



## Press Release

### **Mexico questions testimony and the participation of soldiers in the rape and torture of two indigenous women despite the Inter-American Court's sentences**

The Organisation of Indigenous Me'phaa Peoples (OPIM), the Tlachinollan Human Rights Centre and the Centre for International Justice and Law (CEJIL), representatives of Valentina Rosendo Cantú and Inés Fernández Ortega, present to the Inter-American Court of Human Rights (IACtHR) their arguments regarding the request presented by the Mexican government for an interpretation of the sentences.

On 29 December 2010, Mexico presented to the IACtHR two requests for interpretation of the sentences issued on 30 and 31 August 2010 in favour of Inés Fernández Ortega and Valentina Rosendo Cantú. According to the government, the requests are based on article 67 of the American Convention on Human Rights, which establishes that "In case of disagreement with the meaning or scope of the ruling, the Court will interpret it on request of any of the parties, as long as the request is presented within 90 days of the date of the ruling."

In a press release issued on 7 January 2011, the Interior Ministry wrote: "The government of Mexico emphatically states that these requests for interpretation are not in any way a denial or questioning of the operative paragraphs of the sentences, nor are they attempts to modify the terms of the Inter-American Court's rulings."

However, the document presented by the government questions the participation of soldiers in the facts of the case. It is therefore meant to be used as a challenge to the respective sentences, which held Mexico responsible for the rape and torture of Valentina Rosendo and Inés Fernández at the hands of members of the Mexican army, as well as for the inadequate investigation of the cases and for the use of military justice, among other transgressions of the American Convention on Human Rights and other international norms.

In its request, the Mexican government questions the Court's ruling, claiming – as it did during the hearing – that the involvement of soldiers in the attacks had not been proven. The documents presented by the government state that it is the responsibility of the ministerial and judicial authorities to establish the facts and even indicate that those identified as responsible may escape prosecution. This is in contradiction with article 27 of the Vienna Convention on the Law of Treaties, which establishes that "One party may not invoke the provisions of its internal law as justification for its failure to perform a treaty."

The requests presented also question the word of Inés Fernández and Valentina Rosendo and the very sentences of the IACtHR, which indicate that all the evidence exists to affirm that the events occurred and that members of the army were responsible.

As organisations representing Valentina Rosendo and Inés Fernández, we ask the Inter-American Court to reject the government's requests for interpretation, and declare them inadmissible, given that they constitute a challenge to the Court, and not a consultation. The Court has also been asked to reiterate Mexico's obligation to fully comply with the ruling.

It should be remembered that the sentences – which, according to the American Convention, are definitive and final – ordered Mexico to conduct the investigations into the facts of the cases within the civil justice system, with the purpose of criminally sanctioning those responsible for the attacks against the two Me'phaa women in Mexico's Guerrero State in 2002. To date, both investigations continue to be under the Attorney General for Military Justice, which clearly indicates a reticence to fully comply with the rulings, resulting in the preservation of the impunity enjoyed by the soldiers responsible.

On the other hand, it is important to highlight that the presentation of the requests for interpretation are in addition to the absence – in the last four months – of effective actions towards fulfilling the sentences, demonstrating the zero commitment of the government to comply with its international obligations.

The organisations representing Inés and Valentina ask the Mexican authorities to comply quickly with the Inter-American Court's sentences. In particular, they highlight the necessity to make immediate progress, in the civil justice sphere, in the respective criminal cases against all those responsible for the attacks against Valentina Rosendo Cantú and Inés Fernández Ortega. As the Court stated in its rulings, these investigations must be conducted with a gender perspective, and adapted to the cultural identity of the victims, guaranteeing full access of their representatives to all hearings and without exposing Ms Rosendo or Ms Fernández to further risk. The disrespect of the Court's ruling implies a refusal to allow the victims access to justice, truth or compensation.

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