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REPORT No. 214/23
CASE 11.733
REPORT ON FRIENDLY SETTLEMENT

VICTOR PINEDA HENESTROSA
MEXICO

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OCTOBER 20, 2023

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On March 11, 1997, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition filed by the Teachers' Human Rights Commission and the Secretariat of Legal Affairs of Section XXII of the National Union of Education Workers, (hereinafter "the petitioners"), alleging the international responsibility of the United Mexican States (hereinafter "State" or "Mexican State" or "Mexico"), for the violation of the human rights contemplated in Articles 4 (right to life), 5 (humane treatment), 7 (personal liberty), 8 (fair trial) and 25 (judicial protection) of the American Convention on Human Rights, (hereinafter "Convention" or "American Convention"), and of Articles I, II, III, VIII, IX and XI of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Professor Victor Pineda Henestrosa, (hereinafter "alleged victim"), who was allegedly disappeared by soldiers of the Mexican Army on July 11, 1978. Subsequently, on April 11, 2001, the Center for Justice and International Law (CEJIL), assumed the representation of the victims in the case and, on June 22, 2021, the International Institute for Social Responsibility and Human Rights ("IIRESODH") was constituted as a co-petitioner organization. Finally, on May 22, 2023, CEJIL informed about the termination of its representation in the case.

2. On February 26, 2001, in the city of Washington D.C. within the sphere of the 110th Regular Session of the IACHR, a work meeting was held in which the parties expressed their willingness to move forward in the search for a friendly settlement, which materialized with the signing of a friendly settlement agreement (hereinafter "FSA") on February 27, 2002. This agreement was subsequently amended by a second FSA signed on July 8, 2003, in which the scope of the commitments assumed by the State and the authorities specifically involved in its implementation.

3. In addition, the Commission facilitated work meetings for the implementation of the friendly settlement agreement on November 14, 2001, March 5 and October 11, 2007 and August 31, 2017.

4. On May 5, 2020, the Commission notified the petitioner of Resolution 3/20 on differentiated actions to address the procedural backlog in friendly settlement proceedings. In this regard, the petitioner requested extensions on June 22 and August 3, 2020 and January 7, 2021, which were granted on July 2 and October 10, 2020 and January 16, 2021. On March 27, 2021, the petitioners requested a work meeting, therefore on January 20, 2022, the technical team of the Executive Secretariat of the IACHR facilitated a joint technical meeting, in which the parties agreed on the prioritization of actions to achieve the approval of the FSA.

5. On January 21, 2023, the Commission reiterated to the petitioner party the request for its position regarding the course of action of the negotiation process, and on February 21, 2023, the petitioner indicated its agreement with the approval of the FSA once the transfer of resources in relation to one of the measures was made and a new meeting was convened between the parties to discuss the measure on justice.

6. This friendly settlement report, in accordance with Article 49 of the Convention and Article 40.5 of the Commission's Rules of Procedure, contains a summary of the facts alleged by the petitioner and a transcription of the friendly settlement agreement signed on July 8, 2003 by the petitioner and representatives of the Mexican State. Likewise, the agreement signed between the parties is approved and it is agreed that this report will be published in the Annual Report of the IACHR to the General Assembly of the Organization of American States.

¹ In accordance with Article 17(2)(a) of the Rules of Procedure of the IACHR, Commissioner José Luis Caballero Ochoa, a Mexican national, did not participate in the discussion or decision on this case.

II. THE FACTS ALLEGED

7. According to the allegations in the petition, on July 11, 1978, at approximately 10:00 a.m., Professor Víctor Pineda Henestrosa was intercepted at the bus terminal in Juchitán de Zaragoza, State of Oaxaca, by an orange-colored van from which five individuals got off, allegedly three of them dressed in military uniforms and two in civilian clothes, carrying machine guns. They beat Mr. Pineda Henestrosa and forced him to get out of his red Volkswagen Sedan and get into the van, in which they took him to an unknown destination. The alleged victim was an indigenous Zapotec who was dedicated to supporting and advising peasants, mostly indigenous, in land conflicts and the complaint was filed with local authorities on the same day of the disappearance without success.

