# Case of Julia Mendoza et al. v. State of Mekinés

Memorial for the State

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## III. STATEMENT OF FACTS

The Mekinés MWFHR monitors complaints and assaults relating to religiously-based discrimination and intolerance and conducts public-facing research regarding the status of religious intolerance in the country–a practice that has drawn attention to structural and data-related challenges that remain throughout Mekinesian society.[8] Notably, in response to public feedback on the issue, the State recently created the National Committee for Religious Freedom composed of civil society leaders to advise the MWFHR on matters relating to religious tolerance.[9] As with other countries in the region, Mekinés faces ongoing challenges in its efforts to combat the enduring legacy of its colonial domination.[10]

Another dominant focus of Mekinés' democratic government in recent years has been the enhancement of welfare protections relating to its most vulnerable class of citizens–its children.[11] For example, the MWFHR has been restructured to prioritize combatting pedophilia, advocacy for adoption, combatting suicide, and addressing violence against women.[12] Additionally, pursuant to the Children's Rights Act, autonomous Councils for the Protection of Children (Child Protection Councils) were established to ensure the far-reaching enforcement of children's rights as an "absolute priority" at the local level.[13] These Child Protection Councils are the first to receive reports of potential child abuse, including alleged abuse tied to religious practice.[14] These reports are conveyed to the Mekinesian Public Prosecution Service.[15] Finally, in the interest of advancing scientifically-sound research relating to the family to inform public

[8] Problem, para. 12
[9] Problem, para. 15.
[10] *See, e.g.,* Problem, para. 14.
[11] Problem, para. 9.
[12] *Id*.
[13] Problem, para. 22.
[14] Problem, para. 23.
[15] Problem, paras. 22-23.

policies both domestically and internationally, Mekinés created the National Observatory for the Family under its newly-minted National Secretariat for the Family.[16]

The State is both a member of the Organization of American States (OAS) and a State Party to the American Convention on Human Rights (ACHR or Convention), and recently ratified in 2019, with reservations, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance (CIRDI).[17] Additionally, Mekinés is a known international proponent of Convention on the Elimination of All Forms of Racial Discrimination (CERD) since its ratification in 1970.[18]

In the matter at hand, Helena Mendoza Herrera, aged 10, was placed in the custody of her father, Mr. Marcos Herrera, after her mother and former caregiver, Ms. Julia Mendoza, permitted her minor child to undergo an initiation ritual associated with Candomblé, a minority Afro-Mekinesian belief system.[19] The initiation ritual involves scarification of the hands and head with sharpened fishbones, requires the person to have a clean shaven head and be doused in animal blood, and mandates a prolonged isolation period which lasts twenty-one days.[20] It is widely regarded to be a long and intense ritual, and permanently alters the initiate's skin and appearance.[21] After Helena underwent the practice Mr. Herrera filed a case with his regional Council for the Protection of Children, highlighting his concerns over his child's physical safety, possibly forced religious entrapment, as well as Helena's continuing education and development.[22]

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[16] Problem, para. 17.
[17] Problem, para. 3.
[18] Problem, para. 3.
[19] Problem, para. 29;12.
[20] Clarification, 8.
[21] *Ibid*.
[22] Problem, para. 30.

The local Child Protection Council found the complaint credible and sufficiently severe to warrant an immediate complaint with the local court's criminal division alleging both battery and deprivation of liberty.[23] The Child Protection Council further expressed concerns over the

Nevertheless, the Court determined that by acting on her minor daughter's request for religious initiation, Ms. Mendoza had impermissibly imposed her religious practice on her child and violated Helena's freedom of religion.[30] The court further stipulated that the allegations of discrimination upon which the appellate court rested its decision were insufficiently proven.[31]

Having exhausted their legal options within Mekinés, Ms. Mendoza and her partner, Ms. Reis, petitioned the IACHR.[32] They claimed that the Supreme Court's custody decision represented a violation of their rights to equal protection (Article 24), and freedom of religion and conscience (Article 12), as well as violations of the rights of the child (Article 19) and family (Article 17) under t

The principle of subsidiarity provides that the Court can and should intervene only where the domestic authorities fail in ensuring respect for the rights enshrined in the Convention.[38] In *Scordino v. Italy*, the ECHR held that "the primary responsibility for implementing and enforcing the rights and freedoms guaranteed by the Convention is laid on national authorities" and, further, "the machinery of complaint to the Court is thus subsidiary to national systems safeguarding human rights" pursuant to Article 13 and 35 § 1 of the Convention.[39] Thus, the ECHR has recognized that the decision of the national judiciary of the member States should take precedence before applicants bring their complaint to the ECHR. Given that the decisions of other international tribunals have assisted this Court in instances where similar law or facts are at issue, Respondent urges this Court to have regard to the application of the principle of subsidiarity by other international tribunals in the instant case and, applying that doctrine, defer to the decisions of the Mekenisian courts.

