

Digna Ochoa et al. v. Mexico

ABSTRACT¹

This case is about the death of a human rights defender in Mexico. The State failed to properly investigate the circumstances of her death, the State partially admitted responsibility, and the Court found it in violation of the American Convention.

I. FACTS

A. Chronology of Events

Before August 9, 1999: Leading up to the events of the current case, Mexico’s public officials often attack human rights defenders with harassment, torture, threats, break-ins, arson, and even murder attempts.² From 2006 to 2017, the hostile social environment in which human rights defenders and organizations in Mexico operate worsens.³ Mexican authorities are reluctant to hold the perpetrators responsible, especially if they are members of the armed forces.⁴

Ms. Digna Ochoa y Plácido is a human rights defender of national and international importance.⁵ She works for the Miguel Agustín Pro Juárez Human Rights Center (Centro de Derechos Humanos “Miguel Agustín Pro Juárez”; “Centro Pro”) in Mexico City and has been doing human rights work since 1988.⁶ From 1995 onwards, members of Centro Pro, including Ms. Ochoa, receive death threats and are harassed.⁷ The Centro Pro receptionist receives threats directed toward Centro Pro members written on blank envelopes.⁸

August 9, 1999: Ms. Ochoa is kidnapped in Mexico City and restrained for four hours.⁹ The kidnapper steals Ms. Ochoa’s personal documents, including her ID card and business card portfolio.¹⁰ About two months later, she finds her stolen ID when it mysteriously appears at her front door.¹¹

September 7, 1999: In response to the repeated attacks against Ms. Ochoa and other Centro Pro members, the Inter-American Commission on Human Rights (“the Commission”) receives a request for protection.¹²

¹ Aria Soeprono, Author; Jenna Won, Editor; Selene Estrada-Villela, Senior IACHR Editor; Aaron Kircher, Chief IACHR Editor; Cesare Romano, Faculty Advisor

² Digna Ochoa et al. v. Mexico, Report on Merits, Report No. 61/19, Inter-Am. Comm’n H.R., Case No. 12.229, ¶¶ 13, 16 (May 4, 2019).

³ *Id.* ¶ 17.

⁴ *Id.* ¶ 15.

⁵ *Id.* ¶ 19.

⁶ *Id.*; see Digna Ochoa et al. v. Mexico, Admissibility Report, Report No. 57/13, Inter-Am. Comm’n H.R., Case No. 12.229, ¶ 5, n.2 (July 16, 2013).

⁷ Digna Ochoa et al. v. Mexico, Report on Merits, ¶¶ 16-17.

⁸ *Id.* ¶ 25.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* ¶ 26.

¹² *Id.* ¶ 23.

September 8, 1999: Members of Centro Pro once again receive threats written on blank envelopes.¹³

September 9, 1999: The Commission grants precautionary measures and requests that the State protect the endangered individuals.¹⁴

September 21, 1999: The National Human Rights Commission (Comisión Nacional de los Derechos Humanos; “CNDH”) adopts protective measures for Ms. Ochoa and others affected by the threats and violence.¹⁵ Around the same time, the Office of the Attorney General of Justice of the Federal District and the Commission on Human Rights of the Federal District also intervene by launching their own preliminary investigations.¹⁶

October 28, 1999: At around 10 p.m., Ms. Ochoa is kidnapped for a second time and is knocked unconscious, restrained, and blindfolded in her own home.¹⁷ She is interrogated about her alleged contacts with several Mexican states, the Zapatista National Liberation Army, the People's Revolutionary Army, and the Insurgent People's Revolutionary Army.¹⁸ The kidnapers leave Ms. Ochoa tied to her bed.¹⁹ Right before the kidnapers leave, they intentionally leave a gas tank open, which Ms. Ochoa closes when she is finally able to untie herself.²⁰

On the same day, the Centro Pro office is searched and receives more anonymous threats.²¹ The Commission starts a preliminary inquiry gathering evidence and investigating the various threats to Centro Pro members.²²

November 2, 1999: The Commission receives a petition from the National Network of Civil Human Rights Organization (Todos los Derechos Para Todos; “TDPT”) and the Center for Justice and International Law (“CEJIL”).²³

November 11, 1999: The Inter-American Court of Human Rights (“the Inter-American Court”) receives a request for provisional measures from the Commission.²⁴

November 17, 1999: The Inter-American Court grants the request on November 17, 1999.²⁵ Ms. Ochoa starts receiving protection from the Mexican government.²⁶

August 28, 2000 through March 4, 2001: Fearing for her safety, Ms. Ochoa relocates to the United States and starts living in Washington, D.C.²⁷

¹³ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 447, ¶ 49 (Nov. 25, 2021).

¹⁴ *Id.* ¶ 51.

¹⁵ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 30.

¹⁶ *Id.*

¹⁷ *Id.* ¶ 27.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 27.

²² *Id.* ¶¶ 27-28.

²³ *Id.* ¶ 1.

²⁴ *Id.* ¶ 31.

²⁵ *Id.*

²⁶ *Id.* ¶ 30.

²⁷ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 30.

May 31, 2001: Mexico requests that the Inter-American Court's provisional measures be discontinued.²⁸

August 14, 2001: The State requests for a second time to lift the provisional measures.²⁹

August 21, 2001: This time, the representatives of the victims agree to lift the provisional measures, recognizing that the harassment and threats had recently stopped.³⁰

August 22, 2001: The Commission agrees that the measures are no longer necessary.³¹

August 28, 2001: Considering that there were no objections, the Inter-American Court grants Mexico's request to lift the provisional measures.³²

October 1, 2001 through October 2, 2001: Ms. Ochoa, along with two other individuals, travel to the Mexican state of Guerrero to visit several communities in the Petatlán Mountain Range.³³ There, she works with various ecologists and environmental groups who oppose logging in the region.³⁴ During her trip, Ms. Ochoa incidentally makes contact with members of the military who are deployed there.³⁵

