

REPORT No. 89/12¹
PETITION 472-03
ADMISSIBILITY
PEDRO AMADOR MORALES, KARYANA VELÁZQUEZ ATIENZA
AND JOSÉ OSIRIS OLIVARES AYALA
MEXICO
November 8, 2011

I. SUMMARY

1. On June 26, 2003, the Inter-American Commission on Human Rights (the “Inter-American Commission,” “Commission,” or “IACHR”) received a petition from José Luis Velásquez Casco (the “petitioner”) on behalf of Pedro Amador Morales, Karyana Velásquez Atienza (daughter of the petitioner), and José Osiris Olivares Ayala (the “alleged victims”) against the United Mexican States (the “Mexican State,” “Mexico,” or the “State”). The petitioner argues that the alleged victims were illegally detained and subsequently tortured by Mexican agents, supposedly to get them to confess to the crimes of kidnapping and homicide despite their innocence; and that, despite having filed a complaint with the Mexican criminal justice system, the matter has not been adequately investigated.

2. The petitioner argues that the State violated the rights of the alleged victims recognized in Articles 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention on Human Rights (the “Convention” or “American Convention”). With regard to admissibility requirements, he argues that even though he exhausted the available remedies under domestic law and submitted the petition within the conventional timeframe, the exceptions to the rule on exhaustion of available remedies under domestic law set out in Article 46.2(b) and (c) of the American Convention nevertheless still apply.

3. For its part, the State alleges that the petition is inadmissible. It argues that the facts alleged by the petitioner do not amount to a violation of the rights enshrined in the Convention and, consequently, the intention of the petitioner is to have the IACHR act outside its competence as a fourth instance court of review.

4. Without prejudice to the substance of the claim, after analyzing the positions of the parties and in keeping with the requirements set out in Articles 46 and 47 of the American Convention, the Commission decided to declare the petition admissible for the purpose of examining the alleged violation of the rights recognized in Articles 5, 7, 8, and 25 of the Convention, in accordance with Article 1.1 of that same instrument, to the detriment of Pedro Amador Morales, Karyana Velásquez Atienza, and José Osiris Olivares Ayala. Furthermore, the Commission decides to analyze in the merits phase of the proceeding the possible application of Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture (the “Convention against Torture”) and Article 7 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women” (the “Convention of Belém do Pará”). Finally, the Commission shall notify the parties of its intention to publish this admissibility report and include it in its Annual Report to the General Assembly of the OAS.

II. PROCEEDING BEFORE THE COMMISSION

5. The petition was received on June 26, 2003, and registered as P-472-03. On November 13, 2003, it was forwarded to the State, providing it two months to submit its observations. After granting an extension, the IACHR received the response from Mexico on March 2, 2004.²

6. In addition, the Commission received information from the petitioner on the following dates: June 8, 2004; July 20, 2006; May 15, 2009; and January 27, 2011. These communications were

¹ In keeping with Article 17.2.a of the Rules of Procedure of the IACHR, Commissioner José de Jesús Orozco Henríquez, a Mexican national, did not participate in the deliberations or in the voting on this report.

² The appendixes to this communication were received on April 29, 2004.

duly forwarded to the State. Mexico submitted information on December 28, 2004, and on November 3 and 8, 2006. These communications were duly forwarded to the petitioner.

III. POSITIONS OF THE PARTIES

A. Position of the petitioner

7. The petitioner indicates that the alleged victims, Pedro Amador Morales, a 24-year-old law student, Karyana Velásquez Atienza, a 24-year-old dentistry intern, and José Osiris Olivares Ayala, a 22-year-old law student, all of whom were living in Puebla, were detained between March and April in 2001 by judicial police officers of the State. According to the petitioner, the police arrested the three without a warrant; nor was the arrest based on a crime they had been caught in the act of committing or for a crime of “extreme urgency,” but for the alleged crimes of kidnapping, homicide, and aggravated robbery against Marisol Catalán Zamora.

