

Alvarado Espinoza et al. v. Mexico

ABSTRACT¹

This case is about the forced disappearance of three persons, some of which disabled, by Mexican Armed forces within the context of the war against drug cartels in the Mexican State of Chihuahua. Eventually the Court found Mexico in violation of several articles of the American Convention on Human Rights and of the Inter-American Convention on Forced Disappearance of Persons.

I. FACTS

A. Chronology of Events

2006: As part of a “war” against drug traffickers and organized crime, the Mexican government task Armed Forces public security duties.² Normally, maintaining public security is the task of civil authorities, acting under Constitution and subject to the supervision of courts.³ Armed Forces were deployed to cities and strategic locations, including highways and checkpoints and performed warrantless home searches.⁴ Because of this mobilization, human rights violations—including forced disappearances—dramatically increased in Mexico.⁵

2008: The Federal Government launches Joint Operation Chihuahua, an operation by the Mexican Army and the Federal Police (Policía Federal Preventiva) to concentrate forces in Ciudad Juárez, Chihuahua, and saturate the area to confront the three cartels already operating in the city.⁶ Following the killing of a federal police officer, the killing of a civil servant, and the disappearance of three federal agents, the Operation began patrolling in unmarked cars and—according to

1. Joanna Krause, Author; Pamela Huynh, Editor; Elizabeth Russo, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. *Id.* ¶ 49.

3. *Id.* ¶ 49.

4. *Id.* ¶ 49.

5. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 50.

6. *Id.* ¶ 57.

residents—kidnapped and tortured individuals as part of the investigation into the deaths.⁷

December 27, 2009: Ms. Marissa Reyes Rueda and Mr. Manuel Reyes Lira—Ms. Rocío Irene Alvarado Reyes’s aunt and grandfather—notice Mexican Army soldiers driving a gray-colored double-cab Chevrolet pickup truck around Ejido Benito Juárez in the Municipality of Buenaventura, Chihuahua.⁸

December 29, 2009: Ms. Nitza Paola Alvarado Espinoza and her cousin, Mr. José Ángel Alvarado Herrera, are sitting in a pickup truck parked outside the home of Ms. Adela Beltrán Espinoza, Mr. Alvarado Herrera’s mother-in-law, on street Primera Norte 1, in the Municipality of Buenaventura, Chihuahua.⁹ Ms. Alvarado Espinoza has a permanent motor disability in her hand and right leg due to a stroke.¹⁰ As a result, she receives a pension from the Mexican Social Security Administration.¹¹ Around 8:00 PM or 9:00 PM, two unmarked cars—a gray double-cab Chevrolet (similar to the pickup truck seen two days earlier), and a white Hummer—drive up street Primera Norte 1, and approximately ten men in sand-colored camouflage uniforms exit the vehicles.¹² The men force Mr. Alvarado Herrera and Ms. Alvarado Espinoza out of their pickup, hit Mr. Alvarado Herrera, and force both Mr. Alvarado Herrera and Ms. Alvarado Espinoza into the Chevrolet.¹³ Both the Chevrolet and Hummer drive away.¹⁴

Mr. Alvarado Herrera’s wife, Ms. Obdulia Espinoza Beltrán, observes the incident from her mother’s house.¹⁵ Ms. Espinoza Beltrán informs Ms. Alvarado Espinoza’s and Mr. Alvarado Herrera’s relatives of what she saw.¹⁶ Ms. Herrera’s sister and daughter check the site and

7. *Id.* ¶ 58.

8. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 370, ¶ 186(iii) (Nov. 28, 2018). ; see also Alvarado Espinoza et al. v. Mexico, Report No. 3/16, Inter-Am. Comm’n H.R., Case No. 12.916, ¶ 69 (Apr. 13, 2016).

9. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 80.

10. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 60.

11. *Id.*

12. *Id.* ¶¶ 63-64.

13. *Id.* ¶ 64.

14. *Id.*

15. *Id.*

16. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 82.

observe that both the car keys and stereo equipment have been removed.¹⁷ They also observe blood on the ground near the front right-side tire.¹⁸

Between 9:00 PM and 10:00 PM, men knock on the house door of Mrs. Patricia Reyes Rueda, mother of Ms. Alvarado Reyes, and ask to enter.¹⁹ Ms. Alvarado Reyes, a second-niece of Ms. Alvarado Espinoza and Mr. Alvarado Herrera,²⁰ is present there with her mother and siblings.²¹ Mrs. Reyes Rueda opens the door and approximately ten men with military style uniforms and rifles enter her home.²² The men search the house, causing damage.²³ The men then take the family's cell phones, lock Mrs. Reyes Rueda, two of her younger children, and her granddaughter in the bathroom, and force Ms. Alvarado Reyes into a double-cab motor vehicle.²⁴

Various family members of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes ("Relatives") attempt to follow the trucks but lose sight of them.²⁵ The Relatives report the incident to the local police commander.²⁶

December 30, 2009: Around 3:00 AM to 4:00 AM, six police cars arrive outside the house of Mr. Alvarado Herrera's mother-in-law, photograph the truck Mr. Alvarado Herrera and Ms. Alvarado Espinoza had been taken from, and tow it away.²⁷

Mr. Jaime Alvarado Herrera, brother to Mr. José Ángel Alvarado Herrera,²⁸ goes to the office of the Ministerial Police of Nuevo Casas Grandes, where a civil servant with the surname Levya, informs him that the missing persons are detained at the 35th Battalion.²⁹

The relatives of Ms. Alvarado Espinoza, Ms. Alvarado Reyes, and Mr. Alvarado Herrera look for the missing three individuals in Villa Ahumada, Chihuahua, and Casas Grandes, Chihuahua.³⁰ They also visit the 35th Infantry Battalion, but are told that the missing individuals are

17. *Id.*

18. *Id.*

19. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 66.

20. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 79.

21. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 66.

22. *Id.*

23. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 85.

24. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶¶ 66-67.

25. *Id.* ¶ 71.

26. *Id.*

27. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 88.

28. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 62.

29. *Id.* ¶ 85.