Here, Ms. Mendoza and Ms. Reis had the opportunity to argue their case at every level of the judiciary in the State of Mekinés. Accordingly, the State of Mekinés fulfilled its human rights obligation to the petitioners under Article 8 (Right to Fair Trial) and Article 25 (Right to Judic

The "fourth instance formula" – related but distinct from the principle of subsidiarity – dictates that a court or tribunal must decline jurisdiction where a competent court or tribunal that has jurisdiction over the same matter has already rendered a final judgment.[40] This formula is based on the principle of *res judicata*, according to which a matter that has already been adjudicated by a competent court cannot be re-litigated.[41] Professor Jo M. Pasqualucci, a leading commentator on the Inter-American Court, notes that it does not fall within the jurisdiction of the ACHR to act as an appellate body with the authority to examine every alleged error of domestic law or fact that national courts may have committed while acting within their jurisdiction.[42] Overall, the fourth instance formula recognizes the importance of the finality of domestic judicial decisions and promotes respect for the decisions of other courts and tribunals.[43]

The Inter-American Commission and this Court have applied the fourth instance formula previously and should do so in the instant case. In Case 9260, the Commission considered the petition of Mr. Clifton Wright, a Jamaican man convicted of murder. Upon review of the case, the Commission found that since Mr. Wright fully exhausted his domestic judicial options, the case could not be heard by the IACHR. It found that undertaking the review would have the effect of reviewing "the holdings of the domestic courts of the OAS member states" contrary to the proper 3(opeope)4(r)4(s)-1(tdihe)u224 ourt.

Other courts have applied the fourth instance formula in human rights cases, including the European Court of Human Rights.[45] The fourth instance formula was first applied in a case concerning Article 6 § 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the right to a fair trial.[46] The practice of the ECHR is to refrain from questioning the findings and conclusions of the domestic courts with regard to 1) the establishment of the facts of the case; 2) the interpretation and application of domestic law; 3) the admissibility and assessment of evidence at the trial; 4) the substantive fairness of the outcome of a civil dispute; or 5) the guilt or innocence of the accused in criminal proceedings.[47]

There, the Court found the application inadmissible under Article 35 § 3 on the basis that it was incompatible with the provisions of the Convention or the Protocols thereto, manifestly ill-founded, or an abuse of the right of individual application.[48] In *X v. Germany*, the applicant was not satisfied with the decision of the German courts, and thus brought a case forward where the European Commission on Human Rights rejected the application stating that "the alleged facts did not amount to a violation of a right protected by the Convention."[49] Additionally, the UN Human Rights Committee, which monitors implementation of the International Covenant on Civil and Political Rights, consistently applies the fourth instance formula to ensure that its role as a supervisory body of the treaty is maintained given that its role is *not* to act as an appellate court.[50]

[45] *Interlaken Follow-Up,* para. 9, para. 29.
[46] *Practical Guide on Admissibility*, 74.
[47] *Practical Guide on Admissibility,* 73-4.
[48] European Convention on Human Rights, art. 35 sect. 3
[49] *Interlaken Follow-Up*, p. 10, para. 39.
[50] *See, e.g.*, Human Rights Committee, Communication No. 1763/2008, *Pillai v. Canada*, Views adopted on 25 March 2011, para 11.2; Communication No. 1881/2009, *Masih v. Canada*, Views adopted on 24 July 2013, dissenting opinion of Committee member Mr Shany, joined by Committee members Mr. Flinterman, Mr. Kälin, Sir Rodley, Ms. Seibert-Fohr and Mr. Vardezelashvili, para 2.

