

REPORT No. 56/13
PETITION 80-02
ADMISSIBILITY
HERMINIO DERAS GARCÍA ET AL.
HONDURAS
July 16, 2013

I. SUMMARY

1. On February 6, 2002, the Inter-American Commission on Human Rights (hereinafter the "Commission" or "IACHR") received a petition submitted by Eustaquia García Alvarado, Otilia Flores, Lorena Deras, Herminio Deras Flores, Alba Luz Deras García, Irma Isabel Deras García, Consuelo Deras García, and Luis Rolando Deras García (hereinafter "the petitioners"),¹ alleging that the Republic of Honduras (hereinafter the "State" or "Honduran State") bore responsibility for the extrajudicial execution of Herminio Deras García, a member of the Communist Party, trade union advisor, and primary school teacher, committed by agents of the State on January 29, 1983. They also claim that as part of the persecution to which Herminio Deras García was subjected, his family members were the targets of threats, assaults, illegal detention, and torture, even after his death. The petitioners also claim lack of effective access to justice to the detriment of the family members of Herminio Deras.

2. The petitioners hold that the State is responsible for violation of Articles 4, 5, 7, 8, 13, 16 and 25 of the American Convention Human Rights (hereinafter the "American Convention" or "Convention"), taken in conjunction with Article 1(1) of same, as well as of the right to citizen security. For its part, in its initial response, the State did not challenge the admissibility of the petition, saying that the investigation of the allegations at the domestic level had taken an unreasonably long time. Subsequently, it argued that it had complied with its obligations under Article 8 of the Convention since a domestic judicial proceeding was opened as a result of the allegations that enabled their investigation and clarification and a conviction of a military official.

3. Having examined the positions of the parties and compliance with the requirements provided in Articles 46 and 47 of the American Convention, the Commission has decided to declare the case admissible for the purposes of examination of the alleged violations of Articles 4, 5, 7, 8, 11, 13, 16, 17, 22, 19, and 25 of the Convention in connection with Article 1(1) thereof. It has also decided to notify the parties of this report and order its publication in its Annual Report to the OAS General Assembly.

II. PROCESSING BY THE IACHR

4. The IACHR received the petition and registered it as No. 80-02. After the initial filing, the petitioners submitted further information on April 15, 2002; December 15, 2006; and March 19, 2009. On May 11, 2010, the IACHR transmitted the pertinent portions of the petition and additional information furnished to the State for its comments. The IACHR received the response of the State on June 16, 2010, and forwarded it to the petitioners.

¹ The petition was initially lodged by relatives of Herminio Deras García. Subsequently, the *Comité de Familiares de Detenidos Desaparecidos en Honduras* [Committee for Relatives of Disappeared Detainees in Honduras] (COFADEH) presented itself as co-petitioner before the IACHR.

5. The IACHR also received information from the petitioners on the following dates: August 2, 2010; September 3, 2010; June to 2011; April 12, 2012; May 12, 2012; and August 4, 2012. Those communications were duly forwarded to the State. In addition, it received information from the State on the following dates: February 23, 2011; February 6, 2012; and June 28, 2012. That information was duly relayed to the petitioners.

III. POSITIONS OF THE PARTIES

A. The Petitioners

6. According to the petitioners, agents of the Honduran State extrajudicially executed Herminio Deras García on January 29, 1983, in Barrio Las Flores, San Pedro Sula. They say that the time of his death, Mr. Deras was a trade union advisor, member of the Communist Party, and primary school teacher. They also say that the family of Mr. Deras García were subjected to illegal detentions, raids on their homes, and torture by members of the security forces as part of a campaign of persecution against Herminio Deras García, both before and after his extrajudicial execution.

7. They argue that the extrajudicial execution of Mr. Deras was carried out in the framework of a "National Security Policy" pursued by the State. They allege that there existed a pattern of persecution against student, trade union, and grassroots organizations, whose members were kept under surveillance, followed, kidnapped, forcibly disappeared, and extrajudicially executed by military units that acted in connivance with the civilian authorities. They hold that the policy was part of an "ideological repression" instituted by the State. In that connection, they claim that the killing of Herminio Deras García was an extrajudicial execution committed by members of the security forces in the context of the above-described state security policies.