30. *Id.* ¶ 72.

not there and that a Commander named Luján will reach out to them if he had any information.³¹ Additionally, they visit the Federal Investigation Agency (Agencia Federal de Investigación) and are informed that although the Agency does not have anyone in detention, if soldiers did arrest their relatives, they could visit them within 72 hours.³²

Ms. Argene Blázquez Morales, a Public Ministry Officer in Criminal Policy at the State Delegation of Chihuahua,³³ receives a phone call from someone identifying himself as a Federal Police Force Commander.³⁴ The person states he has been informed that three individuals connected to police disappearances are in detention and are under Morales's authority.³⁵ Ms. Blázquez Morales directs the person to the Deputy Delegate at the Public Ministry.³⁶ Then, she calls Agent Ramón Iván Sotomayor Siller, of the Public Ministry of the Federation in Nuevo Casas Grandes, to inform him that a Commander of the Federal Police will arrive at the Public Federal Ministry later that day to interrogate three individuals.³⁷ However, Agent Sotomayor Siller has no individuals under his care.³⁸

At 10:00 PM, three individuals in civilian clothes, bearing AR15's, arrive at the Public Ministry.³⁹ One of the men identifies himself to Agent Sotomayor Siller as Commander Meza.⁴⁰ Commander Meza requests he be shown to Mr. Alvarado Herrera, Ms. Alvarado Espinoza, and Ms. Alvarado Reyes; however, Agent Sotomayor Siller responds he has no one in his custody.⁴¹

December 31, 2009: While searching for Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes, the Relatives note that the pickup truck Mr. Alvarado Herrera and Ms. Alvarado Espinoza were taken from is in the courtyard of the State Investigation Agency (Agencia Estatal de Investigación; "AEI") of Nuevo Casas Grande.⁴² The Relatives' inquire why the truck is there, and the staff respond that it

31. *Id.*

32. *Id.* ¶ 73.

33. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 98(i).

34. Alvarado Espinoza et al. v Mexico, Report on Merits, ¶¶ 93-94.

35. *Id.* ¶ 94.

36. *Id.*

37. *Id.*

38. *Id.*

39. Alvarado Espinoza et al. v Mexico, Report on Merits, ¶ 93.

40. *Id.*

41. *Id.*

42. *Id.* ¶ 75.

belongs to the military and cannot be returned.⁴³ The Relatives take cell phone pictures of the truck, but a security guard threatens to delete the photos to avoid any problems with the military.⁴⁴

Mrs. Reyes Rueda, mother of Ms. Alvarado Reyes, and Ms. María de Jesús Alvarado Espinoza, sister to Ms. Alvarado Espinoza,⁴⁵ file a complaint with the Attorney General’s Office for Justice of the State with the Public Ministry, detailing the incident.⁴⁶ The head of that agency, Mr. Aaron Enríquez Duarte, tells her that the missing individuals are being held in the 35th Infantry Battalion, but that this information was confidential.⁴⁷ Mr. Enríquez Duarte later denies making such a statement.⁴⁸

A preliminary inquiry is assigned to the Special Unit for the Investigation of the Missing and Lost Persons.⁴⁹ The Relatives question the assignment of the investigation to the Special Unit, but they are told the assignment is due technical reasons.⁵⁰

January 4, 2010: Mr. Jaime Alvarado Herrera files a complaint with the National Human Rights Commission (Comisión Nacional de los Derechos Humanos; “CNDH”) in Ciudad Juárez, Chihuahua, against the Ministry of National Defense (Secretaría de la Defensa Nacional; “SEDENA”) and submits a statement for the State Investigation Agency.⁵¹

Mrs. Reyes Rueda files a complaint with the Program for Processing Complaints and Reports about the Joint Operation Juárez (Programa para la Atención de Quejas y Denuncias sobre el Operativo Conjunto Juárez).⁵²

January 6, 2010: Mrs. Reyes Rueda and Ms. María de Jesús Alvarado Espinoza file a complaint with the Attorney General’s Office of the Republic (Procuraduría General de la República; “PRG”).⁵³ Ms. María de Jesús Alvarado Espinoza overhears a conversation among staff members: one states Ms. María de Jesús Alvarado Espinoza’s family members are

43. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 90.

44. *Id.* ¶ 90.

45. *Id.* ¶¶ 82, 95(i), 110.

46. Alvarado Espinoza et al. v Mexico, Report on Merits, ¶ 110.

47. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 95(i).

48. Alvarado Espinoza et al. v Mexico, Report on Merits, ¶ 83.

49. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 103.

50. Alvarado Espinoza et al. v Mexico, Report on Merits, ¶ 111.

51. *Id.* ¶¶ 50, 76, 171.

52. *Id.* ¶ 77.

53. *Id.* ¶ 78.

in the military garrison; another signals to the staff member to keep quiet.⁵⁴

Mr. José Ángel Alvarado Fabela, father of Mr. Alvarado Herrera, files an amparo petition in the District Criminal Appeals Court in Ciudad Juárez, Chihuahua, in which he identifies Lieutenant Colonel Elfego José Luján Ruiz, of the 35th Infantry Battalion of Nuevo Casas Grandes, as the individual responsible for the kidnappings.⁵⁵ The Sixth District Court accepts the complaint and orders a provisional suspension of the groundless detentions.⁵⁶

Mrs. Reyes Rueda files a complaint against army troops in the Program to Process Complaints and Reports of the Joint Operation Chihuahua in Ciudad Juárez.⁵⁷ A preliminary inquiry into the incident is filed with the Seventh Agency of the Federation.⁵⁸ The Seventh Agency declines to take jurisdiction of the inquiry.⁵⁹

January 8, 2010: The Relatives, accompanied by General James Pedro Lohman Ituburu, enter the facilities of the 35 Infantry Battalion but do not find Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes.⁶⁰

January 9, 2010: Ms. María de Jesús Alvarado Espinoza, Ms. Alvarado Herrera, and Ms. Espinoza Beltrán visit the Fifth Military Region in Chihuahua and report the disappearances to Colonel Luján Ruiz, who denies the incidents.⁶¹

January 12, 2010: The Inter-American Commission of Human Rights, pursuant to Article 14 of the Inter-American Convention on Forced Disappearance of Persons, urgently requests Mexico provide information on Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes.⁶²

54. *Id.* ¶ 84.

55. *Id.* ¶¶ 79-80, 179.

56. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 180.

57. *Id.* ¶ 98.

58. *Id.* ¶ 99.

59. *Id.*

60. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 93.

61. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 80.

62. Alvarado Espinoza et al. v Mexico, Admissibility Report, Report No. 48/12, Inter-Am Comm'n H.R., Case No. 12.916, ¶ 7 (July 12, 2013).

January 13, 2010: While travelling back to battalion following a meeting, First Sergeant Driver Albert Hernández de la Cruz observes Colonel Elfego José Luján Ruiz answer a phone call on a cellular phone reserved for calls from his closest officers and say “and what do you know about the garbage I ordered them to get rid of, did they throw it away?”⁶³

January 15, 2010: The Commission receives the State’s response to its request.⁶⁴

February 3, 2010: Around 5:30 PM, Ms. Juana Bustamante receives a phone call from an unknown number.⁶⁵ The female caller identifies herself as Ms. Alvarado Espinoza, her disappeared relative. She says she does not know where she is, but asks to be picked up.⁶⁶ Males are speaking in the background and one says: “Dammit the bitch has already spoken.”⁶⁷ The call is then immediately disconnected.⁶⁸ The State takes efforts to track down the phone number, but the line was purchased on a prepaid plan.⁶⁹

February 5, 2010: First Sergeant Driver Alberto Hernández de la Cruz makes a statement to the Public Ministry for the Military stating that Colonel Luján Ruiz carries out illegal activities, specifically that, “in the town of Benito Juárez they took a handicapped woman and a man, who were taken from their home by personnel wearing desert and jungle camouflage uniforms, which led to an intervention on the 35th Infantry Battalion and the 20th Motorized Regiment of Ciudad Juárez on the part of the Commander of the military garrison of Palomas, Chihuahua, to investigate the whereabouts of the civilians referred to.”⁷⁰

February 10, 2010: The Deputy General’s Office for Regional Monitoring Criminal Proceedings, and Constitutional Appeals of the State Delegation of Chihuahua, Deputy Delegation of Criminal Proceedings “A” of the PGR, authorizes a judicial review of the inquiry

63. *Id.* ¶ 88.

