

García Cruz and Sánchez Silvestre v. Mexico

I. COMPLIANCE AND FOLLOW-UP ADDENDUM¹

September 1, 2016: The Court reviewed the State's compliance with the reparations owed to Mr. Juan García Cruz and Mr. Santiago Sánchez Silvestre.² It determined that the State had fully complied with the duty to publish the Judgment in a newspaper with national circulation.³ Additionally, the Court noted that the State had fully paid the required pecuniary, as well as non-pecuniary, damages as of April 2014.⁴ The Court noted that the State has not completely fulfilled its obligation to finance the educational pursuits of the victims.⁵ Although the State contacted the victims on multiple occasions, the beneficiaries have consistently failed to provide proof of enrollment in a university or other academic institution.⁶ Therefore, the Court acknowledged that the State has made good faith efforts to comply with this obligation and ordered the parties to provide the Court with updated information.⁷

The Court determined that the State was properly complying with its obligation to provide housing for Mr. Sánchez Silvestre and Mr. García Cruz.⁸ The State indicated that it had nearly complied with its obligation to Mr. García Cruz, but was unable to contact Mr. Sánchez Silvestre.⁹ The Court noted that Mr. Sánchez Silvestre's representatives were similarly unable to make contact with him.¹⁰ The Court ordered Mr. Sánchez

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² García Cruz and Sánchez Silvestre v. Mexico, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering That," ¶ 3 (September 1, 2016).

³ *Id.* "Resolves," ¶ 1.

⁴ *Id.* "Considering That," ¶¶ 25-26.

⁵ *Id.* ¶ 16.

⁶ *Id.* ¶ 14.

⁷ *Id.* ¶¶ 16-17.

⁸ García Cruz and Sánchez Silvestre v. Mexico, Monitoring Compliance with Judgment, Order of the Court, "Resolves," ¶ 3.

⁹ *Id.* "Considering That," ¶¶ 20-21.

¹⁰ *Id.* ¶ 21.

Silvestre's representatives to make contact with him no later than six weeks and report back on his decision, or to provide an explanation for his lack of communication.¹¹

The Court indicated that it would continue monitoring the State's compliance with the remaining measures.¹²

November 27, 2018: The Court provided an update on the State's compliance with the Judgment.¹³ The Court observed that the State has complied with the following measures: implement training for public servants to report and prevent torture; organize a seminar regarding the principle of procedural immediacy; award the educational scholarships; and publicly admit responsibility for the violation of human rights in this case.¹⁴

The Court found that the State had partially complied with its obligation to investigate the crimes perpetrated against Mr. Sánchez Silvestre and Mr. García Cruz.¹⁵ The State claimed that, due to a lack of contact with the victims, they have been unable to fully investigate the matter and have therefore not made progress.¹⁶ The Court reiterates that it is the responsibility of the State to carry out the investigation and hold those responsible accountable, regardless of the victims' participation in the matter.¹⁷

The Court declared that the State partially complied with its duty to expunge the criminal records of Mr. Sánchez Silvestre and Mr. García Cruz.¹⁸ The State explained that Mr. Sánchez Silvestre's fingerprints were required to expunge his criminal record, but could not comply because they have been unable to locate him.¹⁹ The Court also asserted that the State had fully complied with its obligation to provide housing and medical care to Mr. García Cruz, but will not be able to offer the same benefit to Mr. Sánchez Silvestre until he returns contact.²⁰

¹¹ García Cruz and Sánchez Silvestre v. Mexico, Monitoring Compliance with Judgment, Order of the Court, "Considering That," ¶ 22.

¹² *Id.* "Resolves," ¶ 5.

¹³ García Cruz and Sánchez Silvestre v. Mexico, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering That," ¶ 10 (November 27, 2018).

¹⁴ *Id.* "Resolves," ¶ 1.

¹⁵ *Id.* ¶ 2.

¹⁶ *Id.* "Considering That," ¶¶ 7-8.

¹⁷ *Id.* ¶ 9.

¹⁸ *Id.* ¶ 16.

¹⁹ García Cruz and Sánchez Silvestre v. Mexico, Monitoring Compliance with Judgment, Order of the Court, "Considering That," ¶ 15.

²⁰ *Id.* ¶¶ 24, 43.

The Court will continue monitoring the State's compliance with the remaining obligations.²¹ The State must submit a report with an update on the pending measures by February 28, 2019.²²

²¹ García Cruz and Sánchez Silvestre v. Mexico, Monitoring Compliance with Judgment, Order of the Court, "Resolves," ¶ 5.

²² *Id.* ¶ 7.