



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia, 22041

Jong, Jeremy
Southern Poverty Law Center
PO Box 1092
Jena, LA 71342

DHS/ICE Office of Chief Counsel - ATL
180 Ted Turner Dr., SW, Ste 332
Atlanta, GA 30303

Name: DURAN-ORTEGA LEONIDAS MANUEL



Type of Proceeding: Removal

Date of this notice: 5/31/2018

Type of Appeal: Appeal of IJ MTR

Filed By: Alien

NOTICE -- BRIEFING SCHEDULE

- o Enclosed is a copy of the decision of the Immigration Judge.
- o Appealing party is granted until 6/21/2018 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.
- o Opposing party is granted until 6/21/2018 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.
- o **IJ/MTR** - Transcripts are not prepared for appeals from an Immigration Judge's decision on a motion to reopen or reconsider. If you wish to listen to the audio recording of the hearing or obtain copies of audio recordings, you should contact the Immigration Court for assistance. You may also address the need for a transcript in your brief to the Board.

WARNING: If you indicate on the Notice of Appeal (Form EOIR-26) that you will file a brief or statement, you are expected to file a brief or statement in support of your appeal. If you fail to file a brief or statement within the time set for filing in this briefing schedule, the Board may summarily dismiss your appeal. See 8 C.F.R. § 1003.1(d)(2)(i)(E).

If you are an alien and you received this notice, you are not represented by an attorney or accredited representative. An attorney or accredited representative must file a Notice of Entry of Appearance (Form EOIR-27) to represent you. 8 C.F.R. §§ 1003.3(a)(3) and 1003-38(g). Until a Form EOIR-27 is received, you are responsible for submitting a brief, and any submissions by anyone other than you will be rejected.

FILING INSTRUCTIONS -- In General.

IMPORTANT: The Board of Immigration Appeals has included two copies of this notice. Please attach one copy of this notice to the front of your brief when you mail or deliver it to the Board, and keep one for your records. Thank you for your cooperation.

A fee is not required for the filing of a brief. Your brief must be RECEIVED at the Clerk's Office at the Board of Immigration Appeals within the prescribed time limits. It is NOT sufficient simply to mail the brief and assume your brief will arrive on time. We strongly urge the use of an overnight courier service to ensure the timely filing of your brief.

Use of an over-night courier service is strongly encouraged to ensure timely filing.

If the alien is represented by counsel at the appeal level, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual at www.justice.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the DHS or the Director for HHS/ORR at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

FILING ADDRESS:

Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

Use of an overnight courier service is strongly encouraged to ensure timely filing.

FILING INSTRUCTIONS -- Extension Request

Unless you receive a Board Notice granting your extension request, your brief will remain due on the date stated above.

Extensions of briefing time will only be granted for good cause. All extension requests must be in writing. Telephonic or fax requests will not be accepted.

Extension requests must be **RECEIVED** at the Board on or before the expiration of the initial briefing schedule. Requests for extension of briefing time received after expiration of the initial briefing schedule, will not be granted.

The policy of the Board is that no additional extensions will be granted.

Userteam:

Jeremy Jong (NJ066472014)

DETAINED

Lead Attorney

Southeast Immigrant Freedom Initiative

Southern Poverty Law Center

PO Box 1092

Jena, LA 71342

Phone: (318) 312-0459

Fax: (318) 992-2051

Email: jeremy.jong@splcenter.org

Counsel for Respondent

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW BOARD OF IMMIGRATION APPEALS**

_____)	
In the Matter of:)	
)	
Duran Ortega, Manuel Leonidas)	File No. A [REDACTED]
)	
Respondent.)	
_____)	

**BRIEF IN SUPPORT OF RESPONDENT'S APPEAL FROM THE ORDER OF THE
IMMIGRATION JUDGE DENYING MOTION TO REOPEN PROCEEDINGS**

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW BOARD OF IMMIGRATION APPEALS

In the Matter of:)

Duran Ortega, Manuel Leonidas)

Respondent.)

File No. [REDACTED]

**BRIEF IN SUPPORT OF RESPONDENT’S APPEAL FROM THE ORDER OF THE
IMMIGRATION JUDGE DENYING MOTION TO REOPEN PROCEEDINGS**

Respondent Manuel Leonidas Duran Ortega appeals the Immigration Judge’s April 24, 2018 order denying his Motion to Reopen Proceedings (“MTR”). The Immigration Judge erred in (1) finding that the Department of Homeland Security (“DHS”) met its notice requirements under the Immigration and Nationality Act (“INA”) when it sent Mr. Duran Ortega a notice of hearing to an incomplete address that was subsequently returned to sender; (2) finding that Mr. Duran Ortega did not demonstrate materially changed circumstances in El Salvador that warranted reopening his proceedings to permit him to apply for asylum; and (3) refusing to reopen his proceedings *sua sponte* in light of the serious constitutional issues surrounding his arrest and detention.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

A. Statement of Facts

Mr. Duran Ortega was born on January 14, [REDACTED] in Ozatlan, El Salvador. *See* MTR, Exh. A (Affidavit of Manuel Leonidas Duran Ortega) ¶ 1. In 2005, while working as a television

station manager, Mr. Duran Ortega began receiving threats from a man working for a different television station, and fled El Salvador in June of 2006. *Id.* ¶ 2.

Mr. Duran Ortega entered the United States on June 28, 2006 and Customs and Border Protection (“CBP”) arrested him the next day. *Id.* ¶ 3. Mr. Duran Ortega provided an address to CBP where he could receive mail. *Id.* ¶ 3. The address was the mailing address for an apartment complex. *Id.* CBP then gave Mr. Duran Ortega some forms in English. *Id.* ¶ 4. They did not orally translate or otherwise inform Mr. Duran Ortega of his obligation to attend future court hearings and to keep the Court advised of future address changes. *Id.*

On August 18, 2006, the Immigration Court mailed notice of Mr. Duran Ortega’s January 31, 2007 master calendar hearing to 6428 Idlewild, Charlotte, NC 28212, but that notice was returned to the Immigration Court by the U.S. Postal Service marked “Return to Sender - Insufficient Address – Unable to Forward.” *See* MTR, Exh. B (Notice of Hearing in Removal Proceedings and Returned Mailing Envelope). Nothing in the record indicates that Mr. Duran Ortega was ever successfully served with the notice. At all times relevant, Mr. Duran Ortega was reachable via mail at the Idlewild address. At Mr. Duran Ortega’s January 31, 2007 hearing, the Immigration Judge ordered him removed *in absentia*. *See* MTR, Exh. C (Immigration Judge Decision). Mr. Duran Ortega only discovered that he had been ordered removed in 2014, when he consulted with an immigration attorney, who advised Mr. Duran Ortega not to file a motion to reopen. *See* MTR, Exh. A ¶ 5.

Mr. Duran Ortega eventually moved to Memphis, Tennessee. He was involved with several media outlets there and eventually founded *Memphis Noticias*, a news outlet dedicated to community reporting for the Memphis-area Latino community. *Id.* ¶ 6. Through *Memphis Noticias*, Mr. Duran Ortega has frequently covered racial profiling and abuse by

the Memphis Police Department (“MPD”) against members of the black and Latino communities and cooperation between ICE and the MPD. *See* MTR, Exh. D (*Memphis Noticias* Articles and Posts).

This coverage was often embarrassing to the MPD. For example, on July 19, 2017, after the MPD had claimed to not be cooperating with ICE, Mr. Duran Ortega posted an interview with a woman who allegedly witnessed ICE and MPD conducting a joint operation. *Id.* The MPD was not happy about this and asked Mr. Duran Ortega to take down the post. *See* MTR, Exh. E (Text Messages from Memphis Police Department). Similarly, on February 9, 2018, Mr. Duran Ortega called MPD “negligent” in their handles of the case of Bardomiano Perez Hernandez, who had been murdered in December of 2017, but whose body had remained in a police impound lot until it was discovered two months later by his friend. *See* MTR, Exh. F (*Robbery, Murder Suspects Found Hiding in Attic*).

On April 3, 2018, Mr. Duran Ortega was covering a peaceful protest at the Shelby County Criminal Justice Center against MPD’s cooperation with the ICE for *Memphis Noticias*. *See* MTR, Exh. H (*Ice Arrests Journalist who Covered Protest against Agency’s Policies*). The protest was part of the MLK50, a commemoration of the fiftieth anniversary of Martin Luther King Jr.’s death. *See* MTR, Exh. I (*Rolling Block Party Ends at County Jail*). During the protest, Mr. Duran Ortega was wearing his press credentials and filming when a MPD officer told him to step back. *See* MTR, Exh. A ¶ 13. Mr. Duran Ortega immediately complied, but two MPD officers nonetheless handcuffed and arrested him. *Id.* The police charged him with disorderly conduct and obstruction of a highway or passageway, but those charges were dismissed by the Shelby County Criminal Court on April 5, 2018. *See* MTR, Exh. Z (*Shelby County Criminal Justice System Portal Case Information*). An hour and a half after the charges were dismissed,

the Shelby County Sheriff's Office released Mr. Duran Ortega to Immigration and Customs Enforcement ("ICE").

B. Decision of the Immigration Judge

On April 8, 2018, Mr. Duran Ortega filed a Motion to Reopen Proceedings ("MTR") with the Atlanta Immigration Court. *See* MTR. Through counsel, Mr. Duran Ortega argued that since 2007, there has been increased persecution of journalists and individuals espousing pro-transparency and anti-corruption political views in El Salvador, and that this constituted a material change in country conditions which rendered his MTR timely. *Id.* at 3-9. Mr. Duran Ortega also demonstrated that he was prima facie eligible for asylum, withholding of removal, and relief under the Convention Against Torture, because he had a well-founded fear of persecution on the basis of his political opinion and particular social group as a Salvadoran journalist. *Id.* Mr. Duran Ortega also contended that he did not receive proper notice of his January 31, 2007 master calendar hearing date, and that the Immigration Court should use its discretion to reopen the case given the extraordinary circumstances and constitutional concerns resulting from his targeting by the MPD and ICE in response to his journalistic activities.

On April 24, 2018, the Immigration Judge denied Mr. Duran Ortega's MTR. I.J. at 8. The Immigration Judge held that, even though the 2006 Notice of Hearing was returned to DHS marked "incomplete address," the statutory requirements of notice had been met. I.J. at 4. Furthermore, the Immigration Judge concluded that, despite the copious evidence submitted by Mr. Duran Ortega demonstrating mounting levels of violence and intimidation against Salvadoran journalists focused on rooting out corruption, he had failed to demonstrate materially changed country conditions in El Salvador. *Id.* at 7. In so deciding, the Immigration

Judge took administrative notice of and cited extensively from a 2017 U.S. State Department Country Report for El Salvador, without providing Respondent any notice or opportunity to be heard concerning the conclusions in the report. *Id.* at 6-7. Further, the Immigration Judge failed to examine critical sources cited in the 2017 report, which demonstrated that violence targeting Salvadoran journalists has increased in the years since Mr. Duran Ortega was ordered removed. The report and source are included herein. Exhs. 1, 2.

STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. Whether the Immigration Judge erred in finding that Mr. Duran Ortega was properly ordered removed *in absentia*
2. Whether the Immigration Judge erred in finding that there was no material change in country conditions in Mr. Duran Ortega's case
3. Whether the Immigration Judge erred in finding that this case did not present exceptional circumstances warranting *sua sponte* reopening

STANDARD OF REVIEW

The Board reviews an Immigration Court's decision *de novo* as to questions of law. 8 C.F.R. §§ 1003.1(d)(3)(ii). The Board reviews an Immigration Court's findings of fact under the "clearly erroneous" standard. 8 C.F.R. §§ 1003.1(d)(3)(i)-(ii).

Mixed questions of law and fact, such as question of whether the facts in the record meet a statutory requirement, are reviewed by the Board *de novo*. *See Matter of V-K-*, 24 I&N Dec. 500, 501-02 (BIA 2008) ("we conclude that an Immigration Judge's prediction or finding regarding the likelihood that an alien will be tortured may be reviewed *de novo* because, like a conclusion relating to whether a statutorily prescribed chance of persecution or level of hardship exists, it relates to whether the ultimate statutory requirement for establishing eligibility for relief

was met and is therefore a mixed question of fact and law”). Here, Mr. Duran Ortega appeals the Immigration Judge’s finding that the facts of his case did not meet the statutory requirements for reopening his case under INA §§ 240(c)(7)(C) and 240(b)(5)(C). I.J. at 4, 7. Therefore, the Board should review the Immigration Judge’s decision *de novo*.

As argued below, before the Immigration Court can order a respondent removed *in absentia*, DHS must meet its statutory burden of establishing that that respondent was provided with written notice his immigration proceedings. INA § 240(b)(5)(A). In cases where this burden is not met, the ordinary 180 day deadline for a motion to reopen does not apply and an *in absentia* removal order should be rescinded. INA § 240(b)(5)(C).

An applicant who is subject to a final order of removal and wishes to reopen the proceedings must move to reopen within 90 days of the date on which the removal order became final. INA § 240(c)(7)(C)(i); 8 C.F.R. § 1003.2(c)(2). Nevertheless, the time limit is inapplicable if the applicant can demonstrate “changed country conditions arising in the country of nationality or the country to which removal has been ordered, if such evidence is material and was not available and would not have been discovered or presented at the previous proceeding.” INA § 240(c)(7)(C)(ii); *see* 8 C.F.R. § 1003.2(c)(3)(ii).

For the purposes of a motion to reopen, an applicant need not prove his entitlement to relief. *See Matter of L-O-G-*, 21 I. & N. Dec. 413, 419 (BIA 1996) (“In considering a motion to reopen, the Board should not prejudge the merits of a case before the alien has had an opportunity to prove the case.”). Rather, an applicant must only show that he is *prima facie* eligible for relief, which requires that “the evidence reveals a reasonable likelihood that the statutory requirements for relief have been satisfied.” *Matter of S-V-*, 22 I&N Dec. 1306, 1308 (BIA 2000).

ARGUMENT

I. The Immigration Judge Erred in Finding that Mr. Duran Ortega Was Properly Served with his NTA and Notice of Hearing

A. The Immigration Judge's Reasoning

In light of the uncontroverted evidence that showed that Mr. Duran Ortega never *actually* received the Notice of Hearing mailed by the Atlanta Immigration Court on August 18, 2006 informing him of a January 31, 2007 master calendar hearing, Mr. Duran Ortega argued that his *in absentia* removal order should be rescinded due to improper notice, and his motion to reopen proceedings should be granted. Mr. Duran Ortega further argued that initial notice to appear was not properly served, because it was given to him in English, which he could not read at the time, and did not have a date and time for a subsequent hearing.

The Immigration Judge rejected both these arguments. He first found that, since Mr. Duran Ortega had allegedly provided the address “ [REDACTED] [REDACTED],” and the Immigration Court sent the Notice of Hearing to that address, the notice requirements had been met—even though the Notice of Hearing was returned to the sender; *i.e.*, to the Immigration Court, and was never delivered. I.J. at 4. According to the Immigration Judge, DHS had no duty in carrying its burden for an *in absentia* order to conduct due diligence and identify whether “[REDACTED]” was a proper address, or was missing a necessary thoroughfare identifier: rather, Mr. Duran Ortega was required to identify his “error” and submit a correct address. *Id.* The Immigration Judge also found that the NTA did not need to contain a date and time for the upcoming hearing to be valid, nor did it need to be printed or explained in Spanish, a language that Mr. Duran Ortega could understand. *Id.* at 3.

B. The Immigration Judge Erred in Finding that Mr. Duran Ortega Had Been Properly Served with His Notice to Appear

DHS must meet its statutory burden through showing by “clear, unequivocal, and convincing evidence” that the respondent was properly served “written notice required under paragraph (1) or (2) of section 239(a).” INA § 240(b)(5)(A). When DHS fails to meet this burden, the ordinary 180-day deadline for a motion to reopen does not apply and an *in absentia* removal order should be rescinded. INA § 240(b)(5)(C)

Here, the Immigration Judge erred in finding that DHS had met this burden. Mr. Duran Ortega was served with a Notice to Appear (NTA) in person in June 2006. MTR, Exh. V. This NTA specified no date and time for a hearing; rather, it ordered appearance at “a date to be set” and “a time to be set.” *Id.* For notice to be proper, the individual “shall be given” a charging document that includes “[t]he time and place at which the proceedings will be held.” INA § 239(a)(1); *see Pereira v. Sessions*, ___ U.S. ___ (2018) (holding “[a] putative notice to appear that fails to designate the specific time or place of the noncitizen’s removal proceedings is not a ‘notice to appear under §1229(a),’”). Because the NTA did not comply with the requirements mandated by INA § 239(a)(1), Mr. Duran Ortega did not receive proper notice of his hearing when he was first served with an NTA.¹

¹ While the Supreme Court recently held that INA § 239(a)(1) means what it says in *Pereira v. Sessions*, other provisions in the INA clearly indicate that when the statute refers to a “notice to appear,” it means a notice that satisfies § 239(a)’s “notice to appear” definition, which includes the “[t]he time and place at which proceedings will be held.” *See Orozco-Velasquez v. Attorney General*, 817 F.3d 78, 84 (3rd Cir. 2016) (holding that NTAs that do not specify the time and date of proceedings omit “fundamental, statutorily required information”). For instance, in order to ensure “that an alien be permitted the opportunity to secure counsel before the first hearing date” in removal proceedings, the INA provides that “the hearing date shall not be scheduled earlier than 10 days after the service of the notice to appear[.]” INA § 239(b)(1). This provision would be largely meaningless if the government could serve a “notice to appear” for purposes of § 239(b)(1) without including the information specified in § 239(a)’s “notice to appear” definition.

Furthermore, it is uncontested that Mr. Duran Ortega never actually received later, proper service of a supplemental notice of hearing that would cure the previous deficiencies. Written notice must be provided of “any change or postponement in the time and place of” immigration hearings. INA § 239(a)(2)(A). When the immigration court serves a notice of hearing by mail, a presumption of notice arises where “the notice was properly addressed and mailed according to normal office procedures.” *M-R-A*, 24 I. & N. Dec. at 673. Where, however, the circumstances indicate that the recipient clearly did *not* receive actual notice, and DHS is unable to prove by “clear, unequivocal, and convincing evidence” that notice was “reasonably calculated” to ensure receipt, the Board has routinely granted reopening. *See Juan Alberto Mata-Siciliano*, A 094 790 928 (BIA May 11, 2017) (sustaining appeal where notice was sent to the movant’s uncle’s house, returned to the court as “undeliverable,” and the uncle affirmed that he was reachable at that address); *Blanca Lidia Alfaro-Serrano*, A 098 121 479 (BIA Oct. 25, 2012) (reversing *in absentia* removal order where a misspelled address was recorded); *Somsak Sae Ku*, A 039 065 507 (BIA Dec. 31, 2009) (reopening based on lack of notice where “both the Notice to Appear and notice of hearing were returned as undeliverable, even though the respondent maintains that he continues to reside at the same address.”); *Mathieu Aurelien*, A 096 021 154, (BIA Nov. 17, 2005) (finding immigrant did not receive statutorily adequate notice and reopening proceedings where the notice of hearing was returned to the immigration court stamped “Insufficient Address”)²; *cf. Carrera v. Att’y Gen.*, 422 Fed. App’x. 755 (11th Cir. 2011) (notice was sufficient where “the record lacks any evidence that the notice *was returned as undelivered*”) (emphasis added).

Mr. Duran Ortega’s notice of a hearing was returned with the notation of “Return to

² These cases are attached as Exhs. 4-7.

Sender - Insufficient Address – Unable to Forward,” clearly showing that he had not received the notice. MTR, Exh. B; *cf. Carrera*, 422 Fed. App’x at 756 n.3 (deeming notice sufficient where the notice “was not returned to the Immigration Court by the U.S. Postal Service; as a result, neither the Court nor INS had any indication that [the petitioner] had not received the notice of hearing.”). DHS clearly did not meet its burden in showing “by clear and convincing evidence” that Mr. Duran Ortega had notice of the hearing, or had provided an incorrect or outdated address.

Instead, the Immigration Judge made the unwarranted assumption that the error was Mr. Duran Ortega’s, and that he had provided DHS with an incomplete address. And, of course, since the record does not show whether Mr. Duran Ortega gave an incorrect address to CBP, the Immigration Judge’s invocation of a respondent’s duty to “correct” his address is inapposite.³

“An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action” *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950). And, “when notice is a person’s due, process which is a mere gesture is not due process.” *Id.* This is precisely why the INA requires DHS to prove adequate written notice by “clear, unequivocal, and convincing evidence.” INA § 240(b)(5)(A).

In this case, DHS clearly failed to meet this burden, and the Immigration Judge erred in finding that it had been met. Absent any evidence of fault on Mr. Duran Ortega’s part, notice that

³ To this end, the Immigration Judge’s citation to *Dominguez y. U.S. Att’y Gen.*, 284 F.3d 1258, 1260 (11th Cir. 2002), which states that “[f]ailing to provide the [Court] with a change of address will preclude the alien from claiming that the [Court] did not provide him or her with notice of a hearing,” is wholly inapposite. Nothing in the record indicates that Mr. Duran Ortega changed his address and failed to indicate so to the Immigration Court. The record shows only that the address recorded by CBP officials was without a thoroughfare indicator, and that the notice mailed to that address was returned as undeliverable. Nothing in the record indicates that Mr. Duran Ortega’s duty to report a change of address should have been triggered.

all parties know was never delivered is, at best, a “mere gesture” that fails to comport with the INA and constitutional guarantees of due process. This is particularly true when the consequences of such inadequate notice are a removal order *in absentia*, which deprived Mr. Duran Ortega of his right to make a valid asylum claim. Accordingly, the Board should rescind Mr. Duran Ortega’s removal order, reverse the Immigration Judge’s denial of his motion to reopen proceedings, and order that his proceedings be reopened.

II. The Immigration Judge Erred in Finding that Mr. Duran Ortega Did Not Demonstrate that Changed Country Conditions in El Salvador Justify Reopening His Proceedings to Permit Him to Apply for Asylum

A. The Immigration Judge’s Reasoning

In finding that Mr. Duran Ortega did not demonstrate materially changed country conditions in El Salvador, the Immigration Judge acknowledged that he had submitted significant documentary evidence concerning currently dangerous conditions for journalists in El Salvador. I.J. at 6. However, the Immigration Judge also concluded that the only evidence in the record concerning the country conditions in 2007, the year that Mr. Duran Ortega left El Salvador, was a 2007 U.S. State Department Country Report. *Id.* Disregarding *all* of the evidence submitted by Mr. Duran Ortega as to current country conditions (*see* MTR Exhs. J-O, Q-T), the Immigration Judge concluded that “the only fair comparison the Court can make . . . is between the 2007 Country Report for El Salvador, and the 2017 Country Report for El Salvador,” which neither Mr. Duran Ortega nor DHS had introduced into the record. *Id.*

Taking administrative notice of the 2017 Country Report, the Immigration Judge proceeded to discuss at length the facts and contentions presented therein. *Id.* at 6-7. Specifically, the Immigration Judge referenced the Country Report’s findings that

a group of *Factum* and *El Faro* journalists were threatened and intimidated on Twitter, “possibly by police officers,” after they published a report that led to the

arrest of four police officers for extortion, sexual abuse, and extrajudicial killings. [2017 Country Report] at 16-17. The same journalists were also threatened by individuals who posed as police officers. *Id.* As a result, the National Civil Police offered special police protection to the journalists which they declined. *Id.*

The Immigration Judge then concluded that “this is the only incidence of violence against a journalist discussed by the 2017 Country Report,” and that “the Report makes no mention of widespread violence against journalists by either the Salvadoran government or private criminal organizations.” *Id.* at 7.

At no point prior to issuing his order did the Immigration Judge advise the parties that he was going to take administrative notice of the 2017 Country Report, nor did he provide any opportunity to be heard as to its conclusions and contentions. This was highly prejudicial to Mr. Duran Ortega because, as shown below, Mr. Duran Ortega had submitted substantial evidence rebutting such conclusions, and the incidents referenced in the 2017 Country Report provide significant support for Mr. Duran Ortega’s claims that conditions have materially and recently deteriorated for journalists in El Salvador.

B. The Immigration Judge Failed to Provide Due Process to Mr. Duran Ortega by Taking Administrative Notice of the 2017 Country Report

The Immigration Judge erred as a matter of law by taking administrative notice of the facts contained in the 2017 Country Report, without providing Mr. Duran Ortega an opportunity to rebut or supplement these alleged facts.

Noncitizens in removal proceedings have Fifth Amendment right to a “fundamentally fair hearing.” *Dakane v. U.S. Atty. Gen.*, 399 F.3d 1269, 1273 (11th Cir. 2005). To meet traditional standards of fundamental fairness, “Immigration Judges must accord aliens the specific “rights and privileges” prescribed in the Act.” *Matter of M-A-M-*, 25 I&N Dec. 474, 479 (BIA 2011). One of those rights accorded by the INA is the right of respondents in removal proceedings to

“have a reasonable opportunity to examine the evidence against [him].” INA § 240(b)(4)(B). The Immigration Judge’s use of administrative notice to form an opinion central to his decision in the case deprived Mr. Duran Ortega of that right and therefore violated both his constitutional and statutory rights.

An Immigration Judge may take some measure of administrative notice, on issues where facts are “not subject to reasonable dispute.” *Lorisme v. I.N.S.*, 129 F.3d 1441, 1445 (11th Cir. 1997); *see also* 8 C.F.R. § 1003.1(d)(3)(iv) (permitting Board to take administrative notice of “commonly known facts such as current events or the contents of official documents”); *Galina v. I.N.S.*, 213 F.3d 955, 958 (7th Cir. 2000) (“Like its more familiar cousin, judicial notice, the doctrine authorizes the finder of fact to waive proof of facts *that cannot seriously be contested*”) (emphasis added). However, the facts noticed in the 2017 Country Report by the Immigration Judge are not such facts. They include, at a minimum (1) the US Department of State’s subjective characterization of the political, media, and security climate in El Salvador; (2) the US Department of State’s account of the persecution of *El Faro* and *Factum* journalists. Exh. 1 at 16-17. *See Galina*, 213 F.3d at 958 (distinguishing between facts subject to judicial notice, such as the year that a country became independent, and other content in State Department country reports, such as “summaries of laws” and “State Department statements of opinion . . . such as that the country had “free and fair” elections or that human rights were “generally respected.”).

Even assuming *arguendo* that the facts in the 2017 Country Report were properly subject to administrative notice, the Immigration Judge still erred by failing to give Mr. Duran Ortega any notice or opportunity to be heard concerning those facts. Several circuits that have considered the Board’s exercise of administrative notice have determined that, where facts are administratively noticed, some sort of advance notice and opportunity to be heard is necessary.

See Circu v. Gonzales, 450 F.3d 990, 993 (9th Cir. 2006) (en banc) (even if facts are “legislative, indisputable, and general,” Board must provide “notice of intent” to take administrative notice of events, while more “controversial or individualized facts” require both notice and an “opportunity to rebut the extra-record facts”); *Burger v. Gonzales*, 498 F.3d 131, 135 (2d Cir. 2007) (finding that BIA erred by “failing to give . . . advance notice of its intention to consider [an] extra-record fact [and] erred in depriving [asylum applicant] of the opportunity to rebut this fact's significance before issuing its decision”); *De la Llana-Castellon v. I.N.S.*, 16 F.3d 1093, 1099 (10th Cir. 1994) (noting that “due process requires the BIA to give Petitioners advance notice and an opportunity to be heard” prior to administratively noticing extra-record facts).

The circuits that have allowed the BIA to administratively notice facts without advance notice and an opportunity to be heard have held that the available safeguard of a motion to reopen satisfies due process. *See Gutierrez-Rogue v. I.N.S.*, 954 F.2d 769, 773 (D.C. Cir. 1992) (noting that “due process guarantees an asylum applicant the right to challenge an officially noticed fact-with respect both to its truth and its significance,” but holding that the “due process claim is premature” because applicant “has not yet been finally deprived of the right to challenge the fact of which the BIA took official notice” because of the availability of the motion to reopen mechanism); *Rivera-Cruz v. I.N.S.*, 948 F.2d 962, 968 (5th Cir. 1991) (same); *Kaczmarczyk v. I.N.S.*, 933 F.2d 588, 596 (7th Cir. 1991) (holding that asylum petitioners must be “allowed an opportunity to rebut officially noticed facts, particularly when, as in this case, those facts are crucial to—indeed dispositive of—the outcome of the administrative proceeding”).

Here, however, the Immigration Judge took administrative notice without advance notice or an opportunity to respond in adjudicating a motion to reopen—not in an underlying asylum case. While an asylum applicant may file a motion to reopen “to present the Board with evidence

that the facts it officially noticed are incorrect or that they are true but irrelevant to their case,” *Kaczmarczyk*, 933 F.2d at 597, a petitioner filing a motion to reopen proceedings cannot file a second, successive motion to reopen to correct the error in adjudicating his first motion. Because this procedural mechanism is unavailable, and the Board generally cannot consider new evidence on direct appeal, *see Matter of Fedorenko*, 19 I. & N. Dec. 57, 74 (1984), the Immigration Judge’s actions “finally deprived” Mr. Duran Ortega “of the right to challenge the fact of which the [Immigration Judge] took official notice.” *Gutierrez-Rogue*, 954 F.2d at 773. This due process violation alone—made all the more severe by the virtually dispositive weight that the Immigration Judge accorded to the 2017 Country Report—constitutes reversible error.

C. Even Considering the 2017 Country Report, the Immigration Judge Erred in Determining that Mr. Duran Ortega Had Not Proven Materially Changed Country Conditions

Although, as described above, the Immigration Judge improperly considered the 2017 Country Report, his decision must also be reversed on its own merits. In limiting his analysis to a cramped comparison of the 2007 and 2017 Country Reports, the Immigration Judge violated the cardinal rule that due process required him to “consider *all* evidence that an applicant has submitted.” *Tan v. U.S. Att’y Gen.*, 446 F.3d 1369, 1374 (11th Cir. 2006) (emphasis added). Even if the Immigration Judge made cursory reference to Mr. Duran Ortega’s evidence, he assigned improper dispositive weight to the 2017 Report in spite of evidence that that report is far from a comprehensive compilation. *See Gjyzi v. Ashcroft*, 386 F.3d 710, 715 (6th Cir. 2004) (the fact finder “must resist the urge to give controlling weight to State Department materials without properly assessing respondent’s particular claim”); *Galina*, 213 F.3d at 959 (“The country report is evidence and sometimes the only evidence available, but the Board should treat it with a healthy skepticism, rather than, as is its tendency, as Holy Writ”).

The Immigration Judge premised his finding that there was no change in country conditions on the fact that the 2017 Report “makes no mention of widespread violence against journalists by either the Salvadoran government or private criminal organizations” and concluded that “Respondent’s evidence shows, at most, a continuation of widespread gang violence and corruption throughout El Salvador.” I.J. at 6-7. In doing so, the Immigration Judge applied the wrong legal standard. At this stage, Duran Ortega is not required to prove “widespread” persecution against journalists in El Salvador. Rather, he need only prove that there are changed country conditions that are “material” and were “not available and would not have been discovered or presented at the previous proceeding.” INA § 240(c)(7)(C)(ii). The targeted persecution in 2017 of Salvadoran journalists who share Duran Ortega’s social group and political perspective —*even if* not “widespread”—clearly meets this standard.

At any rate, the Immigration Judge’s conclusions concerning the lack of “widespread” violence ignores evidence submitted by Mr. Duran Ortega that discusses a recent surge in such violence. For example, a 2016 report by Reporters Without Borders discussed the current Salvadoran president Salvador Sanchez Ceren’s hostility towards media and refusal to protect journalists from violence. MTR, Exh. K. A 2017 InterAmerican Press Association article characterized the government’s “open hostility” towards journalists as having reached “extremes.” MTR, Exh. R. This contrasts with the 2007 Report’s finding that media expressed a variety of views without restriction. I.J. at 6. Mr. Duran Ortega also presented evidence of recent murders of Salvadoran journalists. MTR, Exhs. J, K, N, O. The new evidence demonstrated that anti-media antipathy has reached a tipping point and that country conditions have materially changed in Mr. Duran Ortega’s case.

Even in comparing the 2007 Country Report to the 2017 report, the Immigration Judge

erred in finding that the differences in those reports did not amount to a change in circumstances. The 2007 Country Report stated that “independent media were active and expressed a variety of views *without restriction*.” I.J. at 6 (emphasis added). Nonetheless, the 2017 Country Report stated that “*some restriction*, however, occurred throughout the year.” *Id.* (emphasis added). The Immigration Judge, though, did not explain why change from active, unrestricted media to a media with “some restriction” is not a change in country conditions.

The Immigration Judge also misstated the contents of the 2017 Country Report. In his decision, the Immigration Judge stated that “the Report makes no mention of widespread violence against journalists by either the Salvadoran government or private criminal organizations.” However, the 2017 Country Report actually stated that “journalists reporting on gangs and narcotics trafficking were subject to threats and intimidation” and that “[t]here continued to be allegations that the government retaliated against members of the press for criticizing its policies.” *See* Exh. 1 at 17. The Immigration Judge failed to mention or consider those passages in his analysis. Further, the Immigration Judge stated that journalists from the magazines *Factum* and *El Faro* were threatened by “individuals who posed as police officers” whereas the Report actually states that the threats came from “an anonymous Twitter account reportedly run by police officers.” I.J. at 7; Exh. 1 at 17. The Immigration Judge also states that “the National Civil Police offered special police protection to the journalists which they declined,” neglecting to mention that the 2017 Country Report states that the journalists had declined that protection specifically because “it was being provided by police.” I.J. at 7; Exh. 1 at 17. Finally, the Immigration Judge, in his discussion of the *Factum/ El Faro* incident, neglected to mention the 2017 Country Report’s finding that despite the fact that “the Inter-American Commission on Human Rights ordered protective measures for the *Factum* journalists,” the

Salvadoran government “had not been in touch to coordinate the measures.” Exh. 1 at 17.

Therefore, the Immigration Judge erroneously failed to fully consider the contents of the 2017 Country Report that he himself introduced into the record.

Because of the due process violation described in Section I.B, *supra*, the Immigration Judge never afforded Mr. Duran Ortega the opportunity to examine and address these misinterpretations. Had the Court afforded Mr. Duran Ortega that opportunity, he would have presented the Inter-American Commission on Human Rights (IACHR) order referenced in the 2017 Country Report. *See* Exh. 2, (IACHR Precautionary Measure 678-17).⁴

IACHR Precautionary Measure 678-17 demonstrates that Salvadoran journalists face a far more dangerous situation than reflected in the 2017 Country Report. Nine journalists presented screenshots of the graphic threats that they had received, and reported that the threats were tolerated or supported by the Salvadoran state. *Id.*⁵ Specifically, (1) in a televised interview, the Director of the National Public Safety Academy falsely indicated that one of the journalists had a brother who was a gang member (even though the journalist actually had no

⁴ In this case, the facts concerning the *El Faro/ Factum* journalists only entered the record due to the Immigration Judge’s misuse of administrative notice. *See* Section II.B, *supra*. Accordingly, Mr. Duran Ortega’s failure to bring the IACHR order to the Immigration Judge’s attention is excusable, because he had no notice that the Immigration Judge would rely on the facts at issue in the order. Under these circumstances, Mr. Duran Ortega should be allowed to introduce the IACHR order in the first instance before the Board—or, at the very least, the Board should vacate the Immigration Judge’s order and remand the proceedings for the Immigration Judge to consider the IACHR order and whatever additional documentation Mr. Duran Ortega may present with relation to the 2017 Country Report.

⁵ These threats included “A newspaper in the pocket of the gangs why wouldn’t it be when the owners are gangbangers. You damn gangbangers should rot, the blood of those old people children women dead at your hands in the streets they cry out for clemency and someday you’ll pay-,” “Don’t complain afterward when people destroy your offices! Goodbye, you bastards!”, “*Factum*, I hope one day the gangs dismember your kids and [redacted due to graphic content],” “Ranting about the police and supporting the gangs, those gangbanger journalists need a bullet in the head.” Exh. 2 at 3.

brothers), and had lived with gang members; (2) the President of the Legislative Assembly declared that “the actions of some people who are protecting those delinquent gang members continue to be troubling”; (3) the Vice President of El Salvador, when asked about the threats received by *Factum* journalists, said only that “we have to knock on wood.” *Id.* at 3.

The threats to the journalists’ lives were not merely verbal or conveyed over the Internet. On August 26 and 28, 2017, the *Factum* offices were staked out by groups of men, purporting to be with the Attorney General’s Office for the Protection of Human Rights or “journalist elements of the police,” who asked about the journalists’ daily schedule and sought to forcibly gain admission to the premises. *Id.* at 2.

The Salvadoran government refused to investigate and order the closure of the social media accounts threatening the journalists. *Id.* at 4-6. While the Salvadoran government ostensibly offered three of the nine journalists some protective measures, the journalists indicated that “because . . . the majority of the threats and harassment comes from the very same police officers or people who are associated with that organization,” accepting such assistance would only place them at greater risk. *Id.* at 4. Beyond that, Salvadoran government officials failed to so much as issue an official statement condemning the threats, and failed to respond or provide any information to the IACHR in its investigation. *Id.* at 5-6. Accordingly, the IACHR found that the nine journalists associated with *Factum* magazine were in a “situation of seriousness and urgency because their rights to life and personal safety are at risk,” and because the “threats and harassment could lead these journalists to experience retaliation for exercising their freedom of expression to serve the public interest in reporting human rights violations committed by public police forces.” Exh. 2 at 6.

The facts recounted in IACHR Precautionary Measure 678-17 clearly demonstrate that

conditions had materially changed for journalists in El Salvador since Mr. Duran Ortega's removal order. IACHR has not issued any other Measure relating to journalists in El Salvador between 2007 and 2017. *See* Exh. 3 (IACHR Precautionary Measures 2007-2018). A full consideration of the circumstances surrounding the threats and harassment of the *El Faro*/*Factum* journalists, coupled with the evidence already presented of the shift toward increased violence against journalists, demonstrates that Mr. Duran Ortega met his burden to prove materially changed country conditions in El Salvador. Accordingly, the Immigration Judge erred in determining that this standard was not met.

D. Mr. Duran Ortega is Prima Facie Eligible for Asylum

Because the Immigration Judge found that Mr. Duran Ortega failed to demonstrate changed country conditions in El Salvador, he did not consider Mr. Duran Ortega's prima facie eligibility for asylum.⁶ Nevertheless, Mr. Duran Ortega has affirmatively demonstrated such eligibility. Specifically, Mr. Duran Ortega presented extensive evidence of an alarming increase in murders of journalists, who, like himself, are critical of official corruption and the powerful transnational criminal organizations, such as gangs and narcotraffickers, with influence in the country. *See* MTR, Exh. J-O. This evidence, which includes examples of many journalists who have been tortured and murdered for providing critical reporting concerning transnational criminal organizations or the Salvadoran government, demonstrates that Mr. Duran Ortega—who is well known for his critical reporting in the United States and practices exactly the kind of investigative journalism that has made journalists targets in El Salvador — has a well-founded fear of persecution on account of both his political opinion and his particular social group of “Salvadoran journalists.” The evidence is further buttressed by the

⁶ The Immigration Judge also erroneously identified Mr. Duran Ortega's I-589 as an application for just asylum; in fact, Mr. Duran Ortega is also seeking relief in the form of withholding of removal under the Act and under CAT. *See* Section III, *infra*.

findings of IACHR Precautionary Measure 678-17, described *supra*, pages 19-21.

Mr. Duran Ortega has clearly met the standard for asylum by demonstrating that he has a well-founded fear of persecution on the basis of two protected grounds—his political opinion and his particular social group. *See* INA § 208. Mr. Duran Ortega’s longstanding opposition to corruption can be the basis of a political opinion based asylum claim. *See Matter of N-M-*, 25 I. & N. Dec. 526, 528 (BIA 2011); *see also Tung Van Dinh v. U.S. Atty. Gen.*, 618 F. App’x 464, 468 (11th Cir. 2015) (applying *Matter of N-M-*). Mr. Duran Ortega’s journalistic ethos is identical to that of the Salvadoran journalists that have been targeted, threatened, and killed. *See* MTR, Exh. A ¶¶ 17-19. His career as a journalist has been dedicated to exposing government malfeasance and corruption, often at personal risk to himself. MTR, Exh. A ¶¶ 6-11; Exh. D, E, F, G. He believes that the government of El Salvador is not accountable to the people, so he would continue to do the same type of reporting in El Salvador. *See* MTR, Exh. A ¶ 19. If returned to El Salvador, it is likely that Mr. Duran Ortega would be targeted for his anti-corruption political opinions by corrupt government officials, transnational criminal organizations who the government is unable and unwilling to control and who use corruption as a tool to achieve their political and territorial aims, or both. *See* MTR, Exh. K, L, Q (articles describing violence against Salvadoran journalists); *see also* Exh. 2.

The same is true for Mr. Duran Ortega’s claim based on his membership in the particular social group of “Salvadoran journalists.” Any “particular social group” must be (1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question. *Gonzalez v. U.S. Atty. Gen.*, 820 F.3d 399, 404 (11th Cir. 2016). The proposed social group “Salvadoran journalists” is immutable because the characteristic that binds this group, their journalism – indicative of a deeply-held commitment to

transparency – is a “fundamental” characteristic that members of the group “should not be required to change.” *Id.* at 405 (citing *Matter of Acosta*, 19 I&N Dec. 211, 233 (BIA 1985))

An individual’s past history in a profession is immutable. *See Matter of Fuentes*, 19 I&N Dec. 658, 662 (BIA 1988) (observing that applicant’s status as former member of national police was immutable characteristic because it was beyond his capacity of to change it). Mr. Duran Ortega has an extensive history of serving as an anti-corruption, investigative journalist, both in El Salvador and here in the United States. He cannot change this history. Moreover, because of the fundamental importance of press freedoms to civil society, journalists should not be required to choose between their journalism and their physical safety. The First Amendment to our Constitution and international human rights law, both recognize freedom of political express and freedom of the press as fundamental rights. *See, e.g., Universal Declaration of Human Rights*, arts. 3 and 14, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948); *International Covenant on Civil and Political Rights*, opened for signature Dec. 16, 1966, 999 U.N.T.S. 171.

The group is defined with particularity, because “journalists” are recognized and defined as a discrete class of persons. The group has its own trade organization, the El Salvador Journalists Association, which has proposed specific legislation, the Journalism Protection Act, to protect members of this discrete group. *See* MTR, Exh. R. Finally, the group is socially distinct as journalists are a well-recognized group and often persecuted group in Salvadoran society. The Salvadoran Constitution specifically enumerates protections for journalists, but unfortunately this has not deterred government officials from targeting and repressing the media. *See* MTR, Exh. M, R, S (articles describing violence, threats, and hostility towards journalists).

Mr. Duran Ortega’s fear of persecution on account of his membership in this particular

social group is well-founded. The Salvadoran government's hostility toward the media and its failure to protect journalists against gang violence has sent the message that journalists may be harmed with impunity. Government officials and gangs have targeted and killed journalists whose work bears a striking resemblance to that of Mr. Duran Ortega. *See* MTR, Exh. J-O; Exh. 2. In keeping with his vocation as a journalist, Mr. Duran Ortega would cover the activities of these officials and gangs and would likely be targeted as a result. Moreover, Mr. Duran Ortega's arrest in the United States and the reasons for that arrest have been well-documented by the Salvadoran press. *See* Motion for Emergency Stay, Exhs. F, G. As such, Mr. Duran Ortega's work and reputation as a journalist critical of government authorities will subject him to scrutiny from those that target journalists and anti-corruption advocates.

Mr. Duran Ortega need not conclusively demonstrate his eligibility for asylum and withholding of removal—he must only demonstrate that he has presented enough new facts to make further exploration of his case worthwhile. *See Najjar v. Ashcroft*, 257 F.3d 1262, 1302 (11th Cir. 2001) (noting that the BIA may deny a motion to reopen for “failure to establish a prima facie case,” not for failure to conclusively demonstrate eligibility for relief); *Matter of L-O-G-*, 21 I&N Dec. at 419 (reopening is appropriate “where the new facts alleged, when coupled with the facts already of record, satisfy us that it would be worthwhile to develop the issues further at a plenary hearing on reopening”) (citation omitted). Mr. Duran Ortega has met his burden in this case that he is prima facie eligible for asylum.

II. The Immigration Judge Erred in Finding that the Circumstances of Mr. Duran Ortega's Case Were Insufficiently Exceptional to Warrant *Sua Sponte* Reopening

A. The Immigration Judge's Decision

The Immigration Judge erred in finding that the Mr. Duran Ortega's circumstances were not "truly exceptional" in denying the motion to reopen *sua sponte*. See *Matter of J-J-* 21 I&N Dec. 976, 984 (BIA 1997). In refusing to exercise his *sua sponte* authority, the Immigration Judge weighed (1) the length of time between the order of removal and filing of the motion to reopen and (2) an erroneous opinion that Mr. Duran Ortega would be barred by the one year asylum filing deadline from applying for asylum, but refused to weigh the serious constitutional concerns raised by Mr. Duran Ortega's detention. I.J. at 7-8.

The Immigration Judge erred in considering time that had elapsed between Mr. Duran Ortega's 2007 removal order and his present motion to reopen without considering evidence in the record as to why he failed to file a motion to reopen sooner. Because Mr. Duran Ortega never received notice of the time and place of his hearing, he was unaware that he had a removal order until 2014, when he was advised by counsel not to file a motion to reopen. See MTR, Exh. A ¶¶ 3-5.

The Immigration Judge also erred as a matter of law in finding that Mr. Duran Ortega would not be eligible for asylum because he did not file his asylum application within the one year asylum filing deadline. Changed circumstances are an exception to that deadline. See INA 208(a)(2)(D). An asylum application must be filed "within a reasonable period given those 'changed circumstances.'" 8 C.F.R. § 1208.4(a)(4)(ii); see also *Matter of X-G-W-*, 22 I&N Dec. 71, 73 (BIA 1998) (granting *sua sponte* motion to reopen so that respondent could apply for asylum due to an intervening change in law). The Immigration Judge must make "findings of fact with respect to the particular circumstances involved in the delay of the respondents'

applications and [consider] whether the respondents' situation warrants an exception to the 1-year asylum application filing deadline." *Matter of T-M-H- and S-W-C-*, 25 I&N Dec. 193, 195 (BIA 2010). As discussed above, circumstances in El Salvador have changed for journalists who expose corruption with the bulk of reprisals against those journalists occurring in 2017 and 2018. Mr. Duran Ortega's personal circumstances have also changed in that he has become well known for provoking those in power with his investigative journalism. *See* MTR, Exh. D, Y. Mr. Duran Ortega sought reopening to file an asylum application less than eight months after investigative journalists from Salvadoran news outlets *El Faro* and *Revista Factum* began receiving death threats for their reporting, six months after journalist Samuel Jonathan Rivas was murdered by gangs, and a week after news broke of his Mr. Duran's arrest for his own investigative journalism. MTR, Exh. M, N, O, Y. Thus, if a motion to reopen were granted, Mr. Duran Ortega would qualify for the changed circumstances exception to the one year filing deadline and would be able to timely file an application for asylum.

The Immigration Judge also failed to consider the fact that even if Mr. Duran Ortega were barred by the one year asylum filing deadline, he, because of his fear of return to El Salvador on account of his particular social group and political opinion, could also qualify for Withholding of Removal and protection under the Convention Against Torture. To that end, Mr. Duran Ortega included a completed Form I-589, *Application for Asylum and For Withholding of Removal* in his MTR. *See* MTR, Exh. U (emphasis added); *see generally* 8 C.F.R. § 208.16(a) ("In exclusion, deportation, or removal proceedings, an immigration judge may adjudicate both an asylum claim and a request for withholding of removal whether or not asylum is granted").

The Immigration Judge failed to address Mr. Duran Ortega's argument that the constitutional concerns raised by the circumstances of Mr. Duran Ortega constituted "truly

exceptional” circumstances warranting reopening of Mr. Duran Ortega’s case. The Immigration Judge erred in finding that he “has no authority to consider, evaluate, or adjudicate” claims that the Memphis Police Department and ICE violated Mr. Duran Ortega’s First Amendment rights by targeting him for arrest and removal on the because of the content of his reporting. I.J. at 8. While the Immigration Judge is correct that he cannot adjudicate Mr. Duran Ortega’s First Amendment claims, he can consider them in determining whether the circumstances are “truly exceptional.” *Matter of X-G-W-*, 22 I&N Dec. at 73 (finding that *sua sponte* reopening is warranted in “unique situations where it would serve the interest of justice”); see also *Matter of Farinas*, 12 I&N Dec. 46, 472 7(BIA 1967) (finding that a prior deportation order “can and must” be examined upon a showing of a gross miscarriage of justice); *Matter of Malone*, 11 I&N Dec. 730, 731 (BIA 1966) (same); *Bing Quan Lin v. U.S. Attorney Gen.*, 881 F.3d 860, 871 (11th Cir. 2018) (noting that court “may retain jurisdiction where constitutional claims are raised relating to the BIA’s refusal to reopen *sua sponte*”). In categorically refusing to consider evidence submitted by Mr. Duran Ortega that the interest of justice lies in reopening his case to allow Mr. Duran Ortega to pursue claims against MPD and ICE, the Immigration Judge failed to fully analyze whether Mr. Duran Ortega warranted reopening his case *sua sponte*.

B. Violation of Mr. Duran Ortega’s First Amendment Rights Constitutes an Exceptional Circumstance Warranting *Sua Sponte* Reopening

Speech that addresses matters of government policy, including criticism of law enforcement practices, is entitled to vigorous First Amendment protection. “The freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state.” *City of Houston, Tex. v. Hill*, 482 U.S. 451, 462–63 (1987). Such speech is rooted in our “profound national commitment to the principle that debate on public issues should be uninhibited, robust,

and wide-open.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964).

The First Amendment also specifically protects the freedom of the press to gather and report news, including filming the actions of police and other public officials. *Smith v. City of Cumming*, 212 F.3d 1332, 1333 (11th Cir. 2000) (“The First Amendment protects the right to gather information about what public officials do on public property, and specifically, a right to record matters of public interest.”).

The First Amendment precludes law enforcement officials from taking adverse action against an individual in response to their speech where such action would chill a person of ordinary firmness from engaging in such speech. *Bennett v. Hendrix*, 423 F.3d 1247, 1250-55 (11th Cir. 2005). Here, Mr. Duran Ortega presents substantial evidence that law enforcement acted unconstitutionally by targeting, arresting, detaining, and seeking to deport him. MPD unlawfully arrested Mr. Duran Ortega to silence and retaliate against him for critical and embarrassing coverage of their collaboration with ICE. *See* MTR, Exh. D-I. Just a few months before Mr. Duran Ortega’s arrest, MPD officials had attempted to make him change the content of his reporting, going so far as to ask him to remove a story about MPD’s collaboration with ICE. *See* MTR, Exh E. Then, on April 3, 2018, MPD arrested Mr. Duran Ortega as he covered a protest against MPD and ICE collaboration. MTR, Exh. A ¶¶ 12-13. At the time, Mr. Duran Ortega was wearing his press credentials and filming in an area where other journalists were doing the same. *Id.* He was charged with disorderly conduct and obstructing a roadway, but those charges were dismissed on April 5, 2018. MTR, Exh. Z. Nonetheless, the Shelby County Sheriff’s Office turned Mr. Duran Ortega over to ICE that same day. MTR, Exh. H. Such law enforcement behavior with intent to silence Mr. Duran Ortega’s speech as a journalist is particularly egregious and can plainly be considered by the Immigration Judge in making a

determination as to exercise of *sua sponte* authority to reopen a case.

