

TECHNICAL INFORMATION SHEET
CASE 12.627 MARÍA NICOLASA GARCÍA REYNOSO
FRIENDLY SETTLEMENT REPORT No. 92/17
TOTAL COMPLIANCE
(MEXICO)

I. SUMMARY OF THE CASE

Victim(s): María Nicolasa García Reynoso

Petitioner(s): Dinah Laureano, María Nicolasa García Reynoso

State: Mexico

Beginning of the negotiation date: November 27, 2007

FSA signature date: October 10, 2012

Report on Admissibility N°: 53/07 published on July 24, 2007

Report on Friendly Settlement Agreement N°: 92/17 published on July 7, 2017

Estimated length of the negotiation phase: 10 years

Associated rapporteurship: Human Rights Defenders

Topics: Threats, acts of intimidation, and harassment/ Investigation

Facts: On August 4, 2003, the Inter-American Commission on Human Rights received a complaint lodged by Frente Mexicano Pro Derechos Humanos, in which they asserted the international responsibility of the United Mexican States for alleged assaults, acts of intimidation, and threats against Ms. María Nicolasa García Reynoso, in reprisal for her work as a human rights defender in Mexico and for the subsequent lack of effective investigation of those acts, particularly given her continual denunciation of commercial sexual exploitation of children in Puerto Vallarta, Jalisco.

Rights allegedly violated: The Commission concluded that it was competent to take up the instant case, that the petition was admissible in relation to articles 5 (right to humane treatment), 8.1 (right to a fair trial), and 25 (judicial protection) of the American Convention on Human Rights in relation to the obligations under article 1(1) of that international instrument.

II. PROCEDURAL ACTIVITY

1. On October 10, 2012, the parties signed a friendly settlement agreement.
2. On July 7, 2017, the Commission approved the agreement signed by the parties, by means of Report No.92/17.

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

Clause of the Agreement	Status of Implementation
VI. COMPREHENSIVE REPARATION FOR HARM DONE	
<p>VII.1 Compensation for damages FIRST. Based on case law of the inter-American system for the protection of human rights, the Mexican State will hand over the sum of \$465,400.00 (four hundred and sixty-five thousand four hundred Mexican pesos) as comprehensive reparation for harm done. SECOND. The compensation amounts owed to the victim will be paid by the Mexican State within 30 business days of the signature of the present Agreement through the Unit for the Promotion and Defense of Human Rights of the Secretariat of the Governance.</p>	Total¹
VIII.2 Measures of satisfaction/apology and guarantees of non-repetition	
VIII.2.1 Investigation of the facts of the case and punishment of those responsible	
<p>FIRST. The Office of the Attorney General of the Republic, through the Unit Specializing in Terrorism and the Stockpiling of, and Trafficking in, Firearms, commits to keeping the investigation open in the AC/PGR/SIEDO/UEITA/131/20D7, and to continue pursuing any lines that result from it, on account of the possible commission of federal offenses: an investigation that it has conducted diligently and that it will continue in a prompt and expeditious manner, till the matter is resolved in accordance with law.</p>	Total²
<p>SECOND. The Unit Specializing in Terrorism and the Stockpiling of, and Trafficking in, Firearms (UEITA) will continue to provide escort and protection services to Ms. María Nicolasa García Reynoso, on the understanding that this service may be withdrawn only once the Mechanism envisaged in the Law for the Protection of Human Rights Defenders and Journalists is up and running and providing protection services to Ms. García Reynoso in her capacity as a human rights defender.</p>	Total³
<p>THIRD. The Unit for the Promotion and Defense of Human Rights of the Secretariat of the Governance commits to making all arrangement needed, once the Mechanism mentioned in the foregoing clause is operating, to have Ms. María Nicolasa García Reynoso covered by it in light of the risk to which she is exposed as a human rights defender; accordingly, she will be granted such prevention and/or protection measures as are needed to protect her life and integrity, in accordance with the provisions of the Law for the Protection of Human Rights Defenders and Journalists.</p>	Total⁴

¹ IACHR, Report No. 92/17, Case 12.627, Friendly Settlement, María Nicolasa García Reynoso, Mexico.

² See IACHR, Annual Report 2021, Chapter II, Section F: Progress and Setbacks in the Negotiation and Implementation of Friendly Settlement Agreements, Available at: <https://www.oas.org/es/cidh/docs/anual/2021/capitulos/IA2021cap2-es.pdf>.

³ IACHR, Report No. 92/17, Case 12.627, Friendly Settlement, María Nicolasa García Reynoso, Mexico.

⁴ See IACHR, Annual Report 2019, Chapter II, Section G. Friendly Settlements. Available at: <http://www.oas.org/es/cidh/docs/anual/2019/docs/IA2019cap2-es.pdf>

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the 2021 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- A check in the amount of \$465,400 (four hundred and sixty-five thousand four hundred Mexican pesos) was delivered to Ms. María García Reynoso as financial compensation.
- The beneficiary was granted protection measures that include a) an alarm button; b) installation and operation of a video intercom with electromagnetic lock in her home; c) installation and operation of an alarm system with an alert module for her cell phone; d) a request had been made to restore the escort service for the beneficiary, which had been provided before but was then withdrawn.
- The State registered the petitioner in the Mechanism of Protection for Human Rights Defenders and Journalists; under that mechanism made the periodic risk assessments; and has provided security measures to the petitioner.
- The State conducted an assessment of risk to the beneficiary and included her in the Mechanism for the Protection of Human Rights Defenders and Journalists.
- The State provided protection measures consisting of the installation of an exterior five-camera CCTV surveillance system with channel network and the leasing of an IP-CCTV digital closed-circuit television (without cameras); visits to check their installation; and periodic follow-up calls.

B. Structural outcomes of the case

- The State informed Ms. María Nicolasa García Reynoso about the progress made in the investigation files relative to the incidents that gave rise to the petition and that were the subject of complaints by the petitioner in her work as a human rights defender, as well as about the current status of various inquiries.
- The parties jointly recognize the existence of several judgments of conviction in high-impact cases, as important results of this friendly settlement process.