

OEA/Ser.L/V/II.  
Doc. 71  
14 March 2021  
Original: English

**REPORT No. 66/21**  
**PETITION 1939-13**  
REPORT ON ADMISSIBILITY

MOSTAFA SEYED MIRMEHDI, MOHAMMAD-REZA MIRMEHDI,  
MOHSEN SEYED MIRMEHDI, AND MOJTABA SEYED MIRMEHDI  
UNITED STATES OF AMERICA

Approved electronically by the Commission on March 14, 2021.

**Cite as:** IACHR, Report No. 66/21, Petition 1939-13. Admissibility. Mostafa Seyed Mirmehdi, Mohammad-Reza Mirmehdi, Mohsen Seyed Mirmehdi, and Mojtaba Seyed Mirmehdi. United States of America. March 14, 2021.

**I. INFORMATION ABOUT THE PETITION**

<b>Petitioners:</b>	Mostafa Seyed Mirmehdi, Mohammad-Reza Mirmehdi, Mohsen Seyed Mirmehdi, and Mojtaba Seyed Mirmehdi
<b>Alleged victims:</b>	Mostafa Seyed Mirmehdi, Mohammad-Reza Mirmehdi, Mohsen Seyed Mirmehdi, and Mojtaba Seyed Mirmehdi
<b>Respondent State:</b>	United States of America <sup>1</sup>
<b>Rights invoked:</b>	Articles I (Right to Liberty), II (Right to Equality Before the Law), IV (Right to Freedom of Expression), XVII (Right to recognition of juridical personality and civil rights), XVIII (Right to a fair trial), XXI (Right of Assembly), XXII (Right of Association), XXV (Right of Protection from Arbitrary Arrest or Detention), and XXVI (Right to Due Process) of the American Declaration on the Rights and Duties of Man <sup>2</sup>

**II. PROCEEDINGS BEFORE THE IACHR<sup>3</sup>**

<b>Filing of the petition:</b>	November 13, 2013
<b>Notification of the petition to the State:</b>	December 6, 2018
<b>State's first response:</b>	April 12, 2019
<b>Additional observations from the petitioner:</b>	November 4, 2019
<b>Notification of the possible archiving of the petition:</b>	May 24, 2017
<b>Petitioner's response to the notification regarding the possible archiving of the petition:</b>	July 13, 2017

**III. COMPETENCE**

<b>Competence <i>Ratione personae</i>:</b>	Yes
<b>Competence <i>Ratione loci</i>:</b>	Yes
<b>Competence <i>Ratione temporis</i>:</b>	Yes
<b>Competence <i>Ratione materiae</i>:</b>	Yes, American Declaration (ratification of the OAS Charter on June 19, 1951)

**IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION**

<b>Duplication of procedures and International <i>res judicata</i>:</b>	No
<b>Rights declared admissible</b>	Articles I (Right to Liberty), II (Right to Equality Before the Law), IV (Right to Freedom of Expression), XVII (Right to recognition of juridical personality and civil rights), XVIII (Right to a fair trial), XXI (Right of Assembly), XXII (Right of Association), XXV (Right of Protection from Arbitrary Arrest or Detention), and XXVI (Right to Due Process) of the American Declaration.

<sup>1</sup> Hereinafter "United States", "the U.S." or "the State."

<sup>2</sup> Hereinafter "the American Declaration" or "the Declaration".

<sup>3</sup> The observations submitted by each party were duly transmitted to the opposing party.

<b>Exhaustion of domestic remedies or applicability of an exception to the rule:</b>	Yes, in terms of Section VI
<b>Timeliness of the petition:</b>	Yes, in terms of Section VI

## V. ALLEGED FACTS

1. This petition is centered principally on the alleged arbitrary detention of the petitioners between October 2001 and March 2005 by the authorities of the State. The four petitioners, who are brothers, are Mostafa Seyed Mirmehdi, Mohammad-Reza Mirmehdi, Mohsen Seyed Mirmehdi, and Mojtaba Seyed Mirmehdi.<sup>4</sup>

2. By way of background – the petitioners are all originally citizens of Iran, who fled to the United States of America to escape State sponsored persecution. The petitioners fled Iran between 1978 and 1993. Mostafa was the first to leave, initially on a student visa. However, after completing his studies, he remained in the United States for fear of persecution if he returned to Iran. The last brother to arrive in the United States was Mohammad in 1993. All of the petitioners ultimately settled in Los Angeles, California. According to the petition, the petitioners all applied for asylum in 1998. However, unbeknownst to them, their attorney Bahram Tabatabai falsified certain details of their asylum applications. Consequently, in 1999, the petitioners were arrested and charged with immigration violations. The petitioners were released on bond and granted withholding of removal to Iran on the basis that they were “more likely than not” to be tortured if they returned to Iran, giving them a legal right to remain in the United States.

