

Mendoza et al. v. Argentina

ABSTRACT¹

This case is about criminal juvenile justice in Argentina. The victims were all juveniles who had been given life sentence for crimes they had committed before they turned eighteen. All suffered appalling conditions of detention, while detained in various facilities, and one committed suicide while in detention. Eventually, the Court found the violation of several articles of the American Convention as well as of the Inter-American Convention to Prevent and Punish Torture.

I. FACTS

César Alberto Mendoza, Claudio David Núñez, Lucas Matías Mendoza, Saúl Cristian Roldán Cajal and Ricardo David Videla Fernández were raised in poor and deprived neighborhoods of Argentina.² The lack of material resources and vulnerable socio-economic conditions had a great effect on their upbringing and overall development.³ Most of the individuals came from broken families and thus, had neither stability nor adequate role models.⁴ Moreover, all of the individuals did not complete their primary and secondary studies.⁵ They all had their first interaction with the criminal justice system at an early age and spent much of their childhood in juvenile institutions.⁶

A. Chronology of Events

1. Events pertaining to César Alberto Mendoza

October 17, 1978: César Alberto Mendoza is born in a disaster prone

1. Annette Avedissian, Author; Milja Miric, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 260, ¶ 68 (May 14, 2013).

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

neighborhood in Buenos Aires with “unsatisfied basic needs.”⁷

1982: Mr. Mendoza’s father abandons his family, leaving his mother to raise him alone.⁸ She later finds a new partner and abandons her son.⁹

1990: Mr. Mendoza, now twelve, is arrested for the first time for attempted robbery.¹⁰

1992: Mr. Mendoza begins to use marijuana and is arrested a second time for attempted robbery.¹¹ As a result, he is imprisoned in the Manuel B. Rocca Juvenile Institution.¹²

July 27 & 28, 1996: Mr. Mendoza is involved with stealing three vehicles while armed, two aggravated homicides, and injuring several people.¹³ He is seventeen at the time and is later arrested in connection with these crimes on December 2, 1996.¹⁴

December 18, 1996: First Instance Judge Ricaro Luis Farias orders Mr. Mendoza be tried for his double aggravated robbery charges concurrently with his charge as an accomplice to aggravated double homicide, and refers the case to Juvenile Court No. 4.¹⁵

February 13, 1997: Juvenile Court No. 4 adds two counts of armed robbery as an accomplice.¹⁶

October 18, 1999: After the court looks into custody provisions, it is determined that tutelary provisions for Mr. Mendoza have expired because he has turned eighteen.¹⁷

October 28, 1999: At twenty-one, Oral Juvenile Court No. 1 of the Au-

7. *Id.* ¶ 69.

8. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 69.

9. *Id.*

10. *Id.*

11. *Id.*

12. *Id.*

13. Mendoza et al. v. Argentina, Admissibility Report, Report No. 26/08, Inter-Am. Comm’n H.R., Case No. 12.651, ¶ 44 (Mar. 14, 2008); Mendoza et al. v. Argentina, Report on Merits, Report No. 172/10, Inter-Am. Comm’n H.R., Case No. 12.651, ¶ 61 (Nov. 2, 2010).

14. Mendoza et al. v. Argentina, Admissibility Report, ¶ 44; Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, n.51.

15. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 77.

16. *Id.*

17. *Id.*

tonomous City of Buenos Aires (“the Oral Juvenile Court”) convicts Mr. Mendoza as a co-perpetrator of four counts of aggravated armed robbery and two counts of aggravated homicide and battery.¹⁸ He is given a life sentence under Law 22, 278 for crimes he committed as a minor.¹⁹

November 16, 1999: Mr. Mendoza’s public defender files for cassation of his sentence.²⁰

November 30, 1999: The Oral Juvenile Court dismisses the request for cassation.²¹

June 23, 2000: The Second Chamber of the National Criminal Cassation Court (“Criminal Cassation Court”) dismisses a complaint filed by Mr. Mendoza’s public defender regarding the rejection of cassation, and a motion filed by the head of the Juvenile Public Defender’s Office challenging the conviction’s constitutionality.²²

August 24, 2000: The Criminal Cassation Court declares the public defender’s special federal appeal inadmissible.²³

2. Events pertaining to Claudio David Núñez

August 20, 1979: Claudio David Núñez is born in Tucumán.²⁴

1988: Mr. Núñez’s family moves to the Ejército de los Andes neighborhood in Buenos Aires and Mr. Núñez begins working as a baker.²⁵

1994: Mr. Núñez is accused of killing his father because he beat all the members of his family and raped Mr. Núñez’s sister, and thus is institutionalized in a children’s home.²⁶

January 21, 1997: Mr. Núñez is detained for various offenses commit-

18. Mendoza et al. v. Argentina, Report on Merits, ¶ 61.

19. *Id.*; Law 22,278 discussed and explained in *Section I (B): Other Relevant Facts*.

20. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 79.

21. *Id.*

22. *Id.* ¶ 80; Mendoza et al. v. Argentina, Report on Merits, ¶¶ 63, 66.

23. *Id.* ¶ 67.

24. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 70.

25. *Id.*

26. *Id.*

ted between October 3, 1996 and January 9, 1997.²⁷ As a result, he is given tutelary treatment under Law 22,278.²⁸

April 12, 1999: The Oral Juvenile Court finds Mr. Núñez guilty of five counts of aggravated homicide, eight counts of aggravated armed robbery, unlawful possession of military firearm, and criminal association.²⁹ He is given a life sentenced for crimes committed at seventeen.³⁰

May 6, 1999: The Oral Juvenile Court rejects the remedies of cassation and unconstitutionality filed by Mr. Núñez's public defender and Children's Public Defender.³¹ The public defenders thereafter file a complaint against this decision.³²

April 4 & 19, 2000: The National Criminal Cassation Court rejects the complaint.³³

3. Events pertaining to Lucas Matías Mendoza

September 24, 1980: Lucas Matías Mendoza is born.³⁴ Mr. Matías Mendoza lives in the Ejército de los Andes neighborhood in Buenos Aires.³⁵

1992: Mr. Matías Mendoza's father abandons the family, leaving his mother and grandmother to raise him.³⁶

1997: Mr. Matías Mendoza is arrested on January 21 and placed in a juvenile detention center.³⁷ While in juvenile detention, Mr. Matías Mendoza is hit in his left eye and suffers a detached retina.³⁸ After an examination, a doctor reports that his left eye is inoperable and diagnoses his

27. *Id.* n.61.

28. *Id.* ¶ 81.

29. Mendoza et al. v. Argentina, Report on Merits, ¶ 69. The court tried Mr. Núñez jointly with Mr. Matías Mendoza. *Id.* ¶ 68.

30. *Id.* ¶¶ 69, 70.

31. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 83.

32. *Id.* ¶ 84.

33. *Id.*

34. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 71.

35. *Id.*

36. *Id.*

37. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶¶ 71, n.62.

38. Mendoza et al. v. Argentina, Report on Merits, ¶ 113.

right eye with toxoplasmosis.³⁹ As a result, Mr. Matías Mendoza is blinded in his left eye.⁴⁰

1998: Mr. Matías Mendoza is given tutelary treatment under Law 22,278.⁴¹

April 12, 1999: Mr. Matías Mendoza is found guilty of two counts of aggravated homicide, eight counts of aggravated armed robbery, criminal association, and illegal possession of military firearm.⁴² He is given a life sentenced for crimes committed at sixteen.⁴³

May 6, 1999: The Oral Juvenile Court does not accept the remedies of cassation and unconstitutionality filed by Mr. Matías Mendoza's lawyer and the Children's Public Defender.⁴⁴ A complaint is then filed against the Court's decision.⁴⁵

April 4 and 19, 2000: The National Criminal Cassation Court rejects the complaint.⁴⁶

4. Events pertaining to Mr. Núñez and Mr. Matías Mendoza

Dec 9, 2007: Mr. Núñez, along with Mr. Matías Mendoza, receive injuries while they are being held in the Federal Penitentiary.⁴⁷ The State provided a disciplinary report to the Commission which states that a fight broke out between Mr. Matías Mendoza and Mr. Núñez and two other inmates.⁴⁸ "The State asserts that prison officers reportedly intervened, separated them and, for safety reasons, temporarily housed them in . . . temporary holdings cells."⁴⁹

A few days after this incident, Mr. Núñez and Mr. Matías Mendoza were both examined again by two different physician at the Penitentiary.⁵⁰ A report by the first physician stated that Mr. Núñez and Mr. Matías Mendoza both had bruising on their body, and also that Mr.