8. As part of the persecution, they say that on the morning of November 26, 1981, elements of the Third Infantry Battalion and agents of the National Investigations Directorate [*Dirección Nacional de Investigaciones*] (DNI) raided the home of Herminio Deras and his wife Otilia Flores. They burst in violently without a court-issued warrant, destroyed furniture and roofs, stole property, and threatened and arrested its occupants. In the house at the time were Elba Flores Ortiz, Otilia Flores's sister; María del Carmen Gonzáles, Otilia Flores's niece; the domestic worker, and her daughter. They say that Elba Flores Ortiz told the soldiers that Herminio and Otilia were not at home, to which the latter allegedly replied that they would stay and wait for them. According to the petitioners, they took advantage of the interval to detain everyone who visited the residence (students and trade unionists). They say that Herminio Deras arrived home at about 4:00 p.m. with his wife and children, Lorena (age 11) and Herminio (age 7). According to the petitioners, the soldiers forced Otilia to sit, locked up the children and pointed their weapons at Mr. Deras, while a lieutenant said, "*Now we're going to kill this damned communist.*" On that occasion, Herminio Deras apparently managed to escape.

9. Then the agents of the State allegedly arrested Elba Flores Ortiz and Otilia Flores, together with the detained students and trade unionists, and took them blindfolded and handcuffed to facilities of the DIN. They say that they were kept there for three days under constant interrogation, subjected to degrading treatment, and tortured. One of the interrogators identified was the individual who was later singled out by the courts of justice as the person who carried out the extrajudicial execution of Herminio Deras.

10. They say that when Otilia Flores returned after three days in detention there were still soldiers at her house along with her minor children Lorena and Herminio.

11. They say that at midnight that day (November 26, 1981) approximately 40 individuals belonging to the Army, police, and DIN entered the home of the parents of Herminio Deras without a court order, breaking doors and windows. As they did not find Herminio Deras they detained his brother, Luis Rolando Deras García and physically assaulted the house's occupants, including the girl Irma Isabel Deras. When asked why they were arresting Luis Rolando, they replied, "Give us Herminio and you can have this one back." Luis Rolando was held for three days at DIN facilities and, according to the petitioners, tortured and intensively interrogated.

12. They say that on January 1, 1982, the home of Herminio Deras and Otilia Flores was shot up by unknown individuals with machine guns

13. They add that on January 26, 1983, Herminio Deras, who had been sought by the security forces since November 1981, told his father that traffic police had stopped him and taken down the number of his car license plate. He, therefore, feared for his life and asked him if they could exchange vehicles. His father, hoping it might force him seek asylum and so leave the country, refused.

14. The petitioners say that on January 29, 1983, Herminio Deras was detained by members of the security forces as he was driving in his vehicle and extrajudicially executed.

15. The petitioners say that the persecution of the Deras family continued even after Herminio Deras's murder. In that regard, they say that in June 1984, the Deras García family home was again raided and nine of its members detained,² including a 14-year-old boy, and taken to the DIN cells, where they were allegedly subjected to cruel, inhuman, and degrading treatment. They say that while agents of the State were beating one of Herminio Deras's sisters, one of them said, "*Cut out her tongue. She's the dead communist's sister.*"

16. In those circumstances, they say that on June 12, 1987, Domingo Deras, Herminio's father, committed suicide.

17. In addition, the petitioners alleged that in 2002 they received threats from family members of the military official involved in the judicial proceeding when they appeared as witnesses in the trial for the murder of Herminio Deras García. They also say that in the context of the coup d'état in Honduras in 2009, the Deras García family was again subjected to harassment.

18. They say that the combination of alleged violations brought about the family's disintegration, given that several of its members had to leave the country. They say that they have been caused severe emotional distress coupled with the pain and suffering as a result of the murder of Herminio Deras.

19. The petitioners say that that the extrajudicial execution of Herminio Deras and the other violations described in the petition were reported to the competent authorities by his next of kin;

² Specifically, the petitioners alleged the detention of Irma Isabel Deras, Domingo Deras, Sandra Ivon Hernández Deras, Consuelo Deras, Marlen García, Cristóbal Hernández, José Herminio García Barahona (Irma Deras's common-law spouse), Julio César Chavarría Banegas, and Héctor Deras.

however, they were not investigated. They say that it was not until 1998, 15 years after Mr. Deras's murder that the Public Prosecution Service (*Ministerio Público*) brought charged three military officials as suspects in his murder. That proceeding was divided into separate parts because two of the officials were fugitives of justice, although no steps were taken to capture them.

