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Title/Style of Cause: Paloma Angelica Escobar Ledezma and Norma Ledezma v. Mexico
Doc. Type: Decision
Decided by: President: Evelio Fernandez Arevalos;
First Vice-President: Paulo Sergio Pinheiro;
Second Vice-President: Florentin Melendez;
Commissioners: Clare K. Roberts, Freddy Gutierrez, Paolo G. Carozza,
Victor E. Abramovich.
Dated: 14 March 2006
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32/06, OEA/Ser.L/V/II.127, doc. 4 rev. 1 (2006)
Represented by: APPLICANTS: Justicia para Nuestras Hijas, the Center for Justice and
International Law, and the Mexican Commission for the Defense and
Promotion of Human Rights
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I. SUMMARY

1. On December 30, 2003, the Inter-American Commission on Human Rights (“the Inter-American Commission” or “the IACHR”) received a complaint alleging the international responsibility of the United Mexican States (“the State”) for irregularities in its investigation of the fate of Paloma Angélica Escobar Ledezma (“the alleged victim”), who disappeared on March 2, 2002, in Ciudad Juárez, in the state of Chihuahua, when she was 16 years of age, and was found dead on March 29 of that same year. The petition was lodged by Norma Ledezma Ortega (the alleged victim’s mother), Justicia para Nuestras Hijas, the Center for Justice and International Law (CEJIL), and the Mexican Commission for the Defense and Promotion of Human Rights (hereinafter, jointly, “the petitioners”).

2. The petitioners claim that the facts they report constitute a violation of Article 7 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women. They also claim that various rights protected by the American Convention on Human Rights (hereinafter “the Convention”) have been undermined: right to life (Article 4), right to humane treatment (Article 5), right to a fair trial (Article 8), right to judicial protection (Article 25), the rights of the child (Article 19), and the right of equal protection (Article 24). They claim that with respect to Norma Ledezma (the alleged victim’s mother) and other members of her family, there have been violations of the right to humane treatment (Article 5), the rights of the family (Article 17), the right to equal protection (Article 24), and the right to judicial protection (Article 25), all in violation of the general duty of the State set out in Article 1.1 of the

Convention. In turn, the Mexican State maintains that the formalities pursued indicate its willingness to ensure respect for the human rights of all individuals and that domestic remedies have not been exhausted. The State therefore asks the Inter-American Commission to declare this petition inadmissible.

3. Without prejudging the merits of this case, in this report the IACHR concludes that the petition is admissible in that it meets the requirements set by Articles 46 and 47 of the American Convention. The Inter-American Commission therefore decides to notify the parties of that decision and to continue analyzing the merits with respect to the alleged violations of Article 7 of the Convention of Belém do Pará, and of Articles 4, 5, 8, 17, 19, 24, and 25 of the American Convention, in conjunction with Article 1.1 thereof; it also resolves to publish this report in its Annual Report to the General Assembly of the OAS.

II. PROCESSING BY THE COMMISSION

4. The petition was lodged with the Commission on December 30, 2003. After its initial study, under Article 30.2 of its Rules of Procedure the IACHR forwarded the relevant parts of the complaint to the State on July 14, 2004, and gave it a deadline of two months in which to submit its comments. On September 27, 2004, a note from the State containing its comments on the petition was received. This information was conveyed to the petitioners, who in turn submitted their comments on April 22, 2005. This communication was forwarded to the State on July 20, 2005. In a communication received on August 19, 2005, the State responded to the petitioners' comments.

III. POSITIONS OF THE PARTIES

A. Petitioners

5. The petitioners allege the State's responsibility, inter alia, for irregularities and inconsistencies in the investigation of the facts surrounding the disappearance and subsequent murder of Paloma Angélica Ledezma. According to the complaint, Paloma Angélica Ledezma disappeared on March 2, 2002, when she was 16 years of age, and her body was found on March 29 of that same year.

6. Paloma Angélica Escobar Ledezma worked at a maquiladora plant[FN1] and on Saturdays she attended a computer school, both of which were located in Ciudad Juárez. On March 2, she left home at 3:15 p.m. for her computer class and did not return. The girl's mother, Mrs. Norma Ledezma, concerned at her absence, fruitlessly searched for her daughter that same day in friends' houses, hospitals, and the police station. She also went to report the disappearance to the representative of the Public Prosecution Service (MP) attached to the Office of Preliminary Investigations, Conciliation, and Social Service, who forwarded it to the head of the Special Sexual and Family Crime Group of the Chihuahua State Judicial Police. On March 3, the latter agency began a preliminary investigation and ordered formalities be pursued and statements be taken as necessary to cast light on the incident.

