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REPORT No. 85/19

PETITION 1441-08

REPORT ON ADMISSIBILITY

BULMARO RODRÍGUEZ SOLANO AND OTHERS
MEXICO

Approved electronically by the Commission on May 31, 2019.

Cite as: IACHR, Report No. 85/19, Admissibility. Bulmaro Rodríguez Solano and others.
Mexico. May 31, 2019.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Bulmaro Rodríguez Solano, Rafael Reyes Martínez, Vicente Quevedo Solano
Alleged victim:	Bulmaro Rodríguez Solano and others
Respondent State:	Mexico ¹
Rights invoked:	Alleged Articles unspecified

II. PROCEEDINGS BEFORE THE IACHR²

Filing of the petition:	December 11, 2008
Additional information received at the stage of initial review:	July 17, 2009; March 3, June 1 and December 18, 2010; March 8, June 3 and 16 and August 31, 2011; March 2, July 11 and October 12, 2012; June 11 and August 19, 2013; April 6, 2014; June 2, 2015; January 10 and February 17, 2017
Notification of the petition to the State:	April 25, 2017
State's first response:	December 19, 2017
Additional observations from the petitioner:	October 11 and August 29, 2017; January 19, February 3 and March 16, 2018
Additional observations from the State	November 12, 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 ³ (deposit of instrument of ratification made on March 24, 1981)

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	Articles 5 (right to humane treatment), 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention in relation to its Article 1.1 (obligation to respect rights)
Exhaustion of domestic remedies or applicability of an exception to the rule:	Yes, in the terms of Section VI
Timeliness of the petition:	Yes, in the terms of Section VI

¹ In accordance with the provisions of Article 17.2.a of the Commission's Rules of Procedure, Commissioner Joel Hernández García, of Mexican nationality, did not participate in either the discussion or the decision in the present case.

² The observations submitted by each party were duly transmitted to the opposing party.

³ Hereinafter "the Convention" or "the American Convention".

V. FACTS ALLEGED

1. Bulmaro Rodríguez Solano indicates firstly that he belonged to the Alberto Juárez Blancas Industrial Transport Union which provided ground transportation service for passengers in Minatitlán (Veracruz) in accordance with a lawfully granted concession. However, in the year 2000, they were unjustifiably and "forcibly removed" from their routes by the Sociedad Cooperativa del Servicio Urbano y Suburbano S.C.L Santa Clara Company (hereinafter "the company") and state authorities.

2. He claimed that he reported these events to the State Human Rights Commission, the National Human Rights Commission, the Governor's Office, the State Comptroller's Office and the Public Security Secretariat (all of Veracruz) as well as to the Presidency of the Republic, but none of them protected their rights. He argues that he was a victim of persecution which forced him to leave Veracruz in 2003, and that he and his two eldest sons were "put in jail" by the directors and partners of the company. He indicates that he filed a request for impeachment against the Governor of Veracruz with the Supreme Court of Justice, which was dismissed for lack of jurisdiction. Then, on November 18, 2005, he filed a complaint against the former Governor with the Chamber of Deputies of the Union Congress. On July 3, 2006, this claim was dismissed on the basis of Article 114 of the Constitution, which establishes that this procedure may only be initiated during the period in which the complainant is employed in his post and within one year afterwards.

3. He also alleges that company executives and Lic. Bonifacio Andrade, legal representative of the Transit and Transportation Directorate of Veracruz, together with a third party, pressured his son, Lázaro Rodríguez Perez, to cede the concession in favor of the company. He argues that this cession was registered illegally and that Lic. Andrade was aware of the conflict between the company and the concessionaires.

4. The petitioner indicates that on November 28, 2007, he filed a complaint for the offenses of covering-up crimes and complicity against several former deputies of the 59th Legislature of the Congress of the Union, the former president of the National Human Rights Commission and the then president of the State Human Rights Commission of Veracruz (hereinafter the "first complaint"). In his complaint, the petitioner alleged that the authorities ignored the complaints received in order to protect former governor Alemán Velasco. He adds that on December 17, 2007, he filed a complaint against the former Governor and Lic. Andrade, among other former officials of the state of Veracruz, as well as against the directors and partners of the company (hereinafter the "second complaint").

