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REPORT No. 237/23
PETITION 2066-21
REPORT ON ADMISSIBILITY

MEHUL CHOKSI
ANTIGUA & BARBUDA

Approved electronically by the Commission October 20, 2023.

Cite as: IACHR, Report No. 237/23, Petition 2066-21. Admissibility. Mehul Choksi. Antigua and Barbuda. October 20, 2023.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Ludovic Hennebel
Alleged victim:	Mehul Choksi
Respondent State:	Antigua and Barbuda
Rights invoked:	Articles I (Right to life, liberty and personal security), VIII, (Right to residence and movement), XIX Right to nationality), XXV, (Right of protection from arbitrary arrest) of the American Declaration on the Rights and Duties of Man ¹

II. PROCEEDINGS BEFORE THE IACHR²

Filing of the petition:	November 20, 2021
Additional information received at the stage of initial review:	August 29, 2022
Notification of the petition to the State:	June 27, 2022
State's first response:	August 31, 2022
Additional observations from the petitioner:	December 21, 2022, and February 1, 2023

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Declaration (ratification of the OAS Charter on December 3, 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 I (right to liberty and security of the person); XXV (right to human treatment in custody) and XXVI (right to due process of law) of the American Declaration
Exhaustion of domestic remedies or applicability of an exception to the rule:	Partially, in terms of Section VI
Timeliness of the petition:	Yes, in terms of Section VI

V. ALLEGED FACTS*The petitioner*

1. The petition alleges that the State is internationally responsible for violating multiple rights of Mehul Choksi ("the alleged victim" or "Mr. Choksi"). These claims arise from circumstances in which (a) Mr. Choksi was allegedly the subject of an unlawful rendition to Dominica; (b) allegedly subject to physical

¹ Hereinafter "Declaration" or "American Declaration."

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

mistreatment during the rendition to Dominica); and (c) subjected to the risk of being stripped of Antiguan nationality and deported to India.

2. By way of background, the petition indicates that Mr. Choksi, a businessman, was originally a citizen of India. However, he subsequently acquired citizenship of Antigua and Barbuda (“AB”) in 2017 and relocated to AB in 2018. According to the petition, upon acquiring citizenship of AB, Mr. Choksi renounced his citizenship of India because Indian law prohibits dual citizenship. The petition states that shortly after Mr. Choksi’s arrival in AB, the government of India issued an extradition request (in March 2018) to the government of AB seeking the return of Mr. Choksi to India to face criminal charges (in connection with allegations of collusion in a bank fraud case. The petition also indicates that simultaneously, the International Criminal Police Organization (“Interpol”) also issued a “Red Notice” aimed at procuring the arrest of Mr. Choksi.

3. According to the petitioner, Mr. Choksi challenged, in the courts of Antigua and Barbuda, the constitutionality of the extradition process. In this regard, the petition states that Mr. Choksi initiated a legal action on July 30, 2018, in which he contended that there is no extradition agreement between Antigua and India; that in the absence of such agreement the State cannot act upon India’s request; that he cannot be detained pursuant to such request; and that the State should refrain from acting on the basis of any extradition request from India.

4. The petition also states that on October 14, 2019, in parallel with the judicial proceedings to challenge the extradition proceedings, the Prime Minister of AB initiated a citizenship revocation proceeding against Mr. Choksi. The petition indicates that this procedure was based on Section 10(2) of the Antigua and Barbuda Citizenship Act and on allegations of willful concealment of material facts and/or false representation in support of Mr. Choksi’s application for citizenship. The petition further asserts that on January 9, 2020, Mehul Choksi challenged the constitutionality of this procedure before the courts of AB.

5. According to the petition, while these court proceedings were pending, Mr. Choksi was kidnapped on May 23, 2021, by individuals who pretended to be members of various law enforcement agencies in Antigua and led him by force, by boat, to Dominica, where he was arrested by the police and where he was detained from May 24, 2021, until July 12, 2021.

6. The petition alleges that Mr. Choksi’s captors initially refused to disclose the destination of this forced trip. The petition also claims that Mr. Choksi was mistreated and tortured repeatedly by his captors. According to the petition, Mr. Choksi was subjected to physical assaults (which caused bruising) as well as electric shocks from a taser. The petition also states that Mr. Choksi was gagged and had problems breathing.