8. The petitioner states that in addition to being illegally detained, which is an abuse of authority, the alleged victims were tortured to get them to confess their guilt. The petitioner provides photographs to support his allegations, documenting the physical condition of the alleged victims following their detention, copies of statements detailing the alleged beatings and mistreatment they had endured, as well as copies of medical reports. He states that the statements used to convict the victims were obtained through torture, adding that despite having reported this alleged torture and abuse to authorities, these allegations were never investigated.

9. With respect to the alleged victims, the petitioner indicates the following:

- Pedro Amador Morales was brutally arrested by several judicial police officers on March 30, 2001, while on a public street in Puebla. He notes that, at the time of the arrest, the police officers told Amador Morales he was being arrested for kidnapping and was forced into an unmarked vehicle. He indicates that some three days following Amador Morales’ arrest, the alleged victim was physically tortured by his captors to get him to confess to having kidnapped and then subsequently murdered Marisol Catalán Zamora. According to the “expert medical report” [*dictamen pericial en medicina interna*] of the examining physician dated April 4, 2001, Pedro Amador Morales “presented with fresh wounds (between 5 and 8 days old) produced by trauma [...] requiring more than 15 days to heal and that may be life-threatening, including a potential loss of hearing in the right ear.”
- Karyana Velásquez Atienza was arrested on April 1, 2001, by several armed agents who, in a violent encounter, removed her from a convenience store while shouting to neighbors and passers-by that they were kidnapping her. After placing a hood over her head, she was taken in an unmarked vehicle to a solitary confinement cell of the judicial police, located in the headquarters building of the Office of the Attorney General [*Procuraduría General de Justicia*] of the State of Puebla (“PGJ of Puebla”). According to the petitioner, the alleged victim was kept there until the following day, and was subjected to humiliation and torture, including threats of rape. Moreover, the petitioner notes in his preliminary statement of April 3, 2001 that the people detaining her lifted up her blouse and unbuttoned her pants with the intention of pulling her underwear in order to get her to confess to the aforementioned crimes. According to the “expert medical report” of the examining physician dated April 4, 2001, Karyana Velazquez “presented fresh wounds (inflicted between 24 and 48 hours earlier) produced by trauma [...] requiring more than 15 days to heal, but not life-threatening.”
- José Osiris Olivares Ayala, who is the boyfriend of Karyana Velásquez Atienza, was arrested in the street on April 1, 2001 after he ran to girlfriend’s aid upon learning of her arrest. The alleged victim was also taken to the facilities of the judicial police and kept until the next day, where he was subjected to the humiliation and torture experienced by the other two victims. According to the “expert medical report” of the examining physician dated April 4, 2001, José Osiris Olivares “presented with fresh wounds (inflicted between

24 and 48 hours earlier) produced by trauma [...] requiring more than 15 days to heal, but not life-threatening.”

10. Following the kidnapping of his daughter, the petitioner claims that he filed a complaint with the Office of the Public Prosecutor [*Ministerio Público*], which he amended to reflect the status of disappeared person since the abductors had not demanded a ransom for her return. He also states that he went to the Puebla Human Rights Commission headquarters, with whose assistance it was learned on April 2, 2001, that the alleged victims were being held as detainees at headquarters of the PGE of Puebla.

11. He notes that on the basis of the alleged confessions obtained through torture, on August 4, 2003, the alleged victims were convicted of the crimes of kidnapping and aggravated homicide—and that the sentence has been upheld both by the Appellate Court [*Tribunal de Alzada*] and the First Collegiate Criminal Court of the Sixth Circuit.