Mr. Duran Ortega's speech and newsgathering — particularly his published articles in *Memphis Noticias* and posting of his videos and other reporting on social media outlets — are core speech and press activities protected by the First Amendment. His articles and critical commentary have exposed the misdeeds and untruths of local law enforcement. His reporting on immigration enforcement policy pertains to matters of public concern and seeks to educate and inform Latino Memphians, in particular, about matters that affect their community. The *Tennessean* Editorial Board and the *USA Today Network-Tennessee* captured the importance of Mr. Duran Ortega's role in his community in an editorial published shortly after his arrest:

Regarding Duran, the Constitution does not distinguish between citizens and non-citizens when it comes to exercising First Amendment freedoms. He was exercising the right of freedom of the press to hold government accountable, and he was wrongfully punished for it. Journalists like Duran should not be arrested for doing their jobs. ICE should free him so he can continue fearlessly reporting on his community. MTR, Exh. Y.

Further, Mr. Duran Ortega's arrest is only the latest on a long list of instances in which DHS has made enforcement decisions for the apparent purpose of silencing the speech of immigrants. *See, e.g., Ragbir v. Sessions*, No. 18-CV-236 (KBF), 2018 WL 623557, at *1 n.1 (S.D.N.Y. Jan. 29, 2018) ("The Court also notes with grave concern the argument that petitioner has been targeted as a result of his speech and political advocacy on behalf of immigrants' rights and social justice."); *Vargas v. United States Dep't of Homeland Sec.*, No. 1:17-CV-00356, 2017 WL 962420, at *3 (W.D. La. Mar. 10, 2017) (habeas petitioner alleged that ICE arrested, detained, and sought to remove her to retaliate against her for statements to the media).

Cases like Mr. Duran Ortega's implicate not only his individual rights, but the basic First Amendment freedoms that apply to every person in this country regardless of their immigration status. His removal would chill other immigrant journalists from exercising their rights. In

categorically refusing to consider evidence submitted by Mr. Duran Ortega that the interest of justice lies in reopening his case to allow Mr. Duran Ortega to pursue claims against MPD and ICE, the Immigration Judge failed to fully analyze whether Mr. Duran Ortega warranted reopening his case *sua sponte*.

The serious constitutional violations implicated by the manner of Mr. Duran Ortega's apprehension and the exceptionally deleterious effect his removal would have on his community are extraordinary circumstances that weigh heavily in favor of *sua sponte* re-opening of his case.

CONCLUSION

For the foregoing reasons, the Board should reverse the Immigration Judge's April 24, 2018 order denying Mr. Duran Ortega's motion to reopen his proceedings, and reopen his proceedings so that he may present a claim for asylum and other applicable relief.

DATED: June 21, 2018

Respectfully submitted,



Jeremy Jong
Pro Bono Counsel for Respondent

PROOF OF SERVICE

On June 21, 2018, I, Jeremy Jong, served a copy of this Motion for Custody Redetermination to the Office of the Chief Counsel of the Department of Homeland Security — Immigration & Customs Enforcement at the ICE Eservice Portal



Jeremy Jong

Dated: 06/21/2018

RESPONDENT'S INDEX OF EXHIBITS

Exhibit	Pages
Brief in Support of Appeal	1-29
<p>1. <i>2017 El Salvador Human Rights Report</i>, US Department of State, April 2017, available at: https://www.state.gov/documents/organization/277575.pdf</p> <ul style="list-style-type: none"> • There continued to be allegations that the government retaliated against members of the press for criticizing its policies. • After reporting on violence in the country, journalist contacts reported experiencing threats from persons believed to be government officials. On August 24, <i>Factum</i> magazine journalist Juan Martinez d'Aubuisson reported intimidation, possibly by police officers, due to an August 22 report, "An Inside Look at a Police Death Squad." The report presented evidence that led to the arrest of four police officers linked with extrajudicial killings, sexual abuse, and extortion. On August 24, an anonymous Twitter account reportedly run by police officers called for the death of journalists from <i>Factum</i> and online <i>El Faro</i> magazine, similar to the death of Christian Poveda, a journalist killed in 2009 by gang members after a supposed betrayal of loyalty. On August 26, <i>Factum</i> magazine staff also reported that four individuals posing as PDDH officers visited their offices and asked about the whereabouts of a number of journalists. <i>Factum</i> staff contacted the journalists, who subsequently contacted the PDDH, and PDDH representatives confirmed that they had not sent anyone. • On August 30, the PDDH called on the attorney general to issue protective measures for Martinez and other <i>Factum</i> journalists. According to <i>Factum</i> journalist Cesar Castro Fagoaga, the PNC offered special police protection, but the journalists declined the protection, as it was being provided by police, and insisted on a thorough investigation. The <i>Factum</i> journalists were interviewed by the Attorney General's Office in September and were told by the prosecutor that police had not been in touch with their office. On October 27, the Inter-American Commission on Human Rights ordered protective measures for the <i>Factum</i> journalists. According to Castro Fagoaga, as of November 22, government officials had not been in touch to coordinate the measures. • APES noted journalists reporting on gangs and narcotics trafficking were subject to threats and intimidation, resulting in self censorship. 	30-64

2. <i>IAHCR Precautionary Measure 678-17</i> , Inter American Commission on Human Rights, October 27, 2017, <i>with certified translation</i>	65-80
3. IAHCR Precautionary Measures 2007-2018, available at: http://www.oas.org/en/iachr/decisions/precautionary.asp	81-203
4. <i>Juan Alberto Mata-Siciliano</i> , A 094 790 928 (BIA May 11, 2017)	204-212
5. <i>Blanca Lidia Alfaro-Serrano</i> , A 098 121 479 (BIA Oct. 25, 2012)	213-215
6. <i>Somsak Sae Ku</i> , A 039 065 507 (BIA Dec. 31, 2009)	216-218
7. <i>Mathieu Aurelien</i> , A 096 021 154, (BIA Nov. 17, 2005)	219-221

Exh. 1

EL SALVADOR 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

El Salvador is a constitutional multiparty republic. Municipal and legislative elections held in 2015 were generally free and fair, although results were delayed due to slow transmission, tabulation, and vote count dissemination. Free and fair presidential elections took place in 2014.

Civilian authorities failed at times to maintain effective control over security forces.

The most significant human rights issues included alleged unlawful killings of suspected gang members and others by security forces; forced disappearances by military personnel, which the government prosecuted; torture by security forces; harsh and life-threatening prison conditions; arbitrary arrest and detention; lack of government respect for judicial impartiality and independence; widespread government corruption; gang-member violence against women and girls as well as lesbian, gay, bisexual, transgender, and intersex individuals; and children engaged in the worst forms of child labor.

Impunity persisted despite government steps to dismiss and prosecute some officials in the security forces, the executive branch, and the justice system who committed abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

During the year there were no verified reports that the government or its agents committed politically motivated killings. There were reports, however, of security force involvement in unlawful killings. As of August 31, the Office of the Human Rights Ombudsman (PDDH) announced that it was investigating 13 complaints against police and four against the armed forces for unlawful killings. As of September 7, the PDDH announced it had received at least 20 complaints of alleged unlawful killings committed by 40 security or military officials. According to the National Civil Police (PNC), as of October 6, state security forces killed 337 gang members during armed confrontations, compared with 603 in 2016. As of September 30, gang members had killed two police officers and one soldier during

armed confrontations and another 37 police and 25 members of the military in targeted assassinations. As of August, the Internal Affairs Unit of the PNC reported that 38 PNC officers faced charges of homicide: 17 for aggravated homicide, one for femicide, 17 for homicide, and three for attempted homicide.

On August 29, the Attorney General's Office confirmed it was investigating four Special Reaction Force (FES) police officers who were arrested on August 24 following the August 22 publication by *Factum* magazine of allegations that FES officers were involved in the unlawful killing of three persons, two sexual assaults, and at least one act of extortion. On August 25, the officers were released because the 72-hour holding period had expired. They were put on administrative leave but returned to active duty on September 12.

On September 11, the PNC confirmed the arrest of nine police officers charged with aggravated homicide and concealment stemming from the alleged cover-up of the killing of five persons in Villas de Zaragoza in February 2016. Three of the accused were members of the Police Reaction Group (GRP), and police claimed at the time of the events that the deaths were justified homicides. As of October 13, five of the accused remained in custody, and one sub inspector was released on bail and was awaiting trial. On July 14, the Attorney General's Office reported that it conducted a re-enactment of the shooting in conjunction with the PNC's Internal Affairs Unit. Laboratory results were pending.

On September 22, five police officers were acquitted of aggravated homicide charges in the 2015 killing of a man at a farm in San Blas, San Jose Villanueva. The judge ruled that the prosecutors failed to prove which of the five officers was specifically responsible for firing the fatal shot and likewise failed to prove conspiracy. The presiding judge redacted the names of the accused, but on August 30, the Attorney General's Office confirmed that all were members of the elite GRP. The acquittal took place a day after the son-in-law of the primary witness in the case was killed, which led the attorney general to offer to relocate the family, but the Witness Protection Program could provide the services only to four of the 12 family members. As of October, a police investigation by the PNC Internal Affairs Unit continued.

On August 15, the Attorney General's Office reported that it was awaiting laboratory results on ballistics from weapons used by soldiers in the 2015 Los Pajales case, which involved the close-range killing of four unarmed gang members.

On July 14, the Attorney General's Office reported that the Internal Affairs Unit was investigating the 2015 killing of four alleged gang members at the La Paz Farm in Cojutepeque, Cuscatlan. On October 11, the PNC submitted their findings to the Attorney General's Office for evaluation.

On June 20, as a result of a two-year criminal investigation, four police officers, 10 soldiers, and two former members of the military were arrested for their participation in at least eight homicides as part of an alleged extermination group operating in San Miguel. The group was purportedly responsible for murder-for-hire and targeted killings of alleged gang members in San Miguel and was composed of civilians, some of whom were alleged rival gang members, and retired and active members of the military and police. The June detentions followed the arrest of five police officers and five civilians for their participation in the San Miguel extermination group in 2016. Funding for the extermination group reportedly came from citizens living abroad. As of October 13, a preliminary evidentiary hearing was pending.

As of October the Office of the Inspector General of the Ministry of Public Security and Justice had received five complaints of extrajudicial killings against police. On July 26, the Public Opinion Institute of the University of Central America (IUDOP) reported that, while six of 10 citizens believed that authorities should respect rule of law, 40 percent approved of the use of torture for dealing with gang members, 35 percent approved of extrajudicial executions, and 17 percent approved of social cleansing.

b. Disappearance

There were reports alleging that members of the armed forces have been involved in unlawful disappearances. In July 2016 the Constitutional Chamber of the Supreme Court and the criminal court in the municipality of Armenia, in the department of Sonsonate, ruled there was sufficient evidence to proceed with the case in which three men went missing after six soldiers arrested them in 2014 in Armenia. In November 2016, the trial chamber acquitted the defendants due to a lack of evidence that the accused forced or restrained the victims. Immediately after the acquittal, the PDDH began an investigation into the acquittal. On January 16, following an appeal by the NGOs Legal Studies Foundation and the Salvadoran Association for Human Rights, the Constitutional Chamber of the Supreme Court held that the Armenia case amounted to forced disappearance, and the PNC's Central Investigations Division took ownership of the case. On April 20, following pressure from civil society, the Attorney General's Office reopened the

case against the six soldiers. On May 15, the Sonsonate trial court convicted five soldiers of forced disappearance and sentenced them to eight years' imprisonment. Defense attorneys for the convicted soldiers filed an appeal with the Appellate Court for the Western District. On August 15, the Supreme Court ordered the military to provide its report on the civilian deaths to the Attorney General's Office, but as of October 30, it had not been sent.

On September 27, President Sanchez Ceren launched the National Commission for the Search of Adults Disappeared in the Context of the Armed Conflict to find persons who were disappeared during the civil war and reunite them with their families or return their remains. The commission is to be headed by three commissioners and housed in the Ministry of Foreign Affairs. Two of the commissioners are to be appointed by civil society and one by the president. The commission's budget will not fall under the budget of the Ministry of Foreign Affairs, and it has not been earmarked from another part of the national budget. The ministry estimated that for its first year, the commission requires a budget of \$250,000, which the commissioners will be responsible for raising.

As of August 30, the nongovernmental organization (NGO) Association for the Search for Missing Children (Pro-Busqueda) received 10 new complaints regarding children who disappeared during the 1980-92 civil war. Pro-Busqueda also reported that it was investigating 979 open cases, had solved 435 cases, and determined that, in 17 percent of solved cases, the child had died. According to Pro-Busqueda, between 20,000 to 30,000 children were adopted during the civil war, many of whom were forcibly disappeared.

As of August, according to the Office of the Inspector General of the Ministry of Public Security and Justice, one complaint of forced disappearance was filed against the PNC. As of September 7, the attorney general had opened investigations into 12 instances of forced disappearance during the 1980-92 civil war.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, but there were multiple reports of violations. The PDDH received 29 complaints of torture or cruel, inhuman, or degrading treatment by the PNC, the armed forces, and other public officials. The PNC reported that, as of August, some 20 complaints had been filed against police officials for torture or cruel, inhuman, or degrading treatment. As of October the Ministry of Public

Security and Justice's Office of the Inspector General reported 29 complaints against police officers for alleged cruel treatment.

NGOs reported that public officials, including police, engaged in violence and discrimination against sexual minorities. Persons from the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community stated that the agencies in charge of processing identification documents, the PNC, and the Attorney General's Office harassed transgender and gay individuals when they applied for identification cards or reported cases of violence against LGBTI persons. The LGBTI community reported authorities harassed LGBTI persons by conducting strip searches and questioning their gender in a degrading manner. The government responded to these claims primarily through a PDDH report on hate crimes against the LGBTI community that publicized cases of violence and discrimination against sexual minorities and specifically mentioned three killings of transgender women in February, although their murders were tied to gang activity.

Prison and Detention Center Conditions

Prison and detention center conditions remained harsh and life threatening due to gross overcrowding, unhygienic conditions, and gang activities.

Physical Conditions: Overcrowding remained a serious threat to prisoners' health and lives. As of June 30, the think tank Salvadoran Foundation for Economic and Social Development (FUSADES) reported 38,386 inmates were being held in facilities designed for 11,478 inmates. This is an increase in capacity from 9,732 inmates in 2016.

As of September 21, the prison population included 25,849 convicted inmates and 12,851 inmates in pretrial detention. Convicted inmates and pretrial detainees were sometimes held in the same prisons and cells. The Salvadoran Institute for Child Development (ISNA) also reported that, as of July, there were 1,155 convicted juveniles incarcerated in its facilities, 211 of whom were awaiting trial. Among those in ISNA facilities, 320 were incarcerated on homicide charges, 254 on extortion charges, 156 on drug-related charges, and 143 were incarcerated for belonging to a criminal association or gang. The ISNA reported that 4 percent of minors spent more than 72 hours in initial detention. As of July the ISNA reported that two adolescents had been killed in juvenile detention facilities, allegedly by fellow gang members.

In many facilities, provisions for sanitation, potable water, ventilation, temperature control, medical care, and lighting were inadequate. On July 3, the PDDH published a report on the so-called extraordinary measures implemented in prisons since April 2016, some of which allegedly led to abuse of the right to life and the right to health of inmates. The extraordinary measures affected 14,213 inmates housed in seven prisons: Izalco, Izalco III, Quezaltepeque, Chalatenango, Ciudad Barrios, Gotera, and Zacatecoluca penitentiaries. These measures included preventing communication between inmate gang leaders and members outside of prison, suspending all private communication and contact with inmates' families, limiting inmates' access to lawyers, and detaining and isolating known gang leaders in higher security prisons. Inmates were also potentially restricted to their overcrowded prison cells for most hours of the day, allowing diseases to spread more easily. The PDDH report highlighted that tuberculosis cases increased by 400 percent in the prisons system after the implementation of the extraordinary measures. The Prisons Directorate reported that, as of August, there were 892 prisoners infected with tuberculosis, and 19 had died of the disease. The PDDH mediated 2,000 cases related to prison conditions and noted that in 2016 a total of 47 inmates died, some of them due to unspecified reasons.

On August 22, Vice Minister of Health Julio Robles Ticas announced the creation of an interinstitutional committee for combating infectious and contagious diseases inside prisons and police detention cells. This followed an August 18 statement by Security Minister Mauricio Ramirez Landaverde that there were tuberculosis outbreaks at the Izalco, La Esperanza (known as Mariona), Sonsonate, and San Vicente prisons, mostly due to overcrowding. In September the PNC reported that due to prison overcrowding, there were 5,527 detainees in small detention centers at police stations, which had a combined capacity of 2,102 persons. In pretrial detention, there was no separation of sick and healthy detainees. In May 2016 the Constitutional Chamber of the Supreme Court declared unconstitutional the systematic violation of basic human rights by prison overcrowding, citing the government for violating prisoners' right to health, and ordered periodic visits by the Ministry of Health. The court ordered prison authorities to build new prisons and to remodel others to shelter inmates humanely and the judicial system to review the inmate rosters with the aim of reducing the number of prisoners.

Gang presence in prisons remained high. As of September 21, detention center facilities held 17,614 inmates who were current or former gang members, approximately 46 percent of the total prison population. Despite the extraordinary measures, prisoners conducted criminal activities from their cells, at times with the complicity of prison guards and officials. Smuggling of weapons, drugs, and other

contraband such as cell phones and cell phone SIM cards was a major problem in the prisons.

On May 29, Prisons Director Rodil Hernandez was arrested for the alleged mismanagement of two million dollars during the 2012-13 gang truce. Hernandez allegedly used funds from prison commissary shops to fund bonuses, overtime, and vacations; give loans to prison employees; and pay the salary of gang-truce mediator Raul Mijango, which was supposed to come from the Ministry of Defense. On August 29, Hernandez, among others, was acquitted on the grounds that the prosecution failed to prove individual responsibility for the alleged crimes. On October 5, the attorney general appealed.

As of September 21, prison authorities removed 11 guards from duty for carrying illegal objects. The Prisons Directorate reported that no data was collected on the exact number of guards sanctioned over the year for misconduct or complaints regarding human rights violations. As of August, the PDDH had received three complaints of human rights violations by prison personnel.

There was no information available regarding abuse of persons with disabilities in prisons, although the government's National Council for Comprehensive Attention to Persons with Disabilities (CONAIPD) previously reported isolated incidents, including sexual abuse.

Administration: The PDDH has authority to investigate credible allegations of inhuman conditions. The Constitutional Chamber of the Supreme Court has authority over the protection of constitutional rights. Under the extraordinary measures implemented in April 2016 and renewed in February until April 2018, inmates in the affected prisons were under restrictive conditions and could not receive visitors, including religious observance visitors such as priests.

Independent Monitoring: The government permitted visits by independent human rights observers, NGOs, and the media, except to those prisons covered by the extraordinary measures. The PDDH continued to monitor all prisons. Church groups, the Institute for Human Rights at the University of Central America, LGBTI activists, and other groups visited prisons during the year. After the implementation of the extraordinary measures, which restricted monitoring of the prisons subject to the measures, the International Committee for the Red Cross suspended all prison visits until visitation was restored in the prisons subject to the extraordinary measures.

Improvements: In February prison Izalco II opened with the aim of relieving overcrowding in the prisons covered under the extraordinary measures. As of August a total of 2,017 inmates were housed in the new facility after being transferred from other prisons. On October 4, a new detention facility in Zacatecoluca was inaugurated with a capacity of 1,008 minimum-security general population inmates. On November 27, the new La Esperanza Detention Center opened in Ayutuxtepeque, in the department of San Salvador, housing 275 inmates with short prison terms transferred from other prisons. According to the Prisons Directorate, the facility was built to house 3,000 minimum security prisoners.

d. Arbitrary Arrest or Detention

Although the constitution prohibits arbitrary arrest and detention, there were numerous complaints that the PNC and military forces arbitrarily arrested and detained persons. As of August the PDDH had received 86 complaints of arbitrary detention by police, the military, or other government officials. NGOs reported that the PNC arbitrarily arrested and detained groups of persons on suspicion of gang affiliation. According to these NGOs, the accused were ostracized by their communities upon their return.

The law provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed this provision.

Role of the Police and Security Apparatus

The PNC, overseen by the Ministry of Justice and Public Security, is responsible for maintaining public security, and the Ministry of Defense is responsible for maintaining national security. Although the constitution separates public security and military functions, it allows the president to use the armed forces “in exceptional circumstances” to maintain internal peace and public security “when all other measures have been exhausted.” In 2016 President Sanchez Ceren renewed the decree authorizing military involvement in police duties through the end of the 2017, a presidential order that has been in place since 1996.

The three quick-reaction military battalions created in 2015 to support PNC operations, and whose troops have arrest and detention authority, continued to operate. The military is responsible for securing international borders and conducting joint patrols with the PNC. On September 18, the government launched the Volcano Task Force, intended to temporarily expand the military’s presence in San Salvador by transferring 320 members of the armed forces already

assigned to support police functions to the capital city's police precinct and installing military lookouts in multiple points throughout the city. Military vehicles, including tanks, were deployed throughout residential areas around San Salvador. There was an increase in security checkpoints and random searches of public buses.

There were reports of impunity involving the security forces during the year. Inadequate training, failure to implement the administrative police career law, arbitrary promotions, insufficient government funding, failure to enforce evidentiary rules effectively, and instances of corruption and other crimes limited the PNC's effectiveness. The PDDH is authorized to investigate (but not prosecute) human rights abuses and refers all cases involving human rights abuses to the Attorney General's Office.

On July 3, a PDDH report stated that the number of complaints against police and soldiers increased during the months of April and May 2016, immediately following the implementation of the extraordinary measures. Most of these allegations were for extralegal executions, threats, mistreatment, torture, illegal detention, and intimidation. According to the NGO Passionist Social Service Observatory (SSPAS), a Catholic organization that operates primarily as a human rights observer, the number of police and military personnel accused of homicide increased from 49 police officers and 10 soldiers in 2014 to 357 police officers and 72 military personnel in 2016. The IUDOP characterized the homicide events as police negligence. On July 26, the IUDOP reported that 88 percent of citizens did not report direct abuse by police officers. Reports of abuse and police misconduct were more often from residents of the metropolitan area of San Salvador and mostly from men and young persons. The attorney general reported that the number of police officers accused of homicide had increased over the previous three years. Between 2014 and 2016, more than 500 police officers were charged with homicide.

As of October, the Office of the Inspector General received 29 complaints of cruel, inhuman, or degrading treatment--199 for physical abuse, 100 for illegal searches, 11 for violence against women (including rape and sexual abuse), and five for extrajudicial killing. The Inspector General's Office referred 18 of the cases to the Attorney General's Office for possible criminal charges and nine to the Internal Affairs Unit of the PNC.

On August 31, the PDDH released its annual findings on the status of human rights, which stated that it received 363 complaints of human rights violations by

public officials, 331 of which were reportedly committed by the PNC and the military.

In response to an alleged rise in extrajudicial killings, in 2016 the PNC launched a newly organized internal investigative office, the Secretariat for Professional Responsibility. The body was composed of an Internal Affairs Unit to investigate criminal complaints against police officers, a Disciplinary Unit to investigate administrative violations, and a Control Unit to enforce internal affairs procedures and support investigations as required.

As of September 11, according to PNC director Howard Cotto, 559 members of the PNC had been arrested for crimes including membership in extermination groups. As of October, the Office of the Inspector General of the Ministry of Public Security and Justice reported that the disciplinary board had sanctioned 753 police officers, 136 of whom were dismissed. On May 5, the Minister of Defense reported that between 2010 and 2017, the army removed 660 soldiers from its ranks due to alleged ties to gang members.

The Inspector General and the Ministry of Defense Human Rights Office reported that most PNC officers, police academy cadets, and all military personnel had received human rights awareness training, including training by the Salvadoran Institute for the Development of Women, the Human Rights Institute of the University of Central America, and the Inter-American Institute of Human Rights.

Police officers, soldiers, and their families faced security threats as targets of gang homicides and kidnappings. As of October 30, a total of 39 police officers, 37 of whom were off duty, and 26 soldiers had been killed. Prisons Director Marco Tulio Lima announced that, as of October 12, three prison guards had been killed. An increased perception of danger to the police coincided with increased public support for police officers. According to a September *Prensa Grafica* poll, 56 percent of citizens had a positive opinion of the PNC. In February the IUDOP reported that support for the police had increased over the previous year, with 63 percent of the public agreeing that police were more effective compared with the previous year.

Arrest Procedures and Treatment of Detainees

The constitution requires a written warrant of arrest except in cases where an individual is caught in the act of committing a crime. Authorities apprehended

persons with warrants based on evidence and issued by a duly authorized official. Police generally informed detainees promptly of charges against them.

The law permits release on bail for detainees who are unlikely to flee or whose release would not impede the investigation of the case. The bail system functioned adequately in most cases. The courts generally enforced a ruling that interrogation without the presence of counsel is coercive and that evidence obtained in such a manner is inadmissible. As a result, PNC authorities typically delayed questioning until a public defender or an attorney arrived. Detainees normally had access to counsel of their choice or to an attorney provided by the state. The constitution permits the PNC to hold suspects for 72 hours before presenting them to court, after which the judge may order detention for an additional 72 hours to determine if an investigation is warranted. The law allows up to six months for investigation of serious crimes before requiring either a trial or dismissal of the case. In exceptionally complicated cases, the prosecutor may ask an appeals court to extend the deadline for three or six months, depending on the seriousness of the crime. Many cases continued beyond the legally prescribed period.

Arbitrary Arrest: As of August 31, the PDDH reported 86 complaints of arbitrary detention or illegal detention during the year, compared with 62 in all of 2016.

Pretrial Detention: Lengthy pretrial detention was a significant problem. As of June 30, 33 percent of the general prison population was in pretrial detention. Lengthy legal procedures, large numbers of detainees, judicial inefficiency, corruption, and staff shortages caused trial delays. Because it could take several years for a case to come to trial, some persons remained in pretrial detention longer than the maximum legal sentences for their alleged crimes. In such circumstances, detainees may request a Supreme Court review of their continued detention.

On January 9, two police officers detained Daniel Aleman for carrying one pound of marijuana. None of the 30 witnesses to the arrest saw the marijuana, and his defense attorney noted that the arrest was based solely on the accusations of the two police officers. On March 16, the PDDH determined that the police illegally detained Aleman by fraudulently placing illegal drugs on him in order to file charges against him. On May 16, the Ilopango Court of Instruction voided the drugs case against Aleman. He remained under investigation in a separate extortion case.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, the government did not respect judicial independence and impartiality, and the judiciary was burdened by inefficiency and corruption. The Solicitor's Office, responsible for public defenders, the Attorney General's Office, and the PDDH suffered from insufficient resources.

While the government generally respected court orders, some agencies, such as the Ministry of Defense, repeatedly failed to cooperate with investigations by the Attorney General's Office and judges. The Legislative Assembly also did not always comply with Supreme Court rulings. As of October 30, the Legislative Assembly had not complied with a 2015 ruling that it issue regulations to clarify certain sections of the Political Parties Law regarding campaign contributions.

Intimidation of judges, including Supreme Court members, continued to occur. Two legislators participated in demonstrations critical of judges, especially the Constitutional Chamber of the Supreme Court. Supreme Court justices increased their personal security as a result. On October 23, a member of the ruling Farabundo Marti National Liberation Front (FMLN) political party threatened to sue members of the Constitutional Chamber of the Supreme Court for perceived abuse of power. On August 17, the Council of Ministries, a part of the executive branch, issued a public statement against the Constitutional Chamber that declared the 2017 budget unconstitutional. On May 11, an estimated 300 persons marched to the Supreme Court to protest against the Constitutional Court following an injunction that ended the use of segregated lanes of the Metropolitan Area Integrated Transportation System of San Salvador (SITRAMSS). Unlike with most protests, police officers did not set up barricades to stop them from moving to the main gate of the court; demonstrators reached the main gate and damaged it. *El Mundo* newspaper noted that despite verbal threats against the justices during the protest and damage to public property, the PNC did not intervene.

Corruption in the judicial system contributed to a high level of impunity, undermining the rule of law and the public's respect for the judiciary. As of July 31, the Supreme Court heard 148 cases against judges due to irregularities, 117 of which remained under review; removed six judges; suspended 19 others; and brought formal charges against 28 judges. Accusations against judges included collusion with criminal elements and sexual harassment.

In July 2016 the Constitutional Chamber of the Supreme Court struck down the 1993 Amnesty Law on the grounds that it violated citizens' constitutional right to justice and the right to compensation for crimes against humanity and war crimes.

The law provided blanket protection against criminal prosecution and civil penalties for crimes committed during the country's civil war (1980-92), and the court's ruling held that the Legislative Assembly did not have authority to grant an absolute amnesty. On July 19, the Constitutional Chamber held a follow-up hearing on the progress made by different sectors of the government to comply with the recommendations made by the court, such as issuing a law to guarantee a democratic transition that respects human rights and interagency coordination between the executive and the attorney general to improve judicial accountability for gross violations of human rights committed during the civil war. As of October 30, the Legislative Assembly had not debated or passed legislation pertaining to reparations or reconciliation, and the executive had not granted sufficient funds to the attorney general to prosecute civil war cases.

On August 21, the Constitutional Chamber of the Supreme Court published its August 18 ruling against enforcing an arrest warrant for 13 former members of the military accused of the 1989 murder of six Jesuit priests, their housekeeper, and her daughter. The court noted that it had denied multiple extradition requests from Spain on the Jesuit case, and therefore it would not issue additional arrest warrants based on Spain's Interpol Red Notice, as the arrests would not lead to extraditions. On April 6, the First Appellate Criminal Court of San Salvador upheld the 30-year sentence against former colonel Guillermo Alfredo Benavides Moreno for his role in the 1989 murders, and he was the sole individual in prison for the crimes. Lieutenant Yushy Rene Mendoza Vallecillos was sentenced to 30 years for the murder of the priests' housekeeper's daughter in the original 1991 trial. Mendoza was not arrested along with Benavides and his whereabouts were unknown, although he was believed to be out of the country.

On June 2, the attorney general issued arrest warrants for three ex-guerrilla members of the People's Revolutionary Army (ERP) allegedly responsible for the 1981 deaths of two foreign citizens--Lieutenant Colonel David H. Pickett and an aviation technician, Private First Class Earnest G. Dawson Jr.--killed in Lolotique, San Miguel, after their helicopter was shot down. The warrants followed the February 14 reopening by the Attorney General's Office of the investigation into their killing after a petition from the right-leaning NGO Victims of Terrorism in El Salvador Alliance. Two of the guerrilla members, Ferman Hernandez Arevalo (alias Porfirio) and Ceveriano Fuentes (alias Aparicio), served time in prison but were released after the passage of the 1993 Amnesty Law. A third former guerilla member suspected of involvement in the killing, Santos Guevara Portillo (alias Dominguez), was never arrested. As of August 30, the three defendants had not been arrested.

In September 2016, in response to a petition by the victims, a judge issued an order to reopen the investigation into the 1981 El Mozote massacre, in which an estimated 800 persons were killed during the military's Operation Rescue. On March 29-30, Judge Guzman held hearings to inform 20 accused former military officials of the charges against them. Two of the accused were deceased, and 12 of the remaining 18 attended the hearing. Eleven other defendants had died since the case was initiated in 1991 by Tutela Legal, a human rights defense organization formerly housed in the Institute for Human Rights at the University of Central America. The hearings marked the first time the defendants were summoned before a judicial body to face accusations for crimes committed during the massacre. On June 9, the prosecution called on 11 witnesses to provide testimony in the trial regarding events that occurred between December 11 and 13, 1981. Witness testimony continued into September and October. On October 19, former general Juan Rafael Bustillo, the accused intellectual author of the massacre, appeared before the court to hear the charges against him. The Ministry of Defense did not provide information requested by the presiding judge or prosecution and claimed that all records of Operation Rescue had been destroyed or never existed, including the names of the soldiers who participated in the operation and their commanding officers. David Morales, representative of the victims, asked the attorney general to investigate the steps taken by the Ministry of Defense that led to their conclusion that it had no information on Operation Rescue. On October 25, the Technical Secretariat stated that between 2013 and 2017, the state paid \$1.8 million in restitution to survivors and the families of victims of the El Mozote massacre, of which 1,651 were identified.

Civil society advocates expressed concern that pregnant women were falsely accused and experienced wrongful incarceration in cases where the woman may have suffered a miscarriage or stillbirth but was wrongfully charged with homicide under the law banning abortion in all cases. On December 15, San Salvador's Second Court of Judgment denied the appeal of Teodora del Carmen Vasquez and upheld her 30-year sentence for aggravated homicide over what she claimed was a stillbirth.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right, although some trial court judges were subject to political and economic influence. Although procedures call for juries to try certain crimes, including environmental pollution and certain misdemeanors,

judges decided most cases. By law juries hear only a narrow group of cases, such as environmental complaints, to which the law does not assign judges. In these cases, after the jury determines innocence or guilt, a panel of judges decides the sentence.

Defendants have the right to be present in court, question witnesses, and present witnesses and evidence. The constitution further provides for the presumption of innocence, the right to be informed promptly and in detail of charges, the right to a trial without undue delay, protection from self-incrimination, the right to communicate with an attorney of choice, the right to adequate time and facilities to prepare a defense, freedom from coercion, the right to confront adverse witnesses and present one's own witnesses and evidence, the right to appeal, and government-provided legal counsel for the indigent. The judiciary introduced trials by video conference and other technology-based solutions to courtrooms in an effort to combat trial backlogs and improve trial procedures.

In criminal cases a judge may allow a private plaintiff to participate in trial proceedings (calling and cross-examining witnesses, providing evidence, etc.), assisting the prosecuting attorney in the trial procedure. Defendants have the right to free assistance of an interpreter if the defendant does not understand Spanish. Authorities did not always respect these legal rights and protections. Although a jury's verdict is final, a judge's verdict is subject to appeal. Trials are public unless a judge seals a case.

As of August 31, the PDDH had received 16 complaints of coercion and 68 complaints of intimidation by the PNC, the armed forces, and other public officials during criminal investigations or trial procedures.

The Ministry of Justice and Public Security's Executive Technical Unit provided witness protection services to victims and witnesses. Some judges denied anonymity to witnesses at trial, and gang intimidation and violence against witnesses contributed to a climate of impunity from criminal prosecution. According to PNC director Howard Cotto, as of August 30, there were 55 individuals under witness protection.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for access to the courts, enabling litigants to bring civil lawsuits seeking damages for, as well as cessation of, human rights violations. Domestic court orders generally were enforced. Most attorneys pursued criminal prosecution and later requested civil compensation.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

On July 5, the president of FUSADES stated that according to experts, unknown persons had illegally wiretapped the foundation's telephone lines.

In many neighborhoods, armed groups and gangs targeted certain persons, interfered with privacy, family, and home life, and created a climate of fear. Efforts by authorities to remedy these situations were generally ineffective.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights. Some restrictions, however, occurred throughout the year. The law permits the executive branch to use the emergency broadcasting service to take over all broadcast and cable networks temporarily to televise political programming.

Press and Media Freedom: There continued to be allegations that the government retaliated against members of the press for criticizing its policies.

On June 30, news anchor Rafael Dominguez, a strong critic of the administration, warned that his Channel 8 morning show, *Asi Estamos*, was cancelled in response to government pressure on the channel for his broadcasts. Although the program was initially canceled, it was restarted on July 19 after pressure from journalist associations and civil society.

Violence and Harassment: After reporting on violence in the country, journalist contacts reported experiencing threats from persons believed to be government officials. On August 24, *Factum* magazine journalist Juan Martinez d'Aubuisson reported intimidation, possibly by police officers, due to an August 22 report, "An Inside Look at a Police Death Squad." The report presented evidence that led to the arrest of four police officers linked with extrajudicial killings, sexual abuse, and extortion. On August 24, an anonymous Twitter account reportedly run by police officers called for the death of journalists from *Factum* and online *El Faro* magazine, similar to the death of Christian Poveda, a journalist killed in 2009 by gang members after a supposed betrayal of loyalty. On August 26, *Factum* magazine staff also reported that four individuals posing as PDDH officers visited their offices and asked about the whereabouts of a number of journalists. *Factum* staff contacted the journalists, who subsequently contacted the PDDH, and PDDH representatives confirmed that they had not sent anyone.

On August 30, the PDDH called on the attorney general to issue protective measures for Martinez and other *Factum* journalists. According to *Factum* journalist Cesar Castro Fagoaga, the PNC offered special police protection, but the journalists declined the protection, as it was being provided by police, and insisted on a thorough investigation. The *Factum* journalists were interviewed by the Attorney General's Office in September and were told by the prosecutor that police had not been in touch with their office. On October 27, the Inter-American Commission on Human Rights ordered protective measures for the *Factum* journalists. According to Castro Fagoaga, as of November 22, government officials had not been in touch to coordinate the measures.

Censorship or Content Restrictions: Government advertising accounted for a significant portion of press advertising income, although exact data was not publicly available. Newspaper editors and radio directors occasionally discouraged journalists from reporting on topics the owners or publishers might not view favorably. According to the Salvadoran Journalists Association (APES), the media practiced self-censorship, especially in its reporting on gangs and narcotics trafficking.

Nongovernmental Impact: APES noted journalists reporting on gangs and narcotics trafficking were subject to threats and intimidation, resulting in self-censorship.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The International Telecommunication Union reported 29 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights, although there were occasions where the government used intimidation tactics to discourage assembly.

On January 10, the PNC Disciplinary Tribunal dismissed five police officers for leading the Police Workers Movement (police union) protests. The case was initiated in January 2016, after more than 1,000 police officers and their families marched for better wages. This unprecedented police protest followed a wave of assassinations of police officers in 2015. The officers appealed the dismissal, and on April 30, an appeals chamber upheld the decision against four of the officers on the grounds that they violated a law prohibiting the police from striking and dismissed charges against the fifth police officer, who served as an administrative assistant.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, although in many areas the government could not provide freedom of movement due to criminal gang activity.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection

and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The government, however, could not facilitate services in many of the gang-controlled neighborhoods most in need.

In-country Movement: The major gangs controlled their own territory. Gang members did not allow persons living in another gang's controlled area to enter their territory, even when travelling via public transportation. Gangs forced persons to present identification cards (containing their addresses) to determine their residence. If gang members discovered that a person lived in a rival gang's territory, that person risked being killed, beaten, or not allowed to enter the territory. Bus companies paid extortion fees to operate within gang territories, often paying numerous fees for the different areas in which they operated. The extortion costs were passed on to paying customers.

Internally Displaced Persons (IDPs)

There were no official government figures on IDPs. A December 2016 IUDOP poll reported that 5 percent of citizens had changed their place of residence due to crime, with 66 percent changing their place of residence once, 31 percent from two to four times, and 3.2 percent five or more times. According to the poll, 40.3 percent stated they might migrate to another country in the following year. The percentage of persons expressing a desire to migrate abroad was the highest in 10 years. The poll also reported that 17.2 percent of individuals had a family member forced to migrate to another country due to threats or to some violent event in 2016. UNHCR estimated there were 280,000 internally displaced persons. UNHCR reported the causes of internal displacement included abuse, extortion, discrimination, and threats.

The NGO International Rescue Committee estimated that the number of IDPs totaled approximately 324,000, or 5.2 percent of the country's population. On April 4, however, a UNHCR representative reported that due to violence and insecurity, statistics for IDPs may not be reliable.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, including an established system for providing protection to refugees. As of August 25, the government had not granted refugee status to anyone. As of August, four

petitions had been submitted, with one resulting in denial and three still under consideration.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The most recent municipal and legislative elections occurred in 2015 with the final election results released by the Supreme Electoral Tribunal. The election report published by the Organization of American States electoral mission noted that, during the tabulation of the votes, “inconsistencies were discovered in a large number of records, due to erroneous data and information input by many voting centers.”

In 2015 the Constitutional Chamber of the Supreme Court ordered a vote-by-vote recount for the 24 legislators elected in the municipality of San Salvador, the country’s largest constituency. The results of the recount did not alter the election results.

In June 2016 the Constitutional Chamber of the Supreme Court declared as unconstitutional Article 195 of the electoral code, which prohibited police and soldiers from voting in polling stations where they provide security. On January 5, legislators reformed the electoral code and authorized soldiers and police officers to vote in the same place as they work so long as they are duly registered in the electoral roll of that neighborhood.

While the law prohibits public officials from campaigning in elections, this provision lacked consistent enforcement.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. The NGO Social Initiative for Democracy

stated that officials, particularly in the judicial system, often engaged in corrupt practices with impunity.

Corruption: Autonomous government institutions initiated several investigations into corruption. As of August 23, the Probity Section of the Supreme Court was investigating 517 current and former public officials for evidence of illicit enrichment and submitted 15 cases to the Attorney General's Office for possible criminal indictment. The increase from 72 investigations initiated in 2016 was due in part to a staffing surge. As of August 30, the Attorney General's Office reported that investigations were in progress in 130 cases related to corruption, with 11 convictions during the year.

As of August 23, the Ethics Tribunal reported that it had received 375 complaints against 476 public officials. The tribunal sanctioned 33 public officials and forwarded six cases to the attorney general.

On June 27, Attorney General Douglas Melendez confirmed that he was conducting an investigation into FMLN leader and Vice Minister for Investment and Funding for Development Jose Luis Merino. Merino's position as vice minister granted him immunity from prosecution.

On April 19, the Ministry of Foreign Affairs appointed Sigfrido Reyes as an ambassador, at the recommendation of the president, while he retained his position as president of the export promotion agency (PROESA). Reyes was under investigation for illicit enrichment, and the ambassadorial appointment provided Reyes, a senior FMLN politician, with legal immunity.

On June 6, the Attorney General's Office began an asset forfeiture process against nine properties (valued at \$627,000) of late former president Francisco Flores.

On February 4, the attorney general indicted 17 individuals in the corruption case against former president Antonio Saca (2004-09). A court froze additional assets belonging to suspects in the Saca case, including 50 properties and 60 vehicles. On August 21, the attorney general further charged Saca with bribery.

On November 28, former president Mauricio Funes and his son, Diego Funes Canas, were found guilty of illicit enrichment. Funes was ordered to pay restitution and was found ineligible to hold public office for a 10-year period. Funes and his children were granted political asylum in Nicaragua in September 2016.

On January 13, the First Criminal Chamber of El Salvador revoked bail for former attorney general Luis Martinez, businessman Enrique Rais, and five other suspects facing trial on corruption-related charges including fraud and bribery. On October 4, Luis Martinez was indicted on additional charges of coverup and procedural fraud. Police received an order to recapture Enrique Rais and five associates, all of whom disappeared after a court hearing on January 9.

Financial Disclosure: The illicit enrichment law requires appointed and elected officials to declare their assets to the Probity Section of the Supreme Court. The declarations are not available to the public unless requested by petition, and the law establishes fines for noncompliance that range from \$11 to \$571. Citizens groups petitioned the Probity Section to disclose 18 assets statements of public officers. The Probity Section had not complied due to a lack of response from banks. The full Supreme Court gave the Probity Section until August 29 to submit the requested information; as of November, the Probity Section had not submitted the information and repeated extension requests had been granted. In May 2016 the Supreme Court established three criteria for selecting investigable cases: the age of the case (i.e., proximity to the statute of limitations), the relevance of the position, and the seriousness and notoriety of the alleged illicit enrichment.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although government officials generally were cooperative and responsive to these groups, officials expressed reluctance to discuss certain issues, such as extrajudicial killings, with the PDDH.

Government Human Rights Bodies: The principal human rights investigative and monitoring body was the autonomous PDDH, whose head is nominated by the Legislative Assembly for a three-year term. The PDDH regularly issued reports and press releases on prominent human rights cases. The PDDH generally enjoyed government cooperation and was considered generally effective except on problems relating to criminal groups and gangs.

The PDDH maintained a constructive dialogue with the President's Office. The government publicly acknowledged receipt of PDDH reports, although in some cases it did not take action on PDDH recommendations, which are nonbinding.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, and the criminal code's definition of rape may apply to spousal rape, at the judge's discretion. The law requires the Attorney General's Office to prosecute rape cases whether or not the victim presses charges, and the law does not permit the victim to withdraw the criminal charge. The penalty for rape is generally imprisonment for six to 10 years. Laws against rape were not effectively enforced.

The law prohibits domestic violence and generally provides for sentences ranging from one to three years in prison, although some forms of domestic violence carry higher penalties. The law also permits restraining orders against offenders. Laws against domestic violence remained poorly enforced, and violence against women, including domestic violence, remained a widespread and serious problem.

As of October the Office of the Inspector General reported five cases of alleged rape by police officers and six cases of sexual assault.

Sexual Harassment: The law prohibits sexual harassment and provides imprisonment of up to five years if the victim is an adult and up to eight years if the victim is a minor. Courts may impose fines in addition to a prison term in cases where the perpetrator maintains a position of trust or authority over the victim. The law also mandates that employers take measures against sexual harassment, violence against women, and other workplace harassment. The law requires employers to create and implement preventive programs to address violence against women, sexual abuse, and other psychosocial risks. The government, however, did not enforce sexual harassment laws effectively.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The constitution grants women and men the same legal rights, but women did not enjoy equal treatment. The law establishes sentences of one to three years in prison for public officials who deny a person's civil rights based on

gender and six months to two years for employers who discriminate against women in the workplace, but employees generally did not report such violations due to fear of employer reprisals.

While the law prohibits discrimination based on gender, women suffered from cultural, economic, and societal discrimination. The law requires equal pay for equal work, but according to the 2016 *World Economic Forum Global Gender Gap Report*, the average wage paid to women for comparable work was 54 percent, down from 60 percent in 2015, of the compensation paid to men.

Children

Birth Registration: Children derive citizenship by birth within the country and from their parents. The law requires parents to register a child within 15 days of birth or pay a \$2.85 fine. Failure to register resulted in denial of school enrollment.

Education: Education is free, universal, compulsory through the ninth grade, and nominally free through high school. Rural areas, however, frequently did not provide required education to all eligible students due to a lack of resources and because rural parents often withdrew their children from school by the sixth grade, requiring them to work.

Child Abuse: Child abuse remained a serious and widespread problem. For additional information, see Appendix C.

Early and Forced Marriage: The legal minimum age for marriage is 18. On August 17, legislators approved a ban on child marriage to prevent child abusers from using legal technicalities to avoid imprisonment.

Sexual Exploitation of Children: Child sex trafficking is prohibited by law. On March 29, the Legislative Assembly approved a reform to the penal code to increase prison sentences for convicted traffickers from four to eight years, to six to 10 years.

The minimum age for consensual sex is 18. The law classifies statutory rape as sexual relations with anyone under the age of 18 and includes penalties of four to 13 years' imprisonment for violations.

The law prohibits paying anyone under the age of 18 for sexual services. The law prohibits participating in, facilitating, or purchasing materials containing child pornography and provides for prison sentences of up to 16 years for violations. Despite these provisions, sexual exploitation of children remained a problem.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Jewish community totaled approximately 150 persons. There were no known reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The National Council for Comprehensive Attention to Persons with Disability (CONAIPD), composed of representatives from multiple government entities, is the governmental agency responsible for protecting disability rights, but lacks enforcement power. According to CONAIPD, the government did not allocate sufficient resources to enforce prohibitions against discrimination effectively, particularly in education, employment, and transportation. The government did not effectively enforce legal requirements for access to buildings, information, and communications for persons with disabilities. Few access ramps or provisions for the mobility of persons with disabilities existed.

According to CONAIPD, there is no mechanism to verify compliance with the law requiring businesses and nongovernment agencies to hire one person with disabilities for every 25 hires. CONAIPD reported employers frequently fired persons who acquired disabilities and would not consider persons with disabilities for work for which they qualified. Further, some academic institutions would not accept children with disabilities due to a lack of facilities and resources. No formal

system existed for filing a discrimination complaint involving a disability with the government. The Ministry of Labor's General Directorate for Labor Inspection imposed 403 fines on businesses between 2014 and 2017 for violations of the labor law that requires the hiring of persons with disabilities.

Indigenous People

According to the 2007 census, the most recent for which this data was available, 0.4 percent of citizens identified as indigenous. A 2014 constitutional amendment recognizes the rights of indigenous people, but no laws provide indigenous people rights to share in revenue from exploitation of natural resources on historically indigenous lands. The government did not demarcate any lands as belonging to indigenous communities. Because few possessed title to land, opportunities for bank loans and other forms of credit remained extremely limited.

Acts of Violence, Discrimination, and Other Societal Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination on the basis of sexual orientation and gender identity. On November 13, the Supreme Electoral Tribunal announced new guidelines to protect LGBTI persons from discrimination at election polls. Under the guidelines, individuals cannot be denied the right to vote because the photo on their identification card does not match their physical appearance or gender expression.

On August 30, the attorney general filed charges against eight Mara Salvatrucha (MS-13) gang members for the aggravated homicides of three transgender persons. The in-depth police investigation by a specialized unit produced credible evidence that the victims had been involved in gang-related extortion activities. On February 18, two of the victims arrived at a party in San Luis Talpa, La Paz Department, when perpetrators fired shots from a vehicle. Authorities reported that the gangs killed a third transgender victim on February 21 in Cuyultitan, in La Paz, in retaliation for her participation in the killings of the first two victims. In March the PNC assigned its High Visibility Crimes Unit to investigate the homicides of the three transgender women, and the Secretary for Social Inclusion met with activists to hear their concerns about LGBTI hate crimes. While the crimes themselves were later determined to be gang related, the government and the PDDH issued statements against hate crimes in response to concerns expressed immediately after the crimes by the LGBTI community.

A March 21 hearing before the Inter-American Commission on Human Rights focused on anti-LGBTI violence and hate crimes. One NGO told commissioners that at least 600 persons had experienced hate crimes based on their sexual orientation or gender identity since 2004. As of August 31, the PDDH had received six complaints for crimes against LGBTI persons.

NGOs reported that public officials, including police, engaged in violence and discrimination against LGBTI persons. Members of the LGBTI community stated that PNC and Attorney General's Office personnel ridiculed them when they applied for identification cards or reported cases of violence against LGBTI persons. The NGO Association for Communication and Training of Transgender Women with HIV in El Salvador (COMCAVIS Trans) reported that, as of September, a total of 28 LGBTI persons were attacked or killed because of their sexual orientation.