[FN1] Maquiladoras are factories that are subsidiaries of foreign companies, operate with imported raw materials, and re-export all their finished products to the country of origin.

7. The petitioners report that the adolescent's body was found on March 29, 2002, at kilometer 4.5 of the highway that runs between the city of Chihuahua and Ciudad Aldama. The body was found some 800 meters from the highway, in an advanced state of putrefaction.[FN2] The expert examination concluded, inter alia, that the investigation involved a violent death with characteristics of culpable homicide. They also report that in performing the autopsy, the forensic examiner found ecchymotic contusions on the outside front of the left hemothorax and on the rear part of the right hemothorax, and cervical luxation at C2 and C3, and concluded that the cause of death was dislocation of the spinal column. They noted that when the body was found, Paloma Angélica Escobar's underwear was out of place – “the waistband was around her left leg; the garment's left leg was on her right leg; and its right leg was around her waist” – which caused them to assume that in addition to the physical attack, she had also suffered sexual violence.

[FN2] Expert examination of March 31, 2002.

8. The petitioners bring to the IACHR's attention part of the information in the statements gathered and investigations conducted into this case. In this regard, they note their surprise at the fact that only a few weeks before her disappearance, the director of the computing school told Paloma Angélica Escobar Ledezma that the class schedule was shifting from the morning to the afternoon (4:00 to 8:00 p.m.), on account of work that was going to be carried out at the school. However, of a total of 15 students, the schedule was only changed for the alleged victim and three other people. On the day of her disappearance, Paloma Escobar attended her computer class in the normal way. According to the petitioners, among the statements taken from individuals who saw Paloma Escobar after class that day, there is one witness who says he saw her in a vehicle, in the company of a number of the computing school's promoters, and that she looked drowsy. Another person testified to having seen Paloma on Sunday, March 10, at 4:30 p.m., from the upper floor of his house, in company of two young people and another man who appeared to be over 30 years old. According to this witness, the young people were wearing tee-shirts with the computer school's logo and appeared to be about 20 years of age. The petitioners claim that this information was made available to the authorities, but that the claim was only given “mechanical” treatment.

9. They say that although an investigation was begun to identify and punish the guilty following the discovery of Paloma Angélica Escobar Ledezma's body, to date no concrete results have been obtained. For that reason, after a year and a half of seeing no progress, they lodged this complaint with the Commission. They say that after almost four years, the preliminary investigation still does not have a clear line of inquiry and so the case has not yet been brought before a judge. They also claim that the investigations have taken longer than can be considered reasonable, as determined by the guidelines that refer to the complexity of the matter, the

procedural activity of the parties involved, and the actions of the authorities. They state that this delay in the investigation was created by obstacles put in place by state authorities.

10. The petitioners hold that there is no due legal process in the state of Chihuahua for the conduction of serious, impartial, and effective investigations intended to clear up violent acts of this kind. They claim that there is no suitable and effective judicial resource for punishing the guilty, and that there has been an unwarranted delay with the legal proceedings to determine the circumstances under which Paloma Escobar lost her life. They also allege negligence on the part of the State's authorities and additionally point out that the generalized pattern of violence described in this complaint has been recognized by various nongovernmental organizations.

11. The petitioners maintain that the State's responsibility for violating the right to life of Paloma Escobar arises from the following: (a) all the available evidence indicates that this case is part of a systematic pattern that is tolerated by the agents of the State, making it impossible for the case to be resolved with the legal resources available domestically; (b) the State failed in its duty of taking appropriate steps to prevent these killings and to protect the victims, in light of the serious threats and tangible warnings of repeat offenses; and (c) the State has not responded to the murder with due seriousness, speed, and diligence in investigating, prosecuting, and punishing the perpetrators, which at the same time affects the right to truth of the victim's family and of society in general. They add that the State failed in its duty to adopt special measures of protection and assistance with respect to the children under its jurisdiction, in spite of being aware of the context of violence reported in Chihuahua over the past ten years. The petitioners further claim that this systematic pattern means that the State can be held responsible, since it has tolerated individuals or groups of individuals who act freely and with impunity. In particular, they hold that the State did not take the steps necessary to fully uphold the rights that Paloma Angélica Escobar Ledezma had as a minor-aged child.

