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REPORT No. 89/21
PETITION 5-12

REPORT ON ADMISSIBILITY

MINE WORKERS OF CANANEA AND THEIR FAMILIES
MEXICO

Approved electronically by the Commission on March 28, 2021.

Cite as: IACHR, Report No. 89/21, Petition 5-12. Admissibility. Mine Workers of Cananea and their families. Mexico. March 28, 2021.

I. INFORMATION ABOUT THE PETITION

Petitioners	Abraham Garcilazo Espinosa, Oscar Alzaga, and the National Executive Committee of the National Union of Mine, Metal, Steel and Related Workers of the Mexican Republic (*Sindicato Nacional de Trabajadores Mineros, Metalúrgicos, Siderúrgicos y Similares de la República Mexicana - SNTMMSSRM*)
Alleged victim	828 mine workers of the Cananea mine and their families[1]
Respondent State	Mexico[2]
Rights invoked	Articles 8 (Right to a Fair Trial) and 16 (Freedom of Association) of the American Convention on Human Rights;[3] Articles 6 (Right to Work), 8 (Trade Union Rights), 9 (Right to Social Security), 10 (Right to Health), and 11 (Right to a Healthy Environment) of the Additional Protocol to the American Convention in the Area of Economic, Social, and Cultural Rights ("Protocol of San Salvador")

II. PROCEEDINGS BEFORE THE IACHR[4]

Date of filing	January 4, 2012
Additional information received during initial review	December 7, 2012; February 13, 2015; September 16, 2015, and September 18, 2015
Notification of the petition	November 29, 2016
State's first response	March 29, 2017
Additional observations from the petitioner	May 16, 2017 and September 8, 2020

III. COMPETENCE

Ratione personae	Yes
Ratione loci	Yes
Ratione temporis	Yes
Ratione materiae	Yes, American Convention (instrument of accession deposited on March 24, 1981) and Protocol of San Salvador (instrument of ratification deposited on April 16, 1996)

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

Duplication of procedures and international *res judicata*	No
Rights declared admissible	Articles 8 (Right to a Fair Trial), 16 (Freedom of Association), 25 (Right to Judicial Protection), and 26 (Progressive Development of Economic, Social, and Cultural Rights) of the American Convention, in connection with Article 1.1 (Obligation to Respect Rights) thereof; and Article 8 (Trade Union Rights) of the Protocol of San Salvador

[1] The petition individualizes eight hundred and twenty-eight persons who worked in the "Cananea" mine project and were affected by the decision to terminate the labor relations and the collective labor agreement by virtue of the closure of the project. They are grouped as follows: 168 workers in the Department of Mine Maintenance; 254 workers in the Department of Mine Operation, 252 workers in the Department of Concentrator, 153 workers in the Department of Hydrometallurgy, and 1 Special Delegate of the National Executive Committee of the Union in the State of Sonora. Their immediate relatives are not identified; however, they can be individualized since the mine workers who are members of each household have been identified. The full list of the alleged victims individualized in the petition is attached to the present Report as an annex.

[2] Pursuant to the provisions of Article 17.2(a) of the Rules of Procedure of the IACHR, Commissioner Joel Hernández García, a Mexican national, did not participate in the discussion or the decision on this matter.

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

[4] The observations submitted by each party were duly transmitted to the opposing party.

Exhaustion or exception to the exhaustion of remedies	Yes, in the terms of Section VI
Timeliness of the petition	Yes, in the terms of Section VI

V. ALLEGED FACTS

1. The petitioner claims the international responsibility of the State for the violation of the human rights of eight hundred and twenty-eight unionized miners who worked at the Cananea mine and of their immediate relatives, on account of: (i) the court decision that declared the closure of the mining project on the basis of *force majeure,* and the termination of the labor relations and the collective bargaining agreement in force between the company and its employees; (ii) the related court decision declaring that there was no strike in Cananea by virtue of the termination of the project, the labor relations, and the collective bargaining agreement; (iii) the violent removal of strikers from the site of the mine after the closure of the project, which allegedly caused one dead and several wounded persons; (iv) the subsequent dismantling of the health and social services that the 828 workers and their families were receiving; and (v) the pollution of the Bacanuchi and Sonora rivers with heavy metals by the company responsible for the dismissals.

2. The above-referred 828 miners worked in different areas of the Cananea mine, located in Sonora, and owned by the company Mexicana de Cananea S.A. de C.V., which is in turn owned by the Grupo Mexico (hereinafter "the Company"). All of the employees identified in the petition were affiliated at the time of the events to the National Union of Mine, Metal, Steel, and Related Workers of the Mexican Republic, SNTMMSSRM (hereinafter "the Union"). Bearing in mind a mining accident that took place at the Pasta de Conchos deposit on February 19, 2006—at a mine owned by the same Grupo Mexico and whose employees were members of the same Union—, where 65 miners were trapped and killed because the facility lacked minimum safety conditions, the workers of the Cananea project mobilized, starting in 2007, in order to demand that health and safety measures be adopted at the Cananea facility and thus avoid a repetition of the tragedy. This mobilization found decisive support in the Report contained in the Minutes of the Extraordinary Inspection of General Safety and Hygiene Conditions carried out by the Secretariat of Labor and Social Security (STPS) on April 25, 2007 following an inspection visit to the Cananea mine, which revealed serious safety hazards and issued 72 safety recommendations that had to be adopted within the next 5 days. The workers' mobilization sought to hold a strike at the Cananea mine mainly in order to demand compliance with the health and safety recommendations issued therein, as well as the resolution of other claims, namely: the company's failure to acknowledge the Union's representation, the lack of payment of contributions to the Union in the terms of the collective bargaining agreement, the allegedly arbitrary assignment of shifts and hours of work, issues with miners' job stability, poor conditions at the company's hospital and in the medical service for active and retired workers and their family members, and other specific issues.

3. Given the company's failure to comply with the implementation of the health and safety recommendations, on June 28, 2007, the Union filed a list of claims that included a strike deadline, with the Federal Conciliation and Arbitration Board (JFCA) (hereinafter "the Federal Board"), in which they demanded compliance with the collective bargaining agreement in force between the company and the Union, and formulating the above-referred claims. The strike's casefile with the Federal Board was registered as III-3693/2007. The company refused to settle and remedy the violations, and it was not possible to reach an agreement during the negotiation stage held before the Federal Board. On July 27, 2007, as no satisfactory solution had been reached at the conciliation hearing before the Federal Board, the Union confirmed its list of claims including a strike deadline, announcing that the strike would take place on July 30, 2007, at 12:00, which came to pass.