October 19, 2001, at around 6 p.m.: An acquaintance of Ms. Ochoa, Mr. Gerardo González Pedraza, arrives at a building on Zacatecas Street (the "Building") in Mexico City.³⁶ The Building holds the office of the Legal Services of Investigation and Legal Studies (Servicios Legales de Investigación y Estudios Jurídicos A.C.; "SLIEJ"), a civil society organization of which Mr. González Pedraza is a member.³⁷ When Mr. González Pedraza enters the office, he finds a dead body which he soon recognizes as Ms. Ochoa.³⁸ Before investigators arrive, police inadequately secure the premises, allowing four people to enter and potential disturb the scene.³⁹ Later, forensics experts, as well as officials from the Office of the Public Prosecutor (the "Public Prosecutor"), respond at the scene.⁴⁰

The Public Prosecutor's report details that the scene included a deceased female body slumped over in a chair, across from which was another chair that was stained with blood and had white powder (potentially talcum powder) on the left armrest.⁴¹ At the foot of the body was a bullet casing, probably from a .22 caliber gun, and underneath the body was a .22 caliber gun.⁴² On the body were red plastic gloves; however the right glove was not on fully, and the left thumb was protruding out from the left glove.⁴³

This expands the petition to investigate the harassment of the Centro Pro members, and the Specialized Agency of the Office of the Public Prosecutor (the "Special Prosecutor")

²⁸ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 31.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.* ¶ 32; Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Cost, ¶ 65.

³⁴ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Cost, ¶ 67.

³⁵ *Id.* ¶ 65.

³⁶ *Id.* ¶ 56; Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 35.

³⁷ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 35.

³⁸ *Id.*

³⁹ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 106.

⁴⁰ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 34.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

launches a preliminary inquiry of Ms. Ochoa's death.⁴⁴ Investigators fail to make note of the temperature of the body and other essential information for determining the time of death and potential repositioning.⁴⁵

October 20, 2001 through January 9, 2002: No standard procedure has been followed to preserve the evidentiary chain-of-custody, leading to inconsistent information.⁴⁶ For example, the initial autopsy report indicates that Ms. Ochoa died from a gunshot wound to the head.⁴⁷ The ensuing investigation involves a series of medical examinations, forensic analyses, and ballistics reports, among other endeavors by law enforcement.⁴⁸ On December 12, 2001, a psychological profile, along with the rest of the known evidence, indicates that Ms. Ochoa died from premeditated criminal conduct.⁴⁹ However, on January 9, 2002, a report from the Special Prosecutor specifies that the bruise on Ms. Ochoa's thigh was preexisting and denies any eyelid bruising, contradicting the October 19, 2001 medical examination which noted the injury to her thigh and the existence of discoloration on her eyelid.⁵⁰ Although the mental assessments indicate that she experienced various mental health conditions, the reports do not explain the relation of Ms. Ochoa's psychological state to the supposed suicide.⁵¹

January 23, 2002: The Special Prosecutor opens up three lines of investigation.⁵² The first involves investigating soldiers, including those who detained environmentalists on May 2, 1999 and those present on Ms. Ochoa's professional visit to the Petatlán Mountain Range; the Special Prosecutor dismisses both theories.⁵³ According to the testimony of people with whom Ms. Ochoa talked while in the Petatlán, Ms. Ochoa was followed by and engaged in a brief encounter with the military. The Petatlán ecologists note that they were worried for their safety and were thus reluctant to offer testimony; there was no witness protection mechanism for these people.⁵⁴ At some point in the investigation, one *campesino* ecologist gave statements to the Prosecutor General regarding the cause of Ms. Ochoa's death, and he was later found dead on April 19, 2011.⁵⁵

The second line of investigation contemplates potential third-party criminal acts due to the tensions created between Ms. Ochoa and the lumber industry when she visited the Petatlán region.⁵⁶ Notably, statements of people in the region are gathered without regard to the local criminal dynamics, and several people indicate they felt coerced, contributing to unreliable testimony.⁵⁷ A news article identifies Mr. Faustino Rodríguez Sánchez, a dominant lumber chief, as the main perpetrator of Ms. Ochoa's death; however, the Special Prosecutor doubted the authenticity of the article's anonymous informant.⁵⁸

The third line of investigation looks into Ms. Ochoa's family, social, and work environment, finding that her relatives, friends, romantic partner, and religious affiliations

⁴⁴ Digna Ochoa et al. v. Mexico, Report on Merits, ¶¶ 23, 34.

⁴⁵ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 107.

⁴⁶ *Id.* ¶ 115.

⁴⁷ *Id.* ¶ 41.

⁴⁸ *See id.* ¶ 43.

⁴⁹ Digna Ochoa et al. v. Mexico, Report on Merits, ¶¶ 45-46.

⁵⁰ *Id.* ¶¶ 41(i), 41(iii).

⁵¹ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 90.

⁵² Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 71.

⁵³ *Id.* ¶¶ 72, 78.

⁵⁴ *Id.* ¶¶ 73, 82.

⁵⁵ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 120.

⁵⁶ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 79.

⁵⁷ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 121.

⁵⁸ Digna Ochoa et al. v. Mexico, Report on Merits, ¶¶ 80, 82.

had no involvement in her death.⁵⁹ Despite efforts from the Special Prosecutor to obtain testimony from Ms. Ochoa's brother, he ultimately did not officially give his statement.⁶⁰ The Special Prosecutor finds that Ms. Ochoa's work environment, especially regarding her resignation from Centro Pro, did not contribute to her death.⁶¹ Several witness statements identified suspicious people standing outside of the Building on the day Ms. Ochoa's body was found, but the Special Prosecutor rejected these accounts, alleging that they are either too specific, too detail-oriented, or too imprecise.⁶²

The Special Prosecutor concludes that Ms. Ochoa's death cannot be linked to any other related events or individuals.⁶³

January 26, 2002: A forensics chemical report notes that gloves similar to those found on Ms. Ochoa would have contained chemical traces from a gunshot if she were wearing them at the time, yet no cartridge elements were found on her gloves.⁶⁴

