

Press Release

Inter-American Court of Human Rights

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MEXICO IS RESPONSIBLE FOR SEXUAL TORTURE OF WOMEN IN ATENCO

San Jose, Costa Rica, December 21, 2018. - In the judgment published today in the case of *Women Victims of Sexual Torture in Atenco v. Mexico*¹, the Inter-American Court of Human Rights (hereinafter, "the Court") declared that the United Mexican States are responsible for the acts of sexual violence, rape and torture suffered by Yolanda Muñoz Diosdada, Norma Aidé Jiménez Osorio, María Patricia Romero Hernández, Mariana Selvas Gómez, Georgina Edith Rosales Gutiérrez, Ana María Velasco Rodríguez, Suhelen Gabriela Cuevas Jaramillo, Bárbara Italia Méndez Moreno, María Cristina Sánchez Hernández, Angélica Patricia Torres Linares and Claudia Hernández Martínez during the time of their detention and their transfer to the "Santiaguito" penitentiary ("CEPRESO") on May 3 and 4 2006². The official summary of the judgment can be found [here](#) and the entire text of the judgment [here](#) (in Spanish).

The facts of the case relate to the police operations that were carried out by the municipal police of Texcoco and San Salvador Atenco, the local police of the State of Mexico and the Federal Preventive Police in the municipalities of San Salvador Atenco, Texcoco and in the road Texcoco-Lechería with the purpose of repressing demonstrations that were taking place on May 3 and 4, 2006. In the framework of these police operations the 11 women of the present case were arrested. During their detention and while they were being transferred to the "Santiaguito" penitentiary they were subject to numerous methods of violence, including rape in the case of seven victims. Later, several victims were subject to degrading treatment by the doctors who attended them once they had arrived at the penitentiary center and refused to carry out medical checks, gynecological exams and report or register the acts of sexual violence. Several criminal proceedings were initiated in order to investigate the facts reported by the women victims of this case, yet they have not concluded, except for one of the proceedings which ended in the acquittal of the accused.

Within the framework of the proceedings before the Court, Mexico acknowledged their international responsibility for the physical, psychological and sexual violence –including the acts of torture– suffered by the 11 women of this case, as well as for the deprivation of liberty, lack of information as to the reasons of their detention and lack of adequate legal defense. Additionally, the State acknowledged their international responsibility for the lack of adequate medical assistance and the consequences on their health; the violation of the judicial guarantees, equality before the law and the duty to investigate acts of torture and acts of violence against women.

The Court concluded that the acts of the security forces when carrying out the operations on 3 and 4 May, 2006 were characterized by the use of force in an indiscriminate and excessive way against any person who was thought to be part of the demonstrations. It observed that the 11 women victims of the case, in accordance with the information provided, were either engaging in peaceful practices or seeking to protect their integrity when they were detained. Thus, the use of force on the part of the police authorities at the time they were detained was neither

¹ This case was processed before the Inter-American Commission on Human Rights, and also during the proceedings on the contentious case before the Court, as *Selvas Gómez et al. v. Mexico*. By a decision of the Court this Judgment is issued under the name of *Case of Women Victims of Sexual Torture in Atenco v. Mexico*.

² This case was brought by the Inter-American Commission of Human Rights before the Court on September 17, 2016.

legitimate nor necessary, and it was excessive and unacceptable because of the sexual and discriminatory nature of the aggressions suffered by the victims.

Additionally, the Court determined that: (i) the 11 women were subject to sexual violence, through verbal and physical aggressions with sexual connotations or reference; (ii) 7 women were also victims of rape, which included penetration with a body part of the police officers or an object and (iii) all the victims were subject to torture for the acts of abuse and aggressions suffered, including but not limiting to rape, in view of the intention and severity of the suffering infringed, and of the purpose of the police officers to humiliate and punish them.

Furthermore, the Court found that (i) the acts of torture were used in this case as a method of social control, which increased the gravity of the violations committed; (ii) the victims were subject to several forms of verbal and psychological violence which were heavily stereotyped and discriminatory, and (iii) the way the doctors treated them at the penitentiary center represented an additional element of cruel and degrading treatment. Finally, the Court considered that the acts of sexual violence and torture committed against the victims were also discriminatory on gender grounds.

Moreover, the Court concluded that the initial detentions of the 11 women victims of this case were illegal and arbitrary, and that the pre-trial detention of the victims was arbitrary, as it did not pursue a legitimate aim.

As regards the judicial investigations in relation to the acts of torture, violence and rape as reported by the victims of this case, the Court noted that the investigations were not carried out by the State with the required due diligence and gender perspective. Also, they limited themselves to investigate the participation of local agents, when there were signs indicating that federal agents had also participated in the events. Additionally, the Court observed that no investigations were carried out as regards all the possible forms of individual responsibility for the acts of torture committed against the victims, including command responsibility, even though there was evidence in this regard. Finally, the Court considered that, as a direct consequence of the 11 women's deprivation of liberty and sexual torture, the victims' family members suffered deep distress and anguish detrimental to their physical and moral integrity.

In view of these violations, the Court ordered several measures of reparation, *inter alia*: the obligation to initiate and continue with wide, systematic and thorough investigations including gender perspective and, if appropriate, punish all the persons responsible for the violence and sexual torture suffered by the 11 women of this case; to provide immediate and free medical, psychological or psychiatric treatment, as appropriate, to the victims of this case if they so wish to; to organize a public act acknowledging the international responsibility of the State and issue a public apology; to implement training programs for members of the Federal Police and the State of Mexico; to implement a monitoring and control mechanism to measure and assess the effectiveness of the public policies and institutions which currently exist in charge of the accountability and monitoring of the use of force, and develop a strengthening plan of the Mechanism Monitoring Cases of Torture committed against Women. Additionally, the Court ordered the State to pay several sums for material and immaterial damage, legal costs, as well as the reimbursement of the costs to the Victims' Legal Assistance Fund.

The Court's composition for the sentence included the following: Judge Eduardo Vio Grossi, acting President (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Judge Elizabeth Odio Benito (Costa Rica); Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Patricio Pazmiño Freire (Ecuador). Judge Eduardo Ferrer Mac-Gregor Poisot did not participate in the deliberation and adoption of this judgment, in accordance with Article 19.1 of the Rules of the Court.

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Avenida 10, Calles 45 y 47 Los Yoses, San Pedro, San José, Costa Rica.



 (506) 2527 - 1600

 (506) 2280 - 5074



Apdo. 6906 - 1000
San José, Costa Rica



corteidh@corteidh.or.cr



www.corteidh.or.cr