64. Alvarado Espinoza et al. v Mexico, Admissibility Report, ¶ 7.

65. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 96.

66. *Id.* ¶ 96.

67. *Id.*

68. *Id.*

69. *Id.* ¶ 113.

70. *Id.* ¶ 86.

and orders proceedings be filed with the Attorney General for Military Justice.⁷¹

February 15, 2010: The PGR opens the record on the matter of the disappearance of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes.⁷²

Ms. María de Jesús Alvarado files a petition for the return of the pickup truck with the Special Unit for the Investigation of Missing and Lost Persons of the District Attorney's Office for Justice of the State of Chihuahua (Procuraduría General de Justicia Estado Chihuahua; "PGJE-Chihuahua").⁷³

February 16, 2010: The Special Unit for Motor Vehicle Theft Crimes returns the truck to Ms. María de Jesús Alvarado.⁷⁴

March 4, 2010: The Commission grants precautionary measures MC 55-10 to Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes, requiring Mexico report on their whereabouts, health, and safety.⁷⁵ The Commission further asks the State report on actions undertaken by the State parties while investigating the incident involving Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes.⁷⁶

March 8, 2010: The Special Prosecution Service on Crimes of Violence Against Women and Human Trafficking (Fiscalía Especial de Delitos de Violencia contra las Mujeres y Trata de Personas, "FEVIMTRA") opens a preliminary inquiry into the illegal deprivation of liberty and human trafficking of Ms. Alvarado Espinoza and Ms. Alvarado Reyes.⁷⁷

May 13, 2010: The Commission submits a request for provision measures to the Inter-American Human Rights Court ("the Inter-American Court").⁷⁸

71. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 100.

72. *Id.* ¶ 101.

73. *Id.* ¶ 115.

74. *Id.*

75. Alvarado Espinoza et al. v Mexico, Admissibility Report, ¶ 8.

76. *Id.* ¶ 8.

77. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 121.

78. Alvarado Espinoza et al. v Mexico, Admissibility Report, ¶ 8.

July 26, 2010: The State refuses to begin a preliminary inquiry due to lack of evidentiary support that army troops were involved in the incident.⁷⁹

April 16, 2010: Due to the initial refusal to begin preliminary inquiry, three proceedings that were filed in military jurisdiction are joined, and a new preliminary inquiry begins.⁸⁰

January 24, 2011: Personnel from the Ciudad Juárez PGR office—along with uniformed and armed federal police officers—go to the home of Mr. Alvarado Herrera’s father, José Ángel Alvarado Favela, and inform him to report to the PGR office.⁸¹

January 28, 2011: Mr. José Ángel Alvarado Favela reports to the PGR office where personnel inform Mr. Alvarado Favela they have orders to take photos and collect information on him.⁸²

January 29 2011: Mr. Favela receives a phone call. The caller, a male, says: “We have your son and he’s alive. We’re going to kill you like a dog along with your children. You have 12 hours to leave your house and the city. If not, we’ll kill all of you because you’re talking too much.”⁸³ As a result of this threat, Mr. Alvarado Herrera’s family and twenty-one additional members of the Alvarado family flee that day.⁸⁴ Some seek asylum in the United States like, Ms. María de Jesús Alvarado Herrera, her husband, their four children, and Ms. Alvarado Espinoza’s three daughters.⁸⁵

February 2011: The PGJE issues an official letter requesting the PGR’s collaboration in gathering rescue personnel to search mines and ponds in Benito Juárez for missing victims.⁸⁶

79. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 104.

80. *Id.* ¶ 105.

81. *Id.* ¶ 184.

82. *Id.* ¶ 185.

83. *Id.* ¶ 186.

84. *Id.* ¶¶ 200-01.

85. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶¶ 200-01.

86. *Id.* ¶ 117.

March 16, 2011: CNDH requests precautionary measures from SEDENA's Human Rights Director for the missing person's next of kin as they have been receiving death threats.⁸⁷

March 19, 2011: SEDENA grants CNDH's requested precautionary measures.⁸⁸

May 3, 2011: Ms. Espinoza Beltrán receives a summons from the Public Ministry that states failure to appear will result in public force be used to compel her to appear.⁸⁹

June 6, 2011: The amparo petition is dismissed because the missing persons, who are still missing, failed to ratify the petition.⁹⁰

June 26, 2011: The Commission receives a petition from the Center for Women's Human Rights (Centro de Derechos Humanos de las Mujeres; "CEDEHM"), the Solidary and Human Rights Defense Commission (Comisión de Solidaridad y Defensa de los Derechos Humanos; "COSYDDHAC"), Justice for Our Daughters (Justicia Para Nuestras Hijas; "JPNH"), and the Paso del Norte Human Rights Center (Centro de Derechos Humanos Paso del Norte; "CDHPN").⁹¹

June 28, 2011: Two plain-clothes federal police officers arrive at the home of María de Jesús Alvarado, Ms. Alvarado Espinoza's mother, and attempt to obtain information about Ms. Alvarado Espinoza's whereabouts.⁹²

June 30, 2011: The CNDH issues its recommendation, stating that the evidence indicates that agents of the Secretariat of National Defense and the Federal Police violated the human rights to legal security, freedom, humane treatment, personal safety, access to justice, and due process.⁹³ In making this conclusion, the CNDH considers the increased military presence due to the Joint Operation Chihuahua, statements by military agents indicating military involvement in the detentions, and the eyewitness testimony stating Ms. Alvarado Espinoza, Mr. Alvarado

87. *Id.* ¶ 188.

88. *Id.*

89. *Id.* ¶ 189.

90. *Id.* ¶ 182.

91. Alvarado Espinoza et al. v Mexico, Admissibility Report, ¶ 1.

92. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 190.

93. *Id.* ¶ 172.