3. According to the petition, on June 20, 1997, the petitioners attended a demonstration in Denver, Colorado organized by the National Council of Resistance in Iran (“NCRI”), an international umbrella group that claims to be the Iranian democratic “government in exile”. The petition states that a broad range of prominent Iranian exiles and exile groups of diverse political beliefs support the NCRI; and that the purpose of the June 20, 1997 demonstration was to promote democracy in Iran and call attention to the abuses of the current regime. According to the petition, the demonstration was peaceful and lawful, with several members of the United States Congress in attendance, at least one of whom appeared as a speaker.

4. The petition alleges that on October 2, 2001, the petitioners were all arrested; their bonds revoked; and proceedings initiated to deport them to Iran. According to the petition, the arrest of the petitioners was based on their attendance at the demonstration in Denver, Colorado in June 1997. The petition contends that the State misrepresented this demonstration as being one purportedly organized by “terrorist cell” purportedly known as Mujahedin-e Khalq (“MEK”). The petition further allege that the State compiled a list of attendees at the demonstration in Denver (which included the petitioners) and falsely represented these attendees as supporters of terrorism. The petition further states that this list was referred to as the “L.A. Cell Form.” According to the petition, historically, the MEK came under the auspices of NCRI, and both groups had received political support from the United States of America. However, months after the demonstration, on October 8, 1997, the MEK and NCRI (on the basis that it was an alias of the MEK) were designated Foreign Terrorist Organizations by the United States Secretary of State.

5. The petition emphasizes that up to this time, the petitioners had never been involved in terrorism, terrorist organizations, or terrorist activity. According to the petition, the petitioners filed for re-hearing of their bond determinations and again requested political asylum in the United States. According to the petition, on December 10, 2001, the Immigration Court conducted the first hearing on the petitioners’ applications; but the Immigration Court ordered the continued detention of the petitioners based on the allegedly false information of State agents<sup>5</sup> that the petitioners were involved with, or supportive of a terrorist organization (based on their attendance at the demonstration in 1997 in Denver, Colorado). The petition also

<sup>4</sup> Hereinafter referred to collectively as “the petitioners” or “the alleged victims”, , but where necessary, individually as “Mostafa”, “Mohammad”, “Mohsen”, and “Mojtaba.

<sup>5</sup> In this regard, the petition identifies United States FBI Agent Christopher Castillo and United States Immigration and Naturalization Service Agent J.A. MacDowell.

indicates that the State agents introduced recanted statements from the petitioners' former asylum lawyer, Bahram Tabatabai, while preventing the lawyer himself from testifying. In this regard, the petition states that in March 1999, Tabatabai was charged with filing fraudulent asylum claims (which included the asylum claims prepared for the petitioners). As part of his plea agreement, Tabatabai agreed to assist Agents Castillo and MacDowell with their investigations of the petitioners by suggesting that they were associated with the MEK. However, on January 23, 2001 and again on June 19, 2001, Tabatabai recanted an earlier statement he made about the petitioners and asserted that Agent Castillo and Agent MacDowell coerced that statement from him as part of his plea agreement. According to the petition, the Immigration Court was not informed by the State agents that Tabatabai had recanted his statement against the petitioners.

6. According to the petition, in April 2002, the Immigration Court (in reliance on the testimony of Agent Castillo) determined that the petitioners' bonds should be revoked and their applications for asylum denied. However, the petition alleges that the Immigration Court emphasized that "there is no evidence that [the petitioners] engaged in terrorist activities" and granted their request to withhold removal under the Convention Against Torture based on information that the petitioners were likely to be tortured if removed to Iran. Both the State and the petitioners appealed the decision to the Board of Immigration Appeals ("BIA"), which affirmed the decision of the Immigration Court on August 20, 2004. Both parties again appealed the BIA determinations to the Ninth Circuit Court of Appeals. According to the petition, in November 2004, the Ninth Circuit Court of Appeals, the Ninth Circuit remanded the matter to the lower tribunal because of "conflicting rulings in the asylum and bond decisions". In this regard, the petition states that the Ninth Circuit Court of Appeals ruled that the bond decisions should be reviewed for "sufficiency of the evidence...in light of the BIA's determination that there was no evidence connecting the Petitioners to terrorist activities." However, the petition states that no decision was ever made because the petitioners were released from detention beforehand (see paragraph 7 below) leaving the court with no power to act.