HIV and AIDS Social Stigma

Although the law prohibits discrimination on the basis of HIV/AIDS status, Entre Amigos, an LGBTI nongovernmental organization, reported that discrimination due to HIV was widespread. As of August 31, the PDDH reported one case of discrimination against persons with HIV or AIDS. The Ministry of Labor reported one case of discrimination against an HIV-positive employee based on the illness in 2016.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides the right of most workers to form and join independent unions, to strike, and to bargain collectively. The law also prohibits antiunion discrimination, although it does not require reinstatement of workers fired for union activity. Several restrictions limit these rights. Military personnel, national police, judges, and high-level public officers may not form or join unions. Workers who are representatives of the employer or in "positions of trust" also may not serve on the union's board of directors. The law does not define the term "positions of trust." The labor code does not cover public-sector workers and municipal workers, whose wages and terms of employment are regulated by the 1961 Civil Service Law.

Unions must meet complex requirements to register legally and to have the right to bargain collectively, including having a minimum membership of 35 workers. If the Ministry of Labor denies a union's legal registration, the law prohibits any attempt by the union to organize for up to six months following the denial. Collective bargaining is obligatory only if the union represents the majority of workers.

While workers have the right to strike, the law contains cumbersome and complex registration procedures for conducting a legal strike. The law does not recognize the right to strike for public and municipal employees or for workers in essential services, which include those services where disruption would jeopardize or endanger life, security, health, or normal conditions of existence for some or all of the population. The law does not specify which services meet this definition, and courts therefore apply this provision on a case-by-case basis. The law places several other restrictions on the right to strike, including the requirement that 30 percent of all workers in an enterprise must support a strike for it to be legal and that 51 percent must support the strike before all workers are bound by the decision to strike. In addition, unions may strike only to obtain or modify a collective bargaining agreement or to protect the common professional interests of the workers. They must also engage in negotiation, mediation, and arbitration processes before striking, although many groups often skipped or went through these steps quickly. The law prohibits workers from appealing a government decision declaring a strike illegal.

In lieu of requiring employers to reinstate illegally dismissed workers, the law requires employers to pay them the equivalent of 30 days of their basic salary for each year of service completed, plus the corresponding proportion for any partial year. This compensation must never be fewer than 15 days of basic salary. The law specifies 30 reasons for which an employer can legally terminate a worker's contract without triggering any additional responsibilities on the part of the employer. Such reasons include consistent negligence by an employee, leaking of private company information, or committing immoral acts while on duty. Short of terminating workers, an employer may also legally suspend workers in a variety of situations, including for reasons of economic downturn or market conditions. As of August, the Ministry of Labor had received 3,225 complaints of violations of the labor code, including 229 instances of failure to pay the minimum wage.

The government did not effectively enforce the laws on freedom of association and the right to collective bargaining in all cases. Resources to conduct inspections remained inadequate, and remedies remained ineffective. Penalties for employers

who disrupt the right of a union to exist by directly or indirectly firing workers with the goal or effect of ensuring the union no longer met the minimum number of members ranged from 10 to 50 times the monthly minimum salary. These were paid to the government's general fund, not to the fired employee. The penalty for employers who interfere with the right to strike was between \$3,000 and \$15,000, based on the state-mandated minimum salary of \$300 for the commercial and industrial sectors. Such penalties remained insufficient to deter violations. The Ministry of Labor acknowledged it lacked sufficient resources, such as vehicles, fuel, and computers, to enforce the law fully. Judicial procedures were subject to lengthy delays and appeals. According to union representatives, the government inconsistently enforced labor rights for public workers, maquila/textile workers, food manufacturing workers, subcontracted workers in the construction industry, security guards, informal sector workers, and migrant workers. As of September the Ministry of Labor had received two claims of violations to the freedom of association.

As of July the Ministry of Labor had overseen the mediation of 3,728 disputes between employers and individual employees or employee collectives. Mediation is required before an alleged labor law violation can be adjudicated in court. While 41 of the mediated disputes resulted in the reinstatement of the aggrieved employee and the payment of a fine by the employer, no agreement was reached in 1,786 disputes, many of which continued on to court. Although not required by law, the ministry continued to request that some employers rehire fired workers, basing its requests on International Labor Organization (ILO) Committee on Freedom of Association. The ministry did not perform inspections in the informal sector. According to a FUSADES report, 72.4 percent of the economically active population worked in the informal economy. According to the 2015 census, 42 percent of workers in urban areas worked in the informal sector. The ministry does not hold jurisdiction over public employees, as most fall under the civil service law.

Workers faced problems exercising their rights to freedom of association and collective bargaining, including, according to allegations by some unions, government influence on union activities and antiunion discrimination on the part of employers. Unions functioned independently from the government and political parties, although many generally were aligned with the Nationalist Republican Alliance (ARENA), the FMLN, or other political parties.

There were reports of antiunion discrimination, including threats against labor union members, dismissals of workers attempting to unionize, and blacklisting.

According to union leader contacts, the administration blacklisted public-sector employees who they believed were close with the opposition. Workers at times engaged in strikes regardless of whether the strikes met legal requirements. The ILO Conference Committee on the Application of Standards discussed the country for the third year in a row over the nonfunctioning of the tripartite Higher Labor Council and, in 2015 and 2016, a variety of other issues affecting freedom of association.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government generally did not effectively enforce such laws. Resources to conduct inspections remained inadequate. The labor code did not specify a fine for forced labor violations. The code's default fine of \$57 per violation applied. This penalty was generally not sufficient to deter violations. The lack of sufficient resources for inspectors reduced their ability to enforce the law fully. The Ministry of Labor did not report on incidents of forced labor; however, gangs subjected children to forced labor in illicit activities, including selling or transporting drugs (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 14, allowing children between the ages of 14 and 18 to engage in light work if the work does not damage the child's health or development or interfere with compulsory education. The law prohibits children under the age of 16 from working more than six hours per day and 34 hours per week; those under the age of 18 are prohibited from working at night or in occupations considered hazardous. The Ministry of Labor maintained a list of the types of work considered hazardous and prohibited for children, to include repairing heavy machinery, mining, handling weapons, fishing and harvesting mollusks, and working at heights above five feet while doing construction, erecting antennas, or working on billboards. Children who are 16 and older may engage in light work on coffee and sugar plantations and in the fishing industry so long as it does not harm their health or interfere with their education.

The Ministry of Labor maintains responsibility for enforcing child labor laws but did so with limited effectiveness. Child labor remained a serious and widespread

problem. The law specifies a default fine of no more than \$60 for each violation of most labor laws, including child labor laws; such penalties were insufficient to act as a deterrent. The ministry's labor inspectors focused almost exclusively on the formal sector. As of September, the ministry reported conducting 596 inspections related to child labor, during which inspectors reported seven incidents of child labor and one incident of an adolescent working without a permit. The ministry estimated that, as of September, there were 140,700 children and adolescents working, of which, 91,257 children were employed in "dangerous work." No information on any investigations or prosecutions by the government was available. The ministry lacked adequate resources for effective enforcement of child labor laws in the agricultural sector, especially in coffee and sugarcane production, or in the large, informal sector.

There were reports of children under the age of 16 engaging in the worst forms of child labor, including in coffee and sugarcane cultivation, fishing, mollusk shucking, and fireworks production. As of November there were two incidents of minors injured or killed due to the explosion of a clandestine fireworks factory, most recently on March 23 in San Rafael Cedros, in the department of Cuscatlan, which injured a 14-year-old child. Children were subjected to other worst forms of child labor, including commercial sexual exploitation (see section 6, Children) and recruitment into illegal gangs to perform illicit activities related to the arms and drug trades, including committing homicide. Children were engaged in child labor, including domestic work, the production of cereal grains, and the production of baked goods. Orphans and children from poor families frequently worked as street vendors and general laborers in small businesses.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The constitution, labor laws, and state regulations prohibit discrimination regarding race, color, sex, religion, political opinion, national extraction (except in cases determined to protect local workers), social origin, gender, disability, language, or HIV-positive status. The government did not effectively enforce those laws and regulations. Sexual orientation and gender identity are not included in the constitution or labor law, although the PDDH and the Ministry of Labor actively sought to protect workers against discrimination on those grounds.

Discrimination in employment and occupation occurred with respect to gender, disability, and sexual orientation and/or gender identity (see sections 6 and 7.e.). According to the Ministry of Labor, migrant workers have the same rights as citizens, but the ministry did not enforce them.

e. Acceptable Conditions of Work

There is no national minimum wage; the minimum wage is determined by sector. In January a major minimum wage increase went into effect that included increases of nearly 40 percent for apparel assembly workers and more than 100 percent for workers in coffee and sugar harvesting. After the increase, the minimum daily wage was \$10 for retail, service, and industrial employees; \$9.84 for apparel assembly workers; and \$3.94 for agricultural workers. The government reported that the poverty income level was \$179.67 per month in urban areas and \$126.97 per month in rural areas.

The law sets a maximum normal workweek of 44 hours, limited to no more than six days and to no more than eight hours per day, but allows overtime, which is to be paid at a rate of double the usual hourly wage. The law mandates that full-time employees receive pay for an eight-hour day of rest in addition to the 44-hour normal workweek. The law provides that employers must pay double-time for work on designated annual holidays, a Christmas bonus based on the time of service of the employee, and 15 days of paid annual leave. The law prohibits compulsory overtime. The law states that domestic employees, such as maids and gardeners, are obligated to work on holidays if their employer makes this request, but they are entitled to double pay in these instances. The government did not adequately enforce these laws.

The Ministry of Labor is responsible for setting workplace safety standards, and the law establishes a tripartite committee to review the standards. The law requires employers to take steps to meet health and safety requirements in the workplace, including providing proper equipment and training and a violence-free environment. Employers who violate most labor laws could receive a default fine of no more than \$57 for each violation. For serious infractions, employers could be fined up to an amount equivalent to 28 minimum monthly wage salaries. While the laws were appropriate for the main industries, a lack of compliance inspectors led to poor enforcement. These penalties were also insufficient to deter violations, and some companies reportedly found it more cost effective to pay the fines than to comply with the law. The law promotes occupational safety awareness, training, and worker participation in occupational health and safety matters.

As of August 30, the Attorney General's Office reported 818 complaints against employers for not paying pension quotas to the pension administration companies and that it filed judicial charges against 124 employers. The courts dismissed charges in 63 cases and suggested alternative solutions in 55 cases.

The Ministry of Labor is responsible for enforcing the law. The government proved more effective in enforcing the minimum wage law in the formal sector than in the informal sector. Unions reported that the ministry failed to enforce the law for subcontracted workers hired for public reconstruction contracts. The government provided its inspectors updated training in both occupational safety and labor standards. As of September, the ministry conducted 20,134 inspections, of which 22 percent were inspections to follow-up with prior investigations. As of August, the ministry's inspectors had levied \$1.34 million dollars in fines against businesses for violations of the labor law, although this did not account for fines for withholding fees, child labor, and forced labor. Most fines were levied against businesses in the services and commercial sectors.

Allegations of corruption among labor inspectors continued. The ministry received complaints regarding failure to pay overtime, minimum wage violations, unpaid salaries, and cases of employers illegally withholding benefits (including social security and pension funds) from workers.

Reports of overtime and wage violations existed in several sectors. According to the ministry, employers in the agriculture sector did not generally grant annual bonuses, vacation days, or days of rest. Women in domestic service and the industrial manufacturing for export industry, particularly in the export processing zones, faced exploitation, mistreatment, verbal abuse, threats, sexual harassment, and generally poor work conditions. Workers in the construction industry and domestic service reportedly fell subject to violations of wage, hour, and safety laws. According to the Organization for Salvadoran Women for Peace (ORMUSA), apparel companies violated women's rights through occupational health violations and unpaid overtime. There were reports of occupational safety and health violations in other sectors, including reports that a very large percentage of buildings were out of compliance with safety standards set by the General Law on Risk Protection. The government proved ineffective in pursuing such violations.

In June the labor union SITRAFOS complained that the Solidary Fund for Health (FOSALUD) was sending health workers to violent areas, despite warnings about

such places. According to SITRAFOS representatives, the lives of health workers were at risk in several areas where they were threatened by gang members. The union noted staff was being sent to dangerous places without police protection.

In some cases the country's high crime rate negatively affected acceptable conditions of work as well as workers' psychological and physical health. Some workers, such as bus drivers, bill collectors, messengers, and teachers in high-risk areas, reported being subject to extortion and death threats.

As of June, the Ministry of Labor reported 3,938 workplace accidents. The sectors registering the highest levels of incidents included: 2,032 accidents in the services sector, 1,320 in the industrial sector, 241 in the government sector, and 37 in the agricultural sector. The ministry did not report any deaths from workplace-related accidents.

Workers can legally remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities lacked the ability to protect employees in this situation effectively.

Exh. 2

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 43/2017**

Precautionary Measure No. 678-17
Journalists from "Revista Factum" regarding El Salvador
October 27, 2017

I. INTRODUCTION

1. On September 15, 2017, the Inter-American Commission on Human Rights (hereafter referred to as "the Inter-American Commission," "the Commission," or "the IACHR") received a petition for precautionary measures presented by Arnau Baulenas Bardia, attorney at the Human Rights Institute of José Simeón Cañas Central American University (hereafter referred to as "the petitioner"), petitioning the IACHR to call upon the State of El Salvador (hereafter referred to as "the State") to adopt the necessary protective measures to preserve the lives and personal safety of the journalists of the newspaper "Revista Factum," specifically Héctor Ricardo Silva Ávalos, Orus Villacorta Aguilar, César Enrique Castro Fagoaga, Bryan Alexander Avelar Rodríguez, Juan José Martínez d'Aubuisson, Ángel Fernando Romero Ortega, María Cidón Kiernan, Salvador Amílcar Meléndez Girón, and Gerson Isaí Najera Portillo (hereafter referred to as "the proposed beneficiaries"). According to the petition, the journalists of "Revista Factum" are being threatened and harassed following the publication of an investigation into alleged felonies and violations of human rights stemming from alleged actions taken by the police force.

2. The Commission requested information from both parties on October 4, 2017. The petitioners provided additional information on October 11, 2017. To date, there has been no response from the State of El Salvador.

3. Having analyzed the allegations made by the parties in points of fact and law and in light of the specific context in which they would take place, the Commission considers that the journalists of "Revista Factum" are in a *prima facie* situation of seriousness and urgency because their rights to life and personal safety are at risk. Accordingly, pursuant to Article 25 of the IACHR Regulations, the Commission asks the State of El Salvador to: a) Adopt the necessary measures to preserve the lives and personal safety of the journalists of the newspaper "Revista Factum;" b) Adopt the necessary measures to allow the journalists of "Revista Factum" to carry out their journalistic activities, exercising their right to freedom of expression, without being intimidated, threatened, or harassed; c) Agree upon the measures to be adopted with the beneficiaries and their representatives; and d) Notify the Commission of the actions that have been taken to investigate the alleged events that gave rise to the adoption of this precautionary measure, in order to prevent them from recurring.

II. SUMMARY OF FACTS AND ARGUMENTS PRESENTED BY THE PARTIES.

1. Information provided by the petitioner.

4. According to the petition, "Revista Factum" is an online newspaper founded in the year 2014 by the Salvadoran journalists Héctor Ricardo Silva Ávalos and Orus Villacorta Aguilar. On August 22, 2017, they published an investigative piece titled "*En la intimidación del escuadrón de la muerte de la policía*" ("Inside the Police's Death Squad")¹, bylined by Bryan Avelar and Juan Martínez d'Aubuisson, regarding the Specialized Reaction Force of El Salvador (FES), a unit of police and military personnel established in 2016.

¹ Revista FACTUM, "En la intimidación del escuadrón de la muerte de la policía," August 22, 2017. Available at: <http://revistafactum.com/en-la-intimidacion-del-escuadron-de-la-muerte-de-la-policia/>

According to the information provided, the investigative piece reports alleged extrajudicial executions, sexual assault against two children, and an incident of extortion. The piece concretely identifies police officers by their first and last names and identification numbers, as well as official vehicles used in the operations, with exact dates and locations of the events.

5. The petitioners indicated that the investigative piece also exposes a communications network within the police force and the armed forces dedicated to committing extrajudicial executions, which includes videos, voice recordings between alleged FES agents, and electronic links to social media accounts used to identify possible victims of the so-called "dirty war," its whereabouts, and even the sale of arms between the agents involved.

6. According to the petitioner, after the investigative piece was published, the journalists of "Revista Factum" have suffered persecution and a series of violent events that could jeopardize their lives and personal safety, as well as their journalistic work in general. First, the petitioner indicated that Mr. Bryan Alexander Avelar Rodríguez, one of the authors listed in the byline of the aforementioned piece, had to leave the country due to the threats he received against his person. The petitioner later reported that Mr. Bryan Alexander Avelar Rodríguez had to return to the country on September 22, 2017 because he did not have the economic means to continue to support himself abroad.

7. Among the alleged threats and attacks made against Mr. Avelar Rodríguez, the petitioner indicated that sectors related to the National Police Force have attempted to link him to criminal organizations. Specifically, the petitioner indicated that the Director of the National Academy of Public Safety declared in a television interview on September 8 that the beneficiary had a brother "who was a gang member" and that "some of the journalists [...] have lived with gang members." The petitioner stated that the journalist Mr. Avelar Rodríguez has no brothers and that "due to the atmosphere of violence in El Salvador, [...] any person whom people can be made to think is related to gang structures is at risk." The alleged stigmatization of Mr. Avelar Rodríguez caused the person from whom he was renting the house where he lived to force him to move, out on the grounds that "he was a danger to all of the other tenants."

8. The petitioner indicated that on August 26, 2017, four men arrived on a "blue microbus" with private license plates at the offices of the newspaper, and that two of them got out a little after two o'clock in the afternoon and asked whether the headquarters of "Revista Factum" was located there and whether there were any journalists inside. The petitioner indicated that these people also asked about the journalists' daily schedules while pretending to be members of the Attorney General's Office for the Protection of Human Rights (PDDHH). In fact, the petitioner indicated that the PDDHH, when asked by the petitioners whether they had sent anyone, stated that they had not.

9. According to the petitioner, on August 28 at 10:00 a.m., two people aboard a vehicle identifying themselves as "journalist elements of the police" arrived at the street on which the offices of "Revista Factum" are situated and asked where the front door of "Factum" was located. According to the petition, a pick-up from the National Police Force with six men aboard had been passing in front of the offices of "Factum" for hours; subsequently, at 10:40 a.m., one of the men got out of the vehicle and asked the security guard whether the journalists were there and requested access to the premises. The petitioner indicated that in the afternoon on the same day, an unidentified individual arrived at the offices, presumably to provide an "anonymous tip," but decided to leave when questioned.

10. The petitioner indicated that the journalists of "Factum" have received direct and explicit threats through social media and that this been covered by various media outlets. In relation to this, the petitioner provided screenshots with the following content:

- i. "I have to see you like Christian Poveda @RevistaFactum @_ElFaro_ KILLED AT THE HANDS OF THE PEOPLE YOU PROTECT";
- ii. "So you turned your comrades in? You'll pay dearly for that, you damn gangbangers. Justice will make you pay, terrorists, and I hope you have the balls to reply, it's just like gangbangers to shoot people in the back";
- iii. "(...) A newspaper in the pocket of the gangs why wouldn't it be when the owners are gangbangers. You damn gangbangers should rot, the blood of those old people children women dead at your hands in the streets they cry out for clemency and someday you'll pay"
- iv. "(...) Don't complain afterward when people destroy your office! Goodbye, you bastards!"
- v. "Factum I hope one day the gangs dismember your kids and (redacted due to graphic content)."
- vi. "ranting about the police and supporting the gangs, those gangbanger journalists need a bullet to the head."

11. The petitioner alleged that these threats have been "tolerated" by government officials, who are said to have recently issued the following declarations:

- i. The President of the Legislative Assembly, after the investigative piece was published, stated the following in relation to it: "The actions of some people who are protecting those delinquent gang members continue to be troubling; they are reporting incidents of the PNC (National Police Force)."
- ii. The Vice President of the Republic, when asked about the threats allegedly received by "Factum," stated that "we have to knock on wood."
- iii. The Director of the National Academy of Public Safety is criminalizing the journalists who published the investigative piece, even linking them to criminal organizations.
- iv. The ambassador Sigifredo Reyes is spreading the messages threatening the journalists of "Factum" through his personal Twitter account.

12. Regarding the police officers mentioned in the investigative piece, the petitioner indicated that at one time they were held for 72 hours and then released, enjoying a few days of paid leave without any legal action being brought against them. This situation likely increases the risk to the journalists, due to fear of possible retaliation from these officers.

13. Regarding security measures to be implemented for the proposed beneficiaries, the petitioner indicated that on August 25, 2017, the PDDHH granted precautionary measures calling upon the Director of the National Police Force to adopt the necessary measures to protect César Enrique Castro Fagoaga, Bryan Alexander Avelar Rodríguez, Juan José Martínez d'Aubuisson, and their families, as well as to safeguard the facilities, equipments, materials, and any and all tools of "Revista Factum." Likewise, the PDDHH ordered the National Public Prosecutor's Office (FGR) to conduct an appropriate investigation of the alleged threats.

14. According to the petition, it was not until September 20, 2017 that agents of the National Prosecutor's Office approached the beneficiaries regarding the precautionary measures of the PDDHH. They interviewed the beneficiaries on September 26 and 27 and informed them that the delay was because the Central Investigations Division of the National Police Force (PNC) had been reluctant to carry out these tasks.

The petitioner stated that these precautionary measures were designed to help only three of the beneficiaries and that they have still not been implemented to date.

15. The petitioner indicated that a few days after the investigative piece was published, Commissioner Arriza Chicas met with them by order of the Director of the PNC to offer protection to the journalists and the editor-in-chief, Mr. Cesar Castro. The petitioners indicated that they could not accept these protection measures because, in light of the nature of the investigative piece that they had published to report specific police officers, the majority of the threats and harassment comes from the very same police officers or people who are associated with that organization. In this sense, the petitioner indicated that receiving protection from these same police officers would only place in them at greater risk. The petitioner indicated that the beneficiaries asked at that time for the social media accounts from which the threats originated to be investigated and shut down, and for a declaration condemning the alleged events to be issued; this request was not accepted by the Police Commissioner.

2. Response from the State

16. On October 4, 2017, the Commission asked the State to provide information in order to contribute its own observations to the petition for precautionary measures. To date, the Commission has not received any response from the State of El Salvador.

III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

17. The mechanism for precautionary measures is part of the Commission's purpose to monitor the implementation of the obligations of human rights established in Article 106 of the Charter of the Organization of American States. These general supervision purposes are established in Article 41 (b) of the American Convention on Human Rights and indicated in Article 18 (b) of the Charter of the IACHR. The mechanism for precautionary measures is described in Article 25 of the Commission's Regulations. In accordance with this article, the Commission determines that precautionary measures are required in cases that are both serious and urgent and in which such measures are necessary to prevent irreparable harm to people.

18. The Inter-American Commission and the Inter-American Court of Human Rights (hereafter referred to as "the Inter-American Court" or "the IDH Court") have repeatedly established that precautionary and provisional measures consist of two components: one precautionary and one supervisory. Regarding the supervisory component, the measures seek to avoid irreparable harm and to safeguard human rights. Regarding the precautionary component, the precautionary measures aim to preserve a legal status while it is being considered by the IACHR. The objective and goal of the precautionary component is to preserve those rights that are at possible risk until the petition recorded in the Inter-American System is resolved. Its objective and goal is to fully assure the integrity and effectiveness of the decision, thereby preventing the alleged infringement of human rights, which could undermine the effectiveness (*effet utile*) of the final decision. Thus, in this sense, the precautionary or provisional measures allow the State in question to carry out the final decision, and if, necessary, to comply with the ordered reparations. In order to reach a decision, in accordance with Article 25.2 of its Regulations, the Commission considers that:

- a. The "seriousness of a situation" involves the serious impact that an action or lack thereof may have on a protected right or on the possible effect of a pending decision in a case or a petition brought before agencies of the Inter-American System;
- b. The "urgency of a situation" is determined by analyzing the information provided, indicating the risk or threat that may materialize imminently and thus require preventative or supervisory action; and

- c. "Irreparable harm" consists of the effect on rights which, by their very nature, are not susceptible to reparations, restoration, or adequate compensation.

19. In analyzing these requirements, the Commission reiterates that the facts motivating a petition for precautionary measures need not be fully verified; rather, the information provided must be evaluated from a *prima facie* perspective that allows the Commission to identify the situation as serious and urgent².

20. When assessing the requisite seriousness, the Commission notes in terms of context that, due to the high crime rates of the last few years, the Republic of El Salvador has been rated one of the top three most violent countries in this hemisphere.³ The Commission has become aware through monitoring that the State has created and recently put into operation new specialized groups, known as the Specialized Reaction Force of El Salvador (FES) and the Force for Intervention and Recovery of Territory (FIRT)⁴.

21. According to information received by the IACHR, the work of the aforementioned groups, as part of the security strategy employed by the State, has generated worries in light of an increased number of reports of violations of human rights resulting from the use of excessive force and alleged extrajudicial executions, as well as the existence of groups which function at the margin of the law but with the alleged approval of government agents. In this sense, for example, on April 25, 2016, the Attorney General's Office for the Protection of Human Rights (PDDHH) issued two resolutions demonstrating the existence of extrajudicial executions and the disproportionate use of firearms during public safety operations carried out by agents of the National Police Form and the Armed Forces (FAES)⁵.

22. Furthermore, related to the risk resulting from labeling people as members of delinquent groups or gangs, at the audience on human rights and citizens' safety in El Salvador, civil organizations recounted events demonstrating the stigmatization and the risk resulting from labeling people, especially young people, as gang members, which causes them to become victims of high hostility, exclusion, and mistreatment by both authorities and the general population⁶.

23. In this specific case, the Commission notes that according to the petitioner: i) journalists have published an investigative piece in "Revista Factum" concerning the actions of the police forces; ii) the journalists of "Revista Factum" are being harassed at their offices, allegedly by people associated with the police forces; iii) the proposed beneficiaries are being labeled as supposed gang members through both social media and declarations made by certain government officials; iv) the proposed beneficiaries are receiving threats against their lives and personal safety through social media.

² In this regard, for example, referring to provisional measures, the Inter-American court has indicated that a minimum of details and information is required in order to categorize a situation in a *prima facie* manner as extremely serious and urgent. IDH Court, "*Matter of Children Deprived of Liberty in the 'Complexo do Tatuapé' of the Fundação CASA (Tatuapé Complex of the Casa Foundation)*." Petition for Extension of Provisional Measures. Provisional Measures with Regard to Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Item 23.

³ Insight Crime. InSight Crime's analysis of homicides in Latin America in 2016. January 17, 2017; World Bank. International homicides (per 100,000 inhabitants). 2015.

⁴ El Salvador-Presidency of the Republic, "Birth of the Specialized Reaction Force of El Salvador," April 19, 2016.

⁵ Attorney General's Office for the Protection of Human Rights, "Attorney General Issues Resolutions Regarding Cases of Alleged Arbitrary Killings Via Extrajudicial Executions and of Disproportionate Use of Firearms," April 25, 2016; InSight Crime:

"El Salvador Police Accused of Two Extrajudicial Massacres," April 28, 2016; "El Salvador Police Kill, Lie Again," February 17, 2016; Prensa Libre, "Police, Soldiers Accused of Extrajudicial Executions," April 25, 2016; El Faro: "Police Kill, Lie Again," February 11, 2016; "Police Commit Massacre on San Blas Farm, Jul 22, 2015.

⁶ IACHR, Audience on human rights and citizens' safety in El Salvador, 157th Ordinary Period of Sessions, April 4, 2016.

24. The Commission regrets that the State has not contributed its observations when asked to provide information to show whether the competent authorities have adopted appropriate measures to protect the lives and personal safety of the beneficiaries. In this regard, while the lack of State response does not constitute grounds to implement a precautionary measure *per se*, it does constitute an important element to bear in mind when determining its origin.

25. In view of the foregoing, lacking additional information from the State, and given the risk factors indicated by the petitioners, which are consistent with the context described, the Commission considers *prima facie* that the rights the journalists of "Revista Factum" are in a serious situation. When assessing the seriousness of this situation, the Commission has taken into account that the aforementioned threats and harassment could lead these journalists to experience retaliation for exercising their freedom of expression to serve the public interest in reporting human rights violations committed by public police forces.

26. Regarding the required qualification of urgency, the IACHR observes that, according to the petitioner, the PDDHH has asked the national police and the national public prosecutor's office to provide protection to three of the proposed beneficiaries and their offices. Regarding these measures, the Commission observes that they would not be intended to aid all of the proposed beneficiaries, and that, according to the petitioner, the measures offered would not be appropriate, as they would be provided by people who are linked to the situation of risk. These same measures have not been implemented to date. Thus, the proposed beneficiaries are not currently under any kind of protection plan. The Commission lacks additional information for review from the State of El Salvador.

27. In light of the information above, the Commission considers the condition of urgency to be fulfilled, as the denounced risk is imminent and may be exacerbated if the proposed beneficiaries continue their work as journalists at "Revista Factum." In this sense, the Commission deems it necessary to immediately adopt protection measures.

28. The Commission further considers the condition of irreparable harm to be fulfilled, as possible harm to life and personal safety constitutes the most severe situation of irreparability. The Commission takes into particular account the importance of protecting the aforementioned rights, which are essential requirements for the journalists of "Revista Factum" to independently exercise their freedom of expression, free from threats, aggression, or harassment.

IV. BENEFICIARIES

29. The IACHR considers the following individuals to be the beneficiaries of this precautionary measure: Héctor Ricardo Silva Ávalos, co-director of Factum; Orus Villacorta Aguilar, co-director of Factum; César Enrique Castro Fagoaga, editor-in-chief of Factum; Bryan Alexander Avelar Rodríguez, journalist of Factum; Juan José Martínez d'Aubuisson, contributor to Factum; Ángel Fernando Romero Ortega, journalist of Factum; María Cidón Kiernan, journalist of Factum; Salvador Amílcar Meléndez Girón, photojournalist of Factum, and Gerson Isaí Najera Portillo, information specialist of Factum.

V. DECISION

30. In view of the aforementioned facts, the IACHR considers *prima facie* that this matter meets the requirements for seriousness, urgency, and irreparable harm outlined in Article 25 of its Regulations. Consequently, the Commission petitions the Government of El Salvador to:

- a) Adopt the necessary measures to preserve the lives and personal safety of the journalists of "Revista Factum;"
- b) Adopt the necessary measures to allow the journalists of "Revista Factum" to carry out their journalistic activities, exercising their right to freedom of expression, without being intimidated, threatened, or harassed;
- c) Agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d) Notify the Commission of the actions that have been taken to investigate the alleged events that gave rise to the adoption of these precautionary measures, in order to prevent them from recurring.

31. The Commission further asks the State of El Salvador to inform the Commission within 15 days from the date of this notice of the precautionary measures adopted, with periodic updates.

32. The Commission emphasizes that, in accordance with Article 25(8) of the Regulations of the Commission, the recommendation of precautionary measures and their implementation by the State do not prejudice the possible violation of the rights protected in the American Convention on Human Rights or in other applicable documents.

33. The Commission orders the Secretary's Office of the Inter-American Commission to notify the Government of El Salvador and the petitioners of this Resolution.

34. Approved on the 27th day of the month of October in the year 2017 by: Francisco José Eguiguren Praeli, Presidente; Margarette May Macaulay, Primera Vicepresidenta; Esmeralda Arosemena de Troitiño, Segunda Vicepresidenta; José de Jesús Orozco Henríquez; Paulo Vannuchi; James Cavallaro; Luis Ernesto Vargas Silva, members of the Commission.

Elizabeth Abi-Mershed
Assistant Executive Secretary

**COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS
RESOLUCIÓN 43/2017**

Medida Cautelar No. 678-17
Periodistas de la “Revista Factum” respeto de El Salvador
27 de octubre de 2017

I. INTRODUCCIÓN

1. El 15 de septiembre de 2017 la Comisión Interamericana de Derechos Humanos (en lo sucesivo “la Comisión Interamericana”, “la Comisión” o “la CIDH”) recibió una solicitud de medidas cautelares presentadas por Arnau Baulenas Bardia, abogado del Instituto de Derechos Humanos de la Universidad Centroamericana, “José Simeón Cañas” (en adelante “el solicitante”), instando a la CIDH que requiera al Estado de El Salvador (en adelante “el Estado”) la adopción de las medidas de protección necesarias para garantizar la vida e integridad personal de las y los periodistas de la “Revista Factum”, específicamente de Héctor Ricardo Silva Ávalos, Orus Villacorta Aguilar, César Enrique Castro Fagoaga, Bryan Alexander Avelar Rodríguez, Juan José Martínez d’Aubuisson, Ángel Fernando Romero Ortega, María Cidón Kiernan, Salvador Amílcar Meléndez Girón y Gerson Isaí Najera Portillo (en adelante “las personas propuestas beneficiarias”). Según la solicitud, las y los periodistas de la “Revista Factum” estarían siendo objeto de amenazas y hostigamientos por motivo de la publicación de una investigación relacionada con presuntos delitos y violaciones a derechos humanos derivadas de presuntas actuaciones de la fuerza policial.

2. La Comisión solicitó información a ambas partes el 4 de octubre de 2017. Los solicitantes aportaron información adicional el 11 de octubre de 2017. A la fecha no se ha recibido respuesta del Estado de El Salvador.

3. Tras analizar los alegatos de hecho y de derecho de las partes, a la luz del contexto específico en que tendrían lugar, la Comisión considera que las y los periodistas de la “Revista Factum” se encuentran *prima facie* en una situación de gravedad y urgencia, puesto que sus derechos a la vida e integridad personal están en riesgo. En consecuencia, de acuerdo con el Artículo 25 del Reglamento de la CIDH, la Comisión solicita al Estado de El Salvador que: a) Adopte las medidas necesarias para preservar la vida y la integridad personal de las y los periodistas de la “Revista Factum”; b) Adopte las medidas necesarias para que las y los periodistas de la “Revista Factum” puedan desarrollar sus actividades periodísticas, en ejercicio de su derecho a la libertad de expresión, sin ser objeto de actos de intimidación, amenazas y hostigamientos; c) Concierte las medidas a adoptarse con los beneficiarios y sus representantes; y d) Informe sobre las acciones adoptadas a fin de investigar los hechos alegados que dieron lugar a la adopción de la presente medida cautelar y así evitar su repetición.

II. RESUMEN DE HECHOS Y ARGUMENTOS APORTADOS POR LAS PARTES

1. Información aportada por el solicitante.

4. De acuerdo con la solicitud, la “Revista Factum” es una revista electrónica que fue fundada en el año 2014 por los periodistas salvadoreños Héctor Ricardo Silva Ávalos y Orus Villacorta Aguilar. El pasado 22 de agosto de 2017 habrían publicado una investigación titulada “En la intimidad del escuadrón de la muerte de la policía”¹, firmada por Bryan Avelar y Juan Martínez d’Aubuisson, la cual estaría relacionada con la Fuerza Especializada de Reacción de El Salvador (FES), la cual habría sido

¹ Revista FACTUM, “En la intimidad del escuadrón de la muerte de la policía”, 22 de agosto de 2017. Disponible en: <http://revistafactum.com/en-la-intimidad-del-escuadron-de-la-muerte-de-la-policia/>

creada en 2016 y conformada por policías y militares. Según lo informado, en la investigación se denunciaron presuntas ejecuciones extrajudiciales, agresiones sexuales contra dos niños y una extorsión, con el señalamiento concreto a policías con su nombre, apellido y número de identificación, así como vehículos oficiales utilizados en los operativos con fechas y lugares exactos de los hechos.

5. Los solicitantes indicaron que en la investigación además se expone una red de comunicaciones dentro de la policía y la fuerza armada, dedicada a cometer ejecuciones extrajudiciales, donde se incluirían videos, grabaciones de “mensajes de voz” entre presuntos agentes de la FES y enlaces electrónicos a las cuentas de redes sociales utilizadas para identificar a eventuales víctimas de la que denominan “guerra sucia”, su paradero e incluso el comercio de armas entre los agentes implicados.

6. De acuerdo con el solicitante, tras la publicación de la investigación, las y los periodistas de la “Revista Factum” han sufrido una persecución y un conjunto de hechos violentos que pondrían en riesgo su vida e integridad personal y, en general, el ejercicio de sus labores periodísticas. En primer lugar, el solicitante indicó que el señor Bryan Alexander Avelar Rodríguez, uno de los firmantes en la investigación referida, tuvo que salir del país por motivo de las amenazas recibidas contra su persona. El solicitante informó con posterioridad que el señor Avelar Rodríguez tuvo que retornar al país el 22 de septiembre de 2017 por motivo de no tener la capacidad económica para sostenerse en el extranjero.

7. Dentro de las presuntas amenazas y ataques recibidos por el señor Avelar Rodríguez, el solicitante indicó que se le ha intentado vincular con organizaciones criminales por parte de sectores afines a la Policía Nacional Civil. De manera específica, el solicitante indicó que el Director de la Academia Nacional de Seguridad Pública señaló en una entrevista televisiva el 8 de septiembre que el beneficiario tenía un hermano “que era pandillero” y que “algunos de los periodistas [...] han vivido con pandilleros”. El solicitante informó que el periodista Avelar Rodríguez no tiene hermanos y que “por el clima de violencia que vive El Salvador, [...] cualquier persona que se la (sic) pueda relacionar con formar parte de estructuras pandilleriles, corre riesgo”. Las presuntas estigmatizaciones del señor Avelar Rodríguez habrían provocado que la persona que le rentaba la casa donde vivía lo obligara a abandonar la casa, por considerar “que era un peligro para el resto de los inquilinos”.

8. El solicitante señaló que el 26 de agosto de 2017 cuatro hombres a bordo de un “microbús azul” con placas particulares llegaron a sus oficinas y dos de ellos se bajaron poco después de las dos de la tarde y preguntaron si la sede de la “Revista Factum” se encontraba ahí y si había periodistas adentro. El solicitante indicó que tales personas preguntaron a su vez sobre los horarios de los periodistas, haciéndose pasar por miembros de la Procuraduría para la Defensa de los Derechos Humanos (PDDHH). El solicitante indicó que efectivamente, tras comunicarse a la PDDHH a preguntar si habían enviado a alguien, les informaron que no habían enviado a persona alguna.

9. De acuerdo con el solicitante, el 28 de agosto a las 10:00 horas, dos personas a bordo de un vehículo, quienes se identificaron como “fuentes periodísticas de la policía”, llegaron a la calle donde se encuentran las oficinas de la “Revista Factum” preguntando cuál era el portón de “Factum”. Posteriormente, según la solicitud, a las 10:40 horas un *pick up* de la Policía Nacional Civil con seis hombres al interior habría estado transitando durante horas frente a las oficinas de “Factum” y algunos de ellos se bajaron del vehículo y preguntaron al vigilante por los periodistas, solicitando acceder a las instalaciones. El mismo día por la tarde, el solicitante señaló que una persona sin identificarse llegó a las oficinas presuntamente con el objeto de entregar “un anónimo” sin embargo, que cuando fue cuestionado por el vigilante decidió irse.

10. El solicitante señaló que los periodistas de “Factum” han recibido amenazas de forma directa y explícita a través de redes sociales, que diversos medios de prensa han dado seguimiento. Al respecto, el solicitante aportó capturas de pantalla con el siguiente contenido:

- i. “Los tengo que ver como Christian Poveda @RevistaFactum @_ElFaro_ MUERTOS EN MANOS DE SUS PROTEGIDOS”;
- ii. “Así que ustedes entregaron a los camaradas? Esto les va a salir caro marosos de mierda. La justicia les va a pasar factura terroristas y espero tengan la hombría de responder ya que típico de los marosos matar por la espalda”;
- iii. “(...) Revista al servicio de los maras pero como no si los dueños de ella son mareros. Púdranse malditos la sangre de esos ancianos niños mujeres muertas a manos de ustedes en las calles piden clemencia y un día pagaran”
- iv. “(...) ¡Después no se quejen cuando la gente destruye vuestras instalaciones! ¡Adiós, perros!”
- v. “Deseo factum que un día que un dia losmareros te descuarticen a tus hijos y les (se omite por contenido altamente descriptivo)”
- vi. “despotricando contra la policía y apoyando las maras, un balazo en la cabeza a necesitan estos periodistas mareros.”

11. El solicitante manifestó que las amenazas presuntamente han contado con “la tolerancia” de funcionarios estatales, quienes habrían dado las siguientes declaraciones en fechas recientes:

- i. El Presidente de la Asamblea Legislativa, tras la publicación de la investigación habría declarado a ese respecto: “No deja de molestar el actuar de algunas personas protegiendo a estos delinquentes pandilleros, están llevando denuncias hacia elementos de la PNC”;
- ii. El Vicepresidente de la República, al ser cuestionado sobre las presuntas amenazas recibidas por “Factum”, habría manifestado que “había que tocar madera”;
- iii. El Director de la Academia Nacional de Seguridad Pública estaría criminalizando a los periodistas que publicaron la investigación, hasta el extremo de vincularlos con estructuras criminales;
- iv. El embajador Sigifredo Reyes estaría difundiendo los mensajes amenazantes a los periodistas de “Factum” desde su cuenta personal de *Twitter*.

12. En relación con los policías que se señalan en la investigación publicada, el solicitante indicó que en un primer momento fueron detenidos por 72 horas y después los dejaron en libertad, gozando de unos días de licencia y sin existir proceso judicial abierto en su contra. Dicha situación incrementaría la situación de riesgo en que se encuentran por el temor a posibles represalias de su parte.

13. Sobre medidas de seguridad con que contarían los propuestos beneficiarios, el solicitante señaló que el 25 de agosto de 2017 la PDDHH otorgó medidas cautelares requiriendo al Director de la Policía Nacional Civil adoptar las medidas necesarias para la protección de César Enrique Castro Fagoaga, Bryan Alexander Avelar Rodríguez, Juan José Martínez d’Aubuisson y sus familias, así como resguardar las instalaciones, equipos, materiales y cualquiera de los útiles de “Revista Factum”. Asimismo, la PDDHH requirió a la Fiscalía General de la República (FGR) la realización de una debida investigación de las presuntas amenazas.

14. De acuerdo con la solicitud, no fue hasta el 20 de septiembre de 2017 que los fiscales se acercaron a los beneficiarios de las medidas de la PDDHH, entrevistándose con ellos los días 26 y 27 de septiembre e informándoles que la demora se debía a que la División Central de Investigaciones de la Policía Nacional Civil (PNC) había estado reticente a realizar tales diligencias. El solicitante

informó que las medidas fueron destinadas solamente a tres de los beneficiarios, y a la fecha no se habrían implementado.

15. El solicitante señaló que a unos días de la publicación de la investigación el Comisionado Arriza Chicas se reunió con ellos por orden del Director de la PNC a ofrecerles seguridad a los periodistas y al señor Cesar Castro, jefe de redacción. Los solicitantes indicaron que no podrían aceptar tales medidas de protección por motivo de que en vista de la naturaleza de la investigación que publicaron contra miembros de la policía, gran parte de las amenazas y el hostigamiento vendrían de los propios policías o personas vinculadas a tal entidad. En este sentido, el solicitante señaló que recibir seguridad de los propios policías solo los colocaría en una posición de mayor riesgo. El solicitante indicó que en esa ocasión solicitaron que se investigara y se ordenara el cierre de las cuentas de redes sociales de las cuales provenían las amenazas, así como un pronunciamiento condenando los presuntos hechos, lo que no habría sido aceptado por el comisionado de la Policía.

2. Respuesta del Estado

16. El 4 de octubre de 2017, la Comisión solicitó información al Estado para que aporte sus observaciones a la solicitud de medidas cautelares. Al día de la fecha, la Comisión no recibió comunicación alguna de parte del Estado de El Salvador.

III. ANÁLISIS SOBRE LOS ELEMENTOS DE GRAVEDAD, URGENCIA E IRREPARABILIDAD

17. El mecanismo de medidas cautelares es parte de la función de la Comisión de supervisar el cumplimiento con las obligaciones de derechos humanos establecidas en el artículo 106 de la Carta de la Organización de Estados Americanos. Estas funciones generales de supervisión están establecidas en el artículo 41 (b) de la Convención Americana sobre Derechos Humanos, recogido también en el artículo 18 (b) del Estatuto de la CIDH. El mecanismo de medidas cautelares es descrito en el artículo 25 del Reglamento de la Comisión. De conformidad con ese artículo, la Comisión otorga medidas cautelares en situaciones que son graves y urgentes, y en cuales tales medidas son necesarias para prevenir un daño irreparable a las personas.

18. La Comisión Interamericana y la Corte Interamericana de Derechos Humanos (en adelante “la Corte Interamericana” o “Corte IDH”) han establecido de manera reiterada que las medidas cautelares y provisionales tienen un doble carácter, uno cautelar y otro tutelar. Respecto del carácter tutelar, las medidas buscan evitar un daño irreparable y preservar el ejercicio de los derechos humanos. Con respecto al carácter cautelar, las medidas cautelares tienen como propósito preservar una situación jurídica mientras está siendo considerada por la CIDH. El carácter cautelar tiene por objeto y fin preservar los derechos en posible riesgo hasta tanto se resuelva la petición que se encuentra bajo conocimiento en el Sistema Interamericano. Su objeto y fin son los de asegurar la integridad y la efectividad de la decisión de fondo y, de esta manera, evitar que se lesionen los derechos alegados, situación que podría hacer inocua o desvirtuar el efecto útil (*effet utile*) de la decisión final. En tal sentido, las medidas cautelares o provisionales permiten así que el Estado en cuestión pueda cumplir la decisión final y, de ser necesario, cumplir con las reparaciones ordenadas. Para los efectos de tomar una decisión, y de acuerdo con el artículo 25.2 de su Reglamento, la Comisión considera que:

- a. La “gravedad de la situación” implica el serio impacto que una acción u omisión puede tener sobre un derecho protegido o sobre el efecto eventual de una decisión pendiente en un caso o petición ante los órganos del Sistema Interamericano;
- b. La “urgencia de la situación” se determina por medio de la información aportada, indicando el riesgo o la amenaza que puedan ser inminentes y materializarse, requiriendo de esa manera una acción preventiva o tutelar; y

- c. El “daño irreparable” consiste en la afectación sobre derechos que, por su propia naturaleza, no son susceptibles de reparación, restauración o adecuada indemnización.

19. En el análisis de tales requisitos, la Comisión reitera que los hechos que motivan una solicitud de medidas de cautelares no requieren estar plenamente comprobados, sino que la información proporcionada debe ser apreciada desde una perspectiva *prima facie* que permita identificar una situación de gravedad y urgencia².

20. Al momento de valorar el requisito de gravedad, la Comisión advierte a nivel contextual que en virtud de los altos índices de criminalidad en los últimos años, el Estado de El Salvador ha sido calificado como uno de los tres países más violentos en el hemisferio³. En sus labores de monitoreo la Comisión ha tenido conocimiento de que el Estado conformó y puso de manera reciente en operación nuevos grupos especializados, denominados Fuerza Especializada de Reacción El Salvador (FES) y Fuerza de Intervención y Recuperación Territorial (FIRT)⁴.

21. Según información recibida por la CIDH, la labor de tales entidades, como parte de la estrategia de seguridad desplegada por el Estado, habría generado preocupación ante el incremento en denuncias de violaciones a los derechos humanos producto del empleo excesivo de la fuerza y alegadas ejecuciones extrajudiciales, además de la existencia de grupos que funcionarían al margen de la ley, pero con una presunta aquiescencia de agentes estatales. En este sentido, por ejemplo, el 25 de abril de 2016, la Procuraduría para la Defensa de los Derechos Humanos (PDDH) emitió dos resoluciones que pondría en evidencia la existencia de ejecuciones extrajudiciales y el uso desproporcionado de armas de fuego en el marco de operativos de seguridad pública llevados a cabo por agentes de la Policía Nacional Civil y las Fuerzas Armadas (FAES)⁵.

22. Por otra parte y en lo relativo al riesgo derivado de la estigmatización con grupos delincuenciales o pandillas, durante la audiencia sobre *Derechos humanos y seguridad ciudadana en El Salvador*, organizaciones de la sociedad civil relataron eventos que daban cuenta de la estigmatización y riesgo que derivaría de la estigmatización de personas, en particular jóvenes, como pandilleros, resultando ser víctimas de gran hostilidad, exclusión y malos tratos por parte de las autoridades y la población común⁶.

23. En el asunto específico, la Comisión advierte que según el solicitante: i) por medio de la “Revista Factum” periodistas habrían publicado una investigación relacionada con el actuar de las fuerzas policiales; ii) las y los periodistas de la “Revista Factum” estarían siendo hostigados en las instalaciones de sus oficinas presuntamente por personas asociadas a la fuerza pública; iii) las personas propuestas beneficiarias estarían siendo estigmatizadas como pandilleros tanto por medio de redes sociales como por declaraciones de algunos funcionarios de gobierno; iv) las personas propuestas beneficiarias estarían recibiendo amenazas contra su vida e integridad personal por medio de redes sociales.

² Al respecto, por ejemplo, refiriéndose a las medidas provisionales, la Corte Interamericana ha indicado que se requiere un mínimo de detalle e información que permitan apreciar *prima facie* una situación de extrema gravedad y urgencia. Corte IDH, *Asunto de los niños y adolescentes privados de libertad en el “Complexo do Tatuapé” de la Fundação CASA*. Solicitud de ampliación de medidas provisionales. Medidas Provisionales respecto de Brasil. Resolución de la Corte Interamericana de Derechos Humanos de 4 de julio de 2006. Considerando 23.

³ Insight Crime. Balance de Insight Crime sobre homicidios en Latinoamérica en 2016. 17 de enero de 2017; Banco Mundial. Homicidios internacionales (por cada 100.000 habitantes). 2015.

⁴ El Salvador-Presidencia de la República, [Nace la Fuerza Especializada de Reacción El Salvador](#), 19 de abril de 2016.

⁵ Procuraduría para la Defensa de los Derechos Humanos, [Procurador emite resoluciones en torno a casos de presuntas privaciones arbitrarias de la vida por ejecución extralegal y uso desproporcionado de armas de fuego](#), 25 de abril de 2016; InSight Crime: [Policía de El Salvador es acusada de dos masacres extrajudiciales](#), 28 de abril de 2016; [La Policía mata y miente de nuevo en El Salvador](#), 17 de febrero de 2016; Prensa Libre, [Acusan a policía y soldados de ejecuciones extrajudiciales](#), 25 de abril de 2016; El Faro: [La Policía mata y miente de nuevo](#), 11 de febrero de 2016; [La Policía masacró en la finca San Blas](#), 22 de julio de 2015.

⁶ CIDH, Audiencia sobre *Derechos humanos y seguridad ciudadana en El Salvador*, 157° Período Ordinario de Sesiones, 4 de abril de 2016.

