

TECHNICAL INFORMATION SHEET
CASE N° 12.769 IRINEO MARTÍNEZ TORRES AND CANDELARIO MARTÍNEZ DAMIÁN
FRIENDLY SETTLEMENT REPORT N° 65/14
TOTAL COMPLIANCE
(MEXICO)

I. SUMMARY OF THE CASE

Victim (s): Irineo Martínez Torres and Candelario Martínez Damián
Petitioner (s): Alfonso Otero
State: Mexico
Admissibility Report: 72/10, published on July 12, 2010
Report on Friendly Settlement Agreement: 65/14, published on July 25, 2014
Related Rappporteurship: Persons Deprived of Liberty
Topics: Persons deprived of liberty/ care and custody/Investigation/Police violence/criminal due process

Facts: On July 25, 2014, the IACHR issued Report No. 65/14 approving the friendly settlement agreement concluded for the benefit of Irineo Martinez Torres and Candelario Martinez Damián, members of the Purépecha indigenous people from the area of Ahuirán, Michoacán State, who were victims of violations of rights recognized in the American Convention during their arrest and criminal prosecution. The alleged victims were subjected to physical attacks by the judicial police at the time of their arrest; and during the criminal proceedings conducted against them, the court-appointed defense attorney failed to provide an effective defense. Also they were not provided with an interpreter, even though their native language is Purépecha (Tarasco), and could not understand, or lacked a fluent knowledge of Spanish.

Rights Declared Admissible: The Commission concluded that it was competent to hear the present case and that the petition was admissible in relation to 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 its Articles 1.1 and 2, in fulfillment of the requirements set out in its Articles 46 and 47, and decided to notify the parties and to publish the report in its Annual Report.

II. PROCEDURAL ACTIVITY

1. On March 26, 2011, the parties signed a friendly settlement agreement.
2. On July 25, 2014, the Commission approved the friendly settlement agreement in Report No.65/14.

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

Agreement Clause	Status of Compliance
------------------	----------------------

<p>1) Considering that 95.5% of the community is not registered with any health institution, the State pledges to do the following this year:</p> <p>a. Disseminate information about the requirements that have to be met to be admitted into Mexico’s health system.</p> <p>b. Install a health forum in charge of providing advisory services to all persons of the community who request it to guarantee their right to health and, once these requirements have been met, to proceed with their registration (SS, state government).</p>	<p>Total¹</p>
<p>2) On the basis of the community assessment, it was concluded that there is a large segment of the population of working age affected by the low demand for labor. The State of Mexico urges the Purépecha Community of Ahuirán to organize themselves with their traditional authorities and/or families to elaborate a project that would improve the locality’s conditions for the families and community and provide temporary financial support for as many persons as the project requires. This program is being offered to men and women of 16 years old and over who wish to implement projects that would contribute to improving family or community conditions. In that regard, the State shall grant, at the request of the party, advisory services to execute the project and would be able to pay daily wages equivalent to 99% of the minimum wage for the region. [...]</p>	<p>Total²</p>
<p>3) The State, through the Attorney General’s Office of the Republic, the National Indigenous Language Institute (Instituto Nacional de Lenguas Indígenas—INALI), the Foreign Affairs Secretariat (Secretaría de Relaciones Exteriores—SER), and the National Commission for the Development of Indigenous Peoples (Comisión Nacional para el Desarrollo de los Pueblos Indígenas), compromise to design an informative campaign using various media, including radio and printed material, so that the Purépecha community can learn about their rights if they are arrested, and urging the community to exercise their rights (PGR, INALI, CDI, SER).</p>	<p>Total³</p>
<p>4) The State shall conduct a certification program for the training of interpreters in indigenous languages of the State of Michoacán in the field of law enforcement and administration of justice (together with the University of Michoacán, PGR or PGJ, and the Judicial Branch of Government or the Federation), so that those achieving the certification diploma can be mainstreamed into the list of interpreters and translators of indigenous languages, with the Federal Government pledging that they shall promote their use (INALI).</p>	<p>Total⁴</p>
<p>5) Onsite interviews with the petitioner and the families of the petitioners indicate that they have traditionally worked as craftsmen. Nevertheless, because of their socio-economic status, they were quickly required to diversify their sources of income. The State of Mexico, recognizing their wish to work exclusively as craftsmen and taking into account that it is because of the absence of inputs and tools that they are prevented from doing so, is offering to rehabilitate the traditional craft-working shops of the two families using the Program to Support Indigenous Productivity and the Program for the Productive Organization of Indigenous</p>	<p>Total⁵</p>