7. Ultimately, the petitioners remained in preventive detention between October 2001 and March 2005. During this time, in November 2002, the petitioners filed *habeas corpus* petitions in federal district court, seeking release from their detention. However, their petitions were denied on May 23, 2003. The petitioners appealed to the Ninth Circuit Court of Appeals. The petitioners were released on the initiative of the State authorities in March 2005, and accordingly, the Court held that there was no further ground to rule on the *habeas corpus* petitions.

8. The petitioners insist that they have properly established facts that support violations of the American Declaration. In this regard, the petitioners refer to their detention in 2001, based on falsified evidence, and the ultimate denial of an effective judicial remedy for when the Ninth Circuit Court of Appeals ruled that that immigrants could not seek remedies for the presentation of false evidence against them in the court system; and that the United States was immune from suit for the presentation of false evidence and witness intimidation in a bond proceeding. Contrary to the State's position, the petitioners insist that they were not allowed to present evidence, call witnesses, or cross-examine witnesses to speak to the falsification of evidence or their unlawful detention, because these claims were rejected at the motion to dismiss stage, when the claims were first presented.

9. The petitioners generally reject the response of the State. In this regard, the petitioners contend that appealing the denial of the asylum claim by the Ninth Circuit Court of Appeals is not an adequate remedy, because asylum is not a suitable or sufficient remedy for infringement of rights caused by their alleged arbitrary detention. The petitioners also argue that the appealing the *habeas corpus* petitions after they had been released from custody was also not an adequate, sufficient or appropriate remedy. In this regard, the petitioners emphasize that once the petitioners were released from custody, the courts no longer had any reason to determine the legality of the petitioners' detention. Within the context of asylum proceedings, the petitioners assert that they could not have received compensation or the declaration they still seek that their detention was unlawful. Accordingly, the petitioners affirm that they have not failed to exhaust domestic remedies.

10. According to the petitioners, the court dismissed the lawsuit. The petition states that on June 4, 2009, the petitioners appealed to the Ninth Circuit Court of Appeals, which dismissed the appeal on August 30, 2011. The petitioners assert that the Ninth Circuit Court of Appeals ruled that (a) “immigrants’ remedies for vindicating the rights which they possess under the Constitution are not coextensive with those offered to citizens”; (b) that to succeed in an action for wrongful detention against federal agents, there must not be “any alternative, existing process for protecting the plaintiffs’ interests.”; and (c) that because the petitioners could seek release through the immigration proceedings and their habeas corpus petitions, they were not entitled to any compensation. According to the petition, neither of these legal proceedings allow for an award of monetary compensation.

11. The petitioners indicate that the Ninth Circuit Court of Appeals also ruled against the claim of claim of witness intimidation on the basis that that the petitioners could not show any injury resulting from the alleged intimidation (since they had avoided deportation despite the witness failing to testify). Further, the petition asserts that the Ninth Circuit Court of Appeals denied the claim of false imprisonment against the United States on the ground that the United States government is immune from tort claims unless it waives that immunity; and that there had been no such waiver issued in this case. The petitioners subsequently filed for a rehearing before the Ninth Circuit Court of Appeals, which affirmed its dismissal on June 7, 2012. The petition states that on October 22, 2012, the petitioners filed their final appeal to the United States Supreme Court. According to the petition, on May 13, 2013, the Supreme Court declined to hear the appeal. Accordingly, the petitioners assert that this dismissal represents the exhaustion of domestic remedies.