Several of the first cases heard within the European Human Rights system were fourth instance applications. A case which served to clarify the application of the fourth instance formula was *Perlala v. Greece.* There, the Court underscored that it was "not the Court's role to assess itself the facts which have led a national court to adopt one decision rather than another."[51] The Court noted that to do otherwise, "the Court would be acting as a court of third or fourth instance, which would be to

guarantees, unless it considers that a possible violation of the Convention is involved."[56] Ultimately, the role of international human rights bodies is to ensure that treaty commitments are observed. Further examination into the decisions rendered by the domestic courts is warranted "only insofar as the mistakes entailed a possible violation of any of the rights set forth in the Convention."[57]

The IACHR applied the foregoing logic in *Marzioni v. Argentina*, a case considered by a leading commentator as fundamental in the "evolution of the standards of the Inter-American system, considering the current trend in the hemisphere of transition to democracy."[58] *Marzioni* establishes that "states with functioning judiciaries in the framework of a democratic society will benefit from a degree of deference that the Commission gives to domestic courts."[59]

In order for the Court to grant review of an alleged violation, the violation must be "manifestly arbitrary" and thereby serves as a signal to States with pronounced problems in their judiciaries where there is a clear and compelling need to improve the independence and impartiality of the administration of justice. This is best exemplified in the case *Carranza v. Argentina*. There, Mr. Gustavo Carranza petitioned the IACHR, alleging that the Republic of Argentina violated his "right to a fair trial (Article 8 ), right to privacy (Article 11), the right to have access to public service (Article 23(1)(c)), and the right to judicial protection (Article 25)."[60] The Commission held that Argentinian courts did not provide adequate reasoning behind their decision denying the petitioner judicial recourse under the logic that they deemed his case

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[56] *Santiago Marzioni v. Argentina*, Case 11.673, Inter-Am. Ct.

non-justiciable. The Commission determined this decision to be "manifestly arbitrary" and as such, a violation of Article 25 and Article 8(1) of the American Convention.

Unlike the Argentinian courts in *Carranza*, the Mekensian courts did not arrive at their decision under "manifestly arbitrary" reasoning. Rather, the Supreme Court of Mekinés made its decision by carefully balancing the inherent rights of Helena, the minor child, and the comparative benefits and costs of awarding custody to one or another of her parents. Ultimately, the Supreme Court rendered its decision on the basis of its duty to protect the rights of children – in this case, eight-year-old Helena.

On a policy level, hearing this case risks compromising the judicial economy of the Inter-American Human Rights system, opening it to the real possibility of system overload by petitions essentially seeking appellate review. Cases should remain at the domestic level when it is evident, as it is here, that the domestic courts acted fairly and thoroughly. Here, the appellate level domestic court saw an error in the lower level court's decision and corrected it with an impartial analysis that respected the legal rights of the parties, consistent with the rights to judicial protection under Article 25 of the ACHR. Both the appellate court and the Supreme Court of Mekinés decried the decision of the family court judge and decided the case, in their own analysis, strictly on judicially permissible grounds. The vastly differing decisions between the appellate level court and the Supreme Court show that the Mekinés judiciary is not corrupt nor being influenced by any outside source – Ms. Mendoza and Ms. Reis were given access to justice in the form of a fair trial and the opportunity to appeal the trial court's decision and have their case heard by the highest court in Mekinés.

Moreover, should the Court hear this case, it will encourage applicants to use the Court as an opportunity to file complaints when a judgment is not rendered in their favor at the

domestic level. Past decisions by this Court support the position that a petitioner must have both exhausted all legal recourse at the domestic level and that the domestic court's judgment must have violated the rights of the petitioner under the American Convention.[61]

In summary, it is not this Court's role to disregard the limits of its jurisdiction in respect

OAS system with complete and total uniformity, given the diversity of le

This Court, following the practice of the ECHR, first invoked the term "margin of appreciation" in a 1984 advisory opinion where proposed amendments to constitutional rules regulating naturalization in Costa Rica were at issue.[70] There, this Court addressed the alleged incompatibilities of the constitutional amendments proposed with the right to nationality and the right to equal protection under the American Convention. The amendment required a different period of residence to acquire Costa Rican nationality, "depending on whether the applicants qualify as native-born nationals of other countries of Central America, Spaniards and Ibero-Americans or whether they acquired the nationality of those countries by naturalization."[71] In deciding whether the different treatment was in accordance with the right to equality it looked to the European Court's holding in the *Belgium Linguistic Case.* It determined that only those differences having "no objective and reasonable justification" can be considered discriminatory, and this Court reasoned that, in addressing cases regarding different treatment, it should be recognized that "[o]ne is here dealing with values which take on concrete dimensions in the face of those real situations in which they have to be applied and which permit in each case *a certain margin of appreciation* in giving expression to them."[72]

