

# Fernández Ortega v. Mexico

## ABSTRACT<sup>1</sup>

*On March 22, 2002, Ms. Inés Fernández Ortega, a woman from an indigenous community in Guerrero, Mexico, was raped and tortured by military personnel. The State failed to undertake proper due diligence on the investigation and punishment of the perpetrators of these crimes. This case also dealt with the use of the military justice system to investigate and prosecute human rights violations, and the difficulties encountered by indigenous people, indigenous women in particular, to obtain access to justice. The Court found that the State violated the American Convention on Human Rights, the American Convention on the Prevention, Punishment and Eradication of Violence Against Women and the American Convention to Prevent and Punish Torture.*

## I. FACTS

### A. Chronology of Events

**March 22, 2002:** Inés Fernández Ortega is a twenty-seven year old indigenous Me'phaa woman, wife, and mother of four children.<sup>2</sup> At approximately 3:00 pm, while Ms. Fernández Ortega is home with her children, eleven members of the Mexican national army appear at her home in Barranca Tecoani, in the state of Guerrero. The soldiers allege that her husband has stolen meat, and demand to know where he is.<sup>3</sup> When Ms. Fernández Ortega replies that she does not know, three soldiers enter her home, throw Ms. Fernández Ortega on the floor, lift up her skirt and undergarments, and rape her.<sup>4</sup> As the three soldiers sexually abuse her, Ms. Fernández Ortega sees an insignia indicating

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1. Heather Hassan, Author; Elise Cossart-Daly, Grace Kim, and Sascha Meisel, Editors; Sarah Frost, Chief Articles Editor; Cesare Romano, Faculty Advisor.

2. Fernández Ortega et al. v. Mexico, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.580 (May 7, 2009) ¶¶ 44, 55.

3. *Id.* ¶ 56.

4. *Id.*

that the soldiers belonged to the forty-first infantry battalion.<sup>5</sup>

**March 24, 2002:** Ms. Fernández Ortega is taken to the hospital.<sup>6</sup> She requests that a female doctor examine her.<sup>7</sup> No female personnel are available, so Ms. Fernández Ortega returns the next day to be examined by Dr. Griselda Radilla López.<sup>8</sup> Ms. Ortega, along with her counsel and an interpreter, report this incident to the authorities.<sup>9</sup>

**July 9, 2002:** A forensic report made by the forensic chemistry expert of the General Directorate of Expert Services of the office of the Attorney General of Guerrero indicates that test results revealed the presence of seminal fluid in Ms. Fernández Ortega's vaginal cavity.<sup>10</sup>

**August 16, 2002:** The forensic chemistry expert of the General Directorate of Expert Services of the Office of the Attorney General of Guerrero informs the Military Prosecution Service that the samples of sperm obtained from Ms. Fernández Ortega are no longer available in the biological archive due to exhaustion in the analysis procedure.<sup>11</sup>

**May 17, 2002:** The State Attorney General's Office declines jurisdiction in the investigation of Ms. Fernández Ortega's rape and forwards the case to the Military Prosecution Service.<sup>12</sup> Ms. Fernández Ortega requests that the case not be tried under military jurisdiction because she is a civilian, and argues that it would be unconstitutional to try the case under military law.<sup>13</sup>

**March 17, 2003:** The Military Prosecution Service informs Ms. Fernández Ortega that her request for the case not to be tried under military jurisdiction is denied.<sup>14</sup> In response, she files for *amparo* constitutional relief, claiming that the military justice system lacked impartiality and independence to try to case.

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5. *Id.* ¶ 57.

6. *Id.* ¶ 60.

7. *Id.*

8. *Id.* ¶ 61.

9. *Id.* ¶ 55.

10. *Id.* ¶ 62.

11. *Id.* ¶ 63.

12. *Id.* ¶ 64.

13. *Id.* ¶ 65.

14. *Id.* ¶ 66.

