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**REPORT No. 34/20**  
**PETITION 248-10**  
REPORT ON ADMISSIBILITY

JULIO MONTEJANO *ET AL.*  
MEXICO

Approved electronically by the Commission on February 26, 2020.

**Cite as:** IACHR, Report No.34/20. Petition 248-10. Admissibility. Julio Montejano Cristo *et al.*  
Mexico. February 26, 2020.

**I. INFORMATION ABOUT THE PETITION**

Petitioner	Identity kept confidential <sup>1</sup>
Alleged victim	Julio Montejano Cristo and others <sup>2</sup>
Respondent State	Mexico <sup>3</sup>
Rights invoked	Articles 5 (humane treatment), 7 (personal liberty), 8 (fair trial), 11 (privacy), 14 (reply), 24 (equal protection), and 25 (judicial protection) of the American Convention on Human Rights <sup>4</sup> in connection with Articles 1.1 (obligation to respect rights) and 2 (domestic legal effects) thereof

**II. PROCEEDINGS BEFORE THE IACHR<sup>5</sup>**

Date of filing	February 24, 2010
Additional information received at the stage of initial review	April 23, 2011; and August 8 and November 13, 2013
Notification of the petition	May 5, 2014
State's first response	August 12, 2014
Additional observations from the petitioner	February 26 and July 29, 2015; July 19, 2016; April 13 and June 20, 2017; and June 21, 2019
Additional observations from the State	June 23 and September 2, 2015, and February 8, 2016

**III. COMPETENCE**

<i>Ratione personae</i>	Yes
<i>Ratione loci</i>	Yes
<i>Ratione temporis</i>	Yes
<i>Ratione materiae</i>	Yes, American Convention (deposit of instrument 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 (humane treatment), 7 (personal liberty), 8 (fair trial), 11 (privacy), 19 (rights of the child), 24 (equal protection), and 25 (judicial protection) of the American Convention, in connection with Articles 1.1 and 2 thereof
Exhaustion or exception to the exhaustion of remedies	Yes, under the terms of section VI
Timeliness of the petition	Yes, under the terms of section VI

**V. SUMMARY OF ALLEGED FACTS**

1. The petitioning party claims the responsibility of the State of Mexico for violating the rights of Julio Montejano Cristo, the child A.G.S., Patricia Cristo Álvarez, and Diego Montejano Cristo (or "the alleged victims") due to and in the context of a criminal process initiated against Julio Montejano Cristo, a homosexual man, for the alleged sexual assault of A.G.S, a child in street situation and a civil action based on a claim for moral damage filed against *La Prensa* newspaper for spreading deceptive information on the criminal lawsuit. The petitioner also claims the violation of the alleged victims' rights, especially those of Julio Montejano, his mother, and his brother, given the threats and accusations from a state official and several other people because of the criminal and civil proceedings.

<sup>1</sup> At the request of the petitioning party, the Commission keeps their identity confidential under Article 28,2 of the IACHR Rules of Procedure.

<sup>2</sup> The petition refers to Julio Montejano Cristo, the child A.G.S., Patricia Cristo Álvarez, and Diego Montejano Cristo, as the alleged victims. The two latter are Julio Montejano Cristo's mother and brother, respectively.

<sup>3</sup> Under the provision of Article 17.2.a of the IACHR Rules of Procedure, Commissioner Joel Hernández, a Mexican national, did not partake in the discussion or the voting on the instant matter.

<sup>4</sup> Hereinafter "American Convention" or "Convention."

<sup>5</sup> The observations submitted by each party were duly transmitted to the opposing party.

2. The petitioner recounts that A.G.S., a child in street situation then aged 13, sporadically visited and spent the night at Julio Montejano's home as the latter had once treated his wounds from a car accident. The petitioner indicates that after moving into his new apartment, Julio Montejano began facing insults, questioning, and rumors by his neighbors as well as arrests in the street by police due to his perceived sexual orientation and the negative stereotypes of his friendship with the child.