Following the ECHR, the IACHR has applied the requirement of a proportionality test in assessing the application of the margin of appreciation doctrine. The proportionality test requires States to determine "if the rights violation could have been avoided by other policies in pursuit of the same social objectives."[73] The test must assess: "(1) the legitimacy of the social objective pursued; (2) how important the restricted/derogated right is, e.g., as a foundation of a democratic

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[70] *Proposed Amendments to the Naturalisation Provisions of the Political Constitution of Costa Rica*, Advisory Opinion OC-4/84, Inter-Am. Ct. H.R. (ser. A) No. 4 (Jan. 19, 1984).
[71] *Id*. at para. 52.
[72] *Id.* at para, 56.
[73] Andreas Follesdal, *Exporting the Margin of Appreciation: Lessons for the Inter-American Court of Human Rights*, 15 Int'l J. of Const. L. 359, 365 (2017).

society (3) how invasive the proposed interference will be; (4) whether the restriction of the right is necessary; and (5) whether the reasons offered by the national authorities are relevant and sufficient."[74] As developed by the ECHR, all five prongs should be satisfied to defer to the domestic court's decision as to whether there is a violation.[75]

In *Artavia-Murillo v. Costa Rica* on in vitro fertilization (IVF), Costa Rica invoked the application of the doctrine. There, the IACHR rejected the State's argument regarding its margin of appreciation on the basis that Costa Rica had failed to balance arguments for the right to life against other competing rights, to privacy and family life.[76] In *Shirin Aumeeruddy-Cziffra and 19 other Mauritian women v. Mauritius,* by contrast, where discriminatory legislation targeting married Mauritian women was under consideration, the UN Human Rights Committee underlined the margin of states in regulating family life and implicitly applied the margin of appreciation doctrine, noting that "the legal protection or measures a society or a State can afford to the family may vary from country to country and depend on different social, economic, political and cultural conditions and traditions."[77]

The most relevant application of the margin of appreciation doctrine for the IACHR would, in the words of a leading commentator, "largely be restricted to balancing among the rights of the American Convention on Human Rights, or articles with a similar 'necessity' clause where balancing may be appropriate."[78] Article 12(3) (Freedom of Conscience and Religion) would fall within this category. Further, and consistent with the application of the doctrine by the

[74] Follesdal, 365.
[75] Follesdal, 365.
[76] Follesdal, 369.
[77] Communication No. R.9/35 (2 May 1978), U.N. Doc. Supp. No. 40 (A/36/40) at 134 (1981), para. 9.2(b)2(ii).
[78] Follesdal, 368.

The application of the margin of appreciation doctrine in respect of determining whether a violation of human rights obligations has occurred is a sound and beneficial practice that supports substantive subsidiarity and judicial economy. In light of the foregoing, and in view of the fact that the State of Mekinés has not violated Petitioners' rights under the American Convention (or indeed the CIRDI), this Court should grant deference to the domestic courts under the margin of appreciation doctrine and dismiss the petition.

*ii. Analysis of Issues of Law*

**A. Mekinés has complied with its duty, pursuant to Articles 17 and 19 of the American Convention, in combination with Article 1(1), "to take positive steps to ensure protection of children against mistreatment" occurring in the form of an internationally-recognized harmful practice.**

The State has complied with its duties as a party to the American Convention as well as other international legal standards in the case at hand. Specifically, Mekinés has taken posi84o04 5p2/v 0 Tw S

"[e]very minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state."[81] These concrete obligations have been interpreted by this Court as aligning with the standards articulated under the Convention on the Rights of the Child (CRC) and other relevant international legal instruments and interpretive guidance concerning understandings of adolescent health and development.[82] The Supreme Court of Mekinés properly and wholly appropriately applied these principles in determining Helena's custodial circumstances, particularly insofar as they related to the child's physical safety.[83]