Herrera, and Ms. Alvarado Reyes had been detained by military personnel.⁹⁴

The recommendations by the CNDH are approved by the Chihuahua State Government, but are rejected by the Secretariat of Public Security and the Secretariat of National Defense.⁹⁵

July 13, 2011: The PGR posts a reward in the Official Gazette for anyone who could provide information on the missing persons.⁹⁶

July 14, 2011: Mr. Alvarado Herrera's brother, Mr. Jamie Alvarado, receives a telephone call informing him that someone is robbing Mr. Alvarado Herrera's house.⁹⁷ While bicycling back from his brother's house, a gray Chevrolet intentionally strikes Mr. Jamie Alvarado Herrera.⁹⁸

August 3, 2011: At a follow-up meeting to the Court's grant of provisional measures, Ms. María de Jesús Alvarado reports she was harassed by plain-clothed federal police officers for partaking in a public hearing before the Court.⁹⁹ Mr. Jaime Alvarado Herrera also reports that the renters of Mr. José Ángel Alvarado Herrera's home were threatened, and subsequently moved out.¹⁰⁰ Additionally, Mr. Jaime Alvarado Herrera reports that he was hit by a gray pick-up truck while visiting the home.¹⁰¹

August 28, 2011: Neighbors overhear noises at the home of Mr. Jamie Alvarado Herrera.¹⁰² Mr. Jamie Alvarado's wife goes to inspect and discovers her house has been vandalized.¹⁰³ She also discovers a note, which reads: "because we wanted to kill you and couldn't we have you running scared and we'll do you in along with your miserable family. Sincerely, you know who."¹⁰⁴ That afternoon, Mr. Jamie Alvarado's wife has a nervous breakdown and requires medical care.¹⁰⁵

94. *Id.* ¶ 174–176.

95. *Id.* ¶ 178.

96. *Id.* ¶ 135.

97. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 147.

98. *Id.* ¶ 147.

99. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 190.

100. *Id.* ¶ 191.

101. *Id.* ¶ 191.

102. *Id.* ¶ 192.

103. *Id.* ¶ 193.

104. *Id.*

105. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 194.

August 31, 2011: The CNDH requests the General Prosecution Service (Fiscalía General del Estado de Chihuahua, “FGE”) takes precautionary measures to protect Mr. Jamie Alvarado Herrera and his family.¹⁰⁶ The Director General of Human Rights of the Federal Public Security Secretariat (Secretaría de Seguridad Pública Federal, “SSPF”), however, denies the request due to lack of evidence indicating government interference.¹⁰⁷

September 30, 2011: FEVIMTRA declines jurisdiction over the preliminary inquiry due to a lack of evidence that the incident involved gender-based violence.¹⁰⁸

November 19, 2011: The Chihuahua Delegation of the PGR opens a preliminary inquiry, investigating the deprivation of liberty.¹⁰⁹

December 29, 2011: After investigating 143 pieces of documentary evidence, 45 statements, and 4 eyewitness inspections, the Second Investigating Unit decides to shelve the preliminary inquiry on the basis that no evidence exists that military personnel were involved in the incident.¹¹⁰ The Preliminary Inquiry is forwarded to the Deputy Attorney General’s Office for Regional Monitoring, Criminal Proceedings and Constitutional Appeals of the PGR.¹¹¹

January 3, 2012: The Directorate General for Monitoring Preliminary Inquiries declines to take jurisdiction of the initial preliminary inquiry, and instead refers the case to the Chihuahua Delegation of the PGR.¹¹²

February 13, 2012: The Chihuahua Delegation of the PGR begins a preliminary investigation, for abuse of authority and forced disappearances.¹¹³

May 28, 2012: The FGE declines jurisdiction over the preliminary inquiry, because the Official of the Public Ministry of the Federation of

106. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 150.

107. *Id.* ¶ 150.

108. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 137.

109. *Id.* ¶ 138.

110. *Id.* ¶ 106-107.

111. *Id.* ¶ 107.

112. *Id.* ¶ 109.

113. *Id.*

the Delegation of the Chihuahua Delegation of the PGR should assert jurisdiction given that the incident involves forced disappearances.¹¹⁴

April 4, 2013: The PGR opens a preliminary inquiry, incorporating all ministerial actions carried out since the date of the first complaint.¹¹⁵

June 14, 2013: As part of preliminary inquiry, Captain Joel Sotelo Vázquez gives a statement that, while he is unaware of facts involving the disappearance of three people, he has participated in an inquiry into the homicide of two individuals which likely involved the participation of Infantry Colonel Elfego José Lujan Ruiz, Alfredo Bravo Alcaraz, and Captain Cludualdo.¹¹⁶

June 30, 2013: The Deputy Attorney General's Office for Regional Monitory, Criminal Proceedings and Constitutional Appeals of the PGR, Chihuahua, declines jurisdiction over the preliminary inquiry because the Deputy Attorney General's Office for Human Rights, Crime Prevention, and Community Services had opened its own preliminary inquiry.¹¹⁷

April 4, 2013: The PGR opens a preliminary inquiry.¹¹⁸

July 12, 2013: The Commission adopts Admissibility Report No. 48/13.¹¹⁹ The State claims that the Attorney General's ongoing investigation into the disappearances is a valid remedy satisfying international standards.¹²⁰ As such, the State claims the petition is not admissible.¹²¹ The Commission holds both that the States investigation has failed determine any facts regarding the victims' whereabouts, and that the military jurisdiction was improperly asserted.¹²² As such, the Commission finds the petitioners have satisfied the admissibility requirements.¹²³

114. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 119.

115. *Id.* ¶ 147.

116. *Id.* ¶ 145.

117. *Id.* ¶ 146.

118. *Id.* ¶ 147.

119. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 2(b).

120. Alvarado Espinoza et al. v Mexico, Admissibility Report, ¶ 26.

121. *Id.* ¶ 26.

122. *Id.* ¶ 37.

123. *Id.* ¶ 49.

March 31, 2014: An arrest warrant request for Colonel Elfego José Lujan Ruiz for the forced disappearance of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes, is submitted to a federal trial court judge.¹²⁴ The request is denied.¹²⁵

An appeal of the warrant denial is filed; noting that although over 11,000 pages of material was submitted alongside the warrant request, the denial was issued in less than 24 hours.¹²⁶

June 27, 2014: A judge of the Fourth Unitary Court of the Seventeenth Circuit upholds the denial of the arrest warrant request.¹²⁷

September 11, 2014: Luz Estela Castro Rodríguez, counsel for the victims, files for amparo against the Judge of the Fourth Unitary Court of the Seventeenth Circuit for upholding the warrant denial.¹²⁸

March 31, 2015: A team of international experts—gathered by the General Prosecution Service of the State of Chihuahua to implement the Inter-American Court provisional measures—submits its final report.¹²⁹ The report states that evidence establishes that the 35th Infantry Battalion had taken part in the forced disappearance of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes.¹³⁰ The report further states the evidence supports an arrest warrant request for Colonel Elfego José Lujan Ruiz.¹³¹ The report further concludes that, based on the evidence, it can be inferred that the District Attorney’s Office, Chihuahua, Buenaventura; the Federal Police of the PGR; and senior army officers were instrumental in removing and concealing Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes, as well as denying information on their whereabouts to their Relatives and legal counsel.¹³²

B. Other Relevant Facts

In 2011, a United Nations Working Group on Forced or Involuntary Disappearances (“WGEID”) report concluded that the Mexican Armed

124. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 155.