**September 3, 2003:** The First District Court of Chilpancingo rules the case inadmissible because her complaint lacks a basis for *amparo* relief under Article 10 of the Amparo Law.<sup>15</sup> Ms. Fernández Ortega immediately files an appeal.<sup>16</sup>

**November 27, 2003:** The Second Collegiate Circuit court also denies her request.<sup>17</sup>

**January 16, 2007:** An agent of the Public Prosecution Service reopens preliminary inquiry of Ms. Fernández Ortega's case.<sup>18</sup>

*B. Other Relevant Facts*

[None]

II. PROCEDURAL HISTORY

*A. Before the Commission*

**June 14, 2004:** Ms. Fernández Ortega, the Indigenous Organization of the Tlapanec People (*Organización Indígena de Pueblos Tlapanecos A.C.*), and Tlachinollan Human Rights Center of the Mountain (*El Centro de Derechos Humanos de la Montaña 'Tlachinollan' A.C.*) file a petition to the Inter-American Commission on Human Rights.<sup>19</sup>

**October 21, 2006:** The Commission issues Admissibility Report No. 94/06, which gives the State two extra months to report back with implementations of the Commission's recommendations.<sup>20</sup>

**October 30, 2008:** The Commission approves Report on Merits No. 89/08.<sup>21</sup>

**April 20, 2009:** The State presents a report alleging that it has complied

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15. *Id.*

16. *Id.* ¶ 67.

17. *Id.*

18. *Id.* ¶ 68.

19. Fernández Ortega et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 215 ¶ 2 (Aug. 30, 2010).

20. *Id.* ¶ 1.

21. *Id.*

with all of the Commission's recommendations.<sup>22</sup> However, the Commission finds that the State did not comply with its recommendations and submits the case to the Court.<sup>23</sup>

*B. Before the Court*

**May 7, 2009:** The Commission submits the case to the Court after the State failed to adopt its recommendations.<sup>24</sup>

1. Violations Alleged by Commission<sup>25</sup>

Article 5 (Right to Humane Treatment)

Article 8 (Right to a Fair Trial)

Article 11 (Right to Privacy)

Article 25 (Right to Judicial Protection)

*all in relation to:*

Article 1(1) (Obligation to Respect Rights) of the American Convention.

Article 7 (Duty to Prevent, Punish and Eradicate Violence Against Women) of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.

Article 1 (Obligation to Prevent and Punish Torture)

Article 6 (Obligation to Take Effective Measures)

Article 8 (Obligation to Investigate) of the Inter-American Convention to Prevent and Punish Torture.

2. Violations Alleged by Representatives of the Victims<sup>26</sup>

Same Violations Alleged by Commission, plus:

Article 2 (Domestic Legal Effects)

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22. *Id.*

23. *Id.*

24. *Id.*

25. *Id.* ¶ 3.

26. *Id.* ¶ 4. The Indigenous Organization of the Tlapanec People (*Organización Indígena de Pueblos Tlapanecos A.C.*), Human Rights Center of the Tlachinollan Mountain (*El Centro de Derechos Humanos de la Montaña 'Tlachinollan' A.C.*), and the Center for Justice and International Law ("CEJIL") served as representatives of Ms. Ortega, her children, husband, mother, and brothers.

Article 16 (Freedom of Association)  
Article 24 (Right to Equal Protection) of the American Convention.

**July 30, 2009:** The State appoints Alejandro Carlos Espinosa as Judge *Ad Hoc*.<sup>27</sup>

**April 15, 2010:** A total of eight amicus curie briefs are submitted to the Court by students of the Graduate Studies Department of the Law School of the National Autonomous University of Mexico (*Universidad Autónoma de México*; “UNAM”), the Public Interest Clinic of the Center for Research and Teaching in Economics (*Centro de Investigación y Docencia Económicas de la Ciudad de México*; “CIDE”) and Women’s Link Worldwide of Bogotá, Colombia, the Argentine Forensic Anthropology Team (“EAAF”), the Center for Human Rights Studies of the Law School of the University of San Martín de Porres, Founder, Center of Analysis and Research A.C. (*Universidad de San Martín de Porres, Fundar, Centro de Análisis e Investigación A.C.*) which submitted two briefs, the Miguel Agustín Pro Juárez A.C. Human Rights Center and a law professor and students of the Strategic Litigation and Human Rights course of the Autonomous Technological Institute of Mexico (*Instituto Tecnológico Autónomo de México*; “ITAM”).<sup>28</sup>