39. *Id.*

40. *Id.* ¶ 114.

41. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, ¶ 81.

42. *Mendoza et al. v. Argentina*, Report on Merits, ¶ 70.

43. *Id.*

44. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, ¶ 83.

45. *Id.* ¶ 84.

46. *Id.*

47. *Mendoza et al. v. Argentina*, Report on Merits, ¶ 117.

48. *Id.* ¶ 118.

49. *Id.*

50. *Id.* ¶ 119-120.

Matías Mendoza had a sutured scalp laceration.⁵¹ The second physician reported bruising as well, along with abrasions and lacerations on both of the men.⁵²

On December 13, Mr. Núñez and Mr. Matías Mendoza are interviewed by members of the National Public Defender's Office. In his report, Mr. Matías Mendoza asserts that "a group of four prison security guards beat him as they dragged him from his cell and took him elsewhere where they reportedly hit him with a truncheon more than 20 times on the soles of his feet."⁵³ Mr. Matías Mendoza states that he was then taken to another place, where he was asked to stand up and walk, but because he was unable to do so due to the blows to his feet, the guards "reportedly threw him to the floor and began beating the soles of his feet again."⁵⁴ Mr. Núñez described a similar pattern in his statement, "saying that he had been struck multiple times on the soles of his feet."⁵⁵ Out of fear for their physical safety, neither of the men elaborated further on the matter.⁵⁶

December 17, 2007: Mr. Núñez and Mr. Matías Mendoza make statements to the Sentence Enforcement Court stating that on December 9, they were both subjected to unlawful duress, and that they fear for their physical safety.⁵⁷ As a result, two criminal proceedings were pursued in Lomas de Zamora Federal Criminal and Correctional Court.⁵⁸ However, the Court ordered both cases to close without prejudice because "there were no "investigative leads to follow to prove the facts being claimed, given the victim's alleged unwillingness or inability to identify his assailants."⁵⁹

5. Events pertaining to Saúl Cristian Roldán Cajal

February 10, 1981: Saúl Cristian Roldán Cajal is born in Santiago del Estero.⁶⁰

51. *Id.* ¶ 119.

52. *Id.* ¶ 120.

53. Mendoza et al. v. Argentina, Report on Merits, ¶ 122.

54. *Id.*

55. *Id.*

56. *Id.* ¶ 124.

57. *Id.* ¶ 124.

58. *Id.* ¶ 126.

59. Mendoza et al. v. Argentina, Report on Merits, ¶ 126.

60. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 72.

1988: Mr. Cajal's family moves to the Mendoza province.⁶¹ Mr. Cajal's father dies when Mr. Cajal is a child, forcing him to beg on the street.⁶² After his father's death, Mr. Cajal is sent to *Colonia 20 de Junio*, a housing center for children who have parted with their families.⁶³ Different families and the Socio-educational Orientation Center (COSE) also take him in.⁶⁴

April 14, 1999: Mr. Cajal is arrested.⁶⁵

October 30, 2000: The Mendoza Juvenile Criminal Court declares Mr. Cajal criminally responsible for aggravated homicide with aggravated robbery.⁶⁶

November 6, 2000: The Mendoza Juvenile Criminal Court orders one year of tutelary treatment along with psychiatric and psychological exams.⁶⁷ It also orders Mr. Cajal begin trade school or continue his education through the prison.⁶⁸

March 8, 2002: The Mendoza Juvenile Criminal Court convicts Mr. Cajal of aggravated homicide with aggravated robbery, crimes he committed before turning eighteen, giving him a life sentence.⁶⁹

April 3, 2002: Mr. Cajal's public defender files for cassation and challenges the ruling as unconstitutional.⁷⁰

April 8, 2002: The Mendoza Juvenile Criminal Court finds the cassation remedy admissible.⁷¹

August 5, 2002: The Mendoza Supreme Court of Justice rejects the cassation remedy.⁷²

61. *Id.*

62. *Id.* ¶ 72.

63. *Id.* ¶ 72.

64. *Id.*

65. *Id.* n.79.

66. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 85.

67. *Id.*

68. *Id.*

69. Mendoza et al. v. Argentina, Report on Merits, ¶ 82; Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 86.

70. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 87.

71. *Id.*

72. *Id.*

November 5, 2002: The Mendoza Fifth Criminal Chamber rules that Mr. Cajal is unable to apply for parole under the State's Criminal Code.⁷³

6. Events pertaining to Ricardo David Videla Fernández

September 17, 1984: Ricardo David Videla Fernández is born and lives in the outskirts of Mendoza.⁷⁴ His parents work long hours and thus are absent from his childhood.⁷⁵

May 2001: Mr. Fernández is arrested and is sent to a juvenile institution for stealing a bicycle, and he is given tutelary treatment as a result.⁷⁶

November 28, 2002: The Mendoza Juvenile Criminal Court convicts Mr. Fernández for “two aggravated homicides; five aggravated robberies; one attempt at aggravated robbery; aggravated coercion; possession of a military firearm and unlawful carriage of a civilian firearm.”⁷⁷ He is sentenced to life imprisonment for convicted crimes that occurred three months prior to his eighteenth birthday.⁷⁸

December 19, 2002: Mr. Fernández's private attorney files remedies of cassation.⁷⁹

April 24, 2003: The Mendoza Supreme Court of Justice rejects the cassation remedies.⁸⁰

June 25, 2003: The Mendoza Supreme Court of Justice denies the special federal appeal filed by Mr. Fernández's attorney.⁸¹ The attorney's complaint motion regarding this decision is later rejected as well.⁸²

June 3, 2005: Mr. Fernández is diagnosed with a psychiatric condition and is ordered to take medications for it.⁸³

73. *Id.* ¶ 88.

74. *Id.* ¶ 73.

75. *Id.*

76. *Id.* ¶¶ 73, 89, n.89.

77. Mendoza et al. v. Argentina, Report on Merits, ¶ 85.

78. *Id.*

79. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 91.

80. *Id.*

81. Mendoza et al. v. Argentina, Report on Merits, ¶ 89.

82. *Id.*

83. *Id.* ¶ 97.

June 21, 2005: On this day, Mr. Fernández tells several guards multiple times that he plans to commit suicide.⁸⁴ At 1:30 p.m., he is found hanging by a belt in his cell at the Young Adults Maximum Security Facility.⁸⁵

Later that day, a case opens and a judicial investigation begins.⁸⁶ During the judicial investigation, statements were taken from the inmates, guards, prison personnel and medical and cleaning staff, all of which confirm that Mr. Fernández had been diagnosed with a psychiatric condition earlier in the month, and that he had indicated to the guards on several different occasions that he was going to kill himself.⁸⁷ One inmate named Pedro de Jesús Zenteno Rojas, who was in the cell next to Mr. Fernández, stated that when the guards found Mr. Fernández, “they cut the noose and instead of grabbing him, they let him drop to the floor and he hit the toilet.”⁸⁸ Another inmate by the name of Jonathan Matías Díaz said that when Mr. Fernández told Officer Alvea Gutiérrez to call Officer Fattori or else he would kill himself, Officer Gutiérrez replied, “go ahead and hang [yourself].”⁸⁹

Moreover, during the investigation, a handwritten letter by Mr. Fernández is found that states that he was “repeatedly threatened by prison staff and that [officers] were engaging in psychological persecution.” In the letter, Mr. Fernández asks to be transferred to another jail, but nothing in the Commission’s case file indicates that any actions were taken on this brief.⁹⁰ Additionally, when officials from the Prison Policy Monitoring Commission visited the Mendoza Penitentiary, they stated that Mr. Fernández’s “psychological state had markedly deteriorated [and that] he was in tears.”⁹¹ One official stated then when they opened the cell, Mr. Fernández “began shielding his face from the light that came in; he was slow to get to his feet [and] said that the hours spent locked in his cell were killing him.”⁹²

June 6, 2006: The Examining Prosecutor determines that Mr. Fernández’s death was a suicide, and that “none of the events surrounding this

84. *Id.*

85. *Id.* ¶ 95.

86. *Id.* ¶ 96.

87. Mendoza et al. v. Argentina, Report on Merits, ¶ 97.

88. *Id.* ¶ 98.

89. *Id.* ¶ 99.

90. *Id.* ¶ 102.

91. *Id.* ¶ 103.

