

REPORT No. 44/11¹
DECISION TO ARCHIVE
PETITION 217-03
MEXICO
March 23, 2011

ALLEGED VICTIMS: Martín Godínez Jara, Candelario Flores Ávila, Pablo Ernesto Gómez Mendiola, and René Robles Trejo

PETITIONER: Maribel Godínez Jara

ALLEGED VIOLATIONS: Articles 5, 7, 8, 10, 11, and 25 of the American Convention on Human Rights and Articles 1, 6, 8, and 10 of the Inter-American Convention to Prevent and Punish Torture

DATE OF INITIAL PROCESSING: August 18, 2003

I. POSITION OF THE PETITIONER

1. On March 8, 2003, the Inter-American Commission of Human Rights received a petition submitted by Maribel Godínez Jara, which alleged international responsibility on the part of the Mexican State (hereinafter the “State,” “Mexican State,” or “Mexico”), contending that police officers had arbitrarily detained and tortured Martín Godínez Jara, Candelario Flores Ávila, Pablo Ernesto Gómez Mendiola, and René Robles Trejo (hereinafter the “alleged victims”) in order to get them to confess to a crime they did not commit and for which they had been sentenced to a 20-year term of imprisonment.

2. According to the information furnished by the petitioner, on February 4, 1998, the Office of the Attorney General of the State of Nayarit launched a preliminary investigation following the discovery of a woman found dead in a cane field on the outskirts of Tepic, Nayarit. During that preliminary investigation, the mother of the dead woman indicated that the last time she had seen her daughter alive she was with Martín Godínez Jara and his friends Candelario Flores Ávila, Pablo Ernesto Gómez Mendiola and René Robles Trejo.

3. According to the petitioner, on February 6, 1998, Martín Godínez Jara and Candelario Flores Ávila were arrested by agents of the Investigative Police [*Policía Judicial*] of the State of Nayarit, and led to a vehicle of the Nayarit Investigative Police. The alleged victims contend that they were taken to an abandoned house where they were physically and psychologically tortured to make them confess to killing the woman found dead. They stated that agents immersed their heads in water; covered their heads in a plastic bag to prevent them from breathing; and applied electric shocks behind their ears, while telling them “this is how it’s going to be until you die or confess to killing that girl.” The men were kept blindfolded. Later, agents detained Pablo Ernesto Gómez Mendiola and Rene Robles Trejo, who were likewise tortured and threatened in order to get them to confess. The men allege that the police commander assaulted them both physically and verbally, and that agents beat René Robles Trejo and suspended him from a window with his hands and feet tied making it seem they were going to drop him, and repeatedly pointed a pistol to his head. The petitioner indicated that later on the four alleged victims were taken to a hotel room where the beatings continued. She added that the men were held in solitary confinement for two and half days, and were denied food and water until they were finally brought food “that the agents had urinated on.” The petitioner indicated that the men were subsequently turned over to the Nayarit Investigative Police, where they were again threatened. She stated that the men were made to sign, in the presence of a representative of the Office of the Attorney General [*Ministerio Público*],

¹ Pursuant to Article 17.2.a of the Commission’s Rules of Procedure, Commissioner José de Jesús Orozco Henríquez, a Mexican national, did not participate in the deliberations or the decision in the present case.

documents that included confessions prepared by said office, and that only later did the men learn that they had confessed to having raped and murdered the young woman.

4. According to the petitioner, authorities “prefabricated” a charge of illegal arms possession as well as a charge of driving with fake license plates against the alleged victims. Specifically, the petitioner alleges that agents of the Nayarit Investigative Police stated that Martín Godínez Jara, Candelario Flores Ávila, Pablo Ernesto Gómez Mendiola, and René Robles Trejo had been driving a vehicle with license plates other than those registered to the vehicle, and upon carrying out a routine search discovered side arms inside the vehicle. Consequently, the petitioner indicated that a preliminary investigation on the men detained was carried out for the above-mentioned crimes, during which they were made to sign documents containing their alleged confessions to the Office of the Attorney General. The petitioner argued that the aforementioned statements were false, noting that the alleged victims were separately detained.

5. The petitioner noted that the Third Criminal Court of First Instance of Tepic, Nayarit, opened criminal proceedings against the alleged victims on charges of aggravated homicide, rape, and desecration of a corpse and, on February 9, 1998, issued an order of detention against the alleged victims. She indicated that when the men appeared before the judge to enter their pleas on February 10, 1998, they denied their alleged confessions to the Office of the Attorney General, claiming that they had been the victims of torture and threats.

6. Simultaneously, the Second Criminal Court of First Instance of Tepic, Nayarit, opened another criminal proceeding against the alleged victims for illegal weapons possession and driving with fake license plates. As in their previous arraignment, on February 10, 1998, when the accused appeared to enter their pleas, they again denied their alleged confessions to the Office of the Attorney General on grounds that they had been tortured. The petitioner noted that at on that occasion, officers of the court witnessed that the alleged victims had sustained injuries.

7. The petitioner argued that the alleged victims were innocent of the crimes with which they had been charged, based on different witness accounts of the facts and the versions thereof, which were contradictory.

