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REPORT No. 141/20
PETITION 1413-08
REPORT ON ADMISSIBILITY

JAVIER HERRERA VALLES AND ARTURO HERRERA VALLES AND FAMILY
MEXICO

Approved electronically by the Commission on April 27, 2020.

Cite as: IACHR, Report No. 141/20, Petition 1413-08. Admissibility. Javier Herrera Valles and Arturo Herrera Valles and Family. Mexico. April 27, 2020.

I. INFORMATION ABOUT THE PETITION

Petitioners:	Liliana A. Adame Amador, David Herrera Valles, José Antonio Guevara Bermúdez
Alleged victims:	Javier Herrera Valles, Arturo Herrera Valles and Family
Respondent State:	Mexico
Rights invoked:	Articles 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to fair trial), 11 (right to reputation and honor), 13(freedom of expression) 23 (right to participate in government) and 25 (right to judicial protection) of the American Convention on Human Rights in relation to Articles 1 (obligation to respect rights) and 2 (domestic legal effects) thereof; and Article 5 of the Inter American Convention to Prevent and Punish Torture.

II. PROCEEDINGS BEFORE THE IACHR¹

Filing of the petition:	December 4, 2008
Additional information received at the stage of initial review:	March 8, 2011, May 30, 2011, August 23, 2011, February 7, 2012, March 2, 20, 21, 25, 2012, April 18, 2012, March 14, 2014, March 25, 2014, August 28, 2014,
Notification of the petition to the State:	May 27, 2016
State's first response:	July 17, 2018
Additional observations from the petitioner:	September 18, 2018

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes; American Convention on Human Rights (deposit of ratification instrument on March 24, 1981) and Inter-American Convention to Prevent and Punish Torture (deposit of ratification instrument on June 22, 1987).

¹ The observations submitted by each party were duly transmitted to the opposing party.

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and International <i>res judicata</i>:	No
Rights declared admissible	Article 5 (human treatment), 7 (personal liberty), 8 (fair trial); 11 (right to reputation and honor) 13 (freedom of expression) 23. 1. a (right to participate in government), 25 (judicial protection) and 26 (social, economic and cultural rights) of the American Convention; and Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.
Exhaustion of domestic remedies or applicability of an exception to the rule:	Yes, under the terms of Section VI
Timeliness of the petition:	Yes, under the terms of Section VI

V. ALLEGED FACTS

1. This petition deals primarily with claims of unlawful detention, custodial mistreatment, and substantive deficiencies in criminal proceedings in relation to the alleged victims Javier Herrera Valles (“Javier”) and his brother Arturo Herrera Valles (“Arturo”), as well as failure to reinstate them in their positions following their acquittals. Further, the petition also claims that the actions of the State resulted in harassment of family members, as well as other violations, such as the right to freedom of expression, right to participate in government, and the right to reputation. Most of the claims in the petition relate to Javier.

2. According to the petition, Javier was a high ranking member of the Mexican Federal Police, with more than 30 years’ service². The petitioners allege that he was ultimately targeted for persecution and prosecution because of complaints that he made (in or about February 2008) about alleged corruption and other irregularities on the part of the then Secretary of Federal Public Security in Mexico. The petitioners contend that following these complaints Javier was subjected to disciplinary proceedings in August 2008 for alleged misconduct, including unauthorized absences. Ultimately, these proceedings led to his firing from his position in or about September 2008. The petitioners submit that between September and October 2008 Javier unsuccessfully challenged his firing before La Comisión de Honor y Justicia de la Policía Federal. The petitioners also allege that the complaints made by Javier resulted in a campaign of harassment against himself and some members of his family, particularly those who worked with the Mexican Federal Police³. The petitioners also allege that between 2008 and 2009, David Herrera Valles (another brother of Javier) also made multiple complaints to the Procuraduría General about harassment against Javier and his family. The petitioners add that David Herrera Valles was himself subjected to death threats (by telephone) from unknown persons arising from the complaints that he had made to the Procuraduría General. According to the petitioners, the State took no steps to open a criminal investigation into these complaints. The petitioners submit that Javier’s brother Arturo was most affected when he was later arrested in September 2008, following which he was subject to custodial mistreatment as well as prosecution for offences that lacked any evidential or juridical basis.

