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REPORT No. 92/17

CASE 12.627

FRIENDLY SETTLEMENT

MARÍA NICOLASA GARCÍA REYNOSO
MEXICO

Approved by the Commission at its session No. 2093 held on July 7, 2017
163 Special Period of Sessions

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REPORT No. 92/17
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FRIENDLY SETTLEMENT
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JULY 7, 2017¹

I. SUMMARY

1. On August 4, 2003, the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the IACHR") received a complaint lodged by Frente Mexicano Pro Derechos Humanos, (hereinafter "the petitioners"), arguing that the United Mexican States (hereinafter "the State" or "the Mexican State") bears international responsibility for alleged attacks, acts of intimidation, and threats against Ms. María Nicolasa García Reynoso, in reprisal for her work as a human rights defender in Mexico and for the subsequent failure to conduct an effective investigation thereof. The petitioners argued that the facts alleged constitute violations of the rights enshrined in Articles 4 (right to life), 5 (right to human treatment/personal integrity), 8 (right to a fair trial/judicial guarantees), 13 (freedom of thought and expression), 15 (right of assembly), 16 (freedom of association), and 25 (right to judicial protection) of the American Convention on Human Rights ("the American Convention") in relation to the obligations derived from Article 1(1) of the same international instrument.

2. During the initial stage of proceedings before the IACHR with respect to the petition, the State argued that Ms. García Reynoso had not denounced the alleged threats against her life and personal integrity to the pertinent authorities of the Mexican State, so that domestic remedies had not been exhausted. The State claims that, despite that, it had provided police protection to Ms. García Reynoso on account of the alleged attacks on her life. As for the remaining investigations, the State gave assurances that they were being carried out in accordance with Mexican procedural law and that "the investigations to ascertain the criminal liability of the person accused were conducted in accordance with domestic law, impartially and effectively, leading to his arrest, extradition, and trial for the offenses."

3. On July 24, 2007, the IACHR approved Report No. 53/07, in which it decided that the petition was admissible in relation to the rights enshrined in Articles 5, 8.1, and 25 of the American Convention.

4. On October 10, 2012, the parties signed a friendly settlement agreement based on the Mexican State's acknowledgment of international responsibility in light of the facts described in Admissibility Report No. 53/07.

5. Pursuant to Articles 49 of the American Convention and 40 (5) of the Commission's Rules of Procedure, this friendly settlement report includes a summary of the petitioners' allegations and transcribes the friendly settlement agreement signed on October 10, 2012 by the petitioners and representatives of the Mexican State. Finally, the Commission decided to publish this report in its Annual Report to the General Assembly of the Organization of American States.

II. PROCEEDINGS BEFORE THE IACHR

6. The IACHR received the petition on August 4, 2003, and served notice of it to the Mexican State on April 6, 2004.

7. On May 23, 2005, the petitioners requested that the Commission issued precautionary measures. That proceeding was closed and the parties notified of the decision on March 31, 2014.

¹ In accordance with Article 17(2)(a) of the Rules of Procedure of the IACHR, Commissioner José de Jesús Orozco, a Mexican national, did not participate in the discussion or decision on this case.

8. On July 24, 2007, the Commission approved Admissibility Report No. 53/07, and notified the Parties.

9. On September 24, 2007 and November 29, 2007, the IACHR offered its good offices to help the Parties explore the possibility of achieving a friendly settlement.

10. The State presented additional information on August 27, 2004; December 6, 2006; December 27, 2007; January 2 and February 20, 2008; October 30, 2009; June 2, 4, and 28, July 1, September 23, and November 8 and 18, 2010; May 4, 2015; and August 2, 2016, and those communications were forwarded to the petitioners.

11. The petitioners submitted additional information on the following dates: June 14 and 15 and August 24, 2005; June 26, 2006; April 1, July 31, and November 26, 2007; January 4, February 14 and 25, and June 14, 2008; July 22, 2009; March 15, May 3, July 19, August 13, September 7, 21, and 28, and October 14, 2010; February 17 and 25 and March 15, 2011; March 31, 2012; January 20, 2014 and November 6, 2015, and those communications were forwarded to the State.