8. The petition alleged that Mrs. Cándida Santiago was informed, when she was in her home, where her husband had left approximately one hour earlier, and that she proceeded to inform the state, municipal, and military authorities in the region, asking about Mr. Pineda Henestrosa's whereabouts, without anyone providing her with any information about what had happened. According to the allegations in the petition, Mrs. Cándida Santiago was reportedly informed that, among the military individuals who kidnapped her husband, was allegedly Staff Sergeant Gabriel Espinosa Peral, who was recognized for being a native of this town by witnesses who saw the events.

9. According to the petitioners' allegations, as of the date the petition was filed, the whereabouts of the victim had not been located, nor had those responsible for his disappearance been identified and punished.

III. FRIENDLY SETTLEMENT

10. On July 8, 2003, the parties signed a friendly settlement agreement. Below is the text of the friendly settlement agreement submitted to the IACHR:

FRIENDLY SETTLEMENT AGREEMENT CASE 11.733 PROFR. VÍCTOR PINEDA HENESTROSA

The United Mexican States, represented by the Ministry of Foreign Affairs, through the Undersecretary for Human Rights and Democracy, Ms. Mariclaire Acosta Urquidi and Mr. Juan José Gómez Camacho, General Director of Human Rights; as well as the Government of the Free and Sovereign State of Oaxaca, through Mr. Sergio H. Santibáñez, Attorney General and Ms. Gloria del Carmen Camacho Meza, General Coordinator of Human Rights of the Executive Branch, hereinafter referred to as "**THE STATE**", on the one hand, and on the other hand "**THE PETITIONERS**", represented in this act by Professor Cándida Santiago Jiménez, wife of Professor Víctor Pineda Henestrosa, Professor Irene Hernández de Jesús, Professor José Luis García Zarate, and Lic. Juan Carlos Gutiérrez; agree to this Friendly Settlement Agreement.

On February 27, 2003, in the presence of Dr. Juan E. Méndez, Commissioner, Rapporteur for Mexico, a Friendly Settlement Agreement was signed in Washington, D.C., between the Representative of the Government of Mexico and the Petitioners, which is attached as **ANNEX ONE**.

The representation of the Government of Mexico during the procedure will be in charge of the Ministry of Foreign Affairs and the implementation and fulfillment of the agreements will be the responsibility of the authorities of the Ministry itself and of the Government of the State of Oaxaca, whose representatives are empowered to sign this Agreement.

The parties subject this Agreement to the following guidelines:

FIRST. WILLINGNESS OF THE PARTIES.

The parties express their willingness to resolve the present case through the friendly settlement procedure provided for in Article 48.1.f. of the American Convention on Human Rights and Article 41 of the Rules of Procedure of the Inter-American Commission on Human Rights.

SECOND. INVESTIGATION OF THE FACTS.

The commitments of "**THE STATE**" with respect to this matter are as follows:

A) On the part of the representatives of the federal entity, the investigation must continue in order to determine what happened to Prof. Víctor Pineda Henestrosa. Said investigation shall continue to comply with the parameters of seriousness, impartiality and effectiveness in force in the Inter-American System for the Protection of Human Rights.

B) Should the investigation yield sufficient evidence, the representatives of the Federal Entity undertake to submit to criminal proceedings and, if appropriate, to punish the person or persons responsible for the facts and also those public servants who have committed crimes against the administration of justice.

C) To enable the realization of new expert criminological studies with more advanced technological equipment available in institutions or laboratories abroad, mainly those necessary to determine whether the skeletal remains found during the investigation belong to the person of Professor Víctor Pineda Henestrosa.

THIRD. SUPPORTS TO BE PROVIDED BY "THE STATE.

A) ECONOMIC SUPPORT.