² *Coordinador de Seguridad Regional de la Policía Federal Preventiva y Comisario General* (Regional Security Coordinator of the Federal Preventive Police and General Commissioner).

³ In this regard, the petitioners allege that: (a) in April 2008, one of Javier’s sons – Alfonso Herrera Valles was subjected to suspension of his salary and reassignment to a more dangerous region of the country; and that as a consequence, he resigned in December 2008; (b) personnel from the *Procuraduría General* attempted to force their way into the home of Javier and his wife – claiming that they had received a call that Javier was beating his wife.

3. The petition alleges that on November 17, 2008, Javier was detained by the Mexican Federal Police. According to the petitioners, upon arrest, Javier was subjected to physical abuse, including punches to his abdomen and blows to his ribs. The petition also alleges that the police officers who arrested Javier refused to disclose the reason for his arrest or to show him any formal warrant of arrest. According to the petition, Javier was taken into custody at facility run by the Procuraduría General/Ministerio Público⁴, where he was detained initially for 96 hours. The petitioners submit that the prosecuting authorities justified the detention on the ground that Javier had been arrested while committing a crime. During this time, the petitioners allege that Javier was again beaten by members of the Mexican Federal Police and suffered injuries to his ribs, chest, and back. The petitioners submit that on November 21, 2008 medical experts/examiners from the office of the Procuraduría General conducted a medical examination on Javier and confirmed that he had suffered multiple injuries⁵. Around the same time, the petitioners allege that Javier was visited and examined by medical experts from la Comisión Nacional de Derechos Humanos, who also confirmed his injuries, and made recommendations to the Secretario de Seguridad Pública Federal. However, according to the petitioners, no remedial steps were taken by the State.

4. According to the petitioners, Javier was ultimately informed that he had been arrested for being involved in organized crime, and that this was based primarily on statements made by a Victor Hugo Martinez Rocha (“Rocha”) and a “protected witness” known only as “Pitufo”. Both persons had alleged that Javier worked with the “Cartel de Sinaloa”. The petitioners allege that these statements were false, and further, that Rocha later withdrew his statement, claiming that he had made the statement under coercion. Generally, the petitioners contend that while Javier was in detention for almost four years, he continued to be subjected to maltreatment and torture by police officers. In this regard, the petitioners submit that in February 2012 was subjected to physical abuse – such as punches to his body, and being forced to strip naked. The petitioners also contend that several items were taken from Javier, including his radio, toothbrush, clothing, and other articles. The petitioners also contend that Javier was deprived of medical attention, particularly dental medical attention (which Javier required because of particular problems with his teeth). According to the petitioners, David Herrera Valles complained to the Procuraduría General about this maltreatment of Javier. The petitioners claim that to date, no investigation has been conducted into these allegations.

5. The petition states that on November 21, 2008, the prosecuting authorities successfully applied to the courts for an order of “arraigo”⁶ against Javier, which effectively continued his detention⁷. According to the petitioners, by means of amparo, Javier challenged the grant of arraigo but this was dismissed on January 9, 2009. Subsequently, on February 3, 2009, the prosecuting authorities formally initiated a criminal prosecution against Javier, following which the presiding judge issued an order of (pre-trial) detention against Javier. Before the presiding judge, Javier’s defense counsel argued that there was no basis to either prosecute or detain Javier, given that the testimonies of Rocha and Pitufo, had by then, been either withdrawn or discredited. Javier’s defense counsel also argued that there had been irregularities in the detention/arraigo of Javier. The trial judge rejected these submissions, which led to appeals that were ultimately unsuccessful⁸. According to the petitioners, in December 2011, Javier was ultimately tried⁹ and convicted of the offence of “delincuencia organizada con la finalidad de cometer delitos contra la salud” (organized crime and narco-trafficking) and sentenced to 10 years imprisonment. The petitioners submit that in September 2012, Javier was ultimately successful in appealing his conviction before El Segundo Tribunal Unitario. This court held that

⁴ *El Centro Federal de Readaptación Social*.

⁵ Including bruises between the shoulder blades, bruises to both wrists, and to the face, arms, and rib cage.