February 4, 2002: A forensic report reconstructing the facts concludes that Ms. Ochoa's death was a homicide.⁶⁵ These findings, however, are promptly rejected, and all investigators involved in the investigation are replaced.⁶⁶ This is followed by a series of contradictory investigative reports.⁶⁷

Immediately after the new Attorney General of Justice of the Federal District is appointed, he publicly declares that Ms. Ochoa's death was a suicide merely disguised as a homicide.⁶⁸ In addition to the impact this statement has on the public perception of Ms. Ochoa, the Attorney General further attempts to convince leaders and members of human rights institutions that Ms. Ochoa's death was a "simulated suicide."⁶⁹

March 12, 2002: Consultant Mr. Pedro Díaz Romero issues a preliminary report on the Special Prosecutor's investigation.⁷⁰ The report claims that the perpetrator intended to mislead investigators by altering the scene after Ms. Ochoa's death, and that the investigation itself was inconsistent in its contradictory reports.⁷¹ Mr. Díaz Romero recommends further investigation into Ms. Ochoa's romantic life, her participation in two major human rights violations cases, and her visit to the Petatlán Mountain Range.⁷²

March 20, 2002: The same doctors who had conducted the first autopsy on Ms. Ochoa reveal that several items were inaccurately detailed in the autopsy report, including the trajectory of Ms. Ochoa's gunshot wound, the time she incurred a bruise on her thigh, and the existence of discoloration on her eyelid, all of which casts doubt on whether there was a struggle immediately before her death.⁷³ The revelation supports the Special Prosecutor's report from

⁵⁹ Digna Ochoa et al. v. Mexico, Report on Merits, ¶¶ 89-92.

⁶⁰ *Id.* ¶¶ 88, 98.

⁶¹ *Id.* ¶¶ 93-94.

⁶² *Id.* ¶ 96.

⁶³ *Id.*

⁶⁴ *Id.* ¶ 43.

⁶⁵ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 37.

⁶⁶ *Id.*

⁶⁷ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 88, 105-109.

⁶⁸ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 37.

⁶⁹ *Id.* ¶ 38.

⁷⁰ *Id.* ¶ 91.

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.* ¶ 41.

January 9, 2002 that Ms. Ochoa's thigh bruise was preexisting, while her eyelid bruise never existed.⁷⁴

June 28, 2002: The psychologist used Ms. Ochoa's private documents, including letters, diaries, and emails, to create her psychological profile.⁷⁵ The profile indicates that Ms. Ochoa experienced severe mental illnesses and considered killing herself in the past.⁷⁶

On the same day, a new forensic report seriously undercuts the validity of the autopsy report from October 20, 2001 due to purported errors and omissions.⁷⁷ The forensic report further suggests that Ms. Ochoa was not involved in a struggle, but rather shot herself in an act of suicide.⁷⁸ The report further highlights that the suicide was supported by a history of fake kidnappings, suicide attempts, and anonymous threats.⁷⁹

July 2, 2002: Expert witnesses Corona Méndez and Lozano Andrade conduct an additional comparative forensics and ballistics report.⁸⁰ Their findings show that, although a gun was found by Ms. Ochoa's non-dominant hand, there were no signs of struggle, and accordingly demonstrate a high probability that she committed suicide.⁸¹ The experts further conclude that the reports from June 28, 2002 apply the most conclusive evidence.⁸²

January 2, 2003: Dr. Matrajt Karsemboin and Dr. Levi Hambra write a second psychological report which once more demonstrates that suicide was highly improbable, again contradicting previous reports.⁸³ The experts recognize no indications of mental illness other than slightly obsessive tendencies.⁸⁴ Ms. Ochoa's mental health and the circumstances of her death—specifically, whether she was murdered or whether she committed suicide—are continuously disputed throughout the investigation and proceedings.⁸⁵

February 26, 2003: Investigators discover a bag containing a white powder, originally found with Ms. Ochoa's dead body, which had been separate from the chain of custody for over sixteen months.⁸⁶ The powder is later speculated to be a tool used by perpetrators to contaminate the crime scene.⁸⁷ In addition, investigators decide the fingerprint analysis is unreliable because the prints were lifted in September 2002 but not tested until ten months later.⁸⁸

On the same day, witnesses testify before the Commission that the Special Prosecutor used coercive tactics when interrogating *campesino* ecologists and other residents of the Petatlán Mountain Range.⁸⁹

⁷⁴ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 41(iii).

⁷⁵ *Id.* ¶ 47.

⁷⁶ *Id.* ¶¶ 47-49.

⁷⁷ *Id.* ¶¶ 61-64.

⁷⁸ *Id.* ¶ 64.

⁷⁹ *Id.*

⁸⁰ Digna Ochoa et al v. Mexico, Report on Merits, ¶¶ 65-67.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.* ¶¶ 50, 52.

⁸⁴ *Id.* ¶¶ 51-52.

⁸⁵ *See, e.g., id.* ¶¶ 53, 126-128, 130, 146-147, 170-176.

⁸⁶ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 99.

⁸⁷ *See id.* ¶ 146.

⁸⁸ *Id.* ¶ 95.

⁸⁹ *Id.* ¶ 98.

May 27, 2003: Another psychological report is released which highlights Ms. Ochoa's previous suicide attempts, her abortion despite her Catholic faith, and the fact that she had implicated other people, including friends, in actions she herself had committed.⁹⁰

June 16, 2003: The Commission forwards an independent report to the State, declaring that Ms. Ochoa's cause of death is not only inconclusive, but in fact impossible to determine based on existing evidence.⁹¹ The report further notes that the investigation lacked basic information, contained errors and resulted in imprudent value judgements due to the following:⁹² unreliable finger prints;⁹³ the DNA tests of anonymous, threatening letters in Ms. Ochoa's possession were inconclusive and inconsistent as to the writer's gender;⁹⁴ the inappropriate and careless gathering of testimony in the Petatlán region;⁹⁵ and lastly, the delayed discovery of the bag of powder, indicative of mishandling evidence.⁹⁶ Overall, the independent report supports the conclusions of the first psychological report, suggesting premeditated homicide as being a more well-founded account of Ms. Ochoa's death than suicide.⁹⁷