Considering that in the present case to date there are no legal elements to prove the participation of elements or public servants of "**THE STATE**" in the disappearance of Professor Víctor Pineda Henestrosa, although the petitioners have held in their complaint that elements of the Mexican Army are probably responsible, the Government of Oaxaca offers, without this implying an express or tacit acknowledgement of responsibility, as economic support to the family of the disappeared Professor, the purchase of construction material, furniture and equipment up to an amount of \$ 250,000. 00 (TWO HUNDRED AND FIFTY THOUSAND PESOS 00/100 M.N.), destined to the popular library called "Víctor Yodo". This library is located in Libertad Street almost on the corner with Insurgentes, Seventh Section in the City of Juchitán de Zaragoza, Oaxaca, according to the designation made by the "**PETITIONERS**" and specifically to the request formulated in that sense, by Prof. Cándida Santiago Jiménez, in writing dated May 23 and received on May 27 of the current year, in the General Coordination of Human Rights of the Executive Branch, which is constituent part of this Agreement as **ANNEX TWO**.

Said construction material, furniture and equipment will be delivered by "**THE STATE**" within two months from the date of signature of this Agreement, at the address of the abovementioned library.

The foregoing, without prejudice to the reparation that, in accordance with the criteria of the Inter-American Jurisprudence, "**THE STATE**" should grant, if as a result of the investigations it is proven in the proceedings that elements of the State were responsible for the

disappearance. In the latter case, the amount granted as economic support shall be deducted from the final amount resulting as reparation.

FOURTH. GENERAL COMPLIANCE TERMS OF THIS AGREEMENT.

Compliance with this Friendly Settlement Agreement shall be strictly limited to the points set forth herein, in such a way that any circumstance not agreed upon or set forth in the text of this Agreement may not be invoked by any of the parties in its fulfillment.

FIFTH. DEADLINES FOR COMPLIANCE.

The generic term for the fulfillment of the undertakings set forth in the guidelines referred to in this Agreement shall be four months, at the end of which the progress in the satisfaction of each one of them shall be analyzed and, if appropriate, the extension of said term shall be assessed by both parties on a single occasion, which shall be duly notified to the Inter-American Commission on Human Rights.

The Inter-American Commission shall supervise due compliance with this Agreement in accordance with the powers granted to it by Article 48.1.f of the text of the American Convention on Human Rights and Article 41 of its Rules of Procedure.

The parties being fully aware of the legal content of this instrument, sign it in full conformity for the record at the bottom and margin, in Mexico City, Federal District, on July 8, 2003.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

11. The IACHR reiterates that in accordance with Articles 48(1)(f) and 49 of the American Convention, the purpose of this procedure is to “reach a friendly settlement of the matter based on respect for the human rights recognized in the Convention.” The acceptance to pursue this process expresses the good faith of the State to comply with the purposes and objectives of the Convention pursuant to the principle of *pacta sunt servanda*, by which States must comply with the obligations assumed in the treaties in good faith.² It also wishes to reiterate that the friendly settlement procedure set forth in the Convention allows for conclusion of individual cases in a non-contentious manner, and has proven, in cases involving a variety of countries, to provide an important vehicle for resolution that can be used by both parties.

12. The Inter-American Commission on Human Rights has closely followed the development of the friendly settlement reached in the present case and appreciates the efforts made by both parties during the negotiation of the agreement to reach this friendly settlement, which is compatible with the object and purpose of the Convention.