### III. MERITS

#### A. *Composition of the Court*

Diego García Sayán, President  
Leonardo A. Franco, Vice President  
Manuel E. Ventura Robles, Judge  
Margarette May Macaulay, Judge  
Rhadys Abreu Blondet, Judge  
Alberto Pérez Pérez, Judge  
Eduardo Vio Grossi, Judge  
Alejandro Carlos Espinosa, Judge *ad hoc*

Pablo Saavedra Alessandri, Secretary  
Emilia Segares Rodríguez, Deputy Secretary

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27. *Id.* ¶ 7, n. 5.

28. *Id.* ¶¶ 8, 9.

*B. Decision on the Merits*

**August 30, 2010:** The Court issues its Judgment on Preliminary Objections, Merits, Reparations, and Costs.<sup>29</sup>

The Court found unanimously that Mexico had violated:

Article 5 (Right to Humane Treatment) and Article 11 (Right to Privacy) in relation to Article 1(1) (Obligation to Respect Rights) of the Convention; Articles 1 (Obligation to Prevent and Punish Torture), 6 (Obligation to Take Effective Measures), and 8 (Obligation to Investigate) of the Inter-American Convention to Prevent and Punish Torture; and Article 7 (Duty to Prevent, Punish and Eradicate Violence against Women) of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women to the detriment of Ms. Fernández Ortega,<sup>30</sup> because:

*The Court found that Ms. Fernández Ortega was a victim of sexual violence committed by State agents and examined whether Ms. Fernández Ortega's case could be categorized as a crime of torture by looking at whether the mistreatment was intentional, caused severe mental or physical suffering, and was committed with a purpose or objective.*<sup>31</sup>

*The Court found that the act of rape was intentionally committed against Ms. Ortega,<sup>32</sup> that she was subject to physical control and sexual violence which caused her serious psychological and moral suffering,<sup>33</sup> and that the rape was committed for the purpose of obtaining information from Ms. Fernández Ortega and punishing, controlling, humiliating, intimidating, and degrading her.<sup>34</sup> The Court also established that Ms. Fernández Ortega's rape seriously violated numerous aspects of her private life such as developing relationships*

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29. *Id.*

30. *Id.* "Declares" ¶ 3.

31. *Id.* ¶¶ 117-120.

32. *Id.* ¶ 121.

33. *Id.* ¶ 125.

34. Fernández Ortega et al. v. Mexico, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.580 ¶ 127 (May 7, 2009).

with others and her sexual life.<sup>35</sup>

*Based on all of these facts, the Court concluded that the State violated Ms. Fernández Ortega's Article 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition on Torture or Cruel, Inhuman, or Degrading Treatment), 11(1) (Right to Honor and Dignity), and 11(2) (Protection of Honor and Dignity) rights.<sup>36</sup>*

Article 5 (Right to Humane Treatment) and Article 11 (Right to Privacy and Honor) in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Ms. Fernández Ortega's next of kin,<sup>37</sup> because:

*The Court looked at the pain and suffering incurred by Ms. Fernández Ortega's husband and children so to decide whether their right to physiological and moral integrity was violated.<sup>38</sup> Although the Court did not find that there were damages relating to the reputation of Ms. Fernández Ortega's husband, it acknowledges that he suffered from fear, anger, and distrust of the justice system.<sup>39</sup> With regard to Ms. Fernández Ortega's children however, the Court acknowledged the psychological torture they experienced seeing their mother raped in their own home, the fear of their mother being tortured and killed in front of them, the fear of being alone, and distrust that this horrifying experience has instilled in them.<sup>40</sup> In addition, the Court recognized that one of Ms. Fernández Ortega's daughters testified to the events that happened to her mother numerous times, traumatizing her all the more.<sup>41</sup> Accordingly, the Court concluded that the State violated Ms. Fernández Ortega's children and husband's Article 5(1) (Right to Physical, Mental, and Moral Integrity) and 11(2) (Protection of Honor and Dignity) rights.<sup>42</sup>*

Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection) in relation to Article 1(1) (Obligation to Respect Rights) of

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35. Fernández Ortega et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 129.

