

**TECHNICAL INFORMATION SHEET
CASE N° 12.623 LUIS REY GARCÍA
REPORT ON FRIENDLY SETTLEMENT AGREEMENT N° 164/10
TOTAL COMPLIANCE
(MEXICO)**

I. SUMMARY OF THE CASE

Victim (s): Luis Rey García
Petitioner (s): Martha Martínez de la Fuente –Luis Rey García Villagrán’s wife
State: Mexico
Admissibility Report No.: 49/07, published on July 23, 2007
Report on Friendly Settlement Agreement No.: 164/10, published on November 1, 2010.
Related Rapporteurship: N/A
Topics: Humane treatment/ personal liberty/ judicial guarantees/ judicial protection

Facts: The petitioners alleged that Luis Rey García Villagrán was illegally detained by agents of the Mexican State and tortured. They also argue that in the detention centers in which he was held from that point on, he was repeatedly kept in solitary confinement, subjected to abuse, and that he was then transferred to a detention centers far away from his family's place of residence, apparently as a punishment for his protests. In addition, they maintained that violations of due process guarantees were committed in the criminal proceedings brought against him and that the acts of torture to which he allegedly was subject were not investigated by the Mexican authorities.

Rights Declared Admissible: The IACHR declared the petition admissible with respect to violations of Articles 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention, in conjunction with Article 1.1 of the same international instrument and with respect to Articles 8 and 10 of the Convention Against Torture.

II. PROCEDURAL ACTIVITY

1. On November 3, 2009, the parties signed a proposal for a friendly settlement agreement. Additionally, on December 22, 2009, the parties signed a “Working memorandum on follow-up and fulfillment of the friendly settlement proposal between the Mexican State [and] the petitioners with respect to Case 12.623 involving Luis Rey García Villagrán, which is pending before the Inter-American Commission on Human Rights.”

2. On November 1, 2010, the Commission approved the agreement signed by the parties in Report No.164/10.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clauses	Status of Compliance
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<p>FIRST.- The Mexican State, through the Government of the State of Chiapas, on October 28, 2009, asked Mr. José Patricio Patiño Arias, Deputy Secretary of the Prison System of the Secretariat of Public Security, that Mr. Luis Rey García Villagrán be transferred from, the Federal Detention Center for Social Re-adaptation Number Three, located in Matamoros, Tamaulipas, where he is currently being held, to the State Detention Center for the Social Reintegration of Convicts Number 3, located in the city of Tapachula, Chiapas. This is established in the document consisting of one page that is attached to this agreement.</p>	<p>Total¹</p>
<p>SECOND.- The petitioners establish the commitment that as of the moment Mr. Luis Rey García Villagrán is transferred to the State Detention Center for the Social Reintegration of Convicts Number 3, located in the city of Tapachula, Chiapas, he will conduct himself in a way that is proper, correct, and disciplined, respecting and following the internal regulations of that prison.</p>	<p>Total²</p>
<p>THIRD.- The Mexican State, through the Government of the State of Chiapas, agrees that once Mr. Luis Rey García Villagrán is transferred to the State Detention Center for the Social Reintegration of Convicts Number 3, located in the city of Tapachula, Chiapas, it will take the relevant steps for his case file to be submitted to the Reconciliation Board of the Chiapas State Government for a decision, so that it can study and analyze the criminal procedure that was followed and adjusting it with guarantees of legal and judicial security.</p>	<p>Total³</p>
<p>FOURTH.- The Mexican State, through the Government of the State of Chiapas, agrees that at the same time the State Government Reconciliation Board is studying and analyzing the case, in the event that this has a favorable outcome for Mr. Luis Rey García Villagrán, the State Government, by mutual agreement with the petitioners, shall establish the mechanisms and conditions for reparations for damages.</p>	<p>Total⁴</p>

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2011.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- On December 22, 2010, Mr. Luis Rey García Villagrán was released through the application of the Law of Suspension of Conviction [*ley de Sentencia Suspendida*].
 - The Mexican State, through the government of Chiapas, accepted and recognized that Mr. Luis Rey García Villagrán, at the time of the events in 1997, was tortured and illegally deprived of his liberty by the then State Judicial Police, and was subjected to improper legal proceedings. The State asked for a public pardon and acknowledged that the victim was not involved in the events for which he was charged.
- The State paid a compensation as reparation for damages.

¹ See IACHR, Report N°164/10, Case 12.623, Friendly Settlement, Luis Rey Garcia, Mexico, November 1, 2010.

² See IACHR, Report N°164/10, Case 12.623, Friendly Settlement, Luis Rey Garcia, Mexico, November 1, 2010.

³ See IACHR, Report N°164/10, Case 12.623, Friendly Settlement, Luis Rey Garcia, Mexico, November 1, 2010.

⁴ See IACHR, Report N°164/10, Case 12.623, Friendly Settlement, Luis Rey Garcia, Mexico, November 1, 2010.

See also, Annual Report 2011, Chapter III, Section D: Status of Compliance with Recommendations of the IACHR, paras. 982-987.