5. The petitioner alleges that the case files of both complaints disappeared without explanation. He indicates that he duly filed a complaint with the internal control body of the General Procurator's Office, which was ratified on July 27, 2009.⁴ In his complaint he argued that his first complaint file was lost and that the second complaint was "archived". He adds that on February 26, 2010, he reported the loss of the files with the Procurator General and after failing to receive a response, he filed an amparo motion on May 4, 2010, claiming reparation for the damages caused by the officials of the Procurator's Office.⁵ On May 12, 2010, the Twelfth District Amparo Court in Criminal Matters of the Federal District, decided to grant three working days to the petitioner in order to correct formal irregularities in the

⁴ The case file does not contain information about the investigations undertaken nor the result of this complaint.

⁵ The petitioner alleges that, because of his application for an *amparo* motion filed against the Procurator General's Office, he was the victim of persecution. He briefly points out that he had to abandon the Federal District due to the frequent threats and harassment of official from the Procurator General's Office and vehicles against his family members. On June 14, 2010, the petitioner reported the alleged persecution to the Supreme Court and indicated that the Procurator General's Office should be deemed responsible for any harm caused to them. The petitioner has filed to provide details regarding these threats. He also indicated that on April 4, 2011, the petitioner filed a complaint with the Chamber of Senators against officials of the Public Prosecutor's Office, Judge Mora Dorantes, the justices of the National Supreme Court of the Nation, former Governor Alemán Velasco and other former officials of the state of Veracruz. He argues that on August 17, 2011, advisers to the president of the Chamber, threw his file onto the floor and mocked him "with sarcasm and discrimination."

complaint. The petitioner alleges that the judge dismissed his claim in bad faith and without giving him time, because he was absent from the city and only received notice of the order in June.⁶

6. On June 14, 2010, he filed a claim for compensation with the Supreme Court for damages caused by the Procurator General's Office. He also claimed that Justice Mora Dorantes had violated his due process rights by dismissing his amparo motion. On June 23, 2010, clarification was sought as to which procedural steps attributable to the court were deemed unlawful by the petitioner. The petitioner responded on June 28, 2010, that there was no claim on irregularity attributable to the Supreme Court, and that his complaint involved the judge. After receipt of his statement, the brief was sent to the Judiciary Council. The petitioner argued that, although up to June 28, 2010, said tribunal had not committed irregularities, it did so by sending his brief to the Council, as a body responsible for determining disciplinary sanctions and not for awarding compensation.

7. The petitioner indicates that on December 7, 2016, he requested that the governor of Veracruz provide information regarding his case, and that the legal department of the Traffic and Transportation Unit indicated that there was no information related to the concession No. P003978 in the name of the petitioner's son, nor of P003979 in the name of Luis Romero Cruz. The governor of Veracruz was informed of this situation on January 18, 2017.

8. In the second place, he complains about the discriminatory requirement of "conservation of rights" provided for in social security laws. He explains that Article 145 of the Social Security Act of 1973 provides that "Entitlement to a retirement pension requires 500 weeks of social security contributions, 60 years of age, and cease of paid work". This right is curtailed by Articles 182 and 183 that establish that, should an individual cease contributions for more than "five" years, he/she must reenter the system and contribute for fifty-two weeks, in order for previous contributions to be recognized. Non-compliance this period of "conservation of rights" means that an individual is not entitled to the old retirement pension or medical assistance. The petitioner alleges that the 1995 Social Security Act requires attaining sixty-five years of age and completion of one thousand two hundred and fifty installments, but the requirement of conservation of rights remains the same.⁷ He argues that there are thousands of individuals affected by the discriminatory system, and cites seven particular cases.⁸

9. With respect to his case, he claims to have a 66% permanent physical disability recognized by the State and for which he receives a work risk pension. He argues that he has 1,089 weeks of contributions to Social Security and that in 2009 he applied for his old age redundancy pension, which was denied due to his cessation of contributions for more than six years. On June 9, 2010, the petitioner submitted a complaint for reconsideration, which was rejected on July 30, and upheld the initial decision. The petitioner adds that on August 11, 2009, he sent a brief to the National Supreme Court of Justice requesting its intervention to grant him his retirement pension. When his claim was denied, he requested the assistance

⁶ The petitioner reports that on May 19 he had to travel to Veracruz because his wife was ill and it was not until June 6 that his relatives could tell him that he had received a summons, after which he immediately travelled to Mexico City. There is documentary evidence in the case file indicating that on June 7 the petitioner withdrew a copy of the agreement of May 10, 2010.

