

TECHNICAL INFORMATION SHEET
CASE 11.822 REYES PENAGOS MARTÍNEZ ET AL.
REPORT ON FRIENDLY SETTLEMENT N° [24/09](#)
TOTAL COMPLIANCE
(MEXICO)

I. SUMMARY OF THE CASE

Victim(s): Reyes Penagos et al.

Petitioner(s): Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)

State: Mexico

Beginning of the negotiation date: March 1, 1999

FSA signature date: November 3, 2006

Report on Friendly Settlement Agreement No.: [24/09](#), published on March 20, 2009

Estimated length of the negotiation phase: 10 years

Associated rapporteurship: Persons Deprived of Liberty

Topics: Persons deprived of liberty/Detention centers/Conditions of detention/Police stations/Care and custody/Investigation/Corrections system/Police violence/Torture/Criminal due process/ Protest

Facts: The petitioners alleged that on December 16, 1995, more than 600 members of the Public Security forces, state-level Judicial Police, and Army, using 25 vehicles and three helicopters, evicted a sit-in of women at the bridge that provides access to the ejido of Nueva Palestina, using tear gas. During the operation, the inhabitants of the ejido who were at the sit-in were violently evicted, several homes were searched, and 17 persons were unlawfully detained, among them Reyes Penagos Martínez, Enrique Flores González, and Julieta Flores Castillo. After they were detained they were placed in an automobile of the Office of the Attorney General of Chiapas, and questioned about the *Unión Campesina Popular Francisco Villa* [farmers union]. The petitioners indicated that when the family members of Mr. Reyes Penagos Martínez went to the Office of the Attorney General of Chiapas, the authorities denied he had been detained. They noted that on December 17, 1995, the alleged victims were transferred at approximately 4:00 a.m. to the city of Tuxtla Gutiérrez, Chiapas, where they were placed in another vehicle and taken to an unknown place. The petitioners alleged that Reyes Penagos Martínez, Julieta Flores, and Enrique Flores were tortured during their detention: they had gases introduced into their nasal cavities, crushed glass placed on their feet, they were beaten, and during the days that they were deprived of liberty clandestinely they did not receive water or food. Unknown substances were injected into Mr. Reyes Penagos Martínez and pressure was applied to his testicles. On the morning of December 18, 1995, Reyes Penagos Martínez and Enrique Flores were tortured, beaten, and forced to do 2,000 sit-ups. They state that Ms. Julieta Flores was also the victim of rape during the time that she was detained and that she had electric shocks applied to her nipples and legs; carbonated water with chili pepper was poured into her nose, which, together with the torturous treatment described above, caused her to lose consciousness. The petitioners said that on December 18, 1995, during the early morning hours, Reyes Penagos Martínez was taken to an unknown location; his dead body was found that same day near Jaltenango. Enrique and Julieta Flores were taken to the Cerro Hueco prison, where they remained for approximately two months.

Rights allegedly violated: In the petition it is alleged that the State was responsible for the violation of rights enshrined in Article 4 (right to life), Article 5 (right to humane treatment), Article 7 (right to personal liberty), Article 25 (right to judicial protection), and Article 1(1) (obligation to respect rights) of the American Convention, since on December 16, 1995, Reyes Penagos Martínez, Enrique Flores González, and Julieta Flores Castillo, who belonged to the *Unión Campesina Popular Francisco Villa*, would have been unlawfully detained by public employees of the state of Chiapas, interrogated, and tortured; and that on December 18, 1995, Mr. Reyes Penagos Martínez was allegedly extrajudicially executed by public employees.

II. PROCEDURAL ACTIVITY

1. On November 6, 2006, the parties signed a friendly settlement agreement.
2. On March 20, 2009, the Commission approved the agreement signed by the parties, by means of Report No. 24/09.