24. La Comisión lamenta que el Estado no haya aportado sus observaciones a la solicitud de información efectuada a fin de conocer si las autoridades competentes habrían adoptado medidas tendentes a proteger su vida e integridad personal. Al respecto, si bien la ausencia de respuesta por parte de un Estado no es motivo para el otorgamiento de una medida cautelar *per se*, sí constituye en cambio un elemento importante a tener en cuenta a la hora de determinar su procedencia.

25. En vista de lo indicado, ante la falta de elementos adicionales de información por parte del Estado y los aspectos de riesgo planteados por los solicitantes consistentes con el contexto descrito, la Comisión considera que la situación de los periodistas de la “Revista Factum”, permite considerar que sus derechos se encuentran *prima facie* en una situación de gravedad. Al momento de valorar dicha gravedad, la Comisión ha tomado en cuenta que tales presuntos hostigamientos y amenazas serían una represalia al ejercicio de su libertad de expresión en cuestiones de interés público respecto de violaciones a derechos humanos cometidos por miembros de la fuerza pública.

26. Respecto al requisito de urgencia, la CIDH observa que, de acuerdo con el solicitante, la PDDHH solicitó medidas cautelares a la policía nacional y a la fiscalía para la protección de tres de los propuestos beneficiarios y de sus instalaciones. En relación con tales medidas, la Comisión observa que en principio no estarían destinadas a la totalidad de las personas propuestas beneficiarias y, de acuerdo con el solicitante, las medidas ofrecidas no serían idóneas en virtud de que provendrían de personas que estarían vinculadas a la situación de riesgo, y las mismas no habrían sido implementadas a la fecha. En este sentido, las personas propuestas beneficiarias no contarían con esquema de seguridad alguno en la actualidad. La Comisión no cuenta con información de parte del Estado de El Salvador que aporte elementos de valoración adicionales.

27. En vista de lo anterior, la Comisión considera que el requisito de urgencia se encuentra cumplido, en la medida en que el riesgo denunciado sería inminente y podría exacerbarse al continuar los propuestos beneficiarios sus labores como periodistas en la “Revista Factum”. En este sentido, la Comisión considera necesaria la adopción inmediata de medidas de protección.

28. En cuanto al requisito de irreparabilidad, la Comisión estima que se encuentra cumplido, en la medida que la posible afectación al derecho a la vida e integridad personal constituye la máxima situación de irreparabilidad. La Comisión toma especialmente en cuenta la importancia de proteger tales derechos, los cuales son esenciales para que las y los periodistas de la “Revista Factum” ejerzan su derecho a la libertad de expresión en forma independiente, libre de amenazas, agresiones u hostigamientos.

IV. BENEFICIARIOS

29. La CIDH considera como beneficiarios de la presente medida cautelar a: Héctor Ricardo Silva Ávalos, codirector de Factum; Orus Villacorta Aguilar, codirector de Factum; César Enrique Castro Fagoaga, jefe de redacción de Factum; Bryan Alexander Avelar Rodríguez, periodista de Factum; Juan José Martínez d’Aubuisson, colaborador de Factum; Ángel Fernando Romero Ortega, periodista de Factum; María Cidón Kiernan, periodista de Factum; Salvador Amílcar Meléndez Girón, fotoperiodista de Factum y Gerson Isaí Najera Portillo, documentalista de Factum.

V. DECISIÓN

30. En vista de los antecedentes señalados, la CIDH considera que el presente asunto reúne *prima facie* los requisitos de gravedad, urgencia e irreparabilidad contenidos en el artículo 25 de su Reglamento. En consecuencia, la Comisión solicita al Estado de El Salvador que:

-
- a) Adopte las medidas necesarias para preservar la vida y la integridad personal de las y los periodistas de la “Revista Factum”;
 - b) Adopte las medidas necesarias para que las y los periodistas de la “Revista Factum” puedan desarrollar sus actividades periodísticas en ejercicio de su derecho a la libertad de expresión, sin ser objeto de actos de intimidación, amenazas y hostigamientos;
 - c) Concierte las medidas a adoptarse con los beneficiarios y sus representantes; y
 - d) Informe sobre las acciones adoptadas a fin de investigar los hechos alegados que dieron lugar a la adopción de la presente medida cautelar y así evitar su repetición.

31. La Comisión también solicita al Gobierno de El Salvador tenga a bien informar a la Comisión dentro del *plazo* de 15 días contados a partir de la fecha de la presente comunicación, sobre la adopción de las medidas cautelares acordadas y actualizar dicha información en forma periódica.

32. La Comisión resalta que, de conformidad con el artículo 25(8) del Reglamento de la Comisión, el otorgamiento de medidas cautelares y su adopción por el Estado no constituye prejuzgamiento sobre la posible violación de los derechos protegidos en la Convención Americana y otros instrumentos aplicables.

33. La Comisión requiere que la Secretaría de la Comisión Interamericana notifique la presente Resolución al Estado de El Salvador y a los solicitantes.

34. Aprobado a los 27 días del mes de octubre de 2017 por: Francisco José Eguiguren Praeli, Presidente; Margarette May Macaulay, Primera Vicepresidenta; Esmeralda Arosemena de Troitiño, Segunda Vicepresidenta; José de Jesús Orozco Henríquez; Paulo Vannuchi; James Cavallaro; Luis Ernesto Vargas Silva, miembros de la Comisión.

Elizabeth Abi-Mershed
Secretaria Ejecutiva Adjunta

CERTIFICATE OF TRANSLATION

I certify that I am fluent in Spanish and English and that I have translated the attached document from Spanish into English, and that the English is a true and accurate translation of the Spanish.

I declare under penalty of perjury that the foregoing is true and correct.

Hannah L. Varadi
(name) Hannah L. Varadi

5/16/18
Date

Exh. 3



OAS » Inter-American Commission on Human Rights (IACHR) » Precautionary Measures

Precautionary Measures

2018	2017	2016	2015	2014	2013	2012	2011	2010	Previous Years
------	------	------	------	------	------	------	------	------	----------------

Resolution 8/18

PM 1039/17 – Child Patients in the Nephrology Area at José Manuel de los Ríos Hospital, Venezuela

On February 21, 2018, the IACHR decided to request that precautionary measures be adopted for the children who are patients in the nephrology area at José Manuel de los Ríos Hospital, in Venezuela. The request for precautionary measures alleges that the proposed beneficiaries are at serious risk because of their state of health and the lack of adequate medical treatment, due to an alleged scarcity crisis and other structural deficiencies. Having analyzed the allegations of fact and law, the IACHR believes that the information presented shows, prima facie, that the beneficiaries' situation is serious and urgent. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Venezuela adopt the necessary measures to protect the life, personal integrity, and health of the child patients in the nephrology area at José Manuel de los Ríos Hospital in Caracas. Specifically, the Commission considers that the authorities should provide medical treatment that takes into account, among other aspects, access to the required medications and procedures, pursuant to the recommendations of the relevant experts, as well as fulfillment of the children's nutritional needs and other supplementary measures, in keeping with their best interests. The Commission also asked Venezuela to adopt the necessary measures to ensure that the nephrology area that the children are in meets proper health and safety conditions, in line with applicable international standards; reach agreement with the beneficiaries and their representatives on the measures to be adopted; and report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in spanish](#) (Also available in [Word](#)).

© Copyright 2011 OAS

[Internships](#) [Fellowships](#) [Vacancies](#) [Terms & Conditions](#) [Contact Us](#) [Related Links](#)

1889 F St. N.W. Washington, DC, U.S.A. 20006 / E-mail: cidhoea@oas.org / Phone: (202) 370-9000 / Fax: (202) 458-3650



OAS » Inter-American Commission on Human Rights (IACHR) » Precautionary Measures

Precautionary Measures

2018	2017	2016	2015	2014	2013	2012	2011	2010	Previous Years
------	------	------	------	------	------	------	------	------	----------------

Resolution 38/17

PM 113/16 - "Tres Islas" Native Community of Madre de Dios, Peru

On September 8, 2017, the IACHR decided to request that precautionary measures be adopted for the members of the "Tres Islas" Native Community of Madre de Dios, in Peru. The request for precautionary measures alleges that the proposed beneficiaries are at serious risk due to the lack of effective, comprehensive, and ongoing medical attention given the presence of mercury in their bodies and in their sources of water and the soil, due to the presence of mining concessions in their territory. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, *prima facie*, that the beneficiaries are in a serious and urgent situation. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Peru to adopt the necessary measures to protect the life and personal integrity of the members of the "Tres Islas" Native Community of Madre de Dios, including conducting medical tests to determine the proposed beneficiaries' levels of contamination, so as to provide proper medical attention, in line with international standards; ensuring that the members of the community have access to food that is nutritionally and culturally adequate; and taking steps to protect the members of the community from potential attacks by third parties. The Commission also requested that Peru reach agreement with the beneficiaries and their representatives on the measures to be adopted; inform the Commission about steps taken to mitigate, reduce, and eliminate the sources of risk identified in this proceeding; and report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in spanish](#) (Also available in [Word](#)).

Resolution 37/17

PM 309/17 - Johonnys Armando Hernández, Venezuela

On September 8, 2017, the IACHR decided to request that precautionary measures be adopted for Johonnys Armando Hernández, in Venezuela. The request for precautionary measures alleges that the proposed beneficiary is in a situation of risk because he has not received the prescribed treatment for his hemophilia. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, *prima facie*, that the beneficiary is in a serious and urgent situation. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Venezuela to adopt the necessary measures to protect the beneficiary's life and personal integrity, taking into consideration his disease, and in particular that it take immediate measures that enable him to receive proper medical treatment for his current state of health, in line with applicable international standards. The Commission also requested that Venezuela reach agreement with the beneficiary and his representatives on the measures to be implemented and that it report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in spanish](#) (Also available in [Word](#)).

Resolution 35/17

PM 533/17 - Williams Dávila, Venezuela

On September 6, 2017, the IACHR decided to request that precautionary measures be adopted for Williams Dávila, in Venezuela. The request for precautionary measures alleges that the beneficiary, who was elected in 2015 to serve as a deputy of the National Assembly of the Bolivarian Republic of Venezuela representing the state of Mérida, is at serious risk due to a series of threats and acts of harassment and violence against him, allegedly perpetrated by State authorities and third parties affiliated with the regime. The petitioners noted in particular that he had received explicit death threats via social media and his personal phone; that in some of the incidents in which he reported being followed, the alleged assailants had thrown blunt objects at his vehicle; and that in early August of 2017, unidentified individuals had shot at his home. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, *prima facie*, that the beneficiary is in a serious and urgent situation. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Venezuela take the necessary steps to protect the life and personal integrity of Williams Dávila and ensure that he can carry out his activities as a deputy of the National Assembly without being the target of threats or acts of harassment or violence in the exercise of his duties; reach agreement with the beneficiary and his representatives on the measures to be implemented; and report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in spanish](#) (Also available in [Word](#)).

Resolution 34/17**PM 431/17 - Gloria Patricia Porras Escobar and Family, Guatemala**

On August 29, 2017, the IACHR decided to request that precautionary measures be adopted for Gloria Patricia Porras Escobar and her immediate family, in Guatemala. The request for precautionary measures alleges that the beneficiary faces a situation of risk due to her work as a judge of the Constitutional Court of Guatemala. The petitioners allege that various impeachment complaints have been filed against her because of her work on the bench, that she has been the target of acts of intimidation and harassment, and that she and her husband have been followed. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, prima facie, that the beneficiary is in a serious and urgent situation. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Guatemala to take the necessary steps to protect the life and personal integrity of Gloria Patricia Porras Escobar and her immediate family and that it adopt the necessary measures so that Gloria Patricia Porras Escobar can carry out her activities as a Constitutional Court judge without being the target of acts of intimidation, threats, and harassment. The Commission also requested that Guatemala reach agreement with the beneficiary and her representatives on the measures to be adopted and that it report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in spanish](#) (Also available in [Word](#)).

Resolution 33/17**PM 331/17 – Francisca Ramírez and Family Members, Nicaragua**

On August 22, 2017, the IACHR decided to request that precautionary measures be adopted for Francisca Ramírez and the members of her immediate family, in Nicaragua. The request for precautionary measures alleges that the beneficiary faces a situation of serious risk due to her work as a human rights defender, especially as it relates to representing people whose territories could end up being affected by the construction of the transoceanic canal. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, prima facie, that the beneficiary is in a serious and urgent situation. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Nicaragua to take the necessary steps to protect the life and personal integrity of Francisca Ramírez and the members of her immediate family and that it adopt the necessary measures to ensure that she can carry out her activities as a human rights defender without being the target of threats or acts of harassment or violence for doing her work. The Commission also requested that Nicaragua reach agreement with the beneficiary and her representatives on the measures to be adopted and that it report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in spanish](#) (Also available in [Word](#)).

Resolution 32/17**PM 564/17 – Santiago Maldonado, Argentina**

On August 22, 2017, the IACHR decided to request that precautionary measures be adopted for Santiago Maldonado, in Argentina. The application for precautionary measures alleges that the beneficiary was last seen on August 1, 2017, when he was loaded into a white pickup truck belonging to the National Gendarmerie, during a police operation in an area occupied by the Mapuche community of "Vuelta del Río Pu-Lof." The applicants alleged that the beneficiary had been subjected to forced disappearance. Having analyzed the allegations of fact and law, the IACHR believes that the information submitted shows, prima facie, that the beneficiary's situation is serious and urgent. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Argentina adopt the necessary measures to determine the status and whereabouts of Santiago Maldonado, in order to protect his rights to life and personal integrity, and that it report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure. [Read the resolution in spanish](#) (Also available in [Word](#)).

Resolution 31/17**PM 209/17 – Francisco Javier Barraza Gómez, Mexico**

On August 15, 2017, the IACHR decided to request that precautionary measures be adopted for Francisco Javier Barraza Gómez, in Mexico. The application for precautionary measures alleges that the beneficiary was last seen on January 31, 2017, in the city of Culiacán, in Sinaloa state, while he was taking care of some business related to his work as a lawyer, and that he was intercepted by a group of heavily armed men. The application alleges that Mr. Barraza was subjected to disappearance, and claimed that Sinaloa authorities were responsible and that this was yet another act of intimidation aimed at his sister, Alma Angélica Barraza Gómez, a human rights defender for local communities. Having analyzed the allegations of fact and law, the IACHR believes that the information submitted shows, prima facie, that the beneficiary's situation is serious and urgent. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Mexico adopt the necessary measures to determine the status and whereabouts of Francisco Javier Barraza Gómez, in order to protect his rights to life and personal integrity, and that it report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure. [Read the resolution in spanish](#) (Also available in [Word](#)).

Resolution 30/17**PM 178/17 – Julio César Vélez Restrepo et al., Colombia**

On August 14, 2017, the IACHR decided to request that precautionary measures be adopted for Julio César Vélez Restrepo, Luis Adrián Vélez Restrepo, and two adolescents, B.V.R. and L.S.N., in Colombia. The application for precautionary measures alleges that

the beneficiaries—members of the Embera Chamí indigenous community—were last seen on March 8, 2017, when they left to go fishing in the community of La Esperanza, in the municipality of Alcalá, Valle del Cauca. The applicants maintained that the beneficiaries disappeared at the hands of illegal armed groups, considering the background information available on the activity of these groups in the area, and stated that they had not received any news of their whereabouts or fate since then, despite having reported their disappearance. Having analyzed the allegations of fact and law, the IACHR believes that the information submitted shows, *prima facie*, that the beneficiaries' situation is serious and urgent. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Colombia adopt the necessary measures to determine the whereabouts and fate of Julio César Vélez Restrepo, Luis Adrián Vélez Restrepo, and the adolescents B.V.R. and L.S.N., in order to protect their lives and personal integrity; consult and reach agreement with their respective family members and their representatives on measures to be adopted; and report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in spanish](#) (Also available in [Word](#)).

Resolution 28/17

PM 440/16 – Zaheer Seepersad, Trinidad and Tobago

On August 4, 2017, the IACHR decided to request that precautionary measures be adopted for Zaheer Seepersad, in Trinidad and Tobago. The application for precautionary measures alleges that the beneficiary suffers from "dystonia" and is at risk due to his medical condition and the threat of being hospitalized in a psychiatric institution, which could aggravate his condition. Having analyzed the allegations of fact and law, the IACHR considers that the information submitted shows, *prima facie*, that the beneficiary's situation is serious and urgent because of his state of health and the alleged lack of adequate medical care. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Trinidad and Tobago adopt the necessary measures to protect the life and personal integrity of the proposed beneficiary, taking into consideration his medical condition and his condition as a person with disability, and in particular ensuring him access to adequate medical treatment and therapies. The Commission also requested that the State consult the measures to be implemented with the proposed beneficiary and his representatives to ensure their agreement and that it report on the actions taken to investigate the allegations that gave rise to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (Also available in [Word](#)).

Resolution 27/17

PM 449/17 – Luisa Ortega Díaz and Family, Venezuela

On August 3, 2017, the IACHR decided to request that precautionary measures be adopted for Luisa Ortega Díaz, in Venezuela. The application for precautionary measures alleges that the beneficiary, the Attorney General of the Bolivarian Republic of Venezuela, is at serious risk due to a series of stigmatizing public statements and accusations, as well as incidents of harassment, by high-ranking State authorities and members of the Partido Socialista Unido de Venezuela (PSUV), which reportedly have jeopardized her rights to life and personal integrity. Having analyzed the allegations of fact and law, and considering the institutional and social tension created in the context of the alteration of the constitutional and democratic order in Venezuela, the IACHR considers that the information submitted shows, *prima facie*, that the beneficiary's situation is serious and urgent. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Venezuela adopt the necessary measures to protect the life and personal integrity of Luisa Ortega Díaz and ensure that she can carry out her duties as Attorney General without being subject to threats or acts of harassment or violence; consult and reach agreement with the beneficiary and her representatives on measures to be implemented; and report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in Spanish](#) (Also available in [Word](#)).

Resolution 11/17

PM 17/17 – Juan, Argentina

On April 7, 2017, the IACHR decided to request that precautionary measures be adopted for Juan, in Argentina. The IACHR is withholding the identity of the beneficiary as he is an adolescent, and will identify him as Juan. The request for precautionary measures alleges that Juan, who is 15, is at risk considering that his whereabouts have been unknown since November 15, 2016, and he had been detained several times by the police in April 2016. The request indicates that the residence where Juan lived and where his family members still live has been shot at, presumably because of the complaints his family has lodged in connection with his disappearance. In accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Argentina adopt the necessary measures to determine Juan's situation and whereabouts, in order to protect his rights to life and personal integrity, and adopt the necessary measures to protect the life and personal integrity of his immediate family. The Commission also requested that Argentina reach agreement with the beneficiaries and their representatives on the measures to be adopted and report on the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to prevent a recurrence. [Read the resolution in Spanish](#) (Also available in [Word](#)).

Resolution 10/17

PM 393/15 – Persons Deprived of Liberty in "Punta Coco" Temporary Detention Facility, Panama EXTENSION

On March 22, 2017, the IACHR decided to extend its precautionary measures for persons in custody at the "Punta Coco" Temporary Detention Center in Panama. The request for precautionary measures alleges that the beneficiaries being deprived of their liberty face a serious, urgent risk of irreparable harm to their rights due to the exceptional detention circumstances at "Punta Coco." In

addition, the request alleges that Shirley Castañeda and Jessica Canto have been targets of acts of harassment because of their work as defense attorneys for persons deprived of liberty at the "Punta Coco" facility. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission decided to extend this precautionary measure. It requested, among other things, that Panama: (a) adopt the necessary measures to protect the rights to life and humane treatment of those being held at the "Punta Coco" Temporary Detention Center. In this regard, the Commission requests that the State immediately take the necessary steps to transfer all those currently being held at that facility to a place that meets applicable international standards for persons deprived of liberty, and to refrain from taking any new inmates to Punta Coco until that facility meets international standards. It also requested that Panama: (b) adopt the necessary measures to protect the life and physical integrity of Shirley Castañeda and Jessica Canto, and allow them to carry out their activities as human rights defenders without being subjected to acts of violence and harassment for doing their jobs. [Read the resolution in Spanish](#) (Also available in [Word](#)).

Resolution 9/17

PM 156/17 – William Charles Morva, United States

On March 16, 2017, the IACHR decided to request that precautionary measures be adopted for William Charles Morva, a dual U.S.-Hungarian citizen who was sentenced to death in 2008. According to the information available, his execution date is imminent. The request for precautionary measures is related to Petition P-388-17, which alleges violations of the right to life and personal security, the right to a fair trial, and the right to due process of law, all protected in the American Declaration. After analyzing the legal arguments and facts presented by the applicants, the Commission considers that in the event William Charles Morva is executed before it has had an opportunity to examine his petition, any eventual decision would be rendered moot in respect of the effectiveness of potential remedies, resulting in irreparable harm. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requested that the United States take the necessary measures to preserve the life and physical integrity of William Charles Morva until the IACHR has ruled on his petition, so as not to render ineffective the processing of his case before the inter-American system. [Read the resolution](#) (Also available in [Word](#)).

Resolution 8/17

PM 958/16 – "Virgen de la Asunción" Residential Institution, Guatemala

On March 12, 2017, the IACHR decided to request that precautionary measures be adopted for the children and adolescents at the "Virgen de la Asunción" Residential Institution, in Guatemala. The request for precautionary measures alleges that the children and adolescents at the facility are exposed to multiple risk factors, including overcrowding, acts of violence, and poor living conditions due to the lack of adequate supervision by the State. The petitioning party provided additional information indicating that a fire at the facility on March 8, 2017, led to the deaths of children and adolescents, and many others were injured. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Guatemala adopt the necessary measures to protect the life and personal integrity of the children and adolescents at the "Virgen de la Asunción" Residential Institution, including those who suffered burns or other physical or psychological injuries because of the fire of March 8, 2017. These measures should be adopted by the State taking into account the conditions of the beneficiaries' children and adolescents, and should be guided by the principles of the best interests of children and adolescents. In addition, the Commission requested that the State adopt the necessary measures to ensure that the conditions provided for the children and adolescents at the "Virgen de la Asunción" Residential Institution are brought into line with applicable international standards and, at the same time, that the State take effective steps to encourage the minors' reintegration into their families, whenever possible and with any necessary support, or identify care alternatives that provide greater protection. Consistent with that, the Commission asked the State to apply the appropriate measures to support and assist the families of the children and adolescents so as to facilitate reintegration, and to prohibit the institutionalization of more children and adolescents at the "Virgen de la Asunción" facility. The IACHR requested that Guatemala reach agreement with the beneficiaries and the petitioning party on the measures to be adopted, and that it report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to prevent a recurrence. [Read the resolution in Spanish](#) (Also available in [Word](#)).

Resolution 7/17

PM 68/17 - The Adolescent Panambi, Paraguay

On March 2, 2017, the IACHR decided to request that precautionary measures be adopted for the adolescent Panambi, in Paraguay. The IACHR will withhold her identity and identify her as "Panambi" at the request of the petitioning party. The request for precautionary measures alleges that Panambi, who is 15 years old, is at grave risk because of her current health condition and need for specialized medical treatment, in the context of a series of circumstances said to exacerbate her vulnerability. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Paraguay to adopt the necessary measures to protect the life and personal integrity of Panambi, so as to ensure that she has access to medical treatment appropriate to her situation and recommended by specialists; ensure that Panambi's rights are duly represented and upheld in all decisions and procedures related to health care, treatment for victims of sexual abuse, and other proceedings that may be related; take all necessary steps so that the teen has all the technical and family support that may be needed to fully protect her rights; and adopt a comprehensive treatment and protection plan for Panambi for the short, medium, and long term, once her condition is no longer as severe as it is now, taking into account her extremely vulnerable situation. [Read the resolution in Spanish](#) (Also available in [Word](#)).

Resolution 6/17

PM 688/16 - Erick Pérez and Others, Honduras

On February 20, 2017, the IACHR decided to request the adoption of precautionary measures for José Erick Pérez Sorto, Paul Emilio Zepeda, Gabriela Blen, and Georgina Sierra Rodríguez—members of the group Oposición Indignada [Outraged Opposition]—and their relatives, in Honduras. The request for precautionary measures alleges that the members of Oposición Indignada are at risk because of their work as human rights defenders, in the context of a series of actions taken against corruption in Honduras. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Honduras to adopt the necessary measures to guarantee the life and personal integrity of José Erick Pérez Sorto, Paul Emilio Zepeda, Gabriela Blen, Georgina Sierra Rodríguez, and their family members; come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in Spanish](#) (Also available in [Word](#))

Resolution 5/17

PM 522/14 - Alberto Yepes Palacio and his Daughter, Colombia

On February 10, 2017, the IACHR decided to request that precautionary measures be adopted for Alberto Yepes Palacio and his daughter, in Colombia. The request for precautionary measures alleges that Alberto Yepes Palacio and his daughter are targets of threats, harassment, and acts of violence on the part of the illegal armed group "Águilas Negras" [Black Eagles] and agents of the armed forces, purportedly because of their participation in the Working Group on Extrajudicial Executions and the publication of a report implicating the Commander of the Colombian Army. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Colombia to adopt the necessary measures to guarantee the life and personal integrity of Alberto Yepes Palacio and his daughter; take the necessary steps to ensure that Alberto Yepes Palacio can carry out his activities as a human rights defender without being subjected to violence and harassment; come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in Spanish](#) (Also available in [Word](#))

Resolution 4/17

PM 507/16 - Víctor Vásquez, Honduras

On February 6, 2017, the IACHR decided to request that precautionary measures be adopted for Víctor Vásquez, in Honduras. The request for precautionary measures alleges that Víctor Vásquez is at risk because of his actions as president of the indigenous council of the community of Simpinula, in the context of a series of legal disputes over the ownership of some territories that are part of the Lenca indigenous people's ancestral lands. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Honduras to adopt the necessary measures to guarantee the life and personal integrity of Víctor Vásquez; come to an agreement with the beneficiary and his representatives on the measures to be adopted; and report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in Spanish](#) (Also available in [Word](#))

Resolution 3/17

PM 51/15 – Pregnant and Nursing Women of the Wayúu Indigenous Community, Colombia

EXTENSION

On January 26, 2017, the IACHR decided to extend the scope of precautionary measures to benefit pregnant and nursing women who belong to the Wayúu indigenous community in the Colombian municipalities of Manaure, Riohacha, and Uribía. The request alleges that Wayúu women who are pregnant or nursing are at risk because of their lack of access to medical care and their high levels of malnutrition, in the context of a series of conditions associated with the lack of food and water in the area. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission decided to extend this precautionary measure, and therefore requested that Colombia adopt the necessary measures to protect the life and personal integrity of the beneficiaries. Specifically, the Commission asked Colombia to ensure the availability, accessibility, and quality of health services, with a comprehensive and culturally appropriate approach, and access to clean drinking water and food in sufficient quantity and quality to meet their nutritional needs in a way that is culturally relevant. [Read the resolution in Spanish](#) (Also available in [Word](#))

Resolution 2/17

PM 994/16 - Lorenzo Mendoza and his Family, Venezuela

On January 20, 2017, the IACHR decided to request that precautionary measures be adopted for Lorenzo Mendoza and his family, in Venezuela. The request for precautionary measures contends that Lorenzo Mendoza and his family are at risk because they have been targets of accusations and acts of harassment allegedly carried out by high-level State authorities and third parties. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Venezuela to adopt the necessary measures to guarantee the life and personal integrity of Lorenzo Mendoza and his family; reach agreement with the beneficiaries and their representatives on the measures to be adopted; and report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in Spanish](#) (Also available in [Word](#))

Resolution 1/17

PM 475/15 – Members of the Voluntad Popular Political Party, Venezuela

On January 14, 2017, the IACHR decided to request precautionary measures for David Smolansky, Freddy Guevara, Ismael León, and Juan Pablo López Gross, members of the Voluntad Popular political party; Theresly Malavé, a human rights defender; and Alexander Tirado, Raúl Emilio Baduel, Ángel Contreras, Yon Goicoechea, and Delson Guárate, who are being held in the "July 26" and "El Helicoide" prisons in Venezuela. The request for precautionary measures contends that Voluntad Popular members and activists are at risk because of alleged threats, acts of violence, harassment, torture, cruel treatment, and arbitrary detention to which they are reportedly being subjected because of their political stance in opposition to the current Venezuelan government. In view of the incidents mentioned above, the IACHR considered that this matter, *prima facie*, meets the requirements of seriousness, urgency, and irreparability contained in Article 25 of its Rules of Procedure. Consequently, the Commission requested that the government of Venezuela adopt the necessary measures to guarantee the life and personal integrity of i) David Smolansky, Freddy Guevara, Ismael León, and Juan Pablo López Gross, members of the Voluntad Popular political party; ii) Theresly Malavé, a human rights defender; and iii) Alexander Tirado, Raúl Emilio Baduel, Ángel Contreras, Yon Goicoechea, and Delson Guárate, who are being held in the "July 26" and "El Helicoide" prisons. It also asked Venezuela to adopt the necessary measures to guarantee the political rights of David Smolansky, Freddy Guevara, Ismael León, and Juan Pablo López Gross so that they can carry out their activities as opposition leaders without being subjected to harassment, threats, and acts of violence; adopt the necessary measures to guarantee that Theresly Malavé can carry out her activities as a human rights defender without being subjected to violence and harassment for doing her work; and ensure that the conditions of detention of the beneficiaries incarcerated in the "July 26" and "El Helicoide" prisons are brought in line with international standards. The Commission also requested that Venezuela reach agreement with the beneficiaries and their representatives on the measures to be adopted and that it report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution in Spanish](#) (Also available in [Word](#))

© Copyright 2011 OAS

[Internships](#)

[Fellowships](#)

[Vacancies](#)

[Terms & Conditions](#)

[Contact Us](#)

[Related Links](#)

1889 F. St. N.W. Washington, DC, U.S.A. 20006 / E-mail: cidhoea@oas.org / Phone: (202) 370-9000 / Fax: (202) 458-3650



OAS » Inter-American Commission on Human Rights (IACHR) » Precautionary Measures

Precautionary Measures

2018	2017	2016	2015	2014	2013	2012	2011	2010	Previous Years
------	------	------	------	------	------	------	------	------	----------------

PM 750/16 – Braulio Jatar, Venezuela

On December 22, 2016, the IACHR decided to request that precautionary measures be adopted for Braulio Jatar, in Venezuela. The request for precautionary measures alleges that the proposed beneficiary, who is incarcerated in the Cumaná Judicial Prison, is at risk due to a series of medical conditions and a lack of proper medical attention. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, prima facie, that Braulio Jatar faces a serious and urgent situation, as his life and personal integrity are at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Venezuela to adopt the necessary measures to protect Braulio Jatar's life and personal integrity; come to an agreement with the beneficiary and his representatives on the measures to be adopted; and report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 747/16 – Luis, Colombia

On December 22, 2016, the IACHR decided to request that precautionary measures be adopted for "Luis," in Colombia. The request for precautionary measures alleges that a 6-year-old boy—whom the IACHR is identifying as "Luis" to protect his identity—is at risk because he has a disease called dystrophic epidermolysis bullosa, and even though he is the beneficiary of court-ordered protection, he is reportedly not receiving the medical care he needs. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, prima facie, that "Luis" faces a serious and urgent situation, as his life and personal integrity are at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Colombia to adopt the necessary measures to protect the life and personal integrity of "Luis"; come to an agreement with the beneficiary and his representatives on the measures to be adopted; and report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 382/12 – Members of the Community Action Board of the Village of Rubiales, Colombia

On December 17, 2016, the IACHR decided to request precautionary measures for Héctor Sánchez, Alexander Castrillón Cubides, Hugo Mejía, Claudia Fierro Camacho, and Neiret Escobar Vela, members of the Community Action Board of the village of Rubiales, Colombia. The request for precautionary measures alleges that the proposed beneficiaries have been targets of threats and acts of harassment and violence on the part of security officers hired by a private company that reportedly controls the area, police officers, and illegal groups. After analyzing the allegations of fact and law, the Commission believes that the information presented shows that Héctor Sánchez, Alexander Castrillón Cubides, Hugo Mejía, Claudia Fierro Camacho, and Neiret Escobar Vela are in a serious and urgent situation. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Colombia to adopt the necessary measures to ensure that the beneficiaries can carry out their work as human rights defenders and to protect their life and personal integrity. It also requested that the State come to an agreement with the beneficiaries and their representatives on the measures to be adopted, and report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 705/16 - Esteban Hermelindo Cux Choc and his family, Guatemala

On December 6, 2016, the IACHR decided to request precautionary measures for Esteban Hermelindo Cux Choc and his family, and for Juan Moisés Mo Quib. The request for precautionary measures alleges that the proposed beneficiaries are facing risk because of their work as human rights defenders in Guatemala. After analyzing the allegations of fact and law, the Commission believes that the information presented shows that the situation of Esteban Hermelindo Cux Choc and Juan Moisés Mo Quib is serious and urgent, as their lives and personal integrity are at grave risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked Guatemala to adopt the necessary measures to protect their lives and personal integrity. [Read the resolution](#) (in Spanish).

PM 658/16 - Erlendy Cuero Bravo and her family, Colombia

On December 6, 2016, the IACHR decided to request precautionary measures for Erlendy Cuero Bravo and her family. The request for precautionary measures alleges that the proposed beneficiary is at risk because of her work defending the human rights of Afro-Colombians in Colombia. After analyzing the allegations of fact and law, the Commission believes that the information presented shows that Erlendy Cuero Bravo and her family are in a serious and urgent situation, as their lives and personal integrity are at grave risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked Colombia to adopt the necessary measures to protect the life and integrity of Erlendy Cuero Bravo and her family. [Read the resolution](#) (in Spanish).

PM 468/16 - Daniel Pascual and his family, Guatemala

On December 6, 2016, the IACHR decided to request precautionary measures for Daniel Pascual and his family. The request for precautionary measures alleges that the proposed beneficiary is at risk because of his work as a human rights defender. After analyzing the allegations of fact and law, the Commission believes that the information presented shows that Daniel Pascual is in a serious and urgent situation. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked Guatemala to adopt the necessary measures to protect his life and personal integrity. [Read the resolution](#) (in Spanish).

PM 52/16 – María Dolores López Godoy, Nelly Lizeth Martínez Martínez, and their families, Honduras

On December 6, 2016, the IACHR decided to request precautionary measures for María Dolores López Godoy, Nelly Lizeth Martínez Martínez, and their families. The request for precautionary measures alleges that the proposed beneficiaries are at risk because they have performed judiciary functions in high-impact cases. After analyzing the allegations of fact and law, the Commission believes that the information presented shows that María Dolores López Godoy and Nelly Lizeth Martínez Martínez, as well as their families, are in a serious and urgent situation. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked Honduras to adopt the necessary measures to protect their life and personal integrity. [Read the resolution](#) (in Spanish).

PM 505/15 – Miskitu Indigenous Peoples of Wangki Twi-Tasba Raya, Nicaragua**EXTENSION**

On August 8, 2016, the IACHR extended the scope of Precautionary Measure 505/15, which was originally granted on October 14, 2015, in favor of the indigenous communities of La Esperanza, Santa Clara, Wisconsin and Francia Sirpi, of the Miskitu indigenous peoples of Wangki Twi-Tasba Raya, who live in the Autonomous Region of the Costa Caribe Norte, in Nicaragua. Through this extension, the IACHR requested protection for the life and physical integrity of the members of the indigenous communities of Naranjal and Cocal, of aboriginal terirot Wangki Li Aubra and the human rights defendants belonging to CEJUDHCAN organization. The information provided by the petitioners indicates that the members of these persons are in a risk situation due to acts of violence, kidnappings, death threats, killings and forced displacement. Through its decision to extend the scope of this precautionary measure, the Commission requested that Nicaragua adopt the necessary measures to safeguard the life and physical integrity of the members of the indigenous communities mentioned above; adopt the necessary measures for CEDJUDHCAN members to defend human rights without being targets of violence, threats and harassment; to agree upon measures to be adopted with the beneficiaries and their representatives; and that it inform the Commission regarding the actions taken to investigate the alleged incidents that led to the extension of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 409/14 – Students of the “Raúl Isidro Burgos” Rural School, Mexico**FOLLOW-UP RESOLUTION**

On July 29, 2016, the IACHR emitted a resolution to reaffirm the present precautionary measures and required the State to redouble its efforts in order to implement all the necessary actions to determine the location or destination of the beneficiaries of the present precautionary measures, in the terms of resolution of October 3, 2014. Furthermore and considering the position of the parties, the IACHR considered the necessity of implementing a special security mechanism. The terms of the special security mechanism are stated in the resolution. [Read the resolution](#) (in Spanish).

PM 497/2016 – Thelma Esperanza Aldana Hernández and Family, Guatemala

On July 22, 2016, the IACHR decided to request precautionary measures for Thelma Esperanza Aldana Hernández and her family, in Guatemala. The request for precautionary measures alleges that Thelma Esperanza Aldana Hernández faces a situation of risk as a consequence of doing her job as Attorney General and Chief of the Public Prosecutor's Office in Guatemala. After analyzing the allegations of fact and law, the Commission considers that the information presented shows that Thelma Esperanza Aldana Hernández and members of her family are in a serious and urgent situation, as their lives and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked Guatemala to adopt the necessary measures to protect the lives and personal integrity of Thelma Esperanza Aldana Hernández and her family unit; to adopt the necessary measures so that Thelma Esperanza Aldana Hernández can carry out her activities as Attorney General and Chief of the Public Prosecutor's Office in Guatemala without being subjected to intimidation, threats, and harassment; to come to an agreement

with the beneficiaries and their representatives on the measures to be adopted; and to report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 359/16 – Américo de Grazia, Venezuela

On July 21, 2016, the IACHR decided to request that precautionary measures be adopted for Américo de Grazia, in Venezuela. The request for precautionary measures alleges that Américo de Grazia, a deputy in the National Assembly representing the state of Bolívar, is in a situation of risk because of conducting an investigation into the March 2016 presumed disappearance of miners in the town of Tumeremo, in the state of Bolívar. After analyzing the allegations of fact and law, the Commission believes that the information presented demonstrates, *prima facie*, that Américo de Grazia is in an urgent and serious situation, as his life and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked Venezuela to adopt the necessary measures to guarantee that Américo de Grazia can carry out his activities as a human rights defender without being subject to acts of violence and harassment for performing his duties; to come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and to report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 302/15 – Adolescents Deprived of Liberty at the Center for Socio-Educational Services for Adolescents (CASA), Brazil

On July 21, 2016, the IACHR decided to request that precautionary measures be adopted for two adolescents in custody at the Cedro Center for Socio-Educational Services for Adolescents (CASA), in Brazil. The request for precautionary measures alleges that the adolescents are at risk due to the alleged use of excessive force by personnel at the detention center, the use of prolonged and continued solitary confinement as a disciplinary punishment, and the lack of proper medical attention in the event of these episodes of violence. After analyzing the allegations of fact and law, the Commission believes that the information presented demonstrates, *prima facie*, that the two adolescents are in a serious and urgent situation as their lives and personal integrity are at grave risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requested that Brazil adopt the necessary measures to protect the lives and personal integrity of the adolescents being held at the Cedro CASA, in the state of São Paulo; that it provide proper medical attention that ensures that the adolescents' personal integrity and lives are protected; and that it implement concrete measures to prohibit the application of forms of disciplinary punishment that are contrary to international standards applicable to children and adolescents, including the practice of solitary confinement. The Commission also asked Brazil to come to an agreement with the beneficiaries and their representatives on the measures to be adopted and to report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 376/15 – Irene, Argentina

On July 7, 2016, the IACHR decided to request that precautionary measures be adopted for "Irene," in Argentina. The request for precautionary measures alleges that a 12-year-old girl, whom the IACHR has identified as "Irene" to protect her identity, has a severe neurological condition, mainly as a result of being born extremely prematurely, and needs various types of medical treatment and therapy to alleviate her condition and allow her to go to school. After analyzing the allegations of fact and law, the Commission believes that the information presented shows that "Irene" is facing a serious and urgent situation, as her life and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked Argentina to adopt the necessary measures to protect Irene's life and personal integrity, taking into consideration her disability and health condition, so that she can have access to the special support services recommended by specialists, in keeping with applicable international standards. It also asked that the State reach agreement with the beneficiary and her representatives on the measures to be adopted. [Read the resolution](#) (in Spanish).

PM 236/16 – Juana Mora Cedeño et al., Cuba

On July 3, 2016, the IACHR decided to request that precautionary measures be adopted for Juana Mora Cedeño and Mario José Delgado González, in Cuba. The request for precautionary measures alleges that Juana Mora Cedeño and Mario José Delgado González are human rights defenders, specifically defenders of the rights of lesbian, gay, bisexual, trans, intersex, and queer (LGBTIQ) persons. After analyzing the allegations of fact and law, the Commission believes that the information presented demonstrates, *prima facie*, that Juana Mora Cedeño and Mario José Delgado González are in a serious and urgent situation, as their lives and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked Cuba to adopt the necessary measures so that Juana Mora Cedeño and Mario José Delgado González can freely carry out their activities as human rights defenders without in the process being subject to acts of violence and harassment that could jeopardize their right to personal integrity. It also asked the State to come to an agreement with the beneficiaries and their representatives on the measures to be adopted, and to report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 700/15 – F and Family, Argentina

On May 23, 2016, the IACHR decided to request that precautionary measures be adopted for 16-year-old "F" and his immediate family, in Argentina. The request for precautionary measures alleges that the teenager has faced acts of violence, threats, and harassment since he filed complaints against a police officer at the 18th Police Station of Rosario, in Santa Fe Province. After analyzing the allegations of fact and law, the Commission considers that the information presented demonstrates, *prima facie*, that F and his family are in a serious and urgent situation, as their life and personal integrity are at risk. Consequently in accordance with Article 25 of its Rules of Procedure, the Commission asked Argentina to adopt the necessary measures to protect the life and personal integrity of F and his immediate family; reach agreement with the beneficiaries and their representatives on the measures to be adopted; and inform the IACHR concerning the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 46/14 – Juana Calfunao et al., Chile EXTENSION

On May 23, 2016, the IACHR extended Precautionary Measure 46/14, originally granted on October 26, 2015, to the benefit of Juana Calfunao and members of her family, in Chile. Through this extension, the IACHR asked the State to protect the life and personal integrity of Jorge Ignacio Landero Calfunao, Carolina Maciel Landero Calfunao, and Luis Calfunao Zavala, children and a nephew of Juana Calfunao. The information provided by the beneficiaries indicates that these individuals are at risk, as they have been targets of threats, harassment, and acts of violence because they live in the same territory as Juana Calfunao, and have become involved in various actions to defend the territory where they live. Through its decision to extend this precautionary measure, the Commission asked Chile to adopt the necessary measures to protect the life and personal integrity of Jorge Ignacio Landero Calfunao, Carolina Maciel Landero Calfunao, and Luis Calfunao Zavala; reach agreement with the beneficiaries and their representatives on the measures to be adopted; and inform the IACHR concerning the actions taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish)

PM 496/14 and PM 37/15 – Persons Deprived of Liberty in Six Police Stations in Lomas de Zamora and La Matanza, Argentina

On May 12, 2016, the IACHR decided to request that precautionary measures be adopted to protect the life and integrity of all individuals being deprived of their liberty in six police stations located in Lomas de Zamora and La Matanza, Argentina. The request for precautionary measures alleges that those being held in custody in these lockups are in jeopardy, given the extreme overcrowding, poor hygiene conditions, lack of natural light, risk of electrocution, 24-hour confinement, and the alleged use of torture. After analyzing the allegations of fact and law, the Commission considers that the information presented demonstrates, *prima facie*, that the individuals being deprived of their liberty in these police stations are facing a serious and urgent situation, as their life and personal integrity are threatened and at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked Argentina to adopt the necessary measures to protect the life and personal integrity of those being held at: the 8th Police Station of Villa Galicia, in the department of Lomas de Zamora; the 10th Police Station of Puente La Noria, in Lomas de Zamora; the 1st Police Station of Esteban Echeverría, Monte Grande, in Lomas de Zamora; the 1st Police Station of San Justo, in the department of La Matanza; the 3rd Northeast District Police Station of La Tablada, in La Matanza, which is for women detainees; and the 2nd Police Station of Virrey del Pino, in La Matanza. The IACHR also requested that Argentina adopt an immediate contingency plan to reduce the length of stay in these police lockups, considering that these are meant to be temporary, and take immediate steps to substantially reduce overcrowding in these facilities, in line with international standards; that it provide adequate hygiene conditions and access to water fit for human consumption, along with adequate medical treatment for the detainees, appropriate to their health needs; and that it adopt the necessary measures to have contingency plans in place for any eventuality, making available fire extinguishers and other necessary tools. It also requested that Argentina reach agreement with the beneficiaries and their representatives on the measures to be adopted, and that it inform the IACHR concerning the actions taken to investigate the facts that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 277/13 – Members of the Otomí-Mexica Indigenous Community of San Francisco Xochicuautla, Mexico

On May 11, 2016, the IACHR decided to request that precautionary measures be adopted for the 595 members of the Otomí-Mexica indigenous community of San Francisco Xochicuautla, in Mexico. According to the request for precautionary measures, the construction of the Toluca-Naucaupan highway includes a section that cuts across the ancestral territory of the Otomí-Mexica indigenous community of San Francisco Xochicuautla, where members of the community do hunting, gathering, and fishing activities. The request for precautionary measures alleges that the construction of the highway was approved without prior consultation of the members of the community, and that in October 2012 the government of the State of Mexico issued an expropriation decree and a title of concession without the community's knowledge. In May 2013, the community obtained an injunction (*amparo*) in their favor, which ordered the construction to be suspended, but the request for precautionary measure indicates that the State has continued to work on the highway. The request also indicates that in August 2013, a group of heavily armed anti-riot police violently entered the community's territory to establish a "security perimeter." The request also states that a number of members of the community were arrested in the context of protests against the highway construction, on grounds that they had committed the alleged crime of "opposition to the execution of public works." After analyzing the allegations of fact and law presented by the parties, the Commission considers that the information presented demonstrates, *prima facie*, that the members identified as belonging to this community are at imminent risk of irreparable harm. Consequently, in accordance with Article 25 of its Rules of Procedure, the IACHR asked the State of Mexico to adopt the necessary measures to protect the life and personal integrity of the identified members of the Otomí-Mexica indigenous community of San Francisco Xochicuautla; that it reach agreement with the beneficiaries and their representatives on the measures to be adopted; and that it inform the IACHR about the actions taken to

investigate the facts that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 297/16 – E.G.S. and A.E.S.G., United States of America

On May 11th, 2016, the IACHR decided to request that precautionary measures be adopted in favor of E.G.S. and A.E.S.G., in the United States of America. E.G.S. and A.E.S.G. are citizens of El Salvador who fled their country and sought asylum in the United States of America. The request for precautionary measures alleges that the beneficiaries are at risk given the imminent threat of deportation they face, which places their lives and personal integrity at risk. In addition, the applicants filed a petition, P-871-16, alleging a series of due process violations in the asylum procedure. After analyzing the allegations of fact and law, the Commission considers that the information presented demonstrates, *prima facie*, that E.G.S. and A.E.S.G. face a serious and urgent risk of irreparable harm, since their lives and personal integrity would be at risk if they were to be deported. Consequently, in light of Article 25 of its Rules and Procedure, the Commission requested the United States to refrain from deporting E.G.S. and A.E.S.G. until the IACHR has ruled on the pending petition in which the applicants allege violations of the American Declaration on the Rights and Duties of Man. [Read the resolution](#)

PM 271/05 – Community La Oroya, Peru EXTENSION

On May 3rd of 2016, the IACHR decided to extend the scope of the Precautionary Measure 271/05, originally granted on August 31st of 2007 in favor of 65 persons of the Community De la Oroya in Peru. Through this extension, the IACHR requested protection for the life and personal integrity of 14 persons members of the La Oroya Community. The information provided alleges that the proposed beneficiaries are at risk given their current health state, which is related to the alleged pollution they are exposed to due to their proximity to the Smelter Complex La Oroya. Additionally, the extension request also alleges that the pathologies the proposed beneficiaries present are aggravated due to a lack of an integral medical treatment provided by the State. Through the decision of extending this precautionary measure, the Commission requested Peru to adopt the necessary measures to preserve the life and personal integrity of 10 women and 4 men, carrying out the necessary medical assessments to determine the levels of lead, cadmium and arsenic in blood, in order to provide adequate medical attention, in accordance with international standards on this subject; to agree upon measures to be adopted with the beneficiaries and their representatives; and to provide information on the actions adopted to investigate the alleged facts that resulted on the adoption of a precautionary measure in order to avoid repetition. [Read the resolution](#) (in Spanish).

PM 260/16 – Police Coordination Center José Francisco Bermúdez, Venezuela

On April 26, 2016, the IACHR decided to request that precautionary measures be adopted in favor of the life and integrity of all of those who are deprived of liberty in the Police Coordination Center José Francisco Bermúdez, in Carúpano, state of Sucre, Venezuela. The request for precautionary measures alleges that people in this center are at risk given the high levels of overcrowding and detention conditions. After analyzing the allegations of fact and law, the Commission considers that the information presented demonstrates, *prima facie*, that the people in the Police Coordination Center José Francisco Bermúdez, and those who were injured due to the fire on April 6th of 2016, are allegedly threatened and at risk. Consequently, in accordance with Article 25 of its Rules and Procedures, the Commission requested Venezuela to adopt the necessary measures to guarantee the life and personal integrity of all of those present in the Police Coordination Center José Francisco Bermúdez and to provide adequate medical treatment to all of those who were injured during the most recent fire on April 6th, 2016; to strengthen the guards' team and to offer constant trainings to all of those who work at the Police Coordination Center José Francisco Bermúdez; to provide hygiene conditions at the Police Coordination Center José Francisco Bermúdez and the adequate medical treatments to persons deprived of liberty, according to the pathologies they may suffer; to implement an emergency plan and make fire extinguishers and other needed tools available; to take actions to reduce overcrowding within the Police Coordination Center José Francisco Bermúdez; to agree upon measures to be adopted with the beneficiaries and their representatives; and to inform on the actions adopted in order to investigate the alleged facts that resulted on the adoption of a precautionary measure in order to avoid repetition. [Read the resolution](#) (in Spanish).

PM 58/16 Kamel Salame Ajami, Venezuela

On April 15 2016, the IACHR decided to request the adoption of precautionary measures in favor of the life and personal integrity of Kamel Salame Ajami in Venezuela. The request for precautionary measures alleges that the beneficiary, who is deprived of his liberty, is not receiving the needed medical treatment in spite of serious pathologies. After analyzing the allegations of fact and law, the Commission considers that the information presented demonstrates, *prima facie*, that Kamel Salame Ajami is facing a serious and urgent situation, given that his life and personal integrity are threatened and at risk. Consequently, in accordance with Article 25 of its Rules and Procedure, the Commission requested Venezuela to adopt the necessary measures to preserve the life and integrity of Kamel Salame Ajami. In particular, to provide the adequate medical assistance according to the condition of his pathologies; to ensure that detention conditions are suited to international standards, considering his current health condition; and to agree upon measures to be adopted with the beneficiary and his representatives. [Read the resolution](#) (in Spanish).