36. *Id.* ¶ 131.

37. *Id.* "Declares" ¶ 4.

38. *Id.* ¶ 143.

39. *Id.* ¶ 144.

40. *Id.* ¶¶ 145-146.

41. *Id.* ¶ 147.

42. *Id.* ¶¶ 149, 159.

the Convention, to the detriment of Ms. Fernández Ortega,<sup>43</sup> because:

*Here, the Court established that Ms. Fernández Ortega's rape, although committed by military personnel, did not bear any relationship to military discipline or mission.<sup>44</sup> Therefore when the State tried Ms. Fernández Ortega's case under military jurisdiction, the State acted contrary to its obligation to respect human rights and contrary to acting in an unrestrictive and effective manner.<sup>45</sup> The Court also found that Article 57 of the State's Code of Military Justice is incompatible with the American Convention in that it bars a victim of sexual assault, such as Ms. Fernández Ortega, from any sort of relief, violating fundamental human rights.<sup>46</sup> With that, the Court found that the State violated Ms. Fernández Ortega's Article 8(1) (Right to a Hearing Within Reasonable Time by Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court) rights.<sup>47</sup>*

### C. Dissenting and Concurring Opinions

#### 1. Concurring Opinion of Alejandro Carlos Espinosa, Judge *ad hoc*

In his concurring opinion, Judge Espinosa expresses his agreement with the Court's order to reform Article 57(II)(a) of the Code of Military Justice, but also adds in that he also thinks the State should be ordered to reform subsections b, c, d, and e so that they comply with international human rights norms.<sup>48</sup> Judge Espinosa also asserted that the State must ensure that Ms. Fernández Ortega receives all necessary psychological care, and that the State should minimize the interaction between the military and civilians to reduce the likelihood that the State military will commit additional human rights violations.<sup>49</sup> Furthermore, the State should seize this opportunity to reform their military judicial system.<sup>50</sup>

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43. *Id.* "Declares" ¶ 7.

44. *Id.* ¶ 177.

45. *Id.*

46. *Id.* ¶¶ 178, 179, 182, 183.

47. *Id.* ¶ 177.

48. Fernández Ortega et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, Separate Concurring Opinion of Judge Alejandro Carlos Espinosa, Inter-Am. Ct. of H.R. (Ser. C) No. 215 ¶ 3 (Aug. 30, 2010).

49. *Id.* ¶¶ 8, 9.

50. *Id.* ¶ 10.



## IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. *Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)*

1. Investigate and Punish Those Responsible

The Court noted the State's partial acceptance of responsibility with regards to Ms. Fernández Ortega's rape.<sup>51</sup> Nonetheless, the Court concluded that the State failed to conduct an investigation under the proper jurisdiction or with due diligence, and ordered the State to conduct an efficient criminal investigation to punish those responsible for Ms. Fernández Ortega's rape within its ordinary jurisdiction, regardless of whether or not members of the Armed Forces are charged.<sup>52</sup> The Court also orders the State to look into the issue of why the Public Prosecutor's Office delayed the filing of Ms. Fernández Ortega's complaint and caused complications in her case.<sup>53</sup>

Furthermore, the Court emphasized that the State must provide Ms. Fernández Ortega with a translator and allow her to fully participate, have full access, and capacity to act at all stages of the proceedings.<sup>54</sup> Upon Ms. Fernández Ortega's consent, the Court ordered that the results of the proceedings be disseminated so that the Mexican people can learn the truth about what happened.<sup>55</sup>

2. Adapt Domestic Law to International Standards of Justice

The court ordered the State to reform Article 57 of the Military Code of Justice so that in cases where there are human rights violations involving members of the Mexican Armed Forces, the military justice system may not hear the case, whether or not the members of the Mexican Armed Forces were in active service when the violation was

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51. Fernández Ortega et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, ¶ 228.