4. In the course of the next three years, the Federal Board issued, at the company's request, successive decisions against this strike, decisions which were in turn judicially challenged and revoked by the courts at the Union's initiative. Throughout all of these judicial proceedings, the strike continued, lasting a total of almost three years. The resolutions by the Federal Board that declared the strike non-existent, and the corresponding court judgments, were as follows:

5. On July 31, 2007, the company asked the Federal Board to declare the strike non-existent on account of its failure to meet the formal procedural requirements and to delimit the object of the protest in accordance with the law. On August 7, 2007, the Federal Board issued an incidental resolution of determination of the nature of the strike, in which it declared the strike non-existent, for failure to comply with the provisions of the Union's Statute, and because the claimed grievances had been set forth in excessively general terms, and consequently the provisions of the Federal Labor Law had not been met concerning the object of the protest. The Union challenged this resolution by filing an *amparo* action, which the Fifth District Court on Labor Matters of the Federal District (casefile 1313/2007-VI) ruled in favor of the workers in a judgment of October 8, 2007. This favorable judgment granted the Union the requested *amparo* and protection, voided the resolution that had declared the non-existence of the strike, and ordered the Federal Board to issue a new resolution, which did not invoke either the Union's lack of legal standing, or the allegedly obscure, vague, or imprecise formulation of the violations of the collective bargaining agreement set forth in the Union's list of claims, as grounds for declaring the strike's inexistence. Following an appeal for review filed by the company against this judgment, the First Collegiate Court on Labor Matters of the First Circuit (casefile 2381/2007) confirmed it in a ruling of December 13, 2007.

6. On January 4, 2008, in compliance with the amparo judgment of the Fifth District Judge of the Federal District, the Federal Board issued a new resolution, in which, for the second time, it declared the strike legally inexistent. The Union challenged this decision by filing an *amparo* action with the Sixth District Judge on Labor Matters of the Federal District (record 53/2008), which in judgments of January 18 and February 13, 2008, granted the amparo to the Union, voided the Federal Board's resolution of January 4, 2008, and ordered said Board to refrain from considering, as a valid cause to declare the non-existence of the strike, the fact that the strike had not started simultaneously and immediately at the time set by the Union. After some appeals for review were filed by the company, the Federal Public Prosecutor's Office, and some non-striking workers, the First Collegiate Court on Labor Matters of the First Circuit (casefile 23/2008) upheld this judgment, on April 10, 2008.

7. According to the petitioners, in order to implement the resolution of January 4, 2008, on January 11, 2008, seven hundred Federal Preventive Police officers burst into the Cananea facility premises seeking to break the strike; but *"despite the assault, the great majority of strikers refused to go back to work and prevented the armed forces from entering the company's facility, which took a toll of workers wounded."*

8. On April 23, 2008, the Federal Board passed a resolution declaring the motion for inexistence of the strike inadmissible, and thereby declaring the strike existent. The company challenged this decision by filing an *amparo* lawsuit with the Fourth District Court on Labor Matters (casefile 813/2008-V), which in a ruling of July 3, 2008, denied the requested *amparo*. The company filed an appeal for review (No. 98/2008) with the Sixth Collegiate Court on Labor Matters of the First Circuit, which, on September 4, 2008, decided to declare the petition for review admissible, revoke the judgment by the Fourth District Court, and grant the company the *amparo* ordering the Federal Board to admit the evidence submitted by the company.

9. After admitting and assessing the evidence submitted by the company, in compliance with that *amparo* judgment, on December 5, 2008, the Federal Board passed a resolution declaring the strike legally inexistent. To challenge this decision, the Union filed an indirect amparo lawsuit with the Fifth District Court on Labor Matters of the Federal District (casefile 2144/2008-IV), which granted the amparo in a judgment of January 7, 2009. This judgment voided the resolution of December 5, 2008 and ordered the Federal Board to dismiss the allegation that the Union's Secretary of Labor lacked authorization to sign the list of claims and strike deadline, which had been invoked as grounds for declaring the strike inexistent. The company filed a motion for review of this judgment (No. 20/2009) with the Sixth Collegiate Court on Labor Matters, which upheld the decision in its judgment of March 19, 2009, reaffirming the *amparo* granted to the Union.

10. On April 3, 2009, in compliance with the Fifth District Court's judgment of January 7, 2009, the Federal Board issued a resolution declaring the strike legally existent. The company did not challenge this decision; thus, it became final.

11. On March 20, 2009, in parallel to the strike-related proceedings, the company requested the Federal Board to initiate a special procedure to notify the termination of the collective and individual labor relations with all of the unionized employees that were participating in the strike, as well as the termination of the collective bargaining agreement, arguing that *force majeure* circumstances consisting in the deterioration, destruction and vandalization of the mine's facilities prevented its continued operation. To this end, on March 5, 2009, the company had requested the General Director of Mining of the Secretariat of Economy, that he order an inspection visit to the Cananea premises, reporting that "*the mining facility and its essential equipment had been destroyed, deteriorated, stolen, and vandalized to such an extent that the mine's operation had become impossible*." The Directorate of Mining of the Secretariat of Economy ordered such inspection visit to the Cananea mine, as requested by the owner company, which took place on March 11, 2009. On March 20, 2009, the Director-General of Mining issued a resolution declaring that a situation of *force majeure* consisting of serious damage and destruction at the mine had been proven, which made it impossible to function and operate lawfully, which justified the company's full closure of its mining exploitation activities there. This resolution, which was not notified to the Union, was considered by the Federal Board as decisive evidence for declaring the termination of the labor relations in Cananea, in its award of April 14, 2009 (No. CC-154/1986-VI-SON (1)), adopted while the Union was on strike. This decision was adopted at the end of a single hearing held on that same date, April 14, 2009, within the special procedure for termination of labor relations initiated at the request of the company. This hearing lasted 14 hours, along which all the legal evidentiary and procedural stages were tightly carried out. The award of April 14, issued on that same day, ordered that the employees whose labor relations had been terminated receive an indemnity.

12. On April 21, 2009, the Union filed an amparo lawsuit against this award, but the Second Collegiate Court on Labor Matters of the First Circuit denied it (Amparo case No. 7902/2009) in a decision of the Court's President dated June 8, 2009, which the full Court confirmed on August 13, 2009, in a judgment that declared the lawsuit groundless. Thus, the award of April 14, 2009, became final. On February 11, 2010, the Second Collegiate Court passed a final judgment against the Union's request for amparo. Against this judgment, on March 5, 2010, the Union filed an appeal for review, claiming multiple irregularities, before the Second Chamber of the Supreme Court of Justice of the Nation (casefile A.D.R. 477/2010). However, on March 17, 2010, the President of the Second Chamber dismissed the appeal as inadmissible. On March 18, 2010, the Union extended this appeal for review and, on March 23, 2010, it filed an appeal of complaint against the dismissal of its appeal for review (complaint registered as casefile 98/2010). On March 23, 2010, the President of the Supreme Court's Second Chamber upheld the dismissal of the appeal for review. On March 26, 2010, the Union submitted a new appeal of complaint (casefile 101/2010), and on April 21, 2010, the Second Chamber declared both appeals of complaint groundless, upholding again the dismissal of the appeal for review. As a result of all this, on June 4, 2010, the Federal Board ordered that the casefile on the strike be archived on the basis that there were no extant labor relations at Cananea any longer.