12. With regard to the torture the victims are alleged to have suffered at the hands of state agents, the petitioner indicates that on May 8, 2001, the alleged victims filed a complaint with the Office of the Attorney General of the Republic (*Procuraduría General de la República* or “PGR”) for the crime of torture against the Attorney General of the State, the Director of the Judicial Police of the State, the Director of Kidnapping Investigations, the Commander of the Kidnapping Investigations Group, an agent of the Judicial Police Kidnapping Investigations Group and his supervisor, two detectives assigned to the Office of the Special Prosecutor for Kidnapping Investigations, all of whom are former officials of the PGE of Puebla, and two social advocates [*defensores sociales*]. The petitioner notes that while most of the persons against whom his complaint was directed were officials of the PGE of Puebla, the complaint was filed against that agency via a written communication dated May 16, 2001, identified as preliminary inquiry 194/2001/DMS-V. With regard to the complaint, he indicates that on January 15, 2002, he was informed that the PGJ of Puebla had issued an order of “non-execution of criminal action and no further action on the complaint.”

13. In view of this situation, the petitioner decided not to file an appeal [*recurso de inconformidad*], in that it would fall to the PGJ to decide it, and instead filed an indirect *amparo* appeal against the aforementioned decision. He noted that the *amparo* appeal was rejected by the Mexico City Federal District Court “A,” on grounds that the corresponding appeal process had not been exhausted.

14. Furthermore, on June 11, 2001, the petitioner lodged a complaint alleging abuse of authority against the Director of Kidnapping Investigations, in addition to the preliminary inquiry 88/1088/1°/DMZN/DMS-V (lodged on the basis of the complaint submitted previously for the detention of Karyana Velásquez Atienza). According to petitioner, the authorities decided not to pursue criminal action. Consequently, the petitioner lodged an appeal [*acción de inconformidad*], which resulted in a decision to uphold the decision not to pursue criminal action. Following this ruling, the petitioner indicated that he filed an *amparo* action that was dismissed by the Mexico City Federal District Court “A” of the State on November 21, 2002; this decision was later upheld by the First Collegiate Criminal Court of the Sixth Circuit on May 15, 2003.

15. With respect to the exhaustion of available domestic remedies, the petitioner argues that, as regards the acts of torture and abuse of authority, the remedies available domestically have been exhausted and that the national authorities have failed to study the merits of the case. He claims that the petition was submitted within the required deadline, inasmuch as the last action lodged in the framework of the proceeding for abuse of authority was rejected on May 15, 2003. Nevertheless, with respect to the case at hand, he contends that the exceptions to the rule on prior exhaustion of available domestic remedies set out in Article 46.2(b) and (c) of the Convention do apply. He bases this on the argument that, in Mexico, there is no adequate procedure in place for investigating complaints of torture, and that the Office of the Public Prosecutor [*Ministerio Público*] does not have a procedure for investigating complaints alleging torture at the hands of its agents.

16. With respect to the rule that “the subject of the petition or communication is not pending in another international proceeding for settlement,” the petitioner argues that the facts were presented to the United Nations Committee Against Torture in an interview held on August 28, 2001, at the headquarters building of the United Nations in Mexico City, D.F., but that he has not received any reply from said committee.

B. Position of the State

17. The Mexican State argues that the petition is inadmissible. While it concedes that the available domestic remedies have been exhausted and that the petition was submitted within the established time limit, it contends that the facts alleged by the petitioner do not establish a violation of the rights recognized under the Convention. Consequently, it believes that the objective of the petitioner is to have the IACHR act as a fourth instance court of review.

18. Regarding the detention of the alleged victims, with respect to Pedro Amador Morales, the State claims he was detained on March 31, 2001, when police officers of the State, on a routine patrol, encountered him in the street beating himself in the stomach with one hand and in the face with the other. Consequently, they approached to ask him if he was okay. At that moment, the alleged victim pulled out a knife and began to assault them violently, saying, “I don’t know anything, I don’t know her” and “it wasn’t my idea.” Subsequently, the alleged victim stated his name and that he thought they had come to arrest him for the murder of Marisol Catalán Zamora. With respect to José Osiris Olivares Ayala and Karyana Velásquez Atienza, on April 1, 2001, the Judicial Police went to their residence—without mentioning which—to get them to make a statement to the Office of the Public Prosecutor after being implicated by Pedro Amador Morales.