PM 29/16 – Margarita Marín Yan and others, Mexico

On April 15, 2016, the IACHR decided to request that precautionary measures be adopted in favor of the life and personal integrity of David Mendoza Marín, Margarita Marín Yan and Alfredo Elías Marín Bustos, as well as of Carola Marín, Tomás Mendoza and their respective family members in Mexico. The request for precautionary measures alleges that David Mendoza Marín, Margarita Marín Yan and Alfredo Elías Marín Bustos are at grave risk, given that their whereabouts or fate are unknown since July 21, 2015 when they disappeared after being detained by police authorities in the city of Ahome de los Mochis, Sinaloa State. On the other hand, Carola Marín and Tomás Mendoza, the relatives of the three persons above named, have been subjected to acts of intimidation due to the complaints presented on their relative's disappearance. After analyzing the allegations of fact and law, the Commission considers that the information presented demonstrates, *prima facie*, that the beneficiaries are on a serious and urgent situation. Consequently, in accordance with Article 25 of its Rules and Procedures, the Commission requested Mexico to adopt the necessary measures to determine the situation and the whereabouts of David Mendoza Marín, Margarita Marín Yan and Alfredo Elías Marín Bustos to guaranteeing their lives and personal integrity; to adopt the necessary measures to guaranteeing the life and personal integrity of Carola Marín and Tomás Mendoza, and that of their relatives, during the process of search and complaints about the alleged disappearance of their relatives; to agree upon measures to be adopted with the beneficiaries and their representatives; and to provide information on the actions adopted to investigate the alleged facts that resulted on the adoption of a precautionary measure in order to avoid repetition. [Read the resolution](#) (in Spanish).

PM 152/16 – D.S., United States of America

On April 9th, 2016, the IACHR decided to request that precautionary measures be adopted in favor of D.S., in the United States of America. D.S. is a citizen of El Salvador who fled her country and sought asylum in the United States of America. The request for precautionary measures alleges that the beneficiary is at risk given the imminent threat of deportation she faces. Moreover, the request alleges a series of due process violations in the asylum procedure. After analyzing the allegations of fact and law, the Commission considers that the information presented demonstrates, *prima facie*, that D.S. is facing a serious and urgent situation, since her life and personal integrity would be at risk if she were to be deported. Consequently, in light of Article 25 of its Rules and Procedure, the Commission requested the United States to refrain from deporting D.S. until the IACHR has ruled on the pending petition in which the applicants allege violations of the American Declaration on the Rights and Duties of Man. [Read the resolution](#).

PM 121/16 – Carlos Humberto Bonilla Alfaro and others, Nicaragua

On March 24, 2016, the IACHR decided to request that precautionary measures be adopted for Carlos Humberto Bonilla Alfaro and María Gabriela García Morales, in Nicaragua. The request for precautionary measures alleges that the beneficiaries were objects of violence because of their involvement in the non-governmental organization "Movimiento Democrático Nicaragüense", related to the defense and promotion of free and transparent elections. After analyzing the allegations of fact and law, the Commission believes that the information presented demonstrates, *prima facie*, that Carlos Humberto Bonilla Alfaro and María Gabriela García Morales are in an urgent and serious situation, as their life and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked the State of Nicaragua to adopt the necessary measures to preserve the life and integrity of Carlos Humberto Bonilla Alfaro and María Gabriela García Morales, as well as the necessary measures to guarantee they can carry out his activities as a human rights defender without being subject to acts of violence and harassment for performing his duties; to come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and to report on the steps taken to investigate the allegations that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 112/16 – Members of COPINH, Berta Cáceres' relatives and other, Honduras

EXTENSION

On March 23, 2016, the IACHR decided to extend the scope of the Precautionary Measure 112/16, originally granted on May 18th of 2015 in favor of the members of COPINH, Berta Cáceres's relatives and Gustavo Castro in Honduras. Through this extension, the IACHR requested protection for the life and physical integrity of Víctor Fernández, Arnold Guifarro, Carlos Jiménez, as well as A, B y C, persons whom the IACHR has identified as A, B and C to protect their identity upon request. The information provided by the beneficiaries indicates that these individuals are at risk considering they constitute the legal team that represents Berta Cáceres' family in the processes of investigating her murder. Through its decision to extend this precautionary measure, the Commission asked Honduras to adopt the necessary measures to protect the life and personal integrity of Víctor Fernández, Arnold Guifarro, Carlos Jiménez, A, B and C, and to adopt the necessary measures for these persons to develop their activities as human rights' defendants without being objects of violence and harassment in the exercise of their functions; to agree upon measures to be adopted with the beneficiaries and their representatives and to provide information on the actions adopted to investigate the alleged facts that resulted on the adoption of a precautionary measure in order to avoid repetition. [Read the resolution](#) (in Spanish).

PM 112/16 – Members of COPINH, Berta Cáceres' relatives and other, Honduras

On March 5th of 2016, the IACHR decided to request that precautionary measures be adopted in favor of the life and personal integrity of the members of COPINH, Berta Cáceres's relatives and Gustavo Castro in Honduras. The request for precautionary measures alleges that the beneficiaries, members of COPINH, are at risk due to their activities in the defense of human rights, the environment and natural resources; Berta Cáceres relatives due to the recent murder of COPINH's activist; and Gustavo Castro for witnessing such murder. After analyzing the allegations of fact and law, the Commission considers that the information presented demonstrates, *prima facie*, that members of COPINH, Berta Cáceres' relatives and Gustavo Castro are in a serious and urgent

situation given the fact that their life and personal integrity are allegedly threatened and at risk. Consequently, in accordance with Article 25 of its Rules and Procedures, the Commission requested Honduras to adopt the necessary measures to guaranteeing the life and personal integrity of the members of COPINH, Berta Cáceres' relatives and Gustavo Castro. Considering the information presented showing that Mr. Gustavo Castro has decided to leave the country to protect his safety, the IACHR considers necessary that the State takes the necessary measures to ensure Castro's well-being during the process to prepare and ultimately leave the country; to adopt all the necessary measures to ensure members of COPINH their ability to carry out activities as human rights defenders without being subjected to acts of violence, threats and harassments; to agree upon measures to be adopted with the beneficiaries and their representatives; and to provide information on the actions taken to investigate the alleged facts that resulted on the adoption of precautionary measures to avoid repetition. Furthermore, the IACHR summons the parts to a work meeting during the next period of sessions of the Commission. [Read the resolution](#) (in Spanish).

PM 452/13 – Lauro Baumea Mora et al, México

EXTENSION

On March 2, 2016, the IACHR decided to extend the scope of the Precautionary Measure 452/13, originally granted on May 18th of 2015 in favor of Lauro Baumea Mora, Miguel Ángel Cota Tórtola and Aurelia Butimenia, leaders of the Yaqui People in México. Through this extension, the IACHR requested protection for the life and physical integrity of Librado Valenzuela Valencia, Esteban Cecilio Valenzuela Butimea, Arturo Matas Gonzáles, Gilberto Gálvez Palma and Gregorio Valdez Molina, members of the Yaqui communities in Vicam, Bélem, Cócorit, Bácum and Pótam. The information provided by the petitioners alleges that the beneficiaries are at risk given they have been subjected to acts of violence, harassments, surveillance, and dead threats because of their work as water and human rights defenders. Through the decision of extending the scope of this Precautionary Measure, the Commission requested Mexico to adopt the necessary measures to guaranteeing Librado Valenzuela Valencia, Esteban Cecilio Valenzuela Butimea, Arturo Matas Gonzáles, Gilberto Gálvez Palma and Gregorio Valdez Molina the ability to develop their activities as human rights defenders without being subjected to acts of violence and harassments for their work; to agree upon measures to be adopted with the beneficiaries and their representatives; and to provide information on the actions adopted to investigate the alleged facts that resulted on the adoption of a precautionary measure in order to avoid repetition. [Read the resolution](#) (in Spanish).

PM 5/11 – Gary Resil et al, United States of America

EXTENSION

On March 2, 2016, the IACHR decided to extend the scope of precautionary measure 5/11, originally granted on February 1, 2011, in favor of Gary Resil and others, in the United States of America. Through this extension, the ICHR requested protection for the life and personal integrity of R., who requested their identity to be kept confidential. According to the request for precautionary measures, the life and integrity of R. are at risk, due to the current order to deport her from the U.S. to Haiti, in light of allegations that she was subject to physical and sexual abuse while living in Haiti, as well as those concerning her health issues. After analyzing the allegations of fact and law, the Commission believes that the information shows, prima facie, that R. is in a situation that presents seriousness, urgency and need to avoid irreparable harm, considering that her life and integrity are at risk. Consequently, in accordance with Article 25 of the Rules and Procedures of the IACHR, the Commission requested the U.S. to refrain from deporting R., in order to protect her life and personal integrity. [Read the resolution](#).

PM 393/15 – Persons Deprived of Liberty in "Punta Coco", Panama

On February 25, 2016, the IACHR decided to request that precautionary measures be adopted in favor of the life and integrity of six persons who are held in the temporary detention center of Punta Coco, Panama. The request for precautionary measures alleges that the beneficiaries are at risk given the exceptional conditions of the detention in the center built on a deserted island. Moreover, the request alleges that Félix Humberto Paz Moreno, the legal representative of the detainees, is at risk as he has been subjected to threats and harassment from State agents. After analyzing the allegations of fact and law, the Commission considers that the information presented demonstrates, prima facie, that all of those detained in the Temporary Detention Center of Punta Coco are in a serious and urgent situation, as their lives and personal integrity are at risk. Consequently in accordance with Article 25 of its Rules and Procedures, the Commission requested Panama to adopt the necessary measures to preserve the life and personal integrity of those detained in the temporary detention center Punta Coco, particularly, through terminating the isolation in which they find themselves. Additionally, the Commission requested Panama to adopt the necessary measures to preserve the life and integrity of Félix Humberto Paz Moreno and to ensure his ability to carry out activities as human rights' defender without being subjected to acts of violence and harassment for exercising his duties. Lastly, the IACHR requested Panama to provide information on the actions adopted to investigate the alleged facts that resulted on the adoption of a precautionary measure to avoid repetition, and to agree upon measures to be adopted with the beneficiaries and their representatives. [Read the resolution](#) (in Spanish).

PM 54/13 – Matter of communities in voluntary isolation of the Ayoreo Totobiegosode People, Paraguay

On February 3 of 2016, the IACHR decided to request the adoption of precautionary measures in favor of the rights of the Ayoreo Totobiegosode People, especially of the communities in voluntary isolation, known as the Jonoine-Urasade. According to the request, there have been a series of third persons' entries to territory recognized in favor of the Ayoreo Totobiegosode People, as well as deforestation activities. This could result on damages to their lives and personal integrity within the framework of their physical and cultural survival as indigenous people. After analyzing the allegations of fact and law, the Commission considers that the information

presented demonstrates, *prima facie*, that the communities in voluntary isolation of the Ayoreo Totobiegosode People are in a serious and urgent situation given that their rights to life and personal integrity are allegedly threatened and at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission required the State of Paraguay to adopt the necessary measures to protect the communities in voluntary isolation of the "Jonoine-Urasade" of the Ayoreo Totobiegosode People, protecting their ancestral lands. Additionally, the IACHR requested Paraguay to avoid deforestation in the territory recognized in favor of the Ayoreo Totobiegosode People; to create a mechanism to protect and prevent third parties from entering their territory; and to create protocols specific for protection from sighting or unwanted contact based on applicable international standards; among other measures. [Read the resolution](#) (in Spanish).

PM 617/15 - Gomez Murillo and others, Costa Rica

On January 29, 2016, the Commission decided to request the adoption of precautionary measures in favor of six couples in Costa Rica who, according to health professionals, have infertility problems. The request for precautionary measures alleges that the six couples benefited by this precautionary measure have not been able to use the technique of vitro fertilization (IVF) because of the ban decreed by the Constitutional Chamber of Costa Rica. After analyzing the allegations of fact and law, the Commission considers that the information presented shows, *prima facie*, that the beneficiaries are in a serious and urgent situation. Their rights are allegedly in risk of irreparable damage, in view of the lack of access to IVF treatment and to the effects over time could result in the exercise of their rights. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Costa Rica to adopt the necessary measures to make the IVF technique immediately accessible to the couples identified in the resolution granting this precautionary measure; and to agree the measures to be adopted with the beneficiaries and their representatives. [Read the resolution](#) (in Spanish).

PM 505/15 – Miskitu Indigenous Peoples of Wangki Twi-Tasba Raya, Nicaragua

EXTENSION

On January 16, 2016, the IACHR extended the scope of Precautionary Measure 505/15, which was originally granted on October 14, 2015, in favor of the indigenous communities of La Esperanza, Santa Clara, Wisconsin and Francia Sirpi, of the Miskitu indigenous peoples of Wangki Twi-Tasba Raya, who live in the Autonomous Region of the Costa Caribe Norte, in Nicaragua. Through this extension, the IACHR requested protection for the life and physical integrity of the members of the indigenous communities of Santa Fe, Esperanza Río Coco, San Jerónimo, Polo Paiwas, Klisnak of the Miskitu indigenous territory Wanki Li Aubra and Wiwinak of the Miskitu indigenous territory Li Lamni Tasbaika Kum. The information provided by the petitioners indicates that the members of these indigenous communities are in a risk situation due to acts of violence, kidnappings, death threats, killings and forced displacement. Through its decision to extend the scope of this precautionary measure, the Commission requested that Nicaragua adopt the necessary measures to safeguard the life and physical integrity of the members of the indigenous communities mentioned above; that it reach agreement with the beneficiaries and their representatives on the measures to be adopted; and that it inform the Commission regarding the actions taken to investigate the alleged incidents that led to the extension of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 388/12 – Edgar Ismael Solorio Solís and others, Mexico

On January 13, 2016, the IACHR extended the scope of Precautionary Measure 388/12, which was originally granted on November 6, 2012, for the three sons of Ismael Urrutia and Manuela Marta Solís, who were reportedly leaders of the organization "El Barzón," as well as for the members of that organization, in Mexico. Through this extension, the IACHR requested protection for the life and physical integrity of Irving Rodríguez Renova. The information provided by the petitioners indicates that Irving Rodríguez Renova is at risk because he is the son of Heraclio Rodríguez, an environmentalist and member of the organization "El Barzón," and therefore a beneficiary of this precautionary measure. Through its decision to extend the scope of this precautionary measure, the Commission requested that Mexico adopt the necessary measures to safeguard the life and physical integrity of Irving Rodríguez Renova; that it reach agreement with the beneficiary and his representatives on the measures to be adopted; and that it inform the Commission regarding the actions taken to investigate the alleged incidents that led to the extension of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).



OAS » Inter-American Commission on Human Rights (IACHR) » Precautionary Measures

Precautionary Measures

2018 2017 2016 2015 2014 2013 2012 2011 2010 Previous Years

PM 60/15 - Adolescents deprived of freedom in facilities of juvenile detention reform for men in the state of Ceará, Brasil

On December 31, 2015, the Commission requested that precautionary measures be adopted for adolescents deprived of freedom in juvenile detention reform facilities for men in the state of Ceará, Brazil. The request for precautionary measures alleged that the beneficiaries are at risk because of the poor conditions of the detentions, that allegedly include overpopulation, excessive use of force by instructors, torture, use of isolationism for long periods of time, sexual abuses, and lack of medical assistance. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, *prima facie*, that the adolescents in these facilities are in a serious and urgent situation, and their lives and personal integrity are allegedly at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requested the State of Brazil to adopt the necessary measures to ensure the life and personal integrity of the adolescents arrested in the Juvenile Reform Center of São Miguel, the Juvenile Reform Center of Dom Bosco and the Juvenile Reform Center Patativa do Assaré in Ceará, and for those who were temporarily transferred to the Military Detention Center of Aquiraz, according to international law and the best interest of the child. Particularly, the Commission requested to ensure adequate conditions of infrastructure and suitable personal, and good quality of hygiene, food and medical treatment. In addition, the Commission requested the State of Brazil substantially decrease the number of adolescents detained in these facilities, and avoid overpopulated conditions, among other measures. [Read the resolution](#) (available in Portuguese only).

PM 51/15 – Children and adolescents of the communities of Uribí, Manaure, Riohacha and Maicao of the Wayúu people, in the department of the Guajira, Colombia

On December 11, 2015, the IACHR requested that precautionary measures be adopted for children and adolescents of the communities of Uribí, Manaure, Riohacha and Maicao of the Wayúu people, in the department of the Guajira, Colombia. The request for precautionary measures alleges that the beneficiaries are at risk because of the alleged lack of access to drinking water and of malnutrition among children of the community. According to the information contained in the request, this situation allegedly caused the death of 4770 children in the last eight years. After analyzing the allegations of fact and law, the Commission considers that information, *prima facie*, demonstrates that the members of these communities are in a serious and urgent situation, since their lives and personal integrity are allegedly at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Colombia to adopt the necessary measures to guarantee the life and physical integrity of children and adolescents in the communities of Uribí, Manaure, Riohacha and Maicao of the Wayúu people, in the department of the Guajira. Particularly, it requested to ensure the availability, accessibility and quality of health services, with an integral and culturally adequate approach, in order to respond to the children's malnutrition, as well as to adopt immediate measures so that the beneficiary communities have, as soon as possible, access to drinking water and to food in sufficient quantity and quality. In addition, the Commission requested the State of Colombia to agree on the measures to be adopted with the beneficiaries and their representatives, and to periodically inform the Commission on the adoption of the requested precautionary measures. [Read the resolution](#) (in Spanish).

PM 589/15 - Ana Miran Romero and Others, Honduras

On November 24, 2015, the Commission decided to request the adoption of precautionary measures in favor of Ana Mirian Romero and the 13 identified leaders of the Indigenous Council San Isidro (*Consejo Indígena San Isidro*) and the Independent Lenca Indigenous Movement of La Paz (*Movimiento Indígena Lenca Independiente de la Paz*, MILPAH), as well as the family members of Rosario Vasquez Pineda and Ana Mirian Romero, in Honduras. The request for precautionary measures alleges that the beneficiaries are at risk and that they were victims of threats and acts of violence, allegedly because of the actions undertaken to obtain legal recognition of their right to their lands and due to their opposition to the development of projects in the area. After analyzing the allegations of fact and law, the Commission considers that the information demonstrates, *prima facie*, that the proposed beneficiaries are in a serious and urgent situation, since their lives and personal integrity are allegedly at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Honduras to adopt the necessary measures to guarantee that the life and physical integrity of Ana Mirian Romero and the 13 identified leaders as well as the family

members of Rosario Vasquez Pineda and Ana Mirian Romero; to adopt the necessary measures so that the beneficiaries may develop their activities as human rights defenders without being victims of acts of violence, threats and harassment; to agree on the measures to be adopted with the beneficiary and their representatives; and to report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, in order to prevent its repetition. [Read the resolution](#) (in Spanish).

PM 573/15 – X et al., Mexico

On November 16, 2015, the IACHR requested that precautionary measures be adopted for X and his immediate family. At the request of petitioners, the identity of the beneficiaries is withheld. They are properly identified in the documents sent by the IACHR to the State. X is a journalist who participated in meetings held by the IACHR during its onsite visit to Mexico, in September 2015. According to the request for measures, as a result of his participation he has received threats and attacks that are putting his life and physical integrity at risk, as well as the rights of his family. After analyzing the allegations of fact and law laid out by the petitioner, the Commission believes that the information presented shows that X and his immediate family are in a serious and urgent situation, as their lives and physical integrity are at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests that Mexico adopt the necessary measures to protect the lives and physical integrity of X and the members of his immediate family. It also requests that the necessary measures be adopted so that X can carry out his work as a journalist without being the target of acts of violence and harassment. The Commission also asks that Mexico reach agreement with the beneficiaries and their representatives as to the measures to be adopted, and that it inform the Commission about the actions taken to investigate the alleged incidents that led to the adoption of this precautionary measure, so as to avoid a recurrence.

PM 561/15 – Zenaida Candia Espinobarros and her immediate family, Mexico

On November 10, 2015, the IACHR requested that precautionary measures be adopted for Zenaida Candia Espinobarros and her immediate family, in Iguala, Mexico. Zenaida Candia Espinobarros is the mother of Juan Carlos Velásquez Candia, who has been missing since September 3, 2012. According to the request, on October 26, 2015, two individuals on a motorcycle shot and wounded Luis Armando Velásquez Candia, the other son of Zenaida Candia Espinobarros. Both son and mother, members of the "Committee on the Other Disappeared of Iguala," were in the process of searching for their missing loved one. In requesting precautionary measures, the mother had asked the Commission for help to obtain the medications and free specialized treatment her son needed, saying that she had not received an adequate response from the Mexican authorities. On November 5, 2015, the Commission received a communication indicating that Luis Armando Velásquez Candia had died from the gunshot. The request indicates that the acts of violence perpetrated against Zenaida Candia Espinobarros' sons place her life at risk. After analyzing the allegations of fact and law, the Commission believes that Zenaida Candia Espinobarros and the members of her immediate family are in a serious and urgent situation, as their lives and physical integrity are at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests that Mexico adopt the necessary measures to protect the life and physical integrity of Zenaida Candia Espinobarros and her immediate family so that they can carry out the search for their family member without being the target of acts of violence and harassment. The Commission also asks the State to come to an agreement with the beneficiaries and their representatives concerning the measures to be taken, and to inform the Commission about the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 179/15 – Miguel Henrique Otero et al., Venezuela

On November 9, 2015, the IACHR requested that precautionary measures be adopted for Miguel Henrique Otero, Alberto Federico Ravell, Isabel Cristina Ravell, and Teodoro Petkoff. According to the request, the proposed beneficiaries have been victims of attacks, acts of aggression, threats, and persecution on the part of the Venezuelan State for independently and critically exercising their right to freedom of expression through the news media. The request for precautionary measures asks the State of Venezuela to invalidate any measure that restricts their liberty and suspend any measure that bars them from leaving the country and orders them to report to the court on a regular basis. The request also asks that the Venezuelan State put an end to the climate of aggression in which the President of the National Assembly, Congressman Diosdado Cabello, and other public employees and officials attack and stigmatize the beneficiaries and other employees at the newspaper "El Nacional" and the news sites "La Patilla" and "Tal Cual," three media outlets which published information that originally ran in the *Diario de las Américas*. The story included direct quotes from statements made by Leamsy Salazar, who claims to have worked as a bodyguard for Diosdado Cabello and is now in the United States, providing information to U.S. federal prosecutors. After analyzing the allegations of facts and law presented by the parties, the Commission believes that the information presented shows that Miguel Henrique Otero, Alberto Federico Ravell, Isabel Cristina Ravell, and Teodoro Petkoff are in a serious and urgent situation, as their rights are reportedly being threatened and are at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests that Venezuela adopt the necessary measures to guarantee that Miguel Henrique Otero, Alberto Federico Ravell, Isabel Cristina Ravell, and Teodoro Petkoff can legitimately exercise their freedom of expression without being stigmatized or harassed in the course of their work as journalists. The Commission also asked the State to reach agreement with the beneficiaries and their representatives as to the measures to be adopted, and that it take the necessary steps to ensure that the incidents that gave rise to this precautionary measure are not repeated. [Read the resolution](#) (in Spanish).

PM 445/14 – Jessica Liliana Ramírez Gaviria, Colombia

On November 4, 2015, the IACHR requested the adoption of precautionary measures for Jessica Liliana Ramírez Gaviria, in Colombia. According to the request for measures, Jessica Liliana Ramírez Gaviria has a disease called dystrophic epidermolysis bullosa, which requires special care and medical treatment because its effects on the skin can be fatal. The petitioners have stated that even though a court has issued an order of protection for her, Jessica Liliana Ramírez Gaviria is not receiving the medical attention she needs to take care of her condition, which is reportedly creating serious consequences for her health and putting her life and physical integrity at risk. After analyzing the allegations of fact and law presented by the parties, the Commission believes that the information submitted by the petitioners shows that Jessica Liliana Ramírez Gaviria is in a serious and urgent situation, as her life and physical integrity are at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests that Colombia adopt the necessary measures to protect the beneficiary's life and physical integrity, taking into consideration the particular characteristics of the disease she has, in order to ensure that she has access to proper medical treatment, in line with the Pan American Health Organization's technical guidelines and other applicable international standards. In addition, the Commission asks that Colombia reach agreement with the beneficiary and her representatives as to the measures to be adopted, and that it inform the Commission about the actions taken as of the issuance of the resolution. [Read the resolution](#) (in Spanish).

PM 46/14 Juana Calfunao et al., Chile

On October 26, 2015, the IACHR requested that precautionary measures be adopted for Juana Calfunao and her family members. According to the request, the proposed beneficiaries are facing alleged acts of violence, threats, and harassment on the part of public security agents of the State, due to their activities in defense of the rights to the territory where they live. After analyzing the allegations of fact and law presented by the parties, the Commission believes that the information shows that Juana Calfunao and the members of her family are in a serious and urgent situation, as their lives and physical integrity are at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests that Chile adopt the necessary measures to guarantee the life and physical integrity of Juana Calfunao and her family. The Commission also asks the State to come to an agreement with the beneficiaries and their representatives concerning the measures to be taken, and to inform the Commission about the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 530/15 – Alicia Cahuiya, Ecuador

On October 24, 2015, the IACHR requested that precautionary measures be adopted for Alicia Cahuiya, in Ecuador. A Waorani leader and Vice President of the Waorani Nationality of Ecuador (NAWE), Alicia Cahuiya is a witness in Case No. 12.979, "Tagaeri and Taromenani," which is pending before the IACHR, and she testified in a hearing at the IACHR on October 19, 2015, during the Commission's 156th session. In that hearing, the President of NAWE was introduced as a witness by the delegation of the State of Ecuador and, unlike Alicia Cahuiya, he defended the government's policies. According to the petitioners, after the hearing the President of NAWE spoke to Alicia Cahuiya along these lines: "Alicia, what you are doing is very wrong, your sister is going to kill you, they're going to kill you when you arrive in the community, and they're going to kill you." After analyzing the allegations of fact and law laid out by the petitioners, the Commission believes the information shows that Alicia Cahuiya is facing a serious and urgent situation, as her life and physical integrity are at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asks the State of Ecuador to adopt the necessary measures to protect the life and physical integrity of Alicia Cahuiya. The Commission also asks the State to reach agreement with the beneficiaries and her representatives on the measures to be adopted, and that it inform the Commission within 15 days regarding the adoption of the requested precautionary measures and update the information on a regular basis. [Read the resolution](#) (in Spanish).

PM 505/15 - Members of the communities "Esperanza, Santa Clara, Wisconsin y Francia Sirpi" in the territory of the Miskitu indigenous people

On October 14, 2015, the IACHR decided to request precautionary measures to be adopted for the indigenous communities of la Esperanza, Santa Clara, Wisconsin and Francia Sirpi of the Miskitu indigenous people of Wangki Twi-Tasba Raya, who live in the Autonomous Region of the Southern Caribbean Coast, in the Municipality of Waspam. According to the request, members of these indigenous communities are subjected to ongoing cycles of violence, murder, threats and acts of harassment, as a result of the presence of the so-called settlers (*colonos*) within their territories of the indigenous communities and acts of violence, in the context of a territorial dispute and land title claims on said territories. After examining the allegations of fact and law submitted by the requesting parties, the Commission believes that the information provided to it shows *prima facie* that the members of the indigenous communities of la Esperanza, Santa Clara, Wisconsin and Francia Sirpi of the Miskitu Indigenous people of Wangki Twi-Tasba Raya are facing a serious and dire situation, inasmuch as their lives and personal integrity are under threat and in jeopardy. Consequently, in keeping with Article 25 of the IACHR Rules of Procedure, the Commission requests Nicaragua to adopt the necessary measures to ensure the lives and personal integrity of the members of the indigenous communities of la Esperanza, Santa Clara, Wisconsin and Francia Sirpi, of the Miskitu Indigenous peoples of Wangki Twi-Tasba Raya; to work out with the beneficiaries and their representatives an agreement on the measures that must be implemented; and to report on actions taken to investigate the alleged facts, which gave rise to the instant precautionary measure and thus prevent them from happening again. [Read the resolution](#) (in Spanish).

PM 438/15 – Marino Alvarado, Venezuela

On October 14, 2015, the IACHR requested that precautionary measures be adopted for Rafael Uzcátegui, Esperanza Hermida, Inti Rodríguez, and Marino Alvarado, members of the Programa Venezolano de Educación-Acción en Derechos Humanos (Venezuelan Program on Human Rights Education and Action, PROVEA). According to the request, the proposed beneficiaries have been the target of threats, harassment, and acts of violence because of their role as human rights defenders, specifically in response to various reports that have been published on the human rights situation in the country. After analyzing the allegations of fact and law presented by the petitioners, the Commission believes the information shows that the beneficiaries are in a serious and urgent situation, as their lives and physical integrity are at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asks Venezuela to adopt the necessary measures to protect the lives and physical integrity of Rafael Uzcátegui, Esperanza Hermida, Inti Rodríguez, and Marino Alvarado, members of PROVEA, so that they can carry out their activities as human rights defenders without being the target of acts of violence, threats, and harassment. The Commission also asks the State to reach agreement with the beneficiaries and their representatives on the measures to be adopted, and that it inform the Commission on the actions taken to investigate the alleged incidents that led to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 335/14 – Leopoldo López, Daniel Ceballos, and Family Members, Venezuela

EXTENSION

On October 12, 2015, the IACHR extended the scope of Precautionary Measure 335/14, which was originally granted on April 20, 2015, for Leopoldo López and Daniel Ceballos, in Venezuela. Through this extension, the IACHR requested protection for the life and physical integrity of Lilian Tintori, Patricia Ceballos, and their children. The information provided by the petitioners indicates that Lilian Tintori, Patricia Ceballos, and their children are at risk due to alleged acts of violence and harassment, because they are immediate family members of Leopoldo López and Daniel Ceballos and because they have denounced the situations of Leopoldo López and Daniel Ceballos. Through its decision to extend the scope of this precautionary measure, the Commission requested that Venezuela adopt the necessary measures to safeguard the life and physical integrity of Lilian Tintori, Patricia Ceballos, and their respective children; that it reach agreement with the beneficiaries and their representatives on the measures to be adopted; and that it inform the Commission regarding the actions taken to investigate the alleged incidents that led to the extension of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 489/15 - Alfredo Rolando Prieto, United States

On September 29, 2015, the IACHR decided to request that precautionary measures be adopted for Alfredo Rolando Prieto, a Salvadoran national who was sentenced to death in 2010 and who is scheduled to be executed by lethal injection on October 1, 2015. The request for precautionary measures, presented by the Virginia Capital Representation Resource Center, Office of the Federal Public Defender for the Central District of California and Robert F. Kennedy Human Rights, is related to individual petition P-1503-15, which alleges violations of Articles I (right to life and personal security), XVIII (right to a fair trial), XXIV (right of petition) and XXVI (right to due process of law), of the American Declaration of the Rights and Duties of Man. After analyzing the factual and legal arguments put forth by the applicants, the Commission considers that, if Mr. Alfredo Rolando Prieto is executed before having an opportunity to examine the merits of this matter any eventual decision would be rendered moot in respect of the effectiveness of potential remedies resulting in irreparable harm. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests that the United States take the necessary measures to preserve the life and physical integrity of Mr. Alfredo Rolando Prieto until the IACHR has pronounced on his petition, so as not to render ineffective the processing of his case before the Inter-American System. [Read the resolution](#).

PM 416/15 – Members of the Ensemble des Citoyens Compétents a la Recherche l'Egalité des Droits de l'Homme, Haiti

On September 1, 2015, the IACHR decided to request that precautionary measures be adopted for the members of the Ensemble des Citoyens Compétents a la Recherche l'Egalité des Droits de l'Homme ("Group of Citizens Seeking Human Rights Equality"), in Haiti. The request for precautionary measures contends that due to the organization's work as human rights defenders, in recent months its members have been targets of alleged acts of violence and threats. The request also indicates that as a result of an increase in the number and intensity of the acts of violence and threats, many of the organization's members have decided to leave the movement. After analyzing the allegations of fact and law, the Commission believes that the information shows, prima facie, that the proposed beneficiaries are in a serious and urgent situation, as their lives and physical integrity are said to be at imminent risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked Haiti to adopt the necessary measures to protect the life and safety of the members of the "Group of Citizens Seeking Human Rights Equality"; take the necessary measures so that the beneficiaries can carry out their activities as human rights defenders without being subject to violence and harassment; and inform the Commission as to the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#), available in [Spanish](#) and [French](#).

PM 304/15 – José Trinidad Loza Ventura, United States

On August 11, 2015, the IACHR requested the adoption of precautionary measures for José Trinidad Loza Ventura, who was sentenced to the death penalty in the state of Ohio, United States of America. The request for precautionary measures is related to a petition on alleged violations to rights enshrined in the American Declaration, which was registered under number P-1010-15. After analyzing the allegations of fact and law, the Commission believes that if José Trinidad Loza Ventura is executed before the

Commission has an opportunity to examine this matter, any eventual decision would be rendered moot in respect of the effectiveness of potential remedies, resulting in irreparable harm. Consequently, pursuant to Article 25 of its Rules of Procedure, the Commission requested the United States to take the necessary measures to preserve the life and physical integrity of José Trinidad Loza Ventura until the IACHR has pronounced on his petition so as not to render ineffective the processing of his case before the inter-American system. [Read the resolution.](#)

PM 275/15 – Juders Ysemé and others, Haiti

On July 28, 2015, the IACHR decided to request that precautionary measures be adopted for David Boniface, Nissage Martyr, Juders Ysemé, their immediate family members and other similarly positioned, in Haiti. According to the request, the proposed beneficiaries have allegedly been facing acts of violence and threat against them, after having made allegations against the Mayor of the city of Les Irois. According to the petitioners, after they made those complaints, the proposed beneficiaries have been targets of alleged acts of violence and threats, along the last few years. The request indicates that Nissage Martyr and Juders Ysemé have been targets of alleged acts of violence as a result of the foundation of the first community radio in Les Irois. The petitioners also added that the day that the radio was opened, the Mayor publicly declared his intention to close it. On April 8, 2008, the Mayor and 30 members of the Group KOREGA ("Coordination of the Grand Anse Resistance") supposedly presented themselves at the radio, carrying arms, and they allegedly took all the radio transmitting equipment. Nissage Martyr and Juders Ysemé was allegedly severely attacked in the context of these events, in consequence of which it was necessary to amputate the leg of Nissage Martyr. Juders Ysemé allegedly permanently lost the vision of one eye during the same events. After analyzing the allegations of fact and law, the Commission believes that the information shows, prima facie, that the proposed beneficiaries are in an urgent and serious situation since their lives and integrity are said to be at imminent risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Haiti to adopt the necessary measures in order to protect the life and personal integrity of David Boniface, Nissage Martyr, Juders Ysemé and their families; to adopt the necessary measures so that the beneficiaries can develop their activities as defenders of human rights without being subjected to acts of violence and harassment; to arrange the measures to be adopted with the beneficiaries and their representatives and to inform regarding the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure, so as to avoid a recurrence. Read the resolution, available in [Spanish](#) or in [French](#).

PM 293/15 – Rony Alejandro Fortín Pineda and others, Honduras

On July 27, 2015, the IACHR decided to request that precautionary measures be adopted for Rony Alejandro Fortín Pineda and his family, in Honduras. The request of precautionary measures alleges that such persons were facing a series of acts of violence and threats against them, in the light of the activities carried out by Rony Alejandro Pineda Fortin as Assistant Inspector of the Police. According to the petitioners, Rony Alejandro Pineda Fortin was allegedly receiving threats because in his role of Assistant Inspector of the Police assigned to work at the airport of the city of La Ceiba since 2013, he intervened in an episode that allegedly took place in that airport, related to an alleged shipment of cocaine from Mexico. The request indicates that Rony Alejandro Pineda Fortin immediately reported the situation. The competent authorities allegedly arrived to the airport, informed him they were taking charge of the situation and required him to authorize the release of the pilots of the plane under a threat to charge him of misuse of authority. The request indicates that the next day he was allegedly notified he was being transferred to Tegucigalpa. It also adds that he is being allegedly harassed at work, through continuously suspending him and reinstating him, and that he fears for his life and personal integrity. On May 17, 2015, Rony Alejandro Pineda Fortin received several calls and messages to his cell phone, in which he was allegedly informed that State intelligence had detected that someone was looking for him and his brother to kill them. As a result, a patrol was allegedly assigned to provide them protection that day. After analyzing the allegations of fact and law, the Commission believes that the information shows, prima facie, that Rony Alejandro Fortín Pineda and his family are in an urgent and serious situation since his life and integrity are said to be at imminent risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Honduras to adopt the necessary measures in order to protect the life and personal integrity of Rony Alejandro Fortín Pineda and his family, to arrange the measures to be adopted with the beneficiaries and their representatives and to inform regarding the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in Spanish).

PM 422/14 – Matter of Mustafa Adam Al-Hawsawi, United States of America

On July 7, 2015, the IACHR decided to request that precautionary measures be adopted for Mr. Al-Hawsawi, in the United States of America. The request of precautionary measures alleges that the proposed beneficiary, a 46-year old from Saudi Arabia, has allegedly been deprived of his liberty for 12 years, and since 2006 has allegedly been detained at the U.S. Naval Station at Guantánamo Bay, Cuba. Since his abduction from Rawalpindi, Pakistan, the applicants sustain that the proposed beneficiary has suffered from threats and acts of violence against his life, health and personal integrity as a victim of the U.S. Central Intelligence Agency's (CIA) Rendition, Detention and Interrogation Program. The applicants reported that the proposed beneficiary was detained by the U.S. authorities in Pakistan for his alleged involvement in the attacks of September 11, 2001 on U.S. soil. Applicants indicated that the U.S. government has acknowledged that the proposed beneficiary was a "victim of the Torture Program", and detained at undisclosed locations until about September 2006, when at the time he was allegedly transferred "to a secret prison at Guantanamo Bay". After analyzing the factual and legal arguments set forth by the parties, the Commission considers that the information presented shows, prima facie, that Mr. Al-Hawsawi faces a serious and urgent situation, as his life and personal integrity are presumably at risk due to the alleged conditions of detention. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked the United States to adopt the necessary measures to protect the life and personal integrity of Mr. Al-Hawsawi; to adopt the necessary measures to guarantee that the detention conditions are adequate in accordance with applicable international standards; to adopt the necessary measures to ensure access to medical care and treatment and to inform regarding

the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution.](#)

PM 215/15 – Alejandro and others, Mexico

On June 30, 2015, the IACHR decided to request that precautionary measures be adopted for Alejandro and his family, in Mexico. At the request of petitioners, the identity of the beneficiaries is withheld. The public resolution identifies them as Alejandro and his family, and they are properly identified in the documents sent by the IACHR to the State. The request of precautionary measures alleges that on January 6, 2015, Alejandro, 19 years old, was hit by six shots during an operation by the federal police and members of the army in the context of a protest in Apatzingan, Michoacan. The petitioners reported that, due to the lack of financial resources of the family, Alejandro has not received the necessary medical care, and that he still has shrapnel and a fragmented bullet in his body, compromising the mobility of an arm, the vision of an eyeball, and the mobility of a leg. The petitioners argue that support was required to the authorities in order to receive proper medical treatment, but that he has allegedly not received the medical care he needs. The request alleges that Alejandro and his family have faced acts of violence and threats against them, that Alejandro has noticed that federal police officers have followed him, that his home was raided by armed men in May 2015, and that his older brother was kidnapped twice, with the kidnappers sending threats to Alejandro, among other events. After analyzing the allegations of fact and law, the Commission believes that the information shows, prima facie, that Alejandro and his family are in an urgent and serious situation since his life and integrity are said to be at imminent risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Mexico to adopt the necessary measures in order to protect the life and personal integrity of Alejandro and his family, which included adequate health care, according to his current health condition; to arrange the measures to be adopted with the beneficiaries and their representatives and to inform regarding the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure. [Read the resolution](#) (in Spanish).

PM 178/15 – Mainumby, Paraguay

On June 8th, 2015, the IACHR decided to request that precautionary measures be adopted for the girl named Mainumby in Paraguay. The request for precautionary measures alleges that the 10-year old Mainumby became pregnant as a result of sexual abuse allegedly perpetrated by her mother's husband. According to the request, on January 20, 2014, the alleged abuses were denounced by the mother to the Criminal State Attorney's Office No. 5, but the case was reportedly dismissed in August 2014, according to the information provided, without investigating the facts with due diligence. The request adds that at the end of April 2015, the "Hospital Materno Infantil Santísima Trinidad" allegedly communicated to the mother that the girl had a high risk pregnancy because of her young age and the incomplete development of her uterus. At this hospital, the girl was supposedly assisted by the hospital's psychologist and social worker, to whom she reported the alleged sexual abuse by her mother's husband. The request reports that on May 12, 2015, a Medical Board composed of doctors, psychiatrists and psychologists with various specialties allegedly issued an opinion recommending the adoption of "the measures necessary for the well-being of the girl." According to the report, the girl measured 1.39 meters; weighed 34 kg and allegedly suffered from malnutrition and anemia, also running "a four times higher risk to life than in an adult pregnancy." Additionally, the report indicated that, if the pregnancy were to continue, the girl allegedly has a 1.6 times higher risk of postpartum hemorrhage; 4 times higher risk of endometrial infection; 1.4 times higher risk of anemia; 1.6 times higher risk of eclampsia, infections and systemic risks for her reproductive future. Therefore, the medical opinion supposedly recommended "to interrupt the pregnancy and to avoid the re-victimization of the girl." After analyzing the allegations of fact and law, the Commission believes that the information shows, prima facie, that Mainumby is in a serious and urgent situation, as her life, health and personal safety are said to be threatened and at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Paraguay to protect the life and personal integrity of the child, to ensure that she has access to adequate medical treatment for her situation and the treatment recommended by the specialists, in light of the technical guidelines of the World Health Organization and other similar sources applicable to the sexual and reproductive health of girls and adolescents, in which all the options available are assured; to ensure that the rights of the child are duly represented and guaranteed in all health decisions affecting the child, including the right of the child to be informed and participate in decisions affecting her health in accordance with her age and maturity; and take all necessary measures so that the girl has all of the technical and family support necessary to comprehensively protect her rights. [Read the resolution](#) (in Spanish).

PM 147/15 – Donatilo Jiménez Euceda, Honduras

On May 27, 2015, the IACHR decided to request that precautionary measures be adopted for Donatilo Jiménez Euceda, in Honduras. The request for precautionary measures alleges that since April 8th 2015 his whereabouts or destination was unknown. According to the request, Donatilo Jiménez Euceda, former President of the Workers' Union of the National Autonomous University of Honduras, allegedly received death threats in August 2011, after denouncing that gunmen were hired to kill him. In this regard, according to the testimony of relatives, Donatilo Jiménez Euceda allegedly said that his life and personal integrity were in danger before his alleged disappearance. According to the information provided, despite filing complaints, his family does not have any information about his whereabouts or fate. After analyzing the allegations of fact and law, the Commission believes that the information shows, prima facie, that the beneficiary is in an urgent and serious situation with risk of irreparable harm, since his life and integrity are said to be at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Honduras to adopt the necessary measures to determine the status and whereabouts of Donatilo Jiménez Euceda, in order to protect his life and personal integrity; and to inform regarding the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure. [Read the resolution](#) (in Spanish).

PM 253/14 - Héctor Orlando Martínez and Family, Honduras

On May 19, 2015, the IACHR decided to request that precautionary measures be adopted for Héctor Orlando Martínez and his family, in Honduras. The request for precautionary measures alleges that as a direct consequence of his work as representative of the Union of Workers of the National Autonomous University of Honduras, Héctor Orlando Martínez is a target of threats and acts of harassment to try to get him to leave his job as a union leader. After analyzing the allegations of fact and law, the Commission believes that the information shows, *prima facie*, that the beneficiary and his family are in a serious and urgent situation, as their lives and physical integrity are said to be threatened and at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Honduras to adopt the necessary measures to guarantee the lives and physical integrity of Héctor Orlando Martínez and his family; adopt the necessary measures to ensure that Héctor Orlando Martínez can carry out his activities as a human rights defender without being subject to acts of violence and harassment for carrying out his duties; reach agreement with the beneficiaries and their representatives as to the measures to be adopted; and inform the Commission regarding the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in spanish).

PM 35/14 - Almafuerite and San Felipe Prison Complexes, Argentina

On May 14, 2015, the IACHR decided to request that precautionary measures be adopted for all persons being held in custody in the prison complexes of Almafuerite and San Felipe, in Argentina. The request for precautionary measures alleges that the proposed beneficiaries are at risk, in light of the acts of violence said to be recurring inside those facilities, the lack of adequate medical care, alleged overcrowding, and the lack of proper sanitation, among other allegations. The petitioner reported that on January 1, 2014, an inmate at the Almafuerite facility named Maximiliano Pérez was found dead, apparently choked with a belt. On January 2, 2014, a group of 20 inmates from the San Felipe facility reportedly "rushed at" a group of prison guards, and as a result two prison guards and four inmates were said to have been injured. The petitioner maintains that the prison complexes have more inmates than their capacity and that the only security measure the State is offering is that of "prolonged confinements as a form of isolation and in some cases transfers to other prison facilities." After analyzing the allegations of fact and law, the Commission believes that the information shows, *prima facie*, that those being deprived of their liberty in the prison complexes of Almafuerite and San Felipe are in a serious and urgent situation, as their life and physical integrity are said to be threatened and at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked the State of Argentina to adopt the necessary measures to protect the life and physical integrity of everyone at the Almafuerite and San Felipe prison complexes. Such measures would include strengthening the teams of guards and offering training to prison employees; providing hygienic conditions in the prisons and proper medical treatment for the persons deprived of liberty; having an emergency plan and making fire extinguishers and other necessary tools available; taking steps to reduce overcrowding inside the prisons; and informing the Commission regarding the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution here](#). [Read the resolution](#) (in spanish).

PM 530/14 - Gregorio Santos Guerrero, Peru

On May 14, 2015, the IACHR decided to request that precautionary measures be adopted for Gregorio Santos Guerrero, in Peru. The request for precautionary measures alleges that the beneficiary is at risk. He is from an indigenous community in San Juan de Chirinos and is reportedly a leader of the peasant civil defense patrols (called *rondas campesinas*) in Cajamarca. Specifically, the petitioners indicated that this individual is being held at the Piedras Gordas Prison, in a cell block with someone who had reportedly confessed to participating in an alleged massacre of *ronderos*, or members of these patrols, in the past and who had evidently participated in the creation of so-called Self-Defense Committees (*Comités de Autodefensa*), which oppose the existence of the indigenous civil defense patrols to which Mr. Gregorio Santos belongs. After analyzing the allegations of fact and law, the Commission believes that the information shows, *prima facie*, that the beneficiary is in a serious and urgent situation, as his life and physical integrity are said to be at imminent risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission asked the State of Peru to adopt the necessary measures to protect the life and physical integrity of Gregorio Santos Guerrero; ensure that the conditions of his detention are brought into line with applicable international standards; reach an agreement with the beneficiary and his representatives as to the measures to be adopted; and inform the Commission regarding the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure, so as to avoid a recurrence. [Read the resolution](#) (in spanish).

PM 321/12 - Teribe and Bribri of Salitre Indigenous People, Costa Rica

On April 30, 2015, the Commission decided to request the adoption of precautionary measures in favor of the Teribe and Bribri of Salitre indigenous peoples, in Costa Rica. The request for precautionary measures alleges that the beneficiaries are at risk because of the actions undertaken to recover their lands. After analyzing the allegations of fact and law, the Commission considers that the information demonstrates, *prima facie*, that the members of the Teribe and Bribri indigenous peoples, who are located specifically in the area called Salitre, are in a serious and urgent situation, since their lives and personal integrity are allegedly at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Costa Rica to adopt the necessary measures to guarantee that the life and physical integrity of the members of the indigenous peoples of Teribe and Bribri of Salitre; to agree on the measures to be adopted with the beneficiary and their representatives; and to report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, in order to prevent its repetition. [Read the resolution](#) (in spanish).

PM 106/15 - Cruz Sánchez Lagarda and others, México

On April 27, 2015, the Commission decided to request the adoption of precautionary measures in favor of Cruz Sánchez Lagarda and other members of the indigenous community of "El Manzano", in Mexico. The request for precautionary measures alleges that, the beneficiaries would be at risk because they would be subjected of alleged series of acts of violence against them, because of the alleged presence of alleged illegal groups in the area who try to exert territorial control over the same. After analyzing the allegations of fact and law, the Commission considers that information in principle shows that the member of the identified indigenous community of "El Manzano" are in a serious and urgent situation, since their lives and personal integrity are allegedly at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Mexico to adopt necessary measures to ensure that the life and physical integrity of Cruz Sánchez Lagarda and the identified members of the indigenous community "El Manzano"; adopt the necessary measures to ensure that Cruz Sánchez Lagarda can participate in activities as human rights defenders, without being subjected to acts of violence and harassment in the exercise of their work; to consult with the beneficiaries and their representatives; and to report on the actions taken to investigate the alleged facts that led to the adoption of the present precautionary measures and thus prevent possible repetition. [Read the resolution](#) (in spanish).

PM 77/15 - Defenders E. and K. and their relatives, Mexico

On April 27, 2015, the Commission decided to request the adoption of precautionary measures in favor of the defenders E. and K. and their families, in Mexico. The request for precautionary measures alleges that, the beneficiaries would be at risk in view of their activities as human rights defenders in the region of the Sierra Madre in Sinoloa. After analyzing the allegations of fact and law, the Commission considers that information in principle shows that the defenders E. and K. and their families are in a serious and urgent situation, since their lives and personal integrity are allegedly at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Mexico to adopt necessary measures to ensure that the life and physical integrity of E. and K. defenders and their relatives; adopt the necessary measures to ensure that defenders E. and K. can participate in activities as human rights defenders, without being subjected to acts of violence and harassment in the exercise of their work; to consult with the beneficiaries and their representatives on actions to be taken to implement these measures, and to report on the actions taken to investigate the facts that led to the adoption of the present precautionary measures and thus prevent possible repetition. [Read the resolution](#) (in spanish).

PM 96/15 - Members of Cubalex, Cuba

On April 22, 2015, the Commission decided to request the adoption of precautionary measures in favor of the members which are part of Center for Legal Information "Cubalex", in Cuba. The request for precautionary measures alleges that, given the organization's activities in the national and international level, their members would be subjected of alleged series of constant harassment and threats. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, prima facie, that the identified members of Cubalex are in a serious and urgent situation, since their lives and personal integrity are allegedly at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Cuba to adopt necessary measures to ensure that the life and personal integrity of Laritza Diversent Cambara, Barbara Estrabao Bichili, Yamara Rodriguez Curbelo, Yasser Rojas Valdes Claribel Camejo Moreno, Maria de los Angeles Bonet Hevia, Eliocer Cutiño Rodriguez Ceballos Yureisy Banners, Yunieski Sanmartin Garcés, Yaima Pérez León, Antunez Rolando Gomez and Carlos Manuel Cardoso Cortada, Cubalex members; adopt the necessary measures to ensure that the members of Cubalex can participate in activities as human right defenders, without being subjected to acts of violence and harassment in the exercise of their work; to consult with the beneficiaries and their representatives on actions to be taken to implement these measures; and to report on the actions taken to investigate the facts that led to the adoption of the present precautionary measures and thus prevent possible repetition. [Read the resolution](#) (in spanish).