125. *Id.* ¶ 156.

126. *Id.* ¶ 156.

127. *Id.* ¶ 157.

128. *Id.* ¶ 157.

129. *Id.* ¶ 167.

130. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 167.

131. *Id.* ¶ 167.

132. *Id.* ¶ 167.

Forces acted with impunity and that not enough efforts were made by the Mexican State to investigate and punish forced disappearances.¹³³

Between March 2008 and December 2009, the CNDH received 22 complaints of forced disappearances and extrajudicial executions.¹³⁴ The Operation was also believed to significantly impact women, with a 400% rise in the disappearances of women since the launch of the Operation.¹³⁵

II. PROCEDURAL HISTORY

A. Before the Commission

April 13, 2016: The Commission adopts Merits Report No. 3/16.¹³⁶ The Commission holds that Mexico violated Articles 3 (Right to Juridical Personality), 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 11 (Right to Privacy), 19 (Rights of the Child), 22 (Freedom of Movement and Residence), and 25 (Right to Judicial Protection) in connection with Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention of Human Rights and Articles 1(a) (Prohibition of Practicing, Tolerating or Permitting Forced Disappearances), 1(b) (Duty to Punish Forced Disappearances), and 9 (Right to Compensation for Victims) of the Inter-American Convention on Forced Disappearance of Persons.¹³⁷

The Commission recommends that Mexico, (1) conduct a thorough and impartial investigation into the locations of Ms. Alvarado Espinoza Ms. Alvarado Herrera, and Ms. Alvarado Reyes, or their remains; (2) conduct internal proceedings into the alleged human rights violations in a timely manner and clarify facts to identify responsible parties; (3) provide adequate compensation including a public statement of the factual record and acknowledgement of responsibility; (4) order adequate administrative, criminal, or disciplinary measures for any State officials who contributed to the delay or denial of justice, and (5) adopt any legislative, administrative, or other measures necessary to prevent similar miscarriages of justice in the future.¹³⁸

133. *Id.* ¶ 52.

134. *Id.* ¶ 59.

135. *Id.* ¶ 59.

136. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 2(c).

137. Alvarado Espinoza et al. v. Mexico, Report on Merits, ¶ 290.

138. *Id.* ¶ 292.

B. Before the Court

November 9, 2016: The Commission submits the case to the Court after the State failed to adopt its recommendations.¹³⁹

1. Violations Alleged by Commission¹⁴⁰

Article 3 (Right to Juridical Personality)

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 11 (Right to Privacy)

Article 19 (Rights of the Child)

Article 22 (Freedom of Movement and Residence)

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 Adopt Measures)

Article 11 (Right to Officially Recognized Detention Location and to Be Promptly Brought Before Competent Judicial Authority) of the Inter-American Convention on Forced Disappearance of Persons.

2. Violations Alleged by Representatives of the Victims¹⁴¹

Same Violations Alleged by Commission, plus:

Article 7 (Duty to Prevent, Punish, and Eradicate Violence Against Women) of the Inter-American Convention to Prevent, Punish, and Eradicate Violence Against Women.

Article 17 (Rights of the Family) of the American Convention.

139. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 1.

140. *Id.* ¶¶ 2 n.3, 3.

141. *Id.* ¶ 5. . Mrs. Ruth Fierro Pineda, CEDEHM; Mr. Gabino Gómez Escárcega, CEDEHM; Mrs. María Alejandra Nuño Ruiz Velasco, CEDEHM; Mr. Pbro. Oscar Enriquez Perez, CDHPN; Mr. Cesario Tarín Valdés, CDHPN; and Mr. Carlos Spector, Mexenexs served as representatives for the Alvarado family.

May 26, 2010: The Court grants provisional measures requiring the State to: (1) report on the whereabouts and safety of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes; (2) protect the integrity, personal liberty, and lives of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, Ms. Alvarado Reyes, and their 36 family members.¹⁴²

November 23, 2017: The State acknowledges partial responsibility for violations of Articles 2 (Obligation to Give Domestic Legal Effect to Rights), 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection) of the American Convention because at the time, Mexico lacked legislation on forced disappearances and submission of cases before the military.¹⁴³

April 30, 2018: Group of Public Actions, Legal Clinic of the Universidad del Rosario submits an amicus curiae brief to the Court.¹⁴⁴

April 25, 2018: The Washington Office on Latin America (Oficina en Washington para Asuntos Latino Americanos) submits an amicus curiae brief to the Court.¹⁴⁵

May 10, 2018: ELEMENTA, Rights Consulting (Consultoría en Derecho) submits an amicus curiae brief to the Court. Amnesty International also submits an amicus curiae brief to the Court. Hermilo de Jesús Lares Conteras, Lawyer and Legal Advisor, submits an amicus curiae brief to the Court.¹⁴⁶

June 13, 2018: The Clinic on Public Advocacy in Latin America of the New York University School of Law, in Buenos Aires, submits an amicus curiae brief to the Court.¹⁴⁷

III. MERITS

A. *Composition of the Court*¹⁴⁸

142. Alvarado Espinoza et al. v Mexico, Admissibility Report, ¶¶ 9-10.

143. *Id.* ¶¶ 7, 37.

144. *Id.* ¶ 10.

145. *Id.*

146. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 10.

147. *Id.*

148. As a Mexican national, Judge Eduardo Ferrer Mac-Gregor Poisot did not participate in the deliberation and signing of the Judgment per Article 19 of the Court's Rule of Procedure. Judge Ricardo Pérez Manrique and Deputy Secretary Emilia Segares Rodríguez did not participate in the deliberation and signing of the Judgment for undisclosed reasons.

Eduardo Vio Grossi, President
Humberto A. Sierra Porto, Judge
Elizabeth Odio Benito, Judge
Eugenio Raúl Zaffaroni, Judge
Patricio Pazmiño Freire, Judge

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

November 28, 2018: The Court issues its Judgment on Merits, Reparations and Costs.¹⁴⁹

The Court found unanimously that Mexico had violated:

Articles 3 (Right to Juridical Personality), 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), and 7 (Right to Personal Liberty), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention and Article 1(a) (Prohibition of Practicing, Tolerating or Permitting Forced Disappearances) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes,¹⁵⁰ because:

*There are three elements of forced disappearance: (1) the deprivation of liberty; (2) the direct intervention of State agents or their acquiescence; and (3) the State's refusal to acknowledge the detention, or to fail to reveal the fate or whereabouts, of the persons concerned.*¹⁵¹

*First, the Court found the State deprived Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes of their liberty because multiple witnesses observed individuals in military uniforms and armament arrest them on the night of December 29, 2009.*¹⁵²

149. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 370.