July 18, 2003: The Public Prosecutor recommends that the Office on the Coordination of Agents of the Public Prosecutor (Oficina de Coordinación de Agentes del Ministerio Público; "the CAMP") not bring criminal action based on the theory that Ms. Ochoa committed suicide.⁹⁸

September 17, 2003: The CAMP notifies the victims, Ms. Ochoa's relatives (the "Representatives") of the Prosecution's decision not to prosecute ("NEAP-1").⁹⁹

October 29, 2003: The Commission rejects the Representatives' motion for reconsideration of NEAP-1.¹⁰⁰

November 19, 2003: The Representatives file a motion to challenge and appeal NEAP-1 on several grounds, such as the Prosecutor's refusal to allow Ms. Ochoa's brother to submit evidence; the failure to exhume her body; the lack of investigative interest in her injuries; and physical evidence contradicting the suicide theory.¹⁰¹ The presiding judge declines the Intervenor's writ and rationalizes that the expert witness reports precluded the need for other forms of testimony and sufficiently addressed Ms. Ochoa's injuries.¹⁰² The Representatives subsequently appeal to the Second Collegiate Criminal Tribunal of the First Circuit ("SCCTFC").¹⁰³

⁹⁰ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 53.

⁹¹ *Id.* ¶ 92.

⁹² *Id.* ¶¶ 93-94.

⁹³ *Id.* ¶ 95.

⁹⁴ *Id.* ¶ 96.

⁹⁵ *Id.* ¶ 98.

⁹⁶ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 99.

⁹⁷ *Id.* ¶ 97.

⁹⁸ *Id.* ¶ 110.

⁹⁹ *Id.*

¹⁰⁰ *Id.* ¶ 111.

¹⁰¹ *Id.* ¶ 118.

¹⁰² Digna Ochoa et al. v. Mexico, Report on Merits, ¶¶ 119, 120-123.

¹⁰³ *Id.* ¶ 124.

June 21, 2004: The Commission on Human Rights of the Federal District (the “CDHDF”) sends a special report to the Commission on the lack of methodology and incompleteness of certain expert witness reports.¹⁰⁴ The CDHDF points out that the forensic expert never met to exchange information with the doctors responsible for the medical exam and autopsy, preventing proper analysis of the sparsely documented procedures.¹⁰⁵ In particular, the autopsy analysis is limited by the fact that the experts did not visit the scene; omitted information; and failed to take x-rays, identify the time of death, and other typical procedures.¹⁰⁶ The CDHDF also notes the experts’ various, contradicting accounts of the bullet’s trajectory.¹⁰⁷

February 25, 2005: The Commission’s decision is overturned on the basis that Ms. Ochoa’s family members have a constitutional right to submit their own evidence if they disagree with the prosecution’s experts.¹⁰⁸

November 29, 2006: In accordance with the SCCTFC judgment, the Special Prosecutor orders the Intervenor’s evidence to be admitted, including a request for access to physical evidence, expert reports, and Ms. Ochoa’s exhumation.¹⁰⁹

March 7, 2007: The Intervenor argues in their brief that the suicide hypothesis as indicated by the Public Prosecutor is not supported by expert witness reports.¹¹⁰

May 12, 2007: In response, the Public Prosecutor submits to CAMP a second proposal not to prosecute Ms. Ochoa’s case (“NEAP-2”).¹¹¹

September 17, 2007: CAMP objects to the proposal to adopt NEAP-2 and proposes new avenues of investigation, including potential involvement of the lumber chiefs, newspaper reports purporting to have information, and a request for an expert to evaluate and report on the positioning of Ms. Ochoa.¹¹² Ms. Ochoa’s brother, Jesús Ochoa y Plácido, reveals the names of three family members who may have knowledge of Ms. Ochoa’s death; however, the investigators decline to pursue this line of investigation.¹¹³

March 5, 2010: Mr. Rogaciano Alba, a lumber chief, is interrogated, and in his testimony, he denies guilt because the newspaper report implicating him in Ms. Ochoa’s death is untrue.¹¹⁴

August 20, 2010: The agent of the Office of the Public Prosecutor submits to the CAMP a third proposal not to bring criminal action (“NEAP-3”), in light of sufficient evidence in Ms. Ochoa’s file to issue a legal decision.¹¹⁵ The CAMP accepts NEAP-3.¹¹⁶ In addition to the same evidence in NEAP-1, NEAP-3 includes the intervenor’s report, evidence, and testimony

¹⁰⁴ Digna Ochoa et al. v. Mexico, Report on Merits, ¶¶ 112-113.

¹⁰⁵ *Id.* ¶ 114.

¹⁰⁶ *Id.* ¶ 116.

¹⁰⁷ *Id.* ¶ 117.

¹⁰⁸ *Id.* ¶ 124.

¹⁰⁹ *Id.* ¶¶ 125, 125, n.112.

¹¹⁰ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 150.

¹¹¹ *Id.* ¶ 151.

¹¹² *Id.* ¶ 152.

¹¹³ *Id.* ¶¶ 152-153.

¹¹⁴ *Id.* ¶ 156.

¹¹⁵ *Id.* ¶ 160.