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

Agreement clause	State of compliance
FIRST. The following persons shall be beneficiaries of this reparation of the harm, insofar as they are “injured party” either as victim or as victim’s family members: [...]	Declarative clause
THIRD. The reparation under this agreement should be paid for the material and non-material injury caused, and should also include other measures of reparation (measures of satisfaction and guarantees of non-repetition).	
<p>3) Public Recognition of the International Responsibility of the Mexican State.</p> <p>The State undertakes to make a public pronouncement in which it recognizes ITS RESPONSIBILITY IN the facts described in the first section, considering that the death of Reyes Penagos Martínez and the detention and torture of Julieta Flores Castillo and Enrique Flores González, committed by various public servants of the state of Chiapas, are imputable to it.</p> <p>The State also undertakes to apologize publicly to the victims and their family members for the facts reported to the IACHR, which were the result of a violation of human rights. This pronouncement may be made at the moment the payment is made to make reparation for the material and non-material injury agreed upon in the preceding paragraphs.</p> <p>Likewise, the State undertakes to publish the public pronouncement in two local newspapers.</p>	Total¹
<p>b) Investigation and punishment of the persons responsible</p> <p>In addition, the State undertakes to continue the investigations until attaining the sanction of the persons responsible for those crimes, through a serious and impartial investigation according to the international human rights standards, for the purpose of avoiding their re-victimization due to lack of access to justice.</p>	Total²
FOURTH. In this regard, it should be understood that the friendly settlement process will continue until such time as the investigations and proceedings that derive from the prosecution of the persons responsible for the facts that motivated the petition have fully concluded.	Declarative Clause
SIXTH. Material injury. In general, to establish the actions or amounts of reparation, one takes as a reference the impact on the life, integrity, liberty, public image, and life project. The amounts assigned below are those agreed upon by the parties, and shall be distributed as per the following categories:	Total³

¹ IACHR, Report No. 24/09, Case 11.822, Friendly Settlement, Reyes Penagos Martínez et al., Mexico, March 20, 2009.

² See IACHR, 2022 Annual Report, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlements, Available at: [4-IA2022_Cap 2_EN.pdf \(oas.org\)](#)

³ IACHR, Report No. 24/09, Case 11.822, Friendly Settlement, Reyes Penagos Martínez et al., Mexico, March 20, 2009.

Beneficiary	For	Amount	
1. Penagos Roblero family*	Consequential damages	\$ 52,548.00 MN	
	Loss of earnings	\$ 105,354.00 MN	
	SUBTOTAL	\$ 157,902.00 MN	
2. Julieta Flores Castillo	Consequential damages	\$ 52,548.00 MN	
	Loss of earnings	\$ 12,640.00 MN	
	SUBTOTAL	\$ 65,187.00 MN	
3. Enrique Flores González	Consequential damages	\$ 52,548.00 MN	
	Loss of earnings	\$ 12,640.00 MN	
	SUBTOTAL	\$ 65,187.00 MN	
	TOTAL 1	\$ 288,278.00 MN	
<p>SEVENTH. Non-material injury. Following we refer to the first form of making reparation for this type of injury. The sums agreed upon are as follows:</p>			
			Total⁴
Beneficiary	For	Amount	
1. Penagos Roblero family*	Non-material injury	\$ 342,098.00 MN	
2. Julieta Flores Castillo	Non-material injury	\$ 228,951.00 MN	
3. Enrique Flores González	Non-material injury	\$ 228,951.00 MN	
	TOTAL 2	\$ 800,000.00 MN	
<p>NINTH. Considering the changes in the living conditions of the victims and their family members, the Office of the Attorney General of Chiapas undertakes to take whatever efforts necessary, before the competent authorities, so that scholarships be granted to the three youngest children of Mr. Reyes Penagos. While the Office of the Attorney General cannot guarantee that the result of those efforts will be positive, it nonetheless expresses its commitment to diligently pursue such requests, and to seek a favorable outcome for the children of Mr. Reyes Penagos.</p>			Total⁵
<p>TENTH. Along the same lines, the State undertakes to make efforts for the beneficiaries to obtain medical insurance.</p>			Total⁶

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 2022 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

⁴ IACHR, Report No. 24/09, Case 11.822, Friendly Settlement, Reyes Penagos Martínez et al., Mexico, March 20, 2009.
⁵ See IACHR, Annual Report 2019, Chapter II, Section G. Friendly Settlements. Available at: <http://www.oas.org/es/cidh/docs/annual/2019/docs/IA2019cap2-es.pdf>

⁶ IACHR, Report No. 24/09, Case 11.822, Friendly Settlement, Reyes Penagos Martínez et al., Mexico, March 20, 2009.

A. Individual outcomes of the case

- The payments corresponding to the amounts awarded in economic compensation to the victims and their families were made;
- The act of acknowledgment of responsibility was held;
- Health care coverage was provided to the agreement beneficiaries;
- Scholarships were given to the victims' three children.
- The State has handed down two convictions of two individuals for the events and has enforced the warrant for the arrest of one of the two persons convicted.