13. The petitioners dispute that such a "*force majeure*" situation ever existed, claiming that around one month later, the same mine reopened under another name, with different workers coming from other parts of the country, and with a new trade union—with which a new collective bargaining agreement was signed on July 3, 2011, for an amount lower than that agreed with the alleged victims, given that the new agreement established wages and benefits which were lower than those agreed with the Union: "*On July 3, 2011, under another name the company signed a new collective bargaining agreement (CBA) with a union of Sonora CTM, including benefits and wages lower than those agreed with Branch 65 and the SNTMMSSRM, even with stipulations prohibited by law, such as the 30-day probationary period employment or the hiring of contractors without union intervention. Previously, it had signed another CBA with another union. What both facts prove or confirm is the falseness of the* force majeure *cause asserted by the company for closing the project, free from liability, and which the authorities illegally approved. For the company asserted—during the strike—that the closure of its facility was imminent and indispensable on account of* force majeure*, as it could not continue working, which exempted it from liability. This was not true, as these events themselves show, because it reopened with other unions and CBAs."*

14. The petitioners also question the validity of the inspection visit to the mine carried out on March 11, 2009, by the Directorate of Mining of the Secretariat of Economy, and they claim that this visit did not take place inside the mining project as such, but outside of the facility, for which reason it was never

conducted validly as an inspection. They allege that in the absence of such an inspection, the Federal Board ended up basing itself on the company's unilateral statements for the purpose of declaring *force majeure* and the ceasing of activities. According to the petitioners, "*the opinion of the Secretariat of Economy—the one that the Federal Board and the amparo courts upheld by recognizing its legality—was so fake and so devoid of legal support that the so-called '*force majeure *events' disappeared suddenly when the miners' union strike was terminated and more than 1200 miners were sacked, when the company reopened its facility and resumed its usual activities, although with new workers, another union and, consequently, a new [collective agreement]. They did not even bother to give a semblance of truthfulness to the Government's opinion; the emergence of a new company of the same Grupo Mexico and the same owner was immediate."*

15. In their additional observations, the petitioners complain because of the fact that the whole procedure for the termination of the labor relations and the collective bargaining agreement before the Federal Board took place in just one hearing on April 14, 2009, including the issuance of the award on that same day, which, they believe, had been "*clearly drawn in advance, because the authority was only about to begin to examine the evidence submitted by each party, the objections to that evidence, and the defenses of the Union and the workers who individually responded to the company's claim because it also harmed their human rights. Despite the objections and the legal complaints of the Union and the workers who appeared at the hearing that day, the Federal Board decided to disregard and dismiss all the evidence submitted by the Union and consider as valid an inspection that never took place and was submitted as the Secretariat of Economy's expert opinion, ruling in its award that the termination of the labor relations and the [collective bargaining agreement] was in line, because the '*force majeure*' event alleged by the company were supposedly proven to be true, and by issuing this award on that same day*." According to them,

> Never in Mexico has such a complex trial been adjudicated within one day and the early morning of the next one, in a single hearing, including all its stages. A report by the [Federal Board] can demonstrate the unheard-of speed with which it adjudicated the case—assaulting due process, the evidence and its evaluation, issuing an unjustified and unmotivated award, without respect for the truth, so openly and blatantly in favor of the company, as can be seen clearly at first sight. In granting full legal value to the inspection carried out by the federal government -not in accordance with the law-, the autonomy of the Tribunal and the independence of the authority were violated. (...) In a single day, evidence was presented, the parties' objections were presented, the motions were dismissed, only the evidence submitted by the company was admitted, and the award was issued obviously without study or time for reading; so the award drawn was prefabricated. All in a single hearing.

16. Regarding the same procedure for the termination of labor relations, the petitioners claim that the Union was not allowed to submit or present evidence, and that "*even pre-trial motions, whose resolution is compulsory under the law, were dismissed by the authority*," whereas the evidence submitted by the company was given full validity; that is to say, the inspection of the mine whose legality is called into question, and which provided the fundamental grounds for the Federal Board's resolution.

17. This termination of the labor relations and the collective bargaining agreement constitutes, in the petitioners' view, an unjustified termination of the 828 miners they individualize, which affected their basic income and the rights of their families, who depended on these wages and on the conventional benefits in terms of health, food, public utilities, and subsistence.

18. As a result of the award ruling the termination of the labor relations and of the collective agreement, the Federal Board ruled within the proceeding concerning the strike, in a decision of June 4, 2010, that there was no suspension of work at the Cananea mine in the terms of the Federal Law on Labor because the strike had ceased producing legal effects as of the award of April 14, 2009, given that there legally were no workers to hold a strike, on account of said termination of labor relations. The Union filed an amparo lawsuit against this judgment, with the Fifth District Court on Labor Matters (casefile 1748/2010), which was denied by a judgment of March 14, 2011. The Union challenged this decision by presenting an appeal for review with the Sixth Collegiate Court on Labor Matters of the First Circuit (casefile 84/2011), which upheld the appealed judgment on July 7, 2011. With this, the Federal Board's decision of June 4, 2010, which declared the strike devoid of legal effects for lack of striking workers, became final. In the petitioners' words, the Cananea workers who had been "without cause or grounds" terminated were also deprived of their right to strike, which had a

direct impact upon the other members and leaders of the Union, and on Mexican trade unions in general. They claim that this was a strategy of the company, in association with the State authorities, to irregularly terminate this strike which had already been declared legally existent: "*This seems to be the culmination of a long process of almost 4 years, during which a chain of events took place against a strike whose merits both the employers and the authorities refused to analyze (...) And since on four occasions, neither the company nor the authorities were able to demonstrate the inexistence of the strike, which concerns the formal requirements and not the merits of the strike, both—the authorities and the employers—saw the need to resort to fabricating evidence of a* force majeure *event to justify the closure of the company, free from liability, on the basis of an inspection carried out by an agency of the federal government, in order to break the strike. (...) So the culmination of this series of illegalities was the use of public security forces for imposing an aberrant trial that denies workers due process of law."*

19. To challenge the Federal Board's decision ruling the termination of the strike, the Union filed an amparo lawsuit on June 23, 2011. This was forwarded to several different courts on account of issues of jurisdiction, and was denied on March 14, 2011, by the Fifth Court on Labor Matters of the Federal District. On March 29, 2011, an appeal for review was filed against that judgment with the Sixth Collegiate Court on Labor Matters of the First Circuit (casefile R.T. 84/2011); but on July 11, 2011, this Court denied the appeal for review, thus confirming the Federal Board's award of April 4, 2010, which declared that there was no strike any longer. The Court based itself mainly on the award of April 14, 2009, that terminated the individual and collective labor relations, in order to conclude that it was not legally possible for the collective strike activities to continue.

20. The Union also argues that the authorities who heard the case, especially the members of the Federal Board, were not independent, given their system of appointment by the federal government, which the petitioners believe may have entailed a degree of political partiality that compromised their autonomous performance. More specifically, the petitioners allege that "*since the [Federal Board] depends, in financial and administrative terms, on the [Secretariat of Labor and Social Security], the latter appoints and removes the presidents of the [Federal Board] at its pleasure, in accordance with the Federal Law on Labor, the Regulations of the STPS, and the Organic Law on the Federal Public Administration, which in fact prevents the [Federal Board] from enjoying legal autonomy.*"

21. The petitioners report that, as a consequence of the termination of the labor relations and the collective bargaining agreement, the unionized workers of the Cananea mine lost access to different basic social services they had been enjoying, including the health service and public utilities such as electricity and natural gas:

> when these workers were providing their services to the company, they received not only a wage to live on, but also all the social security benefits, like medical services for themselves and their family, and even for all the miners who retired from that company, who also have been deprived of basic subsistence services, such as electricity and natural gas, because all this had been agreed upon in the Collective Bargaining Agreement that the company and the Union had signed; therefore, in passing that award, the Mexican government left thousands of people in a vulnerable situation and in oblivion, which, whichever way one looks at it, violates their human rights to work, health, subsistence, and food.