7. The petition states that while Mr. Choksi was placed in police custody when he arrived in Dominica, and that the government of Dominica subsequently initiated steps to remove him as an illegal immigrant. He had informed the police that he had been kidnapped and tortured. According to the petition, Mr. Choksi was detained in a cell of six square meters, without mattresses or any other equipment. The petition further alleges that he was not allowed to see a doctor, although his face and body were swollen, covered with wounds and bruises, because of the abuse he suffered during his abduction. The petition further claims that Mr. Choksi’s repeated and insistent requests to be allowed to inform his family or to speak with a lawyer were all ignored and rejected; and that he remained in the cell for three days incommunicado.

8. The petition indicates that Mr. Choksi was ultimately successful in obtaining bail from the courts of Dominica, which allowed him to return to AB On July 12, 2021. The petition indicates that bail was granted principally because of health problems³ being experienced by Mr. Choksi which required medical intervention and follow up.

³ According to the petition, Mr. Choksi suffers from cardio-vascular and neurological medical problems.

9. Since Mr. Choksi's return to AB, the petition alleges that domestic judicial proceedings are still pending; and that Mr. Choksi remains under threat of extradition/deportation to India, as well as revocation of his citizenship of AB. The petition also claims that the authorities of AB have been reluctant to conduct a proper investigation into the circumstances of Mr. Choksi' abduction and transfer to Dominica.

10. According to the petition Mr. Choksi claims that the police and State agents were directly involved in his abduction and physical abuse/torture. Broadly, the petition claims that the abduction and forced rendition of Mr. Choksi to Dominica was done at the initiative of AB to facilitate his unlawful deportation from Dominica to India. The petition alleges that AB effectively conspired with the State of Dominica⁴ to bring about this deportation. However, the petition also concedes that the direct involvement of the authorities of AB Barbuda in the arrest, kidnapping and forced transfer to Dominica of Mr. Choksi has not yet been proven. However, the petition argues that the involvement of AB authorities can be assumed in the light of the context of the abduction as well as certain public statements made by the authorities. The petition alleges that while Mr. Choksi was in Dominica, the Prime Minister publicly declared (inter alia) that AB would not accept Mr. Choksi back into the country, and that he was considered to be "*persona non grata*."

11. The petition indicates that the alleged victim has made formal complaints to the AB police about his abduction, forced rendition and mistreatment. The petition cites two police reports that confirm the allegations made by Mr. Choksi (dated June 4, 2021, and June 19, 2021). The petition also claims that the reports identify possible suspects. However, despite these reports the petition claims that to date, the authorities have not initiated any judicial investigations, arrests, or prosecutions.

12. According to the petition, in February 2022, Mr. Choksi initiated further litigation before the courts aimed at forcing the AB authorities to conduct an effective investigation into his abduction, torture and attempted rendition. Based on the record, it appears that this litigation remains pending, as well as the other two lawsuits previously initiated by Mr. Choksi to challenge the constitutionality of the constitutionality of the extradition process against him and the constitutionality of the citizenship revocation process.

13. The petition claims that since his return to AB, Mr. Choksi has been regularly threatened, implicitly or explicitly, with further attempts at abduction, rendition to India, torture, or attempts on his life⁵. The petition further asserts that because of this situation (together with the failure of the AB authorities to conduct and complete a criminal investigation) Mr. Choksi has been forced not to expose himself publicly, not to travel, and to limit his movements. The petition asserts that this violates Mr. Choksi's right to freedom of movement.

14. The petition alleges that the ongoing legal proceedings aimed at depriving Mr. Choksi of AB citizenship places him at risk of becoming a stateless person.

15. Generally, the petition contends that all attempts so far to redress his complaints have been ineffective. In particular, the petition argues that the allegations of torture and ill-treatment have so far not been redressed by the domestic courts or law enforcement authorities. Accordingly, the petitioner submits that the petition qualifies for an exception to the exhaustion requirement. Further, the petitioner argues that the petition has been filed within a reasonable time, given that the petition was filed on November 20, 2021, when many of the material facts had occurred or were still occurring.

The State

16. The State rejects the petition as inadmissible principally on the grounds of (a) failure to exhaust domestic remedies; and (b) failure to state colorable violations of the American Declaration.

