

# Cabrera García and Montiel Flores v. Mexico

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

**August 21, 2013:** The Court responded to follow-up reports presented by the State, and briefs submitted by representatives of the victims and the Inter-American Commission regarding the State's compliance with the Judgment.<sup>2</sup> The Court found that the State fully complied with its obligation to publish an official summary of the Judgment in a newspaper with national circulation and also in a largely-circulated newspaper in the state of Guerrero, and complied with its obligations to publish the Judgment on the official state of Guerrero website and broadcast the summary on a radio station which was accessible to the Petatlán and Coyuca de Catalán municipalities.<sup>3</sup> Further, the State complied with its obligation to compensate the victims for medical and psychological treatment, including medication and other future expenses.<sup>4</sup> The Court also determined that the State fully complied with orders to implement permanent training programs focused on executing diligent investigations into cruel and inhumane treatment and torture<sup>5</sup> for the protection of human rights.<sup>6</sup> Last, the State fully complied with its obligation to make payments to victims to compensate them for pecuniary and non-pecuniary damages and to reimburse the representatives of the victims for legal costs and fees.<sup>7</sup>

The Court indicated that the State failed to provide enough information for the Court to gauge the State's progress in complying with its obligation to conduct a criminal investigation into the acts of torture committed against the victims.<sup>8</sup> The Court also acknowledged that the State made progress toward effecting legislative reform to the Code of Military

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1. Kaylie O'Connor, Author; Kevin Zipser, Editor; Elizabeth Russo, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Cabrera García and Montiel Flores v. Mexico, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. ¶ 3 (Aug. 21, 2013).

3. *Id.* ¶¶ 22-23.

4. *Id.* "Decides" ¶ 1b.

5. *Id.* "Decides" ¶ 1c.

6. *Id.* ¶ 59.

7. *Id.* "Decides" ¶ 1d.

8. Cabrera García and Montiel Flores v. Mexico, Monitoring Compliance with Judgment, Order of the Court, ¶ 16.

Justice by modifying the process of receiving protection. However, the State failed to comply fully with this obligation because the amendment to the Code of Military Justice only gave permission to the Military Public Prosecution Service to investigate crimes committed against civilians by military personnel, and military jurisdiction was not competent to handle effectively forced disappearance of persons, torture and rape committed by military personnel.<sup>9</sup> Further, the State failed to provide an explanation of how the domestic legislative reform would impact the existence of an adequate remedy to challenge the jurisdiction of the military criminal courts.<sup>10</sup> The Court also declared that the State failed to present sufficient information regarding its obligation to implement supplementary measures to reinforce the Register of Detentions in Mexico.<sup>11</sup> Thus, the Court kept open the proceeding for monitoring compliance for all of the reparations.<sup>12</sup>

**April 17, 2015:** The Court submitted an update to the State's compliance.<sup>13</sup> It found that the State partially complied with the orders to adopt domestic legislative reform to make the Code of Military Justice compatible with international standards and the American Convention on Human Rights. However, the State had not yet fully enforced the modification, and it must continue to take measures to enforce fully the reform.<sup>14</sup> Further, the Court declared that the State fully complied with its obligation to adopt reforms for people who have been subjected to military jurisdiction so that they have means to challenge such jurisdiction.<sup>15</sup> Thus, the Court kept open the proceeding for monitoring compliance for the reparations.<sup>16</sup>

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9. *Id.* ¶ 38.

10. *Id.* ¶ 39.

11. *Id.* ¶ 47.

12. *Id.* "Resolves" ¶ 2.

13. *Cabrera García and Montiel Flores v. Mexico, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R.* ¶ 2 (April 17, 2015).

14. *Id.* ¶ 23.

15. *Id.* ¶ 32.

16. *Id.* "Resolves" ¶ 3.