52. *Id.* ¶¶ 228, 229, 239, 240.

53. *Id.* ¶ 231.

54. *Id.* ¶ 230.

55. *Id.*

committed.<sup>56</sup>

### 3. Publically Acknowledge Responsibility

While the Court acknowledged and commended the State for accepting partial responsibility for this incident, the Court ordered the State to formally and publicly accept international responsibility for this incident.<sup>57</sup> The Court ordered the State to conduct a public ceremony, held in Spanish and the Me'paa languages, in the presence of senior authorities of the state of Guerrero and the State.<sup>58</sup> The Court also ordered the State to organize and plan when, where, and how the ceremony will take place with Ms. Fernández Ortega and her representatives, and if Ms. Fernández Ortega gives her consent, the Court ordered the State to broadcast the ceremony by the radio station of the state of Guerrero.<sup>59</sup> The State must also reference the precise human rights violated.<sup>60</sup>

### 4. Publish the Judgment

The State must publish once, in Spanish in the Official Gazette, specific sections of the Court's decision.<sup>61</sup> Furthermore, with Ms. Fernández Ortega's consent, the State must publish the Court's official summary in Spanish in a newspaper with widespread national circulation, and in Spanish and Me'paa in a newspaper with widespread circulation in the state of Guerrero.<sup>62</sup> The State must also publish the entire judgment of the Court along with the Me'paa translation on the website of the federal State and the state of Guerrero, to be available for at least one year, and broadcast the official summary in Spanish and Me'paa on a radio station with coverage in Barranca Tecoani.<sup>63</sup>

### 5. Provide Medical and Psychological Care

The Court ordered the State to provide, for as long as necessary,

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56. *Id.* ¶¶ 234, 235.

57. *Id.* ¶ 244.

58. *Id.*

59. *Id.*

60. *Id.*

61. *Id.* ¶ 247.

62. *Id.*

63. *Id.*

free medical and psychological assistance to Ms. Fernández Ortega, her husband, and her children, including the provision of medication, interpreters, transportation, and any other directly related and necessary costs.<sup>64</sup> The Court ordered State personnel to provide this treatment at an institution that tends to victims of violence and rape, at the closest location to the victims.<sup>65</sup> If the State does not have such institutions, the Court ordered the State to provide the victims with necessary private or civil institutions.<sup>66</sup>

#### 6. Train Officials in Human Rights

The Court ordered the State to continue implementing culturally sensitive training programs and courses for officials within the Public Prosecutor's Office, the judicial branch, the police, and the health sector which deal with the diligent investigation of cases of sexual abuse of women.<sup>67</sup> The Court also ordered that the State develop a permanent training program for all ranks of the Armed Forces on the limits of interaction between members of the Armed Forces and civilians, human rights, indigenous rights, and women's rights.<sup>68</sup>

#### 7. Award Scholarships

The Court ordered the State to provide all of Ms. Fernández Ortega's children with educational scholarships until the completion of each child's higher education, as Ms. Fernández Ortega's rape has resulted in significant impact to their lives, relations with the community, personal development, and domestic relations.<sup>69</sup>

#### 8. Provide a Center and Education for Barranca Tecoani Women

The Court ordered the State to provide the indigenous community of Barranca Tecoani with the necessary resources to establish a community women's center that offers culturally sensitive educational services on human rights, women's rights, and gender rights.<sup>70</sup> In

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64. *Id.* ¶ 251.

65. *Id.* ¶ 252.

66. *Id.*

67. *Id.* ¶ 260.

68. *Id.* ¶ 262.

69. *Id.* ¶ 264.