20. The petitioners say that in the course of the investigation, family members and witnesses testified to the authorities and provided detailed descriptions of each of the facts alleged in this petition. As regards the military official who was put on trial, they say that he was acquitted at first instance but later, in 2005, convicted at second instance and sentenced to 12 years in prison for the crime of murder. In that regard, they allege that thanks to negligence on the part of the court, he was granted unconditional release despite the fact that the Public Prosecution Service had filed an appeal against that decision within the statutory time limit. As a result, the only official so far convicted for the murder of Herminio Deras remains at large.

21. Based on the foregoing, they say that the authorities have failed to carry out a diligent investigation to clarify the facts and that there has been an unwarranted delay in the judicial proceeding to punish those responsible. They claim that the deeds remain unpunished and that the Deras family has not been guaranteed access to justice or received adequate reparation.

22. In the course of the processing of the petition, the petitioners informed about the difficulties encountered in obtaining copies of the judicial record of the criminal investigation. In that regard, on December 15, 2006, they said that their attorneys had been unable to obtain a complete copy of the record of the proceedings before the Supreme Court of Justice because part of the record was missing, and they indicated that they would take legal action against the judicial branch of Honduras.

B. Position of the State

23. In its initial response, the State did not challenge the admissibility of the petition and submitted information on the judicial proceedings initiated at the domestic level to investigate and clarify the death of Herminio Deras García.

24. The State referred to the different stages of the criminal proceeding, saying that "the corresponding proceedings before the lower court [*Juzgado de Letras*], appellate court [*Corte de Apelaciones Seccional*], and Supreme Court" had been exhausted. It said that although the authorities had known about the facts since 1983, the investigation was not launched immediately, and that it had made no significant progress in the course of the first 15 years. The State noted that in 1998, the Public Prosecution Service filed an indictment against Marco Tulio Regalado Hernández,³ a former member of the armed forces who had belonged to an intelligence battalion referred to as "Squad 3-16," and that after the case was reactivated by the prosecutor's indictment, on March 17, 2004, the Third Lower Court for Criminal Matters (now the Criminal Court of First Instance in and for San Pedro Sula) issued a decision acquitting him at first instance. Subsequently, on May 23 2005, the Sectional Court Of Appeals in and for San Pedro Sula admitted an appeal filed by the Public Prosecution Service against the acquittal

³ According to information provided by the State in the proceeding before the IACHR, the judicial proceeding was initiated against this official and two other individuals. However, a pretrial detention order was only issued for the aforementioned official as "sufficient evidence" was not found against the other two involved.

and convicted Marco Tulio Regalado Hernández for the murder of Herminio Deras García. The State added that the conviction was upheld in a cassation hearing on March 8, 2007.

25. The State mentioned that on February 27, the Criminal Enforcement Court of San Pedro Sula issued a warrant for the arrest of Regalado Hernández, which had not been executed because he was out of the country. In that regard, the State mentioned that the Third Lower Court for Criminal Matters issued Marco Tulio Regalado Hernández a “letter of unconditional release” on March 30, 2004, because the judgment “was final,” despite the fact that on March 23, 2004, the Public Prosecution Service had lodged an appeal against the acquittal.

26. In light of the foregoing, the State recognized “that approximately 15 years elapsed between January 29, 1983, when the deed against Mr. Herminio Deras was committed, and July 13, 1988, when the facts were denounced for a second time. In that time there was silence on the part of the State (jurisdictional authority) regarding the duty to investigate in order to safeguard the right to truth and justice.”⁴ It said that reasonable time limits were exceeded owing to prolonged spells of inactivity in processing the case by the judicial authorities, and that between 1983, when the deed occurred, and 2007, when the last instance was exhausted, 24 years elapsed. It also noted that coupled with the foregoing is the fact that “during the processing of the case the accused was left at liberty, precluding his conviction from being enforced.” It also indicated that there was a “close connection” between this fact and the possibilities of reparation for the Deras family.

27. As regards the facts alleged by the petitioners to have occurred before and since the death of Mr. Herminio Deras, which purportedly affected the Deras family, the State noted that “*it was precisely the investigation of those facts and of the death of Mr. Deras, as well as the initiation of the judicial proceeding, that led to the conviction of **Marco Tulio Regalado Hernández** for the murder of **Herminio Deras.***”⁵

28. With respect to the alleged violations of rights contained in the American Convention, the State indicated that the deprivation of Herminio Deras’ right to life was a proven fact. It said the same with respect to freedom of association, freedom of expression, and the right to citizen security on account of the involvement of agents of the state in the alleged violations. Regarding the allegations of restrictions on freedom of association and freedom of expression, the State specified that the agents of the State had acted as they did because Mr. Deras was a trade union leader and a member of the Communist Party of Honduras. By the same token, it mentioned that Mr. Deras’ murder had occurred in a context of enforcement of a national security policy that was incompatible with respect for human rights.