⁷ The petitioner considers that the requirement of "preservation of rights" is discriminatory because it is applied indiscriminately to all persons who have failed to make social security contributions for more than six years, without taking into account the special situation of those who because of age, disability or ill-health find reintegration into the labor market impossible or very difficult. He points out that it is particularly unfair for them to make social security contributions for fifty-two weeks in order to gain access to their old age redundancy pension, given that they satisfied the number of installments and that they were forced to abandon their jobs after a work-related accident, causing more than 50% permanent partial disability. He adds that, in addition to being denied a pension, social security omits to reimburse them their installment contributions. He also argues discrimination on account of the fact that the social security law does not apply to public officials such as former presidents and former Supreme Court justices, among others, who receive higher amounts than private sector workers for fewer years of service.

⁸ The petitioner refers to: 1) Vicente Quevedo Solano "old age pensioner, suffered an embolism, half of his body was paralyzed and he lost an eye"; 2) Juan Rodríguez Solano "who is 73 years old, has a bowel condition, which under stress causes bloodied 'stools' and also has problems with his prostate"; 3) Rafael Reyes Martínez "who suffered a work-related accident causing loss of a leg; he is sick, has a wife and children and receives \$1,300.00 per month, he is 56 years old "; 4) José Mendoza Mendoza "who suffered a work-related accident losing one eye, is 74 years old and receives \$ 1,300.00 per month"; 5) Víctor Balcázar Cruz "is sick"; 6) Albertina Rodríguez Solano "78 years old, is ill" and 7) Gemelido Cabrera Cabrera "who has completed more than 500 weeks".

of the Federal Procurator for Employment Protection for the filing of an action, which was denied⁹. The petitioner indicates that he asked the President of the Republic to repeal Articles 182 and 183 of the Social Security Act of 1973 and that the Social Security Agency responded on March 8, 2013, that it had no power to repeal a law. He argues that he also sent letters to both chambers of parliament, without obtaining a solution.

10. Finally, the petitioner alleges that he worked for more than seven months in the Tlalpan Delegation of Mexico City, where he and his colleagues were forced to work on their days off without receiving extra remuneration under threat that their contracts would not be renewed. He argues that they were wrongfully dismissed, and he filed employment claim 4883/2004 before the Federal Conciliation and Arbitration Board, which, after more than six years, denied their reinstatement and wages payments.

11. The petitioner indicates that on September 21, 2009, he filed a brief with the Federal Court of Conciliation and Arbitration and that on April 26, 2010 filed a subsequent brief requesting information in the absence of a response. Then, on May 6, 2010, he filed an appeal motion with the Supreme Court against the Federal Court of Conciliation and Arbitration complaining of irregularities in the employment proceedings 4883/2004 and the lack of a response. On May 10, 2010, the General Undersecretariat of Agreements remitted the amparo motion to the District Court for Employment Disputes, due to lack of competence. The petitioner alleges that the employment proceedings were replete with irregularities, including: 1) the submission of contracts allegedly signed by him where the signatures were forged; 2) evidence that he was forced to work on his rest days was not assessed; 3) despite the fact that his superiors were summoned, they never appeared to testify; and 4) he was not allowed to produce certain witnesses.

12. For its part, the State requests that the petition be dismissed on the basis of Article 47 of the Convention for failing to present facts demonstrating a colorable claim of human rights violations. It also argues that domestic remedies have not been exhausted with respect to all points, and that the part of the petition referring to the employment proceedings for wrongful dismissal was not timely filed.