3. The petitioner alleges that after midnight on August 8, 2009, after going out with a friend, Julio Montejano received a phone call from A.G.S. asking to pick him up, as he was lost in the street under the influence of drugs. After picking up the child, Mr. Montejano was driving his car when a traffic police officer of the Municipality of Naucalpan arrested him for reportedly infringing a traffic sign and refusing to pay a bribe to be freed. On seeing the child, the officer, holding his gun and with unreasonably excessive use of force, told Julio Montejano to get out of the car, took him to the police vehicle and returned to the car where A.G.S. was. The petitioner alleges that inside the car, the police officer struck A.G.S. on the neck, asked him if Julio Montejano "was a maricon" and "what he did to him." The petitioner indicates that the child, feeling intimidated, said "he had touched [Mr. Montejano's] penis once." Next, the officer returned with a bottle of chemical solvent, hit Mr. Montejano with a lantern and expressed insults and aggressive phrases related to stereotypes based on Mr. Montejano's perceived sexual orientation.<sup>6</sup>

4. The petitioner explains that Julio Montejano and A.G.S. were taken to the Office of the Public Prosecutor in Naucalpan. The petitioner explains that Julio Montejano drove his car to the Office of the Public Prosecutor with the same police officer on the passenger's seat while other officers took A.G.S. in a police vehicle. On their journey, the officer asked Mr. Montejano again for money to free him and then called several people from his mobile phone to invite journalists to the same office, where they photographed Mr. Montejano and gave money to the officer. According to the petition, Julio Montejano continued facing, among other things, insults and threats from several state officials given his perceived sexual orientation.<sup>7</sup> Allegedly, he was held incommunicado<sup>8</sup> and forced to sign a document attesting to the presence of someone he trusted and his reservation to testifying, without the aid of a legal counsel or knowing the alleged person of his trust. At the medical examination, the doctors only confirmed that he was not injured even though he had said that the officer had beaten him, while other officers told him that the injuries "[were] not serious and that [he]'d better remain silent." Likewise, the petitioner alleges that Mr. Montejano was threatened with the appointment of a legal guardian for adolescent J.V.<sup>9</sup> and the arrest of his mother and other family members.

5. The petitioner says that on August 9, the alleged victim was transferred to and held in Barrientos prison. Here, the petitioner argues lacked basic sanitary and safety conditions.<sup>10</sup> Allegedly, when Mr. Montejano arrived, a guard asked him on the reason for his detention and, on hearing his answer, painted lines and drew on the alleged victim's back. The petitioner argues that while in prison, Julio Montejano had to conceal the reason for his arrest by paying "privileges" to the guards to avoid being given a "special welcome," that is, being beaten or otherwise abused. It is claimed that state agents support and participate in this system

<sup>6</sup> According to the petition, some of the expressions the officer said to the alleged victim were, "Now, son of a bitch, I'll make sure you die in jail for what you do to children"; "If you like taking it in, I can put it in"; "I have children, and I should kill you right here. You'll die in jail. Or what? You were raped as a child, you faggot?"

<sup>7</sup> Some of the expressions cited are, "[...] Let's see, you faggot, who was top and who was bottom? I have 20 years in this job and know what people of your type are like"; "Did [nuns] abused you or what, you fairy?"; "I want to understand why you are like this, did your parents fucked you?"; "Later I'll come back and smash your face, so you'd better think what you're going to say to me, I'm going to turn off the cameras before I beat you up"; "Let's see, you little fairy, put your hand straight, or I'll break your fingers. What does it feel like abusing a boy, eh? ... You like it... People like you make me sick."

<sup>8</sup> According to the petition, Mr. Montejano was kept incommunicado since his arrest and not allowed to make telephone calls; until, on his way to Barrientos prison, he spoke to another detainee's lawyer and asked him to call his family who found a lawyer before he submitted his statement at the preliminary inquiry.

<sup>9</sup> Moreover, the petitioner recounts that J. V. is another child in street situation then aged 13 with whom Mr. Montejano became friends since 2007. Following this, the child moved in to room at the alleged victim's apartment and, consequently, was able to study and stop doing drugs. Based on the information available, J. V. and A.G.S. knew each other from before the incident.

<sup>10</sup> Based on the record, the petitioner denounces a lack of inmate classification and situations of extortion, among others. Specifically, it is claimed that the prison lacked water, freshwater, uniforms, toothpaste, and soap and that the prison staff took illegal payments in exchange for a place to sleep, walk, or get medicines. The petitioning party argues that Mr. Montejano was held in a cell "so aired that in winter, [he] froze" and had several episodes of acute bronchitis, but "in summer, it was so overcrowded that he suffer[ed] from skin conditions on his arms and legs."

of bribe collection. The petitioner argues that considering the stereotypes that exist in Mexico regarding homosexual men and as a defense strategy, his counsels omitted all the details of Mr. Montejano's personal background in court to avoid a sentence based on his perceived sexual orientation.