⁶ According to the petitioners, an arraigo is essentially a detention order granted by a judge for a period of 40 days (in the first instance) in the context of a preliminary investigation and is aimed at minimizing the risk of a defendant interfering with an investigation or absconding from the authorities. This period can be extended for a further 40 days by judicial order. The petitioners also indicate that this arraigo process is contained in the Mexican Constitution. However, the petitioners contend that the arraigo process has generated numerous abuses, given that it is largely a discretionary power to restrict personal liberty, without any clear conditions to govern the exercise of this power. The petitioners further argue that the arraigo process negatively impacts the presumption of innocence.

⁷ The petitioners indicate that the order of arraigo was subsequently extended on December 24, 2008.

⁸ These appeals were to the Segundo Tribunal Unitario del Tercer Circuito (May 2010) and El Primer Tribunal Unitario Auxiliar (October 2010).

⁹ The trial court was La Juez Segundo de Distrito en Procesos Penales Federales en Nayarit.

the evidence against Javier was insufficient to sustain the conviction against him. As consequence of this judicial decision, Javier was released from custody.

6. Following his acquittal and release, the petitioners submit that Javier sought to be reinstated in his post in the Mexican Federal Police. In this regard, in October 2012, Javier wrote to the Comisionada General de la Policía Federal, requesting reinstatement, but his request was refused. According to the petitioners, Javier challenged this refusal (in November 2012) before the Tribunal Federal de Conciliación y Arbitraje. However, this Tribunal ruled that that it lacked the competence to adjudicate. The petitioners state that Javier ultimately filed an action (interpuso juicio de nulidad) in June 2013 (which was apparently dismissed), followed by recurso de revision before the Suprema Corte de Justicia, which was dismissed in February 2015. The petitioners note that Javier had initially contested his firing from 2008 and that ultimately, the failure of the domestic authorities to reinstate him constitutes an unwarranted delay in redressing his claim.

7. The petitioners also contend that the campaign of harassment and reprisals against Javier (and some members of his family) that followed the corruption complaints made against the Secretary of Federal Public Security in Mexico resulted in violations of the right to freedom of expression and to the right to participate in government. Petitioners argue there are no internal remedies available to redress this alleged violation.

8. According to the petitioners, Arturo was a member of the Mexican Federal Police, holding the rank of Inspector General (de la Policía Federal en la Ciudad de Villahermosa, Tabasco). On September 4, 2008, Arturo was taken by members of the Mexican Federal Police to the Ministerio Público, which, in turn ordered his detention to facilitate a preliminary investigation into Arturo regarding the offence of organized crime – in flagrancia. According to the petitioners, this order of detention was initially for a period of 48 hours. Subsequently, the petitioners contend that on September 7, 2008, Arturo was transferred to the Centro Nacional de Arraigos (in Mexico City), under an order of arraigo. According to the petitioners, on September 25, the Ministerio Público ordered the police to conduct an exhaustive investigation in Arturo's alleged involvement in organized crime and narco-trafficking. The petitioners state that the police found no evidence to incriminate Arturo. In spite of this, the petitioners allege that the order of arraigo was extended on October 23, 2008, until the order expired on November 25, 2008¹⁰. Further the petitioners claim that on December 1, 2008, Arturo was subjected to a judicial order of (preventive) imprisonment (remanded in custody) pending trial for organized crime and narco-trafficking. According to the petitioners, Arturo was subsequently acquitted on August 10, 2011. In the judgment of the court¹¹, the evidence presented was wholly insufficient to sustain the charge against Arturo. As a result of his acquittal, Arturo was released from custody. The petitioners add that Arturo took no steps to challenge either the arraigo order or the judicial order of (preventive) imprisonment because of Javier's failure to do so successfully with respect to similar orders made against him (Javier) during the criminal proceedings against him.

9. The petitioners also allege that Arturo was subjected to custodial mistreatment. In this regard, the petitioners allege that in November 2008, Arturo was transferred to the Penal Federal de Puente Grande Jalisco, where he was repeatedly beaten in the chest and abdomen by guards. The petitioners claim that as a result of this mistreatment, Arturo started to suffer from shortness of breath. The petitioners also allege that Arturo was subjected to solitary confinement, where he was not permitted to receive visitors for 40 days. According to the petitioners, David Herrera Valles (brother of Arturo) complained to Procuraduría General and to the National Commission of Human Rights. The petitioners add that Arturo also received threats from prison officials warning him not to complain about the conditions of his detention. Ultimately, the petitioners submit that no investigations were conducted by the State.

