

TECHNICAL INFORMATION SHEET
PETITION 388-01 ALEJANDRO ORTIZ RAMÍREZ
FRIENDLY SETTLEMENT REPORT N° 101/05
TOTAL COMPLIANCE
(MEXICO)

I. SUMMARY OF THE CASE

Victim (s): Alejandro Ortiz Ramírez

Petitioner (s): Mexican Commission for the Defense and Promotion of Human Rights

State: Mexico

Report on Friendly Settlement Agreement No.: 101/05, published on October 27, 2005

Related Rappporteurship: Rights of Persons Deprived of Liberty

Topics: Humane Treatment/ Personal liberty/ judicial guarantees/Privacy/Judicial Protection

Facts: The petitioner alleged that Mr. Alejandro Ortiz Ramírez was arrested, without an arrest warrant, along with Daniel Olguín Hinojosa, on September 24, 1988, while they were in a commercial establishment in which a quarrel with police officers had taken place.

They also claim that at the police station, the two were accused of the crimes of robbery, injuries and criminal conspiracy, and, later, of the murder of four young people on August 20, 1988.

On August 21, 1989, a sentence was handed down finding Messrs. Ortiz Ramírez and Olguín Hinojosa criminally responsible for aggravated homicide and the use of firearms. They were sentenced to a 40-year prison term, later reduced on appeal to 16 years, six months. The petitioners also further claim that in 1996, an order was issued for the arrest of a person allegedly suspected of the previously mentioned multiple homicide in August 1988, and four judicial police officers were accused of covering up the crime and sent to prison. On July 17, 1996, one day after the petitioners presented the facts of the case to the Inter-American Commission during its *in loco* visit to Mexico, Messrs. Ortiz Ramírez and Olguín Hinojosa were conditionally released.

The Mexican courts said that the request for the recognition of his innocence filed by Alejandro Ortiz Ramírez was inadmissible, even though another individual had been identified as the murderer and the police officers who covered up the incident had been identified. Finally, the petitioners claim that there was no investigation whatsoever of the torture allegations made by Alejandro Ortiz Ramírez.

Rights Alleged: The petitioner alleged that the State of Mexico was responsible for violation of the rights enshrined in Articles 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 10 (right to compensation), 11 (right to privacy) and 25 (right to judicial protection) of the American Convention on Human Rights, in conjunction with the provisions set out in Article 1.1 (obligation to respect rights) and 2 (domestic legal effects) of said instrument.

II. PROCEDURAL ACTIVITY

1. On December 7, 2004, the parties signed a friendly settlement agreement.

2. On December 7, 2004, the Commission approved the friendly settlement agreement signed by the parties, in Report No.101/05.

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

Agreement Clause	Status of Compliance
ONE.	
The Government of the Federal District, through the Office of the Attorney General for Justice of the Federal District, shall undertake the following actions:	
I. It shall issue a communication publicly acknowledging its responsibility in the incidents that gave rise to the petition; and this communication shall be published in its gazette and on its webpage, and in different media outlets.	Total¹
II. It shall process, before the Federal District Directorate for the Execution of Criminal Sanctions, the documentation supporting the definitive release of Mr. Alejandro Ortiz Ramírez, which he obtained on September 24, 2004.	Total²
III. It shall enhance its joint efforts with the competent authorities to locate and apprehend the suspected murderer Santiago Rodríguez Mata.	Total³
IV. It shall encourage a debate in the local legislature regarding the amendment of Articles 614 and 615 of the Code of Criminal Procedure for the Federal District, regarding recognition of innocence in cases where statements obtained through torture constitute the sole evidence.	Total⁴
V. Through the office of the Assistant Attorney for Victims Attention and Community Services, it will provide psychotherapeutic help for Mr. Alejandro Ortiz Ramírez and his family in connection with the incidents described in the background section.	Total⁵
VI. It shall include Mr. Alejandro Ortiz Ramirez's case in the human rights curriculum taught to candidates for admission to the judicial police at its Professional Training Institute, thereby establishing an academic precedent in that institute's study plans and teaching materials as a way to prevent a repetition of this incident.	Total⁶
TWO.	
The Government of the Federal District, through the Federal District Housing Institute, will grant Mr. Alejandro Ortiz Ramírez and his family with a home, subsidized in the amount of 100% by that Institute.	Total⁷
THREE.	
The Government of the Federal District, through the Federal District Integral Family Development System, will grant the minor children Alejandra, Martín, and Miguel Ortiz Breña, the children of Alejandro Ortiz Ramírez, with academic scholarships for their different academic levels and until they reach adulthood, consisting of a monthly amount for each one of them, in accordance with the pre-established programs that exist for minors at risk from dropping out of school.	Total⁸
FOUR.	

¹ See IACHR, Report N° 101/05, Petition 388-01, Friendly Settlement, Alejandro Ortiz Ramírez, Mexico, October 27, 2005.

² See IACHR, Report N° 101/05, Petition 388-01, Friendly Settlement, Alejandro Ortiz Ramírez, Mexico, October 27, 2005.

³ See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with Recommendation of the IACHR, paras. 502-503.

⁴ See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with Recommendation of the IACHR, paras. 502-503.

⁵ See IACHR, Report N° 101/05, Petition 388-01, Friendly Settlement, Alejandro Ortiz Ramírez, Mexico, October 27, 2005.

⁶ See IACHR, Report N° 101/05, Petition 388-01, Friendly Settlement, Alejandro Ortiz Ramírez, Mexico, October 27, 2005.

⁷ See IACHR, Report N° 101/05, Petition 388-01, Friendly Settlement, Alejandro Ortiz Ramírez, Mexico, October 27, 2005.

⁸ See IACHR, Report N° 101/05, Petition 388-01, Friendly Settlement, Alejandro Ortiz Ramírez, Mexico, October 27, 2005.

The Office of the Attorney General of the Republic, through the office of the Assistant Attorney for Human Rights, Victim Attention, and Community Services, will grant Anel Joana Ortiz Breña with two computer systems as a form of academic support.	Total⁹
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IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement its Annual Report 2007.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State publically acknowledged its responsibility in the case of Alejandro Ortiz Ramírez.
- The State, through the General Procurator of Justice of the Federal District, issued a press release on December 13, 2004, acknowledging Mr. Alejandro Ortiz Ramírez's innocence.
 - The State granted Mr. Ortiz Ramírez with a house, chosen by himself.
 - The State granted Alejandro Ortiz Ramírez's minor children with monthly academic scholarships, until they reach the age of majority, and gave them computer equipment as a form of academic support.

B. Structural outcomes of the case:

- The cessation of the control and surveillance function exercised by the Directorate for the Execution of Criminal Sanctions was achieved on December 2, 2004, by virtue of the benefit of early release treatment.
 - The case was included in the agenda in the field of human rights of the Vocational Training Institute, addressed to the applicants of the Judicial Police.
 - Encouragement of a debate in the local legislature regarding the amendment of Articles 614 and 615 of the Code of Criminal Procedure for the Federal District, specially addressing recognition of innocence in cases where statements obtained through torture constitute the sole evidence.
 - Joint efforts were enhanced with the competent authorities to locate and apprehend the suspected murderer Santiago Rodríguez Mata.

⁹ See IACHR, Report N° 101/05, Petition 388-01, Friendly Settlement, Alejandro Ortiz Ramírez, Mexico, October 27, 2005.