⁴ The petitioner has brought a separate petition against Dominica alleging human rights violations arising from the alleged abduction and rendition.

⁵ The petition does not provide any details of these alleged threats.

Exhaustion of domestic remedies

17. The State submits that Mr. Choksi has not exhausted domestic remedies. In this regard, the State indicates that Mr. Choksi has three cases pending before the High Court of AB. The State indicates that these three cases were filed in September 2018, January 2020, and February 2022⁶. More particularly, the State indicates that these cases are: (a) challenge to the constitutionality of the Extradition Act (“the constitutional challenge”);⁷ (b) a lawsuit challenging the State’s application to revoke Mr. Choksi’s citizenship of AB⁸ (“the citizenship claim”); and (c) a lawsuit aimed at compelling the government of AB to conduct an effective inquiry into the circumstances of Mr. Choksi’s abduction and rendition to Dominica⁹ (“the effective inquiry claim”).

18. The State indicates that it filed an application to strike out the effective inquiry claim on the ground that it disclosed no reasonable cause of action under the Constitution. The State further indicates that the court set November 10, 2022, as the hearing date for this application. The State also submits that the court also ordered that the citizenship claim, and the constitutional challenge be both stayed pending the determination of the effective inquiry claim.

19. Given the foregoing, the State submits that the domestic remedies have not been exhausted. The State also indicates that, even a decision, resulting from the proceedings before the High Court, would not be a final determination since either Mr. Choksi or the government of AB would have the right to appeal to the Eastern Caribbean Court of Appeal and, thereafter, to the Judicial Committee of the Privy Council in England.

Failure to state colorable claim

20. Generally, the State asserts that the petition is that the matter is inadmissible for failure to state any facts that establish a violation of rights by the State; and that the claims are manifestly groundless.

21. Regarding the alleged arrest and forcible removal of Mr. Choksi, the State makes a number of observations. Firstly, the State asserts that it asserts that the police (of AB) had no awareness of, or any part in, the events of May 23, 2021 (when Mr. Choksi was allegedly arrested and abducted). The State also indicates that on August 5, 2021, Mr. Choksi gave a statement to investigating officers of the AB police force, when he repeatedly identified the persons who removed him from Antigua and Barbuda as persons of “Indian descent” who identified themselves as “RAW agents”. He went on to say that “RAW agents to my knowledge are Indian intelligence employees working for the Research & Analysis Wing”.

22. The State further submits that at no point in his statement (of August 5, 2021) did Mr. Choksi allege that members of the AB police were implicated in his removal from AB. Further the State rejects the petition’s allegation of an agreement and coordination of intelligence services or law enforcement agents of AB and Dominica, with the aim to circumvent the legal extradition proceedings and to render the petitioner to India, without following the required legal process. The State contends that the petition has provided no evidence to support this allegation.

23. The State generally rejects the petition’s claim that it did not conduct any criminal investigation into the circumstances of Mr. Choksi’s arrest and removal from AB. In this regard, the State submits that on the evening of May 23, 2021, the police began an investigation after Mr. Choksi’s wife reported that he was missing. The State indicates that an extensive search was launched that night in the area where Mr. Choksi lived and in the places he frequented. The State also indicates that many persons were questioned. On the following morning, the State indicates that Mr. Choksi’s car was found unlocked and undamaged but with no keys. According to the State, on May 26, 2021, it received an official communication from the Dominica police, indicating that Mr. Choksi had entered Dominica illegally, and was in police custody. The State indicates that it continued to pursue an investigation which revealed a series of suspicious activities by several

⁶ The State’s response includes two annexes that provide documentation on the allegations against Mr. Choksi and the laws under which the State initiated the extradition of Mr. Choksi’s extradition and the revocation of his citizenship.

⁷ Cited as Claim No. ANUHCV2018/0362.

⁸ Cited as Claim No. ANUFICV2020/0002.

⁹ Cited as Claim No. ANUHCV2022/0036.

persons¹⁰. The State submits after Mr. Choksi returned to AB, the AB police showed Mr. Choksi photographs of these persons; and that Mr. Choksi identified the persons in the photographs as persons who had participated in his kidnapping and transportation to Dominica. The State asserts that the investigation remains in progress, and this investigation also involves seeking international assistance. The State submits that the details of such assistance cannot now be disclosed to safeguard the integrity of the investigation and the rights of persons of interest.