10. Following his acquittal, Arturo unsuccessfully sought to be reinstated in his position in the Mexican Federal Police. On March 4, 2012, received notification from the Consejo Federal de Desarrollo Policial

¹⁰ As confirmed by a court: El Juez Decimosegundo de Distrito de Procesos Penales Federales en el Distrito Federal.

¹¹ The court that acquitted Arturo was El Juez Sexto de Distrito en Materia Penal en el Estado de Jalisco.

that he had been denied reinstatement. According to the notification, Arturo had been terminated for absence from work (during the time that he had been under order of arraigo). On March 9, 2012, Arturo challenged this decision but his appeal was dismissed on March 22, 2012. In June 2012, Arturo initiated amparo proceedings before El Juez Décimo Cuarto de Distrito en Materia Administrativa en el Distrito Federal. The court dismissed the amparo proceedings, ruling that Arturo should have first initiated a juicio de nulidad before the Tribunal Federal de Justicia y Administrativa. In September 2012 Arturo appealed this decision to the Decimo Tribunal Colegiado en Materia Administrativa, which dismissed the appeal. The petitioners state that since then, Arturo has not been able to find another job and remains unemployed.

11. With respect to both Javier and Arturo, the petitioners contend that despite being contained in the Mexican Constitution, the arraigo process not only violates the right to liberty and due process, but is demonstrably resistant to judicial remedies like amparo. The principal contentions of the petitioners in this regard are: (a) the arraigo process subverts the presumption of innocence, because it authorizes the detention of persons without charge (or without establishing reasonable suspicion that an offence has been committed) in order to facilitate the investigation into possible offences of organized crime/narco-trafficking; accordingly, there is no onus on the State to first obtain evidence of an offence before detaining a person; (b) there are no specific legal regulations or conditions that govern the grant of arraigo orders, thus giving rise to arbitrariness in the application/grant of arraigo orders; (c) as a matter of practice, judges generally grant or extend orders of arraigo without questioning whether the State has a viable case against a detainee or allowing a fair opportunity to detainees to repudiate or challenge the juridical or evidential basis of the detention¹². Accordingly, the petitioners contend that the detention of Javier and Arturo (and the ensuing criminal proceedings) lacked any valid juridical basis, and was accordingly arbitrary and evidentially unjustifiable. The petitioners further contend that the remedy of amparo has proven ineffective in challenging orders of arraigo (particularly given the experience of Javier). With particular reference to Javier, the petitioners allege that the judges who heard his applications for amparo systematically refused to grant his applications, citing reasons like “public interest”, and the possibility of developments in the investigations. Having regard for the foregoing, the petitioners contend that the remedy of amparo is juridically incapable of effectively challenging an order of arraigo and that this warrants an exception to the requirement to exhaust domestic remedies.

12. With respect to alleged custodial abuse of both Javier and Arturo, the petitioners contend that no systematic investigation was undertaken to identify those responsible or to hold them criminally accountable. The petitioners accordingly claim that the absence of any investigation warrants an exception to the requirement to exhaust domestic remedies. With regard to the attempts by Javier and Arturo to be reinstated, the petitioners argue that all available remedies have been exhausted. Both contend that their reinstatement is warranted given that they were both ultimately exonerated after being detained and prosecuted without just cause.

13. The petitioners allege that the Mexican authorities publicly portrayed Javier and Arturo as criminals connected with organized crime which ultimately damaged their reputations and therefore violated their right to reputation and honor. According to the petitioners, this situation was compounded by the failure of the State to reinstate both Javier and Arturo after both had been acquitted. The petitioners further submit that the actions of the State also affected the reputation and honor of certain members of their family. In this regard, the petitioners submit that three members of the family were ultimately forced to resign from their jobs as a result of hostility directed to them as a result of the criminal proceedings against Javier and Arturo (as well as the publicity of these proceedings). These family members were: (a) Alfonso Herrera Valles (brother of Javier and Arturo) who resigned as a member of the Mexican Federal Police (in 2008); (b) Eduardo Herrera Partida (son of Javier) who also resigned as a member of the Mexican Federal Police (in 2008); and (c) Liliana Alejandra Adame Amador (wife of Javier) who was asked to resign her job with the Poder Judicial de la Federación in 2012.

