

TECHNICAL INFORMATION SHEET
CASE 12.642 JOSÉ IVÁN CORREA ARÉVALO
REPORT ON FRIENDLY SETTLEMENT No. 90/10
TOTAL COMPLIANCE
(MEXICO)

I. SUMMARY OF THE CASE

Victim(s): José Iván Correa Arévalo
Petitioner(s): Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)
State: Mexico
Beginning of the negotiation date: January 24, 2008
FSA signature date: October 24, 2008
Report on Admissibility: 83/07, published on October 16, 2007
Report on Friendly Settlement Agreement: 90/10, published on July 15, 2010
Estimated length of the negotiation phase: 2 years
Associated rapporteurship: Rights of the Child/Memory, Truth and Justice Unit
Topics: Children and adolescents/ Young people /Investigation

Facts: According to the petitioners, José Iván Correa Arévalo, a 17-year-old student, died on May 28, 1991, after being struck in the head by a firearm projectile. They maintained that the killing of the alleged victim –which reportedly had to do with his position as an independent student leader– was not diligently investigated by the Mexican authorities and that those responsible for his death were never convicted. The petitioners said that on May 27, 1991 –the day before he died– José Iván had had a dispute over a strike with another student leader at the Colegio de Bachilleres Plantel 01 (COBACH) in the city of Tuxtla Gutiérrez. They said that as a result of that dispute that student had threatened to kill José Iván Correa. They held that the following day, May 28, 1991, whilst in the company of three other COBACH students José Ivan sustained a fatal bullet wound. As to the circumstances in which this is said to have occurred, the petitioners argued that, regardless of what the three above-mentioned youths said in their statements to the effect that Correa Arévalo had taken his own life by shooting himself in the temple after having consumed alcoholic beverages, they were the persons responsible for the death of the alleged victim. They added, however, that the latter had been protected by the government authorities in Chiapas at the time on account of the family ties that linked one of the alleged culprits in the homicide to the then-Secretary of the Interior of the State of Chiapas. They said that, as a result, the facts were not properly investigated by the relevant authorities. In particular, they claimed that Preliminary Inquiry 2062/ZC/91 carried out by the Office of the Attorney General for the State of Chiapas was not diligently pursued and was fraught with serious irregularities.

Rights declared admissible: The Commission concluded that it was competent to take up the instant case, that the petition was admissible in relation to Articles 4 (right to life), 8 (right to a fair trial), 17 (rights of the family), 19 (rights of the child), and 25 (right to judicial protection) of the American Convention, in connection with Articles 1(1) and 2 thereof, and that the petition met the requirements set forth in Articles 46 and 47 of that instrument. The commission also decided to notify parties and to publish its report in its annual report.

II. PROCEDURAL ACTIVITY

1. The IACHR requested updated information from the parties on September 30, 2015; October 21, 2016; September 16, 2017; and July 18, September 14, 2018 and July 12, 2019.

2. The State provided information on April 21, 2015; March 7, 2017; September 4, 2018 and August 13, 2019.

3. The petitioners submitted information on December 7, 2017.

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

Agreement clause	State of compliance
<p>1. The Mexican State, through the Ministry of Justice of the State of Chiapas, undertakes to proceed with the investigation in a diligent and exhaustive manner and to open new lines of inquiry in order to ensure the prompt clarification of the truth surrounding the homicide of José Iván Correa Arévalo. In the course of the investigation, working panels will be held between the agents in charge of same and the coadjutors, in order comprehensively to review the case file.</p>	<p>Total¹</p>
<p>2. The Mexican State, through the Ministry of Justice of the State of Chiapas, undertakes to hold a public ceremony of recognition of responsibility and make a public apology for the failure of the authorities to conduct a diligent investigation into the homicide of José Iván Correa Arévalo. This public recognition and apology shall be published in the newspapers with the widest circulation in the State of Chiapas. The petitioners undertake to submit a draft text of public recognition of responsibility and apology within 15 days counted from today's date. The draft shall be analyzed by the authorities of the State of Chiapas within 15 days of its receipt. The final text shall be agreed by the parties. In response to the request of the petitioners that the above public ceremony be presided over by the head of the executive branch of the State of Chiapas, the Ministry of Justice undertakes to present that request to said authority, and failing that, agrees that the head of the Ministry of Justice shall preside over the ceremony. The parties shall agree on a date for holding the public ceremony, endeavoring to ensure, if at all possible, the presence of Commissioner Florentín Meléndez, Rapporteur for Mexico. In agreeing on the aforesaid ceremony the parties state that the possibility exists of signing a friendly settlement agreement in this case.</p>	<p>Total²</p>
<p>3. The Mexican State, through the Ministry of Justice of the State of Chiapas, undertakes to offer psychological treatment to Mr. Juan Ignacio Correa López and to include him and his family in the</p>	<p>Total³</p>