12. The parties had bilateral working meetings on August 20, 2004 and December 13, 2007. In addition, the parties had working meetings facilitated by the Commission on March 11, 2008, September 24, 2015, and April 25, 2017.

13. On October 1, 2012, the parties signed a friendly settlement agreement, which has been monitored by the IACHR.

III. ALLEGED FACTS

14. According to the petitioners, Ms. María Nicolasa García Reynoso had been subjected to multiples threats against her life and personal integrity due to her constant denunciation of the commercial sexual exploitation of boys and girls in Puerto Vallarta, Jalisco. They said that Ms. García Reynoso had discovered and denounced a network of prostitution, child pornography and the provision of drugs to children.

15. The petitioners maintained that the alleged victim had complained to the Public Prosecutors' Office (*Ministerio Público*) about various incidents of prostitution and child pornography, as a result of which the Second Criminal Court Judge in Puerto Vallarta had issued an arrest warrant against the person alleged to be responsible for those acts. However, the petitioners allege that said individual had fled the country without the arrest warrants being executed. The petitioner asserted that in January 2001, Ms. García Reynoso had received a death threat from an unknown individual who had ordered her to stop complaining "or else she would suffer the consequences." The alleged victim had denounced those facts to Agency No. 3 of the Civil Court Public Prosecutors' Office in Puerto Vallarta, Jalisco. By virtue of the above, in October 2001, the alleged victim had again received death threats, on several occasions, over the phone, and had registered those acts in pre-trial investigation record 5467/2001 at the Coordinating Agency of the Public Prosecutors' Office in Puerto Vallarta. The petitioners added that on January 17, 2002, Ms. García Reynoso had asked the Office of the Attorney General (PGR) to look into the two cases, because the facts had allegedly not been investigated. The Attorney General's Office reportedly issued verification record A.C. PGR/UEDO/011/2002, in which it determined that Ms. García Reynoso should have police escort protection provided by the Mexican Federal Bureau of Investigations (AFI).

16. According to the petitioners, the intimidating acts against Ms. García Reynoso on account of the work she was doing did not stop. They explain that on August 26, 2002, when Ms. García Reynoso returned home one morning, she had found a .38 caliber gun under the door of her house. According to the petition, on July 8, 2003, her escorts had gone to Mexico City to take exams at the Office of the Attorney General's Oversight and Trust Center and that same day three unknown individuals had attempted to enter her home. The petitioners further indicated that, in July 2003, Ms. García Reynoso had gone shopping

accompanied by her escorts; that she had left a bag in her car containing cassettes with taped recordings of policemen and citizens making accusations against the Security Forces (*Seguridad Pública*) in Vallarta and denouncing their protection of drug trafficking; and that those tapes had been stolen, which had led to the opening of pretrial investigation 115/PGR/UEDO/2003.

17. The petitioners alleged that in July 2004 Ms. García Reynoso had suffered another attack on her life when several unknown individuals had shot at the vehicle carrying the federal agents protecting her, wounding two of them.

18. The petitioners added that on August 8, 2005, while the alleged victim was in the Public Prosecutors' Office building, supplementing a statement she had made, she had again been threatened over the phone, allegedly by a person with an English accent, who asked her to say where the victims of the alleged accused were located. According to the petitioners, that same day, Ms. García Reynoso had complained that she had been threatened by one of the defense counsel of the alleged accused, who had told her that "he would deal her an emotional blow" (*la golpearía moralmente*). The petitioners maintained that, on September 13, 2005, Ms. García Reynoso had been physically assaulted when she entered the Municipal Presidency building in Puerto Vallarta, Jalisco.

19. According to the petitioners, on March 5, 2006, death threats against her over the phone had resumed and continued on March 6 and 7, so that on March 7, the alleged victim had filed a complaint, which led to the opening of pretrial investigation 1132/2006 in the Coordinating Agency for Special Matters of the Public Prosecutors' Office in Puerto Vallarta.