12. On the other hand, according to the petition, the petitioners were subjected to custodial mistreatment while in detention. In this regard, the petitioners make a number of allegations which include the following: (a) throughout their detention, the petitioners were frequently subjected to periods of solitary confinement in cells measuring less than six by ten feet. Each of the petitioners experienced segregation for periods of one week or more, and solitary confinement or physical abuse, and were threatened whenever they complained about detention conditions; (b) prison guards physically assaulted the petitioners, subjected them to extreme cold, frequent unjustified body cavity searches, and threatened them with pepper spray; (c) prison guards verbally abused and insulted the petitioners on account of their ethnicity, culture, religion, and nationality; (d) prison guards further prevented the petitioners from accessing basic medical treatment for acute injuries inflicted on the petitioners, chronic back pain, eye and skin irritations or infections, as well as psychological problems; and the petitioners’ access to basic hygiene, appropriate clothing, and food was severely compromised<sup>6</sup>. The petitioners also allege that over the course of their detention, agents of the United States systematically prevented them from communicating with their families in Iran, speaking freely with their legal counsel, or talking to the media. Further that the agents of the United States frequently withheld legal documents from their attorneys, and also transferred the petitioners between detention centers for the purpose of government “forum shopping”.

13. The petitioners further contend that on March 5, 2005, Mohammad was severely beaten by Officer M. Lopez at San Pedro Detention Center. According to the petition, Mohammad sustained injuries to his shoulder, back, neck, and face – resulting in a permanent facial disfigurement and continued pain and suffering. After the assault, several reporters and attorneys visited Mohammad in detention and noted the extent of his injuries. Mohammad was thereafter advised that the Attorney General would investigate Officer Lopez’ assault. According to the petition, prior to this incident, the authorities, on February 2, 2005, offered to release the petitioners from detention on certain conditions, namely: not travelling more than thirty miles from their homes, not travelling by airplane, and not attending political rallies. The petitioners declined the offer of a conditional release. The petitioners state that the authorities renewed their offer of conditional release on March 16, 2005, the day before a representative from the Attorney General’s office was scheduled to interview Mohammad about the beating that took place on March 5, 2005. Once again, the petitioners declined to accept the conditions the State sought to impose. However, this time, the State agreed to forgo the restrictions and the petitioners were finally granted their liberty (on March 16, 2005). Following their release, the petitioners

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<sup>6</sup> In respect to this complaint, the petition states that the petitioners ultimately received a settlement from the State (no details given).

allege that Mohammad repeatedly requested access to the internal investigations regarding the assault he sustained from Officer Lopez, but that these requests have been denied.

14. According to the petition, on August 14, 2006, the petitioners filed a lawsuit in the U.S. District Court for the Central District of California against the United States government and other defendants (including Agents Castillo and MacDowell) for false imprisonment, unlawful detention, witness intimidation, and conspiracy to violate civil rights. The petition states that this lawsuit also included claims for denial of medical care; excessive and unreasonable searches; inhumane detention conditions; interference with the right to counsel; violation of the prohibition against cruel, inhuman, and degrading treatment or punishment; excessive force; negligence; assault and battery; and intentional infliction of emotional distress. However, the petition indicates that these latter claims (relating detention conditions, degrading treatment, etc) were settled with the State.

15. Notwithstanding the above settlement reached, the petitioners argue that the remedy for one claim does not affect the right to a remedy for another. The petitioners acknowledge that they voluntarily settled their claims relating to detention conditions. In this regard, they submit that they are not requesting the Commission to address the issue of detention conditions<sup>7</sup>. However, they argue that there are other rights that remain unaddressed arising out their alleged arbitrary detention. The petitioners reiterate that this detention was largely based on attendance at a rally, and falsified evidence to the effect that they were members of a terrorist cell. For the petitioners, this arbitrary detention led to violations of their rights to liberty, right to equality before the law, right to freedom of expression right to recognition under juridical personality, right to civil rights, right of assembly, right of association, right of protection from arbitrary arrest or detention and right to due process.

16. The petitioners claim that actions of State have resulted in multiple violations of the American Declaration, including arbitrary detention and failure to provide due process or judicial protection. The petitioners also contend that the State violated their right to freedom of assembly and freedom of association having regard for their arrest based on their attendance at a demonstration, and the allegedly false designation of the petitioners as supporters or member of a terrorist cell. More generally, the petitioners allege that the State's actions amounted to differentiated and coercive treatment due to their Iranian nationality and presumed political views.

17. The State rejects the petition as inadmissible, contending primarily that (a) the petitioners have failed to pursue or exhaust domestic remedies; (b) the petitioners have failed to state facts that tend to establish a violation of rights protected by the American Declaration; and (c) adjudication of the petition would constitute a violation of the Commission's fourth instance formula.