13. In light of Resolution 3/20 of the IACHR on differentiated actions to address procedural backlog in friendly settlement procedures, from the signing of the agreement, the parties will have two years to move towards its approval by the Inter-American Commission on Human Rights, except for exceptions duly qualified by the Commission. In relation to those cases with a signed agreement and without approval in which the deadline has expired, the Commission will determine its course of action taking into special consideration the duration of the compliance phase, the age of the petition and the existence of fluid dialogues between the parties and/or substantial progress in the compliance phase. In said Resolution, the Commission established that in assessing the appropriateness of the approval of the agreement, or the closure or maintenance of the negotiation process, the IACHR shall consider the following elements: (a) the content of the text of the agreement and whether it has a full compliance clause prior to homologation; (b) the nature of the measures agreed upon; (c) the degree of compliance therewith, and in particular, the substantial execution of the commitments assumed; (d) the willingness of the parties in the agreement or in subsequent written

² Vienna Convention on the Law of Treaties, U.N. Doc A/CONF.39/27 (1969), Article 26: “**Pacta sunt servanda**” *Every treaty in force is binding upon the parties to it and must be performed by them in good faith.*

communication; (e) its suitability with human rights standards; and (f) the observance of the State's willingness to comply with the commitments assumed in the friendly settlement agreement, among other elements.³

14. Since twenty years have elapsed since the signing of the friendly settlement agreement; that is a petition submitted twenty-six years ago, on March 11, 1997; it is necessary to determine the course of action in the present case and to assess the appropriateness of the approval in the light of the objective criteria established by the Commission in Resolution 3/20.

15. With regard to the content of the text of the agreement, the Commission observes that it is not clear from the agreement that its approval is dependent on full compliance with the measures agreed therein.

16. Regarding the nature of the agreed measures, the Commission observes that the FSA provides for a measure of immediate execution related to the granting of financial support and a measure of sequential execution related to the investigation. Regarding the latter, the Commission has already considered that the monitoring of this type of measures, in the context of a friendly settlement, should in some cases be done in a public manner and after the issuance of the approval report. The Commission will have to assess the relevance of keeping a measure of sequential execution under supervision before or after the approval, taking into account the particular elements of each case and the factors of analysis described above.⁴

17. With regard to the degree of compliance with the agreement, the Commission assesses the progress made in relation to each of the clauses of the agreement as follows.

18. With regard to the second clause of the agreement, on the investigation of the facts, on January 20, 2022, the technical team of the Executive Secretariat of the IACHR facilitated a joint technical meeting with the purpose of the parties agreeing on the prioritization of actions to achieve the approval of the FSA. As a result, a document⁵ was signed in which both parties acknowledged the progress made in the framework of the implementation of the agreement in relation to: the concentration of the process in a single procedure and a single file before the Prosecutor's Office; the taking of DNA samples to compile information in the database; and also, the delay that had occurred in the investigations and the impact this had caused on Mr. Pineda Henestrosa's family.

19. Within the framework of said meeting, the parties agreed to sign the following commitments assumed by the State and related to the investigation: b) In view of the existence of evidence of the participation of State agents (military) in the disappearance of Víctor Pineda Henestrosa, the Mexican State undertakes to continue with the investigation of the facts through the Office of the Attorney General of the Republic, in a diligent, thorough, impartial and effective manner. The SEGOB will follow up on the investigation. Likewise, the parties agreed to prioritize the execution of the following actions to measure the fulfillment of the agreed commitments regarding the investigation of the facts: 1. Economic compensation: The State committed to grant an amount assessed in equity in the amount of 3,000,000 (three million) Mexican pesos to Mr. Pineda Henestrosa's family, through a Trust Fund; [and] 2: The State undertook to resume the work performed within the context of the roundtables for the follow-up of the investigations, as well as, to present a work schedule for the periodic follow-up of progress in the investigations.

20. With regard to the commitment of financial compensation, on October 18, 2022, the State submitted information on the consignment made on February 9, 2022 in favor of the petitioner for a sum corresponding to the agreed amount. For its part, on February 20, 2023, the petitioner confirmed said

³ In this regard see, IACHR, Resolution 3/20 on differentiated actions to address the procedural backlog in friendly settlement procedures, adopted on April 21, 2020.

⁴ See in this regard, IACHR, Resolution 3/20 on differentiated actions to address the procedural backlog in friendly settlement procedures, approved on April 21, 2020. See also, IACHR, Report No. 3/20, Case 12.095. Friendly Settlement. Mariela Barreto Riofano. Peru. February 24, 2020. Para. 51.