20. Finally, the petitioners argued that there had been no effective investigation into the alleged facts. Due to the absence of a timely judicial investigation, the petitioners allege violation of the right to judicial guarantees and judicial protection upheld in Article 8 and 25, respectively, of the American Convention.

IV. FRIENDLY SETTLEMENT

21. On October 10, 2012, the parties signed the friendly settlement agreement, as follows:

FRIENDLY SETTLEMENT AGREEMENT Case 12.627 María Nicolasa García Reynoso

Friendly settlement agreement in case 12.627 María Nicolasa García Reynoso, in proceedings before the Inter-American Commission on Human Rights (IACHR), [between the Mexican State] represented in this act by Mr. Max Alberto Diener Sala, Undersecretary for Legal Affairs and Human Rights, and Ms. Omeheíra López Reyna, Head of the Unit for the Promotion and Defense of Human Rights, both of them pertaining to the Secretariat of the Governance (*Secretaría de Gobernación, SEGOB*), Dr. Ruth Leticia Villanueva Castilleja, Deputy Prosecutor in the Office the Attorney General's Bureau for Human Rights, Crime Prevention and Community Services, and Ambassador Juan Manuel Gómez Robledo, Assistant Secretary for Multilateral Affairs and Human Rights, and Ambassador Alejandro Negrín Muñoz, Director General of Human Rights and Democracy, both pertaining to the Secretariat for Foreign Affairs and, on the other hand, citizen María Nicolasa García Reynoso, representing herself and Benjamín Laureano Luna, representative of Frente Mexicano Pro Derechos Humanos.

I. PURPOSE

The purpose of this document is to set forth the basis for a friendly settlement to case 12.627 María Nicolasa García Reynoso, in proceedings before the Inter-American Commission on Human Rights (IACHR), based on the Mexican State's acknowledgment of international responsibility for the facts described in Admissibility Report No. 53/07, approved by the

IACHR on July 24, 2007, and to agree on reparation for the harm done and the way such reparation is to be delivered and supervised.

II. JURISDICTION OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

FIRST: - Mexico has been a State Party to the American Convention on Human Rights since March 24, 1981 and recognized the jurisdictional competency of the Inter-American Court of Human Rights (I/A Court H.R.) on December 16, 1998.

SECOND: The present Agreement is founded upon Articles 33, 41 (f), 48.1.f, and 49 of the American Convention, which establish the competence of the IACHR to hear matters relating to compliance with the international obligations recognized therein as well as the authority of that inter-American organ to monitor the matters it is hearing, with respect to which the Parties have agreed to reach a friendly settlement.

III. PROCEEDINGS BEFORE THE INTER-AMERICAN SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS

FIRST.- On July 25, 2003, the IACHR received a complaint lodged by Frente Mexicano Pro Derechos Humanos on account of alleged attacks, acts of intimidation, and threats against Ms. María Nicolasa García Reynoso, and failure to investigate the facts.

SECOND.- On July 24, 2007, in connection with its 128th period of sessions, the IACHR approved Admissibility Report No. 53/07, admitting for processing the complaint filed on behalf of María Nicolasa García Reynoso and registering it as Case No. 12.627. It informed the Parties that it would initiate its analysis of the alleged violation of the rights and obligations enshrined in Articles 5, 8.1, and 25 of the American Convention on Human Rights, all of them in conjunction with the obligations derived from Article 1.1 of said international instrument.

THIRD.- Based on the aforementioned facts and pursuant to the American Convention on Human Rights, the Parties have expressed their interest to negotiate the present Friendly Settlement Agreement.

IV. FACTUAL BASIS FOR THE AGREEMENT

SOLE CLAUSE.- The Parties agree that the facts constituting the basis for the present Agreement and thus for the acknowledgment of responsibility by the Mexican State are those contained in Admissibility Report No. 53/07 of the IACHR, especially paragraphs 34 to 37.

V. STATEMENTS

STATEMENTS BY THE MEXICAN STATE

FIRST: The Mexican State hereby expresses its broadest and most absolute commitment to the observance of, respect for, and promotion of human rights.