92. *Id.* ¶ 103.

event suggests that this was a cause of criminal neglect.”⁹³ As a result, the proceedings on this matter close because “the event under investigation does not constitute a crime.”⁹⁴

June 14, 2006: Mr. Fernandez’s next of kin, who is not named, objects to the closing of the proceeding.⁹⁵ However, his request is denied.⁹⁶

July 31, 2006: The next of kin appeals the decision, stating that the court’s analysis of the facts is biased.⁹⁷ The court however stated that in their view, it was “a well reasoned decision in which” all of the evidence was weighed and observed.⁹⁸

B. Other Relevant Facts

On August 28, 1980, a nationwide law, Law 22,278, on the Juvenile Criminal Regime is published.⁹⁹ Law 22,278 applies to adolescents who are charged with offenses they have committed while under the age of eighteen.¹⁰⁰ Once they turn eighteen, they become a part of the adult criminal regime.¹⁰¹ This law makes a distinction between non-punishable individuals (those under sixteen) and punishable individuals (those between sixteen and eighteen years of age when they commit the offense).¹⁰² Articles 2 and 3 of this law allow judges to give tutelary measures for individuals who commit an offense during the investigation and processing of the proceedings, regardless of their age.¹⁰³ After at least one year of this imposed tutelary treatment, and once the individual turns eighteen, the judge may impose one of the punishments established in the National Criminal Code.¹⁰⁴ Because this is based on a completely subjective decision, some adolescents who are declared criminally responsible are sentenced with adult punishments while others adolescents are acquitted for the same acts.¹⁰⁵

93. Mendoza et al. v. Argentina, Report on Merits, ¶ 105.

94. *Id.*

95. *Id.* ¶ 106.

96. *Id.*

97. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 260, ¶ 107 (May 14, 2013).

98. *Id.* ¶ 108.

99. *Id.* ¶ 74.

100. *Id.* ¶ 75.

101. *Id.*

102. *Id.*

103. *Id.* ¶ 76.

104. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 76.

105. *Id.*

Prison conditions in Argentina are tough. Many of the State's facilities do not have adequate medical and psychological treatments, are extremely overcrowded and unsanitary, and offer poor nutrition.¹⁰⁶ The Argentine Constitution requires its prisons to be safe, clean and healthy in order to provide for the security of its inmates.¹⁰⁷ According to a 2005 report, a father of a twenty-year-old who was arrested at sixteen for robbery says that his son is still awaiting a sentence.¹⁰⁸ The father also informs a human rights group of the mistreatment by the guards the inmates and their families are constantly facing.¹⁰⁹ In 2004, the Inter-American Court of Human Rights orders the Mendoza provincial government to adopt provisional measures immediately that would "protect the lives and personal integrity of inmates."¹¹⁰ Moreover, the government is ordered by the Court to investigate the mistreatment and violent deaths that occur in the prisons.¹¹¹ According to Amnesty International, no significant improvements have been made.¹¹²

II. PROCEDURAL HISTORY

A. Before the Commission

April 9, 2002 – December 30, 2003: The Inter-American Commission ("the Commission") receives complaints on behalf of César Alberto Mendoza, Claudio David Núñez, Lucas Matías Mendoza, Saúl Cristián Roldán Cajal, and Ricardo David Videla Fernández.¹¹³ Mr. Fernando Peñaloza serves as petitioner in the case of Ricardo David Videla Fernández, and Ms. Stella Maris Martínez serves as petitioner for the rest of the complaints lodged.¹¹⁴

Because of the substantial similarity in the allegations of facts and law submitted in the complaints, the Commission decided to join the cases into a single file.¹¹⁵

The petitioners allege that the State is liable for sentencing the alleged victims to life imprisonment for crimes they committed while they

106. *Country Report on Human Rights Practices for 2011*, U.S. DEP'T of ST. (2013), <http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm#wrapper>.

107. *ARGENTINA: Cruel, Inhumane' Prison Conditions in Mendoza*, IPS, (Nov. 24, 2005), <http://www.ipsnews.net/2005/11/argentina-cruel-inhumane-prison-conditions-in-mendoza/>.

108. *Id.*

109. *Id.*

110. *Id.*

111. *Id.*

112. *Id.*

113. *Mendoza et al. v. Argentina*, Admissibility Report, ¶ 1.

114. *Id.*

115. *Id.*

were minors.¹¹⁶ Because the alleged victims were between the sixteen and seventeen when they committed the crimes, they should not have been treated like adults.¹¹⁷ Moreover, the petitioners allege that the State rejected the remedies of cassation filed by the youths' attorneys because the State thought the life sentences complied with the law.¹¹⁸

The State argues that on several occasions, it demonstrated to petitioners that it was willing to come to a friendly settlement.¹¹⁹ The State does not, however, respond to the petitioner's allegations of facts regarding the convictions of the alleged victims.¹²⁰ The State also does not dispute the admissibility of the petition.¹²¹

June 23, 2005: The Commission is informed about the death of Mr. Fernández.¹²²

March 14, 2008: The Commission adopts Admissibility Report No. 26/08.¹²³ The Commission determines that it is able to hear the case and that the petition is admissible with respect to the alleged violations of protected rights.¹²⁴

November 10, 2010: The Commission adopts Merits Report 172/10.¹²⁵ In the report, the Commission concludes that the State imposed life imprisonment sentences on the alleged victims that completely disregarded the standards for juvenile criminal justice.¹²⁶ Specifically, the Commission contends, "imprisonment shall only be used as a measure of last resort and for the shortest appropriate period of time."¹²⁷ The Commission also mentions that the State disregarded its "obligation to ensure a regular review with a view to the possibility of release, giving special consideration to the rehabilitative purpose that a sentence is intended to serve to allow juvenile offenders to become constructive members of society."¹²⁸ The Commission thus holds that the sentences for life im-

116. *Id.* ¶ 2.

117. *Id.* ¶ 3.

118. Mendoza et al. v. Argentina, Admissibility Report, ¶ 3.

119. *Id.* ¶ 5.

120. *Id.*

121. *Id.*

122. *Id.* ¶ 4.

123. Mendoza et al. v. Argentina, Report on Merits, Report No. 172/10, Inter-Am. Comm'n H.R., Case No. 12.651, ¶ 7 (Nov. 2, 2010).

124. Mendoza et al. v. Argentina, Admissibility Report, ¶ 92.

125. Mendoza et al. v. Argentina, Report on Merits, ¶ 8.

126. *Id.* ¶ 4.

127. *Id.*

128. *Id.* ¶ 4.

prisonment were given “arbitrarily and were incompatible with the American Convention.”¹²⁹

The Commission also finds that Mr. Fernández’s death was due, in part, to the State’s lack of adequate measures to prevent his death from occurring and that the State failed to properly investigate his death.¹³⁰ Furthermore, the Commission concludes that Mr. Matías Mendoza lost his eyesight due to the absence of medical treatment in prison.¹³¹ Lastly, the Commission holds that the State failed to appropriately investigate the acts of torture against Mr. Núñez and Mr. Matías Mendoza.¹³²

The Commission concludes that the State is liable for violating Articles 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 19 (Rights of the Child) and 25 (Right to Judicial Protection) of the American Convention.¹³³ Additionally, the Commission finds the State is accountable for violating of Article 4 (Right to Life) of the American Convention, and Articles 1 (Obligation to Prevent and Punish Torture), 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment) and 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture to the detriment of the victims.¹³⁴

The Commission recommends that the State allow the victims to file a remedy that will allow a full review of their convictions.¹³⁵ The Commission also recommends that the State “take measures to ensure that the international standards in the area of juvenile criminal justice, as set forth in this report, are observed in that review and that the victims’ legal situation is determined in accordance with those standard, and to ensure that the victims get adequate medical treatment.”¹³⁶ Additionally, the Commission orders that those under eighteen are given the possibility of special measures for the protection for children.¹³⁷ The Commission orders legislative and other measures to warrant the State complies with the right recognized in Article 8(2)(h) (Right to Appeal), and recommends the State conduct an investigation behind Mr. Fernández’s death and also the incidents of torture involving Mr. Matías Mendoza and Mr. Núñez.¹³⁸ The Commission also orders training programs for

129. *Id.*

130. *Id.* ¶ 5.

131. Mendoza et al. v. Argentina, Report on Merits, ¶ 5.

132. *Id.*

133. *Id.* ¶ 6.

134. Mendoza et al. v. Argentina, Report on Merits, ¶ 6.

135. *Id.* ¶ 319(1).

136. *Id.* ¶ 319(1)-(2).

