of the agreement that the parties signed on September 5, 2014.
2. To declare Clauses VIII.1, VIII.2.6, VIII.2.1, VIII. 3 (1, 2 and 3), and IX.2 complied with in full.
3. To continue to monitor the commitments in respect of which compliance on the part of the State of Mexico remains pending. To that end, to remind the parties of their commitment regularly to inform the IACHR on compliance with Clauses VIII.2.2, VIII.2.3, VIII. 2.4, VIII.2.5, VIII.2.7, IX.1, and IX.3.
4. To make the present report public and include it in its Annual Report to the General Assembly of the OAS.

Done and signed in the city of Washington, D.C., on the 14<sup>th</sup> day of the month of April of 2016. (Signed): James L. Cavallaro, President; Francisco José Eguiguren, First Vice President; Margarete May Macaulay, Second Vice President; Paulo Vannuchi, Esmeralda E. Arosema Bernal de Troitiño, and Enrique Gil Botero, Commissioners.