6. In the same respect, the petitioner submits that the criminal proceeding against Mr. Montejano for the crime of child sexual abuse ["violación equiparada"] was riddled with irregularities. By way of example, the petition states that the pretrial detention order issued on August 15, 2009 - a week behind due to a request of deferral of the statutory deadline, reveals several inconsistencies and subjective decisions—decisions not based on true facts as well as the performance of inadequate methods for collection of evidence. The petitioner argues that, in addition to other inconsistencies in the pretrial detention order, the judge failed to determine the articles classifying the purported crime correctly, changed the defendant's name to Luis, included facts not mentioned in any statement or testimony. He argues that the judge sought to amend the prosecutor's work by declaring that the medical test (a proctology examination) "[was] suitable as it did not contradict what the minor's statement at prosecution", despite the fact that the initial allegations included alleged acts of oral sex with the adolescent and that the prosecutor's office failed to practice the suitable methods of collection of evidence for those existing signs. Therefore, the petitioner alleges that through the pretrial detention order, the judge helped the prosecutor's office agent amend the inconsistencies and falsehoods in his statement. The petitioner adds that numerous evidence was simulated, such as the report on his *modi vivendi* and *operandi*—since the address that investigators used was that of Mr. Montejano's mother and not his—; the datasheet of the tow truck that allegedly removed his car, and the child's statement before the prosecution.

7. The petitioner maintains that at the evidentiary hearing on October 16, 2009, A.G.S. denied being sexually abused and denounced that the police officer had beaten him and forced him to declare against Mr. Montejano. The petitioner submits that on June 1, 2010, the Seventh Criminal Court of the Judicial District of Tlalnepantla issued a judgment of acquittal in favor of Julio Montejano Cristo as the facts were not proven. On being upheld by a court of appeals, the judgment became final on August 12, 2010. The petitioner contends that despite the acquittal, there was and there is no suitable remedy available for Mr. Julio Montejano to challenge the proceedings of the prosecutor's office "as it has official attestation authority;" or the judge's decision to order pretrial detention. He states that there were no remedies available for "drawing the judge's attention to the signs of other crimes on the record that should have been investigated ex officio," or proving—once released—that the preliminary inquiry included "falsehoods fabricated by the public prosecutor's office." The petitioner claims that any allegation would have had to be filed before the same authority that put him in such a situation and that no Mexican authority can rule sexual orientation discrimination given the lack of relevant legislation.

8. The petitioner also claims that Mr. Montejano's mother, Patricia Cristo Álvarez, his brother, Diego Montejano Cristo, and Julio Montejano—once freed—feared for their life as they received threats and were harassed by neighbors, members of the police, and lawyers representing the newspaper; forcing them to move without revealing their current addresses. According to the petition, there is no documented complaint related to these threats as the prosecutor's office in Naucalpan<sup>11</sup> denied them service, and, for fear of retaliation, they stopped reporting them.

9. As for A.G.S., the petitioning party argues that at the Office of the Prosecutor, A.G.S. was taken to a doctor's office. After threats from police officers and against his will, he was stripped naked, then probed his anus and genitals for signs of sexual assault. Finally, they took him to testify. The petition states that many times during the criminal trial, the boy claimed that the officer had beat him and that the police coerced him into making his first statement which was used to detain Julio Montejano. In particular, the petitioner adds that the boy could not file a report because he was in the custody of the National System for Family Development (DIF), and these facts were not investigated.

10. To conclude, the petitioner alleges the violation of Julio Montejano's rights in the framework of a civil action initiated on September 14, 2010, in regards to a claim for moral damage filed against *La Prensa*

<sup>11</sup> The petitioning party maintains that the alleged victims tried to file a report at a mobile office of the prosecutor's office; however, the lady in charge of the office at the *Mundo E* mall decided to telephone her "boss," and asked them to return later; believing that their life was at risk, they decided not to return.