137. *Id.* ¶ 319(4).

138. *Id.* ¶ 319(5)-(7).

prison guards and personnel to prevent incidents of torture and other inhumane treatment of prisoners from occurring; it also orders for the penitentiary's conditions to be accordance with the Inter-American standards.¹³⁹ Lastly, the Commission recommends that the State provide reasonable compensation for the human rights violations.¹⁴⁰

B. Before the Court

June 17, 2011: The Commission submits the case to the Court after the State failed to adopt its recommendations.¹⁴¹

1. Violations Alleged by Commission¹⁴²

Article 4 (Right to Life)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 8 (Right to a Fair Trial)

Article 19 (Rights of the Child)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination)

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

Article 1 (Obligation to Prevent and Punish Torture)

Article 6 (Obligation to Take Effective Measure and Punish Degrading Treatment)

Article 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture.

2. Violations Alleged by Representatives of the Victims¹⁴³

Same Violations Alleged by Commission.

April 20, 2012: The State files two preliminary objections, stating that the pleadings made by the alleged victims' representatives should have

139. *Id.* ¶ 319(8)-(9).

140. *Mendoza et al. v. Argentina*, Report on Merits, ¶ 319(10).

141. *Id.* ¶ 2.

142. *Id.* ¶ 6.

143. *Id.* ¶ 2. Mr. Fernando Peñaloza served as representative of Ricardo David Videla Fernández, and Ms. Stella Maris Martínez served as representative of César Alberto Mendoza, Claudio David Núñez, Lucas Matías Mendoza and Saúl Cristian Roldán Cajal. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, ¶ 2(a).

been rejected *in limine* since they “exceeded the factual framework” on which the case before the Commission was based.¹⁴⁴ The State also contended that the detention conditions to which the victims were placed was outside the scope of the case.¹⁴⁵ The Court finds that it is not appropriate “to rule in a preliminary manner on the factual framework of the case.”¹⁴⁶

The State files another preliminary objection indicating that the Court should not take into account the arguments made by the Commission and representatives of the victims regarding the detention center’s condition and the death of Mr. Fernandez.¹⁴⁷ The Court concludes that this preliminary objection is admissible only in regards to the detention conditions Mr. Fernández dealt with, since it is asserted the conditions contributed to his death.¹⁴⁸ The Court concluded that the preliminary objection is not admissible as regards the supposed failure to investigate his death.¹⁴⁹

The State also argued that since Mr. Cajal’s sentence was reduced to fifteen years after his defense counsel submitted an appeal for review, his procedural claim is moot.¹⁵⁰ The Court finds against this objection and will review the issue in the merits.¹⁵¹

August 29, 2012: A group of researchers from the Center for the Study of Sentence Execution submit an *amicus curiae* brief to the Court.¹⁵²

September 6–13, 2012: The Brazilian Institute of Criminal Science, *Asociación por los Derechos Civiles*, Amnesty International, and the *Colectivo de Derechos de Infancia y Adolescencia de Argentina* submit an *amicus curiae* brief.¹⁵³

September 14, 2012: The Human Rights Institute of Columbia Law School, Human Rights Advocates, and the University of San Francisco Center for Law and Global Justice submit an *amicus curiae* brief to the Court.¹⁵⁴

144. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 7.

145. *Id.*

146. *Id.* ¶ 25.

147. *Id.* ¶ 26.

148. *Id.* ¶ 40.

149. *Id.*

150. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 44.

151. *Id.* ¶ 45.

152. *Id.* ¶ 13.

153. *Id.*

154. Brief for Inter-American Court of Human Rights as Amici Curiae Supporting Petitioners, César Alberto Mendoza et al. v. Argentina (No. 12.651).

May 14, 2013: The Court rejects the provisional measure requested by Mr. Cajal to keep him anonymous in the Judgment.¹⁵⁵ Judge Macaulay appended a dissenting opinion to the Court's decision.¹⁵⁶ The judge stated that all those under eighteen should "have the right to have their identities [. . .] protected from public scrutiny while under the power of the state for offenses committed during his childhood and if [they are to] serve their sentences [until eighteen], these sentences should not prejudice or affect their future as adults."¹⁵⁷

III. MERITS

*A. Composition of the Court*¹⁵⁸

Diego García Sayán, President
 Manuel E. Ventura Robles, Vice President
 Margarete May Macaulay, Judge
 Rhadys Abreu Blondet, Judge
 Alberto Pérez Pérez, Judge

Pablo Saavedra Alessandri, Secretary
 Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

May 14, 2013: The Court issues its Judgment on Preliminary Objections, Merits, and Reparations.¹⁵⁹

The Court found unanimously that Argentina had violated:

Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), in relation to Article 19 and 1(1) of the Convention, to the detriment of the victims,¹⁶⁰ because:

155. *Mendoza et al. v. Argentina*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Resuelve" ¶ 1 (May 14, 2013) (Available only in Spanish).

156. *Mendoza et al. v. Argentina*, Provisional Measures, Order of the Court, Dissenting Opinion of Judge Margarete Macaulay, Inter-Am. Ct. H.R. (ser. C) No. 260 (May 14, 2013) (Available only in Spanish).

157. *Id.* ¶ (c).

158. Judge Leonardo A. Franco did not participate in the judgment since he is an Argentine national. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, n.1. Judge Eduardo Vio Grossi did not participate "for reasons beyond his control." *Id.*

159. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 260, (May 14, 2013).

160. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, "Opera-

*The State sentenced the victims to life imprisonment and reclusion for committing offenses while still minors.*¹⁶¹ Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment) states that “no one shall be subject to arbitrary arrest or imprisonment.”¹⁶² Moreover, the Court has stated that “no one shall be subject to arrest or imprisonment for reasons and by methods that, although classified as legal, may be considered incompatible with respect for the fundamental rights of the individual because, among other factors, they are unreasonable, unpredictable, or disproportionate.”¹⁶³ The Court stated that life imprisonment and reclusion for children is contrary to these principles because “they are not exceptional punishments, they do not entail the deprivation of liberty for the shortest possible time or for a period specified at the time of sentencing, and they do not permit periodic review of the need for the deprivation of liberty of the children.”¹⁶⁴

Moreover, Article 37(b) of the Convention on the Rights of the Child holds that States must guarantee and make sure that children are not deprived their liberty unlawfully or arbitrarily.¹⁶⁵ Therefore, judges are to decide when it is necessary to impose criminal sanctions.¹⁶⁶ If the sanction is a denial of a child’s liberty, “its application may be arbitrary if the basic principles that regulate the matter are not considered.”¹⁶⁷

In regards to sentences for children that deprive them of their liberty, the Court stated that the sentences must be as short as possible, meaning, the arrest, detention or imprisonment of the child should happen only as a last resort and for the shortest period of time that is necessary.¹⁶⁸ Additionally, there should be periodic review of the imposed measures so that states release children if there is a change in circumstances and their reclusion is not needed any more; this can be achieved through early release programs.¹⁶⁹ The Court concluded, “the possibil-

tive Paragraphs” ¶ 5.

161. *Id.* ¶ 164.

162. *Id.* ¶ 161.

163. *Id.*

164. *Id.* ¶ 163.

165. *Id.*

166. *Id.*

167. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 161.

168. *Id.* ¶ 162.

169. *Id.*

ity of release should be realistic and regularly considered.”¹⁷⁰ Because the State judges did not take into account these principles when they imposed the life sentences and reclusion for the victims who were minors, the State violated Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment) of the Convention.¹⁷¹

Article 5(6) (Detention Must Aim to Reform and Rehabilitate), in relation to Articles 19 and 1(1) of the Convention, to the detriment of the victims,¹⁷² because:

*The Court stated that life imprisonment and reclusion do not accomplish the goal of social reintegrating juveniles, but rather exclude children from society.*¹⁷³ For this reason, the measures are only retributive because they render re-socialization impossible.¹⁷⁴

*Article 5(6) (Detention Must Aim to Reform and Rehabilitate) of the American Convention states that “the deprivation of life shall have as an essential aim the reform and social integration of the prisoners.”*¹⁷⁵ The Court stated that although the Convention does not expressly mention life imprisonment and reclusion, when someone under eighteen is found guilty of a crime, that child has the right “to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth.”¹⁷⁶ This, in turn, strengthens the child’s respect for human rights and the essential freedoms of others. Thus, the sentences ordered are required to have the end goal of reintegration for the child.¹⁷⁷

*Therefore, the State judges violated the best interests of the child because they did not respect the State and international provisions that inform a child’s best interests in making their decisions to limit the victims’ rights.*¹⁷⁸ In regards to the best interests of the child, the Court restated that its regulation “is based on the dignity of the human being, on the inherent characteristics of children, and on the need to foster

170. *Id.*

171. *Id.* ¶ 164.

172. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, “Operative Paragraphs” ¶ 6.

173. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, ¶ 166.

174. *Id.*

175. *Id.* ¶ 165.

176. *Id.*

177. *Id.*

178. *Id.* ¶¶ 136, 142.

*their development making full use of their potential.*¹⁷⁹ *In conclusion, for the reasons above, the Court found the State violated Article 5(6) (Detention Must Aim to Reform and Rehabilitate) of the Convention.*¹⁸⁰

Article 5(1) (Right to Physical, Mental, and Moral Integrity) and Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), in relation to Article 1(1) of the Convention, to the detriment of the victims,¹⁸¹ because:

*The Court found that the sentences imposed on the victims were disproportionate and their extreme psychological impact constituted cruel and inhuman treatment against Article 5(1) (Right to Physical, Mental, and Moral Integrity) and Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) of the Convention.*¹⁸²

*Article 5(1) establishes: “Every person has the right to have his physical, mental, and moral integrity respected.”*¹⁸³ *Article 5(2) states that “no one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.”*¹⁸⁴ *The Court also considers Article 37(a) of the Convention of the Rights of the Child and finds that the connection between these two articles establishes that “life imprisonment without possibility of release shall [not] be imposed for offences committed by persons below eighteen years of age.”*¹⁸⁵ *Moreover, international human rights law strictly prohibits torture and cruel, inhuman or degrading treatment or punishment.*¹⁸⁶

*This Court looked at the judgment in Harkins and Edwards v. United Kingdom, which established that a severely disproportionate sentence could constitute cruel treatment, violating the European Convention Human Right’s version of Article 5 (Right to Humane Treatment) of the Convention.*¹⁸⁷ *Several expert witnesses discussed the victims’ psycho-*

179. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 142.

180. *Id.* ¶ 167.

181. *Id.* “Operative Paragraphs” ¶ 7.

182. *Id.* ¶ 183.

183. Mendoza et al. v. Argentina, Report on Merits, ¶ 129.

184. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 172.

185. *Id.*

186. *Id.* ¶ 173.

187. *Id.* ¶ 174.

logical problems due to their life sentences.¹⁸⁸ The experts stated that the difficult prison conditions that the victims had to endure at a very young age are a strong example of the difficulty of maintaining mental integrity and a frightening demonstration of how these situations can end a human life.¹⁸⁹ Moreover, the victims were not able to grow up in a healthy environment.¹⁹⁰ One expert stated:

*[J]uveniles sentenced to life imprisonment are recipients of every type of corporal and psychological punishments and disdain, because those who have experienced or are experiencing prison since they were very young all agree that they fear they will be unable to rid themselves of that accursed and imposed identity when they return to life in society outside, and if they are sentenced to life imprisonment, what other identity can they assume?*¹⁹¹

Some of the victims recounted their thoughts when they were notified of their life imprisonment sentences.¹⁹² For example, Mr. Núñez remembered that “he felt that he “was being killed in life; that he had no future, nothing; and that he was going to die in prison.”¹⁹³ Mr. Matías Mendoza sent a letter to the Human Rights Secretariat of the national Ministry of Justice requesting euthanasia, stating he “would rather die than suffer life imprisonment.”¹⁹⁴ Mr. Cajal also stated that “the sentence to life imprisonment had a strong impact on him, because he had been in prison long enough to understand what each day of life in prison meant.”¹⁹⁵ In Mr. Fernández’s case, the unfortunate consequences of a life imprisonment sentence were apparent because it led him to end his life.¹⁹⁶

Due to the foregoing reasons, the Court found the State violated Article 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) of the Convention.¹⁹⁷

188. *Id.* ¶ 177.

189. *Id.*

190. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 178.

191. *Id.* ¶ 180.

192. *Id.* ¶ 182.

193. *Id.*

194. *Id.*

195. *Id.*

196. *Id.*

197. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 183.

Article 5(1) (Right to Physical, Mental, and Moral Integrity) and Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), in relation to Article 1(1) of the Convention, to the detriment of Mr. Matías Mendoza,¹⁹⁸ because:

The Court stated Mr. Matías Mendoza was entitled to increased protection based on his medical condition as a minor deprived of liberty.¹⁹⁹ The Court held the State violated Articles 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) of the Convention because they failed to provide adequate medical care to Mr. Matías Mendoza for his detached retina while he was at the Juvenile Institution and in other detention centers.²⁰⁰

The Court stated that that the State has a duty, to give regular health care to detainees.²⁰¹ Moreover, the rules state that a medical officer is to examine every prisoner as soon as possible after they are admitted to the institution and also thereafter as necessary.²⁰² The State is to provide medical care and treatment free of charge and whenever needed.²⁰³ Moreover, when dealing with minors, the State must take “a special position of guarantor with the utmost care and responsibility, and must take special measures based on the principle of the best interests of the child.”²⁰⁴

Mr. Matías Mendoza was hit in the eye and diagnosed eighteen days later.²⁰⁵ He was again examined one year later where a doctor recommended extreme care was necessary, and that he must avoid even a possible risk of an incident that could worsen his sight.²⁰⁶ A doctor only examined Mr. Matías Mendoza six times over thirteen years, with a time frame of at least one to four years between each examination.²⁰⁷ The Court stated that Mr. Matías Mendoza’s eyesight got so much worse to the point where he currently has almost no vision.²⁰⁸ Thus, the Court

198. *Id.* “Operative Paragraphs” ¶ 8.

199. *Id.* ¶ 192.

200. *Id.* ¶ 195.

201. *Id.* ¶ 189.

202. *Id.*

203. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 189.

204. *Id.* ¶ 191.

205. *Id.* ¶ 192.

206. *Id.*

207. *Id.* ¶ 193.

208. *Id.*

holds that the State failed to comply with its responsibility to provide Mr. Matías Mendoza with medical examinations that would protect his health against doctor recommendation.²⁰⁹ Because Mr. Matías Mendoza has very minimal eyesight, it is difficult for him to shower and defend himself in prison.²¹⁰ He stated that he bumps into people all the time and that feels very insecure.²¹¹ As a result, the Court found that the State violated Articles 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) of the Convention.²¹²

Article 5(1) (Right to Physical, Mental, and Moral Integrity) and Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), in relation to Article 1(1) of the Convention, to the detriment of Mr. Matías Mendoza and Mr. Núñez,²¹³ because:

The Court found that Mr. Matías Mendoza and Mr. Núñez were tortured inside the federal prison with “falanga.”²¹⁴ “Falanga” is a type of torture comprising “the repeated application of blunt trauma to the feet (or more rarely to the hands or hips), usually applied with a truncheon, a length of pipe or similar weapon.”²¹⁵

The Court’s case law defines torture as ill treatment that is intentional, causes severe physical or mental suffering, and is committed with a specific purpose or objective.²¹⁶ Since the State must respect personal integrity of those in custody, they are obligated protect the health and safety of those in custody, and regulate the “manner and method of deprivation of liberty” so that it does not cause undue suffering.²¹⁷ Moreover, the State has the burden to disprove allegations related to responsibility.²¹⁸

Because the State did not explain the circumstances behind this case, nor disprove of the allegations, it is responsible for the injuries sus-

209. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 193.

210. *Id.* ¶ 194.

211. *Id.*

212. *Id.* ¶ 195.

213. *Id.* “Operative Paragraphs” ¶ 9.

214. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 211.

215. *Id.* ¶ 208.

216. *Id.* ¶ 200.

217. *Id.* ¶ 202.

218. *Id.* ¶ 203.

tained by the victims in custody.²¹⁹ The Court stated that although the records from the prison indicated that the victims' injuries were due to a brawl, there were at least five other instances filed by the victims' counsels that they had been beaten by the prison staff, including being kicked, punched, and hit in the head, leg, and waist.²²⁰ The victims also received a beating on the bottom of their feet.²²¹ Both victims were examined afterwards, and their reports indicated that they had been injured.²²² Based on these reports, the Court found that both of the victims were "subjected to strong blows to the feet consistent with the practice of 'falanga,' and that these methods were done intentionally while the victims were imprisoned."²²³ Even though the Court did not know why the victims were tortured, the Court mentioned it could have been for the purpose of "intimidation, as personal punishment, as a preventative measure, as a penalty, or for any other purpose."²²⁴

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Stella Maris Fernández and Ricardo Roberto Videla, parents of Mr. Fernández,²²⁵ because:

*The Court found that the State did not diligently investigate their son's death.*²²⁶ Article 8(1) stipulates that: "every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature."²²⁷ Human rights violation victims and their next of kin should have adequate opportunities to participate in proceedings to clarify the facts and punish those responsible.²²⁸

Moreover, Article 25(1) establishes that: "everyone has the right to sim-

219. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 203.