PM 335/14 - Leopoldo Lopez and Daniel Ceballos, Venezuela

On April 20, 2015, the Commission decided to request the adoption of precautionary measures in favor of Daniel Ceballos y Leopoldo López, in Venezuela. The request for precautionary measures alleges that the beneficiaries are allegedly at risk due to the conditions of detention at the National Center for Military Defendants (CENAPROMIL) locally known as "Ramo Verde" in the city of Los Teques, Venezuela. After analyzing the allegations of fact and law, the Commission considers that the information in principle shows that Leopoldo Lopez and Daniel Ceballos are in a situation of gravity and urgency, since his life and safety would be at risk. Consequently, in accordance with Article 25 of the Regulations of the Commission, the Commission asked the State of Venezuela to adopt the necessary measures to ensure the life and personal integrity of Leopoldo Lopez and Daniel Ceballos measures; guarantee that the detention conditions are adequate in accordance with applicable international standards; and agree on the measures to be adopted with the beneficiaries and their representatives. [Read the resolution](#) (in spanish).

PM 65/15 - Martha Ligia Arnold Dubond and her 5 children, Honduras.

On April 7, 2015, the Commission decided to request the adoption of precautionary measures in favor of Martha Ligia Arnold Dubond and her 5 children, in Honduras. The request for precautionary measures alleges that the beneficiary is allegedly at risk in view of her activities as human rights defenders in Bajo Aguán area. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, prima facie, that Martha Ligia Arnold Dubond and her 5 children are in a serious and urgent situation because her life and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Honduras to adopt necessary measures to ensure the life and personal integrity of Martha

Ligia Arnold Dubond and her 5 children; to take the necessary measures to ensure that Martha Ligia Arnold Dubond continues developing her activities as a human rights defender, without being subject to violence and harassment in the exercise of her functions; to agree on the measures to be adopted with the beneficiary and their representatives; and to report the actions taken to investigate the events that led to the adoption of this precautionary measure to avoid repetition. [Read the resolution](#) (only available in Spanish).

PM 46/15 - Moath al-Alwi, United States

On March 31, 2015, the Commission decided to request the adoption of precautionary measures in favor of Moath al-Alwi, in United States. The request for precautionary measures alleges that the beneficiary is allegedly at risk due to the alleged detention conditions in the U.S. Naval Station at Guantánamo Bay, Cuba. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, *prima facie*, that Moath al-Alwi is in a serious and urgent situation, as his life and physical integrity are said to be at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the United States to adopt the necessary measures to protect the life and personal integrity of Moath al-Alwi; adopt the necessary measures to guarantee that the detention conditions are adequate in accordance with applicable international standards; adopt the necessary measures to ensure access to medical care and treatment; and report on the actions taken to investigate the presumed facts that led to the adoption of this precautionary measure in order to avoid the repetition of the alleged circumstances. [Read the resolution](#)

PM 314/13 – X, Y, and Z, Mexico

On March 6, 2015, the IACHR decided to request the adoption of precautionary measures for X, Y, and Z, in Mexico. The IACHR is withholding the beneficiaries' identities because they are children. After analyzing the allegations of fact and law, the Commission believes that the information presented shows in principle that the children are in a serious and urgent situation, because their right to family and to integrity, as part of their overall development, could be at risk of irreparable harm. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requested the State of Mexico to adopt the necessary measures to protect the beneficiaries' right to family and to physical and psychological integrity, in order that they might develop a well-balanced personality. Specifically, the IACHR asked the State to implement immediate measures, in light of the best interests of the child, to provide specialized services and support to the children, independent of other interests, so as to ensure their overall well-being with respect to how the situation has affected them. It also requested that the State immediately implement a system of visits, in keeping with the children's interests and the protection they are due, one that guarantees the children's access to their mother and their extended family without unnecessary restrictions, in an atmosphere that ensures that they can interact as normally as possible. The Commission also requested that measures be taken to ensure that this system is implemented effectively as long as the restitution process lasts, with specialized and independent support to ensure the children's well-being, with the least possible intrusion into the relationship. The Commission also requested that the State adopt the necessary measures to ensure that international restitution procedures are resolved with exceptional diligence and as soon as possible. As is the Commission's practice, Resolution 7/2015 granting this precautionary measure is not being published to protect the children's human rights.

PM 223/13 – Lorent Saleh and Gerardo Carrero, Venezuela

On March 2, 2015, the Commission decided to request the adoption of precautionary measures in favor of Lorent Saleh and Gerardo Carrero, in Venezuela. The request for precautionary measures alleges that the beneficiaries are allegedly at risk because they are allegedly not receiving proper health treatment and they are allegedly in detention conditions that could affect their right to life, health and physical integrity. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, *prima facie*, that Lorent Saleh and Gerardo Carrero are in a serious and urgent situation, since their life and safety would be at risk. Consequently, in accordance with Article 25 of its Rules of procedures, the Commission requested the State of Venezuela to adopt the necessary measures to protect the life and personal integrity of Lorent Saleh and Gerardo Carrero, providing adequate medical treatment for their pathologies; to ensure that the detention conditions of Lorent Saleh and Gerardo Carrero are in accordance with international standards, taking into account their current health status; and to come to an agreement with the beneficiaries and their representatives on the measures to be adopted. [Read the resolution](#) (only available in Spanish).

PM 13/15 - Norma Mesino Mesino and 10 members of her family, Mexico

On February 25, 2015, the Commission decided to request the adoption of precautionary measures in favor of Norma Mesino Mesino and 10 members of her family, in Mexico. The request for precautionary measures alleges that the beneficiary is allegedly at risk in view of her activities as human rights defenders and actions implemented to solve the murders of her family. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, *prima facie*, that Norma Mesino Mesino and 10 members of her family are in a serious and urgent situation because her life and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Mexico to adopt necessary measures to ensure the life and personal integrity of Norma Mesino Mesino and 10 members of her family who are identified within the resolution; to take the necessary measures to ensure that Norma Mesino Mesino continues developing her activities as a human rights defender, without being subject to violence and harassment in the exercise of her functions; to agree on the measures to be adopted with the beneficiary and their representatives; and to report the actions taken to investigate the events that led to the adoption of this precautionary measure to avoid repetition. [Read the resolution](#) (only available in Spanish).

PM 535/14 - Persons in Immigration Detention at Carmichael Road Detention Center, The Bahamas

On February 13, 2015, the Commission decided to request the adoption of precautionary measures in favor of the persons in immigration detention at Carmichael Road Detention Center, in The Bahamas. The request for precautionary measures alleges that the beneficiaries are at risk because they are allegedly in inhumane conditions of detention, with extreme overcrowding and lack of appropriate medical attention that could affect their right to life and physical integrity. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, prima facie, that the beneficiaries are in a serious and urgent situation that places their lives and physical integrity at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of The Bahamas to adopt the necessary measures to ensure the life and physical integrity of persons in immigration detention at Carmichael Road Detention Center. This includes to provide hygienic conditions and adequate medical treatment to the persons in the facility, according to their respective medical conditions. The IACHR also requested the State to adopt the necessary measures to address the special situation of unaccompanied children, according to international standards; to implement measures to ensure that legal assistance is available to all of the beneficiaries; and to take immediate action to substantially reduce overcrowding within Carmichael Road Detention Center. Finally, the Commission requested to investigate the facts that gave rise to the adoption of these precautionary measures in order to avoid their repetition; and to ensure that civil society organizations and relevant international organizations have access to the Carmichael Road Detention Center for the purpose of monitoring detention conditions. [Read the resolution.](#)

PM 363/11 - José Ángel Parra Bernal, Colombia

On January 30, 2015, the Commission decided to request the adoption of precautionary measures in favor of José Ángel Parra Bernal, in Colombia. The request for precautionary measures alleges that the beneficiary is allegedly at risk because he is not receiving proper health treatment for her health pathologies at Penitentiary of Medium and High Security "La Picota" in Bogota city, where he is currently deprived of her liberty. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, prima facie, that José Ángel Parra Bernal is in a serious and urgent situation because his life and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Colombia to adopt the necessary measures to ensure the life and personal integrity of de José Ángel Parra Bernal. In particular, providing proper treatment recommended by specialists; and agree on the measures to be adopted with the beneficiary and its representatives. [Read the resolution](#) (only available in Spanish).

PM 455/13 – Nestora Salgado García, Mexico

On January 28, 2015, the Commission decided to request the adoption of precautionary measures in favor of Nestora Salgado García, in Mexico. The request for precautionary measures alleges that the beneficiary is allegedly at risk because she is not receiving proper health treatment for her health pathologies at the Federal Women's Center 'Northwest', where she is currently deprived of her liberty. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, prima facie, that the beneficiary is in a serious and urgent situation. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Mexico to adopt the necessary measures to ensure the life and personal integrity of Nestora Salgado García, providing proper treatment recommended by specialists; agree on the measures to be adopted with the beneficiary and its representatives; and report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure to prevent its repetition. [Read the resolution.](#)

PM 5/15 – José Moisés Sánchez Cerezo, Mexico

On January 26, 2015, the Commission requested the adoption of precautionary measures in favor of José Moisés Sánchez Cerezo, in Mexico. The request for precautionary measures alleges that the rights to life and personal integrity of the beneficiary are at risk, since his whereabouts are unknown since January 2, 2015. According to the request, on that date José Moisés Sánchez Cerezo, journalist and director of the newspaper "La Unión", was allegedly kidnapped by an armed group of persons who had entered his house and stolen personal property, such as notebooks and his personal computer. After analyzing the allegations of fact and law, the Commission believes that the information presented shows, prima facie, that the beneficiary is in a serious and urgent situation. Consequently, in accordance with Article 25 of its Rules of Procedures, the Commission requested the State of Mexico to adopt the necessary measures to determine the situation and whereabouts of José Moisés Sánchez Cerezo, with the purpose of safeguarding his life and personal integrity, and to inform on the actions implemented to investigate the facts that gave rise to the adoption of the present precautionary measure. [Read the resolution](#) (only available in Spanish).



OAS » Inter-American Commission on Human Rights (IACHR) » Precautionary Measures

Precautionary Measures

2018	2017	2016	2015	2014	2013	2012	2011	2010	Previous Years
------	------	------	------	------	------	------	------	------	----------------

PM 455/14 – Duban Celiano Cristancho Diaz, Colombia

On December 24, 2014, the Commission requested the adoption of precautionary measures under Article 25 (1) of its Rules of Procedures, in order to avoid irreparable harm to Duban Celiano Cristancho Diaz, who would be in a situation of seriousness and urgency, since his rights to life and personal integrity would be at serious risk. According to information provided, on October 16, 2014, in the municipality of Santa Rosa, Province of Bolívar, Colombia, the beneficiary was arbitrarily detained by illegal groups and was reportedly forced into a vehicle, and his whereabouts is known to date. Consequently, in accordance with Article 25 of the Rules of Procedures of the IACHR, the Commission requested the State of Colombia to adopt the necessary measures to determine the situation and whereabouts of Dubán Celiano Díaz Cristancho, with the purpose of safeguarding his life and personal integrity. Similarly, the Commission asked the State to inform on the actions implemented to investigate the facts that gave rise to the adoption of the present precautionary measure. [Read the resolution here.](#)

PM 185/13 – Sofía Lorena Mendoza Martínez and others, México

On December 1, 2014, the IACHR requested the adoption of precautionary measures in favor of Sofía Lorena Mendoza Martínez, Nicolás Mendoza Villa and their family members in Mexico. The request for precautionary measures alleges that the rights to life and personal integrity of these people are at risk due to the complaint filed by the alleged forced disappearance and subsequent execution of activists Arturo Hernández Cardona, Félix Rafael Bandera Roman and Ángel Román Ramírez in the city of Iguala, Guerrero state. After analyzing the allegations of fact and law, the Commission believes that the information presented shows prima facie that the beneficiaries are in a serious and urgent situation, since their lives and personal integrity are allegedly threatened and at serious risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests the State of Mexico to adopt the necessary measures to protect the lives and personal integrity of Sofia Lorena Mendoza Martinez and her immediate family, and Nicolás Mendoza Villa, his wife and two children; to come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. [Read the resolution here.](#)

PM 458/14 – Members of Kaieteur News Journal, Guyana

On November 18, the IACHR requested the adoption of precautionary measures for members of Kaieteur News, in Guyana. The request for precautionary measures alleges that the proposed beneficiaries received threats against their lives and personal integrity as a consequence of their work as journalists. After analyzing the allegations of fact and law, the Commission believes that the information presented demonstrates prima facie that the members of the Kaieteur News Journal are in a serious and urgent situation, since their lives and personal integrity face an imminent risk of irreparable harm. Consequently, in accordance Article 25 of IACHR's Rules of Procedure, the Commission requires the Republic of Guyana to adopt the necessary measures to protect the lives and personal integrity of the three identified members of the Kaieteur News Journal; to agree on the measures to be adopted with the beneficiaries and their representatives; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure in order to prevent their repetition. Read the resolution [here](#).

PM 433/14 - Claudia Escobar and others, Guatemala

On November 10, 2014, the IACHR requested the adoption of precautionary measures for Claudia Escobar and others, in Guatemala. The request for precautionary measures alleges that Claudia Escobar is at risk, as a consequence of having made a series of complaints on irregularities in the election process and appointment of judges to the Supreme Court of Justice and the Court of Appeals in Guatemala. After analyzing the allegations of fact and law, the Commission believes that the information presented shows prima facie that Claudia Escobar and her immediate family are in a serious and urgent situation, as their rights to life and personal integrity are allegedly threatened and at serious risk. Therefore, in accordance with Article 25 of the IACHR's Rules of Procedure, the Commission requests Guatemala to adopt the necessary measures to protect the lives and physical integrity of Claudia Escobar and her immediate family; to come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and

to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. The resolution on this precautionary measure is maintained under confidentiality, due to the request of the petitioners not to disclose the identity of some of the beneficiaries.

PM 196/14 – Julio Ernesto Alvarado, Honduras

On November 5, 2014, the IACHR requested the adoption of precautionary measures for Julio Ernesto Alvarado, in Honduras. The request for precautionary measures had been presented in the context of individual petition P-1414-14, which alleges violations of the rights enshrined in Articles 8 (right to fair trial), 13 (freedom of thought and expression), and 25 (judicial protection), in conjunction with the general obligations established in Articles 1.1 and 2 of the American Convention on Human Rights. After analyzing the allegations of fact and law, the Commission believes that the information presented shows prima facie that the rights of Julio Ernesto Alvarado are in a serious and urgent situation and at risk of irreparable harm. Therefore, pursuant to Article 25 of its Rules of Procedure, the Commission asks the State of Honduras to suspend the implementation of the conviction dated December 9, 2013 of the Supreme Court, and to refrain from taking any action to disable the journalist Julio Ernesto Alvarado in the exercise of his profession until the Commission has pronounced on the petition P- 1414-14. Resolution only available in [Spanish](#).

PM 336/14 - Gener Jhonathan Echeverry Ceballos and family, Colombia

On October 21, 2014, the IACHR requested the adoption of precautionary measures for Gener Jhonathan Echeverry Ceballos, in Colombia. The request for precautionary measures alleges that the proposed beneficiary is object of threats and acts of violence by "illegal armed groups", due to his activities as human rights defender and journalist. Therefore, after analyzing the allegations of fact and law, the Commission believes that the information shows prima facie that Gener Jhonathan Echeverry Ceballos and his family members are in a serious and urgent situation, as their rights to life and personal integrity are allegedly threatened and at serious risk. Therefore, in accordance with Article 25 of the IACHR's rules of procedure, the Commission requests the State of Colombia to adopt the necessary measures to protect the lives and physical integrity of Gener Jhonathan Echeverry Ceballos and his family; to adopt the measures necessary to ensure that Gener Jhonathan Echeverry Ceballos may engage in his activities as a human rights defender and journalist without being target of acts of violence and harassment because of his work; to come to an agreement with the beneficiaries on the measures to be adopted; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Read the resolution [here](#).

PM 37/14 - Samuel Moreland, United States of America

On October 24, 2014, the IACHR requested the adoption of precautionary measures for Samuel Moreland, who was sentenced to the death penalty in the state of Ohio, United States of America. The request for precautionary measures is related to a petition on alleged violations to rights enshrined in the American Declaration, which was registered under number P-610-14. After analyzing the allegations of fact and law, the Commission believes that if Samuel Moreland is executed before the Commission has an opportunity to examine this matter, any eventual decision would be rendered moot in respect of the effectiveness of potential remedies, resulting in irreparable harm. Consequently, pursuant to Article 25 of its Rules of Procedure, the Commission requested the United States to take the necessary measures to preserve the life and physical integrity of Samuel Moreland until the IACHR has pronounced on his petition so as not to render ineffective the processing of his case before the inter-American system. Read the resolution [here](#).

PM 336/14 - Gener Jhonathan Echeverry Ceballos and family, Colombia

On October 21, 2014, the IACHR requested the adoption of precautionary measures for Gener Jhonathan Echeverry Ceballos, in Colombia. The request for precautionary measures alleges that the proposed beneficiary is object of threats and acts of violence by "illegal armed groups", due to his activities as human rights defender and journalist. Therefore, after analyzing the allegations of fact and law, the Commission believes that the information shows prima facie that Gener Jhonathan Echeverry Ceballos and his family members are in a serious and urgent situation, as their rights to life and personal integrity are allegedly threatened and at serious risk. Therefore, in accordance with Article 25 of the IACHR's rules of procedure, the Commission requests the State of Colombia to adopt the necessary measures to protect the lives and physical integrity of Gener Jhonathan Echeverry Ceballos and his family; to adopt the measures necessary to ensure that Gener Jhonathan Echeverry Ceballos may engage in his activities as a human rights defender and journalist without being target of acts of violence and harassment because of his work; to come to an agreement with the beneficiaries on the measures to be adopted; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Resolution only available in [Spanish](#).

PM 423/14 - Clara Gómez González and others, Mexico

On October 10, 2014, the IACHR requested the adoption of precautionary measures for Clara Gómez González and others, in Mexico. The request for precautionary measures alleges that Clara Gómez González is at risk for being a witness after surviving the alleged extrajudicial execution of 22 persons on June 30, 2014, in the municipality of Tlatlaya, in Mexico. Therefore, after analyzing the allegations of fact and law, the Commission believes that the information shows prima facie that Clara Gómez González and her family are in a serious and urgent situation, as their rights to life and personal integrity are allegedly threatened and at serious risk. Therefore, pursuant to Article 25 of the IACHR's rules of procedure, the Commission is asking the State of Mexico to adopt the

necessary measures to protect the lives and physical integrity of Clara Gómez González and her family; to come to an agreement with the beneficiaries and their representatives regarding the measures to be adopted; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. [Resolution available here.](#)

PM 60/14 - Prudencio Ramos Ramos and others, Mexico

On October 6, 2014, the IACHR requested the adoption of precautionary measures for Prudencio Ramos Ramos and others, in Mexico. The request for precautionary measures alleges that the beneficiaries have been object of threats and aggressions, due to their activities as defenders of the indigenous community Choreáchi, within the framework of an allegedly territorial dispute. Therefore, after analyzing the allegations of fact and law, the Commission believes that the information shows prima facie that Prudencio Ramos Ramos and Ángela Alaya Ramos are in a serious and urgent situation, as their rights to life and personal integrity are allegedly threatened and at serious risk. Therefore, pursuant to Article 25 of the IACHR's rules of procedure, the Commission is asking the State of Mexico to adopt the necessary measures to protect the lives and physical integrity of Prudencio Ramos Ramos, Ángela Alaya Ramos and their respective families; to adopt the necessary measures for Prudencio Ramos Ramos to continue developing his activities as human rights defender, without being object of acts of violence and harassment in the exercise of its functions; to come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Resolution only available in [Spanish](#).

PM 409/14 - Students of the rural school "Raúl Isidro Burgos", México

On October 3, 2014, the IACHR requested the adoption of precautionary measures in favor of students of the rural school "Raúl Isidro Burgos" in Mexico. The request for precautionary measures alleges that the persons mentioned allegedly would be disappeared or unknown whereabouts within the context of the alleged acts of violence that occurred on September 26, 2014. Consequently, after analyzing the factual and legal allegations put forth by the applicants, the Commission considers that the information presented shows prima facie that the 43 identified students, who allegedly would be unknown whereabouts or disappeared, and the injured students currently admitted to a hospital, are in a serious and urgent situation, as their rights to life and personal integrity are allegedly threatened and at serious risk. Therefore, in accordance with Article 25 of the IACHR's rules of procedure, the Commission requests the State of Mexico to: a) Adopt the necessary measures to determine the status and whereabouts of the 43 students identified, with the purpose of protecting their rights to life and personal integrity; b) Adopt the necessary measures to protect the life and personal integrity of the injured students identified in the present proceeding, who currently would be admitted to a hospital; c) To consult with the beneficiaries and their representative on actions to be taken to implement these measures; and d) To report on the actions taken to investigate the facts that led to the adoption of the present precautionary measures. Resolution only available in [Spanish](#).

PM 442/12 - William Alberto Pérez Jerez, El Salvador

October 1, 2014, the IACHR requested the adoption of precautionary measures for William Alberto Pérez Jerez, in El Salvador. The request for precautionary measures alleges that Mr. Pérez Jerez, who has been held since 2001 in the La Esperanza prison in the city of Ayutuxtepeque, has a physical and sensory disability (he is allegedly losing his sight) and has been diagnosed with an illness called Devic's Syndrome or Neuromyelitis Optica." This disease is chronic, incurable, and degenerative and is causing severe organic damage to Mr. Pérez Jerez. The petitioner alleges that Mr. Pérez Jerez is receiving ongoing treatment "with steroids, chemotherapy, and physical therapy" in an effort to prolong his life and that the treatment has adverse effects. The petitioner also alleges that the current conditions of detention put the health and life of Mr. Pérez Jerez at serious risk. After analyzing the factual and legal allegations, the Commission believes that the information shows, in principle, that William Alberto Pérez Jerez is in a grave and urgent situation, given that his rights to life, humane treatment, and health are threatened and at serious risk. Consequently, under Article 25 of its Rules of Procedure, the Commission asks the State of El Salvador to: adopt the necessary measures to preserve the life and personal integrity of Mr. Pérez Jerez and, in particular, to provide the specialized medical care he needs, taking into consideration the deterioration being produced by his illnesses and the special supports he currently needs; to ensure that the conditions of detention of Mr. William Alberto Pérez Jerez are consistent with applicable international standards, taking into account his current health status, his disability, and terminal illness; and to reach agreement with the beneficiary and his representative on the measures to be adopted. [Read Resolution 27/2014 on PM 442/12](#)

PM 206/13 – Ángel Lázaro Santiesteban Prats and his son, Cuba

On September 26, 2014, the IACHR requested the adoption of precautionary measures in favor of Ángel Lázaro Santiesteban Prats and his son in Cuba. The request for precautionary measures alleges that the rights to life and personal integrity of these people are at risk due to a number of alleged physical assaults, threats and alleged intimidation by State agents as a result of his work as a writer and a critic of the current Cuban government. After analyzing the allegations of fact and law, the Commission believes that the information presented shows prima facie that the beneficiaries are in a serious and urgent situation, since their lives and personal integrity are allegedly threatened and at serious risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests the State of Cuba to adopt the necessary measures to protect the lives and personal integrity of Ángel Lázaro Santiesteban Prats and his son; to come to an agreement with the beneficiaries and their representatives on the

measures to be adopted; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. [Read Resolution 26/2014 on PM 206/13](#)

PM 152/14 - Afro-Colombian families living in the so-called humanitarian space of "La Playita" neighborhood, Colombia

On September 15, 2014, the IACHR requested the adoption of precautionary measures for 302 Afro-Colombian families living in the so-called humanitarian space of "La Playita" neighborhood, in Colombia. The request for precautionary measures alleges that the beneficiaries are being subject of presumptive threats, harassment and acts of violence, due to their decision to create the "Humanitarian Space". Therefore, after analyzing the allegations of fact and law, the Commission believes that the information shows prima facie that the 302 Afro-Colombian families living on Calle San Francisco, in "La Playita" neighborhood, would be in a serious and urgent situation, as their lives and personal integrity would be threatened and at serious risk. Consequently, in accordance with Article 25 of the Rules of Procedure of the Commission, the IACHR requests the Government of Colombia to: adopt the necessary measures to protect the life and personal integrity of the 302 members of the Afro-Colombian families living on Calle San Francisco, "La Playita" neighborhood, who would be part of a so-called humanitarian space; consult with the beneficiaries and their representatives on actions to be taken to implement these measures; and report on the actions taken to investigate the facts that led to the adoption of the present precautionary measures and thus prevent possible repetition. Resolution only available in [Spanish](#).

PM 307/14 - Matter of Julio César Cano Molina, Cuba

On September 10, 2014, the IACHR requested the adoption of precautionary measures for Julio César Cano Molina, in Cuba. The request for precautionary measures alleges that the beneficiary, who has a mental and intellectual disability, is deprived of liberty, and would be in a serious health situation and lacking access to medical treatment. Therefore, after analyzing the allegations of fact and law, the Commission believes that the information shows prima facie that Julio César Cano Molina is in a serious and urgent situation, since his life, personal integrity and health face an imminent risk. Consequently, pursuant to Article 25 of the IACHR's rules of procedure, the Commission requires the Government of Cuba to: adopt the necessary measures to ensure Julio César Cano Molina's right to life and personal integrity, in particular, provide specialized medical care, taking into account his particular circumstances and needs, according to his mental and intellectual disability; ensure that Julio César Cano Molina's detention conditions take into account his current health situation and mental and intellectual disability, according to international standards; and agree on the measures to be adopted with the beneficiary and his representatives. Read the resolution [here](#).

Resolution to Lift

PM 423/10 - Matter of "X", Argentina

On September 5, 2014, the IACHR lifted the Precautionary Measure 423/10, granted on October 24, 2011, for "X", in Argentina, a 5 year old boy at the time, whose identity has been kept confidential due to his condition as a minor. The request for precautionary measures alleged that the child had a developmental chronic encephalopathy and other diseases, and medical assistance provided by the State would have been inadequate, putting at risk his life and the development of his muscles and bones. The Commission had requested the State to adopt urgent measures in order to ensure effectively the necessary and sufficient medical conditions so the proposed beneficiary could develop a life with dignity, in a way that his right to life would not suffer an irreparable harm, and agree the measures to be adopted with the boy's family. The precautionary measure in favor of the child "X" has no longer object due to his death. Resolution only available in [Spanish](#).

PM 140/14 - Yomaira Mendoza and others Colombia

On August 13, 2014, the IACHR requested the adoption of precautionary measures for Yomaira Mendoza and others, in Colombia. The request for precautionary measures alleges that the members of "Asociación de Familiares de Consejos Comunitarios" (Association of Family Members of Community Councils) had allegedly been victims of forced displacement and are currently in an alleged serious and urgent situation related to the conflict generated by their claim of land against "bad-faith occupants". Therefore, after analyzing the allegations of fact and law, the Commission believes that the information shows prima facie that Yomaira Mendoza, Enrique Cabezas, Raúl Palacios and Enrique Petro are currently in a serious and urgent situation, as their lives and personal integrity are allegedly at risk. Therefore, pursuant to Article 25 of the IACHR's rules of procedure, the Commission requires the Government of Colombia to adopt the necessary measures to protect the life and personal integrity of Yomaira Mendoza, Enrique Cabezas, Raúl Palacios and Enrique Petro and to ensure that they are able to develop their activities without being subjected to violence and harassment because of the exercise of their duties; to consult with the beneficiaries and their representatives on actions to be taken to implement these measures; and to report on the actions taken to investigate the facts that led to the adoption of the present precautionary measures and thus prevent possible repetition. Resolution only available in [Spanish](#).

PM 641/02 - Members of SINTRAINAL, Colombia

On July 18, 2014, the IACHR extended Precautionary Measure 641/02—originally granted on January 28, 2002—to a number members of the *Sindicato Nacional de Trabajadores de la Industria en Alimentos* [National Food Industry Workers Union] (SINTRAINAL) in Colombia. The information provided by the petitioners indicates that Jean Carlos Quintero Canencia, Camilo Andrés

Valero Forero, and Nora Ayde Velásquez Guzmán, members of SINTRAINAL, have reportedly been the target of threats because of the work they have been engaged in as union members. After analyzing the allegations of fact and law, the Commission believes that the information shows *prima facie* that Jean Carlos Quintero Canencia, Camilo Andrés Valero Forero, and Nora Ayde Velásquez Guzmán are apparently in a serious and urgent situation since their lives and personal safety are said to be under threat and in grave danger. Therefore, pursuant to Article 25 of the IACHR's Rules of Procedure, the Commission is asking the State of Colombia: to adopt the measures necessary to protect the lives and physical integrity of Jean Carlos Quintero Canencia, Camilo Andrés Valero Forero, and Nora Ayde Velásquez Guzmán; to adopt the measures necessary to ensure they may engage in their activities without being targets of acts of violence and harassment for the work they do; to come to an agreement with the beneficiaries and their representatives on the measures to be adopted; to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again; and to enhance the protection measures for José Onofre Esquivel Luna and Luis Javier Corre Suárez that were granted on January 28, 2002. Read the resolution [here](#).

PM 252/14 - Members of the Contralínea magazine, México

On July 18, 2014, the IACHR asked that precautionary measures be adopted for the members of the Contralínea magazine in Mexico. The request for precautionary measures alleges that the members of Contralínea, integrated by Flor Irais Maldonado Goche, Rosa Elva López Mendoza, Mauricio Gabriel Romero Patiño, Marcos Chávez Maguey, Erika Soemi Ramírez Pardo, Nancy Paola Flórez Nández, Zósimo Camacho Ibarra, José Nicolás Reyes Hernández and Agustín Miguel Badillo Cruz, were allegedly subjected to acts of aggression and threats, due to their condition of journalists and to their exercise of their right to freedom of expression. After analyzing the allegations of fact and law, the Commission believes that the information shows in principle that the situation of members of the Contralínea magazine is serious and urgent, as their rights to life and physical integrity are allegedly at grave risk. Therefore, pursuant to Article 25(1) of its Rules of Procedure, the Commission asks the State of Mexico to adopt the necessary measures to protect the lives and physical integrity of the members of the Contralínea magazine and to come to an agreement with the beneficiaries and their representatives on the measures to be adopted. The Commission also asked the State to keep it informed as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Read the resolution [here](#).

PM 141/14 - Manuel Escalona Sánchez, Wilfredo Matos Gutiérrez, and Ortelio Abrahante Bacallao, the Bahamas

On June 30, 2014, the IACHR requested the adoption of precautionary measures for Manuel Escalona Sánchez, Wilfredo Matos Gutiérrez, and Ortelio Abrahante in the Bahamas. The request for precautionary measures alleges that the individuals mentioned were in a situation of risk because their deportation to Cuba was imminent. The petitioners claimed they had been targets of persecution in Cuba due to their open opposition to the Cuban regime, among other allegations. The Commission requested information from the State on April 22, 2014, but received no response. Therefore, after analyzing the allegations of fact and law, the Commission believes that the information shows *prima facie* that Manuel Escalona Sánchez, Wilfredo Matos Gutiérrez, and Ortelio Abrahante Bacallao are in a serious and urgent situation and that irreparable harm must be prevented as their lives and physical integrity are said to be in danger. Therefore, pursuant to Article 25 of the IACHR's rules of procedure, the Commission is asking the Government of the Bahamas: to refrain from deporting Manuel Escalona Sánchez, Wilfredo Matos Gutiérrez, and Ortelio Abrahante Bacallao; to provide the beneficiaries with a legal remedy, respecting the principle of non-return, to determine whether they have the right to asylum; and to provide information regarding the outcomes thereof such that the IACHR may keep track of the need to maintain or lift the precautionary measure. Read the resolution [here](#).

PM 218/14 - Y.C.G.M and her Immediate Family, Colombia

On June 20, 2014, the IACHR asked that precautionary measures be adopted for "Y.C.G.M." and her immediate family in Colombia. The identity of the beneficiary is being kept confidential at the request of the petitioners. The request for precautionary measures alleges that "Y.C.G.M." has been the target of threats and aggression because she works to defend the rights of women. After analyzing the allegations of fact and law, the Commission believes that the information shows *prima facie* that Ms. Y.C.G.M. and her immediate family are in a serious and urgent situation since their lives and physical integrity are said to be in imminent danger. Therefore, pursuant to Article 25 of the IACHR's Rules of Procedure, the Commission is asking the State of Colombia: to adopt the measures necessary to protect the lives and physical integrity of Y.C.G.M. and her immediate family; to adopt the measures necessary to ensure that Y.C.G.M. may engage in her activities as a human rights defender without being the target of acts of violence and harassment because of her work; to come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Read the resolution [here](#).

PM 161/14 - Pierre Espérance and Members of the Réseau National de Défense des Droits Humains (RNDDH), Haiti

On June 9, 2014, the IACHR asked that precautionary measures be adopted for Pierre Espérance and members of the *Réseau National de Défense des Droits Humains* [National Network for the Defense of Human Rights] (RNDDH) in Haiti. The request for precautionary measures alleges that the beneficiaries have been the target of threats and harassment in retaliation for the human rights defense work they do in Haiti. After analyzing the allegations of fact and law, the Commission believes the information shows *prima facie* that Mr. Pierre Espérance and the members of the RNDDH are in a serious and urgent situation because their lives and physical integrity are reportedly under threat and in grave danger. Therefore, pursuant to Article 25 of the IACHR's Rules of Procedure, the Commission is asking the State of Haiti: to adopt the measures necessary to protect the lives and physical integrity of

Mr. Pierre Espérance and a member of the RNDH organization who has been identified; to come to an agreement with the beneficiaries and their representatives regarding the measures to be adopted; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Read the resolution in [French](#) or in [Spanish](#).

PM 204/14 - John Winfield, United States

On June 6, 2014, the IACHR requested that precautionary measures be adopted pursuant to Article 25 of its Rules of Procedure in order to prevent irreparable harm to John Winfield, who was sentenced to death in the United States. The request for precautionary measures was accompanied by a petition alleging the violation of rights recognized in the American Declaration of the Rights and Duties of Man, which was registered under number P-815-14. Through its resolution, the Commission asked the Government of the United States to refrain from executing John Winfield until the IACHR has ruled on the merits of the individual petition filed on his behalf. Read the resolution [here](#).

PM 42/14 - Fundación Nydia Erika Bautista et. al., Colombia

On May 28, 2014, the IACHR asked that precautionary measures be adopted for the members of the *Fundación Nydia Erika Bautista para los Derechos Humanos* [Nydia Erika Bautista Foundation for Human Rights] and "X" in Colombia. The identity of the latter beneficiary is being kept confidential at the request of the petitioners. The request for precautionary measures alleges that members of the *Fundación Nydia Erika Bautista* and Mr. "X" were the targets of threats and were being followed because of the work the organization does and because of the information that Mr. "X" had reportedly provided for the arrest of a high level member of the army. After analyzing the allegations of fact and law, the Commission believes that the information shows *prima facie* that the members of the *Fundación Nydia Erika Bautista* and Mr. "X" and his immediate family are in a serious and urgent situation since their lives and physical integrity are said to be at imminent risk. Therefore, pursuant to Article 25 of the IACHR's Rules of Procedure, the Commission is asking the State of Colombia: to adopt the measures necessary to protect the lives and physical integrity of the two members of the *Fundación Nydia Erika Bautista* who were identified and of Mr. "X" and his immediate family; to come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and to report on the actions taken to investigate the alleged incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Read the resolution [here](#).

PM 177/14 - Russell Bucklew and Charles Warner, United States

On May 20, 2014, the Commission asked that precautionary measures be adopted, pursuant to Article 25 of the IACHR Rules of Procedure, to prevent irreparable harm to Russell Bucklew and Charles Warner, who were sentenced to death in the United States. The request for precautionary measures was accompanied by a petition alleging violation of rights recognized in the American Declaration of the rights and Duties of Man; that petition was given the number P-684/14. Through its resolution, the Commission requested the government of the United States to refrain from executing Russell Bucklew and Charles Warner until the IACHR has ruled on the merits of the individual petition filed on their behalf. Read the resolution [here](#).

PM 83/14 - Keron López and Garvin Sookram, Trinidad and Tobago

On May 19, 2014, the IACHR asked that precautionary measures be adopted pursuant to Article 25 of its Rules of Procedure in order to prevent irreparable harm to Keron Lopez and Garvin Sookram, who were sentenced to death in Trinidad and Tobago. The request for precautionary measures was accompanied by two petitions alleging the violation of rights recognized in the American Declaration of the Rights and Duties of Man; such petitions were registered under the numbers P-331-14 and P-360-14. Through its resolution, the Commission asked the Government of Trinidad and Tobago to refrain from executing Keron Lopez and Garvin Sookram until the IACHR has ruled on the merits of the individual petitions filed on their behalf. Read the resolution [here](#).

PM 264/13 - Damas de Blanco, Cuba EXTENSION

On May 12, 2014, the IACHR extended Precautionary Measure 264/13, originally granted on October 28, 2013, for the members of the organization "Damas de Blanco" ("Ladies in White"), in Cuba. The information provided by the petitioners indicates that five members of the organization had been attacked with blows by a group of State agents on April 3, 2014, as they were leaving Mass, and the following day several members of Damas de Blanco had suffered various acts of violence, including searches of their homes. The petitioners also reported that on April 5, 2014, three of the Damas de Blanco had been detained upon leaving church, and the home of one of them had been invaded by agents of the State. Through the decision to extend this precautionary measure, the Commission asked the State of Cuba to adopt the necessary measures to protect the life and physical integrity of Mileidis Cabrera Leiva, Yelenni Aguilera Santo, Miladis Escalona Lissabet, Bertha Guerrero Segura, Yaniuska Mayo Céspedes, and María Teresa Garcua Roja, members of the organization Damas de Blanco; reach agreement with the beneficiaries and their representatives on the measures to be adopted; and inform the Commission as to the steps taken to investigate the alleged incidents that led to this precautionary measure being extended so that such incidents do not happen again. Read the resolution in [Spanish](#).

PM 50/14 - Campesino Leaders of Bajo Aguán, Honduras

On May 8, 2014, the IACHR asked that precautionary measures be adopted for those identified as members of several campesino organizations in Honduras: "Movimiento Campesino Recuperación del Aguán" (MOCRA), "Movimiento Campesino Fundación Gregorio Chávez" (MCRGC), "Movimiento Unificado Campesino del Aguán" (MUCA), and "Movimiento Auténtico Reivindicador Campesino del Aguán" (MARCA). The request for precautionary measures alleges that since 2010 peasant farmers who belong to these organizations have been subject to killings, disappearances, kidnappings, torture, threats, violent evictions, persecution, and accusations, for the alleged purpose of forcing them to sell their lands. On March 6, 2014, the IACHR requested information from the State. As of the date the resolution granting this precautionary measure was adopted, the State had not responded to the request for information. Pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Honduras to adopt the necessary measures to guarantee the life and physical integrity of the identified members of the MOCRA, MCRGC, MUCA, and MARCA organizations; reach agreement with the beneficiaries and their representatives on the measures to be adopted; and inform the Commission as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Read the resolution here in [Spanish](#).

PM 255/13 - Robert Gene Garza, Estados Unidos

On May 5, 2014, the Commission requested the adoption of precautionary measures pursuant to Article 25(1) of its Rules of Procedure in order to avoid irreparable harm to Robert Gene Garza who was sentenced to death in the United States. The request for precautionary measures was accompanied by a petition alleging violation of rights recognized in the American Declaration of the Rights and Duties of Man. That petition was given the number P-1278/13. Through its resolution, the Commission requested the Government of the United States to abstain from executing Mr. Robert Gene Garza until the IACHR has ruled on the merits of the individual petition filed on his behalf. Read the resolution [here](#).

PM 452/11 - Leaders of Campesino Communities and Campesino Patrols in Cajamarca, Peru

On May 5, 2014, the IACHR asked that precautionary measures be adopted for 46 leaders of campesino communities and patrols, the members of the Chaupe family, patrolman Luis Mayta, and journalist César Estrada, in Cajamarca, Peru. The request for precautionary measures alleges that the campesino communities and patrols from the provinces of Cajamarca, Celendín, and Hualgayoc-Bambamarca that are opposed to the "Conga" project have been targets of threats, harassment, and violence. Pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Peru to adopt the necessary measures to guarantee the life and physical integrity of the identified beneficiaries; reach agreement with the beneficiaries and their representatives on the measures to be adopted; and inform the Commission as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Read the resolution here in [Spanish](#).

PM 347/13 - Carl E. Vincent, United States of America

On April 7, 2014, the Commission requested the adoption of precautionary measures for Carl E. Vincent, a Haitian national. The request for precautionary measures alleged that he is facing deportation in the United States and suffers from a series of illnesses, for which he allegedly could not receive medical treatment were he returned to Haiti. The petitioner also alleged that Carl E. Vincent emigrated to the United States when he was six years old and that he does not speak the official languages of Haiti. It also reported that he has three children under the age of ten in the United States and thus his upcoming deportation could have a negative impact on his family ties. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission asks that the United States refrain from deporting Carl E. Vincent, in order to protect his life and personal integrity, due to his current health condition. [Read the resolution](#).

PM 110/14 - Matter of Ramiro Hernández Llanas, United States of America

On March 26, 2014, the IACHR requested the adoption of precautionary measures for Ramiro Hernández Llanas in the United States of America. The request for precautionary measures alleges violations to the rights to life, to a fair trial and to due process of Ramiro Hernández Llanas, who has been sentenced to death penalty and scheduled to be executed on April 9, 2014. After analyzing the allegations of fact and law, the Commission believes that if Ramiro Hernández Llanas is executed before he has an opportunity to examine this matter, any eventual decision would be rendered moot in respect of the effectiveness of potential remedies, resulting in irreparable harm. Consequently, pursuant to Article 25 of its Rules of Procedure, the Commission requests the Government of the United States to take the necessary measures to preserve the life and physical integrity of Mr. Ramiro Hernández until the IACHR has pronounced on his petition so as not to render ineffective the processing of his case before the inter-American system. Read the resolution [here](#).

PM 30/14 - Fernando Alcibiades Villavicencio Valencia et al., Ecuador

On March 24, 2014, the IACHR requested that precautionary measures be adopted for Fernando Alcibiades Villavicencio Valencia, Cléver Jiménez, and Carlos Eduardo Figueroa Figueroa, in Ecuador. The request for precautionary measures had been presented in the context of individual petition P-107-14, which alleges violations of the rights enshrined in Articles 8 (right to fair trial), 9

(freedom from ex post facto laws), 13 (freedom of thought and expression), and 25 (judicial protection), in conjunction with the general obligations established in Articles 1(1) and 2 of the American Convention on Human Rights. Specifically, the petitioners asked for precautionary measures "in order for the State to suspend the implementation of the cassation ruling issued against them on January 14, 2014, due to the grave and irreparable harm the process itself and the subsequent judgment would have on their rights to life, physical integrity, personal liberty, political rights, and freedom of expression." During the proceedings, the State presented reports on February 8 and 28, 2014. For their part, the petitioners presented additional reports on February 9 and 27 and March 17 and 19, 2014. After analyzing the allegations of fact and law presented by the parties, the Commission believes that the information presented shows prima facie that the rights of Messrs. Fernando Alcibiades Villavicencio Valencia, Cléver Jiménez, and Carlos Eduardo Figueroa Figueroa are in a serious, urgent situation of irreparable harm. Therefore, pursuant to Article 25(1) of its Rules of Procedure, the Commission asks the State of Ecuador to immediately suspend the effects of the January 14, 2014, decision issued by the Cassation Court of the National Court of Justice's Specialized Chamber on Criminal, Military-Criminal, Police-Criminal, and Transit Matters, until the IACHR has ruled on individual petition P-107-14. Read the resolution [here](#) in [Spanish](#).

PM 110/14 - Ramiro Hernández Llanas, United States

On March 19, 2014, the Commission requested the adoption of precautionary measures pursuant to Article 25(1) of its Rules of Procedure in order to avoid irreparable harm to Ramiro Hernández Llanas who was sentenced to death in the United States. The request for precautionary measures was accompanied by a petition alleging violation of rights recognized in the American Declaration of the Rights and Duties of Man. That petition was given the number P-455/14. Through its resolution, the Commission requested the Government of the United States to abstain from executing Ramiro Hernández Llanas until the IACHR has ruled on the merits of the individual petition filed on his behalf. Read the resolution [here](#).

PM 374/13 - Gustavo Francisco Petro Urrego, Colombia

On March 18, 2014, the IACHR requested that precautionary measures be adopted for Gustavo Francisco Petro Urrego, Mayor of the city of Bogotá, D.C., Colombia. The request for precautionary measures had been presented in the context of individual petition P-1742-13, which alleges violations to the rights to humane treatment (Article 5), to a fair trial (Article 8), to participate in government (Article 23), to equal protection under the law (Article 24), and to judicial protection (Article 25 of the American Convention on Human Rights). Specifically, the petitioners ask that, "in order to prevent irreparable harm to persons or to the subject matter of the petition, the judicial action being brought by the Attorney General's Office against Gustavo Petro be suspended." During the proceeding, the State submitted information on January 10, 21, and 29, and February 7 and 24, 2014. For their part, the petitioners presented information on December 9, 11, 18, and 19, 2013; January 3, 13, 16, and 20, 2014; February 6, 24, and 26, 2014; and March 3, 4, 5, 6, and 18, 2014. After analyzing the allegations of fact and law presented by the parties, the Commission believes that the information presented shows prima facie that the situation involving the political rights of Mr. Gustavo Francisco Petro Urrego, elected by popular vote as Mayor of Bogotá and currently in office, is serious and urgent, as the implementation of the effects of the decision removing him from office and ruling him ineligible to exercise his political rights could render ineffective an eventual decision on petition P-1742-13. Therefore, pursuant to Article 25(1) of its Rules of Procedure, the Commission requests that the State of Colombia immediately suspend the effects of the decision of December 9, 2013, issued and ratified by the Attorney General's Office on January 13, 2014, so as to ensure that Mr. Gustavo Francisco Petro Urrego can exercise his political rights and complete his term as Mayor of Bogotá, for which he was elected on October 30, 2011, until the IACHR has ruled on individual petition P1742-13. Read the resolution [here](#).

PM 57/14 - Pete Carl Rogovich, United States

On March 4, 2014, the Commission requested the adoption of precautionary measures pursuant to Article 25(1) of its Rules of Procedure in order to avoid irreparable harm to Pete Carl Rogovich who was sentenced to death in the United States. The request for precautionary measures was accompanied by a petition alleging violation of rights recognized in the American Declaration of the Rights and Duties of Man. That petition was given the number P-1663/13. Through its resolution, the Commission requested the Government of the United States to abstain from executing Pete Carl Rogovich until the IACHR has ruled on the merits of the individual petition filed on his behalf. Read the resolution [here](#).

PM 453/13 - Daniel Ramos Alfaro, Mexico

On February 20, 2014, the IACHR requested that precautionary measures be adopted for Daniel Ramos Alfaro, 21 years old, whose life and physical integrity are said to be at grave risk, inasmuch as his whereabouts or fate have been unknown since October 2, 2013. The request for precautionary measures alleges that Daniel Ramos Alfaro was detained by purported members of the Mexican military forces while he was traveling to the community of San Martín, after giving classes at the school in the community of Betania. Given the nature of the situation reported, the Commission asked the State for information based on the functions spelled out in Article XIV of the Inter-American Convention on Forced Disappearance of Persons. The State of Mexico responded by means of a report on January 22, 2014, and the IACHR also received additional information from the petitioner on February 1, 2014. After analyzing the allegations of fact and law, the Commission believes that the information shows in principle that the situation of the young man Daniel Ramos is serious and urgent; his rights to life and physical integrity are said to be at grave risk given that to this day, 141 days after his disappearance, his whereabouts or fate reportedly remain unknown. Therefore, pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asks the State of Mexico to adopt the measures necessary to determine the situation

and whereabouts of Daniel Ramos Alfaro, in order to protect his rights to life and physical integrity, and to inform the Commission as to the steps taken to investigate the facts that gave rise to the adoption of this precautionary measure. [Read resolution here.](#)

PM 408/13 - Members of the Movimiento "Reconocido," Dominican Republic

On January 30, 2014, the IACHR requested that precautionary measures be adopted for the members of the Movimiento "Reconocido" ["Recognized" Movement], in the Dominican Republic. The request for precautionary measures alleges that members of the Movimiento "Reconocido" received threats to their lives and physical integrity as a result of the criticism and protest these human rights defenders had exercised against Judgment 168/13, a decision by the Constitutional Court of the Dominican Republic denationalizing thousands of Dominicans of Haitian descent. After analyzing the allegations of fact and law presented, the Commission believes that the information shows in principle that the members of the Movimiento "Reconocido" are facing a serious and urgent situation, as their lives and physical integrity are said to be at grave risk due to the death threats they are said to have received. Therefore, pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asks the Dominican Republic to adopt the necessary measures to protect the lives and physical integrity of the members of the Movimiento "Reconocido"; to guarantee that the members of this movement can carry out their activities as human rights defenders without being subject to acts of violence and harassment in the exercise of their functions; and to come to an agreement with the beneficiaries and their families on the measures to be adopted. The Commission also asked the State to keep it informed as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. [Read resolution here.](#)

PM 457/13 - Members of "Asociación para una Vida Mejor de Honduras" [Association for a better life in Honduras] (APUVIMEH)

On January 22, 2014, the Inter-American granted precautionary measures for the members of "Asociación para una Vida Mejor de Honduras" [Association for a better life in Honduras] (APUVIMEH). The request for precautionary measures indicates that, due to their activities of defense, protest and protection of the rights of lesbian, gay, bisexual, trans and intersex persons (LGBTI) in Honduras, members of the organization would have become the object of killings, threats, harassment and violence against them, in retaliation for their activities. Specifically, the request alleges that members of the association carried out awareness raising and protection activities and ran a shelter house called "Casa Renacer" [House of Rebirth] where they took care of persons living with HIV and other sexually transmitted diseases. Acts of aggression and assault against their members would have taken place in a context of violence against LGBTI persons, which would be the cause of approximately 115 killings in the last years, cases that would have ended in impunity. The IACHR asked that the State of Honduras take the necessary steps to ensure the life and physical integrity of the members of "Asociación para una Vida Mejor de Honduras" [Association for a better life in Honduras] (APUVIMEH), that it come to an agreement with the beneficiaries as to the measures to be taken, and that it inform the Commission about the steps taken to investigate the facts that gave rise to the adoption of precautionary measures. [Read resolution here.](#)

© Copyright 2011 OAS

[Internships](#)

[Fellowships](#)

[Vacancies](#)

[Terms & Conditions](#)

[Contact Us](#)

[Related Links](#)

1889 F St. N.W. Washington, DC, U.S.A. 20006 / E-mail: cidhoea@oas.org / Phone: (202) 370-9000 / Fax: (202) 458-3650



OAS » Inter-American Commission on Human Rights (IACHR) » Precautionary Measures

Precautionary Measures

2018	2017	2016	2015	2014	2013	2012	2011	2010	Previous Years
------	------	------	------	------	------	------	------	------	----------------

PM 8/13 - Persons Deprived of Liberty at the Porto Alegre Central Prison, Brazil

On December 30, 2013, the IACHR requested that precautionary measures be adopted for persons deprived of liberty at the Porto Alegre Central Prison (PCPA), in Brazil. The request for precautionary measures alleges that these individuals are at risk due to poor detention conditions, extreme overcrowding, and lack of State control over various parts of the facility, among other situations, all of which could affect the prisoners' right to life and personal integrity. After analyzing the allegations of fact and law submitted by the petitioners and the State, the Commission believes that the information presented suggests that the situation of those deprived of liberty at the PCPA is serious and urgent, as their lives and physical integrity are said to be at grave risk. Therefore, pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Brazil to adopt the necessary measures to protect the lives and personal integrity of the inmates at the Porto Alegre Central Prison; provide hygienic conditions at the facility and adequate medical treatment for the inmates, in line with whatever medical conditions they may have; and implement measures designed to recover security control over all areas of the prison, following international human rights standards and protecting the lives and personal integrity of all the inmates. Read resolution here in [English](#).