In their additional observations brief, the petitioners reiterate that, to date, those workers who lost their job at Cananea "*are still without any type of health benefit at any level, that is, without the level of hospitals and specialist doctors; consequently without medicines, or clinical tests that allow them to undergo treatment, and they are still also without water, electricity, and other essential services.*"

22. The petitioners moreover report that after the Federal Board closed the casefile on the strike, public security officers attacked again some workers who persisted in their protest at the Cananea facility:

> On June 6, 2010, over one thousand elements of the PFP [Preventive Federal Police] burst into the facility at the Cananea mine to remove strikers and break the strike using violence and soldiers in police uniform, which took a toll of several wounded and jailed union members. The reason was the Federal Board's resolution that terminated the miners' labor relations; in fact, this was an illegal dismissal. (...) The brutal repression causing three wounded persons and the use of tear gas were proven by the national and international media, as well as by the photos and videos attached hereto. (...) During the days that followed

(June 9, 10, and 15, 2010), the repression of workers and the general population continued because the presence of armed forces became permanent, but also the presence of paramilitary elements, who are individuals in plainclothes that carry long-range weapons in front of PFP officers, which can be seen in media reports and the photos and videos attached hereto.

23. The petitioners report that on September 8, 2010, there was another incident of repression of those who persisted on striking in the vicinity of the Cananea facility, "*given the presence and action of illegal paramilitary groups (these are armed individuals in plainclothes who are tolerated by the PFP), who assault striking miners albeit at a distance from the company's facility, causing several shot wounds and one dead person, as proven by national and international media and in the photos and videos attached hereto. Tear gas was also used against strikers and the civilian population.*"

24. On the other hand, in additional information submitted on February 9, 2015, the petitioners reported that on August 6, 2014, the company, now called Buenavista del Cobre S.A. de C.V., caused a spill of 40,000 cubic meters of toxic metals into the Bacanuchi and Sonora rivers, severely affecting local inhabitants, even those in the area of the Cananea project. The petitioner submitted to the IACHR a technical report on the damages caused, alerting that several years before, the Union had warned about the danger of such an occurrence. They assert that on October 31, 2014, the miners' union filed a criminal complaint against the company, with the Federal Attorney General's Office, concerning this issue, a copy of which—bearing a stamp acknowledging receipt—has been provided for the casefile. They allege that the company has called this event an accident caused by atypical rainfall; but to the Union, this was a spill caused by employer negligence. None of the parties have notified the IACHR about the subsequent development of criminal investigations into this event, after the Union's complaint.

25. In its response, the State requests that the petition be declared inadmissible on account of the petitioners' alleged failure to exhaust domestic remedies, and because, in its opinion, they resort to the IACHR as if it were an international court of appeals.

26. The State informs the IACHR that, following the termination of the collective labor relations, on May 20, 2009, the company's attorney requested the Federal Board to approve the termination of the collective labor relations because of a *force majeure* event not attributable to the company. On October 29, 2010, the company informed the Federal Board that the company had begun paying severance and compensation and benefits to those workers who had so requested and had agreed to receive them. The company also presented two lists with the names of the workers who still had to appear to request the severance pay set out in the award of April 14, 2009. On February 9, 2012, the Union filed an *incidente de liquidación* (motion for severance pay liquidation) for the purpose of claiming payment of the compensation for the workers who had not received it, a motion which was still pending resolution as of the date in which the State submitted its response to the IACHR.

27. Thus, in relation to the lack of exhaustion of domestic remedies, the State asserts that the petitioners had filed a motion for severance pay determination on February 9, 2012, after filing their petition to the IACHR, for the purpose of enforcing the award that declared the labor relations finalized. This motion was pending resolution on the date of the State's reply. The State explains that the purpose of the *incidente de liquidación* is to determine the monetary amount of the sentence established in an award issued after a labor trial, so as to enforce said award, and that, in this case, the motion centered on demanding payment of the outstanding compensations for the terminated workers of the Cananea project whose severance had not yet been liquidated and paid. The State also indicates that should an unfavorable decision be passed on this motion, an appeal for review can be filed, and that should this appeal for review be denied to the petitioner, an amparo lawsuit can be filed.

28. On the other hand, the State claims that within the trial to terminate the collective labor relations, the petitioners filed amparo lawsuit No. 615/2009 to challenge the unfavorable award that terminated such labor relations; the amparo was decided against the petitioners. The State claims that although they could have appealed that judgment by filing an appeal for review, they failed to do so: "*at the Federal*

Judiciary there is no record of an appeal for review filed by the petitioners, which demonstrates the petitioners' failure to exhaust domestic remedies."

29. As to the alleged appeal to the IACHR as an international court of appeal or "of fourth instance," the State argues that the petitioners made extensive use of the available judicial remedies during the proceedings concerning the strike, and also during the proceedings regarding the termination of the labor relations, and that in the course of both lines of litigation, they obtained court rulings which were duly motivated and well-founded under the law. Stressing that one of the petitioners' claims is that the IACHR declare that the miners have the right to work, and that the salaries they have not received during the time they have been on strike must be paid, the State argues that "*the petitioners want the IACHR to operate as a body able to review the award issued within the procedure to terminate the collective labor relations, and the decision on the subsequent amparo lawsuit filed by the petitioners to challenge this award (which was not challenged by the petitioners, as has been said before).*" Given this purported intent on the part of the petitioners, the State asserts that the IACHR is not competent to act as a body able to modify national judicial rulings, "*since such a behavior would prevent the State of Mexico from resolving at its own initiative and by its own means, the alleged situation.*"