SECOND: Pursuant to Article 48.f of the American Convention on Human Rights and Article 40 of the IACHR Rules of Procedure, the Mexican State confirms its full willingness to reach a friendly settlement of this matter and to comply fully with each of the items contained in this Agreement.

THIRD: The Mexican State undertakes to abide by this Agreement in strict observance of its international obligations and in a manner that fosters dialogue and the involvement of the victim in the case in the actions undertaken to that end.

STATEMENTS BY THE SECRETARIAT OF GOVERNANCE

FIRST.- Its representatives state that, in accordance with Articles 1, 26, and 27, Subsections XII and XIII of the Organic Law of the Federal Public Administration, the Secretariat of the Governance (SEGOB) is a unit of the executive branch of the Union that, inter alia, has stewardship of the interior policy of the federal executive branch where not expressly attributed to another unit thereof; it also oversees compliance with constitutional provisions by the country's authorities, especially with regard to human rights and their guarantees, and adopts the necessary administrative measures to that end.

SECOND: That the Undersecretary for Legal Affairs and Human Rights, Mr. Max Alberto Diener Sala, has, pursuant to Article 2.A(III) and 6.(XII) of the Internal Regulations of the Secretariat of the Governance, among other powers, that of signing documents having regard to the exercise of his powers.

THIRD: That the Head of the Unit for the Promotion and Defense of Human Rights, Ms. Omeheíra López Reyna, has, pursuant to Article 2.B.(XV) and 21.(VI) of the Internal Regulations of the Secretariat of the Governance, authority to attend to recommendations made by international human rights organizations whose competence, proceedings, and resolution are recognized by the Mexican State.

FOURTH: That the Unit for the Promotion and Defense of Human Rights has sufficient resources to comply with the obligations derived from this Agreement.

FIFTH: That it states that its domicile for all legal purposes under this agreement is Bucareli No. 99, Colonia Juárez, Delegación Cuauhtémoc, Postal Code 06600, Mexico City.

STATEMENTS BY THE SECRETARIAT FOR FOREIGN AFFAIRS

FIRST: Its representative states that, in accordance with Articles 1, 26, and 28 (I) and (III) of the Organic Law of the Federal Public Administration, the Secretariat for Foreign Affairs (SRE) is a unit of the executive branch of the Union responsible for, inter alia, promoting, fostering, and ensuring the coordination of the foreign policy of the federal executive branch and participating in the international organizations of which the Mexican Government is a member.

SECOND: The Assistant Secretariat for Multilateral Affairs and Human Rights has, pursuant to Articles 8 (III), (VIII), and (X); and 29 (XI) of the Internal Regulations of the Secretariat for Foreign Affairs, authority to represent the Secretariat and sign agreements having regard to the exercise of its powers and those of the administrative units under its charge, including, inter alia, to receive and process grievances and complaints brought against the Mexican State in international human rights forums, represent the Government of Mexico in litigation or proceedings deriving therefrom, and promote the adoption of measures necessary to settle such grievances or complaints in accordance with law.

THIRD: That it states that its domicile for all legal purposes under this agreement is Avenida Juárez No. 20, Colonia Centro, Delegación Cuauhtémoc, Postal Code 06010, Mexico City.

STATEMENTS BY THE OFFICE OF THE ATTORNEY GENERAL OF THE REPUBLIC

FIRST: Its representative states that under powers conferred by Articles 1, 3, 4 (I), Article 5 (V), and Article 7 of the Organic Law of the Office of the Attorney General of the Republic, as well as Articles 3.A and 13 (IV) of the implementing regulations for that law, it is authorized to sign the present Agreement.

SECOND: That the Deputy Prosecutor in the Office the Attorney General's Bureau for Human Rights, Crime Prevention and Community Services, Dr. Ruth Leticia Villanueva Castilleja, is competent, pursuant to Article 7 of the Organic Law of the Office of the Attorney General of the Republic and Articles 14 (VI), 62, 63, and 64 of the implementing regulations for the Organic Law of the Office of the Attorney General of the Republic, to sign the present friendly settlement agreement.

THIRD:- That its representative states that its domicile for all legal purposes under this agreement is López 12, Col. Centro, Del. Cuauhtémoc, Mexico City, Postal Code 06050.