⁵ It should be noted that in the minutes signed on January 20, 2022, the parties established that paragraphs "c" and "e" regarding possible financial compensation once the investigations were completed (different from that described in paragraph 1 of these minutes), the public act of acknowledgment of responsibility and the establishment of a health route, would be monitored by the Mexican State at the domestic level through the SEGOB and would be understood to be outside of the monitoring conducted by the IACHR. Therefore, the Commission will not comment on these commitments.

information indicating the receipt of the amount for economic reparations, which was satisfactorily accepted. Therefore, based on the information provided by the parties, the Commission considers that this aspect of the agreement has been fully complied with and so declares it.

21. With regard to the commitment to reactivate the work roundtables, on January 20, 2022, the State submitted a proposal for a timetable proposing the holding of the following meetings: 1. Tuesday, February 15, 2022. Remote; 2. Monday, May 16, 2022. Remote; 3. Monday, August 15, 2022. (conditions for face-to-face meeting to be explored); 4. Monday, November 14, 2022. (conditions for the face-to-face meeting to be explored); 5. Subsequent meetings will be scheduled in agreement with the victims and their representatives. In this regard, in a report sent on October 18, 2022, the minutes corresponding to the meetings held in accordance with the agreed schedule, on May 16, 2022 and August 15, 2022, were shared.

22. In a letter dated February 20, 2023, the petitioner confirmed what was reported by the State on October 18, 2022 and forwarded minutes of the meetings held on June 25, 2021, and February 15, 2022, and the call for the session that was scheduled for November 14, 2022. Therefore, the Commission considers that the State has complied with these two commitments made at the technical meeting of January 22, 2022, to further the compliance with the measure on justice established in the second clause of the FSA and in accordance with the route agreed between the parties to move forward with its approval.

23. On the other hand, with regard to the search for Mr. Pineda Henestrosa, on February 20, 2023, the petitioner sent information related to a request addressed to the Office of the Public Prosecutor on April 20, 2022, proposing concrete actions to move forward with the search, investigation, and determination of responsibility. In addition to the information sent, they provided the report that was sent to them by the State on August 10, 2022 with respect to specific proceedings that were conducted for the construction and exhaustion of the line of investigation and search for the whereabouts, and by virtue of which, it was informed to the petitioner that: i. A search was conducted in the antemortem/postmortem database using query and matching tools to identify missing persons and the hypothesis of identification of the victim was ruled out; ii. The genetic profile of the family group of the missing person was compared with the genetic profiles recorded in the index of unidentified bodies, and the result was negative; iii. Inter-institutional coordination actions were carried out to guide the furthering of the actions proposed by the petitioner and the status of such actions and the results achieved so far were shared with the public.

24. Subsequently, on April 19, 2023, the State held that, through the Office of the Attorney General of the Republic, the Office of the Public Prosecutor in charge of the integration of the investigation has attended to the family of the victim at all times, making available access to the investigation in compliance with their constitutional rights. In this regard, the State specified that the participation of the Coordination of International Affairs and Attaché Offices of the Attorney General Office of the Republic will continue to be the channel of communication regarding the case. It reiterated that the investigation into the disappearance is currently underway and is classified and confidential. The State added, in general terms, that several steps have been taken among State agencies, such as the General Directorate of Human Rights Strategies of the Ministry of the Interior, in charge of the Commission for Access to Truth and Historical Clarification and the Promotion of Justice for Human Rights violations, with the purpose of obtaining the necessary considerations to promote investigative actions, which were conveyed to the representation of the relatives of Víctor Pineda Henestrosa. In addition to the aforementioned, the State stressed that, at present, they are promoting actions to consolidate the coadjutance of the National Commission for the Search of Persons (CNBP).