According to this Court, a core element of child protection is the requirement to take positive action "to ensure protection of children against mistreatment"[84]

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towards eradication due to the harmful effects on the health of women and children it poses.[89]

Further, violence against children is addressed by the African Charter on Human and Peoples'

result, the process of scarification is painful and permanently disfiguring, regardles

Committee on the Rights of the Child (CRC Committee).[98] In particular, General Comment 13 adopted by the CRC Committee is explicit in its understanding that “all forms of violence [toward children], however light, are unacceptable,” and that infrequency, a lack of malicious intent, or a lack of severity of violence cannot legitimate justifications for such conduct. [99] Furthermore, scarring–even where undertaken for ritual religious purposes–is expressly included among the impermissible harmful practices that may not be practiced on children according to widespread interpretations of international human rights law.[100]

Religious belief, parental consent, cultural acceptance, and even voluntary submission on the part of the harmed child may not validate any form of violence or physical harm.[101] In fact, the dominant understanding of children’s rights under international human rights law recognizes that many cultural, religious, and tradition-based harmful practices often retain widespread endorsement not only within communities, but within the family unit.[102] Indeed, parents are

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frequently the perpetrators of impermissible violence against children, often acting out of the belief that are aiding their child’s development or genuine religious conviction.[103] Nevertheless,

Additionally, while international law

Convention,[112] but also the CRC.[113] It is well-established among medical and child development experts that isolation has profound and lasting detrimental effects on the human psyche.[114] Indeed, longstanding medical and psychiatric acknowledgement of the serious health effects of solitary confinement aligns with the European Court of Human Rights' (ECHR) repeated determinations that the practice is so inhumane as to constitute a violation of international law.[115] These effects are especially grave for children,[116]

understood to be a harmful practice, a position the human rights community has recently amplified due to the often outsized effects of such practices on female children.[119] In addition to the immediate psychological harm and developmental stagnation solitary confinement of all types can present, research demonstrates that the practice can have long-lasting effects on girls' education–an impairment which can, in turn, have profound repercussions on the economic status of affected women.[120] Thus, the decision by the Mekinés Supreme Court to remove Ms. Mendoza's minor child from her is wholly justified when one considers not only established interpretations of the rights of the child under the American Convention, but the undeniable international consensus that deems the type of prolonged isolation seen in the instant case to be a gross violation of human rights.[121] As was the case with the religious scarring discussed above, no amount of religious conviction nor demonstrated consent on the part of Helena or her mother could legitimate the practice of solitary confinement under the law.[122]

iii. **The holding here is valid under established and intuitive understandings of the "best interests of the child" doctrine, given that the maternal conduct preceding the custodial hearings amounted to serious threats to the health of not only Helena but the Mekinés public at large, justifying protective intervention on the part of the State.**

Finally, the ritual central to the case at hand presented grave risks to public and individual health in addition to its impermissible use of violence and isolation. As such, the Mekinés Supreme Court's decision to revoke Ms. Mendoza's custodial rights over her daughter was fundamentally justified under both the Convention and widely-held conceptions of international law.

[119] International NGO Council, p. 30.
[120] International NGO Council, p. 32.
[121] *See generally* International NGO Council.
[122] *See* supra Section IV(ii)(A)(iv).

Finally, the ritual required the throwing of goat or sheep's blood on Helena to "bathe" her and to "cleanse" her spirit.[128] This constitutes a clear threat to both public health and Helena's own individual health in violation of the Convention. Medical science indicates that bloodborne pathogens in the goat or sheep blood present risk insofar as such pathogens can be transmitted from the animal blood to a human, in this case, the minor child, through the multiple open cuts created through the scarification process on the head and arms.[129] This undue risk to Helena's health is in clear violation of her rights under both the Convention and the CRC.[130] Specifically, Article 14 of the CRC dictates that while "States parties shall respect the right of the child to freedom of thought, conscience and religion", this right is subject to limitations which include protections in the name of public health and in the name of protecting the minor child's rights to health.[131]