150. *Id.* “Declare” ¶ 2. .

151. *Id.* ¶ 171.

152. *Id.* ¶ 173.

Second, the Court concluded military personnel arrested Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes.¹⁵³ Multiple family members recognized the truck used in detaining them was the same truck previously seen transporting military personnel throughout Ejido Benito Juárez in the days preceding the arrests.¹⁵⁴ Mrs. Reyes Rueda and Ms. Obduila Espinoza Beltrán, as part of proceedings held by the AMPF, identified a truck known to have been in the custody of the 35th Infantry Battalion from June 1, 2009 to February 10, 2010, as identical to the truck used to detain Ms. Alvarado Espinoza and Mr. Alvarado Herrera.¹⁵⁵ Additionally, Ms. Espinoza Beltrán identified military uniforms worn by the 35th Infantry as matching those worn by the individuals who carried out the arrests.¹⁵⁶ Sgt. Alberto Hernández de la Cruz, driver to the 35th Infantry Commander, overheard conversations regarding the military chief's arrest of "an invalid woman and a man" in Ejido Benito Juárez.¹⁵⁷ On two occasions, state actors also informed Ms. María de Jesús and Mr. Jamie Alvarado their relatives had been detained by members of the 35th Infantry Battalion and were in state custody or implied military involvement.¹⁵⁸

Additionally, the Court did not give credit to the State's argument that the disappearances might have been carried out by members of organized crime, given that—as acknowledged by the State—only one incident had occurred in the past eleven years in which a disappearance was determined to have been carried out by a member of organized crime dressed in military uniform.¹⁵⁹ The Court, therefore, found State agents were either directly intervened in, or acquiesced to, the forced disappearance of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes.¹⁶⁰

Third, the Court found the State refused to acknowledge the detention of, and failed to reveal the whereabouts of, Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes,¹⁶¹ because of: (1) the State's failure to timely inspect the facilities of the 35th Battalion, (2) the Army's

153. *Id.* ¶ 188.

154. *Id.* ¶ 186.

155. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 186.

156. *Id.* ¶ 186.

157. *Id.* ¶ 191.

158. *Id.* ¶ 191.

159. *Id.* ¶ 190.

160. *Id.* ¶ 199.

161. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 203.

*denial of the existence of a "Commander Meza," (3) the Army's general lack of cooperation, (4) the Army's refusal to acknowledge their custody of three individuals, (5) the extreme delay in establishing military jurisdiction over the matter, and (6) the treats and harassment directed at the victims' family.*¹⁶²

*Given the above, the Court found the Mexican State was responsible for the forced disappearance of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes.*¹⁶³

Articles 8 (Right to a Fair Trial), 25 (Right to Judicial Protection), and 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention, as well as Articles 1(b) (Duty to Punish Forced Disappearances) and 9 (Trial by Competent, Ordinary Non-Military Court) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes,¹⁶⁴ because:

*By failing to act within the first few hours and days of the disappearances and improperly conducting investigations that did happen, the State failed to act with due diligence.*¹⁶⁵ *The Court found these failures led to significant deficiencies in the investigation, and ultimately may have led to the failure to discover the fate of the Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes.*¹⁶⁶ *Moreover, the military's assumption of jurisdiction over the matter was also a violation of due diligence, because the military lacked independence and impartiality.*¹⁶⁷ *As the military had already exerted influence over a substantial part of the investigation, its later referral of the case to civil authorities failed to remedy this mistake.*¹⁶⁸

*Prior to the consolidation of the investigation, multiple fragmented and uncoordinated investigations hindered the effectiveness of the State response.*¹⁶⁹ *The lack of coordination led to significant deficiencies, including the failure to properly investigate the February 3, 2010 call*

162. *Id.* ¶ 202.

163. *Id.* ¶ 205.

164. *Id.* "Declare" ¶ 3. .

165. *Id.* ¶ 227.

166. *Id.* ¶ 222.

167. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶¶ 231, 233, 238.

168. *Id.* ¶ 235, 239.

169. *Id.* ¶¶ 242-44.

*from Ms. Alvarado Espinoza or the identity of “Commander Meza.”*¹⁷⁰ *The Court found these deficiencies constituted a violation by the State of the duty to carry out a serious, impartial, and effective investigation.*¹⁷¹ *The fact that, after nine years of investigation, the victims have not been found nor anyone been prosecuted for the forced disappearances, compounds this violation.*¹⁷²

*The Court also found that the ongoing threats and harassment to the relatives of the disappeared—including the threatening call to Mr. Alvarado Fabela, the break-in at the home of Mr. Jamie Alvarado, and the hit-and-run of Mr. Jamie Alvarado—established that the State failed to properly investigate potential harassment or threats.*¹⁷³

*Finally, the Court acknowledged that amparo proceedings are not an effective remedy for cases of forced disappearances, and no applicable legislation exists.*¹⁷⁴

Article 5(1) (Right to Physical, Mental, and Moral Integrity), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of direct family members of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes, and, in particular, Mr. José Ángel Alvarado Fabela and Mr. Jamie Alvarado and their family groups,¹⁷⁵ because:

*Multiple threats were made against relatives of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes, after the family members pressured an investigation into the disappearances.*¹⁷⁶ *On January 29, 2011, Mr. José Alvarado Fabela received a threatening phone call and, as a result, eventually relocated his family due to the ongoing threat.*¹⁷⁷ *On July 14, 2011, Mr. Jamie Alvarado—while responding to a report of vandalism at the home of Mr. Alvarado Herrera—was struck by a gray truck.*¹⁷⁸ *On August 28, 2011, Mr. Jamie Alvarado’s home was vandalized and a note threatening further harm to*

170. *Id.* ¶¶ 244–47.

171. *Id.* ¶ 247.

172. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶¶ 247, 254.

173. *Id.* ¶¶ 255–256.

174. *Id.* ¶ 259.

175. *Id.* “Declare” ¶ 4. .

176. *Id.* ¶ 270.

177. *Id.*

178. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 270.