STATEMENTS BY THE VICTIM

FIRST: That Ms. María Nicolasa García Reynoso is appearing of her own free will to sign the present Agreement.

SECOND: That she states that her legal domicile for the purposes of this agreement is [...].

STATEMENTS BY THE PARTIES

FIRST:- That they mutually recognize the standing with which they appear at the signing of the present Agreement.

SECOND:- That it is their desire to reach a friendly settlement to Case 12.627 María Nicolasa García Reynoso, pursuant to the stipulation of this Agreement, which, once it has been signed, shall be transmitted to the IACHR for its corresponding verification and monitoring.

THIRD:- For the purposes of achieving the object of this agreement, THE PARTIES undertake to advance formulas for reaching a settlement in full adherence to inter-American standards, giving priority to the rights of the victim, to which end, an arrangement has been jointly designed that meets international standards in that regard.

VI. COMPREHENSIVE REPARATION FOR HARM DONE

The Mexican State and the petitioners, bearing in mind the jurisprudence of the Inter-American Court of Human Rights; hereby reach an agreement on comprehensive reparation for the victim on the following terms:

VIII.1 Compensation for damages

FIRST:- Based on case law of the inter-American system for the protection of human rights, the Mexican State will hand over the sum of \$465,400.00 (four hundred and sixty-five thousand four hundred Mexican pesos) as comprehensive reparation for harm done.

SECOND:- The compensation amounts owed to the victim will be paid by the Mexican State within 30 business days of the signature of the present Agreement through the Unit for the Promotion and Defense of Human Rights of the Secretariat of the Governance.

VIII.2 Measures of satisfaction/apology and guarantees of non-repetition.

VIII.2.1 Investigation of the facts of the case and punishment of those responsible.

FIRST:- The Office of the Attorney General of the Republic, through the Unit Specializing in Terrorism and the Stockpiling of, and Trafficking in, Firearms, commits to keeping the investigation open in the AC/PGR/SIEDO/UEITA/131/20D7, and to continue pursuing any lines that result from it, on account of the possible commission of federal offenses: an investigation that it has conducted diligently and that it will continue in a prompt and expeditious manner, till the matter is resolved in accordance with law.

SECOND:- The Unit Specializing in Terrorism and the Stockpiling of, and Trafficking in, Firearms (UEITA) will continue to provide escort and protection services to Ms. María Nicolasa García Reynoso, on the understanding that this service may be withdrawn only once the Mechanism envisaged in the Law for the Protection of Human Rights Defenders and Journalists is up and running and providing protection services to Ms. García Reynoso in her capacity as a human rights defender.

THIRD:- The Unit for the Promotion and Defense of Human Rights of the Secretariat of the Governance commits to making all arrangement needed, once the Mechanism mentioned in the foregoing clause is operating, to have Ms. María Nicolasa García Reynoso covered by it in light of the risk to which she is exposed as a human rights defender; accordingly, she will be granted such prevention and/or protection measures as are needed to protect her life and integrity, in accordance with the provisions of the Law for the Protection of Human Rights Defenders and Journalists.

SOLE CLAUSE:- The present document represents, in itself, an acknowledgment of responsibility on the part of the Mexican State. Nevertheless, to highlight the signing of this Agreement, there shall be a public ceremony in which the Undersecretary for Legal Affairs and Human Rights of the Secretariat of the Governance and another high-level official in the Secretariat for Foreign Affairs, with the participation of special guests, shall pay tribute to the important work of protecting and defending human rights performed by Ms. María Nicolasa García Reynoso.

VII. SUPERVISION OF COMPLIANCE WITH THE FRIENDLY SETTLEMENT AGREEMENT

FIRST:- The petitioners expressly agree to and accept the commitments undertaken by the Mexican State to attend to the present case and acknowledge the institutional effort made by the authorities to respond in an appropriate and timely manner to ensure compliance with the reparations under this agreement.

