

TECHNICAL INFORMATION SHEET
CASE 11.807 JOSÉ ALBERTO GUADARRAMA GARCÍA
FRIENDLY SETTLEMENT REPORT N° 69/03
TOTAL COMPLIANCE
(MEXICO)

I. SUMMARY OF CASE

Victim (s): José Alberto Guadarrama García

Petitioner (s): Center for Justice and International Law and Christian Action for the Abolition of Torture

State: Mexico

Report on Friendly Settlement Agreement No.: 69/03 published on October 10, 2003

Related Rapporteurship: N/A

Topics: Personal liberty/ humane treatment/ judicial guarantees/ right to privacy/ judicial protection

Facts: The petitioners alleged that Mr. José Alberto Guadarrama García was abducted on March 26, 1997, in the town of Emiliano Zapata, Morelos State, by a group of four armed individuals who got out of a vehicle while he was waiting for a bus on the street, in the company of his mother, Elvira García Avelar.

The petitioners alleged that Mr. Guadarrama García's mother identified José Luis Velásquez Beltrán, an officer of the judicial police, as one of the individuals who had taken her son and reported the incident to the Public Prosecution Service that same day. She was later told that the officer identified belonged to the Anti-kidnapping Group, and that he had already given a statement; however, he was never brought before Mrs. García Avelar for her to identify him, and he continued his regular employment. On April 11, 1997, the Morelos authorities reported that Mr. Velásquez Beltrán had left his job; although later on a warrant for Velásquez Beltrán's arrest was issued. On October 7, 1997, the petitioners requested precautionary measures on behalf of the mother of José Alberto Guadarrama García, who had received threats after a press conference at which she revealed that a petition had been lodged with the IACHR; these precautionary measures were granted on October 17, 1997.

Rights Alleged: The petitioners alleged that the State of Mexico was responsible for violation of the rights enshrined in Articles 4 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 11 (right to privacy) and 25 (right to judicial protection) of the American Convention on Human Rights, in connection with the provisions of Articles 1.1 (obligation to respect rights) and 2 (domestic legal effects) of the same instrument.

II. PROCEDURAL ACTIVITY

1. On October 30, 1998, the parties signed a friendly settlement agreement.
2. On October 10, 2003, the IACHR approved the friendly settlement agreement signed by the parties in Report No.69/03.

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

Agreement Clause	Status of Compliance
THIRD	
The objectives of the friendly settlement procedure are the following: a. To arrest José Luis Velásquez Beltrán, according to the judicial arrest warrant already issued;	Total ¹
b. To identify all those who plotted and carried out the crimes committed against José Alberto Guadarrama García;	Total ²
c. To prosecute all the plotters and material and intellectual perpetrators, so they can be duly sentenced by the competent judicial authorities;	Total ³
d. To locate José Alberto Guadarrama García;	Total ⁴
e. To provide the Guadarrama García family with restitution, compensation, and reparations for the incident, to which end the State and the petitioners will agree on the source and terms of compensation for the relatives of Mr. José Alberto Guadarrama García, without prejudice to the legal action they may be required to pursue in accordance with Mexican law.	Total ⁵

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 2007.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The victim's family received the sum of 1.083.957,00 Mexican pesos to cover consequential damages, future losses, and non-material damages.
- The State was able to locate the remains of José Alberto Guadarrama.

B. Structural outcomes of the case:

- The State, through its competent organs, was able to detain and convict the three individuals responsible for violation of José Alberto Guadarrama's rights.

¹ See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 552-560.

² See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 552-560.

³ See IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 552-560.

⁴ See IACHR, Report N° 69/03, Case 11.807. Friendly Settlement Agreement. José Alberto Guadarrama García. Mexico. October 10, 2003.

⁵ See IACHR, Report N° 69/03, Case 11.807. Friendly Settlement. José Alberto Guadarrama García. Mexico. October 10, 2003.