30. In their additional observations, the petitioners dispute that they failed to present an appeal for review against the judgment on the amparo lawsuit, as the State claims. By presenting notarized copies of the corresponding judicial decisions, the petitioners reiterate that they resorted to the Supreme Court of Justice twice through appeals for review, which appears on the casefile entitled "*Recurso de Reclamación 101/2010, derivado del amparo directo en revisión 477/2010, promovente: Sindicato Nacional de Trabajadores Mineros, Metalúrgicos, Siderúrgicos y Similares de la República Mexicana*" (Complaint motion 101/2010, derived from direct amparo in review 477/2010, petitioner: National Union of Mine, Metal, Steel, and Related Workers of the Mexican Republic). For these purposes, they submit copies of the following documents: (i) the appeal for review filed on March 5, 2010 with the Judges of the Second Collegiate Court on Labor Matters of the First Circuit (DT. 615/2009); (ii) the appeal for review filed in direct amparo (DT. 615/2009) on March 18, 2010, with the Second Collegiate Court on Labor Matters of the First Circuit; (iii) the presidential decision of March 23, 2010 by the president of the Second Chamber of the Supreme Court, which dismissed appeal for review 477/2010; (iv) the motion of complaint filed on March 23, 2010 (direct amparo DT. 615/2009 and direct amparo in review 477/2010); (v) the motion of complaint filed on March 26, 2010 with the Second Chamber of the Supreme Court; (vi) the resolution issued by the Second Chamber on April 21, 2010, which denied the Union's motion of complaint and made a summary of to the appeal for review filed with and denied by the same body; and (vii) the decision issued on April 21, 2010 on the motion of complaint 98/2010 filed in direct amparo 615/2009. As to the motion seeking payment of the outstanding compensation, the petitioners explain that this motion does not form part of the judicial labor procedure, which had already been finalized, but that it rather seeks to enforce what was already decided within that labor procedure; they stress that, at that stage, no remedies are left for modifying the content of the final judgments. They specify that "*the Union representing workers on this matter resorted to the motion to liquidate the compensation and to an amparo action, for the exclusive purpose of preventing workers' right to compensation from becoming extinguished (statute of limitations), until a better alternative is found for them and their violated rights, which is why we resort to the IACHR. For which reason most workers have not accepted severance pay;"* they further report that the company has raised the amount of severance pay offered to workers so as to achieve their acceptance of the corresponding payment, thereby causing their tacit approval of the contents of the award which is being disputed before the IACHR.

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

31. Firstly, the IACHR must decide on the State's claim that the petitioners have not fulfilled the duty to exhaust domestic remedies established in Article 46.1 of the American Convention, insofar as (i) as of the date of presentation of the petition to the IACHR, no motion for liquidation of the compensations established in the Federal Board's award of April 14, 2009 had yet been filed (this motion was filed afterward and is still pending resolution); and (ii) the petitioners allegedly did not file an appeal for review against the judgment that denied them the amparo they sought against that same award.

32. As for the first point, the IACHR clarifies that a *remedy* in the sense of Article 46.1 of the Convention is, by definition, a means of judicial defense that the domestic legal system provides to anyone who feels that their rights have been infringed or harmed in the course of a State action, and which allows them to seek the reparation of that violation. In order to assess the adequacy of the remedies available to a given petitioner in the domestic legal system, the IACHR usually determines with precision the specific claim they formulate, in order to identify thereafter the judicial remedies provided by the domestic legal system which were available and were adequate *to resolve that particular claim*; that is precisely the meaning of the adequacy and effectiveness of each remedy individually considered — i.e. whether a remedy offers a real opportunity for the alleged human rights violation to be remedied and resolved by the national authorities, before recourse can be made to the Inter-American System of protection.

33. In this regard, the petition under study addresses its main claims towards two specific judicial decisions, namely: the award issued by the Federal Board on April 14, 2009, that declared the termination of the individual and the collective labor relations of the Cananea mine, and the award issued by the Federal Board on June 4, 2010 which declared that there was no strike at Cananea because there were no workers left there after the termination of the labor relations. In this sense, the adequate domestic remedies that the petitioners should have exhausted were those that allowed them to challenge these judicial decisions. For the same reason, the IACHR considers that the petitioners were not bound to initiate or exhaust the procedure of liquidation of the compensation for unfair dismissal, which the State refers to, since it is not against that compensation nor against its liquidation procedure that the petitioners have brought their claims before the IACHR.

34. The IACHR also notes that the motion for liquidation of compensations does not form part in itself of the judicial labor arbitration procedure, which concluded with the issuance of the award of April 14, 2009; rather, this is a subsequent stage to enforce what has already been determined in a judicial decision that has become final in a definitive manner and which concluded the corresponding collective labor conflict procedure. Therefore, in relation to the collective labor conflict in Cananea and the termination of the labor relations, there were no judicial proceedings pending resolution at the time when the petitioners filed their petition with the Inter-American System.

35. As for the second allegation submitted by the State, the IACHR has checked against the notarized copies submitted by the petitioners, that the Union did indeed file not only an appeal for review of the judgment denying the amparo against the award of April 14, 2009, but also an extended version of this appeal for review, and two motions of complaint, with the Supreme Court of Justice, as mentioned in Section V above. The casefile clearly demonstrates that to challenge that award, the Union activated and exhausted the following avenues of judicial defense: (a) an amparo action, filed on April 21, 2009, and denied by the Second Collegiate Court on Labor Matters of the First Circuit (amparo trial No. 7902/2009) through this Court's President's decision of June 8, 2009, which was upheld by the full Court on August 13, 2009 in a judgment that declared the remedy groundless; and was decided definitively by a judgment of February 11, 2010; (b) an appeal for review against the judgment of February 11, 2010, filed with the Second Chamber of the Supreme Court of Justice of the Nation on March 5, 2010 (casefile A.D.R. 477/2010), which was dismissed as inadmissible by the president of this Chamber on March 17, 2010; (c) an extension of the motion for review filed on March 18, 2010; (d) a motion of complaint filed on March 23, 2010, against the rejection of the appeal for review, which was confirmed on March 23, 2010, by the president of the Second Chamber; (e) a second motion of complaint, filed on March 26, 2010, which, along with the first motion of complaint, was declared unfounded by the Second Chamber in a decision of April 21, 2010. Considering that all of the remedies that the Mexican legal system provided for the Union to seek the protection of the rights of the miners whose labor relations were terminated by the Federal Board's award, were in fact pursued and exhausted, the IACHR considers that, regarding these first judicial proceedings, the requirement in Article 46.1(a) of the American Convention has been met.

36. As for the proceeding which concluded in the award of April 14, 2009 and gave rise to the above-described judicial decisions, this was inextricably linked to the procedure regarding the collective labor conflict related to the strike at the Cananea mine, which was also being processed by the Federal Board. As a result of the termination of the labor relations, the Federal Board issued the award of April 4, 2010, declaring that, since there were no workers at Cananea, the strike was therefore legally inexistent. To challenge this

decision by the Federal Board, the Union filed an amparo lawsuit on June 23, 2011, which was ruled against the Union on March 14, 2011, by the Fifth Court on Labor Matters of the Federal District. On March 29, 2011, an appeal for review was filed against that decision with the Sixth Collegiate Court on Labor Matters of the First Circuit (casefile R.T. 84/2011), which denied the appeal in a judgment of July 11, 2011.

37. Given that the final judicial decision that exhausted the complex and closely interconnected domestic judicial proceedings at issue in the petition under study was adopted on July 11, 2011, and that the petitioners filed their complaint with the IACHR on January 4, 2012, the Commission considers that the six-month period established in Article 46.1(a) of the American Convention has been complied with.

38. In addition, the IACHR observes that in relation to the alleged environmental pollution caused by negligence on the part of the company, in the Bacanuchi and Sonora rivers, the Union presented a criminal complaint with the Prosecutor's Office, about whose resolution there has been no information at the date of adoption of this report. Considering the presentation of this criminal complaint on October 31, 2014, after the instant petition was filed, the Commission believes that the adequate domestic remedy was filed regarding the criminal pollution of waterways and that regarding this remedy, the exception of unwarranted delay in its resolution, established in Article 46.2(c) of the American Convention, must be applied because over six years have passed, yet no advancements have been made in the identification, prosecution and punishment of those responsible. Moreover, this complaint meets the requirement of Article 32.2 of the IACHR Rules of Procedure.