19. The State concedes that although the judge in the case initially refused to sign off on the arrest warrant for Osiris Olivares Ayala and Karyana Velásquez Atienza, the authorities corrected the procedural error invalidating the warrant, resulting in a new warrant that was submitted to the judge that was duly granted.

20. The State maintains that, internally, judicial authorities found there was sufficient evidence pointing to the alleged victims’ guilt in the kidnapping, homicide, and aggravated robbery of Marisol Catalán Zamora. It also contends that the petitioner did not allege any specific noncompliance with due process guarantees in the proceeding. It notes that on August 4, 2003, the alleged victims were convicted of kidnapping and aggravated homicide, and that the Third Chamber of the Superior Court of the State of Puebla upheld that ruling on May 25, 2004. Two years later, Karyana Velásquez Atienza lodged a direct *amparo* action against the sentence handed down in 2004, which resulted in a ruling against her on May 3, 2006 by First Collegiate Criminal Court of the Sixth Circuit. With respect to this ruling, the State indicated that she lodged an appeal of that ruling. According to the State, an appeal against the decision of the *amparo* action and the ruling on the actions of the federal authority was filed, but does not provide information as to the result of that appeal.

21. With regard to investigations into supposed acts of torture against the alleged victims, the State confirms the petitioner’s account of preliminary inquiry 194/2001/DMS-V. It adds that with respect to the decision denying the petitioner’s *amparo* action, an appeal, which was heard and decided by the First Collegiate Criminal Court of the Sixth Circuit, upheld the sentence being challenged. With respect to preliminary inquiry 88/1088/1°/DMZN/DMS-V, regarding alleged illegal privation of liberty of the alleged victims, the State rejects the petitioner’s claim, maintaining instead that against the order of “non-execution of criminal action and no further action on the complaint” of May 22, 2002, the petitioner had not in fact filed an appeal.

22. The State contends that the allegations of torture and arbitrary detention were investigated in a prompt, reliable, expeditious and effective manner by the pertinent ministerial authorities, but that no basis was established for the statements alleged in the complaint. Furthermore, based on the results of these preliminary inquiries, the Mexican State denies that the alleged victims were subjected to torture or mistreatment. On the contrary, it maintains that throughout their detention they were treated

with humanity and respect for the inherent dignity of the person.³ The State contends that the fact that the appeals lodged by the alleged victims did not achieve the desired outcome does not imply, *per se*, that any human rights violations were committed.

23. With respect to the alleged illegal privation of liberty of the alleged victims, the State provides its assurances that they were detained in accordance with the conditions established under the Mexican Constitution, laws, and international human rights standards. In this regard, it maintains that the alleged victims were informed of the reason for their detention and were brought before a competent judge in accordance with legal provisions established for such purpose.

24. In addition, it notes that on April 10, 2001, a complaint on behalf of the alleged victims was lodged with the Human Rights Commission of the State of Puebla, alleging violations of their fundamental rights owing to the torture and illegal detention to which they were allegedly subjected. The State reports that the complaint was rejected on February 18, 2002, inasmuch as the allegations made had already been ruled on by the court system, which found no violations of their human rights. It noted that although the alleged victims attempted to appeal this decision, their appeal to the National Human Rights Commission was rejected on September 30, 2002.

25. In conclusion, Mexico's position is that the facts alleged by the petitioner do not amount to violations of the Convention, inasmuch as they deal with baseless subjective assertions and that, therefore, the petition is unfounded and inadmissible.

³ With regard to Pedro Amador Morales, the State asserts that at the time he was apprehended by state agents and taken to the Office of the Public Prosecutor [*Ministerio Público*], he already had physical injuries that were the result of a beating he received at the hands of persons that had assaulted him on the morning of his detention.