24. The State also rejects the allegation that Mr. Choksi has been the subject of repeated threats since his return to AB; and that this has impacted his freedom of movement. The State indicates that it is not aware of any threats being made to Mr. Choksi; and that Mr. Choksi he has neither reported any threat to the police nor did he include any such threats in the claims that he made to the High Court of Antigua and Barbuda. The State submits that police officers interviewed Mr. Choksi several times during their investigation of his claim of "forcible abduction and removal" from Antigua and Barbuda, and at no time, including when he made a formal statement on August 5, 2021, did he report any threats. The State further contends that, pending the result of litigation before the High Court of Antigua and Barbuda, Mr. Choksi remains in possession of an AB passport and is under no restrictions of his movements.

Extradition issue

25. The State rejects the petition's claims regarding the lawfulness of the extradition proceedings. In this regard, the State submits that under the law of AB¹¹, persons (like Mr. Choksi) are liable to deportation to India where an arrest warrant has been issued and an extradition request has been received.

26. By way of background, the State indicates that the on December 12, 2018, the International Criminal Police Organization (INTERPOL) issued a Red Notice (Control No. A-12905/12-2018) advising Police Forces globally that Mr. Choksi is a "Fugitive Wanted For Prosecution", stating that "Action to be taken if traced" is to "Locate and Arrest with a view to extradition" a notice that, as a member state of INTERPOL, Antigua and Barbuda is legally bound to respect and enforce. The State further indicates that request for Mr. Choksi's extradition to India was received by the competent authority in AB on December 7, 2018, from the authorities in India. The request detailed that Mr. Mehul Choksi was wanted for the offence of money laundering.

27. The State further indicates that while the matter of Mr. Choksi's citizenship of AB is still under consideration by the High Court of AB, the law of AB (the Extradition Act, 1993) " does not exempt a citizen of AB from extradition. Consequently, the State submits that Mr. Choksi's citizenship or not of AB could not be considered in determining the State's obligation to honor a request for extradition.

Nationality issue

28. The State rejects the petition's claims regarding measures being taken to revoke the AB citizenship of Mr. Choksi. The State indicates that Mr. Choksi became a citizen of Antigua and Barbuda by investment, under the Antigua and Barbuda Citizenship Act. The State further submits that consistent with Section 8 of the Antigua and Barbuda Citizenship Act, a condition of granting such citizenship is that "false representation or fraud or willful concealment of material facts" is a ground for the removal of such citizenship. According to the State, Mr. Choksi was aware of criminal charges against him, at least one month before he applied for AB citizenship by investment. The State further indicates that failure to reveal the existence of such a charge would automatically have resulted in the rejection of his application for citizenship. The State notes that in January 2022, Rajeev Ranjan, the Deputy Commissioner of Police, Economic Offences Wing, in New Delhi, India, compiled a 131-page report, which detailed evidence that Mr. Choksi was aware of criminal cases against him as early as July 2016, and before April 26, 2017, when he applied for citizenship of AB by investment.

¹⁰ The State names some of these persons as: Barbara Jarabik, a national of Hungary, with whom Mr. Choksi was associated; an Englishman, Leslie Farrow-Guy, who was associated with Barbara Jarabik; Gurdip Bath, an Indian national travelling on a Diplomatic passport issued by St. Kitts-Nevis; and another British national of Indian extraction, Gurjit Singh Bhandal.

¹¹ The State indicates that Antigua and Barbuda law, specifically Statutory Instrument 2001, No. 34, issued by the Minister of Foreign Affairs on September 17th, 2001, and titled, "Extradition (Designated Commonwealth Country) Order 2001 earlier made the Minister under section 7 of the Extradition Act 1993 No. 12 of 1993", India is a designated extradition country.

Essentially, the State argues that Mr. Choksi was not eligible for citizenship of AB, and that the proceedings to revoke that citizenship are in keeping with Mr. Choksi's ineligibility for citizenship. The State notes that Mr. Choksi has the legal right to challenge the procedure of removal of citizenship and he did so in January 2020 (which is now pending).

