

García Cruz and Sánchez Silvestre v. Mexico

I. COMPLIANCE AND FOLLOW-UP ADDENDUM¹

September 1, 2016: In response to a request made by the President of the Court, the Court gave an update on the State's compliance.² The Court found that the State fully complied with its obligations to publish the Judgment the Official Gazette of the Federation and publish the Judgment in a nationwide newspaper.³ Further, the State complied with its obligation to publish the Judgment on the website of the Secretariat Foreign Relations.⁴ The Court acknowledged the State's efforts taken to comply with its obligation to guarantee the education of the victims through educational scholarships.⁵ Specifically, the State-created sub-accounts in favor of Mr. García Cruz, Mr. Sánchez Silvestre and his daughter.⁶ However, the victims failed to provide the State with certain information and therefore the Court decided to keep open the reparation for compliance procedure as long as the victims' education is complete.⁷

Similarly, the State took a pivotal step towards compliance with its obligation to deliver free property to each victim in the Federal District within two years.⁸ However, the victims' representatives failed to communicate and the Court requested that the victims provide updated information to the State for the Court's assessment on compliance.⁹ Finally, the State fully complied with its obligation to compensate victims for material damages and intangibles, including the reimbursement for costs and expenses.¹⁰ The Court also kept open compliance monitoring on the

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

2. García Cruz and Sánchez Silvestre v. Mexico, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. ¶ 2 (September 01, 2016).

3. *Id.* ¶ 11.

4. *Id.*

5. *Id.* ¶ 12.

6. *Id.* ¶ 14.

7. *Id.* ¶¶ 16-17.

8. García Cruz and Sánchez Silvestre v. Mexico, Monitoring Compliance with Judgment, Order of the Court, ¶¶ 18-19.

9. *Id.* ¶ 23.

10. *Id.* "Resolves" ¶ 4.

State's obligations to: (1) diligently carry out and continue all investigations to identify those responsible for committing crimes of torture against the victims and punish the responsible parties accordingly; (2) eliminate criminal records that exist against the victims in relation to the facts of the case; (3) provide victims with preferential and free medical and psychological care at their homes or at medical facilities; provide Mr. Sánchez Silvestre's wife with free medical care; (4) carry out a public act of acknowledgment of responsibility and issue a public apology; (5) conduct a seminar with experts to discuss applying the doctrine of procedural immediacy and make the seminar available for public servants in charge of the public defender's office; (6) carry out a Justice Operators Program for training purposes for public servants at the public defender's office; and (7) deliver justice under international standards for the purpose of identifying, reacting, preventing, reporting and punishing the use of torture techniques.¹¹

November 27, 2018: The Court gave an update on the State's compliance.¹² The State failed to comply with its obligation to investigate acts of torture committed against the victims.¹³ State authorities failed to initiate any necessary, advanced research to investigate these facts independently of any criminal proceedings.¹⁴ Further, State partially complied with its obligation to expunge victims' criminal records.¹⁵ The State successfully removed Mr. García Cruz's criminal record and provided proof of such to the Court. However, the State had yet to expunge Mr. Sánchez Silvestre's criminal record.¹⁶ The State failed to provide information regarding its failure to expunge Mr. Sánchez Silvestre's criminal record.¹⁷

The State partially complied with its obligation to provide medical and psychological care to the victims, including Mr. Sánchez Silvestre's wife.¹⁸ The Court acknowledged the State's actions taken to execute this measure, including affiliating Mr. García Cruz with the Social Protection System in Health. However, the State only contributed an official letter

11. *Id.* "Resolves" ¶ 5.

12. *García Cruz and Sánchez Silvestre v. Mexico*, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (November 27, 2018).

13. *Id.* ¶ 11.

14. *Id.* ¶ 8.

15. *Id.* ¶ 16.

16. *Id.* ¶ 15.

17. *Id.*

18. *García Cruz and Sánchez Silvestre v. Mexico*, Monitoring Compliance with Judgment, Order of the Court, ¶ 24.

of the Ministry of Health, which described such affiliation, but provided no detailed information regarding specific services offered to the victims.¹⁹ The State also failed to establish contact with Mr. Sánchez Silvestre or his wife and has been unable to determine their willingness to participate.²⁰

The Court found that the State fully complied with its obligation to organize a public act of acknowledgment of international responsibility.²¹ The State also fully complied with its obligation to provide victims with educational scholarships until the conclusion of their university or technical studies.²² The State partially complied with its obligation to provide housing to Mr. García Cruz because the State had yet to present to the Court proof of such delivery.²³ Further, the State failed to provide the Court with information regarding its delivery of housing to Mr. Sánchez Silvestre because the State was unable to establish contact with him.²⁴ The Court found that the State complied with its obligation to hold a seminar regarding the doctrine of procedural immediacy after it held a seminar with experts to discuss the purpose of applying the doctrine used by the Supreme Court of Justice of the Nation.²⁵ Last, the Court found that the State fully complied with its obligation to train properly justice operators on skills required to effectively identify and prevent the use of torture techniques.²⁶

The Court kept the compliance monitoring procedure open regarding the State's obligations to: (1) diligently carry out investigations into those responsible for crimes of torture and punish responsible parties accordingly; (2) eliminate Mr. Sánchez Silvestre's criminal record relating to facts of this case; (3) grant victims free medical and psychological care; (4) grant Mr. Sánchez Silvestre's wife free medical care; and (5) provide housing to each victim through the Joint Housing Program.²⁷

19. *Id.* ¶ 21.

20. *Id.* ¶ 22.

21. *Id.* ¶ 29.

22. *Id.* ¶ 36.

23. *Id.* ¶ 43.

24. García Cruz and Sánchez Silvestre v. Mexico, Monitoring Compliance with Judgment, Order of the Court, ¶¶ 42-43.

25. *Id.* ¶ 47.

26. *Id.* ¶ 53.

27. *Id.* "Resolves" ¶ 5.