13. With respect to the concessions, the State indicates that concession P003978 "appears to be currently registered under the name of Lázaro Rodríguez Pérez, with request for transfer authorization dated February 1, 2008, in favor of the entity *Sociedad Cooperativa del Servicio Urbano*" while the folio for concession P003979 is registered under the name of Luis Romero Cruz. The State points out that the Comptroller General of the State of Veracruz does not have any information or records regarding the Industrial Transport Trade Union Alberto Juárez Blancas demonstrating that Mr. Bulmaro Rodríguez Solano is the beneficiary of the grant of concessions. The State explains that there is a record of the various copies of the communications addressed to the Comptroller General of the State of Veracruz relating the steps taken by the petitioners due to their failure to obtain a favorable response to their claims. However, on November 24, 2014, an archiving order was issued in accordance with Law No. 71 of the Administrative and Historical Documents of the Free and Sovereign State of Veracruz, disposing of various document bundles for the years 2000-2009, as these documents had served their useful purpose. That is why the Comptroller of Veracruz lacks a record of the alleged concessions claimed by the petitioners.

14. The State points out that the destruction of the documentation was in conformity with a normal and lawful process of file clearances, similar to that existing in every State. It argues that although in this case the State lacks the capacity to respond to the petitioners' allegation, this should not be considered a violation of human rights because States have the sovereign power to regulate the conservation and validity of data.¹⁰ It argues that the mere allegation that a bus concession has been denied or canceled does not amount to human rights violations. The State argues that it understands from what has been said that the

⁹ The petitioner wanted to attempt an action based in case law from 2011 indicating that the conservation rights requirement was not applicable to old age retirement pensions. However, the Procurator's Office considered that that case law was only applicable to the 1995 pensionary regime, not that of 1973.

¹⁰ In support of this argument, the State cites the Inter-American Court of Human Rights in the *Case of Medina González and relatives v. Dominican Republic*, in the sense that the mere destruction of documents does not constitute a violation of human rights unless there is evidence of the State's intention to hide information. Likewise, it also cites the *Case of the Pueblo Bello Massacre*, that the obligations of the States "must be interpreted in a way that which does not impose an impossible or disproportionate burden on the authorities". The State considers that an obligation to keep information indefinitely would be disproportionate.

case involves an alleged illegal cancellation of the concession and that, if this be the case, from the petitioners' own account, they made various representations to different authorities but failed to exhaust the administrative remedies available within the concession process itself, nor the amparo proceedings that would have been appropriate against the decision for unlawful cancellation. For these reasons, the State considers that the petition is inadmissible because it fails to comply with the requirement of the exhaustion of domestic remedies set out in Article 46 of the American Convention.

15. With respect to the petitioner's allegations relating to the Social Security system, the State considers that the law in force in 1973 is not in violation of human rights. It indicates that, at the time when the petitioner requested his pension, he did not satisfy the requirements of the law then in force, and so the denial of his request was duly substantiated and was not arbitrary. The State adds that the petitioner was informed that he had the option of abiding by the 1995 law which does not contemplate the requirement of conservation of rights denounced as discriminatory. It also argues that this part of the petition fails to comply with the requirement of exhaustion of domestic remedies because the petitioner failed to pursue the annulment appeal, submitting the dispute before the Federal Conciliation and Arbitration Board, nor the amparo claim against the decision to refuse him a pension. These remedies are readily accessible to those seeking to invoke them.

16. With respect to the employment proceedings 4883/04, the State indicates that the petitioner was not dismissed and that the employment relationship ended in the usual manner upon the expiration of the petitioner's contract, which was for a fixed term. In addition, the State alleges that on September 28, 2004, the petitioner filed a complaint against the Government of the Federal District and the Delegation of Tlalpan before the Federal Court of Conciliation and Arbitration. The Second Chamber issued an award against the petitioner's claims on October 11, 2007. The State maintains that as the petitioner was dissatisfied with the outcome, he filed a direct amparo motion with the Seventh Collegiate Court for Employment Matters of the First Circuit, which was dismissed on April 10, 2008. It argues that the employment proceedings came to an end with this decision and the petition before the Commission was not filed until November 24, 2008, seven months later. Therefore it argues that this part of the petition is inadmissible because it fails to satisfy the six-month time limit set out in Article 46 of the American Convention.

17. In addition, it points out that the petitioner cannot request compensation internationally because he has not attempted the mechanisms to sue for monetary liability of the State as he is allowed to by the Political Constitution. It highlights that on December 31, 2004 the Federal Law on State Liability was published on the Official Diary of the Federation which sets up the grounds and proceeding for the recognition of the right to compensation to those persons who, without a legal obligation to bear it, suffer damages to any of their goods or rights as a consequence of irregular administrative activity on the part of the State. Likewise, it highlights that the conclusion of the processes on which the petitioner's claims are based is not a prerequisite for the filing of a compensatory complain.