PM 195/13 – Leaders and Human Rights Defenders from the Community of Nueva Esperanza and the Regional Council of the Florida Sector, Honduras

On December 24, 2013, the IACHR requested that precautionary measures be adopted for Adonis Romero and other individuals identified in the documents provided, who are said to be leaders and human rights defenders from the community of Nueva Esperanza and the Regional Council (Patronato Regional) of the Florida sector, in the municipality of Tela, department of Atlántida. The request for precautionary measures alleges that the proposed beneficiaries are at risk because of their work to oppose various mining projects reportedly being carried out in the area. On August 28, 2013, the IACHR requested information from the State. As of the date this measure was granted, the State had not responded to the request for information. After analyzing the allegations of fact and law submitted by the petitioners, the Commission believes that the information presented suggests that Adonis Romero and other alleged leaders and human rights defenders from the community of Nueva Esperanza and the Regional Council of the Florida sector are facing a serious and urgent situation, as their lives and physical integrity are said to be at serious risk. Therefore, pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Honduras to adopt the necessary measures to guarantee the lives and physical integrity of the 18 leaders and human rights defenders identified, who belong to the Nueva Esperanza community and the Regional Council of the Florida Sector; reach agreement with the beneficiaries and their families on the measures to be adopted; and inform the Commission as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Read resolution here: in [English](#).

PM 416/13 – Members of the Movimiento Amplio por la Dignidad y la Justicia (MADJ) and their Families, Honduras

On December 19, 2013, the IACHR requested that precautionary measures be adopted for the members of the Movimiento Amplio por la Dignidad y la Justicia (MADJ) and their families, in Honduras. The request for precautionary measures alleges that the members of the MADJ have been receiving a series of threats and acts of harassment and violence because of their work in defense of the natural resources of the indigenous peoples in the Locomapa sector of the department of Yoro. After analyzing the allegations of fact and law submitted by the petitioners, the Commission believes that the information presented suggests that the situation of the MADJ members and their respective families is serious and urgent, as their lives and physical integrity are said to be under threat and at grave risk. Therefore, pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Honduras to adopt the necessary measures to preserve the lives and physical integrity of the 18 members of the Movimiento Amplio por la Dignidad y la Justicia (MADJ) and their family members; reach agreement with the beneficiaries and their families on the measures to be adopted; and inform the Commission as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that such incidents do not happen again. Read the resolution here: in [English](#) or in [Spanish](#).

PM 367/13 – Persons Deprived of Liberty at the Pedrinhas Prison Complex, Brazil

On December 16, 2013, the IACHR requested that precautionary measures be adopted for the individuals incarcerated at the Pedrinhas Prison Complex, in Brazil. The request for precautionary measures alleges that these individuals are at risk from acts of violence. After analyzing the allegations of fact and law presented by the petitioners and the State, the Commission believes that the information presented suggests that those deprived of liberty at the Pedrinhas Prison Complex are facing a grave and urgent situation, as their life and safety are reportedly threatened and at serious risk. Therefore, pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Brazil to adopt the necessary measures to prevent loss of life and harm to the physical integrity of those deprived of liberty at the Pedrinhas Prison Complex; to immediately reduce the levels of overcrowding; and to investigate the incidents that gave rise to the adoption of this precautionary measure so that they do not happen again. Read the resolution here in [English](#) or in [Portuguese](#).

PM 304/13 - Patrice Florvilus and members of the organization "Défense des Opprimés", Haiti

On November 27, 2013, the IACHR requested that precautionary measures be adopted in favor of Patrice Florvilus and the members of the organization "Défense des Opprimés". The request for precautionary measures alleged that these persons were in a situation of risk, due to a series of threats, harassment and persecution in retaliation of the activities they carry out in defense of human rights in Haiti. On October 2, 2013, the IACHR requested information from the State, but did not receive a response. In addition, the applicants provided new information concerning alleged new risk situations the organization is supposedly facing. Consequently, in compliance with Article 25 of its Rule of Procedure, the Commission requested the State of Haiti to adopt the necessary measures to preserve the life and the personal integrity of Patrice Florvilus and the members of the organization "Défense des Opprimés", to agree on the measures to be adopted with the beneficiaries and his representatives and to inform the Commission as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that they do not happen again. Read the Resolution here in [English](#) or in [French](#).

PM 410/13 - José Luis Zubmaguera Miranda and Family, Cuba

On November 21, 2013, the IACHR requested that precautionary measures be adopted in favor of José Luis Zubmaguera Miranda and his family, in Cuba. The request for precautionary measures alleges that José Luis Zubmaguera Miranda had been shot 7 times by police officers, in the context of his detention during an investigation on a stolen bicycle. The applicants affirm that his relatives, who supposedly witnessed these facts, are presumably subject to a series of intimidations perpetrated by police officers due to the complaints filed in this regard. After analyzing the factual and legal arguments put forth by the applicants, the Commission considers that the information presented shows prima facie that José Luis Zubmaguera Miranda and his family are in a serious and urgent situation, as their lives and personal integrity are threatened and at severe risk. Consequently, in compliance with Article 25 of its Rule of Procedure, the Commission requested the State of Cuba to adopt the necessary measures to preserve the life and the personal integrity of José Luis Zubmaguera Miranda and his family, to agree on the measures to be adopted with the beneficiaries and his representatives and to inform the Commission as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that they do not happen again. Read the resolution here: in [English](#) or in [Spanish](#).

PM 409/13 - Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos regarding El Salvador

On November 21, 2013, the IACHR requested that precautionary measures be adopted in favor of the members of the "Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos" (Association for the Search of Disappeared Children). The request for precautionary measures indicated that on November 14, 2013, three armed men had allegedly broken into the organization, and had subjugated the security staff, the motorcyclist and the President of the organization. Subsequently, they had proceeded to burned down the files of the institution and destroyed their work equipment. After analyzing the factual and legal arguments put forth by the applicants, the Commission considers that the information presented shows prima facie that the members of "Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos" are in a serious and urgent situation, as their lives and personal integrity are threatened and at severe risk. Consequently, in compliance with Article 25 of its Rule of Procedure, the Commission requested the State of El Salvador to adopt the necessary measures to preserve the life and the personal integrity of the members of "Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos", and to inform the Commission as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that they do not happen again. The resolution on this precautionary measure is maintained under confidentiality, due to the request of the petitioners not to disclose the identity of some of the members of the organization.

PM 338/13 – Lorenzo Santos Torres and Family, Mexico

On November 8, 2013, the IACHR requested that precautionary measures be adopted for Lorenzo Santos Torres and his family, in Mexico. The request for precautionary measures received by the Commission on October 7, 2013, alleges that the life and personal integrity of Lorenzo Santos Torres and his family are at risk, in the context of a social and agrarian conflict in Santiago Amoltepec. On October 24, the IACHR requested information from the State, which presented its report on October 29. The petitioners provided additional information on October 29 and 31. After analyzing the allegations of fact and law submitted by both parties, the Commission believes that the information presented suggests that Lorenzo Santos Torres and his family are threatened and at serious risk. Therefore, pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Mexico to adopt the necessary measures to protect the lives and personal integrity of Lorenzo Santos Torres and his family; reach agreement with the beneficiaries and their representatives on the measures to be adopted; and inform the Commission as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that they do not happen again. Read the resolution here: in [English](#) or in [Spanish](#).

PM 245/13 – Iván Hernández Carrillo, Cuba

On October 28, 2013, the IACHR requested that precautionary measures be adopted for Iván Hernández Carrillo, in Cuba. The request for precautionary measures received by the Commission on August 1, 2013, alleges that Iván Hernández Carrillo—reportedly a journalist serving as Secretary General of the Confederation of Independent Workers of Cuba—is at risk and has been the target of physical attacks, threats, arrests, and acts of intimidation perpetrated by agents of Cuba's Department of State Security, as a result of his work as a human rights defender. The petitioners provided additional information on August 27 and September 18, 2013. On August 3, 2013, the IACHR requested information from the State. As of the date the Commission adopted the resolution on precautionary measures, the State had not responded to the request for information. After analyzing the allegations of fact and law submitted by the petitioners, the Commission believes that the information presented suggests that Iván Hernández Carrillo's situation is serious and urgent. Therefore, pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Cuba to adopt the necessary measures to protect the life and personal integrity of Iván Hernández Carrillo; reach agreement with the beneficiary and his representatives on the measures to be adopted; and inform the Commission as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that they do not happen again. Read the resolution here: in [English](#) or [in Spanish](#).

PM 264/13 – Damas de Blanco, Cuba

On October 28, 2013, the IACHR requested that precautionary measures be adopted for the members of the organization "Damas de Blanco" ("Ladies in White"), in Cuba. The request for precautionary measures received by the Commission on August 13, 2013, alleges that the members of "Damas de Blanco" are targets of threats, harassment, and acts of violence in retaliation for their peaceful demonstrations to draw attention to the situation of political dissidents in Cuba. The petitioners provided additional information on September 17 and 26. After analyzing the allegations of fact and law submitted by the petitioners, the Commission believes that the information presented suggests that the situation of the members of "Damas de Blanco" is serious and urgent, as their lives and personal integrity are reportedly being threatened and are at serious risk. Therefore, pursuant to Article 25 of the IACHR Rules of Procedure, the Commission asked the State of Cuba to adopt the necessary measures to protect the lives and personal integrity of the members of the organization "Damas de Blanco"; reach agreement with the beneficiaries and their representatives on the measures to be adopted; and inform the Commission as to the steps taken to investigate the incidents that gave rise to the adoption of this precautionary measure so that they do not happen again. Read the resolution here: in [English](#) or [in Spanish](#).

PM 301/13 – Buenaventura Hoyos Hernández, Colombia

On October 4, 2013, the Commission requested the adoption of precautionary measures pursuant to Article 25 (1) of its Rules of Procedure, in order to avoid irreparable harm to Buenaventura Hoyos Hernández, 18 years old, who is allegedly in a serious and urgent situation, since his rights to life and personal integrity are allegedly at risk, given that to this date his whereabouts or fate are not known. The Commission requested the State of Colombia to adopt the necessary measures to determine the status and whereabouts of Buenaventura Hernández Hoyos, in order to protect his rights to life and personal integrity. The Commission also requested the State to report on the actions taken to investigate the facts that led to the adoption of this precautionary measure. Read the resolution here: in [English](#) or [in Spanish](#).

PM 186/13 - Carlos Eduardo Mora y familia, Colombia

On October 3, 2013 the IACHR requested the adoption of precautionary measures in favor of Carlos Eduardo Mora, who is a corporal of the National Army of Colombia, in the intelligence specialty and is currently in active duty. The request for precautionary measures affirms that Carlos Eduardo Mora and his family allegedly face a risk situation due the participation of the corporal as a witness in the trials related to the presumed extrajudicial executions, supposedly perpetrated by members of the Army of Colombia. The Colombian State provided information about the case on September 19 2013. The Commission concluded that Carlos Eduardo Mora and his nuclear family are in a situation of seriousness and urgency, since their rights to life and personal integrity are presumably threatened and at serious risk. According to Article 25 of its Rule of Procedure, the Commission requested the State of Colombia to adopt the necessary measures to preserve the life and the personal integrity of Carlos Eduardo Mora and his nuclear family and to agree on the measures to be adopted with the beneficiaries, taking into account the role as witness of Carlos Eduardo Mora, the nature of the procedure in which he is involved and the fact that he is an active member of the Army. Likewise, the Commission requested the State to report on the actions taken to investigate the facts that gave rise to the precautionary measures, in order to prevent its repetition. Read Resolution here Read the Resolution [here](#).

PM 157/13 - Members of Union des Citoyens Conséquents pour le Respect des Droits de l'Homme, Haiti.

On September 23, 2013, the Commission requested the adoption of precautionary measures pursuant to Article 25 (1) of its Rules of Procedure, in order to avoid irreparable harm to life and personal integrity of members of the Union des Citoyens Conséquents pour le Respect des Droits de l'Homme ("Consistent Citizens Union for Human Rights", UCCRDH), who claim to be in a dangerous situation due to a number of threats, harassment and acts of violence allegedly in retaliation to the work they perform in defense of human rights in Haiti. Through its resolution, the Commission requested the Government of Haiti to take the necessary measures to guarantee the life and personal integrity of Jean Guernal Degand, Jimmy Simplis, Marieclaudine Marcelin, Réginald Henry y Saintilma

Verdieu. The Commission also requested the Government of Haiti to report on the actions taken to investigate the facts that led to the adoption of this precautionary measure, and to inform, within 15 days from the date of this resolution, on the adoption of precautionary measures required, and update such information regularly. Read the Resolution here: in [Spanish](#), [English](#) or in [French](#).

PM 255/13 - Robert Gene Garza, United States

On August 16, 2013 the Commission requested the adoption of precautionary measures pursuant to Article 25(1) of its Rules of Procedure in order to avoid irreparable harm to Robert Gene Garza who was sentenced to death in the United States. The request for precautionary measures was accompanied by a petition alleging violation of rights recognized in the American Declaration of the Rights and Duties of Man. That petition was given the number P-1278/13. Through its resolution, the Commission requested the Government of the United States to abstain from executing Mr. Robert Gene Garza until the IACHR has ruled on the merits of the individual petition filed on his behalf. [Read Resolution 1/2013 on PM 255/13](#)

PM 137/13 – Girls Deprived of Liberty in adult detention centres, Jamaica

On July 31, 2013, the IACHR granted precautionary measures in favor of girls deprived of liberty in adult detention centres, in Jamaica. The request for precautionary measures alleges that girls are detained with adults and in conditions that presumably place them at risk of irreparable harm. The applicants also allege the presumed failure of the pertinent authorities to take measures and prevent the girls from hurting themselves and/or suffer abuses by adults and peers. The IACHR requested information to the State in May and June 2013, and later received information indicating that the risk situation allegedly continues. The IACHR granted precautionary measures to protect the life and physical integrity of the girls deprived of liberty in adult detention centres. Specifically, the Inter-American Commission requested the State of Jamaica to adopt all necessary measures to protect the life and personal integrity of the beneficiaries, providing the physical and mental medical care required by the beneficiaries and investigate the allegation of sexual and physical abuses; to provide the IACHR with a list of all girls being held at adult detention centres, containing their names, ages, current judicial status and health situations; and to adopt the necessary measures to transfer all girls from the Horizon Adult Remand Centre, Fort August Adult Correctional Centre and all other adult detention centres, to appropriate facilities, taking into account their legal status and any medical or psychological needs, and preventing any children to be deprived of liberty in adult detention centres.

PM 7/3 - Vilasson Séraphin and others, Haiti

On July 24, 2013, the IACHR granted precautionary measures in favor of Vilasson Seraphin, Jeanne Joseph, Johanne Jean-Claude, Jean-Rony Figaro, Roselande Jourdain y Lucmane Louis-Jean, in Haiti. The request for precautionary measures alleges that on December 29, 2012, André Seraphin, member of several civil society organizations, had been kidnapped from his home in the city of Cap-Haïtien, allegedly by a group of people who work under orders of a Senator. The next day his body had allegedly been found dead with signs of torture. The request alleges that André had been murdered for allegedly denounced arbitrary acts committed by the gang and the support of the Senator to such acts. Additionally, it is alleged that the father and mother of the victim and the applicant organization, were being persecuted and threatened by the gang and by the presumptive Senator, for trying to seek justice in the case of André Seraphin. On April 2, 2013, the IACHR requested information from both parties on the alleged risk of the proposed beneficiaries, but the State has not so far responded. The IACHR asked the State of Haiti to adopt the necessary measures to guarantee the life and integrity of Vilasson Seraphin, Jeanne Joseph, Johanne Jean-Claude, Jean-Rony Figaro, Roselande Jourdain y Lucmane Louis-Jean, and agree on the measures to be adopted with the beneficiaries and their representatives. The Commission also requested the State to report on the actions taken to investigate the facts that gave rise to the precautionary measures. The IACHR also requested the State to report to the Commission on the implementation of these measures.

PM 259/02 - Detainees in the US Military Base in Guantanamo EXTENSION

On July 23, 2013, the Inter-American Commission on Human Rights extended, on its own initiative, the scope of the precautionary measures in favor of the detainees held by the United States at the Naval Station in Guantanamo Bay, in order to require the closure of that detention facility. The extension was based on the failure of the United States to comply with the precautionary measures already in force in favor of the detainees since 2002, the persistence of situations of prolonged and indefinite detention, and allegations of widespread abuse and mistreatment, including unnecessary and humiliating searches, the force feeding of detainees who have chose to participate in a hunger strike, and the increasing segregation and isolation of detainees. In addition, the information received by the Commission indicates the response of the authorities to the hunger strike has included forced feeding, unnecessary and humiliating searches, and the increased isolation of the detainees. Given these reports, the Commission requested specific information from the US Government on April 19, 2013, and reiterated that request on June 11, 2013. The Commission notes the Government's submission of July 11, 2013, but observes that it fails to provide detailed information in response to the specific questions posed. The Commission calls the Government's attention to the international standards that require respect for personal autonomy and dignity. Taking into account the human rights obligations of the United States as a Member State of the OAS, and given the ongoing risk of irreparable harm to the rights of detainees that is aggravated with the passage of time, the Inter-American Commission has decided to extend the scope of these precautionary measures and require the Government of the United States to proceed to immediately close the detention facilities at the Naval Station at Guantanamo Bay; to transfer the detainees to home or third countries in observance of human rights guarantees, principally the obligation of *non-refoulement*; to

release those who have already been cleared for transfer should be expedited; and to house in appropriate conditions and accord applicable due process rights to any detainees subject to trial.

PM 125/13 –Iris Yassmín Barrios Aguilar et al., Guatemala

On June 28, 2013, the IACHR granted precautionary measures for Iris Yassmín Barrios Aguilar, Patricia Isabel Bustamante García, and Pablo Xitumul de Paz, members of the First Court for High-Risk Crimes in the Guatemalan department of Guatemala. The requests for precautionary measures allege that Iris Yassmín Barrios Aguilar, Patricia Isabel Bustamante García, and Pablo Xitumul de Paz are at risk as a result of carrying out their judicial functions in various cases involving organized crime and cases against members of the military allegedly responsible for grave human rights violations such as the "Plan de Sánchez" and "Las Dos Erres" massacres, among other matters. In particular, the petitioners refer to the role the beneficiaries have had in the case against former President José Efraín Ríos Montt, which is reportedly leading to polarization in Guatemala. In this apparent context, the petitioners say that various anonymous pamphlets had been circulated to undermine the legitimacy of their work by claiming that their involvement in the case represented a "threat to peace and stability in the country," which could have serious consequences for their right to life and safety. Moreover, in recent weeks the IACHR has received new information suggesting a series of alleged flaws in the protection arrangements provided for these individuals. In this regard, the petitioners have noted that because their level of risk has allegedly been exacerbated, it is necessary to adopt special protection measures for the members of the First Court for High-Risk Crimes. The IACHR asked the State of Guatemala to take the necessary steps to guarantee the life and physical integrity of Iris Yassmín Barrios Aguilar, Patricia Isabel Bustamante García, and Pablo Xitumul de Paz, and to come to an agreement with the beneficiaries and their representatives as to the measures to be adopted, taking into consideration the implementation proposal sent by the representatives as to the entity that could coordinate the protection measures.

PM 279/12 – Luisa Fransua, Rafael Toussaint, et al., Dominican Republic

On June 10, 2013, the IACHR granted precautionary measures for Luisa Fransua, Rafael Toussaint, and another 48 individuals and their 32 children, in the Dominican Republic. According to information provided by those seeking the precautionary measures, the beneficiaries of this measure are being denied birth records, identity cards, and voter IDs, or their documents are being withheld or invalidated. They indicate that this situation is blocking their access to basic services, allegedly impeding the exercise of their rights, especially their rights to health and education. The petitioners maintain that the individuals identified in the request for precautionary measure could be deported to Haiti at any time. The IACHR asked the State of the Dominican Republic to adopt the necessary measures to ensure the protection of Luisa Fransua, Rafael Toussaint, and another 48 individuals and their 32 children, so as to keep them from being expelled or deported from the territory of the Dominican Republic, and to take the necessary steps so that the beneficiaries and their children have access to identification documents that guarantee them access to basic services such as education and health, until such time as the Commission rules on the petitions before it. The IACHR also asked the State of the Dominican Republic to reach agreement with the beneficiaries and their representatives on the measures to be adopted. This precautionary measure was also granted because the beneficiaries are also the alleged victims in petitions presented to the Commission, which have been registered with the numbers 1960-12 and 389-13. In this sense, the decision to grant this precautionary measure seeks to ensure that the Commission's eventual decisions on the merits of these petitions do not become abstract.

PM 155/13 - Caleb Orozco, Belize

On May 29, 2013, the IACHR granted precautionary measures for Caleb Orozco, in Belize. The request for precautionary measures indicates that Caleb Orozco is in a state of risk as a result of his work defending the rights of lesbian, gay, bisexual, trans, and intersex persons in Belize. Specifically, the petition alleges that Caleb Orozco has been subject to harassment and attacks at his home and on the streets, and he has received death threats via social media. It further alleges that even though he has filed complaints with the police, the authorities are not providing measures to protect his life and safety. The IACHR asked that the State of Belize take the necessary steps to ensure the life and physical integrity of Caleb Orozco, that it come to an agreement with the beneficiary as to the measures to be taken, and that it inform the Commission about the steps taken to investigate the facts that gave rise to the adoption of precautionary measures.

PM 114/13 - B, El Salvador

On April 29, 2013, the IACHR granted precautionary measures in favor of "B," in El Salvador. The identity of the beneficiary is kept confidential at the request of the petitioners and/or beneficiary. The request for precautionary measures alleges that the Ministry of Health and the Committee of the hospital where "B" has been admitted have determined that "B" suffers from various pathologies, that her pregnancy has a high risk of death for the mother, and that the fetus is anencephalic. In addition, it alleges that those health authorities have determined that the effect of time without the implementation of the recommended medical treatment could affect the rights to life, integrity and health of the mother. The petitioners expressed that, even though they had requested the State authorities, including the Supreme Court of Justice, that the treatment recommended by the specialized doctors be given, there is no final answer to date. After requesting information to the State, which ratified that there is still no definite response from the State authorities, the IACHR granted precautionary measures to protect the life, personal integrity and health of "B." Specifically, the Inter-American Commission requested the State of El Salvador to adopt the necessary measures to implement the treatment recommended by the Medical Committee of the National Hospital Specialized in Maternity "Dr. Raúl Arguello Escalón," aiming to protect the life, personal integrity and health of "B," and that any measure is adopted in consultation with the beneficiary and her

representatives.

Considering that the State of El Salvador had allegedly not adopted the necessary measures to safeguard the personal integrity of "B", on May 27 2013, the IACHR requested provisional measures to the Inter-American Court of Human Rights. The Inter-American Court ordered provisional measures on May 29 2013, and lifted them on August 19, 2013.

PM 273/11 - Fray Tomás González Castillo, Ruben Figueroa, staff Home- Shelter migrants 'La 72' and others, Mexico

On April 19, 2013, the IACHR granted precautionary measures in favor of Fray Tomás González Castillo, Ruben Figueroa, staff Home- Shelter migrants 'La 72' and migrants who are in the same place, in Mexico. The request for precautionary measures alleges that the persons mentioned are at a risk related to the security situation of migrants in the area, alleged actions of retaliation for their activities as human rights defenders, the alleged permanent harassment of a person called 'La Chaquira', among others. The Commission has taken note on the implementation of a series of protective measures in favor of the members of the Home -Shelter 'La 72', by the state authorities. However, the Commission has continued receiving information on alleged constant threats and harassment against the persons mentioned. The Commission asked the State of Mexico to adopt the necessary measures to guarantee the life and physical integrity of Fray Tomás González Castillo, Ruben Figueroa, staff Home-Shelter migrants 'La 72' and migrants who are therein. The Commission also requested the State to conclude the protective measures adopted with the beneficiaries and their representatives, and report on security measures taken to carry out their work as human rights defenders without interference. The Commission also requested the State to report on the actions taken to investigate the facts that gave rise to the precautionary measures, and to report to the Commission on the implementation of these measures.

PM 391/12 - Toribio Jaime Muñoz Gonzalez and others, Mexico

On April 16, 2013, the IACHR granted precautionary measures in favor of Toribio Jaime Muñoz González, Guadalupe Muñoz Veleta, Jaime Muñoz Veleta, Óscar Muñoz Veleta, Hugo Muñoz Veleta, Nemesio Solís González, Luis Romo Muñoz, and Óscar Guadalupe Cruz Bustos, in Mexico. The request for precautionary measures alleges that the persons concerned have disappeared. The Commission notes that the State had taken some measures to find the location of the alleged disappeared. However, such measures have not yielded progress that sheds light on the facts. The Commission asked the State of Mexico to adopt, immediately, all necessary measures to determine the status and whereabouts of Toribio Jaime Muñoz González, Guadalupe Muñoz Veleta, Jaime Muñoz Veleta, Óscar Muñoz Veleta, Hugo Muñoz Veleta, Nemesio Solís González, Luis Romo Muñoz, y Óscar Guadalupe Cruz Bustos, and to protect their life and personal integrity. The Commission also requested the State to report to the Commission on the implementation of these measures, and to report on the adoption of the same, and to update such information regularly.

PM 84/13 – Bernardo Aban Tercero, United States

On April 4, 2013, the IACHR granted precautionary measures for Bernardo Aban Tercero, who was sentenced to death in the United States. The request for precautionary measures is accompanied by a petition on the alleged violation of rights enshrined in the American Declaration; this petition was registered under number P-1752-09. The Commission asked the United States to refrain from carrying out the death penalty until the Commission has the opportunity to rule on the petitioner's claim regarding the alleged violation of the American Declaration, so as to not render ineffective the processing of that claim in the inter-American system.

PM 52/13 – 567 Families Living in Grace Village, Haiti

On March 26, 2013, the IACHR granted precautionary measures for the residents of the Grace Village camp for displaced persons, in Carrefour, Haiti. The request for precautionary measures indicates that there is a risk to the life and integrity of the displaced individuals who currently live in Grace Village, a camp built to temporarily house people who were displaced by the 2010 earthquake. The petitioners contend that some 567 families live there, under inhumane and unhealthy conditions, with very limited access to food, potable water, and health-care services. They also point to an alleged context of extrajudicial forced evictions, carried out without following legal procedures, allegedly with the use of violence, and purportedly without providing living alternatives or relocation. In addition, the petition claims that women and children are especially vulnerable, particularly due to the intimidation and sexual harassment on the part of camp managers, and that people are targets of reprisals when they take action to defend the rights of the camp residents. The IACHR asked the State of Haiti to adopt the necessary measures to prevent the use of force and violence in any eviction, and in particular to ensure that the actions of public authorities and private individuals do not present a risk to the life and physical integrity of the camp residents. The Commission also requested that the State implement effective security measures in the camp, including adequate patrols carried out around and inside the camp and police stations set up near the camp; to this effect, the Commission asked the State that these security measures be implemented with special regard for women and children. Further, the Commission asked the State to ensure that the residents have access to drinking water. The measures should be worked out with the beneficiaries and their representatives, and the Commission requested that the camp's residents committee and grassroots women's groups be ensured full participation in the planning and execution of all measures implemented for the residents, including those designed to prevent sexual violence and other types of violence in the camp. Finally, the Commission asked the State to keep it informed as to the steps taken to investigate the incidents that led to the adoption of precautionary measures.

PM 34/13 - X, Cuba

On February 14, 2013, the IACHR granted precautionary measures in favor of X, in Cuba. The IACHR withholds her identity because she is a minor. The request for precautionary measures alleges that X, 15 years old, was attacked as a consequence of defending a member of the "Damas de Blanco" ("Ladies in White"), who is a relative of the child. The request alleges that the child was attacked with a knife, on November 4, 2012, by a relative of a Police Captain. In addition, it alleges that in January 2013, psychologists of the Department of Legal Medicine conducted an interrogation to the child, without the presence of her mother, allegedly in an attempt to make her change her account of what had happened. The request also alleges that State authorities threatened to commit her to a mental hospital. The IACHR requested that the State of Cuba adopt the necessary measures to guarantee the life and physical integrity of X, to adopt the measures in consultation with the beneficiary and her representatives, and to inform on the actions taken to investigate the facts that led to the adoption of precautionary measures.

© Copyright 2011 OAS

[Internships](#)

[Fellowships](#)

[Vacancies](#)

[Terms & Conditions](#)

[Contact Us](#)

[Related Links](#)

1889 F St. N.W. Washington, DC, U.S.A. 20006 / E-mail: cidhoea@oas.org / Phone: (202) 370-9000 / Fax: (202) 458-3650



OAS » Inter-American Commission on Human Rights (IACHR) » Precautionary Measures

Precautionary Measures

2018	2017	2016	2015	2014	2013	2012	2011	2010	Previous Years
------	------	------	------	------	------	------	------	------	----------------

PM 370/12 – Patients at the Federico Mora Hospital, Guatemala

On November 20, 2012, the IACHR granted precautionary measures for 334 patients at the Federico Mora Hospital in Guatemala. The request for precautionary measures alleges that everyone who is hospitalized at the Federico Mora Hospital is in a situation of risk. According to the petition, the 334 hospitalized patients, including children, share the same space with mentally disabled individuals who have been prosecuted and sentenced for various crimes. The petition adds that agents of the National Civilian Police and staff of the prison system are responsible for guarding the facility, and use threats, harassment, and acts of violence against the patients. The information presented to the IACHR indicates that there is physical and sexual abuse against women and children, and those patients have been denied proper medical care and given psychiatric treatment that does not suit their pathology. The Commission was also informed that some patients are being locked in isolation rooms, and that there is a practice of tying patients to chairs, among other allegations. The IACHR asked the government of Guatemala to adopt any necessary measures to guarantee the life and personal integrity of those hospitalized at the Federico Mora Hospital, and especially to provide proper medical care to patients, in accordance with each person's pathologies; to ensure the separation of the children from the adults and to seek special measures in light of the principle of the best interest of the child; to separate patients who have been prosecuted and sentenced, and who are being deprived of liberty under court order, from the other patients at the hospital, and to ensure that the protection of these patients is provided by unarmed hospital staff; to restrict the use of isolation rooms to the situations and conditions established in international standards regarding persons with mental disabilities; and to implement immediate prevention measures so that no patients, especially women and children, are subject to acts of physical, psychological, or sexual violence on the part of other patients, security agents, or hospital staff. The IACHR also asked the State of Guatemala to reach agreement with the beneficiaries and their representatives on the measures to be adopted. In this regard, the IACHR informed the government that it believes it is necessary for the parties, by common agreement, to present a timetable for implementing these precautionary measures, after having held the first meeting on coordination of the measures. Finally, the IACHR requested that the government inform the Commission about the steps taken to investigate the events that led to the adoption of these precautionary measures.

PM 350/12 – Yoani María Sánchez Cordero, Cuba

On November 9, 2012, the IACHR granted precautionary measures for Yoani María Sánchez Cordero and her family, in Cuba. The request for precautionary measures indicates that Yoani María Sánchez Cordero is at risk, due to the publication of several articles on an Internet blog about the human rights situation in Cuba. Specifically, the petitioners allege that she has had threats, acts of harassment, and smear campaigns waged against her. Moreover, the petition indicates that Yoani María Sánchez Cordero and her husband were arrested on October 4, 2012, and that as a result of being assaulted by police agents, Yoani María Sánchez Cordero ended up with a broken tooth and contusions. Yoani María Sánchez Cordero was again arrested on November 8, 2012. The IACHR asked the State of Cuba to adopt the necessary measures to guarantee the life and physical integrity of Yoani María Sánchez Cordero and her family; to come to an agreement with the beneficiary and her representatives on the measures to be adopted; and to inform the IACHR on the actions taken to investigate the facts that gave rise to the adoption of precautionary measures.

PM 354/12 – Sonia Garro, Cuba

On November 8, 2012, the IACHR granted precautionary measures for Sonia Garro, in Cuba. According to the request for precautionary measures, the life and integrity of Sonia Garro—a member of the organization Damas de Blanco (Ladies in White) of the Fundación Afrocubana Independiente (Independent Afro-Cuban Foundation)—are at imminent risk. The petition states that Sonia Garro is suffering from various illnesses and is being deprived of her liberty in the Occidente Women's Prison, where she has reportedly been subject to threats. As a result of an incident in the prison, the petition adds, the delivery of food to her by family members was suspended, and this had been her only source of food due to her medical condition. The IACHR asked the State of

Cuba to adopt the necessary measures to guarantee the life and personal integrity of Sonia Garro; reach agreement with the beneficiary and her representatives as to the measures to be adopted; and inform the Commission on the steps taken to investigate the facts that gave rise to the adoption of precautionary measures.

PM 388/12 – Edgar Ismael Solorio Solís et al., Mexico

On November 6, 2012, the IACHR granted precautionary measures for the three sons of Ismael Urrutia and Manuela Marta Solís, who were reportedly leaders of the organization "El Barzón," as well as for the members of that organization, in Mexico. According to the request for precautionary measures, "El Barzón" is an organization that advocates for a healthy environment in the state of Chihuahua, Mexico. The petition alleges that since July 2012, all of the organization's members have been subject to continual death threats. It indicates that on October 13, 2012, members of a mining company allegedly beat up Ismael Urrutia, after which he sought protection from the competent authorities; this protection allegedly was not implemented. The petitioners add that on October 22, 2012, Ismael Urrutia and Manuela Marta Solís were reportedly killed, after which their three sons requested protection, without having received a response. The IACHR requested that the State of Mexico adopt the necessary measures to guarantee the life and physical integrity of Edgar Ismael Solorio Solís, Erick Solorio Solís, Uriel Alejandro Solorio Solís, Joaquín Solorio Urrutia, Felipe Solorio Urrutia, César Solorio Urrutia, Heraclio Rodríguez, Martín Solís Bustamante, Luis Miguel Rueda Solorio, Ángel Rueda Solís, and Siria Solís. In addition, the IACHR asked that the State of Mexico reach agreement with the beneficiaries and their representatives as to the measures to be adopted, and that it inform the Commission on the steps taken to investigate the facts that gave rise to the adoption of precautionary measures.

PM 484/11 – José Daniel Ferrer García, Cuba

On November 5, 2012, the IACHR granted precautionary measures for José Daniel Ferrer García, in Cuba. According to the request for precautionary measures, José Daniel Ferrer García was deprived of his liberty and held in solitary confinement, and was threatened by security guards on numerous occasions, in February, April, May, and July of 2012. In particular, the request indicates that police agents threatened that they would "lock up his wife" and "leave his three children on the street, without their parents." The IACHR asked the State of Cuba to adopt the necessary measures to guarantee the life and personal integrity of José Daniel Ferrer García; reach agreement with the beneficiary and his representatives as to the measures to be adopted; and inform the Commission on the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 363/12 – Mario Joseph, Haiti

On October 19, 2012, the IACHR granted precautionary measures for Mario Joseph, in Haiti. According to the request for precautionary measures, the life and personal integrity of Mario Joseph, director of the nongovernmental organization Bureau des Avocats Internationaux (BAI), are at risk. The request contends that Mario Joseph has been subject to threats and acts of harassment in recent months, allegedly because of his activities in defending human rights. It indicates that he received several death threats per day after participating, in February 2012, in a press conference on the criminal proceedings underway against former President François Duvalier and that, starting in September 2012, security agents had interrogated BAI members, searched the organization's facilities, and persecuted Mario Joseph. The IACHR asked the State of Haiti to adopt any necessary measures to guarantee the life and personal integrity of Mario Joseph, come to an agreement with the beneficiary and his representative on the measures to be adopted, and inform the Commission on the steps taken to judicially investigate the events that led to the adoption of precautionary measures.

PM 225/12 – Alfamir Castillo, Colombia

On October 17, 2012, the IACHR granted precautionary measures for Alfamir Castillo, in Colombia. The request for precautionary measures alleges that Alfamir Castillo was subject to repeated death threats and persecution. According to the petition, on August 28, 2012, someone on a motorcycle fired two shots into the air while passing by her, and on October 10, 2012, an unknown individual pointed a gun at her chest and threatened her with death. The request indicates that these actions were linked to her participation in the criminal investigation into the death of her son. The IACHR asked the government of Colombia to adopt any necessary measures to guarantee the life and physical integrity of Alfamir Castillo, reach agreement with the beneficiary and her representatives on the measures to be adopted, and inform the Commission about the steps taken to investigate the events that led to the adoption of precautionary measures.

PM 342/12 – César Adán Alvarenga Amador and Roberto García Fúnez, Honduras

On October 3, 2012, the IACHR granted precautionary measures for César Adán Alvarenga Amador and Roberto García Fúnez, in Honduras. The request for precautionary measures alleges that the two human rights defenders, members of the Movimiento Amplio por la Dignidad y Justicia (Broad Movement for Dignity and Justice), had been subject to threats and harassment in recent months. The Commission was also informed that on August 18, 2012, unidentified individuals had entered the home of César Adán Alvarenga, where they reportedly destroyed several of his belongings, though they did not steal anything of value. The petitioners indicated that the incident was reported to the relevant authorities, but that protection measures had not yet been implemented. The IACHR requested that the government of Honduras adopt any necessary measures to guarantee the life and physical integrity of César Adán Alvarenga Amador and Roberto García Fúnez, reach agreement with the beneficiaries and their representatives on the measures to be adopted, and inform the Commission about the steps taken to investigate the events that led to the adoption of precautionary measures.

PM 207/12 – Telma Yolanda Oqueli Veliz and family, Guatemala

On August 24, 2012, the IACHR granted precautionary measures in favor of Telma Yolanda Oqueli Veliz and family, in Guatemala. The request for precautionary measures alleges that Telma Yolanda Oqueli Veliz, a human rights defender and member of the community group North Front of the Metropolitan Area Peoples in Resistance, has allegedly received threats in the context of the opposition of this group to a mining project. It is indicated that on June 13, 2012, Telma Yolanda Oqueli Veliz was shot in the back, and was hospitalized several days. It is also alleged that her brother was threatened. The IACHR requested the State of Guatemala to adopt the necessary measures to guarantee the life and physical integrity of Telma Yolanda Oqueli Veliz, to adopt the measures in consultation with the beneficiaries and their representatives, and to inform on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 152/11 – Members of the House for Migrants "Frontera Digna", Municipality of Piedras Negras, Coahuila, México

On August 17, 2012, the IACHR granted precautionary measures in favor of the members of the House for Migrants "Frontera Digna", Municipality of Piedras Negras, Coahuila, México. Initially, the IACHR requested information to the State and took note of the implementation of protection measures in favor of the members of the organization on the part of the competent authorities. Notwithstanding, the IACHR has continued to receive information that indicates that the threats and harassment against them have continued. The IACHR requested the State of México to adopt the necessary measures to guarantee the life and physical integrity of the members of the House for Migrants "Frontera Digna", to adopt the measures in consultation with the beneficiaries and their representatives, and to inform on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 269/10 – Manuel Junior Cortéz Gómez and Yolanda Gómez Torres, Colombia

On June 22, 2012, the IACHR granted precautionary measures in favor of Manuel Junior Cortéz Gómez and Yolanda Gómez Torres, in Colombia. The request for precautionary measures alleges that Manuel Junior Cortéz Gómez is the only survivor of an alleged massacre of a soccer team, which was allegedly executed in October 2009 in Venezuela, near the border with Colombia, by a group that calls itself Fuerza de Liberación Bolivariana. The request alleges that after the alleged massacre, Manuel Junior Cortéz Gómez and Yolanda Gómez Torres cooperated with the Judiciary, and that afterwards the threats and harassment against them started. Additionally, it is indicated that on June 6, 2012, Manuel Junior Cortéz Gómez was attacked and stabbed, and was hospitalized in serious condition. The IACHR requested the State of Colombia to adopt the necessary measures to guarantee the life and physical integrity of Manuel Junior Cortéz Gómez and Yolanda Gómez Torres, to adopt the measures in consultation with the beneficiaries and their representatives, and to inform on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 163/12 – Damaris Moya Portieles and daughter, Cuba

On June 12, 2012, the IACHR granted precautionary measures in favor of Damaris Moya Portiele and her daughter, 5 years old, in Cuba. The request for precautionary measures alleges that Damaris Moya Portiele is a human rights defender, and that she had been deprived of her liberty several times as a result of her participation in demonstrations in her country. The request also alleges that on May 2, 2012, during a vigil organized for freedom in Cuba, agents of the Security police again deprived her of her liberty, beat her, and threatened with raping her daughter. The IACHR requested the State of Cuba to adopt the necessary measures to guarantee the life and physical integrity of Damaris Moya Portiele and her daughter, to adopt the measures in consultation with the beneficiary and her representatives, and to inform on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 131/12 – Hernán Henry Díaz, Colombia

On June 11, 2012, the IACHR granted precautionary measures in favor of Hernán Henry Díaz, in Colombia. The IACHR received information on April 25 and 27, 2012, about the alleged forced disappearance of Hernán Henry Díaz, a peasant leader, member of the Coordination of Social, Peasant, Afrodescendant and Indigenous Organizations of the Department of Putumayo, member of the National Federation of Agricultural Farming Unions, and leader of the social and political movement Marcha Patriótica (Patriotic March). According to the information received, the last time that anyone heard from Hernán Henry Díaz was on April 18, 2012, when through a text message he communicated that he was in his way to Bogotá to participate in the launching of the "Marcha Patriótica". Through the precautionary measure, the IACHR requested the State of Colombia to immediately adopt the necessary measures to determine the situation and whereabouts of Hernán Henry Díaz and to protect his life and personal integrity; and to inform the Commission about the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 21/11 – Blanca Velázquez Díaz et al., Mexico

On May 29, 2012, the IACHR granted precautionary measures in favor of Blanca Velázquez Díaz, José Enrique Morales Montaña, Cecilia Medina and other members of the Centro de Apoyo al Trabajador (CAT, or Support Center for Workers), in Mexico. The request for precautionary measures alleges that the CAT members have been victims of harassment, following, and threats, due to their involvement in actions to promote the protection of labor rights in Mexico. Subsequently, they informed that on May 15, 2012, defender José Enrique Morales Montaña was kidnapped and resulted seriously injured, and that after this, the telephonic threats have increased. The IACHR requested the State of Mexico to adopt the necessary measures to guarantee the life and physical integrity of Blanca Velázquez Díaz, José Enrique Morales Montaña, Cecilia Medina and other CAT members, to adopt the measures in consultation with the beneficiaries and their representatives, and to inform on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 60/12 – Members of the Triqui Indigenous Community in the San Pedro River Valley, San Juan Cópala, Putla de Guerrero, Oaxaca, Mexico

On May 29, 2012, the IACHR granted precautionary measures in favor of 76 members of the Triqui Indigenous Community in the San Pedro River Valley, San Juan Cópala, Putla de Guerrero, Oaxaca, Mexico. The request for precautionary measures alleges that the 76 members of this community, who currently live in the San Pedro River Valley, are in a risk situation. They informed that they had been displaced from San Juan Cópala by armed actors operating in the area, and that currently they are victims of threats, acts of violence and harassment, aiming to displace them again. In this context, on May 8, 2012, a pick-up truck allegedly entered with violence in the community, firing against the houses, resulting in the death of three persons. The IACHR requested the State of Mexico to adopt the necessary measures to guarantee the life and physical integrity of the 76 members of the Triqui Indigenous Community in the San Pedro River Valley, San Juan Cópala, Putla de Guerrero, Oaxaca, Mexico, to adopt the measures in consultation with the beneficiaries and their representatives, and to inform on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 399/09 – 15 workers of Progreso Radio, Honduras

On May 25, 2012, the IACHR decided to amplify Precautionary Measure 399/09, in favor of Jerson David Rivera Amaya, a journalist of Radio Progreso, in Honduras. According to the information received, Jerson David Rivera Amaya has been receiving threats since October 2011. It is also alleged that the authorities refused to take his complaint. The IACHR included Jerson David Rivera as a beneficiary of the precautionary measure and requested the State of Honduras to inform the IACHR on the consultation with the beneficiaries to agree on its implementation. The PM 399/09, which protects several workers of Progreso Radio in Honduras, was separated of PM 196/09 on April 1, 2011.

PM 77/12 – Alberto Patishtán Gómez, Mexico

On May 24, 2012, the IACHR granted precautionary measures for Alberto Patishtán Gómez, in Mexico. The request for precautionary measures contends that the health of Alberto Patishtán Gómez, who is being deprived of his liberty, is in grave danger due to the worsening of an alleged glaucoma. The request indicates that without access to proper medical treatment, which is contingent upon the care he may receive under custody of the State, Alberto Patishtán Gómez could lose his vision permanently. The IACHR asked the government of Mexico to instruct the relevant authorities to conduct the medical exams that would make it possible to assess the beneficiary's health and to provide him with proper treatment. It also asked the government to reach agreement with the beneficiary and petitioner on the measures to be adopted, ensuring that he and anyone he authorizes has access to the beneficiary's medical file.

PM 153/12 – Niurka Luque Alvarez, Cuba

On May 16, 2012, the IACHR granted precautionary measures in favor of Niurka Luque Álvarez, in Cuba. The request for precautionary measures alleges that Niurka Luque Álvarez suffers epilepsy attacks, and that she had not received medical attention, or medicines, or authorization for her family members to provide the medicines needed for her condition. The IACHR requested the State of Cuba to adopt the necessary measures to guarantee the life and personal integrity of Niurka Luque Álvarez; to instruct the competent authorities to conduct the medical exams that allow to evaluate the health situation of the beneficiary and to authorize the adequate treatment for her condition, including the provision of medicines needed to treat epilepsy; and to adopt these measures in consultation with the beneficiary and her representatives.

PM 323/11 – Members of the Comité Permanente por la Defensa de los Derechos Humanos and its Sections, Colombia

On May 9, 2012, the IACHR granted precautionary measures in favor of Edgar Montilla, Martín Sandoval, Athemay Sterling and Diego Alejandro Martínez Castillo, and of the members of the Sections Bogota, Huila, Nariño and Arauca of the Comité Permanente por la Defensa de los Derechos Humanos (CPDH, or Permanent Committee for the Defense of Human Rights), en Colombia. The request for precautionary measures alleges that the members of the CPDH in Bogota and 14 sections in the country have been subject of threats and harassment since 2009. They allege that, although they requested protection measures, some have not been granted and the others are insufficient and ineffective. The IACHR requested the State of Colombia to adopt the necessary measures to guarantee the life and physical integrity of Edgar Montilla, Martín Sandoval, Athemay Sterling and Diego Alejandro Martínez Castillo, as well as other members of the Sections in Bogotá, Huila, Nariño and Arauca of the Comité Permanente por la Defensa de los Derechos Humanos; to adopt the measures in consultation with the beneficiary and her representatives, and to inform the Commission on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 485/11 – X, Mexico

On May 8, 2012, the IACHR granted precautionary measures in favor of the child X, in Mexico. The IACHR withholds her identity because she is a minor. The request for precautionary measures alleges that on July 17, 2011, approximately at 1 a.m., a group of 15 armed policemen and paramilitaries entered the house of the family of X, in the State of Chiapas. The request further alleges that the father of the family was not present, and that the mother tried to wake up their four children, but X did not wake up in time and the mother escaped with the other three children. The current whereabouts of the child X is undetermined. The IACHR requested the State of Mexico to immediately adopt the necessary measures to determine the situation and whereabouts of the child X and to protect her life and personal integrity, and to inform the Commission on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 13/12 – Members of the Human Rights Lawyers Group, Guatemala

On May 2, 2012, the IACHR granted precautionary measures in favor of the members of the Human Rights Lawyers Group (Bufete Jurídico en Derechos Humanos), in Guatemala. The request for precautionary measures alleges that the members of the group have been subject to threats and harassment that is allegedly linked to their work, specifically with the cases related to the period of internal armed conflict. The IACHR requested the State of Guatemala to adopt the necessary measures to guarantee the life and physical integrity of the members of the Human Rights Lawyers Group, to adopt the measures in consultation with the beneficiaries and their representatives, and to inform on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 104/12 – Penitentiary Services, Buenos Aires Province, Argentina

On April 13, 2012, the IACHR granted precautionary measures in favor of persons detained in units 46, 47 and 48 of the Buenos Aires Province Penitentiary Services, Argentina. The request for precautionary measures alleges that there exist patterns of violence in this units, which are allegedly linked with the alleged presence of knives and drugs, the alleged inactivity of guards regarding the protection of the prisoners, the alleged practice to imprison in the same cell or space persons who display enmity to each other, and the overcrowding, among other factors that allegedly resulted in the death of at least four persons deprived of liberty. The IACHR requested the State of Argentina to adopt the necessary measures to guarantee the life and personal integrity of all persons deprived of liberty in units 46, 47 and 48 of the Buenos Aires Province Penitentiary Services.

PM 101/12 – Julius O. Robinson, United States

On April 9, 2012, the Commission granted precautionary measures in favor of Julius O. Robinson, who was sentenced to death in the United States. The request for precautionary measures was accompanied by a petition alleging violation of rights recognized in the American Declaration of the Rights and Duties of Man. That petition was classified as P-561/12. The Commission requested that the United States refrain from executing the death sentence until the Commission has had an opportunity to reach its decision on the petitioner's claim of violation of the American Declaration, so as not to render moot the filing of that claim with the inter-American system.