¹¹⁶ Digna Ochoa et al. v. Mexico, Report on Merits, ¶¶ 174-175.

implicating Mr. Alba as a suspect.¹¹⁷ Despite the inclusion of evidence disproving suicide, NEAP-3 ultimately reaches the same outcome as NEAP-1, concluding that Ms. Ochoa was not murdered.¹¹⁸

October 1, 2010: Ms. Ochoa's brother, Jesús Ochoa y Plácido, testifies that within three years of Ms. Ochoa's death, a doctor and a journalist both blamed Mr. Alba for Ms. Ochoa's death.¹¹⁹

March 14, 2011: The Representative's appeal and motion for reconsideration of NEAP-3 is denied.¹²⁰ Accordingly, the agreement not to bring criminal action is upheld.¹²¹

April 5, 2011: In response to the rejection of appeal, the Representatives file a writ of *amparo*.¹²²

August 19, 2011: The Seventh Criminal Amparo Judge of Mexico City (the "Amparo Judge") oversees Ms. Ochoa's case.¹²³ The Amparo Judge defers to the findings of the CAMP, ruling that the Intervenor's pleadings are not admissible for lack of merit.¹²⁴

II. PROCEDURAL HISTORY

A. Before the Commission

November 2, 1999: TDPT and CEJIL submit a petition on behalf of Ms. Ochoa to the Commission.¹²⁵

July 16, 2013: The Commission adopts Admissibility Report No. 57/13, which declares the petition admissible.¹²⁶

May 4, 2019: The Commission adopts Merits Report No. 61/19.¹²⁷

The Commission concludes that the State is responsible for violating Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal); Article 25(1) (Right to Recourse Before a Competent Court) of the American Convention on Human Rights, in relation to Article 1(1) (Obligation of Non-Discrimination) of the same instrument, to the detriment of Ms. Ochoa's family.¹²⁸

In light of the foregoing violations, the Commission recommends that the State: (1) provide reparations to financially compensate and satisfy Ms. Ochoa's family; (2) provide both mental and physical health care to Ms. Ochoa's family as necessary; (3) promptly reopen the criminal investigation surrounding Ms. Ochoa's death; and (4) create systems to

¹¹⁷ Digna Ochoa et al. v. Mexico, Report on Merits, ¶¶ 160-164.

¹¹⁸ *Id.* ¶¶ 164-166.

¹¹⁹ *Id.* ¶¶ 164.

¹²⁰ *Id.* ¶ 175-176.

¹²¹ *Id.* ¶ 176.

¹²² *Id.* ¶ 177.

¹²³ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 177. 003

¹²⁴ *Id.* ¶ 179.

¹²⁵ *Id.* ¶ 1; Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2(a).

¹²⁶ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2(c); Digna Ochoa et al. v. Mexico, Admissibility Report, ¶¶ 66-67.

¹²⁷ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2(d).

¹²⁸ Digna Ochoa et al. v. Mexico, Report on Merits, ¶¶ 254-256.

properly investigate attacks on human rights defenders in similar cases, including protocols to adequately train all officials, prosecutors, and law enforcement.¹²⁹

July 2, 2019: The Commission notifies the State of the Merits Report.¹³⁰

September 24, 2019: The State answers the Merits Report and indicates that it will comply with the Commission's recommendations; however, the State does not take action, nor does it request an extension.¹³¹

B. Before the Court

October 2, 2019: After the State fails to adopt its recommendations, the Commission submits the case to the Court.¹³²

July 8, 2020: The State submits four preliminary objections to the Court.¹³³ First, the State argues that the Representatives failed to identify all possible victims because it excluded three of Ms. Ochoa's brothers.¹³⁴ Second, Mexico claims that the Representatives did not exhaust all remedies with the domestic judicial system before turning to the Court.¹³⁵ Third, Mexico asserts that the Court lacked jurisdiction *ratione materiae*.¹³⁶ Fourth, the Mexico contends that analyzing the circumstances surrounding Ms. Ochoa's death was beyond the scope of Court, and therefore the case could not be heard.¹³⁷

April 26, 2021 through April 27, 2021: The Court holds a public hearing on Ms. Ochoa's case, where the State partially acknowledges international responsibility.¹³⁸

Before May 27, 2021: Eight amici submit briefs to the Court, including: (1) the Gender Law and Society Research Group and the Human Rights Group at the Universidad Externado de Colombia;¹³⁹ (2) family members of women who have been victims of femicide and survivors of femicide;¹⁴⁰ (3) the Fundación Abogacía Española and the Observatorio Internacional de la Abogacía;¹⁴¹ (4) the National Network of Human Rights Defenders in Mexico (RNDDHM) and the Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras);¹⁴² (5) the Collective of Strategic Litigation and Investigation in Human Rights, AC;¹⁴³ (6) the Human Rights Clinic at the University of Santa Clara;¹⁴⁴ (7) the

¹²⁹ Digna Ochoa et al. v. Mexico, Report on Merits, ¶ 258.

¹³⁰ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2(e).

¹³¹ *Id.*

¹³² *Id.* ¶ 1; See Digna Ochoa et al. v. Mexico, Letter of Submission, Inter-Am. Comm'n H.R., Case No. 12.229 (Oct. 2, 2019).

¹³³ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 7.

¹³⁴ *Id.* ¶¶ 26, 27.

¹³⁵ *Id.* ¶ 26.

¹³⁶ *Id.*

¹³⁷ *Id.* ¶¶ 26, 35.

¹³⁸ *Id.* ¶ 8.

¹³⁹ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 9.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

Mexico City Human Rights Commission;¹⁴⁵ and (8) the Legal Observatory on Gender of the Law School at the Universidad Nacional Autónoma de México.¹⁴⁶

1. Violations Alleged by Commission¹⁴⁷

Article 8 (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 25 (Right of Recourse Before a Competent Court)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination)

2. Violations Alleged by Representatives of the Victims¹⁴⁸

Same Violations Alleged by the Commission, plus:

5(1) (Right to Physical, Mental, and Moral Integrity)

in relation to:

Article 1(1) (Obligation of Non-Discrimination)

III. MERITS

A. *Composition of the Court*¹⁴⁹

Elizabeth Odio Benito, President

L. Patricio Pazmiño Freire, Vice-President

Eduardo Vio Grossi, Judge

Humberto Antonio Sierra Porto, Judge

Eugenio Raúl Zaffaroni, Judge

Ricardo Perez Manrique, Judge

Pablo Saavedra Alessandri, Secretary

Romina I. Sijniensky, Deputy Secretary

B. *Decision on the Merits*

November 25, 2021: The Court issues its Judgment on Merits, Reparations, and Costs.¹⁵⁰

The Court found unanimously:

¹⁴⁵ *Digna Ochoa et al. v. Mexico*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 9.