IV. ANALYSIS OF JURISDICTION AND ADMISSIBILITY

A. Jurisdiction *ratione personae*, *ratione temporis*, *ratione loci*, and *ratione materiae*

26. Under Article 44 of the American Convention, the petitioner is eligible to lodge petitions with the Commission. The petition names three individuals as the alleged victims, in regards to whom the Mexican State committed to respect and guarantee the rights enshrined in the American Convention. As for the State, the Commission recalls that Mexico has been a State Party to the American Convention since March 24, 1981, the date on which it deposited its ratification instrument. Moreover, Mexico ratified the Convention against Torture on June 22, 1987, and the Convention of Belém do Pará on November 12, 1998. As a consequence, the Commission has *ratione personae* jurisdiction to examine the petition. Furthermore, the Commission is also competent *ratione loci* to hear the petition, in that it alleges violations of rights protected in the American Convention, the Convention against Torture, and the Convention of Belém do Pará that would have occurred within the territory of Mexico, a State Party to those instruments.

27. The Commission is also competent *ratione temporis* in that the obligation to respect and guarantee the rights protected in the American Convention and the Convention of Belém do Pará were already in effect for the State on the date when the events alleged in the petition would have occurred. Finally, the Commission is competent *ratione materiae* because the petition reports possible violations of human rights protected by the American Convention, the Convention against Torture, and the Convention of Belém do Pará.

B. Admissibility requirements

1. Exhaustion of domestic remedies

28. Article 46(1)(a) of the American Convention stipulates that for a complaint lodged with the Inter-American Commission to be admissible pursuant to its Article 44, prior exhaustion of the remedies available in domestic jurisdiction is required, in keeping with the generally recognized principles of international law. Article 47(b) of that instrument establishes that the Commission shall consider a petition inadmissible in the event that it does not state facts that tend to establish a violation of the rights guaranteed under the Convention.

29. Regarding compliance with this conventional requirement, the petitioner argues that even when the remedies available under domestic jurisdiction have been exhausted, the exceptions provided under Article 46(2)(a) and (b) of the Convention would still apply, inasmuch as in Mexico, there is no adequate procedure in place for investigating complaints of torture, and that the Office of the Public Prosecutor [*Ministerio Público*] does not have a procedure for investigating complaints alleging torture at the hands of its agents. Despite having cited the exception concerning lack of exhaustion of domestic remedies in its first three pleadings, the Mexican State, on November 3, 2006, conceded that domestic remedies had in fact been exhausted with respect to the complaints alleging torture.

30. To analyze compliance with the requirement to exhaust domestic remedies, the Commission must determine what was the appropriate remedy to exhaust under the circumstances, meaning the remedy best suited to resolving the legal infringement.⁴ With respect to this petition, the IACHR sees as the chief objective of the complaint the alleged illegal detention and torture endured by the alleged victims at the hands of state agents, supposedly to get them to confess to having committed specific crimes. According to the information presented by the parties, the case file shows:

- On April 2, 2001, the date the suspects gave their initial statements regarding the crimes of kidnapping, homicide, and aggravated robbery in the preliminary inquiry, the criminal proceeding began against Pedro Amador Morales, Karyana Velásquez Atienza, and José

⁴ IACHR, Report No. 22/09, Admissibility, Igmarr Alexander Landaeta Mejías, Venezuela, dated March 20, 2009; paragraph 45.

Osiris Olivares Ayala. On April 5, 2001, a pretrial detention order was issued against the three for the crimes of kidnapping, homicide, and aggravated robbery. On August 4, 2003 the three were found guilty. The sentence was appealed on October 7, 2003. On May 25, 2004, the Third Chamber of the Superior Court of the State of Puebla upheld the first instance ruling. One of the three filed a constitutional challenge. On May 3, 2006, that challenge was dismissed.

