

# Radilla Pacheco, Fernández Ortega et al., and Rosendo Cantú et al. v. Mexico

## I. COMPLIANCE AND FOLLOW-UP ADDENDUM<sup>1</sup>

**April 17, 2015:** The Court issued a Resolution deciding whether the State satisfied two reparations previously ordered in the Judgments of three cases (*Radilla Pacheco, Fernández Ortega et al.*, and *Rosendo Cantú et al.*).<sup>2</sup> The Court considered information submitted by the State, the victims, their representatives, and the Commission.<sup>3</sup> The Court declared that the State partially complied with its obligation to adopt the relevant legislative reforms to make Article 57 of the Mexico Military Justice Code compatible with international human rights standards.<sup>4</sup> Further, the Court found the State fully complied with its obligation to adopt the reforms necessary to ensure people affected by the military's intervention have an effective remedy.<sup>5</sup>

The State reported that in June of 2014, Congress approved an amendment to Article 57 of the Code of Military Justice.<sup>6</sup> According to the State, this reform guarantees that all human rights violations alleged against the armed forces will be investigated in a civil jurisdiction.<sup>7</sup> The Court welcomed the State's reform to the Military Code and noted that the reform is an important modification of State's internal legal order.<sup>8</sup> Nevertheless, the Court considered this amendment only partially satisfactory because it continues to allow the military to maintain jurisdiction over cases alleging human rights violations in which both the accused and the accuser are members of the military.<sup>9</sup> The Court

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1. Lauren Mayes, Author; John Flynn, Editor; Kimberly Barreto, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Radilla Pacheco, Fernández Ortega et al., and Rosendo Cantú et al. v. Mexico, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (ser. C) No. 216 (Apr. 17, 2015).

3. *Id.* "Viewed:" ¶¶ 4, 5.

4. *Id.* "Considering That:" ¶¶ 1, 2.

5. *Id.*

6. *Id.* ¶ 9.

7. *Id.* ¶ 6.

8. Radilla Pacheco, Fernández Ortega et al., and Rosendo Cantú et al. v. Mexico, Monitoring Compliance with Judgment, ¶ 16.

9. *Id.* ¶ 20.

emphasized the importance of hearing all violations of human rights in ordinary civil jurisdictions, including those committed by military members against military members.<sup>10</sup> As such, the Court required the State to adopt measures necessary to fully reform its internal law to reflect the relevant human rights' standards.<sup>11</sup>

As to the second ordered reparation, the State provided the Court with information relating to the constitutional and legal reforms of the Amparo Law, which ensures people have an effective recourse to challenge the jurisdiction of the military.<sup>12</sup> The Court also agreed with the Supreme Court of Mexico's interpretation of Article 57 of the Code of Military Justice as being in violation of the American Convention.<sup>13</sup> Thus, the Court declared the State fully complied with its obligation to provide an effective recourse to contest the military's competence.<sup>14</sup>

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10. *Id.*

11. *Id.* ¶ 23.

12. *Id.* ¶ 25.

13. *Id.* ¶ 30.

14. Radilla Pacheco, Fernández Ortega et al., and Rosendo Cantú et al. v. Mexico, Monitoring Compliance with Judgment, ¶ 31.