12. It is the position of the petitioners that the representatives of the State incurred in omissions by failing to take appropriate actions in gathering the expert technical evidence. In this regard, they cite the absence of a detailed analysis of the clothes that Paloma Escobar was found wearing, and the failure to take due care in transporting the body, in searching for and storing evidence, and in protecting the location where she was found. They consequently allege that in this case, there has been a pattern of obstructing justice.

13. They also report that as of the date of their filing with the Inter-American Commission (December 30, 2003), there had been no arrests in the case of Paloma's murder, and that one of the suspected perpetrators had been allowed to leave Chihuahua. Another issue that the petitioners note is the obstruction of justice carried out by an agent of the attorney-general's office who planted evidence to incriminate an individual, allegedly Paloma Escobar's boyfriend.[FN3]

[FN3] This person was the commander of the Chihuahua Judicial Police who, on March 3, 2002, was instructed to investigate Paloma Escobar's disappearance and death. The State maintains that this official was punished with an 11-month prison term for making false allegations to the detriment of the public administration, after she was shown to have interfered with the

investigation by planting evidence that led to a refocusing of the line of inquiry in the Paloma Escobar Ledezma case. Criminal case 138/02, Chihuahua, November 8, 2002.

14. In addition, the petitioners claim that the failure to investigate this case is part of a general pattern of discrimination against women and girls in the state of Chihuahua in general and in Ciudad Juárez in particular. They allege discriminatory treatment on gender grounds in the authorities' actions, in that they placed importance on hostile formalities pointing toward the guilt of the family itself or on the "moral behavior" of the girl: for example, how she might have behaved with her boyfriend. The petitioners believe that the case has not been investigated as required in situations taking place against a backdrop of gender violence, and they claim that violence against women entails the violation of a series of human rights. In such a situation, they say, when the State does not act with due diligence in preventing violence against women or in responding to it, it bears responsibility; this, they maintain, can be seen in the unwarranted delay and negligence shown by the authorities in attempting to investigate and clear up the circumstances surrounding the death of Paloma Escobar.

15. The petitioners claim that the loss of Paloma Angélica has affected the family and the day-to-day existence of its members, and that the pain will not go away until the truth behind the incident is established.

16. In sum, they maintain it has not been possible for Paloma's family to secure effective justice because of the irregularities in the investigation. They add that Paloma's death has not been exhaustively investigated and that all the reports and evidence in the case have been neglected. Consequently, they seek to invoke Article 42, paragraphs (b) and (c), holding that the claims submitted comply with the grounds for waiving the requirement whereby the remedies provided by domestic law must first be exhausted.

B. State

17. The Mexican State first of all maintains that Chihuahua's Office of the Attorney General for Justice (PGJ) has spared no efforts to resolve this case. In connection with this, it states that under the terms of the Organic Law of the Executive Branch of Chihuahua, the Office of the Attorney General for Justice of Chihuahua is the agency empowered to investigate and prosecute, before the courts, all local-jurisdiction crimes.

18. The State also submits an attachment listing 370 formalities performed by the Chihuahua PGJ in connection with the murder of Paloma Angélica Escobar Ledezma.[FN4] In particular, it reports that there is an ongoing investigation into the murder of Paloma Angélica Escobar Ledezma and that the Office of the Attorney General for Justice of the state of Chihuahua has been unable to secure sufficient evidence to file charges against any suspects. For that reason, explains the State, it has been unable to begin judicial proceedings, before finding additional evidence that would indicate probable responsibility. It also acknowledges that while there were irregularities in the first investigation, these have now been remedied. In particular, it reports that the agent of the state attorney general's office who was accused of planting evidence has been

punished,[FN5] and states that the authorities are continuing with their investigations in an appropriate fashion.

[FN4] State's submission, September 27, 2004.

[FN5] See footnote 3.

19. In addition, the State says it is aware that "more than three years later, there are no tangible result[s] but, as has been explained [...] the Government is adopting better methods for investigations and the administration of justice, with which, in the medium term, it may well be able to punish those guilty of the murder of Paloma Angélica Escobar Ledezma." [FN6]

[FN6] State's submission, August 19, 2005.