29. In later briefs, the State referred to its compliance with the obligations contained in Article 8 of the American Convention. In that regard, it reiterated information concerning the domestic judicial proceeding and the judicial decisions adopted therein. In that connection, it held that the domestic judicial proceeding had been the recourse that had made it possible to investigate and clarify the facts surrounding the death of Herminio Deras and establish the responsibility of the persons involved, specifically through the murder convictions imposed on Marco Tulio Regalado Hernández.

⁴ First response of the State, received on June 7, 2010.

⁵ Emphasis in the original.

IV. ANALYSIS OF COMPETENCE AND ADMISSIBILITY

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

30. The petitioners are authorized, in principle, by Article 44 of the American Convention to submit complaints to the IACHR. The petition names as alleged victims individuals on whose behalf the Honduran State undertook to respect and ensure the rights enshrined in the American Convention and other international instruments.⁶ Honduras has been a state party to the American Convention since September 8, 1977, when it deposited its instrument of ratification. Thus, the Commission has *ratione personae* competence to examine the petition. The Commission is competent *ratione loci* to examine the petition because it alleges violations of rights protected in the American Convention that are purported to have occurred on Honduran soil.

31. The Commission is competent *ratione temporis* because the obligation to observe and ensure the rights protected in the American Convention was already binding upon the State at the time the events described in the petition are alleged to have occurred. Furthermore, the Commission is competent *ratione materiae*, given that the petition alleges possible violations of rights protected under the American Convention.

B. Admissibility requirements

1. Exhaustion of domestic remedies

32. Article 46(1)(a) of the American Convention requires prior exhaustion of remedies available under domestic law in accordance with generally recognized principles of international law, as a prerequisite for admitting claims regarding alleged violation of the American Convention. For its part, Article 46(2) provides that the requirement of prior exhaustion of domestic remedies is not applicable when: (a) domestic law does not afford due process of law for the protection of the right or rights that have allegedly been violated; (b) 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) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

33. As for the alleged facts, the State argues that the obligations set forth in the American Convention with respect to fair trial guarantees were met. For their part, the petitioners argue that the exception provided for in Article 46(2)(c) of the Convention applies in view of the unwarranted delay in the domestic judicial processes. They hold that although there was a judgment convicting one of the perpetrators of the extrajudicial execution of Herminio Deras García, its enforcement is still pending and, therefore, that proceeding has not properly concluded. In addition, two other agents of the State suspected of participation have not been tried because they are fugitives, without the state having taken the necessary steps to catch them.

⁶ The petitioners identify the following persons as victims: Herminio Deras García (extrajudicially executed), María Eustaquia García Alvarado⁶ (mother), Otilia Flores (spouse), Lorena Deras Flores (daughter), Herminio Deras Flores (son), Alba Luz Deras García (sister), Irma Isabel Deras García (sister), Consuelo Deras García (sister), Luis Rolando Deras García (brother), Elba Flores Ortiz (sister-in-law), Héctor Deras⁶ (brother), Domingo Deras (father), Sandra Ivon Hernández Deras (niece), José Herminio García Barahona (niece), and Marlen García Pineda (niece).

34. The Commission finds that the facts described by the petitioners include alleged violations of fundamental rights, including the rights to life, humane treatment, and personal liberty, which are publicly actionable offenses under the country's domestic laws that the state is required to investigate and prosecute,⁷ and that in such cases, this is the best way to clarify the facts, judge the perpetrators, and establish the corresponding criminal punishment, in addition to providing for other forms of reparation, including financial reparation.

35. The Commission notes that the family of Herminio Deras García had denounced to the First Criminal Court of First Instance in and for San Pedro Sula on February 4, 1983, that Mr. Deras had been murdered on January 29, 1983. In 1998, the Public Prosecution Service filed charges against three military officials with the Third Lower Court for Criminal Matters in and for San Pedro Sula. On the order of the court—of November 3, 1999—the case against two of the officials was separated because they were absent.

36. The third official was convicted at second instance for the crime of murder by the sectional Court of Appeals of San Pedro Sula on May 23, 2005, which decision was upheld in a cassation hearing by the Supreme Court of Justice on March 8, 2007. The decision has yet to be enforced because the convicted individual has been a fugitive of justice since 2004, after an order for his release was issued following his acquittal at first instance. The case is currently before the Criminal Enforcement Court of San Pedro Sula. And on February 27, 2009, that court issued a warrant for the arrest of the convicted person. The IACHR has no information about any other steps that the Honduran authorities are adopting to enforce the above decision. It also has no information about the status of the procedures or measures adopted in the investigation concerning the possible participation of other agents of the state in the facts surrounding the death of Herminio Deras.