70. *Id.* ¶ 267.

addition, the Court ordered that the State provide the necessary transportation, housing, and food for the girls of Barranca Tecoani to go to middle school in the city of Ayutla de los Libres and open a high school in the same community.<sup>71</sup>

### *B. Compensation*

The Court awarded the following amounts:

#### 1. Pecuniary Damages

The Court ordered the State to pay \$5,500 to Ms. Fernández Ortega and her husband for loss of earnings.<sup>72</sup>

#### 2. Non-Pecuniary Damages

The Court ordered the State to pay \$55,000 to Ms. Fernández Ortega for emotional suffering, the denial of justice, alterations to her living conditions, and other consequences of a non-pecuniary nature;<sup>73</sup> \$10,000 to Ms. Fernández Ortega's two eldest daughters for emotional suffering, the denial of justice, alterations to their living conditions, and other consequences of a non-pecuniary nature;<sup>74</sup> \$5,000 to each of Ms. Fernández Ortega's remaining three children for emotional suffering, the denial of justice, alterations to their living conditions, and other consequences of a non-pecuniary nature;<sup>75</sup> \$2,500 to Ms. Fernández Ortega's husband for emotional suffering, the denial of justice, alterations to his living conditions, and other consequences of a non-pecuniary nature.<sup>76</sup>

#### 3. Costs and Expenses

The Court ordered the State to pay \$14,000 to CEJIL for various expenses incurred before the Court such as fees, the collection of evidence, transportation, communications services, and all costs

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71. *Id.* ¶ 270.

72. *Id.* ¶ 286.

73. *Id.* ¶ 293.

74. *Id.*

75. *Id.*

76. *Id.*

incurred for domestic and international forums to present this case.<sup>77</sup>

The Court awarded \$10,000 to Human Rights Center of the Tlachinollan Mountain for various expenses incurred before the Court such as fees, the collection of evidence, transportation, communications services, and all costs incurred for domestic and international forums to present this case.<sup>78</sup>

The Court awarded \$1,000 to Ms. Fernández Ortega for various expenses incurred before the Court such as fees, the collection of evidence, transportation, communications services, and all costs incurred for domestic and international forums to present this case.<sup>79</sup>

4. Total Compensation (including Costs and Expenses ordered):

\$123,000

*C. Deadlines*

The State's obligation to investigate the events of the present case, adaptation of domestic law to the international standards of justice, and training programs for officials and human rights training must be completed within a reasonable time after the notification of the judgment.<sup>80</sup>

The State's public act of acknowledgment of responsibility is to take place within one year after the notification of the judgment.<sup>81</sup> Publication of the judgment is to occur within 6 months after the notification of judgment.<sup>82</sup>

The State must provide medical and psychological assistance and scholarships to the victims are to be requested by the victims within six months of the notification of judgment and must be provided immediately upon the victim's request.<sup>83</sup>

The State must deposit damages in an agreed upon bank account

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77. *Id.* ¶ 299.

78. *Id.*

79. *Id.*

80. *Id.* ¶¶ 228, 229, 260, 262.

81. *Id.* ¶ 244.

82. *Id.* ¶ 247.

83. *Id.* ¶¶ 252, 264.

within one year of notification of judgment.<sup>84</sup> The State must deposit money for Ms. Fernández Ortega's children into an account at a solvent Mexican institution with the most favorable financial conditions that the law and banking practices allow.<sup>85</sup> Such funds can be withdrawn by the child once they are no longer minors, or when it is in the best interest of the child to do so.<sup>86</sup>

#### V. INTERPRETATION AND REVISION OF JUDGMENT

**December 29, 2010:** The State submitted a request to the Court to determine whether the Court's assumption that soldiers had raped Ms. Fernández Ortega, constituted prejudgment, and whether the involvement of military jurisdiction constituted prejudgment.<sup>87</sup> On May 15, 2011, the Court rejected the State's request for interpretation of the judgment, and reiterated that the Court was clear in its judgment as to exactly what the State was responsible for and the consequences therefore.<sup>88</sup>

#### VI. COMPLIANCE AND FOLLOW-UP

**November 25, 2010:** Ms. Fernández Ortega gave her consent for publication of the results of the investigations and proceedings and the broadcast of the State's acknowledgment of international responsibility.<sup>89</sup> She did not consent to the publication of the official summary of the Court in a widespread nationally circulated newspaper in Spanish or a newspaper in the state of Guerrero in Me'paa; or to publication of the judgment on the federal website or the website of the state of Guerrero; or to a broadcast of the official summary on a radio station with coverage in Barranca Teroani.<sup>90</sup> The Court found that the State complied with its reparations and ordered the State to continue complying.<sup>91</sup>

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84. *Id.* ¶¶ 300, 302.