8. On February 10, 2000, the Third Criminal Court of First Instance of Tepic, Nayarit, found the alleged victims guilty of aggravated rape and homicide. The court sentenced three of the men to 25 years in prison, and sentenced Candelario Flores Ávila to a prison term of 32.5 years. The sentence was subsequently appealed, and on October 10, 2000, the Nayarit Court of Criminal Appeals reduced their sentences to 20 years each. The men filed *amparo* actions but were unsuccessful.

9. With regard to the second criminal proceedings against the alleged victims, the petitioner noted that on February 26, 1999, the Second Criminal Court of First Instance of Tepic, Nayarit, found the men guilty of illegal weapons possession and driving with fake license plates. Candelario Flores Ávila and Pablo Ernesto Gómez Mendiola received a 1-year prison sentence, while the other men received 2-year prison sentences.

10. The petitioner alleges that on February 10, 1998, she filed a complaint with the Human Rights Defense Commission of the State of Nayarit for the aforementioned events. Consequently, an investigation was opened in which it was allegedly proven that a commander of the Nayarit Investigative Police and four other state agents had illegally detained and tortured the alleged victims. She indicated that on December 30, 1998, the Human Rights Defense Commission [of Nayarit] issued recommendation No. 17/98, recommending that administrative proceedings be opened against the agents in question as well as an investigation of the prison facility. However, no action was taken in response to the recommendation.

11. In summary, the petitioner contends that she requested a review of the cases against the alleged victims, alleging that serious human rights violations were committed against the men, including arbitrary detention, torture, and the prefabrication of crimes against them which they did not commit, and

that the sentences against them should be vacated on grounds that they constituted an affront to human dignity.

II. POSITION OF THE STATE

12. In response to the petition, the State noted that pursuant to an investigation conducted by the Human Rights Office of the Secretariat of Foreign Relations, it had detected “notorious irregularities on the part of state agents both with respect to law enforcement and the justice system, amounting to violations of the human rights of Martín Godínez Jara, Candelario Flores Ávila, Pablo Ernesto Gómez Mendiola, and René Robles Trejo.” Accordingly, the State expressed its willingness to pursue a friendly settlement agreement of the matter.

13. With respect to the status of legal proceedings against the alleged victims, the State furnished information that was consistent with the information presented by the petitioner.

III. PROCESSING BY THE COMMISSION

14. The petition was received on March 8, 2003. The IACHR forwarded the petition to the Mexican State on August 18, 2003. The Mexican State furnished its reply in communications dated December 12 and 24, 2003, the relevant parts of which were forwarded to the petitioner by the Commission in a communication dated December 30, 2003, which also urged both parties to reach a friendly settlement agreement. During the processing of the petition by the Commission, the State reported on the progress made in negotiations between the parties with a view to arriving at a friendly settlement agreement.

15. On January 14, 2004, the State submitted additional information, attaching a copy of the minutes of a meeting held between the parties. On July 15, 2010, the Commission requested updated information from both parties.

16. On October 15, 2010, the State notified the Commission that the parties wished to cease the processing of this petition and requested that the petition be archived. Stating in this regard, “Having reached verbal agreement with Ms. Maribel Godínez Jara with the immediate pre-release of the alleged victims a friendly settlement would be reached, the State initiated the necessary steps to that end, which resulted in the release of the petitioners on May 6, 2004, thus resolving the matter.” The parties did not register a friendly settlement agreement with the IACHR.

17. On October 27, 2010, during the 140 period of regular sessions of the IACHR, the State furnished a public instrument containing a statement by the petitioner, Maribel Godínez Jara, in which she indicates that inasmuch as her clients had been released, she had no further interest in pursuing petition No. 217-03 with IACHR. Specifically, the petitioner indicated:

I wish to make it clear that there is no reason this petition should continue to be processed by the Inter-American Commission of Human Rights, inasmuch as my clients are satisfied with their pre-release, which was carried out in an expeditious manner. Consequently, I wish to express my satisfaction that this matter be completely and legally concluded, and that the petition be archived.²

IV. GROUNDS FOR THE DECISION TO ARCHIVE

18. The petition was submitted on behalf of the four alleged victims, whom were said to have been arbitrarily detained and tortured by state agents, in order to get them to confess to crimes for which they were convicted to a 20-year term of imprisonment. The petitioner argued that the alleged victims were innocent. According to the information furnished by the parties, the competent Mexican authorities have adopted the pertinent measures to gain the release of the alleged victims, which occurred on May 6, 2004. With their release, the alleged victims, though their representative to the IACHR, stated that they

² Public Instrument No. 13713, Volume XVI, Book 9, folios 13741 to 13742. Statement given by Ms. Maribel Godínez Jara.

their complaint before the inter-American system had been satisfied and expressed their interest in terminating the processing of this petition.

19. In accordance with Article 41 of the IACHR Rules of Procedure, “the petitioner may at any time desist from his or her petition or case to which effect he or she must so notify it in writing to the Commission, which may archive the petition or case if it deems it appropriate, or continue to process it in the interest of protecting a particular right.”

20. In application of the above-cited article, the IACHR, having evaluated the arguments of the petitioner in her request for withdrawal, decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 23rd day of March 2011. (Signed): Dinah Shelton, President; Rodrigo Escobar Gil, Second Vice-President; Paulo Sérgio Pinheiro, Felipe González, Luz Patricia Mejía Guerrero, and María Silvia Guillén, Commissioners.