¹⁴⁶ *Id.*

¹⁴⁷ *Digna Ochoa et al. v. Mexico*, Report on Merits, ¶ 254.

¹⁴⁸ *Digna Ochoa et al. v. Mexico*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 95; The National Network of Civil Human Rights Organizations (Todos los derechos para todos; “TDPT”) and the Center for Justice and International Law (“CEJIL”) served as representatives of Ms. Ochoa.

¹⁴⁹ Pursuant to the Court’s Rules of Procedure, provisions 19(1) and 19(2), Judge Eduardo Ferrer Mac-Gregor Poisot did not participate in the deliberation nor signature of this judgment because he is a Mexican national. *Id.* at n.*.

¹⁵⁰ *Id.* ¶ 1.

To reject Mexico's preliminary objection that the case lacked jurisdiction *ratione materiae*,¹⁵¹ because:

*The State argued that the Court lacked jurisdiction over the alleged violations of Articles 5, 8, and 25 of the American Convention because the violations were not included in the Commission's Merits Report.¹⁵² The Court rejected this argument, reasoning that the American Convention's rights to life, personal integrity, freedom of expression and association, judicial guarantees, and judicial protection are all under the Court's jurisdiction of *ratione materiae*.¹⁵³*

To reject Mexico's preliminary objection concerning the Court's right to observe the circumstances of Ms. Ochoa's death,¹⁵⁴ because:

The State asserted that the Court should not determine the circumstances in which Ms. Ochoa died.¹⁵⁵ The State further argued that the Representatives, by citing factual disputes concerning the investigation, asked the Court to improperly overstep its constitutional duties.¹⁵⁶ The Court found this objection inadmissible because the Court does have a role in examining domestic proceedings so long as these examinations relate to the American Convention.¹⁵⁷ Further, the Representatives' claim was that the investigation was inadequate and inconsistent, which did not require the Court's independent determination of the cause of death.¹⁵⁸ Thus, in order to determine the existence of any human rights violations and whether a state violates its international obligations, the Court must inevitably look to the merits of a given case.¹⁵⁹

The Court summarily rejected and thus did not analyze the State's preliminary objections concerning the failure to identify the victims and Ms. Ochoa's failure to exhaust her options for domestic remedies.¹⁶⁰

In response to the State's objection regarding the failure to determine possible victims, the Court reasoned first that all victims had been properly identified in Mexico's partial acknowledgement of international responsibility.¹⁶¹ Accordingly, the fact that three of Ms. Ochoa's brothers were not specified is unimportant.¹⁶²

Second, the State claimed that the Representatives failed to exhaust the judicial remedies available to them.¹⁶³ The Court reasoned that Mexico waived this objection when they issued a partial acknowledgement of international responsibility.¹⁶⁴

¹⁵¹ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 26.

¹⁵² *Id.* ¶ 30.

¹⁵³ *Id.* ¶ 34.

¹⁵⁴ *Id.* ¶ 203.

¹⁵⁵ *Id.* ¶ 35.

¹⁵⁶ *Id.*

¹⁵⁷ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 38.

¹⁵⁸ *Id.* ¶ 37.

¹⁵⁹ *Id.*

¹⁶⁰ *Id.* ¶¶ 27-29.

¹⁶¹ *Id.* ¶ 27.

¹⁶² *Id.*

¹⁶³ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 26.

¹⁶⁴ *Id.* ¶ 28.

The Court found unanimously that Mexico had violated:

Article 8 (Right to a Fair Trial), Article 11 (Right to Privacy), and Article 25 (Right to Judicial Protection) of the American Convention on Human Rights, in relation to Article 1(1) of the American Convention (Obligation of Non-Discrimination), to the detriment of Ms. Irene Alicia Plácido Evangelista, Mr. Eusebio Ochoa López, and the siblings Agustín, Carmen, Elia, Estela, Eusebio, Guadalupe, Ignacio, Ismael, Jesús, Juan Carlos, Luz María and Roberto Ochoa y Plácido,¹⁶⁵ because:

*Regarding the violations against Ms. Ochoa's family alleged by the Commission and the Representatives, the Court analyzed the following factors: (1) the lack of due diligence in the murder investigation; (2) the presence of gender stereotyping during the murder investigation and ensuing prosecution; and (3) the lack of reasonable time during the proceedings.*¹⁶⁶

*With respect to due diligence in the murder investigation, the Court recognized that Mexico had a duty to conduct a diligent investigation, particularly in the context of Ms. Ochoa's work as a human rights defender and the influential role she had within the community and beyond.*¹⁶⁷ *The investigation lacked due diligence, given the mishandling of evidence, including the failure to preserve chain-of-custody which prevented the bag of powder from being officially recognized for sixteen months, and the fact that fingerprints taken at the scene were not tested until over a year later.*¹⁶⁸ *The autopsy was inadequate and non-compliant with the standard protocol for investigating deaths involving suspected human rights violations.*¹⁶⁹ *Additionally, contamination, disruption, and inadequate description and photographs of the crime scene complicated the investigation.*¹⁷⁰ *As a result, there were significant contradictions between the criminalistics report, medical certificate, and autopsy report, which led to conflicting conclusions as to the weapon that was used, trajectory of the bullet, and description of wounds and positioning of Ms. Ochoa's body.*¹⁷¹ *The investigation lacked regard for criminal dynamics and other social vulnerabilities while interrogating campesino ecologists who worked in the Petatlán Mountain Range.*¹⁷² *The Court recognized that the investigators did not adequately account for fears of testifying, nor granted any protection measures for witnesses, which potentially invited false testimony.*¹⁷³

*The Court's role is not to replace the domestic jurisdiction's investigation with its own, but rather to determine whether the domestic investigation adheres to standards within Article 8 and 25 of the American Convention.*¹⁷⁴ *As for Ms. Ochoa's murder investigation, the Court observed deficiencies in the evidence collection,*¹⁷⁵ *including inconsistencies among what*

¹⁶⁵ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, "Declares" ¶ 4.

¹⁶⁶ *Id.* ¶ 87.

¹⁶⁷ *Id.* ¶ 104.