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

18. In relation to the actions that supposedly led to the members of the Industrial Transport Union Alberto Juárez Blancas being unable to continue operating their routes, the State has interpreted the allegations as referring to an alleged illegal cancellation of a concession against which the petitioners have failed to exhaust the relevant administrative remedies or *amparo* proceedings. However, the Commission notes that the petitioners have not made direct reference to a cancellation, limiting themselves to the allegation they were "forcibly removed" from their routes. Given this, the Commission does not have sufficient information to determine exactly what actions are imputed to the State in this regard and, therefore, whether domestic remedies were exhausted with respect to them.

19. In spite of the foregoing, the Commission notes that the petitioner has provided a copy of two complaints filed with agencies of the Procurator General's Office, which disappeared without explanation. The petitioner complained about this disappearance using the internal mechanisms of the Procurator's Office and then attempted an amparo motion, which was dismissed on formal grounds. When a criminal complaint

is filed, the State has the obligation to issue a ruling within a reasonable period of time, which independent of the subsequent actions available to a complainant. Taking into account that more than ten years have elapsed since the filing of the complaints before the Procurator's Office, and that the State has failed to account for the whereabouts or final result thereof, the Commission considers that the exception to the requirement of exhaustion of domestic remedies set out in Article 46(2)(c) of the American Convention applies to this part of the petition, only with respect to the alleged disappearance of the complaints, and the alleged lack of response by the authorities to whom a complaint about the disappearance was filed.

20. With respect to the alleged violations of due process occurring during the petitioner's amparo motion filed against the National Procurator General's Office, the Commission has no information regarding the outcome of the proceedings against Judge Mora Dorantes by the Federal Judiciary Council. However, taking into account that these are proceedings of a disciplinary nature and that the State has failed to refer to the existence of adequate available remedies which the petitioner has not exhausted, the Commission considers that this part of the petition fulfills the requirements of Article 46(1)(a) of the American Convention. Given that the petition was filed on November 24, 2008, and although the case file does not contain the exact date of the action's dismissal, it was subsequent to the filing of the petition, and therefore this part of the petition also meets the requirement of Article 46(1)(b) of the Convention.

21. With respect to the alleged persecution and harassment by officials of the National Procurator General's Office against the petitioner and his next of kin, the Commission observes that the petitioner did not file a formal complaint in this regard but brought the situation to the attention of the National Supreme Court of Justice in a letter. The Commission has often repeated its views in the sense that in cases of offenses prosecutable *ex officio*, in which agents of the State are involved, there is an obligation to investigate that "must be assumed by the State as its own legal duty."¹¹ Considering that the alleged persecution is imputed to the highest investigative authority of the State, the Commission considers the fact that the petitioner informed the situation to a high authority of the State was sufficient to oblige the State to initiate an investigation *ex officio*. Given that the Commission lacks information regarding the steps taken to investigate this complaint, seven years after the State was informed, the Commission considers that the exception to the requirement of exhaustion of domestic remedies set out in Article 46(2)(c) is applicable with regard to this part of the petition.

22. With respect to the destruction of documents surrounding the concessions P003978 and P003979, the Commission observes that the petitioner only mentions having informed the Governor of Veracruz of the situation in a letter. Therefore, the Commission considers that this part of the petition does not meet the requirements of Article 46 of the Convention.

23. With respect to the rejected application for a retirement pension and the aforementioned alleged discriminatory nature of the 'conservation of rights' requirement, the Commission notes that the petitioner has provided evidence that he unsuccessfully submitted a motion for reconsideration and took steps to request that the Presidency of the Republic and the two chambers of parliament repeal the law. The Commission considers that the amparo motion would have been the appropriate remedy for the petitioner's allegations regarding the discriminatory nature of the requirement to be met at the domestic level. The petitioner has alleged that he requested the Federal Procurator's Office for Employment to represent him in filing the amparo motion, and that this request was ignored. The petitioner has also indicated on numerous occasions to the Commission that his financial situation is difficult. However, the petitioner has failed to provide sufficient elements to enable the Commission to conclude that his situation was such as to prevent him from exhausting the amparo remedy on his own behalf, taking into consideration that the petitioner was able to file amparo motions with respect to the other matters reported in this case file. The Commission observes that the brief filed by the petitioner with the National Supreme Court of Justice on August 11, 2009, lacks the nature of a formal judicial appeal because the brief itself stated it was petition in accordance with Article 8 of the Constitution. The petitioner has also failed to provide information regarding the exhaustion of remedies in the case of the other individuals allegedly affected by the discriminatory nature of the social