18. Regarding exhaustion of domestic remedies, the State does not generally contest the chronology of judicial proceedings as set out by the petitioners. However, the State argues that it was open to the petitioners to appeal to the U.S. Supreme Court following the denial of their asylum claims by the Ninth Circuit Court of Appeals. Contrary to the petitioners' claims, the State also contends that the petitioners' habeas corpus petitions challenging the Immigration Court decisions failed to exhaust administrative remedies. In this regard, the State argues that the BIA had concluded that the Immigration and Naturalization Service (INS) had met its burden of demonstrating that there was a change in the petitioners' circumstances that warranted custody status. The State argues that the burden then shifted to the petitioners to demonstrate that their release would not pose a danger to property or persons; and that they were not a flight risk. However, according to the State, the petitioners did not discharge this burden. The State contends that the petitioners did not choose to challenge the BIA's decision, thus failing to exhaust an available remedy. Finally, the State argues that in relation to the allegations of the petitioners regarding their conditions of detention, that the petitioners voluntarily settled these claims rather than pursue remedies in court.

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<sup>7</sup> These "detention conditions" include; inhumane detention conditions; interference with right to counsel; cruel, inhuman, and degrading treatment or punishment; excessive force; assault and battery; and intentional infliction of emotional distress. The petitioners indicate that claims made regarding "detention conditions" were settled with the State.

19. With regard to the issue of prima facie violations of the American Declaration, the State makes a number of assertions. With respect to the claim of arbitrary detention under Article XXV (in conjunction with claims made under Article I, Article XVII, Article XVIII, , and Article XXVI of the American Declaration) , the State emphasizes that the petitioners were detained for violating the immigration laws of the United States. Further, that the petitioners take issue with the subsequent denial of bond while they awaited removal proceedings from the United States following their violation of U.S. immigration laws and denial of their asylum applications. The State argues that individuals are not entitled to bond pending removal proceedings under the American Declaration, and so the denial of bond following the Petitioners' second arrest cannot be construed as a violation of the American Declaration. The State further argues that the petitioners did not provide any evidence to support their claim that evidence was fabricated against them. In this regard, the State asserts that the petitioners offered no objections to Agent Castillo's testimony nor did they cross examine him when given the opportunity. The State also contends that the list that contained the petitioners' names was not the only piece of evidence relied on by court in revoking their bonds. The State also argues that, even if such denial of bond could be construed in terms of arbitrary arrest or detention, the petitioners challenged their detention through various levels of administrative and judicial review including the Immigration Courts, the BIA, the District Court, and the Ninth Circuit Court of Appeals.

20. The State denies any violations of the petitioners' right of equality, right to freedom of expression, right of assembly, or right of association. In this regard, the State contends that the petitioners were not targeted or bond revoked because of nationality or political activism, but because their names appeared on a list of names of people with ties to a foreign terrorist organization – the MEK.

21. The State also argues that ultimately, the claims of the petitioners are manifestly groundless. In this regard, the State contends that the Petitioners have voluntarily settled some of their claims; and that the only claims that they did not settle were those against Agents Castillo and MacDowell for unlawful detention and conspiracy to violate their civil rights; against Castillo for intimidation of a witness; and against the United States for false imprisonment. According to the State, the petitioners cannot now assert that the United States has violated the American Declaration with respect to those settled matters because they have already received a remedy, and that such claims are accordingly moot. The State contends that to the extent that the petitioners continue to pursue unsettled claims related to allegations of arbitrary arrest or detention, the petitioners have already received an effective remedy in the domestic system: that they were released from custody.

22. The State contends that the petition plainly constitutes an effort by the petitioners to use the Commission as a "fourth instance" body to review claims already heard and rejected by U.S. courts. In this regard, the State argues that the petitioners have availed themselves of multiple levels of administrative and judicial review, and that in each of these proceedings, the courts carefully reviewed the evidence and rejected the petitioners' arguments.

## **VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION**

23. The Commission notes that the petitioners have expressly limited their complaints to the alleged arbitrary detention and to violations arising out of that detention including their rights to liberty, protection from arbitrary arrest or detention, due process, equality before the law, right to freedom of expression, freedom of assembly, and freedom of association.

24. The Commission notes that the petitioners filed their final appeal to the United States Supreme Court, which declined to hear the appeal on May 13, 2013. On the other hand, the State rejects the petition as inadmissible, contending primarily that the petitioners have failed to pursue or exhaust domestic remedies.