¹² The petitioners submit that between January 2008 and May 2012, 7,775 persons were subject to *arraigo* orders; and that this represents an increase of 250% over a five-year period. The petitioners state that they obtained this information by way of a request for access to public information.

14. The State generally rejects the petition principally on the ground that the petitioners had not exhausted all available domestic remedies at the time that the petition was presented, and that to date, the petitioners have failed to do so. The State's response deals only with the claims of Javier. The State argues that at the time that the petition was filed, a judgment had not yet been pronounced against Javier. In this regard, the State notes that Javier was convicted and sentenced in 2011; and that following an appeal, Javier was acquitted in 2012.

15. With respect to the allegations of custodial mistreatment/physical abuse, the State again contends that the petitioners failed to exhaust domestic remedies. According to the State, the allegations of abuse (against Javier) are under investigation with a view to identifying and prosecuting persons responsible for the abuse. The State acknowledges that examinations have already been carried out which suggest the possibility that physical torture/abuse was committed. However, the State contends that if the investigation ultimately results in a determination that no criminal proceedings should be initiated, then it is open to the petitioners to challenge this by way of amparo, and failing that, by way of "recurso de revision". The State essentially claims that this domestic remedy ought to be exhausted before the petition can be considered by the IACHR.

16. With respect to the issue of reinstatement, the State acknowledges that Javier initiated various administrative and judicial remedies. However, the State contends that there is a pending juicio de amparo (462/2016) before the Decimo Segundo Tribunal Colegiado en Materia Administrativa del Primer Circuito. According to the State, it is open to the petitioners to challenge the ultimate determination of this tribunal by way of "recurso de revision" (if the decision is adverse to Javier). In the circumstances, the State argues that the petitioners have not exhausted domestic remedies on this particular issue. The petitioners reject the State's contention of non-exhaustion of domestic remedies, contending that after more than ten years, the State has yet to adequately redress the claims presented by Javier and Arturo and their family. The petitioners emphasize, for example, that there has been undue delay in dealing with claims relating to allegations of torture/custodial abuse. In this regard, the petitioners point to the State's own acknowledgement that investigations into these allegations have yet to be concluded. The petitioners also submit that even where it has invoked amparo against orders of arraigo, this remedy has proven ineffective. With regard to the issue of reinstatement, the petitioners insist that Javier and Arturo exhausted all available remedies but without success.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

17. With respect to the claims contained in the petition, the petitioners contend that domestic remedies have either been exhausted; or that they are ineffective; or that that exceptions to the requirement of exhaustion of domestic remedies is warranted. On the other hand, the State argues that domestic remedies (with respect to Javier) have not been exhausted. The Commission notes that the State did not respond to the claims made in respect to Arturo.

18. The Commission notes that one of the claims of the petition is about custodial mistreatment/torture at the hands of State agents. The Commission has long established that under international standards applicable to cases like this one, where serious human rights violations such as torture are alleged, the appropriate and effective remedy is precisely the undertaking of an effective criminal investigation aimed at clarifying the facts and, if necessary, individualize and prosecute the persons responsible. The Commission notes the State's claim that an investigation is currently underway. However, the Commission considers that the fact that such an investigation has not been concluded after a period of more than 10 years constitutes an unwarranted delay for the purpose of admissibility; and that in this regard, the petition meets the exception to the requirement of prior exhaustion of domestic remedies, in accordance with Article 46.2.c of the American Convention. With respect to this claim, the Commission also considers that the petition was filed within a reasonable time and that the requirement set forth in Article 32.2. of the IACHR Rules of Procedure has been met.