SECOND: Based on Article 40 of its Rules of Procedure, it is incumbent upon the Inter-American Commission on Human Rights to verify fulfillment of this Agreement; it being incumbent upon the Secretariat for Foreign Affairs to provide all the information that the Inter-American Commission may request from the Mexican State and that the competent authorities shall furnish.

THIRD:- The present agreement shall enter into force as of the day it is signed and shall remain in effect until all the commitments it contains have been honored.

FOURTH:- In the event of any doubt or controversy over the interpretation of the agreement, the Parties agree to submit to the arbitration of the Inter-American Commission on Human Rights, which shall request such information on compliance as it deems pertinent.

Having read the Agreement and being aware of the scope and legal content thereof, the Parties sign it in the margin and at the bottom of five originals in Mexico City, on October 10, 2012.

VI. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

22. The IACHR reiterates that, under Articles 48(1)(f) and 49 of the Convention, this procedure has the objective of “reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.” The State’s consent to pursue this avenue is evidence of its good faith to honor the Convention’s purposes and objectives, based on the principle of *pacta sunt servanda*. According to that principle, States must comply in good faith with the obligations undertaken in treaties. The IACHR also wishes to point out that, with the friendly settlement procedure provided for in the Convention, individual cases can be settled in a non-contentious manner. In cases involving a number of countries, the friendly settlement procedure has proven to be a useful vehicle that both parties can utilize to arrive at a solution.

23. On April 25, 2017, in connection with the visit to Mexico of Commissioner Esmeralda Arosemena de Troitino, in her capacity as IACHR Rapporteur for Mexico, the Parties held a working meeting in which they agreed to submit the friendly settlement agreement to appraisal and approval by the Commission.

24. Taking into consideration the extent of implementation of the friendly settlement agreement and heeding the will of the Parties, the IACHR hereby proceeds to consider the information received on actions taken by the State to comply with the Agreement. Following is a description of the information received by the IACHR:

Regarding Clause VIII.1 on compensation for damages:

25. On May 4, 2015, the State reported that it had delivered a check in the amount of \$465,400 (four hundred and sixty-five thousand four hundred Mexican pesos) to Ms. María García Reynoso and attached an administrative note, dated November 22, 2012, certifying the delivery and receipt of Check No. 0001844 made out to the beneficiary of the Agreement, whose signature appears on that document. Ms. María Nicolasa García Reynoso confirmed that information in a letter dated November 6, 2015.

26. The IACHR appreciates the information provided by the Parties and, based on their statements and the documentation provided; the Commission declares full compliance with Clause VIII.1 on compensation for damages.

Regarding Clause VIII.2.1 First, on investigation of the facts of the case and punishment of those responsible:

27. On May 4, 2015, the State reported that several steps and inquiries had been conducted to obtain sufficient evidence to accredit commission of the crimes denounced by the victim, which had not however yielded sufficiently convincing grounds for obtaining new lines of investigation. On this, Ms. María Nicolasa García Reynoso indicated that the State had not delved further in the investigations into the facts derived from her activity as a human rights defender, on account of which she had been exposed to risk, and the witnesses that had been indicated had not been questioned.

28. On August 2, 2016, the State pointed out that on September 23, 2015; the Office of the Attorney General of the Republic had indicated that steps had been taken to identify the perpetrators. Thus, on August 6, 2015 it had been decided to give verification record AS/PGR/SIEDO/UEITA/131/2007 the status of prior investigation in File No. AP/PGR/SIEDO/UEITA/184/2015, in order to elicit more data that would make it possible to identify those responsible for the facts.

29. On April 25, 2017, during the working meeting facilitated by the IACHR, the petitioner reiterated that the criminal investigations into the threats and assaults against her had not resulted in punishment of those responsible and asked that the State undertake to review the investigations. For its part, the State agreed to compile and deliver the information regarding the investigations.

30. In light of the above, the IACHR considers that it has not enough information to establish compliance with the measure and therefore considers that it is in the process of being implemented. The IACHR will continue its monitoring until the measure has been fully implemented.