In short, Ms. Mendoza's decision to allow an unsterilized, non-medical instrument to repeatedly cut into her daughter's skin exposed the minor child to serious, even life-threatening, infections.[132] Furthermore, the ritualistic dousing of eight-year-old Helena in an animal blood bath while she was experiencing multiple open wounds is medically and morally indefensible, given the potentially deadly or debilitating pathogens to which the minor child could have been exposed to through the process.[133] Taken together, these obvious and grave risks to individual and public health more than justify the Supreme Court's decision to terminate Ms. Mendoza's

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[128] Clarification, 2 - 3
[129] United States Dept. of Labor, Occupational Safety and Health Administration, *Fact Sheet: OSHA's Bloodborne Pathogens Standard* (2011); Ingrid Koo, *Zoonotic Diseases Passed from Animals to Humans*.
[130] American Convention on Human Rights, art. 12(3) (Nov. 22, 1969); CRC, art. 14.
[131] CRC, art. 14.
[132] Garve, p.

custodial rights over her daughter under the standards previously set forth by this Court and other human rights tribunals and bodies.

#### iv. **Despite representations by petitioners, Helena could not meaningfully and independently give informed consent to the physically and psychologically harmful practices at issue, and the Supreme Court appropriately considered the minor child's input regarding her custodial circumstances.**

In addition to the foregoing health and safety human rights concerns presented by Helena's involvement in the ritual facilitated through her mother's ill-conceived consent, Helena's age at the time of the initiation presented an additional basis for the Supreme Court to properly terminate Ms. Mendoza's custody of her child. Put simply, a fundamental issue in this custody case is the failure of Ms. Mendoza to consider the maturation level of her eight-year-old minor child to undertake a decision with potentially life threatening consequences and serious health (physical, mental and social) impacts.[134] In *Atala Riffo and Daughters v. Chile,* this Court determined that a State Party to the ACHR should approach the incorporation of/deference to a child's input in matters of personal well-being to the extent "the child is capable of forming his or her own views in a reasonable and independent manner."[135] Accordingly, States are obliged to recognize the limited autonomy and inherent vulnerability of children, incorporate their input in proceedings relating to them on a graduated basis that provides deference commensurate with biological age and educational advancement, and act upon the koedi/4-2(oon t)-2(2( a)4(l4(s)-1(i)-2(s)-1(dvR)1(

First, Helena's age at the time of her request and ritualistic initiation falls well below international conceptions of independent, developmentally appropriate deference to a minor's decision-making as she was, at the time, eight years old. Scientific research indicates that the decision-making capacities of children aged eight are far from sufficiently developed in a way that would justify interpreting Helena's "consent" to the ritual process as legally meaningful.[141] Furthermore, there is no basis in international law on which Helena's consent in the scarification process is sufficient to override the State's positive obligation to protect its minor citizens from physical harm. Indeed, the Inter-American Institute of Children has declared that no child under the age of twelve may be criminally prosecuted for their acts, aligning with the position that pre-adolescent decision-making capacities are too underdeveloped and potentially vulnerable to undue influences to legally qualify as consent.[142] This understanding of the deeply limited decision-making capacity of minors Helena's age is further consistent with determinations by the other international human rights bodies that there can be no meaningful consent given by minors to harmful practices such as child marriage and female genital mutilation.[143] In short, to interpret consent by minors to clearly harmful practices on the grounds that they are voluntarily expressing their religious beliefs would be to fundamentally undermine the well-established international regime prohibiting such practices.[144]

**B. The Mekinesian courts complied with this Court's past decisions regarding the appropriate consideration of a minor's preferences and the rights of the family when deciding Helena's custodial circumstances.**

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[141] Petronella Grootens-Wiegers, et al. *Medical decision-making in children and adolescents: developmental and neuroscientific aspects*. 17 BMC Pediatrics 120 (May 8, 2017).
[142] *Juridical Condition,* p. 7.
[143] *See generally* International NGO Council.
[144] *Id.*

2. Declare the petition inadmissible based on the conclusions in IV.A and B.
3. In the alternative, adjudge that Petitioners' rights were not infringed upon by Mekinesian courts, and the custody determination by the Supreme Court was proper; and
4. Determine that the State is not responsible for violations under Articles 8, 12, 17, 19, and 24 of the Convention and Articles 2, 3, and 4 of the CIRDI; and
5. Declare that Mekinés has fulfilled or is in the process of fulfilling its obligations under the Convention and CIRDI.

Respectfully,

The Respondent State of Mekinés