37. In light of the foregoing, given the characteristics of this petition and the time elapsed since the facts that are the subject of the complaint occurred, the Commission finds to be applicable the exceptions provided in Article 46(2)(c) of the American Convention as regards the unwarranted delay in domestic judicial proceedings. Therefore, the rule on exhaustion of domestic remedies can be set aside.

38. As to the allegations regarding acts of torture, illegal detentions, and trespass committed by state officials to the detriment of family members of Herminio Deras García, the IACHR finds that the persecution to which several members of the Deras García family appear to have been subjected was alleged in the domestic judicial proceeding concerning the murder of Mr. Deras and, therefore, they are within the scope of the Commission's analysis.

39. All that remains to be noted in this respect is that invocation of the exceptions to the rule of exhaustion of domestic remedies provided in Article 46(2) of the Convention is closely linked to the determination of possible violations of certain rights set forth therein, such as guarantees of access to justice. However, Article 46(2), by its nature and purpose, is a self-contained provision vis á vis the substantive provisions contained in the Convention. Therefore, to determine whether or not the exceptions to the rule of exhaustion of domestic remedies provided in subparagraphs (a), (b) and (c) of the aforesaid provision are applicable to a particular case requires an examination carried out prior to and separate from the analysis of the merits of the case, since it depends on a standard of evaluation

⁷ Report 52/97, Case 11.218, *Arges Sequeira Mangas*, Annual Report of the IACHR 1997, pars. 96 and 97. See also Report 55/97, par. 392. Report °62/00, Case 11.727, *Hernando Osorio Correa*, Annual Report of the IACHR 2000, pars. 24.

different to that used to establish whether or not there has been a violation of Articles 8 and 25 of the Convention. It should be clarified that the causes and effects that have prevented exhaustion of domestic remedies will be examined in the report that the IACHR adopts on the merits of the dispute, in order to determine if they constitute violations of the American Convention.

2. Timeliness of the petition

40. The American Convention provides that for a petition to be admissible, it must be presented within six months of the date on which the party alleging violation of rights was notified of the final judgment. In the complaint under review the IACHR has determined that the exceptions to the rule of exhaustion of domestic remedies pursuant to Article 46(2)(c) of the American Convention are applicable. In this regard, Article 32 of the Commission's Rules of Procedure states that when the exceptions to the rule requiring prior exhaustion of domestic remedies apply, the petition is to be presented within what the Commission deems to be a reasonable period. The Commission must therefore consider the date on which the alleged violation of rights occurred and the circumstances of each case.

41. In the instant case, the petition was received on February 6, 2002 and the alleged facts that are the subject of the complaint occurred in 1983. Bearing in mind that the Public Prosecution Service brought a criminal indictment against the alleged culprits in 1998 and that the criminal proceeding at the domestic level remains ongoing, specifically with regard to the prosecution of two state agents and the enforcement of the judgment on the only person so far convicted, and considering, furthermore, the alleged sequence of acts of harassment against the family members, the IACHR concludes that the petition was presented within a reasonable time and, therefore, takes the requirement contained in Article 46(1)(b) of the Convention as met.

2. Duplication of international proceedings and res judicata

42. There is nothing in the record to suggest that the subject matter of the petition is pending in another international proceeding for settlement or that it is substantially the same as one previously studied by the Commission or by another international organization. Therefore, the Commission finds that the requirements set forth in Articles 46(1)(c) and 47(d) of the Convention have been met.

3. Colorable Claim

43. The Commission considers that it is not appropriate at the admissibility stage to determine whether or not the alleged violations actually took place. For admissibility purposes, the IACHR must decide whether the facts described in the petition could characterize violations of the American Convention, as stipulated in Article 47(b) thereof. The standard by which to assess these extremes is different from the one needed to decide the merits of a petition. The Inter-American Commission must perform a *prima facie* evaluation and determine if the complaint provides grounds for an apparent or potential violation of a right guaranteed by the American Convention.⁸ This is a summary analysis and does not imply a prejudgment or preliminary opinion on the merits of the dispute. By establishing two distinct phases of admissibility and merits, the Commission's Rules of

⁸ See IACHR, Report No. 128/01, Case 12.367, Herrera and Vargas ("La Nación"), Costa Rica, December 3, 2001, par. 50.