20. Another issue emphasized by the Mexican State is its openness to visits by various human rights experts and this, it claims, indicates its resolve to comprehensively remedy the situation of violence in Ciudad Juárez. The State reports that it has taken measures to consolidate its mechanisms for preventing violence and for investigating and punishing crimes committed in that borderland city; these include appointing a Commissioner of the Coordination and Liaison Subcommittee for Preventing and Eradicating Violence Against Women in Ciudad Juárez, Chihuahua, creating specialized investigators' offices, etc. The State says that these measures have borne fruit, in that there has been a fall in the crime rate. It also says it is taking adequate precautions to prevent situations of risk for women in the region. Because of this, it continues, it cannot be concluded that the State acted negligently or ineffectively in combating violence against women or that it tolerates this kind of violence against women. As for the petitioners' claims of discrimination, the State says that it has taken steps to prevent and punish any such incident through its special prosecutors' offices.

21. The State claims that "it has an apparatus for justice and law and order that is intended to prevent crime; however, it is not possible for any state to eradicate all criminal acts in a given society." On the basis of the above, the State believes that it cannot be concluded that there has been an unwarranted delay in providing justice, and that the proceedings could still conclude within a reasonable time. Consequently, it says, it sees no denial of justice arising from a deficient investigation and again notes that the Mexican State cannot be held responsible for the regrettable incident that occurred.

22. As regards the "reasonable time," it states that in the substantiation of this case, the guidelines set by the Inter-American Court have been met. First of all, the State claims, the circumstances surrounding these cases are highly complex because of various social, economic, and criminalistic factors. Second, the authorities constantly and with due diligence investigate all the evidence and indications yielded by the expert studies carried out and statements taken. Thirdly, the Mexican State points out that on some occasions when the victims' relatives were summoned to appear, they did not do so.

23. The State holds that the remedies offered by domestic jurisdiction have not been exhausted. In this regard, it points out that the petitioners would be able to “file for amparo relief for the failure to take criminal action which, if ruled in the petitioner’s favor, would require the authorities to file charges against the person shown to be responsible.”[FN7]

[FN7] Mexican State’s submission, September 27, 2004.

IV. ANALYSIS OF ADMISSIBILITY

A. Competence of the Commission *ratione personae*, *ratione materiae*, *ratione temporis*, and *ratione loci*

24. The petitioners are entitled, under Article 44 of the American Convention, to lodge complaints with the IACHR. The petition names, as the alleged victims, Paloma Angélica Escobar Ledezma and Norma Ledezma, individual persons with respect to whom Mexico assumed the commitment of respecting and ensuring the rights enshrined in the American Convention. With respect to the State, the Commission notes that Mexico has been a party to the American Convention since March 24, 1981, when it deposited the corresponding instrument of ratification. The same applies with respect to the Convention of Belém do Pará, to which Mexico has been a party since November 12, 1998. The Commission therefore has competence *ratione personae* to examine the complaint.

25. The IACHR has competence *ratione loci* to hear the petition, in that it alleges violations of rights protected by the American Convention, the Convention de Belém do Pará, and the Convention on Forced Disappearance of Persons that took place within the territory of Mexico, which is a state party to those treaties.

26. Similarly, the Inter-American Commission has competence *ratione temporis* since the obligation of respecting and ensuring the rights protected by the American Convention and the Convention de Belém do Pará was already in force for the State on the date on which the facts in the petition allegedly occurred. Finally, the Commission has competence *ratione materiae* since the complaint describes violations of human rights protected by the American Convention and the Convention of Belém do Pará.

B. Other admissibility requirements of the petition

1. Exhaustion of domestic remedies

27. Article 46.1.a of the American Convention provides that the admissibility of a petition is subject to the requirement “that the remedies under domestic law have been pursued and exhausted in accordance with generally recognized principles of international law.” Article 46.2 of the Convention establishes three situations in which the rule requiring the exhaustion of domestic remedies does not apply: (a) when the domestic legislation of the state concerned does

not afford due process of law for the protection of the right or rights that have allegedly been violated, (b) when the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them, and (c) when there has been unwarranted delay in rendering a final judgment under the aforementioned remedies. It should be noted that these principles refer not only to the formal existence of such remedies, but also to their adequacy and effectiveness. Adequate domestic remedies are those within the domestic legal system that are suitable to address an infringement of a legal right. An effective remedy is one that is capable of producing the result for which it was designed.[FN8]

[FN8] I/A Court H. R., Velásquez Rodríguez Case. Judgment of July 29, 1988, Series C No. 4, paragraphs 63-64; I/A Court H. R., Godínez Cruz Case. Judgment of January 20, 1989, Series C No. 5, paragraphs 66-67; I/A Court H. R., Fairén Garbi and Solís Corrales Case. Judgment of March 15, 1989. Series C No. 6, paragraphs 87-88.