220. *Id.* ¶ 204.

221. *Id.* ¶ 205-206.

222. *Id.* ¶ 207.

223. *Id.* ¶ 209.

224. *Id.* ¶ 210.

225. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, "Operative Paragraphs" ¶ 10.

226. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 227.

227. *Id.* ¶ 216 n.287.

228. *Id.* ¶ 217.

ple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.”²²⁹ The remedies given under Article 25(1) (Right of Recourse Before a Competent Court) must be “substantiated in accordance with the rules of due process of law (Article 8(1)).”²³⁰

When investigating the death of an individual who passed away while in State custody, the authorities must conduct a serious, impartial and effective investigation without any delay in order to find the truth and punish those responsible.²³¹ In the event that such an investigation does not occur, the State can be held responsible for the death of a person who was in their custody.²³² Here, there were many signs indicating that Mr. Fernández was depressed the days before his death and that one of the reasons for his suffering was because of the horrible prison conditions.²³³ The day of his death, a judicial file was opened in which the judge dismissed the case.²³⁴ This Court held that the judge failed to take into account the interpretations of the laws made by the Inter-American Court and therefore, should not have closed the case.²³⁵ Based on a doctor’s statement that many inmates, aside from Mr. Fernández, had indicated that they had the desire to kill themselves, the State “had the obligation to follow up on a logical line of investigation designed to determine the possible responsibilities of the prison staff for the death of [Mr. Fernández].”²³⁶ Moreover, the investigating judge, who stated that there were no signs that any prison staff were involved with the incident, had access to the judicial file and the psychological and psychiatric history of Mr. Fernández.²³⁷ Moreover, the judge “failed to investigate whether there were any omissions relating to the conditions in which the inmate was being held in or whether it was his mental state” that lead to his death.²³⁸ Therefore, the State violated Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

229. *Id.* ¶ 216 n.287.

230. *Id.* ¶ 217.

231. *Id.* ¶ 218.

232. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, ¶ 219.

233. *Id.* ¶ 222.

234. *Id.*

235. *Id.* ¶ 220-221.

236. *Id.* ¶ 223.

237. *Id.* ¶ 225.

238. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, ¶ 225.

and 25(1) (Right of Recourse Before a Competent Court) of the Convention.²³⁹

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, and to the obligations established in Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Mr. Matías Mendoza and Mr. Núñez,²⁴⁰ because:

The Court held the State did not diligently investigate the beatings and torture of Mr. Matías Mendoza and Mr. Núñez.²⁴¹ The Court stated that the State's duty to investigate potential acts of torture or other cruel and degrading treatment is enlarged by Articles 1 (Obligation to Prevent and Punish Torture), 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment), and 8 (Obligation to Investigate and Prosecute) of the Convention against Torture.²⁴² Under these Articles, a State must "take effective measures to prevent and punish torture within their jurisdiction," and also "to prevent and punish other cruel, inhuman or degrading treatment."²⁴³

As mentioned above, Mr. Matías Mendoza and Mr. Núñez had suffered injuries while they were held in Federal Prison, including reports of injuries by a "falanga" to their feet.²⁴⁴ The Court also mentioned again that when there are signs of torture, the State is required to open an "impartial, independent and thorough investigation" as soon as possible to investigate the source of the injuries, those responsible, and any necessary legal action.²⁴⁵

After two investigations were opened in regards to the acts of torture against the victims, the prosecutor requested the case be closed after roughly six months because "the victims had failed to identify the supposed perpetrators" and were only able to minimally corroborate.²⁴⁶ However, there were medical reports and statements by others indicating Mr. Matías Mendoza and Mr. Núñez had been beaten by the prison

239. *Id.* ¶ 227.

240. *Id.* "Operative Paragraphs" ¶ 11.

241. *Id.* ¶ 236.

242. *Id.* ¶ 232.

243. *Id.*

244. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 233.

245. *Id.* ¶ 234.

246. *Id.* ¶ 235.

guards on their bodies and on the soles of their feet.²⁴⁷ In this regard, the State “placed its obligation to investigate upon the presumed victims,” even though the victims nor their families cannot fulfill that obligation.²⁴⁸

Because the case and investigation closed without any adequate or undoubted suggestion as to what happened to Mr. Matías Mendoza and Mr. Núñez, the State did not disprove their responsibility for the tortures suffered by the two victims.²⁴⁹ Therefore, the Court concluded that the State was responsible for violating Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court) of the Convention and Articles 1 (Obligation to Prevent and Punish Torture), 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment), and 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture.²⁵⁰

Article 8(2)(h) (Right to Appeal) and Article 25(1) (Right of Recourse Before a Competent Court), in relation to Article 19, 1(1) and 2 of the Convention, to the detriment of the victims,²⁵¹ because:

*The Court found that the appeal in cassation of the judgment was not sufficient to guarantee the victims’ right to appeal the judgment.*²⁵²

Article 8(2) finds that the minimum guarantees should be “in favor of every person accused of a criminal offense.”²⁵³ This means that minimum guarantees need to be safeguarded during the entire process and the different levels of a criminal proceeding.²⁵⁴ Subsection (h) grants the “right to appeal the judgment to a higher court.”²⁵⁵ According to the Court, this right is a “crucial guarantee that must be respected as part of the due process of law in order to permit the review of an ad-

247. *Id.*

248. *Id.*

249. *Id.* ¶ 236.

250. *Id.*

251. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, “Operative Paragraphs” ¶ 12.

252. *Id.* ¶ 261.

253. *Id.* ¶ 241.

254. *Id.*

255. *Id.*

verse decision by a different and higher judge or court.”²⁵⁶ Under the Convention, the remedies have to be accessible and efficient; they should not be complex.²⁵⁷

The Court stated that a cassation is the suitable remedy against a judgment for a criminal conviction against a person who has committed the offense before eighteen.²⁵⁸ There were two instances in which a conviction could be contested by an appeal in cassation: “(1) erroneous application of the substantive law to the facts of the case; and (2) violation of any of the procedural rules.”²⁵⁹ The Court determined that based on the “literal wording of the laws that regulate the appeal in cassation,” it is not possible for a higher court or judge to conduct a review.²⁶⁰ The Court went on to state, “if the wrong committed against the convicted individual is considered a matter of fact and evidence, this cannot be used as an excuse to deny, ipso facto, the examination of the possible errors in the judgment.”²⁶¹

Here, the Court held that it is clear that the cassation appeals filed on behalf of the victims were rejected because they sought review of facts and evidence.²⁶² These rejections were done without inspecting or investigation into the merits of the matter.²⁶³ Moreover, the issues in connection with the facts and evidence were not taken to account.²⁶⁴ Thus, the Court held that “the decisions rendered on the appeals in cassation were contrary to the provisions of Article 8(2)(h) of the American Convention.”²⁶⁵

Article 5(1) (Right to Physical, Mental, and Moral Integrity), in relation to Article 19, 1(1) and 2 of the Convention, to the detriment of Isolina del Carmen Herrera, Romina Beatríz Muñoz, Ailén Isolina Mendoza, Samira Yamile Mendoza, Santino Geanfranco Mendoza, Ana María del Valle Brito, Jorgelina Amalia Díaz, Zahir Lujan Núñez, Marta Graciela Olguín, Elba Mercedes Pajón, Lucas Lautano Mendoza, Florinda Rosa Cajal, Stella Maris Fernández and Ricardo Roberto Vide-

256. *Id.* ¶ 242.

257. *Id.* ¶ 244.

258. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 249.

259. *Id.* ¶ 253.

260. *Id.* ¶ 253.

261. *Id.* ¶ 254.

262. *Id.* ¶ 256.

263. *Id.*

264. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 256.