85. *Id.* ¶ 301.

86. *Id.*

87. Fernández Ortega et al. v. Mexico, Interpretation of Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) ¶ 2 (Aug. 30, 2010).

88. *Id.* ¶ 37(1).

89. Fernández Ortega et al. v. Mexico, Monitoring Compliance with Judgment, Inter-Am. Ct. H.R. ¶¶ 1, 2 (Nov. 25, 2010).

90. *Id.*

91. *Id.* ¶¶ 1-4.

## VII. LIST OF DOCUMENTS

A. *Inter-American Court*

## 1. Preliminary Objections

[Fernández Ortega et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 215 \(Aug. 30, 2010\).](#)

## 2. Decisions on Merits, Reparations, and Costs

[Fernández Ortega et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 215 \(Aug. 30, 2010\).](#)

[Fernández Ortega et al. v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, Concurring Opinion of Judge Alejandro Carlos Espinosa, Inter-Am. Ct. H.R. \(ser. C\), No 215 \(Aug. 30, 2010\).](#)

## 3. Provisional Measures

[Fernández Ortega et al. v. Mexico, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Feb. 20, 2012\).](#)

[Fernández Ortega et al. v. Mexico, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(May 31, 2011\).](#)

[Fernández Ortega et al. v. Mexico, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Nov. 23, 2010\) \(Available only in Spanish\).](#)

[Fernández Ortega et al. v. Mexico, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Dec. 23, 2009\) \(Available only in Spanish\).](#)

[Fernández Ortega et al. v. Mexico, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Apr. 30, 2009\).](#)

[Fernández Ortega et al. v. Mexico, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Apr. 9, 2009\).](#)

[\(Available only in Spanish\).](#)

4. Compliance Monitoring

[Fernández Ortega et al. v. Mexico, Monitoring Compliance with Judgment, Inter-Am. Ct. H.R. \(Nov. 25, 2010\).](#)

5. Review and Interpretation of Judgment

[Fernández Ortega et al. v. Mexico, Interpretation of Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 215 \(May 15, 2011\).](#)

A. *Inter-American Commission*

1. Petition to the Commission

[None]

2. Report on Admissibility

[Fernández Ortega et al. v. Mexico, Admissibility Report, Report No. 94/06, Inter-Am. Comm'n H.R., Case No. 12.580 \(Oct. 21, 2006\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[None]

5. Application to the Court

[Fernández Ortega et al. v. Mexico, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.580 \(May 7, 2009\).](#)

VIII. BIBLIOGRAPHY



Santiago A. Cantón, *Inés Fernández and Valentina Rosendo: Justice is Pending*, ROBERT F. KENNEDY CENTER FOR JUST. & HUM. RTS. (Oct. 3, 2012), <http://rfkcenter.org/ines-fernandez-and-valentina-rosendo-justice-is-pending-4?lang=en>.

*México: Inés Fernández y Otros*, CENTER FOR JUST. & INT'L LAW, <https://cejil.org/casos/ines-fernandez> (last visited Mar. 21, 2014).

Laura Reyes Maciel, *La Travesía de Inés Fernández para Conseguir una Disculpa del Gobierno [Inés Fernández's Journey to get the Government to Apologize]*, CNN MÉXICO (Mar. 7, 2012), <http://mexico.cnn.com/nacional/2012/03/07/la-travesia-de-ines-fernandez-para-conseguir-una-disculpa-del-gobierno>.