28. In the case at hand, the parties are in dispute regarding compliance with the domestic remedy exhaustion requirement set out in Article 46.1.a of the American Convention; consequently, it falls to the Inter-American Commission to rule on the matter. The State holds that this requirement has not been satisfied, while the petitioners claim that an exception is applicable since, they claim, there has been an unwarranted delay in discharging the formalities for identifying those responsible for the death of Paloma Angélica Escobar Ledezma and clarifying the circumstances surrounding that incident.

29. When a state claims that the remedies afforded by domestic jurisdiction have not been exhausted, it must indicate which remedies remain to be exhausted and demonstrate their effectiveness. Following that, it then falls to the petitioners to show that those remedies were exhausted or to invoke one of the exceptions set out in Article 46.2 of the American Convention.

30. In the matter under analysis, the Mexican State maintains that petitioners must “file for amparo relief for the failure to take criminal action.”[FN9] Here, the Commission underscores the principle, recognized by jurisprudence, that once a publicly prosecutable crime has been committed, the State is obliged to pursue and promote the criminal proceedings to their final consequences.[FN10] Consequently, in the instant case, that burden cannot be transferred to the petitioner. It should also be noted that, as stipulated by the Code of Criminal Procedure of the State of Chihuahua,[FN11] criminal proceedings entail four phases, in which the preliminary investigation and the referral of the accused to a judge take place during the first. The State has also claimed that “on some occasions when the victims’ relatives were summoned to appear, they did not do so”; as examples, the State cited six specific instances of this. As regards this, the Commission notes that the procedures cited by the Government took place during September and November 2002, and that the State has failed to explain how those failures to appear caused a massive delay in the investigation.

[FN9] Mexican State’s submission, September 27, 2004.

[FN10] IACHR, Report No. 52/97, Case 11.218, Arges Sequeira Mangas, Annual Report of the IACHR 1997, paragraphs 96-97. See also: IACHR, Report No. 55/97, paragraph 392.

[FN11] Article 1. Proceedings in criminal matters shall follow four phases:

I. The preliminary investigation, prior to referral to the courts, entailing the formalities that are legally necessary for the Public Prosecution Service to determine whether criminal prosecution is applicable;

II. The pretrial phase, entailing the formalities pursued before the courts so they can determine the legal situation of those individuals who have been indicted;

III. The instruction phase, entailing the formalities pursued before the courts to determine the existence of the crimes, the circumstances in which they were committed, and the responsibility or lack thereof of those facing trial;

IV. The trial phase, during which the Public Prosecution Service specifies its accusation and the defendant his defense before the courts, and the courts assess the evidence and hand down a final judgment.

31. Without embarking on an analysis of the arguments offered by the parties regarding the alleged violations of the right to a fair trial and the right to judicial protection, the IACHR notes that of the date of this report, almost four years have passed since Paloma Angélica Escobar Ledezma was found dead, and as of the time of writing, the representatives of the State have provided no specific information about identifying the possible perpetrators of Paloma Angélica's killing, nor in this particular case have they identified any responsibility on the part of any government officials. The Inter-American Commission further notes that the State has provided no specific information about any particular progress with the investigation that would help clear up the facts of the matter and bring the guilty to justice. The Commission believes that this information is sufficient to constitute the exception set forth in Article 46.2.c.

32. The Inter-American Commission also notes that the petitioners claim that the facts of this case took place within a context of numerous killings and forced disappearances of women in Ciudad Juárez, which enjoy impunity for reasons that can be attributed to the authorities.

33. In light of the foregoing and of the contents of the case file, the Inter-American Commission decides that, for the purpose of establishing admissibility, that there has been an unwarranted delay in the Mexican courts' decision on the alleged facts. Consequently, the IACHR applies in the instant case the exception to the rule requiring prior exhaustion of the remedies offered by domestic jurisdiction set out in Article 46.2.c of the American Convention.

2. Timeliness of the petition

34. Article 46.1.b of the Convention stipulates that a petition must be lodged within a period of six months from the date on which the victim is notified of the final judgment exhausting domestic remedies. In this connection, the IACHR believes that compliance with this deadline cannot be demanded, since the petition was lodged within the "reasonable time" referred to in Article 32.2 of its Rules of Procedure.

3. Duplication of international proceedings and res judicata

35. The petition dossier contains no information to indicate that this matter is pending in any other international settlement proceeding or has been previously examined by the Inter-American Commission. The IACHR therefore concludes that the exceptions provided for in Article 46.1.d and Article 47.d of the American Convention are not applicable.