29. The State also rejects the petition's claim that the Prime Minister of AB declared Mr. Choksi as "persona non grata." The State indicates that the actual words of the Prime Minister were "If he was not a citizen of Antigua and Barbuda, we would have made him persona non grata and repatriated him a long time ago. But we had to respect these constitutional protections". The State further emphasizes that, in any event, the matter of Mr. Choksi's citizenship remains pending before the courts.

Additional observations from petitioner

30. The petitioner generally rejects the State's position. In relation to the issue of exhaustion of domestic remedies, the petitioner maintains that the three pending actions in Antigua are not effective remedies that need to be exhausted in the current matter. The petition further emphasizes that the State has failed to conduct an effective ex officio investigation into the circumstances of Mr. Choksi's, kidnapping, ill-treatment, and extraordinary rendition to Dominica. The petitioner submits that while Mr. Choksi has filed an "effective inquiry" lawsuit (regarding the failure to investigate), he is not obliged to exhaust this remedy. Generally, the petitioner argues that all attempts to access justice have been denied, and that the State has limited itself to invoking ongoing proceedings without justifying how such remedies are likely to address the allegations of human rights violations suffered by Mr. Choksi.

31. The petitioner also reaffirms that the allegations of human rights violations are based on concrete evidence and are therefore not manifestly groundless.

32. The petitioner also mentions that on December 21, 2022, Interpol revoked the "Red Notice" that had previously been issued against Mr. Choksi. According to the petitioner, Interpol considered that there the Red Notice did not comply with Interpol's requirements; and that there was evidence of collusion between the Indian, Antigua and Dominican Governments to return Mr. Choksi to India.¹²

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

33. The parties diverge on the issue of exhaustion of domestic remedies. The State contends that the alleged victim has failed to exhaust domestic remedies, whereas the petitioner argues that there are no available or effective remedies to address the alleged violations of Mr. Choksi. The complaints of the petition relate principally to (a) the alleged failure of the State to adequately investigate the alleged abduction, forced rendition and mistreatment of Mr. Choksi; and (b) the measures taken by the State to revoke the AB citizenship of Mr. Choksi and to extradite him back to India.

34. With regard to the alleged abduction, mistreatment and forced rendition of the alleged victim, the Commission has long established that under international standards applicable to cases like this one, where serious human rights violations such as physical abuse are alleged, the appropriate and effective remedy is the filing and the undertaking of an effective criminal investigation aimed at the clarification of the facts and, if necessary, individualize and prosecute the persons responsible. As a general rule, the Commission has established that a criminal investigation shall be conducted promptly to protect the interests of the victims and to preserve evidence. It appears that the State has initiated an investigation but that it remains pending, despite the fact that it has identified possible suspects. The Commission also observes that the alleged victim filed an "effective inquiry claim" before the courts, based on the lack of progress with this investigation, and that this claim is pending. Given the foregoing, the Commission considers that the State has not so far completed a prompt, effective criminal investigation aimed at the

¹² The petitioner refers to decision CCF/122/R291.18.19.22 adopted by the Commission for the Control of Interpol's Files of INTERPOL, adopted on October 12, 2022.

clarification of the facts or taken any steps to individualize and prosecute the persons responsible for the alleged abduction and physical mistreatment of Mr. Choksi. The Commission also observes that the alleged acts at issue began in 2021 and its effects concerning the alleged lack of any investigation of said acts to the alleged victim continue to this date. As a result, considering the context and the characteristics of this case, the Commission concludes that it has sufficient elements to believe that the exception set forth in Article 31 (2) (b) of the IACHR Rules of Procedure is applicable in this case; and that the petition was filed in a reasonable time, under the terms of Article 32 (2) of the IACHR Rules of Procedure.