newspaper, owned by Organización Editorial Mexicana. According to the petition, *La Prensa* journalists were those who photographed Mr. Montejano at the public prosecutor's office on August 8 and on the following day, August 9, 2009, the same newspaper published a "deceptive and defamatory" article on the alleged victim's detention, which seriously harmed him and his family. The petitioner claims that the article was not truthful, but was fraught with degrading comments about Mr. Montejano.<sup>12</sup> Based on the information from the record, the Fifth Civil Judge of the Federal District rejected the civil claim by a judgment of May 31, 2012, on considering that the claimant had not submitted proof of the moral damage despite it being "their obligation to submit enough evidence necessary to demonstrate that the alleged facts were true [and] (...) that there was a close connection between the events and the damage." As a result, Julio Montejano lodged an appeal, but the Ninth Civil Court of the Superior Court of Justice of the Federal District rejected it on August 9, 2012. The petitioner argues that the courts ruled that because a criminal record existed, the journalists acted within the scope of their freedom of expression, sentencing Mr. Montejano to pay court expenses and fees.

11. The petitioner submits that on August 10, 2012, Mr. Montejano filed a direct amparo action, but the Twelfth Collegiate Civil Court for the First Circuit rejected it on January 10, 2013. In this proceeding, the alleged victim claimed the wrongful application of the Law on Civil Responsibility for the Protection of Privacy, Honor, and Reputation of the Federal District, and considered it inoperative and unconstitutional. He also referred to the violation of the guarantees of lawfulness, legal certainty, and reasonability regarding "the limits of the constitutional freedom to express ideas (...) and the right to information." He claimed that judicial authorities did not undertake a substantive analysis on the content of the article or the applicable legal framework, as a result of which he was left in a state of defenselessness in that he could not demonstrate its illegality. However, the court established that the amparo action was inadmissible as there was no proof that the challenged judgment by the court of appeals violated a fundamental right. In particular, the court found that, since at the time of issue, there were signs of probable criminal liability, it was possible to conclude that the facts in the article were proven. It also considered that the words used did not exceed the limits of tolerance and that the unproven incidental facts did not cause any moral damage to the claimant. The petitioner indicates that as a last resort, Julio Montejano filed an appeal for review before the National Supreme Court of Justice, against the resolution of January 10, 2013, notwithstanding on February 25, 2013, the Supreme Court rejected it, claiming that its submission was time-barred.

12. For its part, the State claims that the petition began without the exhaustion of domestic remedies, calling into question the steps that the petitioner could have pursued to have the matter remedied at the national level. It argues that thanks to the diligence of the judicial authorities, Mr. Montejanos was granted a judgment of acquittal and is to date free despite allegations of subjectivity in the court's judgment. In this regard, it contends that in the view of the best interests of the child, the authorities found that, based on all the inquiries and the alleged criminal offenses, the crime had been proven; which led to the exercise of the criminal action against the alleged victim. Therefore, the State argues that although there might have been substantial errors in the criminal proceeding, these were amended at the national level by the State itself, otherwise, the petitioner should have claimed reparation for such errors by filing the remedies provided for by the law.

13. In this regard, it argues that Julio Montejano had the opportunity to appeal and, had this remedy been ruled upon against his interests, he could have filed an indirect amparo action. The State also contends that the action for moral damage is an effective remedy available for seeking reparation for violations of due process. Nevertheless, it underscores that Julio Montejano said and recognized that he did not exhaust the domestic remedies connected with the preliminary inquiry because he was certain that the trial would end with a judgment of acquittal. As to the civil case, the State argues that Julio Montejano was able to lodge an appeal for review and that it was rejected for being time-barred according to state legislation. It moreover alleges that if the alleged victim deemed the civil legislation unconstitutional, misleading, and unequal, he should have presented an indirect amparo action to challenge a ruling that he deemed was contrary to his human rights.

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<sup>12</sup> Allegedly, the article read that Mr. Montejano was an "abuser of several minors" and had been "rescued from being lynched by [his] neighbors as [he] had [been] caught sexually abusing a boy." It further read that "he had threatened several minors to death," and it did not consider him a suspect but "branded" him a pervert. The petitioner argues that such information from the newspaper was untrue and fabricated since it differs from the criminal record.

14. Regarding the criminal proceeding and the civil action, the State submits that the petition does not disclose facts that constitute human rights violations since all the steps were taken in accordance with due process. The State submits that on June 1, 2010, the court acquitted claimant Julio Montejano Cristo for lack of incriminating evidence. On August 12, 2010, the court of appeals decided to uphold the judgment of acquittal challenged; thus, the judgment became final. Subsequently, the warden of the prison of Tlalnepantla was told to release the petitioner immediately. On August 20, 2010, the judgment of acquittal became final, and the matter turned *res judicata*.