265. *Id.*

la,²⁶⁶ because:

The Court found that because the life sentences imposed on the victims were for crimes committed while they were minors, the next of kin of Mr. Mendoza, Mr. Núñez, Mr. Matías Mendoza, Mr. Cajal and Mr. Fernández had experienced pain and torment that caused family break-up and unfavorable physical effects.²⁶⁷ These consequences all had a bearing on the personal integrity of the victims' next of kin.²⁶⁸

This Court has in the past said, "the next of kin of victims of human rights violations may be victims in their own right."²⁶⁹ The Court went on further and mentioned that the "right to mental and moral integrity of some of the next of kin has been violated due to the suffering they experienced as a result of the acts or omissions of the State authorities."²⁷⁰

Next of kin of Mr. Mendoza: The Court here found that Mr. Mendoza's mother Ms. Herrera, his companion Ms. Muñoz, and his three children underwent psychological injury due to his life sentence.²⁷¹ In the social report records, Ms. Herrera stated that Mr. Mendoza's imprisonment was "the loss of a member of the family, which caused her profound pain and adverse effects on their daily life."²⁷² Moreover, Ms. Muñoz was left to care for the children on her own, who were also adversely affected by their father's imprisonment because they were not able to form a relationship with him outside of the prison walls.²⁷³ Because of this, the children's conduct and behavior was negatively impacted.²⁷⁴ Due to these reasons, the Court stated that the State violated Article 5(1) (Right to Physical, Mental, and Moral Integrity) to the detriment of Ms. Herrera, Ms. Muñoz, and their three children.²⁷⁵

Next of kin of Mr. Núñez: The Court observed that Mr. Núñez's mother, Ms. Del Valle Brito, testified that the State ruined his life and that their entire family stopped smiling the day he was sentenced to life impris-

266. *Id.* "Operative Paragraphs" ¶ 13.

267. *Id.* ¶ 289.

268. *Id.*

269. *Id.* ¶ 273.

270. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 273.

271. *Id.* ¶ 274.

272. *Id.*

273. *Id.*

274. *Id.*

275. *Id.*

onment.²⁷⁶ She went on to mention that every time their house phone rang, she expected the worse news from the prison.²⁷⁷ Moreover, Mr. Núñez's partner, Ms. Díaz, stated that she had to "give birth to their daughter absolutely alone, as well as the daily tasks of raising her, owing to his life imprisonment."²⁷⁸ As a result, she suffered depression and was constantly stressed.²⁷⁹ Additionally, in the affidavit that Ms. Díaz made, she stated how their daughter was also impacted by Mr. Núñez's life imprisonment because when she would visit her father, she was very upset and angry the following few days.²⁸⁰ As a result, the Court finds that the State is responsible for the violation of Article 5(1) (Right to Physical, Mental, and Moral Integrity) to the detriment of Ms. Del Valle Brito, Ms. Díaz, and Mr. Núñez.²⁸¹

Next of kin of Mr. Matías Mendoza: Mr. Matías Mendoza's mother and grandmother, Ms. Olgúin and Ms. Pajón, respectively, that the social report stated the life imprisonment sentence caused a total "family breakdown," but the damage to them was the most severe.²⁸² In the social report, Ms. Olgúin discussed how shocked and disturbed she was after she saw her son had been beaten and hurt.²⁸³ She was even more traumatized after she heard that her son had problems with his eyesight.²⁸⁴ The Court also found that Mr. Matías Mendoza's son, Mr. Lautano Mendoza, had "an ambivalent attitude towards his father."²⁸⁵ Thus, the Court found that Argentina violated Article 5(1) (Right to Physical, Mental, and Moral Integrity) of the Convention in relation to Ms. Olgúin, Ms. Pajón and Mr. Lautano Mendoza.²⁸⁶

Next of kin of Mr. Cajal: In her affidavit, Mr. Cajal's mother, Ms. Cajal, stated that her health deteriorated after she heard that her son had been sentenced to life imprisonment.²⁸⁷ She was sick both physically and mentally, and she would sometimes get paralysis.²⁸⁸ Ms. Cajal was also

276. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 275.

277. *Id.*

278. *Id.* ¶ 277.

279. *Id.*

280. *Id.* ¶ 278.

281. *Id.* ¶ 280.

282. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 281.

283. *Id.* ¶ 282.

284. *Id.*

285. *Id.*

286. *Id.*

287. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 284.

288. *Id.*

very depressed.²⁸⁹ Therefore, the State violated Article 5(1) (Right to Physical, Mental, and Moral Integrity) of the Convention.²⁹⁰

Next of kin of Mr. Fernández: The parents of Mr. Fernandez, Mr. Videlo and Ms. Fernandez, lost their son in circumstances in which Ms. Fernandez “had no words to describe” the pain.²⁹¹ The Court recognized the “severe emotional pain experienced by the parents of an inmate who dies in a State detention center.”²⁹² The Court thus found that the State violated Article 5(1) (Right to Physical, Mental, and Moral Integrity) of the Convention.²⁹³

C. Dissenting and Concurring Opinions

[None]

IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Judgment as a Form of Reparation

The Court stated that this Judgment constitutes per se a form of reparation.²⁹⁴

2. Provide Adequate and Effective Medical and Psychiatric Treatment²⁹⁵

The State is ordered to provide instant adequate and effective medical and psychiatric treatment, free of charge, to Mr. Matías Mendoza and Mr. Núñez if they so require.²⁹⁶ Moreover, if requested by Mr.

289. *Id.*

290. *Id.* ¶ 286.

291. *Id.* ¶ 287.

292. *Id.* 288.

293. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 288.

294. *Id.* “Operative Paragraphs” ¶ 16.

295. *Id.* “Operative Paragraphs” ¶ 17.

296. *Id.*

Mendoza and Mr. Cajal, the State is required to provide psychological or psychiatric treatment for those victims as well.²⁹⁷ The Court stated that, in regards to Mr. Mendoza, the State must offer “specialized ophthalmological, surgical, and/or therapeutic treatment that will alleviate or improve his visual problems.”²⁹⁸

3. Ensure Educational or Training Opportunities

The State is required to guarantee the victims receive proper educational or training opportunities through the prison system.²⁹⁹ If they are released, the Court ordered the State to provide the education and training through its public institutions.³⁰⁰

4. Make Publications

The Court ordered the State to publish, within six months of receiving notification of this Judgment, “the official summary of the Judgment prepared by the Court in the official gazette and in the national newspaper with widespread circulation.”³⁰¹ Moreover, “Argentina must publish the complete judgment on an official website of the Judiciary of the Autonomous City of Buenos Aires and of the province of Mendoza, and of the prisons and juvenile institutions in both locations.”³⁰²

5. Conform to the International Standards for Juvenile Criminal Justice

The State is ordered to “adapt its legal framework to the international standards for juvenile criminal justice. . .and design and implement public policies with clear goals.”³⁰³ This is all to be done with the objective to prevent juvenile delinquency through programs that urge and inspire the integral development of children and adolescents.³⁰⁴ Argentina is thus required to spread information on the international standards regarding children’s rights and must also offer help and assis-

297. *Id.*

298. *Id.*

299. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, “Operative Paragraphs” ¶ 18.

300. *Id.*

301. *Id.* ¶ 320.

302. *Id.* ¶ 320.

303. *Id.* “Operative Paragraphs” ¶ 20.

304. *Id.*

tance to those under eighteen and most vulnerable.³⁰⁵

6. Life Imprisonment and Reclusion for Life are Never Imposed for Crimes Committed While a Minor

The Court ordered that Argentina must guarantee that “life imprisonment and reclusion for life are never again imposed” on Mr. Mendoza, Mr. Núñez and Mr. Matías Mendoza.³⁰⁶ Moreover, it should never be imposed on any other person for crimes they commit while under the age of eighteen.³⁰⁷ Lastly, the State is to ensure the review of any person who is currently serving a life in prison sentences for crimes they committed as minors.³⁰⁸

7. Adapt Domestic Laws in Accordance to this Judgment

Within a reasonable time, the State is required to fix its domestic laws on the right to appeal to a higher court or judge based on the Judgment’s recommendations.³⁰⁹ The higher court must be able to evaluate the merits, look at facts, defenses, and assess the laws cited along with their application.³¹⁰

8. Implement Mandatory Programs on the Principles and Standards for the Protection of Human Rights and the Rights of the Child

Within a reasonable time, the State must put forth curriculums for federal prison staff regarding human rights and children’s rights, especially those related to personal integrity and torture.³¹¹ Moreover, the judges are to be skilled, qualified and competent to handle offenses committed by minors.³¹²

9. Investigate the Facts Behind the Death of Mr. Videlo

The State is required to investigate with “pertinent judicial, disci-

305. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, “Operative Paragraphs” ¶ 20.

