

TECHNICAL INFORMATION SHEET
CASE N° 12.660 RICARDO UCÁN SECA
REPORT ON FRIENDLY SETTLEMENT AGREEMENT N° 91/10
TOTAL COMPLIANCE
(MEXICO)

I. SUMMARY OF THE CASE

Victim (s): Ricardo Ucán Seca

Petitioner (s): Ricardo Ucán Seca, *la Organización Indignación Promoción y Defensa de los Derechos Humanos A.C.*, and the National Commission on Human Rights of the State of Yucatán¹

State: Mexico

Admissibility Report No.: 49/08, published on July 24, 2008.

Report on Friendly Settlement Agreement No.: 91/10, published on July 15, 2010.

Related Rapporteurship: Rights of Indigenous Peoples

Topics: Right to equal protection/ judicial guarantees/judicial protection

Facts: The petitioners alleged that at the time of the events, the alleged victim spoke and understood very little Spanish because his native language is Mayan. They reported that on June 5, 2000, while he was working his land as he did every day, land that he had owned for many years – and because of which he had disputes with his sister – Mr. Ucán Seca found his nephew, Víctor Manuel Chay Ucán, and Bernardino Chan Ek sowing corn. When he saw them, Ucán Seca asked them to leave and then he departed, thinking they would do what they were told. However, when he returned some hours later along with his wife and three of his daughters, Ucán Seca found that they were still working his land. They reported that when Bernardino Chan Ek saw them he pointed at them with his gun. They maintained that given this attitude and motivated by fear that his family would be hurt, Ucán Seca picked up his rifle and, allegedly without intending to do so, shot Chan Ek, leaving him with a wound that caused his death. Later, Ucán Seca, his wife, and three daughters returned home where they waited for the security forces to arrive. They asserted that Mr. Ucán Seca was arrested on the same day by an officer of the State Judicial Police who “slapped” him twice during the procedure. They alleged that, following his arrest, Ucán Seca was held for longer than he should have been before being brought before the Public Prosecutor’s Office. They reported that from that time until they filed their petition with the IACHR, Mr. Ucán Seca continued to be deprived of his liberty. The petitioners alleged that Ricardo Ucán Seca, an indigenous Mayan, was a victim of violations of his basic human rights during a criminal process conducted against him, because he was not assisted by an interpreter so that he could express himself in his own language and because he did not have an effective public defender.

Rights Declared Admissible: The Commission declared the petition admissible with respect to the alleged violations of the rights protected in Articles 8.2 (right to a fair trial) and 25 (right to judicial protection) of the American Convention, in relation to Article 1.1 of the same international instrument; in addition, applying the principle of *iure novit curia*, it also declared the petition admissible in regard to an alleged violation of Article 24 (right to equal protection) of the

¹ On June 19, 2006, the petitioners joined as co-petitioners the National Network of Civil Human Rights Organs Todos los Derechos para Todos y Todas.

Convention, in relation to Article 1.1 of the said treaty, and declared it inadmissible in relation to the alleged violation of Article 5 of the Convention.

II. PROCEEDURAL ACTIVITY

1. On December 31, 2009, the parties signed a Friendly Settlement Agreement.
2. On July 15, 2010, the Commission approved a friendly settlement agreement in Report No.91/10.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
TWO:	
The parties indicate their full consent to the commitments for the definitive resolution of case 12.660, as follows:	
a) The Mexican State agrees as of the signing of this agreement to legally consider and, as appropriate, administratively grant the release of Mr. Ricardo Ucán Seca. To this end, the Mexican State, through the Government of Yucatán, shall make the appropriate determinations based on the legal system in that area and with full respect for the judicial independence of the Superior Tribunal of Justice of the State of Yucatán.	Total²
b) The Mexican State shall safeguard any rights to reparation granted to the family members of Bernardino Chan Ek, who lost his life in the events that occurred on July 5, 2000, as stated in the record of Case No. 12.660 before the IACHR.	Total³
c) As a consequence of the above, the Mexican State agrees, through the Government of Yucatán, to process for the benefit of Mr. Ricardo Ucán Seca and his family the social benefits that are applicable based on their socio-economic situation.	Total⁴
d) The authorities of the Government of Yucatán indicate their willingness to analyze the cases similar to this that are submitted for its consideration and are properly documented. This shall be done with full respect for judicial independence and the division of powers; in addition, the rights of the victims or injured parties of the crimes involved shall in all cases be protected.	Total⁵
e) The authorities of the Federal Government and the Government of Yucatán indicate their willingness to continue strengthening access to justice and the effectiveness of human rights on behalf of indigenous communities, as well as to consider the proposals the petitioners refer to them on such topics.	Total⁶
f) The parties shall inform the IACHR periodically regarding progress made in carrying out this friendly settlement agreement. In addition, by mutual agreement, they ask the Commission to prepare the report referred to in Article 49 of the American Convention on Human Rights and to proceed in accordance with that article for purposes of publishing that report.	Total⁷

² See IACHR, Report N° 91/10, Case 12.660, Friendly Settlement, Ricardo Ucán Seca, Mexico, July 15, 2010.

³ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with Recommendations of IACHR, paras. 876-881.

⁴ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with Recommendations of IACHR, paras. 876-881.

⁵ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with Recommendations of IACHR, paras. 876-881.

⁶ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with Recommendations of IACHR, paras. 876-881.

⁷ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with Recommendations of IACHR, paras. 876-881.

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2012.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- Mr. Ricardo Ucán was released as a result of the benefits of early releasement granted by the Executive Branch.
- The next-of-kin of Bernardino Chan EK were awarded due compensation as provided for by the Judiciary of the State of Yucatán.

B. Structural outcomes of the case:

- In May 2010, the local constitution of Yucatán was reformed in order to modernize the justice system. Several legal instruments were created, leading to legal alignment of the new adversarial and oral proceedings-based criminal justice system, which came into force in the State in November 2012.