25. Additionally, on June 21, 2023, the State informed, in a general terms and without providing details, that the Attorney General of the Republic is carrying out proceedings to identify the members of the Mexican Army who participated in the detention of Víctor Pineda Henestrosa and confirmed that it had taken steps with different authorities. Additionally, as part of the schedule of actions for the follow-up during the year 2023, the Attorney General of the Republic proposed to submit biannual reports on the progress of the lines of investigation. Therefore, taking into consideration the information provided by the parties, the Commission considers that the second clause of the agreement, on the investigation of the facts, has a partial level of compliance and so declares it. In this regard, the Commission takes this opportunity to urge the State of Mexico to continue submitting relevant information for the verification of compliance with this measure.

26. With regard to the third clause on the economic support for the purchase of construction material, furniture and equipment for the Victor Yodo library, the State had not complied with the commitment established in the FSA at the time of the technical meeting held with the parties on January 20, 2022. Therefore, the parties agreed that the SEGOB would explore the necessary mechanisms in order to establish an improvement in its infrastructure; and for the fulfillment of this commitment they agreed that specifically, and prioritized as part of the work schedule to achieve the approval of the FSA, that the State would make a diagnostic visit, for the subsequent granting of an amount, which would allow the repair of the infrastructure of the community library built in memory of Mr. Pineda Henestrosa. Likewise, they agreed that the resources destined to the rehabilitation of the library would be given to Mrs. Cándida Santiago Jimenez.

27. In this regard, on October 18, 2022, the State submitted a letter informing that on July 1, 2022, a visit was made to the library in which the needs for improvement of the building were identified. Among the main needs identified during the visit, the State referred to the following: 1. Replacement of the door connecting the upper floor; 2. Handrail on the staircase leading to the upper floor; 3. Replacement of the lighting dome on the upper floor in order to prevent water from seeping in; 4. Corrective and preventive attention to the walls on both levels, especially cracks and humidity; 5. Waterproofing of roofs and repair of leaks and humidity; 6. Replacement of ceiling fans and lamps for proper lighting of the space; 7. Change or repair of the electrical installation to meet the energy requirements of the computer and printing equipment; 9. Maintenance or renovation of bathroom furniture (WC and sink); 12. Renovation of the entire computer equipment due to its age; 13. Didactic materials; 14. Reference books for various levels of education; 15. Adequate furniture for computer equipment; 16. Furniture such as tables and chairs; and 17. Renovate bookshelf.

28. Subsequently, on December 23, 2022, the State informed that on December 19, 2022, the Technical Committee of the Trust approved the transfer of the amount of \$250,000.00 (two hundred and fifty thousand pesos 00/100 M.N.) in favor of Mrs. Cándida Santiago Jiménez, to be applied to the strengthening of the Community Library. In this regard, on February 21, 2023, the petitioners indicated that although they welcomed the decision adopted by the Technical Committee of the Trust and the efforts made by the UDDH-SEGOB, the transfer of the funds had not yet been completed due to the lack of liquidity of the Trust. Therefore, the petitioners requested the Commission to verify the effective disbursement of said amount prior to the homologation of the agreement.

29. On March 22, 2023, the State sent proof that the transfer, in the amount of 250,000 (two hundred and fifty thousand pesos 00/100 M.N.), was made on March 13, 2023, to Mrs. Cándida Santiago Jiménez, in accordance with the agreed terms. Said information was made known to the petitioner on June 25, 2023. Therefore, taking into consideration the information provided by the parties, the Commission considers that this aspect of the agreement has been fully complied with and so declares it.

30. With respect to the willingness of the parties in the agreement or subsequent written communication, as mentioned above, there is no clause in the FSA that makes the approval of the FSA conditional upon full compliance with the agreement. Likewise, it is noted that the State requested the Commission to make a decision on the approval of the FSA on July 16, 2021; October 18, 2022; April 19 and June 21, 2023. This information was brought to the attention of the petitioner at the time, without the latter indicating its willingness to conclude the friendly settlement process.