15. It insists that Mr. Montejano seeks that the IACHR works as a fourth instance of jurisdiction to review not only court decisions but also state legislation. With respect to the civil case, it insists that the fact that the outcome has not been favorable to the alleged victim does not mean that the resolution violates his human rights. It contends that the alleged victim could have filed all the domestic remedies established by the law to challenge the purported violations of his human rights and that, however, after analyzing the evidence submitted by the parties and the alleged facts, the judicial authorities decided to rule against the arguments of the alleged victim. Further, concerning the criminal action, it argues that both the prosecutor and the judge examined the evidence then available in order to draw their conclusions on the alleged victim's culpability.

16. In the same line, the State stresses that during his criminal prosecution, Julio Montejano's living conditions in prison were decent as he lived in an individual cell with all the necessary facilities. As for A.G.S., it emphasizes that in order to protect his personal integrity and out of consideration for the child's best interest, the police immediately transferred him to the provisional housing facility Namiqui Pilli, where he stayed from August 9, 2009, until October 6, 2010, and received decent and primary care, protection, and necessary assistance (including psychological assistance). Finally, he was taken to the facility *Fundación renacimiento de Apoyo a la infancia que Labora, Estudia y Supera I.A.P.* so that he would have continuing assistance.

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

17. Firstly, the Commission takes note of the State's claim on the anticipated filing of the petition to the inter-American system and reiterates that the situation to be considered to determine the exhaustion of domestic remedies, is that existing when a decision is made on the admissibility of the petition. In the instant matter, the Commission observes that both Mr. Montejano and A.G.S. exposed to the judicial authority in charge of the process against Mr. Montejano, the physical abuse suffered at the time of the arrest, given their perceived sexual orientation and had alleged the, by virtue of it, A.G.S. indicated having been sexually abused. The Commission observes that the judicial authorities were acquainted with these alleged acts of violence, even from Julio Montejano's statement at the preliminary inquiry; as well as on the pretrial detention order of August 15, 2009, and at the evidentiary hearing of October 16 that same year. However, based on the available information, to date, no investigations have been conducted to clarify the alleged facts. In this regard, the Commission reiterates that whenever a petition concerns an alleged offense liable to prosecution *ex officio*, the domestic remedy to be exhausted is a criminal investigation, which the State must initiate and advance.<sup>13</sup> Accordingly, the Commission deems that the exception outlined in Article 46.2.c of the Convention is applicable in connection with the purported physical abuse of the alleged victims, Julio Montejano and A.G.S.

18. As for Mr. Montejano's detention and criminal prosecution, the IACHR observes that although the alleged victim did not appeal his pretrial detention—as noted by the State—the information submitted by the parties indicates that Mr. Montejano filed an interlocutory appeal for liberty claiming disappearance of evidence. Said appeal was resolved on March 25, 2010. On the interlocutory appeal and given the testimony of A.G.S. at the evidentiary hearing and other hearings, the alleged victim challenged his pretrial detention by claiming the disappearance of evidence which, in the pretrial detention order, was deemed enough to imprison him as the alleged responsible. However, the IACHR maintains that the absence of investigations aimed at establishing the facts alleged at the time of the arrest and the alleged comments of the police officers destined to discourage the complaint and intimidate the alleged victim, together constitute

<sup>13</sup> IACHR, Report No. 21/19. Petition 578-07. Admissibility. Víctor Emmanuel Torres Leyva and family. Mexico. March 11, 2019, par. 10.



sufficient elements to consider the application, in the present petition, of the exception provided in article 46.2.b of the Convention.<sup>14</sup> In this sense, the substantive analysis of the factors that would have allegedly prevented the exhaustion of internal resources corresponds to the merits stage. In view of the context and the characteristics of the allegations as to the initial phase of his detention, the Commission considers that the petition was presented within a reasonable time.