Regarding Clause VIII.2.1, Second and third, on the provision of an escort to protect the beneficiary of the Agreement:

31. On May 4, 2015, the State reported that, in accordance with the Law for the Protection of Human Rights Defenders and Journalists, on December 20, 2013, consent was obtained from Ms. Maria Nicolasa García Reynoso for her to be incorporated into the Mechanism for the Protection of Human Rights Defenders and Journalists and contact was established for a risk assessment. The State likewise reported that on December 23, 2013, the beneficiary was granted protection measures that include a) an alarm button; b) installation and operation of a video intercom with electromagnetic lock in her home; c) installation and operation of an alarm system with an alert module for her cell phone; d) a request had been made to restore the escort service for the beneficiary, which had been provided before but was then withdrawn. Ms. García Reynoso concurred with the State's observations, adding that on December 19, 2013, the escort service had been withdrawn without first notifying the Secretariat of the Governance and that it had been restored on July 19, 2014. She said that she now had a full time escort and that the security protocols that have protected her life are activated every day. Ms. García Reynoso pointed out that the alarm button battery was running low and that she was expecting a response from the State.

32. On August 2, 2016, the State pointed out that on October 30, 2015, during the Nineteenth Regular Session of the Governing Board of the Mechanism, an updated risk assessment had been submitted, based on which the Governing Board had determined, in Agreement JG/ORD/352/2015, that a very high level of risk existed and established a protection plan for the beneficiary that included: a) digital closed circuit television; b) five digital channel surveillance cameras; c) an acoustic alarm system with an alert module for a cellphone via text message or voice mail; d) three door and window sensors; e) a wireless sensor for detecting movements inside the house; f) a video intercom with electromagnetic lock; g) a high security drill-proof door lock; h) four electrically installed lighting reflectors with reflector channels; i) a new alarm button with leasing of the line and cellphone, with an immediate response location app. On April 25, 2017, at the meeting facilitated by the IACHR, Ms. García Reynoso acknowledged the progress made with respect to the implementation of protection measures on her behalf; and she reiterated the importance of continuing to provide her with said protection.

33. Bearing in mind the aforementioned factors, the Commission considers that there is full compliance with the second clause in point VIII.2.1, since Ms. Maria Nicolasa García Reynoso has been provided with an escort and other protection measures, on a temporary basis while progress is made with implementing the definitive measures established in the third clause of point VIII.2.1. Under that clause, following a risk assessment, the State was to include the beneficiary of the Agreement in the Mechanism established in the Law on Protection of Human Rights Defenders and Journalists. At the same time, in relation to this last point, the IACHR that there is a substantial level of partial fulfillment, given the actions described regarding assessment, protection against risk, and protection measures thus far provided for human rights defender García Reynoso. Given the ongoing nature of the measure established in the third clause of point VIII.2.1, the Commission will continue to monitor its implementation.

34. On the above-mentioned grounds, the Commission considers that Clause VIII.1 on compensation for damages and the second clause in point VIII.2.1 have been fully complied with. Likewise the IACHR considers that clauses VIII.2.1, First, on investigation and Third on protection have been partially fulfilled. It therefore concludes that compliance with the friendly settlement agreement has been partial.

VIII. CONCLUSIONS

1. Based on the foregoing and in keeping with the procedure provided for in Articles 48(1)(f) and 49 of the American Convention, the Commission would like to reiterate its profound appreciation of the efforts made by the Parties and its satisfaction that a friendly settlement has been arrived at in the present case on the basis of respect for human rights and consistent with the object and purpose of the American Convention.

2. Based on the considerations and conclusions contained in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECIDES:

1. To approve the terms of the agreement that the Parties signed on October 10, 2012.
2. To continue supervising compliance by the Mexican State with the commitments established in the first and third clauses in point VIII.2.1. To that end, to remind the Parties of their commitment to periodically inform the IACHR regarding compliance therewith.
3. To make the present report public and include it in its Annual Report to the General Assembly of the OAS.

Done and signed in the city of Lima, Peru, on the 7th day of the month of July, 2017. (Signed): Francisco José Eguiguren, President; Margarette May Macaulay, First Vice President; Esmeralda E. Arosemena Bernal de Troitiño, Second Vice President; Luis Ernesto Vargas Silva, Commissioner.