- With respect to the allegations of torture, on May 8, 2001, the alleged victims lodged a torture complaint with the Office of the Attorney General of the Republic, which was remitted to the Office of the Attorney General of the State of Puebla General on May 16, 2001 (A.P. 194/2001/DMS-V). On January 15, 2002, the latter authority decided not to pursue criminal action and filed the complaint. The parties are in agreement that an *amparo* action was lodged against that decision; however the decision was upheld (*amparo* proceeding 1279/2002)⁵.
- Meanwhile, on June 11, 2001, the alleged victims lodged an abuse of authority complaint against the Director of Kidnapping Investigations of the PGE of Puebla, claiming they were illegally deprived of their liberty and beaten and threatened by the agents who detained them. This complaint was lodged in addition to preliminary inquiry 88/1088/2001/1°/DMZN/DMS-V, brought by complaint filed by the sister of Karyana Velásquez. Accordingly, on May 22, 2002, the PGJ of Puebla decided “not to pursue criminal action” and filed the complaint. On June 10, 2002, an appeal was filed against that decision, which upheld the decision not to pursue criminal action. On October 7 of the same year, an *amparo* action was filed against the two decisions cited above, which was dismissed via decision of the by Federal District Court “A” of the State of Puebla on November 21, 2002 (*amparo* proceeding 1431/2002), which found that the action disputed in the complaint was not illegal. Moreover, on March 3, 2003, an appeal for review [*recurso de revisión*] was filed against the decision of the *amparo* proceeding, which was remitted to the First Collegiate Criminal Court of the Sixth Circuit. The petitioner indicated that this last appeal, decided on May 15, 2003, was unsuccessful.

31. Consequently, the IACHR concludes that the domestic remedies associated with the complaints filed have been exhausted. In view of the foregoing, the Commission considers the requirement established in Article 46(1)(a) of the American Convention has been satisfied.

2. Deadline for submitting the petition

32. According to Article 46(1)(b) of the Convention, in order to be admitted, a petition must be lodged within a period of six months from the date on which the party alleging violation of his rights was notified of the final judgment issued at the national level. In the petition *sub examine*, neither party disputes compliance with this requirement.

33. The IACHR has established in this case that the available remedies under domestic law were exhausted with respect to the investigation of the crime of torture on January 15, 2002, with respect to the investigation of the crime of abuse of authority on May 15, 2003, and, finally, with respect to the criminal proceeding initiated against the alleged victims for the crimes of kidnapping, homicide, and aggravated robbery on May 3, 2006.

34. In the instant case, the petition was received on June 26, 2003, while the criminal proceeding—which ended on May 2, 2006—was still ongoing. In view of the direct relationship between the different appeals lodged, the Commission considers that the admissibility requirement, with regard to the timeframe for submission, is satisfied.

⁵ In this regard, the Commission has no information as to the date this remedy was decided.

3. Duplication of proceedings and international *res judicata*

35. The case file does not indicate that the issue addressed in the petition is pending before any other international proceeding, nor that it repeats a petition that has already been heard by this or any other international body. Accordingly, the requirements established in Articles 46(1)(c) and 47(d) of the American Convention have been complied with.

4. Characterization of the alleged facts

36. The Commission considers that it is not fitting at this stage of the proceeding to decide whether or not the alleged violations against the alleged victims took place. For purposes of admissibility, the IACHR must at this time resolve only whether the alleged facts would, if proven, characterize violations of the American Convention, in keeping with Article 47(b) of the Convention, and whether the petition is “manifestly groundless or obviously out of order”, pursuant to paragraph (c) of that Article.

37. Neither the American Convention nor the Regulations of the IACHR require the petitioner to identify the specific rights that have allegedly been violated by the State in the matter submitted to the Commission, though petitioners may do so. It is incumbent on the Commission, based on the jurisprudence of the system, to determine in its admissibility reports which provisions of the relevant Inter-American instruments are applicable and could establish the rights violations if the alleged facts are proven by sufficient elements.