¹⁶⁸ *Id.* ¶¶ 114-117.

¹⁶⁹ *Id.* ¶ 109.

¹⁷⁰ *Id.* ¶¶ 105-108.

¹⁷¹ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 110-113.

¹⁷² *Id.* ¶ 120.

¹⁷³ *Id.* ¶¶ 119-122.

¹⁷⁴ *Id.* ¶ 102.

¹⁷⁵ *Id.* ¶¶ 105-109.

information was gathered from the investigation,¹⁷⁶ errors in the chain of custody over collected evidence,¹⁷⁷ and the difficulties in obtaining witness testimony.¹⁷⁸

The Court further noted that the prevalence of gender-related homicides disguised as suicides demands a more thorough inquiry than was provided for Ms. Ochoa.¹⁷⁹ Further, the application of gender stereotypes and sexist assumptions in the investigation devalued Ms. Ochoa, concealed the perpetrators, and led to conclusions unsupported by the objective evidence.¹⁸⁰

With respect to the reasonable timing of the proceedings, the Court held that complex facts do not necessarily warrant prolonged investigation, and in this case, the fact that Ms. Ochoa was a human rights defender implicates urgency due to the inherent threat her death may pose to other human rights advocates.¹⁸¹ Even accounting for the complexity of the case and unusual circumstances, the Court noted that judicial proceedings involved long periods of inactivity of almost a year.¹⁸² Furthermore, the Representatives' involvement posed no obstruction to the investigation, but rather the Prosecutor's refusal to accept the Intervenor's offer into evidence did hinder progress.¹⁸³

The Court found that Mexico violated the rights to judicial protection and a fair trial because the investigation exceeded a reasonable amount of time.¹⁸⁴ Gender stereotypes obstructed the investigation and prosecution in relation to her death, which contributed to investigative delays in violation of Article 8 and 25 and violated Ms. Ochoa's right to privacy.¹⁸⁵

Article 11 (Right to Privacy), in relation to Article 1(1) of the Convention (Obligation of Non-Discrimination), to the detriment of Ms. Ochoa,¹⁸⁶ because:

The Court separately noted that the Prosecutor General encouraged a negative public image of Ms. Ochoa when it leaked private information such as sensitive photographs to national newspapers.¹⁸⁷ Women involved in human rights are often labeled as mothers, daughters, and caregivers in an attempt to delegitimize their political efforts and achievements.¹⁸⁸ Investigators made use of such harmful gender stereotypes to vilify Ms. Ochoa.¹⁸⁹ Additionally, psychology reports highlighted her apparent lack of guilt for having an abortion and portrayed emotional instability simply for having received therapy and experienced relationship difficulties.¹⁹⁰ In particular, the conclusion that her death was a suicide imputed a negative reputation to her, which casts a negative light on Ms. Ochoa even after death.¹⁹¹ Thus, the Court concluded that Ms. Ochoa's right to privacy was violated post

¹⁷⁶ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 110-113.

¹⁷⁷ *Id.* ¶ 114-117.

¹⁷⁸ *Id.* ¶¶ 118-122.

¹⁷⁹ *Id.* ¶ 104.

¹⁸⁰ *Id.* ¶¶ 104, 123-129.

¹⁸¹ *Id.* ¶¶ 133, 135.

¹⁸² Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 132-134.

¹⁸³ *Id.* ¶¶ 133-134.

¹⁸⁴ *Id.* ¶ 136.

¹⁸⁵ *Id.* ¶ 129.

¹⁸⁶ *Id.* "Declares" ¶ 5.

¹⁸⁷ *Id.* ¶¶ 137-138.

¹⁸⁸ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 139.

¹⁸⁹ *Id.* ¶¶ 127, 129.

¹⁹⁰ *Id.*

¹⁹¹ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 139-140, 146.

*mortem by public statements which scrutinized her character, delegitimized her work, and dishonored her dignity throughout the investigation.*¹⁹²

Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Article 1(1) (Obligation of Non-Discrimination), Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection) of the Convention, to the detriment of Ms. Ochoa,¹⁹³ because:

*The Court acknowledged that states owe a duty to uphold the right to life and avoid the arbitrary loss of life for all within their jurisdiction; this intrinsically involves an adequate justice system with competent investigative, prosecutorial, and compensatory mechanisms.*¹⁹⁴ *Thus, the Court established that a state's mistakes when investigating a citizen's death demonstrate a failure to guarantee the right to life.*¹⁹⁵ *Additionally, because Ms. Ochoa was a female human rights defender, investigative insufficiencies constitute discrimination in the context of human rights defenders' deaths.*¹⁹⁶ *The Court noted that human rights defenders, including Ms. Ochoa, had suffered threats and killings for many years, while perpetrators remained unpunished.*¹⁹⁷ *The State's refusal to properly investigate Ms. Ochoa's death and its failure to prosecute based on a theory of suicide completely ignored the circumstances of her death as a human rights defender; this in itself violated her right to life, as well as her family's right to know the truth.*¹⁹⁸

Article 5(1) (Right to Physical, Mental, and Moral Integrity) in relation to Article 1(1) of the American Convention (Obligation of Non-Discrimination), to the detriment of Ms. Irene Alicia Plácido Evangelista; Mr. Eusebio Ochoa López; and Ms. Ochoa's siblings, Agustín, Carmen, Elia, Estela, Eusebio, Guadalupe, Ignacio, Ismael, Jesús, Juan Carlos, Luz María and Roberto Ochoa y Plácido,¹⁹⁹ because:

*The Court noted that the State had already acknowledged partial responsibility for violating Articles 8 and 25 of the Convention, in relation to Article 1(1).*²⁰⁰ *The State's admittance precluded further dispute as to the alleged deficiencies in Ms. Ochoa's murder investigation and proceedings described in the Merits Report.*²⁰¹ *The Court thus concluded, without further addressal, that these deficiencies caused harm to Ms. Ochoa's family members in violation of Article 5 of the Convention.*²⁰²

C. Dissenting and Concurring Opinions

[None]

IV. REPARATIONS

¹⁹² Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 148.

