

# Féernandez Ortega et al. v. Mexico

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

**November 25, 2010:** The Court requested an update from the Organization of the Tlapaneco/Me'phaa Indigenous People, the Human Rights Center of the Montaña "Tlachinollan," and the Center for Justice and International Law regarding Mrs. Féernandez Ortega's express written consent to several measures of reparation of the Judgment. These reparations were conditional upon her consent.<sup>2</sup> The Court found that Mrs. Féernández Ortega expressly gave her consent for the State to implement measures established in the Judgment including: (1) publishing the results of the criminal investigation and proceedings that the State conducted, and (2) broadcasting by radio in Guerrero acknowledging international responsibility for the facts of the case.<sup>3</sup> However, Mrs. Féernandez Ortega requested that the written publication and radio broadcast on the State omit four reparations ordered by the Court in the Judgment:<sup>4</sup> (i) the scholarship grants to her children; (ii) the establishment of the women's community center in Barranca Tecoani; (iii) that girls living in Barranca Tecoani would still be able to attend school in the city Ayulta de los Libres; and (iv) the amount of damages awarded.<sup>5</sup>

Further, Mrs. Féernández Ortega did not consent to: (1) publishing the official summary of the Judgment in Spanish in a national newspaper with widespread circulation, and in a newspaper with widespread circulation in Spanish and Me'paa in Guerrero; (2) publishing the entire Judgment translated into Me'paa on the federal website and the website in Guerrero; and (3) broadcasting the official summary in both languages by radio with coverage in Barranca Tecoani.<sup>6</sup>

The Court ordered the State to comply and publish the results of the domestic criminal investigation and broadcast the public act

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1. Shannon Leap, Author; Adam Knighton, Editor; Elizabeth Russo, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Féernandez Ortega et al. v. Mexico, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Court. H.R. ¶ 2 (Nov. 25, 2010).

3. *Id.* "Declares" ¶ 1.

4. *Id.* ¶ 4.

5. *Id.*

6. *Id.* "Declares" ¶ 2.

acknowledging international responsibility for Mrs. Fernández Ortega and the other victims' injuries in this case.<sup>7</sup> The Court ended its monitoring of compliance for the provisions which Mrs. Fernández Ortega did not consent.<sup>8</sup>

**November 21, 2014:** The Court gave an update on the State's compliance.<sup>9</sup> The Court found that the State had fully complied with its obligation to publicly acknowledge international responsibility for the victims' injuries.<sup>10</sup> Further, although the victims' representatives requested that the Court keep the proceeding for monitoring compliance open regarding the obligation to provide victims with medical treatment, the Court found that the State had in fact fully complied with this obligation.<sup>11</sup> The Court instructed the State to continue providing medical and psychological care to the victims.<sup>12</sup> The Court also declared that State had fully complied with its obligation to provide scholarships for girls to attend school at public institutions by establishing a trust.<sup>13</sup> Although the Court concluded that the State fully complied with this obligation, it ordered the State to continue executing such obligation.<sup>14</sup> Last, the Court found that the State fully complied with its obligations to compensate victims for pecuniary and non-pecuniary damages, and reimburse victims for costs and expenses.<sup>15</sup>

**April 17, 2015:** The Court gave an update on whether the State effectively adapted its domestic law to comply with the American Convention.<sup>16</sup> First, the Court required that the State amend its military law to grant federal judges jurisdiction over military criminal matters to comply with Article 57 of the Convention (Code of Military Justice).<sup>17</sup> Second, it required the State to enact reforms that would enable those affected by military intervention to have a venue in which to challenge military

7. *Id.* ¶ 1.

8. Fernández Ortega et al. v. Mexico, Monitoring Compliance with Judgment, Order of the Court, ¶¶ 2-3.

9. Fernández Ortega et al. v. Mexico, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Court. H.R. (Nov. 21, 2014).

10. *Id.* ¶ 11.

11. *Id.* ¶ 20.

12. *Id.*

13. *Id.* ¶ 27.

14. *Id.*

15. Fernández Ortega et al. v. Mexico, Monitoring Compliance with Judgment, Order of the Court, "Resolves" ¶ 1.

16. Fernández Ortega et al. v. Mexico, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Court. H.R. ¶ 2 (April 17, 2015).

17. *Id.*

jurisdiction.<sup>18</sup> Third, it found that the State partially complied with its obligation to amend the law to align with international standards, and required the State to further reform the law to ensure that human rights violations committed by members of the State's military could be heard in domestic court, rather than in military court.<sup>19</sup> Finally, the it found that the State fully complied with its obligation to adopt reforms that would enable individuals affected by military intervention to have access to a venue to challenge such jurisdiction.<sup>20</sup>

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18. *Id.*

19. *Id.* ¶ 23.

20. *Id.* ¶ 31.