4. Characterization of the alleged facts

36. The petitioners assert in their claims that the State is responsible for alleged violations of the right to life, to humane treatment, to personal liberty, to a fair trial, to equality before the law, and to judicial protection, and of the right of women to a life without violence, enshrined, respectively, in the American Convention and in the Convention of Belém do Pará. In turn, the State claims that the petitioners have not exhausted the available domestic remedies and, consequently, that the admissibility requirements have not been satisfied.

37. In connection with this, the Commission believes that the current juncture in the proceedings is not the right time to determine whether or not the alleged violations actually occurred. Particularly, it will analyze in the merits phase whether or not the State had adopted the necessary measures or policies at the time of the incident.[FN12] For the admissibility ruling, the IACHR has to determine whether the alleged facts tend to establish possible Convention violations, as stipulated by Article 47.b of the American Convention.

[FN12] See: IACHR, Report No. 16/05, Petition 281/02, Admissibility, Claudia Ivette González, Mexico, 2005, paragraph 32. Report No. 17/05, Petition 282/02, Admissibility, Esmeralda Herrera Monreal, Mexico, 2005, paragraph 32. Report No. 18/05, Petition 283/02, Admissibility, Laura Berenice Ramos Monarrez, Mexico, 2005, paragraph 31.

38. The level of conviction regarding those standards is different from that required in deciding on the merits of a complaint. The Commission must conduct a *prima facie* assessment to examine whether the complaint entails an apparent or potential violation of a right protected by the Convention.[FN13] This analysis is summary in nature and implies no prejudgment or opinion on the merits of the dispute. The distinction between the study conducted to rule on admissibility and the analysis required to determine whether a violation was committed can be seen in the IACHR's Rules of Procedure, which very clearly distinguishes between the admissibility and merits phases.[FN14]

[FN13] See: IACHR, Report No. 128/01, Case 12.367, Herrera and Vargas ("La Nación"), Costa Rica, December 3, 2001, paragraph 50.

[FN14] See: IACHR, Report No. 31/03, Case 12.195, Mario Alberto Jara Oñate et al., Chile, March 7, 2003, paragraph 41.

39. The petitioners claims describe events that, if true, could tend to establish violations of several rights protected by the American Convention and by the Convention of Belém do Pará. The IACHR deems that the claims made warrant a closer and more complete analysis of the petition during the merits phase. On the other hand, under the principle of *iura novit curia*, the Inter-American Commission will analyze claims addressing Article 2 of the American Convention.

40. The Commission believes that, if proven true, the facts of the case could tend to establish violations of the rights of Paloma Angélica Escobar Ledezma enshrined in Articles 4, 5, 7, 8, 19, 24, and 25 of the American Convention, in conjunction with Articles 1.1 and 2, thereof. Similarly, it also believes that the allegations could tend to establish violations of Article 7 of the Convention of Belém do Pará. With respect to Norma Ledezma, the Commission believes that, if proven true, the facts of this case tend to establish violations of the rights protected by Articles 5, 17, 24, and 25.

41. In consideration of all the foregoing, the IACHR concludes that the petitioners have satisfied, on a *prima facie* basis, the requirements set by Article 47.b of the American Convention.

V. CONCLUSIONS

42. The Inter-American Commission concludes that it is competent to examine the merits of this case and that the petition is admissible under Articles 46 and 47 of the American Convention. Based on the foregoing considerations of fact and law, and without prejudging the merits of the case,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To declare this case admissible as regards the alleged violations of the rights enshrined in Articles 4, 5, 7, 8, 19, 24, and 25 of the American Convention, in conjunction with Article 1.1 and 2, thereof, and in Article 7 of the Convention of Belém do Pará as regards Paloma Angélica Escobar Ledezma; and in Articles 5, 17, 24, and 25, in conjunction with Article 1.1 thereof, with respect to Norma Ledezma.
2. To give notice of this decision to the parties.
3. To continue with its analysis of the merits of the complaint.
4. To publish this decision and to include it in its Annual Report to the General Assembly of the OAS.

Done and signed in the city of Washington, D.C., on the 14th day of the month of March, 2006.
(Signed): Evelio Fernández Arévalos, President; Paulo Sérgio Pinheiro, First Vice-President; Florentín Meléndez, Second Vice-President; Clare K. Roberts, Freddy Gutiérrez, Paolo G. Carozza y Víctor E. Abramovich, Members of the Commission.