306. *Id.* “Operative Paragraphs” ¶ 21.

307. *Id.*

308. *Id.*

309. *Id.* “Operative Paragraphs” ¶ 22.

310. *Id.* ¶ 329.

311. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, “Operative Paragraphs” ¶ 23.

312. *Id.*

plinary or administrative mechanisms,” the facts that could have led to the suicide of Mr. Videlo while he was in prison.³¹³

10. Conduct a Criminal Investigation into Act of Torture

Within a reasonable time, the Court ordered the State to efficiently conduct a “criminal investigation into the acts of torture suffered by [Mr. Nunez] and [Mr. Matías Mendoza] to determine the eventual criminal responsibilities.”³¹⁴ Moreover, if the investigation concludes that the procedures or investigations were irregular, the State is to execute must take action against those responsible.³¹⁵

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded \$1,000 US dollars each to Ms. Herrera, Ms. Muñoz, Ms. Brito, Ms. Díaz, Ms. Olguín, Ms. Cajal, and Ms. Fernández as compensation for presumed expenses incurred while the victims were in prison.³¹⁶ Such expenses include “costs of transfers to the detention centers where the youths were being held,” and the cost of providing “them with food or other essential items for their personal hygiene.”³¹⁷

2. Non-Pecuniary Damages

The Court recognized the mental and moral effect the life imprisonment sentences had on Mr. Mendoza, Mr. Núñez, Mr. Matías Mendoza, Mr. Cajal and Mr. Fernández, along with their next of kin.³¹⁸ The Court also established “the impact on [Mr. Mr. Matías Mendoza] owing to the lack of medical care he suffered while at the Juvenile Institution” and the inhumane torture that Mr. Núñez and Mr. Mr. Matías endured.³¹⁹ Thus, the Court awarded \$2,000 each to Mr. Mendoza, Mr.

313. *Id.* “Operative Paragraphs” ¶ 24.

314. *Id.* “Operative Paragraphs” ¶ 25.

315. *Id.* “Operative Paragraphs” ¶ 25.

316. *Id.* ¶ 349.

317. *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, ¶ 349.

318. *Id.* ¶ 353.

319. *Id.* ¶ 353.

Núñez, Mr. Matías Mendoza, Mr. Cajal and Mr. Fernández.³²⁰ Moreover, the Court ordered \$10,000 to Mr. Núñez and \$30,000 for Mr. Matías Mendoza based on the violations committed by the State in addition to the violation imposing life imprisonment sentences.³²¹

Additionally, the Court recognized the detriment caused to the families of the victims for the life imprisonment sentences.³²² Therefore, it ordered a total of \$12,000 in total to victims' next of kin.³²³ The Court also ordered \$3,500 to each of Mr. Fernández's parents for their suffering in not knowing the facts surrounding their son's death from an insufficient investigation.³²⁴ Moreover, the Court stated that the Judgment is a *per se* form of reparation for the victims' children.³²⁵

3. Costs and Expenses

The representative of the victims in this case was the "head of the Argentine national Office of the Ombudsman, which is an organ of the State."³²⁶ The Court found that the representatives had not justified how it would be appropriate to compensate the requested expenses, so the Court did not order the repayment of the claimed amount.³²⁷

However, the Court did order the State to reimburse the Legal Assistance Fund \$3,693.58 for the costs incurred in relation to the case, including the cost of witnesses.³²⁸

4. Total Compensation (including Costs and Expenses ordered):

\$ 79,693.58

C. Deadlines

The State must immediately provide adequate and effective medical and psychological or psychiatric treatment to the victims.³²⁹

320. *Id.*

321. *Id.*

322. *Id.* ¶ 354.

323. *Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations*, ¶ 354.

324. *Id.* ¶ 355.

325. *Id.*

326. *Id.* ¶ 359.

327. *Id.*

328. *Id.* ¶ 364.

329. *Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations*, "Opera-

As soon as it can, the State must guarantee the victims are given a formal education or training opportunities.³³⁰

Within six months of notification of this Judgment, the State is required to publish an official summary of the Judgment in the national newspaper and official gazette.³³¹

Within a reasonable time, the state is ordered to conform its laws to the laws of this Judgment in regards to a person's right of appeal to a higher court or judge.³³²

Within a reasonable time, the State must have teaching methods, such as programs or courses, about the standards of human rights protection and the rights of a child.³³³

The State must adequately and within a reasonable time, conduct an investigation into the facts behind Mr. Fernandez's death.³³⁴

The Court ordered the State to pay the compensation for pecuniary and non-pecuniary damages within one year from receiving notice of this Judgment.³³⁵

The State is to pay the Legal Assistant Fund within ninety days after receiving notification of this Judgment.³³⁶

The State must turn in a report to the Court within one year on the measures adopted to comply with the Judgment orders.³³⁷

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

2016: According to Human Rights Watch, ill-treatment of prisoners by guards still occurs, along with inadequate prison facilities.³³⁸ Moreover, inmate violence remains a serious issue in prisons.³³⁹ Between January and September 2015, there were thirty-three deaths reported, seventeen

tive Paragraphs" ¶ 17.

330. *Id.* "Operative Paragraphs" ¶ 18.

331. *Id.* ¶ 320.

332. *Id.* "Operative Paragraphs" ¶ 22.

333. *Id.* "Operative Paragraphs" ¶ 23.

334. *Id.* "Operative Paragraphs" ¶ 25.

335. Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, ¶ 365.

336. *Id.* ¶ 364.

337. *Id.* ¶ 372.

338. *Argentina, Events of 2015*, HUMAN RIGHTS WATCH, <https://www.hrw.org/world-report/2016/country-chapters/argentina#3159b0>.

339. *Id.*

of which were violent.³⁴⁰ Additionally, in 2014, there were about 800 cases of torture and ill treatment that Congress documented.³⁴¹ However, one piece of promising information in Congress's report was that in June 2015, four officers of Argentina's Federal Penitentiary Service were convicted in federal court for acts of torture committed to a detainee in 2011.³⁴²

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[Not Available]

2. Decisions on Merits, Reparations and Costs

[Mendoza et al. v. Argentina, Preliminary Objections, Merits, and Reparations, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 260 \(May 14, 2013\).](#)

3. Provisional Measures

[Mendoza et al. v. Argentina, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Aug. 1, 2012\).](#)

[Mendoza et al. v. Argentina, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(May 14, 2013\) \(Available only in Spanish\).](#)

[Mendoza et al. v. Argentina, Provisional Measures, Order of the Court, Dissenting Opinion of Judge Margarette Macaulay, Inter-Am. Ct. H.R. \(ser. C\) No. 260 \(May 14, 2013\) \(Available only in Spanish\).](#)

4. Compliance Monitoring

[Not Available]

5. Review and Interpretation of Judgment

[Not Available]

340. *Id.*

341. *Id.*

342. *Id.*

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Mendoza et al. v. Argentina, Admissibility Report, Report No. 26/08, Inter-Am. Comm'n H.R., Case No. 12.651 \(Mar. 14, 2008\).](#)

3. Provisional Measures

[Not Available]

4. Report on Merits

[Mendoza et al. v. Argentina, Report on Merits, Report No. 172/10, Inter Am. Comm'n H.R., Case No. 12.651 \(Nov. 2, 2010\).](#)

5. Application to the Court

[Not Available]

VIII. BIBLIOGRAPHY

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[Mendoza et al. v. Argentina, CRIN \(May 14, 2013\), <https://.crin.org//legal-database/et-al-v-argentina>.](#)

[César Alberto Mendoza, et al. \(judicial review\), CRIN \(Aug. 30, 2012\), <https://www.crin.org/en/library/legal-database/cesar-alberto-mendoza-et-al-judicial-review>.](#)

[Brief for Inter-American Court of Human Rights as Amici Curiae Supporting Petitioners, César Alberto Mendoza et al. v. Argentina \(No.12.651\).](#)

[ARGENTINA: Cruel, Inhumane' Prison Conditions in Mendoza, IPS, \(Nov. 24, 2005\), http://www.ipsnews.net/2005/11/argentina-cruel-inhumane-prison-conditions-in-mendoza/Country.](http://www.ipsnews.net/2005/11/argentina-cruel-inhumane-prison-conditions-in-mendoza/Country)

[Report on Human Rights Practices for 2011, U.S. DEP'T of ST., \(2013\), http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm#wrapper.](http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm#wrapper)