*the family was discovered.*¹⁷⁹ *As such, the Court found the family members' right to personal integrity, particularly that of Mr. Alvarado Fabela and Mr. Jamie Alvarado, had been violated.*¹⁸⁰

Articles 22 (Freedom of Movement and Residence) and 17 (Rights of the Family) of the Convention, to the detriment of Mrs. María de Jesús Espinoza Peinado; Ms. Ascensión Alvarado Fabela, NSAE, MP AE, DAE, Ms. María de Jesús Alvarado Espinoza, Mr. Rigoberto Ambriz Marrufo, Mr. José Ángel Alvarado Fabela, Mrs. Concepción Herrera Beltrán, Mrs. Obdulia Espinoza Beltrán, J.A.E., J.A.A.E., A.A.E. ("A.E.B."), Mr. Jaime Alvarado Herrera, Ms. Sandra Luz Rueda Quezada, J.O.A.R., R.G.A.R., C.N.A.R., J.E.A.R., Ms. Rosa Olivia Alvarado Herrera, Mr. Félix García, K.P.A.E., F.A.H., J.G.A., A.G.A., Mr. Manuel Melquíades Alvarado Herrera, Ms. Mayra Daniela Salais Rodríguez, D.J.A., X.A.S., Mrs. Patricia Reyes Rueda, A.A.R., A.R.A.R., A.M.U.A., and Mr. Manuel Reyes Lira,¹⁸¹ because:

*The Court found that the family members of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes had a heightened risk of displacement because of ongoing violence in the region and risks stemming from their participation in the investigation into the disappearance of their relatives.*¹⁸² *The Court found that the State had knowledge of the threats to the family members, and the real possibility of those threats being carried out*¹⁸³ *Although the State did adopt some security measures, they were not tailored to the family needs.*¹⁸⁴ *Furthermore, the State failed to respond to Court risk analysis and orders to timely implement security measures.*¹⁸⁵ *As such, the Court found that, in failing to address the ongoing threats and harm to the Alvarado family, Mexico failed to guarantee their right of personal integrity or freedom of movement and residence.*¹⁸⁶

*The family of Ms. Alvarado Reyes, including Mrs. Patricia Reyes Rueda, relocated to Benito Juárez, where the State provided housing and food.*¹⁸⁷

179. *Id.* ¶ 270.

180. *Id.* ¶ 271.

181. *Id.* "Declare" ¶ 5.

182. *Id.* ¶ 275.

183. *Id.* ¶ 276.

184. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 277.

185. *Id.* ¶ 278.

186. *Id.* ¶ 278.

187. *Id.* ¶ 280.

*The Court, however, found these temporary measures were an inadequate response because they did not guarantee safe return home for the family members.*¹⁸⁸

*The State also violated Article 17 (Rights of the Family) because it failed to provide adequate security measures caused the Alvarado family to disperse and relocate, which separated and fragmented the family.*¹⁸⁹

Article 63(2) [Provisional Measures] of the Convention,¹⁹⁰ because:

*The State did not guarantee the personal safety of Mr. José Ángel Alvarado Fabela and Mr. Jamie Alvarado Herrera and their immediate family.*¹⁹¹ *Furthermore, the State failed to ensure the victims right of movement and residence, ultimately resulting in the Alvarado family members relocation.*¹⁹²

The Court unanimously dismissed the claim of violation of Articles 11 (Right to Privacy) and Article 19 (Rights of the Child) of the Convention, and Article 7 (Duty to Prevent, Punish, and Eradicate Violence Against Women) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women,¹⁹³ because:

*The alleged violations of Article 11(Right to Privacy) and Article 19 (Rights of the Child) of the Convention are already covered by the above-referenced violations.*¹⁹⁴ *After a nineteen-month investigation, the FEVIMTRA concluded that gender did not play a role in the disappearances.*¹⁹⁵ *As such, the Court found insufficient evidence existed to support any inference that the disappearances of Ms. Alvarado Espinoza and Ms. Alvarado Reyes were motivated by gender violence.*¹⁹⁶

C. Dissenting and Concurring Opinions

[None]

188. *Id.* ¶ 280.

189. *Id.* ¶¶ 281-82.

190. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, “Declare” ¶ 6.

191. *Id.* ¶ 283.

192. *Id.*

193. *Id.* “Declare” ¶ 7.

194. *Id.* ¶ 284.

195. *Id.* ¶ 248.

196. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 248.

IV. REPARATIONS

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

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

1. Terminate Related Provisional Matters

The Court terminated the prior provisional measures from the related case of *Alvarado Reyes Case regarding Mexico* because this Judgment still requires the State protect human rights, which was a primary purpose of the previous provisional measures.¹⁹⁷

2. Investigate the Whereabouts of the Victims and Identify, Prosecute, and Punish those Responsible

The Court ordered Mexico conduct a diligent search for the whereabouts of the victims, as part of the State's duty to investigate and the right for the family members to know the location of their family members.¹⁹⁸ If the investigation determines the victims have died, the Court ordered the State to deliver the remains to the family members and cover the funeral expenses.¹⁹⁹

3. Provide Psychological Treatment

The Court ordered the State provide free psychological treatment to all victims, including the victims' family members who request such treatment within six months of the Judgment.²⁰⁰ The Court noted this service be provided immediately and continue for up to five years.²⁰¹

4. Publicly Accept Responsibility

197. *Id.* ¶¶ 289–91.

198. *Id.* ¶ 299.

199. *Id.* ¶ 300.

200. *Id.* ¶ 307.

201. *Id.*

The Court ordered the State publicly announce international responsibility for the violations within one year of the Judgment.²⁰² The State's senior officials must attend the public act of recognition, including the Ministry of National Defense, Chihuahua Ministry of Public Security.²⁰³ The State must also consult with the victims regarding the scheduling and logistics.²⁰⁴

5. Publish the Judgment

The Court determined that the Judgment is a *per se* form of reparation.²⁰⁵ It ordered the State make the following publications within a period of six months from the present Judgment: 1) a summary of the present Judgment in an official, widely circulated newspaper, the Official Gazette of the State, and the Judicial Weekly of the State, and 2) the present in its entirety on the Ministry of Foreign Affairs website accessible by the public, for a period of at least one year.²⁰⁶

6. Contribute to the Family Members' Repair Your Life Projects

The Court requested the State provide access to programs to ameliorate the family members' economic and psycho-social losses particularly caused by the forced displacements.²⁰⁷ Participants must make requests within six months of the Judgment.²⁰⁸

7. Establish Missing Persons Registry

The Court recommended the State create a registry of missing people, detailing gender, age, location, and alleged perpetrators.²⁰⁹ The State must report the progress of this registry in its annual reports.²¹⁰

8. Train Armed Forces in Human Rights

202. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 312.

203. *Id.* ¶ 312.

204. *Id.*

205. *Id.* ¶ 370.

206. *Id.* ¶ 313.

207. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 315.

208. *Id.* ¶ 315.

209. *Id.* ¶ 325.

210. *Id.* ¶ 325.