35. The Commission notes that regarding the complaints about possible extradition and revocation of citizenship, that the alleged victim has challenged these processes by way of lawsuits before the High Court of AB (the constitutional challenge and the citizenship claim). These lawsuits are currently pending, subject to a determination of the “effective inquiry” lawsuit. However, the petitioner claims that these remedies are ineffective, whereas the State considers that they are effective and so far, unexhausted. In this regard, the State submits that (a) the legal proceedings initiated by Mr. Choksi are pending¹³; (b) any decisions made by the High Court could be subject to appeal the Eastern Caribbean Court of Appeal and, thereafter, to the Judicial Committee of the Privy Council in England (at the instigation of either Mr. Choksi or the government of AB). In light of the foregoing, the State considers that even if Mr. Choksi received any adverse rulings, he would still have available and effective remedies that are yet to be invoked or pursued. The Commission further observes that the petition’s claims regarding the possible revocation of citizenship and extradition are brought primarily under Article XIX (right to nationality) of the American Declaration.

36. The Commission notes that in accordance with the jurisprudence of the Commission and with that of other international human rights organs, ineffective remedies do not need to be exhausted. In the IACHR’s view, for the purposes of the petition’s admissibility, remedies are ineffective when it is shown that none of the means to vindicate a remedy before the domestic legal system appears to have prospects of success. To satisfy this point, the Commission must have evidence that allows it to evaluate effectively the probable outcome of the petitioners’ proceedings. The mere doubt about the prospects of filing a case is insufficient to exempt petitioners from exhausting domestic remedies.¹⁴ In this the instant petition, the Commission has identified no evidence to suggest that remedies being pursued by the alleged victim are ineffective. Accordingly, the Commission concludes that the petition’s claims regarding his possible extradition and revocation of citizenship are inadmissible for failure to exhaust domestic remedies (Article 31 of the Rules of Procedure).

VII. ANALYSIS OF COLORABLE CLAIM

37. The Commission notes that the petition raises claims relating to the forcible removal of the alleged victim from AB to Dominica, as well the proceedings initiated by the State to extradite him and to revoke his citizenship of AB.

38. In view of the elements of fact and law presented by the parties and the nature of the matter brought to its attention, the IACHR considers that the alleged acts of physical mistreatment of the alleged victim (arising out the alleged abduction and forcible rendition), as well as the lack of investigation of said claims are not manifestly groundless and, if proved, may represent violations of the rights enshrined in Articles I (right to liberty and security of the person); XXV (right to human treatment in custody) and XXVI (right to due process of law) of the American Declaration.

39. However, regarding the allegations relating to the proceedings to extradite the alleged victim and to revoke his AB citizenship, the Commission has already concluded that they are inadmissible for failure to exhaust domestic remedies. Consequently, in keeping with Article 34 (a) of the IACHR’s Rules of Procedure,

¹³ The State indicates that it filed an application to strike out the effective inquiry claim on the ground that that it disclosed no reasonable cause of action under the Constitution. The State further indicates that the court set November 10, 2022, as the hearing date for this application. The State also submits that the court also ordered that the citizenship claim, and the constitutional challenge be both stayed pending the determination of the effective inquiry claim.

¹⁴ See IACHR, Report No. 18/12, Petition 161-06. Admissibility. Juvenile offenders sentenced to life imprisonment without parole. United States. March 20, 2012, para. 47.

the Commission further considers that these allegations do not state facts that tend to establish a violation of any rights under the American Declaration (and Article XIX of the American Declaration).

40. The Commission notes that the petition also claims that following his return to AB, Mr. Choksi had been regularly threatened, implicitly or explicitly, with torture, and further attempts at abduction, and rendition to India. The petitioner claims that these threats impinged on his right to freedom of movement pursuant to Article VIII of the American Declaration. However, the petition provides no details as to the source of these threats or the dates or times when these threats occurred. Further, the petition provides no information on whether these threats were reported to the police or other relevant authorities of AB. According to the State, it received no complaint from the alleged victim about these alleged threats. This has not been rebutted by the petitioner. Given the foregoing, the Commission considers that, in keeping with Article 34 (a) of the IACHR's Rules of Procedure, there is insufficient information to establish a colorable claim under Article VIII of the American Declaration (or any other provision of the American Declaration).

VIII. DECISION

1. To find the instant petition admissible in relation to Articles I, XXV, and XXVI of the American Declaration.
2. To find the instant petition inadmissible in relation to Articles XIX and VIII of the American Declaration.
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 20th day of the month of October, 2023. (Signed:) Margarette May Macaulay, President; Julissa Mantilla Falcón, Carlos Bernal Pulido and José Luis Caballero Ochoa, Commissioners.