Procedure reflect this separation between the evaluation to be carried out by the Commission for the purpose of declaring a petition admissible and that required to establish whether a violation has taken place.⁹

44. Furthermore, neither the American Convention nor the Rules of Procedure of the IACHR require that the petition identify the specific rights allegedly violated by the State in a matter submitted to the Commission, though the petitioners may do so. It is up to the Commission, based on the case-law of the system, to determine in its admissibility reports which provision of the relevant inter-American instruments is applicable or could be established as having been violated, if the facts alleged are sufficiently proven.

45. In this case, the petitioners claim a violation of the right to life of Herminio Deras García, a trade unionist and member of the Communist Party of Honduras, allegedly committed by agents of the state. The petitioners also allege a lack of due diligence in the investigation and punishment of the facts. It also claims that several members of his family were illegally detained,¹⁰ abducted, and tortured by state agents and that their homes were raided without a court order. The alleged acts of violence described in the petition include assaults on children.

46. The petition also says that the extrajudicial execution of Herminio Deras and the persecution of his family stemmed from his membership of the Communist Party and his activities as a trade unionist. With respect to access to information, they claim that they had difficulties in obtaining a copy of the judicial record and that when they did get a copy it was incomplete.

47. The Commission finds that, if true, the facts described by the petitioners concerning the alleged extrajudicial execution of Herminio Deras and the persecution owing to his membership of a political party or trade union could characterize a violation of rights recognized in Articles 4, 13, and 16 of the American Convention, in connection with Article 1(1) of said instrument. It also considers that they could characterize a violation of rights recognized in Articles 5, 7, 8, and 25 of the American Convention, in connection with Article 1(1) of said instrument, to the detriment of the relatives of Herminio Deras García.

48. In addition, the Commission considers that the facts described in the petition concerning alleged trespass difficulties in obtaining access to the information contained in the record of the domestic judicial proceeding, the disintegration of the family, and impairment of the right to freedom of movement and residence could amount to violations of rights contained in Articles 11, 13, 17, 22, and 19 of the American Convention, taken in conjunction with Article 1(1) of that instrument, to the detriment of the relatives of Herminio Deras García.¹¹ Likewise, the Commission will examine the

⁹ See IACHR, Report No. 31/03, Case 12.195, Mario Alberto Jara Oñate et al. (Chile), March 7, 2003.

¹⁰ The petitioners have included the following members of the Deras García family as alleged victims of acts of repression reportedly committed by the authorities; María Eustaquia García Alvarado, Domingo Deras, Otilia Flores, Elba Flores, Lorena Deras Flores, Herminio Deras Flores, Alba Luz Deras García, Irma Isabel Deras García, Consuelo Deras García, Luis Rolando Deras García, Héctor García, Sandra Ivon Hernández Deras, Marlen García, Cristóbal Hernández, José Herminio García Barahona, Julio César Chavarría Banegas, and Héctor Deras.

¹¹ The alleged victims' family members are included pursuant to the provisions contained in Article 35(1) of the Rules of Procedure of the Inter-American Court of Human Rights and its case-law. See I/A Court H.R. *Case of Radilla Pacheco v. Mexico*. Judgment of November 23, 2009, and I/A Court H.R., Order of the Court of January 19, 2009, *Case of González et al. ("Cotton Field") v. Mexico*. Request to include other alleged victims and refusal to forward written evidence.

alleged facts in the light of Article 19 of the American Convention, interpreted in accordance with the *corpus juris* on the rights of children, with respect to the alleged victims who were children at the time of the alleged violations.

49. As to whether the claim is groundless or out of order, the IACHR finds that the petitioners have provided prima facie evidence to meet the requirements set forth in Article 47(b) of the American Convention.

V. CONCLUSIONS

50. Based on the arguments of fact and law set forth above, and without prejudging the merits of the matter, the Commission concludes that the petition meets the admissibility requirements set forth in Articles 46 and 47 of the American Convention and, therefore,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECIDES:

1. To declare the petition admissible in relation to the alleged violations of rights protected at Articles 4, 5, 7, 8, 11, 13, 16, 17, 22, 19, and 25 of the American Convention, taken in conjunction with Article 1(1) of that instrument.
2. To notify the parties of this decision.
3. To publish this decision and include it in its Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 16th day of July 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Rosa María Oritiz, Second Vice-President; Dinah Shelton, Rodrigo Escobar Gil and Rose-Marie Antoine, Commissioners.