The Court urged the State continue and expand Armed Forces' human rights training to incorporate procedural safeguards to protect against repetition of this case.²¹¹ The Court ordered the State report on the implementation of military training in its annual reports, for up to three years.²¹²

9. Adopt Protection Measures and Ensure Relocation

The Court ordered the State immediately adopt means to protect the lives and safety of the victims, including the return or relocation of any displaced family members.²¹³ It ordered the State report on measures adopted within six months of the Judgment.²¹⁴ Any victims who wish to return or relocate must notify the State within one year.²¹⁵ Following notification, the State will have two years to work with the victims to determine best practices and comply with relocation.²¹⁶

10. Issue Compliance Report

The Court ordered the State issue a compliance report within one year of the Judgment.²¹⁷

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded \$70,000 to Ms. Alvarado Espinoza and her effected next of kin; \$31,000 to Mr. Alvarado Herrera and his effected next of kin; and \$43,000 to Ms. Alvarado Reyes and her effected next of kin, to compensate for loss of income.²¹⁸

Additionally, the Court awarded \$100,000 each for Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes.²¹⁹ This

211. *Id.* ¶ 328.

212. *Id.* ¶ 328.

213. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶¶ 330–31.

214. *Id.* ¶ 330.

215. *Id.* ¶ 332.

216. *Id.* ¶ 332.

217. *Id.* ¶ 370.

218. *Id.* ¶ 345.

219. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 350.

compensation shall be split: 50% to children the victim and 50% to the spouse or partner of the victim; should the victim have no children, the 50% shall be paid to the parent of the victim.²²⁰

2. Non-Pecuniary Damages

The Court awarded \$15,000 to Ms. Alvarado Espinoza's next of kin, \$5,000 to the next of kin of Ms. Alvarado Reyes, and \$5,000 to the next of kin of Mr. Alvarado Herrera, for expenses incurred in searching for their missing relatives.²²¹

The Court further ordered the following be paid to the family of Ms. Alvarado Espinoza: \$60,000 to Ms. María de Jesús Alvarado Espinoza (sister); \$60,000 each to MPAE, NSAE, DEA (daughters); \$50,000 each to Mrs. María de Jesús Espinoza Peinado and Mr. Ascensión Alvarado Fabela (parents); and \$20,000 be split among Rigoberto Ambriz Marrufo (brother-in-law), RAA, IAAA, JEAA, and AYAA (nephews).²²²

The Court ordered the following be paid to the family of Ms. Alvarado Reyes: \$50,000 to Mrs. Patricia Reyes Rueda (mother), \$60,000 to AMUA (daughter), \$25,000 each to AAR and ARAR (brothers), and \$15,000 to Manuel Alvarado Reyes (grandfather), and \$15,000 to María de Jesús Rueda Villanueva (grandmother).²²³

Finally, the Court ordered the following be paid to the family of Mr. Alvarado Herrera: \$60,000 to Mr. José Ángel Alvarado Herrera (father), \$60,000 to Mr. Jamie Alvarado Herrera (brother), \$60,000 each to JAE, JAAE, AEB (children), \$60,000 to Mrs. Obdulia Espinoza Beltrán (wife), \$25,000 to Ms. Rosa Olivia Alvarado Herrera (sister), and \$50,000 Mrs. Concepción Herrera Hernández (mother).²²⁴ \$20,000 to be split among JOAR, RGAR, CNAR, JEAR (nieces and nephews), and \$20,000 be split among to Ms. Karina Paola Alvarado Espinoza, FAH, JGA and AGA (niece and nephews).²²⁵

3. Costs and Expenses

The Court ordered Mexico pay the victims \$30,000 for costs and expenses incurred during the litigation process and \$5,000 for asylum

220. *Id.* ¶ 351.

221. *Id.* ¶ 346.

222. *Id.* ¶ 352.

223. *Id.* ¶ 352.

224. *Id.* ¶ 352.

225. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 352.

expenses.²²⁶ The Court further ordered the State pay \$5,574.73 to the Victims Legal Assistance Fund to reimburse expenses, within ninety days of the Judgment.²²⁷

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

\$ 1,390,574.73

C. Deadlines

The State must terminate the provisional measures from *Alvarado Reyes Matter regarding Mexico* immediately.²²⁸ Further, the State must investigate the whereabouts of Ms. Alvarado Espinoza, Mr. Alvarado Herrera, and Ms. Alvarado Reyes and identify, prosecute, and punish those responsible as soon as possible and report on search schedule and progress to date in its annual report.²²⁹ The State must provide free psychological treatment to all victims immediately and continue for up to five years.²³⁰ The Court also ordered the State publicly announce international responsibility for the violations within one year.²³¹ The State must publicize the Judgment within six months.²³²

The State should further provide access to programs to ameliorate the victims economic and psychosocial losses within six months.²³³ The State should continue and expand Armed Forces human rights training, incorporating procedural safeguards to protect citizens and report on progress for up to three years.²³⁴ The State must immediately adopt means to protect the lives and safety of the victims, including the return of any displaced family members and report on measures adopted within six months of the Judgment.²³⁵ Following notification, the State will have two years to work with the victims to determine best practices and comply with relocation.²³⁶

226. *Id.* ¶ 359.

227. *Id.* ¶ 363.

228. *Id.* ¶ 291.

229. *Id.* ¶ 299.

230. *Id.* ¶ 307.

231. *Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs*, ¶ 312.

232. *Id.* ¶ 313.

233. *Id.* ¶ 314.

234. *Id.* ¶ 328.

235. *Id.* ¶¶ 330–31.

236. *Id.* ¶ 332.

The State must issue a compliance report within one year of the Judgment.²³⁷ Finally, the State must comply with the order of the court and make the payments for compensation for pecuniary and non-pecuniary damages, and costs and expenses, within a period of one year from the date of notification of the Judgment.²³⁸

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

March 21, 2019: The Court concluded that its recommendation to the State to institute specialized Armed Forces training programs to ensure civilian safety as part public safety missions has been partially complied with.²³⁹

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 370 \(Nov. 28, 2018\).](#)

3. Provisional Measures

[Alvarado Espinoza et al. v. Mexico, Provisional Matters, Order of the Acting President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Mar. 23, 2018\).](#)

237. Alvarado Espinoza et al. v. Mexico, Merits, Reparations, and Costs, ¶ 370.

238. *Id.* ¶ 350.

239. Annual Report 2018: Chapter V Follow-Up of Recommendations Issued by the IACHR in its Country or Thematic Reports, Inter-Am Ct. H.R. ¶ 21 (2018), <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.5MX-en.pdf>.

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4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

[Alvarado Espinoza et al. v Mexico, Admissibility Report, Report No. 48/12, Inter-Am Comm'n H.R., Case No. 12.916 \(July 12, 2013\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Alvarado Espinoza et al. v. Mexico, Report on Merits, Report No. 3/16, Inter-Am. Comm'n H.R., Case No. 12.916 \(Apr. 13, 2016\).](#)

5. Application to the Court

[None]

VIII. BIBLIOGRAPHY

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A.1. Contentious Cases

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A.2. Advisory Opinions

[None]

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[None]

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[None]

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[None]

RELEVANT LEGAL DOCUMENTS CITED

International Legal Materials

[None]

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[None]

CITATIONS TO LEGAL SCHOLARSHIP

[None]