¹ IACHR, Annual Report 2017, Chapter II. D Status of compliance with recommendations, para. 1918.

² See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with Recommendations and Friendly Settlements in individual cases, Monitoring Sheets.

³ IACHR, Report No. 65/14, Case 12.769, Friendly Settlement, Irineo Martínez Torres and Candelario Martínez Damián, Mexico, July 25, 2014.

⁴ IACHR, Report No. 65/14, Case 12.769, Friendly Settlement, Irineo Martínez Torres and Candelario Martínez Damián, Mexico, July 25, 2014.

⁵ IACHR, Report No. 65/14, Case 12.769, Friendly Settlement, Irineo Martínez Torres and Candelario Martínez Damián, Mexico, July 25, 2014.

Women in amounts that vary depending on the project submitted by the petitioners (DCI, petitioners, and the Municipality of Paracho) and in accordance with what is set forth in the following subparagraph.	
6) In compliance with the agreements of March 26, 2011, reached during the 141st period of sessions of the IACHR, the State offers to grant reparations for damage caused in the amount of 500,000 pesos (SEGOB).	Total⁶
TIME TERMS FOR COMPLIANCE WITH THE AGREEMENT	
a) Demonstrating and paying the amount of 125,000.00 pesos to each one of the persons represented by August 15, 2011, at the latest.	Total⁷
b) The State must begin the process to start the activities aimed at rehabilitating the traditional craft workshops within 15 days after acceptance of the State's proposal and shall keep the representative of the petitioners informed of the progress of these activities so that the work can be completed as quickly as possible.	Total⁸
c) Likewise, the State must make a public statement in the Community of Ahuirán about the human rights situation at the time of the arrest and trial of Messrs. Irineo Martínez Torres and Candelario Martínez Damián.	Total⁹
d) The State must begin implementing the remaining programs within 30 days as of the proposal's acceptance.	Total¹⁰

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 2018.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE.

A. Individual outcomes of the case

- The craft workshops of the victim's two families have been reopened;
- The amount of economic compensation for reparation has been paid;

B. Structural outcomes of the case

- information about the prerequisites for incorporation into the Mexican health system was disseminated;
 - A public health desk was set up to register all member of the community and advise them on their right to health
 - A assessment was made regarding work and labor in the community;
 - As a social rehabilitation measure, a number of productive projects were undertaken for the development of the community, on a family basis;

⁶ IACHR, Report No. 65/14, Case 12.769, Friendly Settlement, Irineo Martínez Torres and Candelario Martínez Damián, Mexico, July 25, 2014.

⁷ IACHR, Annual Report 2015, Chapter II. D Status of compliance with recommendations, para. 1336.

⁸ IACHR, Annual Report 2015, Chapter II. D Status of compliance with recommendations, para. 1336.

⁹ IACHR, Annual Report 2015, Chapter II. D Status of compliance with recommendations, para. 1336.

¹⁰ IACHR, Annual Report 2015, Chapter II. D Status of compliance with recommendations, para. 1336.

- A media information campaign was designed for the Purépecha community to raise awareness of their rights in case of detention;
- A degree for the training of interpreters in indigenous languages of the State of Michoacán was established at the level of the administration of justice.