25. The IACHR notes that the rule requiring exhaustion of domestic remedies does not mean that the alleged victims have to exhaust every remedy available. In this regard, the Commission has repeatedly held that "the rule which requires the prior exhaustion of domestic remedies is designed for the benefit of the State, for that rule seeks to excuse the State from having to respond to charges before an international body for acts

imputed to it before it has had the opportunity to remedy them by internal means.”<sup>8</sup> Therefore, if the alleged victim raised the issue by any lawful and appropriate alternative under the domestic juridical system and the State had the opportunity to remedy the matter within its jurisdiction, the purpose of the international rule has thus been served. Accordingly, the Commission considers that the judgment of the United States Supreme Court of May 13, 2013 represents exhaustion of domestic remedies in accordance with Article 31.1 of the Commission’s Rules of Procedure. Given that the petition was submitted on November 13, 2013, the Commission deems that the petition was submitted within the six-month deadline prescribed by Article 32.1 of the Commission’s Rules of Procedure.

## VII. ANALYSIS OF COLORABLE CLAIM

26. The Commission notes that this petition includes allegations of multiple violations of the American Declaration arising from the alleged arbitrary detention of the petitioners allegedly due to their participation on a protest and the alleged failure of the domestic authorities to redress these violations. However, the State denies any violation of the rights of the petitioners. In this regard, the State argues that the petitioners have voluntarily settled some of their claims, and that these claims are now moot. With respect to the claims that were not settled, the State contends that the petitioners were not arbitrarily detained nor did they suffer violations of other rights arising from, or relating to their detention (such as the right to fair trial, and the right to liberty). In any event, the State indicates that the release of the petitioners constitutes an effective remedy. The Commission notes that the petitioners acknowledge that the claims relating to detention conditions were settled with the State and that they are not pursuing these claims before the Commission. However, the petitioners contend that they were subjected to arbitrary arrest, which in turn led to violations of their rights to liberty, right to equality before the law, right to freedom of expression right to recognition under juridical personality, right to civil rights, right of assembly, right of association, right of protection from arbitrary arrest or detention and right to due process. In this regard, the petitioners reiterate that their detention was largely based on attendance at a rally, and falsified evidence to the effect that they were members of a terrorist cell. While the petitioners have settled the claims relating to the conditions of detention, they contend that these other claims remain un-redressed by the State.

27. After assessing the position of the Parties, the IACHR observes these claims submitted are not manifestly groundless; and that prima facie they may constitute violations of the rights enshrined in Articles I (Right to Liberty), II (Right to Equality Before the Law), IV (Right to Freedom of Expression), XVII (Right to recognition of juridical personality and civil rights), XVIII (Right to a fair trial), XXI (Right of Assembly), XXII (Right of Association), XXV (Right of Protection from Arbitrary Arrest or Detention), and XXVI (Right to Due Process).

28. With respect to the State’s allegations regarding the so-called “fourth instance” formula, the Commission reiterates that, for the purposes of admissibility, it must decide whether the alleged facts may characterize a violation of rights, as stipulated in Article 34 (a) of the Commission’s Rules of Procedure, or if the petition is “manifestly unfounded” pursuant to subsection (b) of said Article. The criteria for evaluating these requirements differs from that used to rule on the merits of a petition. Likewise, within the framework of its mandate, it is competent to declare a petition admissible when it refers to internal processes that could violate rights guaranteed by the American Declaration. In other words, in light of the aforementioned conventional standards, in accordance with Article 34 of its Rules of Procedure, the admissibility analysis focuses on the verification of such requirements, which refer to the existence of elements that, if true, could constitute prima facie violation of the American Declaration.<sup>9</sup>

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<sup>8</sup> See IACHR, Report No. 54/14, Petition 684-14. Admissibility. Russel Bucklew and Charles Warner. United States. July 21, 2014, para. 28

<sup>9</sup> IACHR, Report No. 143/18, Petition 940-08. Admissibility. Luis Américo Ayala Gonzales. Peru. December 4, 2018, para. 12.



## VIII. DECISION

1. To find the instant petition admissible in relation to Articles I, II, IV, XVII, XVIII, XXI, XXII, XXV, and XXVI of the American Declaration; and

2. To notify the parties of this decision; to continue with the analysis on the merits; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 14<sup>th</sup> day of the month of March, 2021. (Signed): Joel Hernández, President; Antonia Urrejola, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay, Esmeralda E. Arosemena Bernal de Troitiño, Julissa Mantilla Falcón, and Stuardo Ralón Orellana, Commissioners.