VII. ANALYSIS OF COLORABLE CLAIM

39. Mexico claims that the petitioners have resorted to the IACHR as an international court of appeals as they intend to challenge before the inter-American forum the content of domestic judicial decisions issued in the course of the arbitration proceedings regarding the strike at the Cananea mine and the termination of the individual and collective labor relations that were unfolding in that project. In view of this stance of Mexico, the Inter-American Commission reiterates that it is indeed competent to declare a petition admissible and rule on its merits in cases concerning domestic proceedings that may violate the rights protected by the American Convention.[5]

40. The petition under study does not seek, as such, that the IACHR review or reconstitute the judicial reasoning set forth in the two awards issued by the Federal Board which are being contested, neither does it ask the Commission to declare that the strike did exist, or that the labor relations would continue. Instead, the petition clearly denounces, for different reasons, possible violations of the American Convention and the Protocol of San Salvador committed in the course of the proceedings before the Federal Board, and through the abovementioned decisions of April 14, 2009, and April 4, 2010, and it specifically indicates certain violations of human rights which allegedly arose out of those proceedings and awards, which are mentioned in the next paragraph. In this line, it is not possible to assert preliminarily, in light of the claims submitted by the petitioners, that these two judicial decisions are *prima facie* free from any doubt or possible questioning of their consistency with the safeguards enshrined in the American Convention, or that they have been clearly adopted with full respect for judicial guarantees and due process; therefore the claim concerning the so-called "fourth instance" is inadmissible and the merits of the matter shall be analyzed in due course.

41. The petitioners pose the following possible human rights violations: (i) the violation of due process, as the Union was not allowed to participate effectively in the proceedings that concluded with the award of April 14, 2009, which terminated the labor relations, proceedings which were concentrated and conducted speedily, in a single hearing that lasted several hours, apparently without proper and meticulous assessment of the arguments, evidence, defenses, and other interventions by the workers; (ii) the possible use of the judicial proceedings of termination of the labor relations as an irregular means to render unionized workers' right to strike nugatory, by terminating the links between the company and its striking workers on the grounds of an item of evidence whose validity has been questioned, and by consequently declaring the

[5] IACHR, Report No. 122/19. Petition 1442-09. Admissibility. Luis Fernando Hernández Carvajal *et al*. Colombia. July 14, 2019; Report No. 116/19. Petition 1780-10. Admissibility. Carlos Fernando Ballivián Jiménez. Argentina. July 3, 2019, par. 16; Report No. 111/19. Petition 335-08. Admissibility. Marcelo Gerardo Pereyra. Argentina. June 7, 2019, par. 13.

strike inexistent; (iii) the possible simulation and irregular certification of a "*force majeure*" situation at the Cananea mine, because soon (a few weeks) after the termination of strikers, the company changed its name, reopened with new workers at the same mining deposit, and started operating under another collective bargaining agreement; (iv) the alleged impact of the abovementioned decisions and actions by the Federal Board and the company upon the economic, social, and cultural rights of the workers and their families, in particular given their lack of access to the health services they had been enjoying, and the ceasing of the subsidy or financing of their essential public utilities of electricity and natural gas; (v) the alleged direct relation which existed between the strike purportedly suppressed, and the lack of safety, health, and hygiene measures at the Cananea facility, which means that the right to life and security of these miners was subject to the effectiveness of the right to protest; and (vi) the alleged lack of independence of the Federal Board as a judge in the proceedings, given the legally established procedure for the appointment of Board members by governmental agents. From the *prima facie* viewpoint proper of the admissibility stage and without this being a prejudgment of the merits of the matter whatsoever, these claims, taken as a whole, lead the IACHR to conclude that the petition does characterize possible violations of the American Convention and the Protocol of San Salvador.

42. As to the alleged violations of the Protocol of San Salvador, the Commission reiterates that the competence provided for in Article 19.6 of the said treaty, to determine violations in the framework of an individual case, is limited to Articles 8.1 (a) and 13 thereof. Article 8.1(a) of the Protocol enshrines the right to join a trade union and the right of trade unions to function freely. Since in the case under study, striking employees who were terminated by the company were affiliated to the petitioning Union, it is considered *prima facie* that the judicial decision contested in the petition might have affected the full enjoyment and exercise of the rights established in the said Article 8.1(a) of the Protocol of San Salvador. Concerning the alleged violations of the rights to work and social security, these shall be analyzed in the light of the provision of Article 26 of the American Convention. The adoption of these determination does not exclude the possibility that the Commission may resort to the standards established in the Protocol of San Salvador or instruments from beyond the Inter-American system to interpret the rules in the Convention, in accordance with Article 29 thereof.

43. In relation to this, the petitioners have characterized a possible violation of the right to judicial protection on account of the lack of criminal investigation, prosecution, and punishment of the persons responsible for the pollution of waterways, which the Union described and reported, a situation of impunity whose merits shall be examined in the merits stage of the instant case.

44. In view of these considerations and having examined carefully the elements of fact and law set forth by the parties, the Commission deems that the claims by the petitioning party are not manifestly groundless and require an analysis on their merits; for if corroborated, the alleged facts may constitute violations of Articles 8 (fair trial), 16 (freedom of association), 25 (judicial protection), 26 (progressive development of economic, social, and cultural rights) of the American Convention, in relation to Article 1.1 (obligation to respect rights) thereof, and Article 8.1(a) (trade union rights) of the Protocol of San Salvador.

VIII. DECISION

1. To declare this petition admissible with regard to Articles 8, 16, 25, and 26 of the American Convention, in relation to Article 1.1 thereof, and Article 8.1(a) of the Protocol of San Salvador; 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 28th day of the month of March, 2021. (Signed:) Antonia Urrejola, President; Julissa Mantilla Falcón, First Vice President; Flávia Piovesan, Second Vice President; Margarette May Macaulay, Esmeralda E. Arosemena Bernal de Troitiño, and Stuardo Ralón Orellana, Commissioners.