19. The petitioners also contend that the remedy of amparo is demonstrably ineffective in challenging orders of arraigo, and that this warrants an exception to the requirement to exhaust domestic remedies in accordance with Article 46.2. b. of the American Convention. The State has not offered any observations on this contention by the petitioners. In accordance with the jurisprudence of the Commission and with that of other international human rights organs, ineffective remedies do not need to be exhausted. In the IACHR's view, for the purposes of the petition's admissibility, remedies are ineffective when it is shown that they have no prospects of success.¹³ It is incumbent on the State to demonstrate that remedies are not just available but effective, which it has not done in this case. Based on the uncontested argument of the petitioners, the IACHR finds it reasonable to conclude that the amparo proceedings had no prospect of success. Accordingly, the Commission finds that the petitioners are entitled to an exception to the requirement to exhaust domestic remedies in accordance with Article 46.2. b. of the American Convention. With respect to this claim, the Commission also considers that the petition was filed within a reasonable time and that the requirement set forth in Article 32.2. of the IACHR Rules of Procedure has been met.

20. With regard to the issue of reinstatement (and the associated claim of damage to reputation and honor), the Commission is satisfied that the petitioners attempted to exhaust all domestic remedies available both in respect of Javier and Arturo. The Commission is unable to accede to the State's position that the petitioners should effectively wait indefinitely for the relevant tribunals to make a final decision (with regard to Javier), particularly given that the Javier was acquitted in 2012. Further the Commission observes that the alleged acts that led to the dismissal of both Javier and Arturo started in 2008 and its effects continue to this date. As a result, in light of the context and the characteristics of this case, the Commission believes that with respect to this issue, Commission finds that the petitioners are entitled to an exception to the requirement to exhaust domestic remedies in accordance with Article 46.2. b. of the American Convention, and that further, the petition was filed in a reasonable time, under the terms of Article 32.2 of the IACHR Rules of Procedure.

21. With respect to the petitioners' claim regarding freedom of expression and participation in government, the Commission notes that the State has not controverted the petitioners' claim that there were no domestic remedies available to redress this violation. Accordingly, the IACHR accepts the claim of the petitioners and concludes that the petitioners are entitled to an exception to the requirement to exhaust domestic remedies in accordance with Article 46.2. a. of the American Convention.

VII. ANALYSIS OF COLORABLE CLAIM

22. The Commission notes that this petition contains interconnected allegations primarily relating to illegal detention ("arraigo"), custodial mistreatment, and deficiencies and delays in criminal proceedings, as well as delays in due process regarding attempts by Javier and Arturo to be reinstated. Arising from the primary allegations, the petition also contains secondary allegations relating to violations of freedom of expression, right to participate in government, as well as right to reputation and honor to the detriment of Javier and Arturo and their family.

23. In view of the considerations and after examining the facts and law presented by the parties, the Commission considers that the claims of the petitioners are not manifestly unfounded and require a substantive study on the merits as the alleged fact could characterize violations of the American Convention. With particular respect to the primary allegations, the Commission considers that, if proven, these allegations could constitute violation of the rights enshrined in Article 5 (humane treatment), 7 (personal liberty), 8 (fair trial), 25 (judicial protection); and 26 (social, economic and cultural rights) of the American Convention in accordance with the Articles 1.1 and 2 of the same instrument. In addition, the allegations of torture, together with the lack conclusive investigation by the State could, if proven, constitute violations of the rights enshrined in Articles 1, 6, and 8 of the Inter American Convention to Prevent and Punish Torture.

¹³ See IACHR, Report No. 170/18, Petition 766-08. Admissibility. Julio Fidel Flores Pérez and Julia Filomena Pérez. Chile. December 21, 2018, para. 8.

24. With respect to the secondary allegations, the Commission considers that if proven, these allegations could constitute violations of the rights enshrined in Articles 13 (freedom of expression) and 23. 1. a (right to participate in government), and 11 (right to reputation and honor) in accordance with the Articles 1.1 and 2 of the same instrument to the detriment of Javier, Arturo and their family.

VIII. DECISION

1. To find the instant petition admissible in relation to Articles 5, 7, 8, 11, 13, 23, 25 and 26 in relation to Articles 1.1 and 2, of the American Convention; and Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture; and

2. To notify the parties of this decision; to continue with the analysis on the merits; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 27th day of the month of April, 2020. (Signed): Antonia Urrejola, First Vice President; Flávia Piovesan, Second Vice President; Margarette May Macaulay, Esmeralda E. Arosemena Bernal de Troitiño, Julissa Mantilla Falcón, and Stuardo Ralón Orellana, Commissioners.