38. The petitioner argues that the alleged victims were illegally deprived of their liberty and tortured by Mexican agents in order to get them to confess to committing the alleged crimes and that, despite the complaints lodged as a result of these actions, the national justice system had not adequately investigated these actions. For its part, the State contends that the petition is inadmissible. It asserts that the events underlying the complaints do not characterize a violation of the rights enshrined in the Convention and that the intention of the petitioner is to have the IACHR act outside as a “court of fourth instance.”

39. The IACHR reiterates that it is competent to declare a petition admissible and to decide on its merits when it refers to a domestic judicial decision that has been handed down without due process, or that apparently violates any other right guaranteed by the Convention.⁶ In this regard, the IACHR observes that, as pointed out in the legal proceedings during the processing of the petition, the alleged victims formally denounced to authorities acts of torture and mistreatment that had allegedly suffered at the hands of police agents in order to get them to confess to crimes they contend that they did not commit, and provided medical certificates that substantiated the alleged acts of violence.

40. Taking into account the foregoing elements, the IACHR understands that the judicial authorities had access to elements that raised their duty to investigate whether the alleged victims may have been mistreated and/or beaten by the agents who detained them and took their initial statements. Taking into consideration the allegations put forward, the Commission will analyze in the merits stage whether the alleged acts of torture and mistreatment to which the alleged victims claim to have been subjected at the hands of State agents were carried out legally and in accordance with international standards established in that regard.

41. In view of the foregoing, it is possible to conclude *prima facie* that the allegations made by the petitioner may characterize violations of the rights enshrined in Articles 5, 7, 8, and 25 of the American Convention in connection with Article 1(1) of that instrument, to the detriment of Pedro Amador Morales, Karyana Velásquez Atienza, and José Osiris Olivares Ayala, and with Article 5 of the American Convention in connection with José Luis Velásquez Casco and the relatives of the alleged victims. Furthermore, the Commission will analyze in the merits stage the possible application of Articles 1, 6, and 8 of the Convention against Torture with respect to the three alleged victims and of Article 7 of the Convention of Belém do Pará in connection with Karyana Velásquez Atienza. Accordingly, the

⁶ Report No. 73/10, Petition 980-04, Admissibility, Fernando Rodríguez González, Mexico, July 12, 2010; paragraph 45.

Commission considers the requirements established in Article 47(b) and (c) of the Convention to be satisfied.

V. CONCLUSIONS

42. The Commission concludes that it has jurisdiction to examine the claim presented by the petitioner, and that the petition is admissible pursuant to the requirements established in Articles 46 and 47 of the Convention regarding the alleged violation of the rights enshrined in Articles 5, 7, 8, and 25 of the American Convention in connection with Article 1(1) of that instrument, to the detriment of Pedro Amador Morales, Karyana Velásquez Atienza, and José Osiris Olivares Ayala. Furthermore, the Commission will analyze in the merits stage the possible application of Articles 1, 6 and 8 of the Convention against Torture and Article 7 of the Convention of Belém do Pará.

43. Based on the arguments of fact and law set forth herein, and without prejudging the merits of the case,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECIDES:

1. To declare this petition admissible with regard to Articles 5, 7, 8, and 25 of the American Convention in connection with Article 1(1) of that instrument, concerning Pedro Amador Morales, Karyana Velásquez Atienza, and José Osiris Olivares Ayala. Furthermore, the Commission will analyze in the merits stage the possible application of Articles 1, 6 and 8 of the Convention against Torture and Article 7 of the Convention of Belém do Pará.

2. To notify the petitioner and the Mexican State of this decision.

3. To continue with the analysis of the merits of this matter.

4. To publish this report and include it in the Commission's Annual Report to the General Assembly of the OAS.

Done and signed in the city of Washington, D.C., on the 8 day of the month of November, 2012.
(Signed): Felipe González, Second Vice-President; Dinah Shelton, Rodrigo Escobar Gil, Rosa María Ortiz, and Rose-Marie Antoine, Commissioners.