¹¹ IACHR, Report No. 159/17. Admissibility. Sebastián Larroza Velázquez and family. Paraguay. November 30, 2017, para. 14.

security system. For these reasons, the Commission considers that this aspect of the petition is inadmissible for failure to comply with the requirements of Article 46 of the Convention.

24. With respect to the alleged violations that occurred in the framework of the employment proceedings 4883/04, the State indicated that this aspect of the petition was filed out of time because the employment proceedings culminated on April 10, 2008, with the judgment of the Seventh Collegiate Court for Employment Matters of the First Circuit, and the petition was not received until November 24, 2008, seven months later. However, the petitioner has provided evidence that on May 6, 2010, he filed an amparo motion with the National Supreme Court of Justice against the Federal Tribunal of Conciliation and Arbitration citing alleged irregularities in the employment proceeding 4883/04. The Commission recalls that while in principle, in a case such as the present, it may be sufficient for the alleged victim to exhaust ordinary remedies, if he/she exhausts extraordinary remedies in the reasonable expectation of obtaining a favorable result, the latter may be taken into account as validly exhausted remedies for the purposes of compliance with the requirements for admissibility of a petition. Since the State failed to adduce reasons why the amparo motion filed on May 6, 2010, should not be taken into account for purposes of calculating the submission deadline, the Commission concludes that this aspect of the petition meets the requirements of both of Articles 46(1)(a) and of 46(1)(b) of the Convention.

25. As to the State argument in relation to the petitioner not having exhausted the action to request compensation as he is allowed to by the domestic Constitution and law, the Commission considers that the compensation request is accessory to the petitioner's complains regarding the lack of response to his criminal complaints, violations to due process and having been a victim of threats coming from State agents. The Commission considers that when dealing with claims of this nature, and in a context in which the violations of the petitioner's right has not been acknowledged by the domestic authorities and other reparation means that could be necessary have not been adopted, a compensatory action does not constitute an adequate remedy for the complains to be addressed at the domestic level and hence its exhaustion is not required.

VII. ANALYSIS OF COLORABLE CLAIM

26. The Commission considers that if proven, the petitioner's allegation regarding the disappearance of the two complaints filed with the Procurator General's Office and the lack of response from the authorities he informed about this disappearance, as well as the alleged threats and persecution against him and his family members by state agents, could characterize violations of Articles 5 (right to humane treatment), 8 (right to a fair trial) and 25 (right to judicial protection) of the American Convention in relation to its Article 1.1. (obligation to respect rights).

27. With regard to the alleged irregularities committed by state agents in the context of the amparo motion filed against the National Procurator General's Office and the employment proceedings 4883/04, the Commission considers that the petitioner has failed to submit sufficient elements to identify possible violations of human rights.

28. The Commission will not make a characterization assessment regarding aspects of the petition that fail to meet the requirements of Article 46 of the American Convention in accordance with its determinations detailed in Section VI.

VIII. DECISION

1. To find the instant petition admissible in relation to Articles 5, 8, and 25 of the American Convention in relation to its Article 1.1;

2. To find the instant petition inadmissible in relation to the destruction of documents by the Transit and Transportation Directorate of the State of Veracruz; the denial of the request for an old age retirement pension in favor of the petitioner; the alleged discriminatory nature of the social security law; and

the alleged irregularities committed in the context of the amparo motion against the National Procurator General's Office and in the employment proceedings 4883/04.

3. 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 31st day of the month of May, 2019. (Signed): Esmeralda E. Arosemena Bernal de Troitiño, President; Antonia Urrejola, Second Vice President; Margarette May Macaulay, Francisco José Eguiguren (dissenting opinion), Luis Ernesto Vargas Silva, and Flávia Piovesan, Commissioners.