¹ See IACHR, 2019 Annual Report, Chapter II, Section G. Friendly Settlements. Available at <http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap2-en.pdf>

² IACHR, Report No. 90/10, Case 12.642, Friendly Settlement, José Iván Correa Arévalo, Mexico, July 15, 2010.

³ IACHR, Report No. 90/10, Case 12.642, Friendly Settlement, José Iván Correa Arévalo, Mexico, July 15, 2010.

Seguro Popular Health Care Program, as agreed in the Minute of the Working Meeting signed in the State of Chiapas on October 8, 2008.	
4. The Mexican State, through the Ministry of Justice of the State of Chiapas, undertakes to include Mr. Juan Ignacio Correa López in the Social Assistance Housing Program under the terms of the Minute of the Working Meeting signed in the State of Chiapas on October 8, 2008.	Total⁴
5. The Mexican State, through the Ministry of Justice of the State of Chiapas, undertakes to include Mr. Juan Ignacio Correa López in the Economic Recovery Program of the State of Chiapas for the purpose of obtaining a business loan. The Ministry of Justice of the State of Chiapas undertakes to arrange, as necessary, the repayment of the loan and its nonreimbursement on behalf of the petitioner.	Total⁵
6. The Mexican State, through the Ministry of Justice of the State of Chiapas, undertakes to grant compensation for material damages and emotional distress to Mr. Juan Ignacio Correa López in the total amount of \$600.000 pesos (six hundred thousand Mexican pesos) clear, free, and unencumbered.	Total⁶
7. The Mexican State, through the Ministry of Justice of the State of Chiapas, undertakes to make arrangements with the Municipality of Tuxtla Gutiérrez in the State of Chiapas to have the street where José Iván Correa Arévalo was deprived of his life named after him; or, failing that, to make arrangements with the relevant education authority for a commemorative plaque recording the facts in the instant case to be put up at Colegio de Bachilleres Plantel 01 (COBACH), which José Iván Correa Arévalo attended.	Total⁷

IV. LEVEL OF COMPLIANCE OF THE CASE

4. The Commission declared full compliance with the case and ceased monitoring the friendly settlement agreement in the 2019 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The payments corresponding to the amounts awarded in economic compensation to the victims and their families were made;
- The act of acknowledgment of responsibility was held;
- Health care coverage was provided to the relatives of the victim for psychological treatment;
- Social rehabilitation measure were provided;
- A plaque was made to memorialize the case.
- The investigation into the homicide of José Iván Correa Arévalo was carried out.

⁴ See IACHR, 2012 Annual Report, Chapter III. D. Status of compliance with the recommendations of the IACHR, par. 873.c.

⁵ IACHR, Report No. 90/10, Case 12.642, Friendly Settlement, José Iván Correa Arévalo, Mexico, July 15, 2010.

⁶ IACHR, Report No. 90/10, Case 12.642, Friendly Settlement, José Iván Correa Arévalo, Mexico, July 15, 2010.

⁷ IACHR, Report No. 90/10, Case 12.642, Friendly Settlement, José Iván Correa Arévalo, Mexico, July 15, 2010.