19. The Commission considers the observation submitted by State on the existence of legal action for moral damage as an effective remedy available for seeking reparation for violations of due process. However, the Commission underscores that when a petition involves allegations of arbitrary detention, whether or not the alleged victims have sought pecuniary compensation from civil courts, has no bearing on the analysis of exhaustion of domestic remedies in this case.<sup>15</sup>

20. As to the civil case, the Commission stresses the State's claim that Julio Montejano could have filed other remedies available under the national legislation. The Commission reiterates that the requirement of exhaustion of domestic remedies set forth in Article 46.1.a of the American Convention establishes that the adequate remedies available under domestic law must be pursued first. The Commission has also established that the requirement to exhaust domestic remedies does not mean that the alleged victims are obliged to exhaust every available remedy. If an alleged victim pursued the matter through one of the valid and appropriate options in accordance with the domestic legal system, and the State had the opportunity to remedy the matter in its jurisdiction, the objective of international law has been met. In the instant case, the Commission observes that Mr. Julio Montejano filed a claim for moral damage against *La Prensa* newspaper in order to obtain compensation, and as it was rejected, he appealed. The Commission notes that the State does not claim the inadequacy of this remedy. The Commission considers that, in general, the remedies that the alleged victim filed, are adequate and effective to remedy this type of matters domestically. Thus, the Commission finds that this petition meets the requirements of Article 46.1.a of the American Convention.

## VII. COLORABLE CLAIM

21. The Commission notes that this petition includes allegations regarding the detention, criminal prosecution, and pretrial detention of Mr. Montejano based on negative stereotypes of his sexual orientation, as well as allegations regarding the physical abuse at the hands of police officers, the alleged lack of effective judicial protection related to the civil lawsuit, and the threats by police officers against Mr. Montejano and his family and their lack of investigation. In view of these considerations and after examining the elements of fact and law presented by the parties, the Commission considers that the claims of the petitioner are not manifestly unfounded and require a substantive study on the merits as the alleged facts, to be corroborated as certain could characterize violations of articles 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 11 (right to privacy), 19 (rights of the child), 24 (right to equal protection), and 25 (judicial protection) of the American Convention, in relation to its Articles 1.1 (obligation to respect rights) and 2 (domestic legal effects), to the detriment of Mr. Montejano, his family and A.G.S. Likewise, the IACHR will evaluate at the merits stage the State's arguments regarding the best interests of the child in relation to the actions of the state authorities.

22. As to the alleged violation of Article 14 (reply) of the American Convention, the Commission observes that the petitioner has not provided enough allegations or evidence to *prima facie* establish a possible violation.

23. Lastly, as for the State's claim about a fourth instance of jurisdiction, the Commission observes that in declaring this petition admissible, it does not seek to replace the competence of national judicial authorities; that, instead, this means that in the merits stage, the Commission will analyze whether domestic

<sup>14</sup> IACHR, Report No. 73/16, Petition 2191-12. Admissibility. Alexa Rodríguez. El Salvador. December 6, 2016, par. 7. In this regard, see also IACHR, Police Violence against Afro-descendants in the United States. OEA/Ser.L/V/II.Doc. 156 November 26, 2018, paras. 46, 279, and 313; IACHR, Violence against Lesbian, Gay, Bisexual, Trans, and Intersex Persons in the Americas. OEA/Ser.L/V/II.Doc.36.Rev.2 November 12, 2015, paras. 21, 130, 131, and 146; I/A Court H.R. Advisory Opinion OC-11/90. Exceptions to the Exhaustion of Domestic Remedies (Art. 46.1, 46.2.a and 46.2.b. American Convention on Human Rights). August 10, 1990. Series A No. 11, paras. 32, 33, and 34.

<sup>15</sup> IACHR, Report No. 105/17, Petition 798-07. Admissibility. David Valderrama Opazo et al. Chile. September 7, 2017, par. 11.

proceedings were held pursuant to due process and judicial protection, and ensured access to justice for the alleged victims under the American Convention.

#### **VIII. DECISION**

1. To declare this petition admissible with regard to Articles 5, 7, 8, 11, 19, 24, and 25 of the American Convention in accordance with Articles 1.1 and 2 thereof;

2. To declare the instant petition inadmissible in relation to Article 14 of the American Convention; and

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 26<sup>th</sup> day of the month of February, 2020. (Signed): Antonia Urrejola, First Vice President; Flávia Piovesan, Second Vice President; Margarete May Macaulay, Esmeralda E. Arosemena Bernal de Troitiño, Julissa Mantilla Falcón, and Edgar Stuardo Ralón Orellana, Commissioners.