31. At the same time, it should be noted that the Commission notified the petitioning party of Resolution 3/20 for the first time on May 5, 2020, expressly requesting them to indicate their position on the approval or closure of the negotiating space. In this regard, the petitioner requested 3 extensions, which were granted at the time, without the Commission receiving the corresponding indications. Almost two years after the Commission requested the petitioner's position, the petitioner requested a work meeting to generate the conditions for an eventual approval of the FSA. This space for dialogue was held on January 20, 2022, in which the parties agreed on the execution of three prioritized actions to analyze the approval and which were fulfilled by the State.

32. Subsequently, on January 21, 2023, the Commission reiterated to the petitioner the need to adopt a decision regarding the course of action of the negotiation process in light of Resolution 3/20, expressly

requesting that they indicate their agreement with the issuance of the approval report or, alternatively, their willingness to conclude the friendly settlement process and continue with the litigation of the case in the contentious arena. In this regard, on February 21, 2023, the petitioner indicated its agreement with the approval after verification of the disbursement of the amount established in the third clause of the FSA with the prior holding of a new space for dialogue with the facilitation of the Commission.

33. In view of the foregoing, taking into consideration that two years had elapsed since the first notification of Resolution 3/20 to the petitioner, and that a forum for dialogue had already been convened to generate the conditions for approval, and noting the fulfillment of the actions prioritized by the parties in the context of said forum, and in the absence of any indication from the petitioner of its willingness to continue with the litigation of the case, the Commission understands that it is in the interest of both parties to continue with the friendly settlement mechanism and that it is therefore appropriate at this time to move forward with the approval of the FSA, without prejudice to the convening of new working spaces in the follow-up stage of the friendly settlement agreement, so that the time parameters established in Resolution 3/20 can be met.

34. Regarding the adequacy of the agreement with human rights standards, it is observed that the content of the FSA is consistent with human rights standards, since the friendly settlement agreement includes elements consistent with comprehensive reparation such as measures of satisfaction related to the promotion of the judicial investigation of the facts and the search for the victim, as well as improvements to buildings with a sense of memory, and pecuniary compensation measures. These measures are considered appropriate within the factual scenario of the particular case, being consistent with the various decisions of the IACHR and the jurisprudence of the Inter-American Court of Human Rights on reparation for victims of human rights violations.

35. As for the State's willingness to comply with the FSA, it should be noted that, according to the technical analysis of the case, the FSA was signed 20 years ago, and that the State has achieved partial execution. The Commission also takes into special consideration the State's compliance with its commitments in the agreed route to advance towards the approval of the agreement and therefore concludes that there has been a commitment on the part of the State to comply with what was agreed.

36. Therefore, the Commission considers that the third clause of the agreement (economic support) has been fully complied with and so declares it. On the other hand, the Commission considers that the second clause (investigation of the facts) has reached a level of partial compliance and so declares it. Finally, the Commission considers that the rest of the content of the agreement is of a declarative nature and therefore it does not merit supervision. In this sense, the execution of the agreement has reached a substantial partial level and so declares it.

V. 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.

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 signed by the parties on July 8, 2003.
2. To declare full compliance with the third clause (economic support) of the friendly settlement agreement, according to the analysis contained in this report.

3. To declare partial compliance with the second clause (investigation) of the agreement, according to the analysis contained in this report.

4. To declare that the friendly settlement agreement has reached a partial level of substantial implementation, according to the analysis contained in this report.

5. To continue monitoring the second clause (investigation) of the friendly settlement agreement until it is fully complied with, according to the analysis contained in this Report. To this end, remind the parties of their commitment to report periodically to the IACHR on their compliance.

6. To make this report public and include it in its Annual Report to the General Assembly of the OAS.

Approved by the Inter-American Commission on Human Rights on the 20th day of the month of October, 2023. (Signed:) Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, Vice President; Roberta Clarke, Second Vice President; Julissa Mantilla Falcón, Stuardo Ralón Orellana and Carlos Bernal Pulido, Commissioners.