¹⁹³ *Id.* "Declares" ¶ 6.

¹⁹⁴ *Id.* ¶¶ 141-142.

¹⁹⁵ *Id.* ¶ 143.

¹⁹⁶ *Id.* ¶¶ 143, 148.

¹⁹⁷ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 145.

¹⁹⁸ *Id.* ¶ 146.

¹⁹⁹ *Id.* "Declares" ¶ 7.

²⁰⁰ *Id.* ¶ 19.

²⁰¹ *Id.*

²⁰² *Id.*

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

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

1. Judgement as a Form of Reparation

The Court indicated that the Judgment itself is considered reparation.²⁰³

2. Adequate Investigation

The Court established that the State must promptly continue the investigation to conclusively determine the cause of Ms. Ochoa's death, and if necessary, prosecute and punish those responsible with consideration to harmful gender stereotypes.²⁰⁴

3. Health Care Plan

The State shall provide the free medical, psychological, psychiatric, or psychosocial treatment that Ms. Ochoa's family requires, including the implementation of a permanent health care plan which the State is obligated to carry out for as long as the recipients of the plan are in Mexico.²⁰⁵

4. Publication

Within six months of the judgement, the State must publish an official summary in the Official Gazette and in a widely distributed national newspaper, as well as make the entire judgment available on the State websites for one year.²⁰⁶

5. Acknowledge Responsibility

The State must fully acknowledge international responsibility, including condemning attacks on human rights defenders and recognizing the importance of their work in a public act, to be published on State social networks and websites and widely distributed.²⁰⁷

6. Guarantees of Non-Repetition

The State must create an annual human rights defender award in Ms. Ochoa's honor, collaborate with the victims and their representatives to organize a recognition campaign for the important work of human rights defenders, and name two streets in two Mexican cities in recognition of Ms. Ochoa's life.²⁰⁸ Additionally, the State must develop both a plan to protect human rights defenders, journalists, and those who testify in human rights related investigations, as well as a federal investigation protocol for investigating attacks against human rights defenders.²⁰⁹ As part of the protocol, a training program should be implemented

²⁰³ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, "And Establishes" ¶ 8.

²⁰⁴ *Id.* ¶ 159.

²⁰⁵ *Id.* ¶ 163.

²⁰⁶ *Id.* ¶ 167.

²⁰⁷ *Id.* ¶ 170.

²⁰⁸ *Id.* ¶ 177.

²⁰⁹ Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 177-178.

with a system to track the protocol's effectiveness at reducing crimes against human rights defenders.²¹⁰ The State must also propose a constitutional amendment which will give autonomy to forensics departments and neutral, independently funded bodies which can allocate their own budget.²¹¹ Further, the State must propose an amendment to implement international standards for witness protection.²¹²

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded pecuniary damages to account for loss of income, expenses incurred, and any other monetary loss causally connected to the case.²¹³ Ms. Ochoa's brother Jesus Ochoa y Plácido was awarded \$35,000; her other eleven siblings were awarded \$10,000 each; and both of her parents were awarded \$15,000 each.²¹⁴

2. Non-Pecuniary Damages

Non-pecuniary damages were granted to members of Ms. Ochoa's family to compensate for suffering and alteration of living conditions.²¹⁵ Each of her parents received \$30,000 in non-pecuniary damages.²¹⁶ Additionally, Ms. Ochoa's twelve siblings, including Jesus, Augustin, Carmen, Elia, Estela, Eusebio, Guadalupe, Ignacio, Ismael, Juan Carlos, Luz Maria, and Roberto Ochoa y Plácido, were each granted \$10,000 in non-pecuniary damages.²¹⁷

3. Damages to Ms. Ochoa

The Court awarded \$50,000 to Ms. Digna Ochoa y Plácido, to be split equally between her mother, Alicia Plácido Evangelista, and her father, Eusebio Ochoa Lopez.²¹⁸

4. Costs and Expenses

The Court ordered reimbursement of \$20,00 to the Action Group for Human Rights and Social Justice, for expenses related to travel, interviews with victims, and legal preparation and research.²¹⁹ For CEJIL, which represented the victims since 1999, the court ordered reimbursement of \$30,000 for travel, research, and legal expenses.²²⁰ The Court also ordered reimbursement of \$715.15 for necessary expenses by the Victims' Legal Assistance Fund of the Inter-American Court.²²¹

²¹⁰ *Digna Ochoa et al. v. Mexico*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 179.

²¹¹ *Id.* ¶ 177.

²¹² *Id.*

²¹³ *Id.* ¶ 181.

²¹⁴ *Id.* ¶ 184.

²¹⁵ *Digna Ochoa et al. v. Mexico*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 181.

²¹⁶ *Id.* ¶ 184.

²¹⁷ *Id.*

²¹⁸ *Id.* ¶¶ 184-185.

²¹⁹ *Id.* ¶¶ 188, 193.

²²⁰ *Id.* ¶¶ 189, 193.

²²¹ *Digna Ochoa et al. v. Mexico*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 196.

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

\$ 455,715.15

C. Deadlines

The State is obligated to pay the compensation amounts for pecuniary damages, non-pecuniary damages, as well as costs and expenses within one year from this Judgment.²²²

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 447 (Nov. 25, 2021).

3. Provisional Measures

[None]

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

²²¹ *Digna Ochoa et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs*, ¶ 197.

2. Report on Admissibility

Digna Ochoa et al. v. Mexico Admissibility Report, Report No. 57/13, Inter-Am. Comm'n H.R., Case No. 12.229 (July 16, 2013).

3. Provisional Measures

[None]

4. Report on Merits

Digna Ochoa et al. v. Mexico, Report on Merits, Report No. 61/19, Inter-Am. Comm'n H.R., Case No. 12.229 (May 4, 2019).

5. Application to the Court

Digna Ochoa et al. v. Mexico, Letter of Submission, Inter-Am. Comm'n H.R., Case No. 12.229 (Oct. 2, 2019).

VIII. BIBLIOGRAPHY

[None]