ANNEX
LIST OF ALLEGED VICTIMS INDIVIDUALIZED IN THE PETITION

Special Representative of the National Executive Board of the Union in the State of Sonora:

José Juan Gutiérrez Ballesteros

Department of Mine Maintenance:

1. Jesús Manuel Torres Miranda
2. Marcos Francisco García Nora
3. Gilberto Cubillas Dórame
4. Oscar Miranda Villela
5. Francisco Javier Buelna López
6. Rodolfo Escudero Cedillo
7. Francisco Javier Aguirre García
8. Jesús Gilberto Ramírez Romero
9. Guadalupe Coronado Amaya
10. Julio Rodolfo Haros
11. Guadalupe Parra García
12. Manuel Ballesteros Juvera
13. Francisco Fernando González Aguilar
14. Héctor Báez Montano
15. Ventura Alfonso Villa León
16. Ramiro Córdova Rascón
17. Francisco Cabanillas Barragán
18. Octavio Salazar García
19. Víctor Alonso Grijalva Cortez
20. Luis Ernesto Navarro Villa
21. Jesús Pablo Báez Díaz
22. Martín Cruz Jiménez
23. Ramón Bernabé Cabrera Corella
24. Francisco Javier Miranda Rivera
25. José Alberto Vásquez Ríos
26. Manuel Enrique Acuña Bustamante
27. Víctor Alonso Gallardo Avila
28. Jesús Urias Grosso
29. Javier Venegas Urrea
30. Martín Ignacio Cruz Munguía
31. Gerardo Alonso Ruiz Duarte
32. César Alonso Noriega Tapia
33. Francisco Joel Chávez Aguayo
34. David Alonso Copetillo Chávez
35. Ricardo Esquer González
36. Rodolfo Luna Vera
37. Víctor Alonso Juvera Munguía
38. Oscar Salazar García
39. Efrén Ernesto Coronado Amaya
40. Francisco Trinidad Aguilar Esquer
41. Héctor Manuel Márquez Flores
42. Alejandro Baltazar Morales Villa
43. Alberto Escoboza León
44. Cruz Silvain Urias
45. Mario Moreno Vega
46. Pedro Pablo Fabela Valdez
47. Enrique Ballesteros Córdova
48. Martín Mendivil Amaya

49. Oscar Carrillo Juvera
50. Heriberto Verdugo Martínez
51. Cesar Cons Tapia
52. Raúl González Valenzuela
53. Rodolfo Guerrero Peralta
54. Arturo Escalante Camou
55. Mario Alberto Gastelum Montijo
56. Francisco Javier Martínez Velázquez
57. Luis Reynaldo Castro Barba
58. Carlo Bruno Jerez Martínez
59. José Luis Avila Vega
60. Alan Arnulfo Amaya Arzola
61. Héctor Manuel Montaño Avechuco
62. Rubén Ricardo Mendivil Molina
63. Jesús Copetillo López
64. Jesús Gilberto Ramírez Romero
65. Jaime Osbaldo Tapia Molina
66. Juan Enrique Romero
67. Luis Carlos Silvain Martínez
68. Francisco Manuel Terriquez Cabrera
69. Rafael Newman Acuña
70. Antonio Cortés Cruz
71. Trinidad Soto Valdez
72. Juan Manuel Aros Lara
73. José Everardo Gallardo Rubiano
74. Gerardo Alonso Vásquez Miranda
75. Francisco Alonso Andrade Montoya
76. Leonardo Flores Rocha
77. Baudelio García Félix
78. Eduardo Rascón Urías
79. Mario Sánchez Acosta
80. Manuel Pérez Gutiérrez
81. Víctor Manuel Gutiérrez Ballesteros
82. Francisco Ramón Acuá Sestitos
83. Javier Vega González
84. Joaquín Rochin Camacho
85. Conrado León Molina
86. Oscar Solís Galván
87. Alfonso Pérez Estrada
88. Oscar Manuel Elías Córdova
89. Heriberto David Landavazo Torres
90. José Angel Figueroa Luna
91. Rodrigo Miramón Aguilar
92. Víctor Manuel Miranda Córdova
93. Rigoberto Quijada Quijada
94. Martín Manuel Montiel Borbón
95. Oscar Trujillo
96. José Ramón Sánchez Salazar
97. José Luis Minero Pacheco
98. Ignacio González Molina
99. Isman Leobardo Ramos Castro
100. Anselmo Valenzuela Milton
101. Miguel Angel Martínez Martínez
102. Eduardo Herrera Armenta
103. Arturo Escalante Camou
104. José Antonio Mendoza Rodríguez
105. Jesús María Gallegos Vásquez

106. Adalberto Acuña Contreras
107. Julián Arredondo Arredondo
108. Iván Alejandro Molina González
109. Pedro Gerardo Morales Gámez
110. Jesús Manuel Castro Ramírez
111. Elpidio Martínez Rodríguez
112. Javier Salazar Reyes
113. Rafael González Lara
114. Abraham Lara Medina
115. Jesús Ochoa Velarde
116. Arturo Alonso Gálvez Martínez
117. Manuel Modesto Durán Mendoza
118. Abraham Armando Laredo Bustamante
119. Marco Antonio Esquer Alvarado
120. Marco Antonio Flores Rodríguez
121. Joel Alberto Montiel Borbón
122. Octavio García Verdugo
123. Heraclio Rentería García
124. Héctor Manuel Leyva Sánchez
125. Francisco Cañedo Carrillo
126. José Gregorio López Padilla
127. Roberto Hurtado Hernández
128. Abraham Lara Medina
129. José Antonio Durán Guevara
130. Sergio Armando Vásquez miranda
131. Víctor Manuel López Cota
132. Marco Antonio Martínez Gallegos
133. Jesús Gilberto Martínez Rivera
134. Francisco Valenzuela Quijada
135. Juan Luis Flóres del Rio
136. Idelfonso Cota Félix
137. Carlos Alfonso González Pillado
138. José Roberto Echeverría Cota
139. Armando Sicre Rodríguez
140. Martín Villa Ballesteros
141. Nabor Duarte Herrera
142. Alonso Corrales Verdugo
143. Jacinto Martínez Serna
144. César Alonso Cota Alvarez
145. Jaudiel Erunes Orozco
146. Héctor Martín Luna Cota
147. Fernando Camargo Ledesma
148. Benjamín Coronado Amaya
149. Francisco Durazo Leyva
150. Benigno Martínez Valenzuela
151. Angel Gabriel Estrada Ojeda
152. Jaime Velásquez Unzueta
153. Rogelio Alonso Buelna Escalante
154. José Manuel Villa Ballesteros
155. Carlos Isaac Salazar Acuña
156. Alan Antonio Urías Valencia
157. Manuel Ricardo Moreno Bracamonte
158. Francisco Cortez Moreno
159. Fernando Esquer Cota
160. Ramón Octavio Aguirre Villela
161. Francisco Armando Ramírez Núñez
162. Jesús Angel Espinoza García

163. Héctor Bacame Ramírez
164. Luis Alonso Borbón Pérez
165. Alberto Buelna López
166. Alejo Rodríguez Montoya
167. Jesús Manuel Avechuco Córdova
168. Heriberto Verdugo Martínez

Department of Mine Operation:

1. Jesús María Gallegos Holguín
2. Román Ignacio Lagarda Valdez
3. José Alfredo López Pesqueira
4. Alonso Valenzuela Gómez
5. Marco Antonio Chávez Velásquez
6. Julio César Martínez Padilla
7. Marco Antonio Rodríguez Montoya
8. Felipe Andrés Acosta Borboa
9. Gastón Arnulfo Martínez
10. Luis Carlos Torres Miranda
11. Samuel Andrés León Cruz
12. Angel Francisco Meza
13. Leopoldo Molina Bikerton
14. Arturo Alonso Cuen Quintero
15. Ubaldo Miranda Verdugo
16. Perfecto Guadalupe Núñez González
17. Héctor Martín Dórame Robels
18. Francisco Javier Guerrero Ceseña
19. Francisco Javier Medina Madero
20. Mauricio Lizárraga Leyva
21. Luis Octavio Martínez Covarrubias
22. Francisco Alfredo Sánchez Pérez
23. Alfonso Morales Figueroa
24. Rafael Galindo Murrieta
25. Fausto Martínez Alcaide
26. Francisco Javier González Aguilar
27. Emmanuel Newman Villa
28. Teodoro Alejandro Arvayo Martínez
29. Sergio Alonso Córdova Urias
30. Aldo Alejandro Corral Murillo
31. Francisco Valenzuela Quijada
32. Gustavo Ramírez Vásquez
33. Carlos Enrique Enríquez Acuña
34. Carlos Francisco Domínguez Acuña
35. Mauro Alonso Valenzuela González
36. Jesús Manuel Kosterlizky Durán
37. Martín López Cota
38. Joaquín Felipe Salas Vega
39. Efrain Ignacio Molina Merino
40. Armando Córdova Rascón
41. Roberto Antonio Ramírez Ochoa
42. José Manuel Córdova Martínez
43. Octavio del Cid Zavala
44. Carlos Enrique Silvain Urias
45. José Juan León Duarte
46. José Juan Soto Valdez
47. Luis Ernesto Vergara Flores
48. José Vega Hernández

49. Heriberto López Inzunza
50. Luis Gonzalo Montiel Borbón
51. Roberto Osuna Payán
52. José Jesús Orozco
53. Rodolfo Guerrero Romero
54. Roberto González Alvarez
55. Sergio Ortega Díaz
56. Víctor Manuel Figueroa Soto
57. Jesús Aguayo Acosta
58. Edgar Fernando Denogean Valencia
59. Ignacio Molina Escalante
60. Félix Ricardo Lugo Ruiz
61. Luis Alonso Torres Silvain
62. Bonifacio Héctor Herrera López
63. Filiberto Palma Ramírez
64. Jesús Francisco Ortiz Cruz
65. Sergio Ortega Valdez
66. Julián Arredondo Miranda
67. Luis Carlos Vásquez Borbón
68. Armando Murillo Amaya
69. Luis Enrique Estrada Córdova
70. Ramón Refugio Sodari Ramírez
71. Luis Renato Ledesma Soto
72. Samuel Fimbres Basaca
73. José Francisco Del Cid Urias
74. José Ramón Reyes Ballesteros
75. Marcelo Sánchez León
76. Héctor Humberto López Ramírez
77. Angel Alcaide Dávalos
78. Mario Alberto Carrillo Ontiveros
79. Jorge Luis Morales Bello
80. Miguel Alonso Cruz Bustamante
81. Ramón Lara Mungarro
82. Mario Alberto Alvarez Rodríguez
83. Jorge Daniel Tato Hurtado
84. Alfredo Iriqui Pacheco
85. Rafael Navarro Gámez
86. Francisco Javier López Tarazón
87. Gregorio Quintero Cañez
88. Héctor Bermúdez Núñez
89. Juan Manuel Jerez Quijada
90. José Francisco Maldonado Coptillo
91. Beltrán Gallego Miranda
92. Ernesto Corrales Quilihua
93. Alfredo Paredes Martínez
94. Jorge Abelardo González Pillado
95. Cruz Alejandro Armenta Lara
96. Alfonso Luna Leyva
97. Porfirio Frasquillo Corella
98. Manuel Enrique Verdugo Ortega
99. Everardo Ochoa Ballesteros
100. Lucio Ortega
101. Mario Alberto Gálvez Aros
102. Gustavo Mendivial Amaya
103. Manuel Cecilio Morales Alvarez
104. Armando Moreno Martínez
105. Ramón Humberto Echeverría Córdova

106. Ramón del Cid Urias
107. Iván Rafael Duarte Martínez
108. Iván Aguilar Herrera
109. Francisco Pacheco Córdova
110. Jacinto Vázquez Roblero
111. Gerardo Payan Saralegui
112. José Alfredo Estrada Salguero
113. Francisco Javier Leyva Iriqui
114. Manuel Irineo Villarreal López
115. Francisco Javier Gálvez Enríquez
116. Marcelo Lara López
117. Reynaldo Montiel Borbón
118. Santiago Jesús Olmos Campos
119. Adán Rubio Ruiz
120. Edgardo Domínguez Vega
121. Jacinto Alfredo Bacame Córdova
122. Refugio Alvarez Córdova
123. Héctor Iván Alvarez Alvarez
124. Juan Gabriel Lugo Mendias
125. Manuel Rocha Sánchez
126. Rubén Domingo Sicre
127. Elías González
128. Víctor Manuel Rosas Díaz
129. Rafael García Apodaca
130. José Domingo Bracamonte Mazón
131. César Moyers Félix
132. Alejandro Parra García
133. Francisco Javier León Sánchez
134. Eulogio López Fernández
135. Mario Arredondo Miranda
136. Eustreberto Valenzuela Gómez
137. Jesús Ricardo López Frausto
138. Jesús Abel Montiel Hernández
139. José Feliciano Valenzuela Mendivil
140. Luis Alfonso Lugo Noriega
141. Luis Armando Armenta Andrade
142. Sergio Martínez Miranda
143. Alejandro Martínez Escalante
144. Pedro Tapia Molina
145. Martín Enrique Avechuco Hernández
146. Gabriel Valdez Quiroz
147. Raymundo Ramírez Dórame
148. Mario Alberto Lugo Gastelum
149. José Antonio Santos Núñez
150. Manuel Lugo Romero
151. Sergio David Maurin
152. Raúl Alberto Chávez Aguayo
153. Jesús Miguel Montaño Avechuco
154. Manuel Angel Romero Ortega
155. Carlos Enrique López Acuña
156. Sergio Rafel González Valenzuela
157. Marcelino Silvain Urias
158. Ramiro Córdova Ramírez
159. Jesús Francisco Ramos Nora
160. Jesús Manuel Domínguez Rocha
161. Roberto Romero Ramírez
162. Héctor Manuel Torres Jiménez

163. Marco Antonio Ramírez Cabrera
164. Mario César Romero Avechuco
165. Alejandro Quijada Cardona
166. Manuel Enrique Iriqui Hernández
167. Juan Chávez Aguayo
168. Francisco Javier Ortez Muso
169. Arnoldo Soto Gracia
170. José Balderrama López
171. Moisés Miranda Barba
172. Héctor René Bacame Córdova
173. Jesús Manuel García Cruz
174. Juan Carlos Ureña Ballesteros
175. Juan Carlos Iñiguez Sandoval
176. Francisco Cárdenas Cota
177. Jesús Contreras Figueroa
178. Iván Alonso Moreno Esconoza
179. Antonio Rascón Gálvez
180. Martín Maldonado Copetillo
181. Mario López Díaz
182. José Juan Chacara Corona
183. Carlos León Gil
184. Omar Alonso López Quintero
185. Mario Alberto Vázquez Canett
186. Agustín Ignacio Soto Valdez
187. Héctor Gerardo Ballesteros Figueroa
188. Francisco Javier Martínez Cota
189. Jesús Antonio Acuña Ballesteros
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