PM 102/12 – José Humberto Torres and family, Colombia

On April 5, 2012, the IACHR informed the State of Colombia its decision to separate José Humberto Torres from Precautionary Measure 83/99, whose beneficiaries are members of the Committee of Solidarity with Political Prisoners, in order to give special follow-up to his situation and that of his family. This decision is based in information received by the Commission that indicates that alleged paramilitaries in jails and members of the criminal gang "Los Rastrojos" have offered 200 million pesos to whomever kills José Humberto Torres. The IACHR requested the State of Colombia to adopt the necessary measures to guarantee the life and physical integrity of José Humberto Torres and his family; to adopt the measures in consultation with the beneficiaries and their representatives, and to inform on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 69/12 – Leonel Asdrúbal Dubón Bendfelt et al, Guatemala

On April 5, 2012, the IACHR granted precautionary measures in favor of Leonel Asdrúbal Dubón Bendfelt et al., in Guatemala. The request for precautionary measures alleges that Leonel Asdrúbal Dubón Bendfelt has been followed for approximately one year, as a result of his work as a human rights defender and the cases brought forward by the association he heads. It also alleges that the threats intensified in recent months, and that he has been threatened directly and by telephone. The IACHR requested the State of Guatemala to adopt the necessary measures to guarantee the life and physical integrity of Leonel Asdrúbal Dubón Bendfelt, his immediate family, and the members of the association El Refugio de la Niñez (Children's Refuge); to adopt the measures in consultation with the beneficiaries and their representatives and to inform the Commission about the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 208/10 – Estela Ángeles Mondragón, México

On March 1, 2012, the IACHR granted precautionary measures in favor of Estela Ángeles Mondragón, in México. The request for precautionary measures alleges that Estela Ángeles Mondragón is in a situation of risk, due to threats and acts of harassment and violence against her, which are allegedly a consequence of her involvement in several judicial processes followed in favor of the Indigenous Community Rarámuri de Baqueachí. The IACHR requested the State of Mexico to adopt the necessary measures to guarantee the life and physical integrity of Estela Ángeles Mondragón; to adopt the measures in consultation with the beneficiary and her representatives; and to inform the Commission about the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 406/11 - Emilio Palacio, Carlos Nicolás Pérez Lapentti, Carlos Pérez Barriga and César Pérez Barriga, Ecuador

On February 21, 2011, the IACHR granted precautionary measures in favor of Emilio Palacio, Carlos Nicolás Pérez Lapentti, Carlos Pérez Barriga and César Pérez Barriga, in Ecuador. This decision is based on information received by the Commission since November 2011 regarding a process of libel and slander promoted by President Rafael Correa against journalist Emilio Palacio, the three directors of the newspaper El Universo - Carlos Perez Nicolas Lapentti, Carlos Perez Perez and Cesar Barriga Barriga - and the newspaper El Universo. According to the information provided, on February 15, 2012 the National Court of Justice of Ecuador confirmed the judgment sentencing the beneficiaries to three years in prison and ordering to pay 40 million dollars. The facts reported to the Commission could cause irreparable damage to the right to freedom of expression of Emilio Palacio, Carlos Nicolás Pérez Lapentti, Carlos Pérez Barriga and César Pérez Barriga. Accordingly, the Commission on Human Rights requested the Government of Ecuador to immediately suspend the effects of the judgment of February 15, 2012, to ensure the right to freedom of expression of Emilio Palacio, Carlos Nicolás Pérez Lapentti, Carlos Pérez Barriga and César Pérez Barriga. In addition, the Commission decided to hold a hearing on March 28, 2012, to receive information from the parties on the adoption and observance of these precautionary measures. Following the hearing, the Commission will decide whether to continue these measures, modify them or lift them.

On March 9, 2012, the IACHR lifted these precautionary measures and archived the file, after receiving a communication, dated February 29, 2012, in which the petitioners asked the measures to be lifted, given that the reasons of immediate urgency that

has motivated them had ceased. In view of the decision to lift the measures, the IACHR also decided to cancel the hearing initially scheduled for March 28, 2012.

PM 357/11 – Héctor Rolando Medina, United States

On February 7, 2012, the Commission granted precautionary measures in favor of Hector Rolando Medina, who was sentenced to death in the United States. The request for precautionary measures was accompanied by a petition alleging violation of rights recognized in the American Declaration of the Rights and Duties of Man. That petition was classified as P-1907/11. The Commission requested that the United States refrain from executing the death sentence until the Commission has had an opportunity to reach its decision on the petitioner's claim of violation of the American Declaration, so as not to render moot the filing of that claim with the inter-American system.

PM 7/12 – Edgar Tamayo Arias, United States

On January 18, 2012, the Commission granted precautionary measures in favor of Edgar Tamayo Arias, who was sentenced to death in the United States. The request for precautionary measures was accompanied by a petition alleging violation of rights recognized in the American Declaration of the Rights and Duties of Man. That petition was classified as P-15/12. The Commission requested that the United States refrain from executing the death sentence until the Commission has had an opportunity to reach its decision on the petitioner's claim of violation of the American Declaration, so as not to render moot the filing of that claim with the inter-American system.

PM 351/11 – Ananías Laparra Martínez, México

On January 18, 2012, the IACHR granted precautionary measures in favor of Ananías Laparra Martínez, in Mexico. The request for precautionary measures alleges that the life and health of Ananías Laparra Martínez, who is deprived of liberty in a detention center in Tapachulas, Chiapas, is in grave danger, due to a critical health condition he suffers. It is also alleged that the necessary medical examination to have a diagnosis and to advice on treatment has not taken place. They also allege that his representatives have not had access to his medical file. The IACHR requested that the State of Mexico adopt the necessary measures to protect the physical integrity of Ananías Laparra Martínez; instruct the competent authorities to conduct the medical examinations necessary to make an evaluation of the health status of the beneficiary and authorize an adequate treatment; and to come to an agreement with the beneficiary and his representatives on the measures to be adopted, guaranteeing that he and the persons he authorizes have access to his medical file.

PM 349/11 – Rocío San Miguel, Venezuela

On January 18, 2012, the IACHR granted precautionary measures in favor of Rocío San Miguel and her daughter, in Venezuela. The request for precautionary measures alleges that Rocío San Miguel was victim of harassment and threats, including death threats she received at her home, as a consequence of her activities as a member of the non governmental organization Control Ciudadano (Citizen Control). The request also alleges that the authorities have not investigated the origin of such threats and harassment acts, and that they did not implement measures to guarantee her life, integrity and security. The IACHR requested the Government of Venezuela to adopt the necessary measures to guarantee the life and physical integrity of Rocío San Miguel and her daughter, who is a minor; to adopt measures in consultation with the beneficiary and her representative; and to inform the Commission about the actions taken to investigate the facts that led to the adoption of precautionary measures.

© Copyright 2011 OAS

[Internships](#) [Fellowships](#) [Vacancies](#) [Terms & Conditions](#) [Contact Us](#) [Related Links](#)

1889 F St. N.W. Washington, DC, U.S.A. 20006 / E-mail: cidhoea@oas.org / Phone: (202) 370-9000 / Fax: (202) 458-3650



OAS » Inter-American Commission on Human Rights (IACHR) » Precautionary Measures

Precautionary Measures

2018	2017	2016	2015	2014	2013	2012	2011	2010	Previous Years
------	------	------	------	------	------	------	------	------	----------------

PM 196/09 – Honduras

During the 143 period of sessions; the Commission decided to proceed gradually in separating from MC 196.09, those matters on which information is updated and suggest the continued risk to the beneficiaries. In such situations, it will assign a new number of precautionary measures corresponding to the year 2009. In this process, The IACHR has already separated the following matters: MC 398.09 HO (Esdras Amado Lopez) 399.09 MC (Workers Progress Journal) HO 400.09 (Berta Oliva and members of the Committee of Relatives of Detained and Disappeared in Honduras (COFADEH)); 401.09 HO (Take Rasel Antonio Flores and his family).

PM 471/11 – Jurijus Kadamovas and others, United States

On December 27, 2011 the Commission requested the immediate adoption of precautionary measures pursuant to Article 25(1) of its Rules of Procedure in order to avoid irreparable harm of Jurijus Kadamovas, German Sinnistera, Arboleda Ortiz, Robert L. Bolden, Iouri Mikhel, and Alejandro Umana who were sentenced to death penalty. The petitioner alleges, inter alia, Vienna Convention claims, discrimination based on nationality, inhumane prison conditions, and lack of medical attention. With regard to the latter, the petitioner alleges that Jurijus Kadamovas has not received psychiatric or psychological support in spite of his requests; and that Robert L. Bolden is not receiving treatment for his type 1 diabetes. The Commission requested the United States take the measures necessary to preserve the life and physical integrity of Jurijus Kadamovas and others so as not to hinder the processing of the case before the inter-American system classified as number P 1285-11.

PM 18/09 – Paul Pierre, United States

On December 22, the IACHR granted precautionary measures for Mr. Paul Pierre, of Haitian origin, who might be deported back to Haiti at any time now. According to the parties seeking the precautionary measures, Mr. Pierre is suffering from "esophageal dysplasia" and is on a liquid diet ingested through a tube. The Commission therefore asked the United States not to deport Mr. Paul Pierre back to Haiti until the Commission issues its decision on petition P-1431/08, which is currently being processed with the Commission.

PM 470/11 – Iván Teleguz, United States

On December 22, 2011, the IACHR granted precautionary measures for Mr. Iván Teleguz, sentenced to death by the Rockingham Circuit Court in the state of Virginia. Accompanying the request for precautionary measures was a petition alleging violation of rights protected under the American Declaration, which the Commission classified as number P-1528-11. The Commission asked the United States to refrain from executing the death sentence until it has had an opportunity to decide the merits of the petitioner's claim alleging violation of the American Declaration, so as not to render moot the processing of that petition with the inter-American system.

PM 465/11 – Virgilio Maldonado Rodríguez, United States

On December 21, 2011, the IACHR granted precautionary measures for Virgilio Maldonado Rodríguez, a Mexican national sentenced to death in the state of Texas. The request seeking precautionary measures was filed together with a petition alleging violation of rights protected under the American Declaration. Classified as P-1762/11, the petition specifically alleges that the United States did not take into account Mr. Maldonado's mental disability; it argued that under the American Declaration, the death penalty constituted cruel punishment. Mr. Maldonado was one of the Mexican citizens included in the judgment delivered by the International Court of Justice in 2004 in the Case concerning Avena and other Mexican nationals (Mexico v. United States), in which the ICJ ordered the United States to review and reconsider the guilty verdicts and sentences given to the Mexican citizens named in the judgment. The Commission asked the United States to refrain from executing the death sentence until the Commission has had an opportunity to reach a decision on the petitioner's claim of an alleged violation of the American Declaration, so as not to render moot the processing of that petition with the inter-American system.

PM 393/10 – Luis Álvarez Renta, Dominican Republic

On December 15, 2011, the IACHR granted precautionary measures for Luis Álvarez Renta. The Commission's decision was based on a request alleging that the personal integrity and health of Luis Álvarez Renta were in grave danger. It contends that Mr. Renta is currently incarcerated in the Najayo Model Prison in San Cristóbal, where his health condition is critical. He is being denied the back surgery that specialists have recommended for him. According to a medical report from the Abreu Clinic, dated November 16, 2011, Mr. Renta has Dejerine-Roussy syndrome caused by lumbosacral stenosis. This condition requires a lumbar laminectomy to decompress the spinal cord. The surgery must be done as soon as possible to avoid severe neurological damage." The Commission therefore requested that the Government of the Dominican Republic: 1) adopt the measures necessary to protect Mr. Álvarez Renta's personal integrity; 2) instruct the competent authorities to have the proper medical tests done to evaluate the beneficiary's health and authorize proper treatment for his ailments, and 3) adopt these measures in concert with the beneficiary and his representatives.

PM 463/11 – Nelson Iván Serrano Sáenz, United States

On December 15, 2011, the IACHR granted precautionary measures for Mr. Nelson Iván Serrano Sáenz, an Ecuadoran national facing the death penalty in Florida. The request for precautionary measures was accompanied by a petition alleging violation of rights recognized in the American Declaration of the Rights and Duties of Man. That petition was classified as P-1643/11. The Commission requested that the United States refrain from executing the death sentence until the Commission has had an opportunity to reach its decision on the petitioner's claim of violation of the American Declaration, so as not to render moot the filing of that claim with the inter-American system.

PM 370/11 – Sara Marta Fonseca Quevedo, Cuba

On December 6, 2011, the IACHR granted precautionary measures for Sara Marta Fonseca Quevedo in Cuba. The request seeking precautionary measures alleges that Sara Marta Fonseca Quevedo, Executive Secretary of the Pro Human Rights Party in Cuba and a delegate of the Rosa Parks Feminist Civil Rights Movement in Havana, was harassed when she sought medical treatment at state-run health care institutions, presumably because of her political position and because she is an advocate for human rights. The request also states that Sara Marta Fonseca Quevedo was detained four times in 2011, often by violent means. The parties requesting the precautionary measures state that Sara Marta Fonseca Quevedo was in custody from September 24 to October 24, 2011 and that because of the violence allegedly used on her during her detention, a pre-existing back condition was aggravated, leaving her unable to stand up on her own. The Commission therefore asked the Cuban Government to take the necessary measures to ensure the life and physical integrity of Sara Marta Fonseca Quevedo and to guarantee that she would not be harassed by staff of state-run hospitals; that in concert with the beneficiary and her representative it arrange the measures it will take, and that it report on the measures undertaken to investigate the facts that necessitated adoption of precautionary measures.

PM 262/11 – Ten Persons alleged to have been disappeared, Mexico

On December 2, 2011, the IACHR granted precautionary measures for 10 members of the Zapotengo Pacheco Eco-tourism Cooperative Association. The parties requesting the precautionary measures allege that on July 13, 2010, Nemonio Vizarrete Vinalay, Fidel Espino Ruiz, Gregorio Hernández Rodríguez, Andrés Vizarrete Salinas, Luis Vizarrete Salinas, Juan Carlos Vizarrete Salinas, Benito Salinas Robles, Juan Antonio Feria Hernández, Isauro Rojas Rojas and Adelardo Espino Carmona had boarded a bus bound for Matamoros in the state of Tamaulipas, where they were planning to purchase vehicles. On July 14, 2010, the individuals in question reportedly spoke with family members to advise them that they had reached Tamaulipas. The request seeking precautionary measures states that they have not been heard from since. The parties requesting precautionary measures assert that on March 18, 2011, the Office of the Attorney General of the Republic allegedly advised them that the disappeared persons had been detained and were being held in Morelos, but did not indicate exactly where. On July 15, 2011, officials of the city of Morelos allegedly reported that an error had been made in the data and that the persons in question had never been in custody and were

never arraigned. The parties seeking the precautionary measures point out that to date, they have no information on the situation or whereabouts of the persons identified as having disappeared. The Commission therefore asked the Government of Mexico: 1) to immediately adopt the measures necessary to determine the situation and whereabouts of Nemonio Vizarratea Vinalay, Fidel Espino Ruiz, Gregorio Hernández Rodríguez, Andrés Vizarratea Salinas, Luis Vizarratea Salinas, Juan Carlos Vizarratea Salinas, Benito Salinas Robles, Juan Antonio Feria Hernández, Isauro Rojas Rojas and Adelardo Espino Carmona; and 2) to report the measures taken to investigate the facts that necessitated the precautionary measures.

PM 425/11 – X, Argentina

On November 18, 2011, the IACHR granted precautionary measures in favor of X, in Argentina, whose identity is being withheld at the request of the beneficiary. The application for the precautionary measures alleged that X had been the victim of attacks by agents of the Federal Correctional Complex No 2 of Marcos Paz, where he was detained. He adds that as a result of such attacks, should have been admitted to a hospital in Buenos Aires. The Commission requested the State to adopt the necessary measures to guarantee the life and physical integrity of X, and coordinate the measures to be adopted with the recipient and his representative, and report on actions taken to investigate the events that led to the adoption of this precautionary measure.

PM 422/11 – Lucía Carolina Escobar Mejía, Cledy Lorena Caal Cumes, and Gustavo Girón, Guatemala

On November 14, 2011, the IACHR granted precautionary measures for Lucía Carolina Escobar Mejía, Cledy Lorena Caal Cumes, and Gustavo Girón, in Guatemala. The request for precautionary measures claims that the journalists Lucía Carolina Escobar Mejía and Gustavo Girón, employed by the daily El Periódico and other media outlets, have received threats in retribution for publishing articles about alleged acts of violence committed by a group styling itself the "Panajachel Security Commission." The request further contends that this group operates with the acquiescence of the local authorities. In addition, it claims that Cledy Lorena Caal Cumes has received threats on account of her participating in the investigation into the disappearance of her partner, in which members of that group are suspected of involvement. The Commission asked the State to take the steps necessary to ensure the lives and persons of Lucía Carolina Escobar Mejía, Cledy Lorena Caal Cumes, and Gustavo Girón, to agree on the measures to be adopted with the beneficiaries and their representatives, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 255/11 – Nasa people of Toribio, San Francisco, Tacueyo, and Jambalo Reservations, Colombia

On November 14, 2011, the IACHR granted precautionary measures on behalf of the members of the Nasa people of Toribio, San Francisco, Tacueyo, and Jambalo Reservations, in Colombia. The request for precautionary measure claims that the members of the Nasa indigenous people in these four adjacent reservations are facing high levels of risk because of the armed conflict in the north of Cauca department, and that they have suffered murders, forced disappearances, and other acts of violence. The application further states that although the authorities have acknowledged the risks facing the Nasa people, the appropriate measures necessary to protect them have not been adopted. The Commission asked the State to take the steps necessary to ensure the lives and persons of the members of the Nasa people of Toribio, San Francisco, Tacueyo, and Jambalo Reservations, to agree on the measures to be adopted with the beneficiaries and their representatives, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 255/11 – Nasa people of Toribio, San Francisco, Tacueyo, and Jambalo Reservations, Colombia

On November 14, 2011, the IACHR granted precautionary measures on behalf of the members of the Nasa people of Toribio, San Francisco, Tacueyo, and Jambalo Reservations, in Colombia. The request for precautionary measure claims that the members of the Nasa indigenous people in these four adjacent reservations are facing high levels of risk because of the armed conflict in the north of Cauca department, and that they have suffered murders, forced disappearances, and other acts of violence. The application further states that although the authorities have acknowledged the risks facing the Nasa people, the appropriate measures necessary to protect them have not been adopted. The Commission asked the State to take the steps necessary to ensure the lives and persons of the members of the Nasa people of Toribio, San Francisco, Tacueyo, and Jambalo Reservations, to agree on the measures to be adopted with the beneficiaries and their representatives, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 17/10 – Inhabitants of the community of Omoa, Honduras

On November 8, 2011, the IACHR granted precautionary measures on behalf of the inhabitants of the community of Omoa, in Honduras. The request for precautionary measures claims that the lives and persons of the approximately 8,000 inhabitants of Omoa are at risk because of the liquid petroleum gas storage facility operated by the Gas del Caribe company within the Omoa city limits. The application alleges that the location of the storage facility on a geological fault line in an area that is vulnerable to natural disasters poses the danger of a chain explosion in the gas tanks. According to a study conducted by the Honduran public prosecution service, that situation could lead to the death of between 103 and 1,400 people, a risk that it described as "unacceptable." The Commission asked the State to take the steps necessary to ensure the Gas del Caribe company's effective observance of the environmental regulations and laws in place in Honduras, and to adopt the measures needed to reduce the danger to the lives and persons of the inhabitants of the community of Omoa to an acceptable level.

PM 423/10 – X, Argentina

On October 24, 2011, the IACHR granted precautionary measures in favor of X, in Argentina. His identity is being withheld because he is a minor. The application for precautionary measures alleged that the child has a developmental chronic encephalopathy and other diseases, and medical assistance provided by the State would have been inadequate, risking his lives and the development of his muscles and bones. The Commission requested the State to adopt urgent measures to ensure effective and the necessary medical attention so that the beneficiary can develop a quality life and dignity, in which he will not be affected beyond repair to his life, and to coordinate the measures with his family.

PM 305/11 – Wilmer Nahúm Fonseca and Family, Honduras

On October 13, 2011, the IACHR granted precautionary measures to Wilmer Nahúm Fonseca and his family, in Honduras. The precautionary measure request claims that six members of Wilmer Nahúm Fonseca's family were disappeared during 2009 and 2010, allegedly by agents of the National Police. It also reports that his father, Apolonio Fonseca Mejía, was killed on June 27, 2011, and that his brother, Usai Fonseca Rodríguez, was the victim of an attempted homicide on October 3, 2011. The application indicates that the facts were reported to the authorities, but that no timely response was given. The Commission asked the State to take the steps necessary to ensure the lives and persons of Wilmer Nahúm Fonseca, Usai Fonseca Rodríguez, Lidia América Fonseca Rodríguez, Nolvía Suyapa Fonseca Rodríguez, Sarvia Tamar Fonseca Rodríguez, Milvia Sarai Fonseca Rodríguez, and the children of all the above. The Commission also asked the State to agree on the measures to be adopted with the beneficiaries and their representatives, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 330/11 – José Reynaldo Cruz Palma, Honduras

On October 3, 2011, the IACHR granted precautionary measures on behalf of José Reynaldo Cruz Palma, in Honduras. The application for precautionary measures claims that José Reynaldo Cruz Palma, president of the Colonia Planeta employers' association, in San Pedro Sula, disappeared on August 30, 2011, as he was traveling to Ciudad Planeta on a bus. In light of the alleged failure of the State to take actions to locate the suspected disappeared, the Commission asked the State to take the steps necessary to determine the situation and whereabouts of José Reynaldo Cruz Palma and to protect his life and person, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 153/11 – X and Z, Jamaica

On September 21, 2011, the IACHR granted precautionary measures to X and Z, in Jamaica. Their identities are being kept confidential at the request of the beneficiaries and/or their representatives. The request for precautionary measure states that both have suffered aggression, attacks, threats, and harassment on account of their sexual orientation. The Inter-American Commission asked the State of Jamaica to adopt the measures necessary to ensure their lives and persons, to agree on the steps to be taken with the beneficiaries and their representatives, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of the precautionary measures.

PM 322/11 – Miriam Miranda, Honduras

On September 20, 2011, the IACHR granted precautionary measures on behalf of Miriam Miranda, in Honduras. The precautionary measure request claims that Miriam Miranda has suffered threats and harassment on account of her work defending the rights of Garifuna communities in Honduras. The Commission asked the State to take the steps necessary to ensure the life and person of

Miriam Miranda, to agree on the measures to be adopted with the beneficiary and her representatives, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 276/11 – X, Honduras

On September 15, 2011, the IACHR granted precautionary measures on behalf of X, in Honduras. X's identity is being kept confidential since he is a minor. The request for precautionary measures alleges that on June 19, 2011, X and a friend were arrested by three Comayagüela police officers. It reports that the friend was released that same day, but when X's family went to the police station to locate him, the officers gave them inconsistent information about his whereabouts. The Commission asked the State to take the steps necessary to determine X's whereabouts and to ensure his life and person, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure. Later, the parties told the IACHR that a body had been found, presumably that of X. The IACHR asked the State to report on the formalities pursued to identify the body.

PM 240/11 – Eight members of the "Movimiento Auténtico Reivindicador de Campesinos Aguan (MARCA) (Pedro Rigoberto Moran, Junior López, Julián Hernández, Antonio Francisco Rodríguez Velásquez, Santos Misael Cáceres Espinales, Eduardo Antonio Fuentes Rossel and Santos Eliseo Pavón Ávila), Honduras

On September 8, 2011, the IACHR granted precautionary measures to protect the lives and personal integrity of Pedro Rigoberto Moran, Junior López, Julián Hernández, Antonio Francisco Rodríguez Velásquez, Santos Misael Cáceres Espinales, Eduardo Antonio Fuentes Rossel and Santos Eliseo Pavón Ávila, all members of the "Movimiento Auténtico Reivindicador de Campesinos Aguan" (MARCA) in Honduras. The request alleges that on August 20, 2011, Mr. Secundino Ruiz Vallecillos was murdered and Mr. Eliseo Pavón wounded. According to the party requesting the precautionary measures, the two men were on their way to the headquarters of the La Palma Cooperative when they were ambushed by hired gunmen, who allegedly shot them. It also alleged that the incident was part of a pattern of persecution of MARCA members. The Commission therefore asked the Honduran Government: 1) to take the measures necessary to protect the life and personal integrity of Pedro Rigoberto Moran, Junior López, Julián Hernández, Antonio Francisco Rodríguez Velásquez, Santos Misael Cáceres Espinales, Eduardo Antonio Fuentes Rossel and Santos Eliseo Pavón Ávila; 2) in concert with the beneficiaries and their representatives, to arrange the measures to be taken to taken; and 3) to report the measures taken to investigate the facts that necessitated the adoption of precautionary measures.

PM 301-11 – Manuel Valle, United States

On August 19, 2011, the IACHR granted precautionary measures for Manuel Valle, in the United States. The request for precautionary measure is accompanied by a petition alleging the violation of rights enshrined in the American Declaration, registered under the number P 1058-11. The Commission asked the United States to refrain from carrying out the death penalty until the IACHR had the opportunity to issue a decision on the petitioners' claims regarding the alleged violations of the American Declaration, in order not to render ineffective the processing of his claim before the inter-American system. Update: The death penalty against Manuel Valle was executed in a prison of the State of Florida on September 28, 2011.

PM 291/11 – José Antonio Cantoral Benavides y otros, Bolivia

On August 8, 2011, the IACHR granted precautionary measures on behalf of José Antonio Cantoral Benavides, a Peruvian national, who have refugee status in Bolivia. The Commission also received a petition referring to José Antonio Cantoral Benavides and others. The application for injunction alleged that Cantoral Benavides had been deprived of their liberty for August 1, 2011 and that during his detention would have been severely beaten. It also states that the August 3, 2011, the National Refugee Commission had issued a resolution which determines his immediate expulsion from the country, allegedly without having heard Cantoral Benavides and without complying with legal requirements. The Commission requested the State to adopt the necessary measures to refrain from expelling José Antonio Cantoral Benavides from Bolivia until the Commission rules on the merits of the petition, adopt the necessary measures to protect his life and personal integrity, and coordinate the measures to be adopted with the beneficiary and his representatives and report regularly to the Commission on actions taken. According to information received later, Mr. José Antonio Cantoral Benavides remains in Bolivia, under house arrest.

PM 199/11 – People deprived of their freedom at Professor Aníbal Bruno Prison, Brazil

On August 4, 2011, the IACHR granted precautionary measures on behalf of the people deprived of their freedom at Professor Aníbal Bruno Prison, in the city of Recife, state of Pernambuco, in Brazil. The precautionary measure request claims that 97 inmates of Professor Aníbal Bruno Prison have died since January 2008, with 55 of them meeting violent deaths. The request also alleges

that several inmates have been tortured, reportedly by the authorities or with their consent. It further reports that there were two prison riots in July 2011, during which two people were killed and another 16 were injured. The Commission asked the State to adopt all the measures necessary to protect the lives, persons, and health of the inmates at Professor Aníbal Bruno Prison, to take the steps necessary to increase the number of security personnel at the facility, and to ensure that agents of the State's security forces were responsible for internal security functions, eliminating the system of trustees known as "chaveiros" and relieving inmates of responsibility for disciplinary, oversight, and security functions. In addition, the IACHR asked the State to ensure adequate medical care was available to the beneficiaries and to report back on the steps taken, inter alia, to reduce overcrowding at this prison.

On October 2, 2012, the IACHR extended these precautionary measures to protect the employees and the visitors of this prison.

PM 160/11 – Kevin Cooper, United States

On August 3, 2011, the IACHR granted precautionary measures in favor of Kevin Cooper, who is detained in the United States pending the execution of the death penalty since 1986. The application for injunction was filed in the context of a communication on the alleged violation of rights enshrined in the American Declaration. Through the measures, the Commission asked the U.S. State to refrain from executing the death penalty pending the opportunity to decide on the petitioner's claim regarding the alleged violation of the American Declaration.

PM 368/10 – María Tirsa Paz and others, Colombia

On July 29, 2011, the IACHR granted precautionary measures on behalf of María Tirsa Paz and others, in Colombia. The request for precautionary measures alleges the existence of a situation of risk affecting 27 Afro-Colombian women and their families displaced from the municipalities of El Charco, Barbacoas, and La Tola in the department of Nariño. According to additional information provided by the applicants, the risks remain in place in the communities to which they relocated. In particular, they reported that in June 2011, in the neighborhood where four of the beneficiaries live, four youths were killed and another six were wounded in clashes between illegal groups. The Commission asked the State to take the steps necessary to ensure the lives and persons of the 27 displaced Afro-Colombian women and their families, to agree on the measures to be adopted with the beneficiaries and their representatives through talks, with due account taken of their particular situation, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 344/08 – Family of Javier Torres Cruz, Mexico

On July 19, 2011, the IACHR granted precautionary measures for the family of Javier Torres Cruz, in Mexico. Those requesting the precautionary measure allege that Javier Torres Cruz was killed on April 18, 2011, near his community of La Morena—located in the municipality of Petatlán, in the Mexican state of Guerrero—purportedly because of his activities to defend the right to a healthy environment in the Sierra de Petatlán. The request indicates that his family continues to be at risk following his murder, and that unidentified vehicles have been seen keeping the family home under surveillance. The petitioners noted that his brother Felipe Torres, who was with Javier Torres the day he was killed and was seriously wounded in the attack, had received a death threat. The Inter-American Commission asked the State of Mexico to take any necessary measures to guarantee the life and physical integrity of the family members of Javier Torres who live in the community of La Morena, located in Petatlán, Guerrero; to come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 257/11 – Mark Anthony Stroman, United States

On July 18, 2011, the IACHR granted precautionary measures in favor of Mark Anthony Stroman, who is detained in the United States pending the execution of the death penalty since 2002. The application for injunction was filed in the context of a communication on the alleged violation of rights enshrined in the American Declaration. Through the measures, the Commission requested the State of the United States to refrain from executing the death penalty pending the opportunity to decide on the petitioner's claim regarding the alleged violation of the American Declaration. The Commission noted that the July 20, Mark Anthony Stroman was executed in Texas.

PM 218/11 – Yris Tamara Pérez Aguilera, Cuba

On July 6, 2011, the IACHR granted precautionary measures for Yris Tamara Pérez Aguilera, in Cuba. The request for precautionary measure alleges that Yris Tamara Pérez Aguilera, reportedly a leader of the Rosa Parks Feminist Movement and a political dissident, has been a victim of physical attacks, acts of harassment, and threats by agents of the State. It alleges specifically that as a result of a new attack she suffered on May 25, 2011, she is suffering from cervical trauma, memory loss, and headaches, and has not been provided with the medical treatment she needs. The Inter-American Commission asked the State of Cuba to adopt any necessary measures to guarantee the life and physical integrity of Yris Tamara Pérez Aguilera; to reach agreement with the beneficiary and her representatives on the measures to be adopted; and to inform the Commission about the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 171-11 – Edwin A. Márquez González, United States

On July 5, 2011, the IACHR granted precautionary measures for Edwin A. Márquez González, in the United States. The request for precautionary measure alleges that Edwin Márquez González, a citizen of El Salvador facing a final deportation order, is in end-stage renal disease and receives hemodialysis treatment three times a week. It indicates that if Edwin Márquez González were to be deported, his life would be at risk, since the availability of hemodialysis treatment is limited in El Salvador. The Inter-American Commission asked the United States to urgently adopt any necessary measures to ensure that Edwin Márquez González is not deported until assurance is received that in El Salvador he will receive the medical treatment necessary to protect his right to life and physical integrity.

PM 349-06 – Humberto Leal García, United States

On July 1, 2011, the IACHR granted precautionary measures for Humberto Leal García, in the United States. The request for precautionary measure alleges that Humberto Leal García had not been granted a review of his case and that the state of Texas had scheduled his execution for July 7, 2011. The IACHR determined on July 24, 2008, that the State had violated Articles I, XVIII, and XXVI of the American Declaration of the Rights and Duties of Man against Leal García and other individuals, with regard to the criminal proceedings that led to the imposition of the death penalty. Consequently, the IACHR recommended that the United States stay the death sentence imposed on Leal García and the other victims in the case, and hold a new trial in accordance with the protections prescribed in the American Declaration. After it received information indicating that the execution had been scheduled, the Inter-American Commission asked the United States to suspend it. Update: Humberto Leal García was executed on July 7, 2011.

PM 359/10 – Members of Justice and Dignity Corporation, Colombia

On June 28, 2011, the IACHR granted precautionary measures on behalf of members of Justice and Dignity Corporation, in Colombia. The request for precautionary measures claims that over recent months, there has been a worsening in the threats, harassment, and tailing to which they have been subjected, on account of which they were forced to relocate from Santiago de Cali. It also notes that the authorities have been informed of the situation but have provided no security measures to counter the risk. The Commission asked the State to take the steps necessary to ensure the lives and persons of Alexander Montaña, Sofía López, Walter Mondragón Delgado, and Homero Montaña, to agree on the measures to be adopted with the beneficiaries and their representatives, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 448/10 – Víctor Ayala Tapia, Mexico

On June 28, 2011, the IACHR granted precautionary measures on behalf of Víctor Ayala Tapia, in Mexico. The request for precautionary measures claims that Víctor Ayala Tapia disappeared on September 14, 2010, when heavily armed individuals broke into his home, threatened the people present with their weapons, and proceeded to abduct Mr. Ayala Tapia. In light of the alleged failure to take actions to locate the suspected disappearer, the Commission asked the State to take the steps necessary to determine the situation and whereabouts of Víctor Ayala Tapia and to protect his life and person, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 219-11—Relatives of Inmates at the Rodeo I and Rodeo II Prisons, Venezuela

On June 21, 2011, the IACHR granted precautionary measures for relatives of the inmates at the Rodeo I and Rodeo II prisons in Venezuela, as well as for protesters and others who have crowded into the area around the facilities. The request for precautionary measures indicates that relatives of the inmates reportedly went to the area surrounding the Rodeo I and II facilities to ask for information about the prisoners' situation, following an operation carried out by the authorities to regain control of the prisons. The

information provided by the petitioners indicates that the security forces launched tear gas canisters and used water cannons against them, in a context of tension. The Inter-American Commission asked the State of Venezuela to guarantee the life and physical integrity of the relatives of the inmates at the Rodeo I and II prisons, as well as others who are in the immediate vicinity of the correctional facilities, until the situation returns to normal.

PM 185/10 — X, Ecuador

On June 20, 2011, the IACHR granted precautionary measures in favor of X in Ecuador in order to protect his life and personal integrity. This precautionary measure is being withheld of publication at the request of the beneficiary and his representatives.

PM 121-11 – 14 Q'echi Indigenous Communities of the Municipality of Panzós, Guatemala

On June 20, 2011, the IACHR granted precautionary measures for 14 Q'echi indigenous communities of the municipality of Panzós, in Guatemala. The request for precautionary measure alleges that 14 Q'echi indigenous communities were forcibly evicted in the municipality of Panzós, in Guatemala's department of Alta Verapaz, between March 15 and 23 of 2011. It alleges that the court eviction order had not been communicated to the affected communities and was not carried out in compliance with the law. The information the Commission has received indicates that, more than two months following the eviction, between 700 and 800 families from the community are living in precarious conditions, without access to food and water, and that State agencies have failed to provide them with shelter or nutrition solutions. It is also indicated that acts of violence were perpetrated against the communities on May 13 and 21 and June 4, which reportedly led to the deaths of two individuals. The Inter-American Commission requested that the State of Guatemala adopt any necessary measures to guarantee the life and physical integrity of the members of the 14 Q'echi indigenous communities; adopt any necessary measures to provide humanitarian assistance, including food and shelter, to the members of the 14 displaced communities; and come to an agreement with the beneficiaries and their representatives on the measures to be adopted.

PM 150/11 – Sandra Viviana Cuéllar, Colombia

On June 22, 2011, the IACHR granted precautionary measures in favor of Hildebrando Vélez. According to the information received, Hildebrando Vélez has received threats on account of his involvement in the search for Sandra Viviana Cuéllar. The Commission asked the State to take the necessary steps to protect the life and personal integrity of Hildebrando Vélez, to agree on the measures to be adopted with the beneficiary and his representative, and to report back on the actions carried out to investigate the facts that gave rise to the precautionary measure. On June 22, 2011, the IACHR expanded this precautionary measure to cover Sandra Viviana Cuéllar, in Colombia. The precautionary measure request reports that Sandra Viviana Cuéllar is disappeared and that her alleged disappearance was a consequence of her environmental protection work in Valle del Cauca. Given the seriousness and urgency of the alleged facts and the lack of information on the whereabouts of the suspected disappeared, the IACHR granted precautionary measures to ensure the beneficiary's life and person. The Commission asked the State for the immediate adoption of the measures necessary to determine the situation and whereabouts of Sandra Viviana Cuéllar and to protect her life and person, and it requested that the State report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 281/10 – Oscar Siri Zuñiga and Family, Honduras

On June 10, 2011, the IACHR granted precautionary measures on behalf of Oscar Siri Zuñiga and his family, in Honduras. The precautionary measure request alleges that since February 2011, armed individuals have been monitoring Siri Zuñiga's home, and that on May 19 an exchange of gunfire took place on his property when three armed individuals attempted to enter his home. It adds that the security detail provided by the State has been reduced to one person. The Commission asked the State to take the steps necessary to ensure the lives and persons of Oscar Siri Zuñiga and his family, to agree on the measures to be adopted with the beneficiaries and their representatives and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 187/11 – Idania Yanes Contreras and Family, Cuba

On June 8, 2011, the IACHR granted precautionary measures on behalf of Idania Yanes Contreras and her family, in Cuba. The request for precautionary measures claims that Idania Yanes Contreras has suffered acts of intimidation and physical attacks at the hands of the security forces, allegedly because of her involvement in protest demonstrations over recent years. It also reports that on April 8, 2011, she was beaten by security officials of the State, an incident that left her in a delicate state of health. The Inter-

American Commission asked the State of Cuba to adopt the measures necessary to ensure the life and person of Idania Yanes Contreras and those of the members of her family, to agree on the steps to be taken with the beneficiary and her representatives, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of precautionary measures.

PM 355/10 – 21 Families of the Nonam Community of the Wounaan Indigenous People, Colombia

On June 3, 2011, the IACHR granted precautionary measures for 21 families of the Nonam community of the Wounaan indigenous people, in Colombia. The request for precautionary measure alleges that the families have been subject to acts of harassment on the part of the armed forces and illegal armed groups. It indicates that they were forced to move from their territory, and as a result have had serious problems with access to food, housing, and medicine. It also alleges that the families have not received consistent and effective medical and humanitarian care in the nine months since they were displaced, even though a protection order was issued in their favor. This situation allegedly led to the death of an 11-month-old girl from tuberculosis, on May 12, 2011. The Inter-American Commission asked the State of Colombia to adopt necessary measures, agreed upon with the beneficiaries, to guarantee the life and physical integrity of the 21 families of the Wounaan indigenous community; provide humanitarian assistance and medical care to the beneficiaries in a situation of displacement; and guarantee their return to the Guayacán Santa Rosa Indigenous Reserve in conditions of dignity and security.

PM 5/11 — Haitian Nationals in Process of Deportation, United States (AMPLIFICATION)

On May 31, 2011, the IACHR expanded Precautionary Measure 5/11 in favor of 33 persons facing deportation from the United States to Haiti. The identity of the beneficiaries will be kept under seal at the request of the applicants. The request for precautionary measure alleges that the lives and health of these individuals could be at grave risk if they were to be deported to Haiti, given their health conditions and the lack of relatives in Haiti to assist them in obtaining access to medical treatment, food and drinking water. The Inter-American Commission asked that the United States suspend the deportation process in the case of the 33 additional beneficiaries until such time as: (1) Haiti is able to guarantee that detention conditions and access to medical care for persons in custody comply with applicable minimum standards, and (2) the procedures in place to decide upon and review the deportation of the 33 beneficiaries adequately take into account their right to family life and their family ties in the United States. The IACHR also requested the United States to inform the Commission as to the actions taken in cooperation with the beneficiaries and the petitioners to implement these measures.

(The PM 5/11 was granted February 1, 2011; since then, the IACHR approved several amplifications. [Read full summary below](#)).

PM 55/10 – Patricia Galarza Gándara and others, Mexico

On May 19 2011, the IACHR granted precautionary measures on behalf of Patricia Galarza Gándara, Oscar Enríquez, Javier Ávila, and Francisca Galván, in Mexico. The request for precautionary measures claims that these individuals are the legal representatives of the families of Rocío Irene Alvarado Reyes, Nitza Paola Alvarado Espinoza, and José Angel Alvarado Herrera, all of whom disappeared in December 2009. Several relatives and one representative of the disappeared are covered by provisional measures issued by the Inter-American Court. The application states that the beneficiaries have suffered acts of intimidation. The Commission asked the State to take the steps necessary to ensure the lives and persons of Patricia Galarza Gándara, Oscar Enríquez, Javier Ávila, and Francisca Galván, to agree on the measures to be adopted with the beneficiaries and their representatives, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 111/10 – Rosa Díaz Gómez and Other Members of the Jotolá Ejido, Mexico

On May 19, 2011, the IACHR granted precautionary measures for Rosa Díaz Gómez and other members of the Jotolá ejido, in Mexico. The request for precautionary measure indicates that Rosa Díaz Gómez and other members of the Jotolá ejido had been subject to attacks and threats by individuals since March 24, 2010. It alleges that the measures adopted by the government were not effective, and that the situation of risk had increased with the release on bail of the alleged attackers in April 2011. The Inter-American Commission asked the State of Mexico to adopt any necessary measures to guarantee the life and physical integrity of Rosa Díaz Gómez, Carmela Sánchez Cruz, César Augusto Sánchez Gómez, Anita Méndez Aguilar, Marcos Moreno Méndez, Francisco Moreno Méndez, Enriqueta Gómez Santis, Maikon Pakal Sánchez Gómez, Sami Santiago Sánchez Gómez, Ricardo Sánchez Luna, Mario Sánchez López, Marcelina Arco Pérez, Débora Sánchez Arco, Marcela Sánchez Arco, Mario Sánchez Arco, Isaías Sánchez Arco, Hilaria Pérez Jiménez, Mario Josué Sánchez Pérez, and Sarai Sánchez Pérez, and that it reach agreement with the beneficiaries and their representatives on the measures to be adopted.

PM 270/10 – Nazareth Migrant House and Human Rights Center, Nuevo Laredo, Mexico

On May 16, 2011, the IACHR granted precautionary measures on behalf of the members of Nazareth Migrant House and of the Human Rights Center of Nuevo Laredo, in Mexico. The request for precautionary measures claims that the members of Nazareth Migrant House and the Human Rights Center of Nuevo Laredo, in the state of Tamaulipas, have been followed and threatened. The Commission asked the State to take the steps necessary to ensure the lives and persons of the members of Nazareth Migrant House and the Human Rights Center of Nuevo Laredo, to agree on the measures to be adopted with the beneficiaries and their representatives, and to report back on the actions carried out to investigate the facts that gave rise to the adoption of this precautionary measure.

PM 143/11 – Leo Valladares Lanza and Daysi Pineda Madrid, Honduras

On April 26, 2011, the IACHR granted precautionary measures for Leo Valladares Lanza and Daysi Pineda Madrid, in Honduras. The request for precautionary measure indicates that Leo Valladares Lanza and his wife, Daysi Pineda Madrid, have been followed and subjected to acts of harassment by unknown individuals, following comments Valladares Lanza made on a television program in February 2011. It adds that on March 28, 2011, unknown individuals entered the offices of the Asociación por una Ciudadanía Participativa (Association for a Participatory Citizenship), of which Valladares Lanza is executive director, and went through the organization's documents. The request alleges that even though the petitioners had filed a complaint and a request for protection, the State had not adopted measures to ensure their security. The Inter-American Commission asked the State of Honduras to take the necessary measures to guarantee the life and physical integrity of Leo Valladares Lanza and Daysi Pineda Madrid; to ensure that Leo Valladares Lanza can continue his work of promoting and defending human rights under safe conditions; and to reach agreement with the beneficiaries and their representatives on the measures to be adopted.

PM 404/10 – Qom Navogoh Indigenous Community of "La Primavera," Argentina

On April 21, 2011, the IACHR granted precautionary measures for the members of the Qom Navogoh indigenous community of "La Primavera," in the province of Formosa, Argentina. The request for precautionary measures alleges that members of the security forces had perpetrated a series of acts of violence against members of the community and that as a result, leader Félix Díaz and his family were forced to move to another region. The petitioners reported that the attackers were continuing to guard the area, creating a climate of tension among area residents. They also added that security measures that would allow the return of Félix Díaz and his family had not been implemented. The Inter-American Commission asked the State of Argentina to adopt any necessary measures to guarantee the life and physical integrity of the members of the Qom Navogoh indigenous community of "La Primavera" against possible threats, attacks, or acts of harassment on the part of members of the police, law enforcement officers, or other State agents, as well as to implement any necessary measures so that Félix Díaz and his family can return to the community under safe conditions.

PM 115/11 – Journalists at La Voz de Zacate Grande, Honduras

On April 18, 2011, the IACHR granted precautionary measures for the journalists at La Voz de Zacate Grande in Honduras. The request for precautionary measures indicates that since the radio station La Voz de Zacate Grande opened in April 2010, its journalists had been subject to acts of harassment and aggression on the part of private individuals and members of the State security forces. It alleges that on March 13, 2011, Franklin Meléndez was attacked with a firearm by alleged opponents of the radio station's editorial stance, and that other journalists from the station had then been subject to threats. The request alleges that the authorities had not investigated the incidents with due diligence. The Inter-American Commission requested that the State of Honduras adopt the necessary measures to guarantee the life and safety of the journalists at La Voz de Zacate Grande, and that it come to an agreement with the beneficiaries and their representatives on the measures to be adopted.

PM 269/08 – Members of the Lof Paichil Antriao Community of the Mapuche Indigenous People, Argentina

On April 6, 2011, the IACHR granted precautionary measures for the members of the Lof Paichil Antriao community of the Mapuche indigenous people. The request for precautionary measure alleges that there is a grave and urgent situation involving risk of irreparable harm stemming from acts of harassment; that there is a risk that a sacred place known as a Rewe will be destroyed; that access by members of the Lof Paichil Antriao community to the Rewe is being obstructed; and that families of the community have been displaced from territory they claim as their ancestral land. The request also alleges that while the Rewe is currently being protected by a domestic legal measure, the members of the community have not been able to gain access to the site to practice the rituals called for by their culture. It also indicates that the families that are displaced in areas adjacent to the disputed territory are facing a precarious situation with regard to health and food. The Inter-American Commission asked the State of Argentina to adopt the necessary measures to guarantee that the protective legal measure to prevent alteration of the Rewe located on the property that is the object of the litigation is not lifted until the IACHR has ruled on the merits of Petition 962-08, currently being examined.

On this matter, the Commission also requested that the State adopt measures to ensure effective compliance with the aforementioned legal measure so that this sacred place is preserved. In addition, the IACHR asked the State to take the necessary steps to guarantee that members of the Lof Paichil Antriao community who need to access the Rewe to practice their rituals may do so, without police forces or other public or private security or surveillance groups hindering their access or their stay for whatever time they wish, and without episodes of violence, attacks, harassment, or threats on the part of the police or other security groups. Finally, the Commission requested that the State adopt the necessary measures to look after the health of the community families that are displaced in areas adjacent to the disputed territory, in order to guarantee their well-being.

PM 105/11 – Communities of the Kuna of Madungandí and Emberá of Bayano Peoples, Panama

On April 5, 2011, the IACHR granted precautionary measures for the Kuna of Madungandí and Emberá of Bayano peoples, in Panama. This precautionary measure is connected with Case 12.354, which is being processed by the IACHR and is now in the merits phase. (Admissibility Report No. 58/09 was approved on April 21, 2009.) The request for precautionary measure alleges that in February and March of 2011 there were massive intrusions into the territories of the Kuna of Madungandí and Emberá of Bayano indigenous reserve. It alleges that colonists violently seized and destroyed virgin forests that would have been used by the indigenous communities to ensure their food supply. The petitioners noted that this has been a recurring situation and alleged that the State is not adopting diligent measures to stop such invasions. In order to ensure that the subject of the petition in this case does not become moot, the Commission requested that the State of Panama adopt any necessary measures to protect the ancestral territory of the communities of the Kuna of Madungandí and Emberá of Bayano peoples from intrusions by third parties and from the destruction of their forests and crops, until such time as the IACHR has adopted a final decision in Case 12.354.

PM 87/11 – Blanca Estela Puac Menchú and Family, Guatemala

On April 4, 2011, the IACHR granted precautionary measures for Blanca Estela Puac Menchú and her family, in Guatemala. The request for precautionary measures alleges that Mrs. Blanca Estela Puac Menchú and her daughter were victims of an attack on February 12, 2011, which reportedly resulted in the death of agent William Estuardo Orozco Pineda and the wounding of agent Heberto Revolorio, both of whom were fulfilling their duty to protect her. The Inter-American Commission requested that the State of Guatemala adopt the necessary measures to guarantee the life and physical integrity of the beneficiaries, that it reach agreement with the beneficiaries and their representative on the measures to be adopted, and that it inform the IACHR on the steps taken to investigate the facts that led to the adoption of these precautionary measures.

PM 72/11 – Leonel Casco Gutiérrez, Honduras

On April 4, 2011, the IACHR granted precautionary measures for Leonel Casco Gutiérrez, in Honduras. The request for precautionary measures alleges that Leonel Casco Gutiérrez, Director of the legal area of the Ecumenical Human Rights Observatory in Honduras, is in a situation of risk due to his involvement in a series of public denunciations regarding an alleged plan to murder certain individuals in Honduras. In addition, the petitioner indicates that he and his wife have received threats via telephone messages. The Inter-American Commission asked the State of Honduras to adopt the necessary measures to guarantee the life and physical integrity of the beneficiary, and to come to an agreement with him on the measures to be adopted.

PM 382/10 - Indigenous Communities of the Xingu River Basin, Pará, Brazil

On April 1, 2011, the IACHR granted precautionary measures for the members of the indigenous communities of the Xingu River Basin in Pará, Brazil: the Arara of Volta Grande do Xingu; the Juruna of Paquicamba; the Juruna of "Kilómetro 17"; the Xikrin of Trincheira Bacajá; the Asurini of Koatinemo; the Kararaô and Kayapó of the Kararaô indigenous lands; the Parakanã of Apyterewa; the Araweté of the Igarapé Ipixuna; the Arara of the Arara indigenous lands; the Arara of Cachoeira Seca; and the Xingu Basin indigenous communities in voluntary isolation. The request for precautionary measure alleges that the life and physical integrity of the beneficiaries is at risk due to the impact of the construction of the Belo Monte hydroelectric power plant. The Inter-American Commission requested that the State of Brazil immediately suspend the licensing process for the Belo Monte Hydroelectric Plant project and stop any construction work from moving forward until certain minimum conditions are met. The State must (1) conduct consultation processes, in fulfillment of its international obligations—meaning prior consultations that are free, informed, of good faith, culturally appropriate, and with the aim of reaching an agreement—in relation to each of the affected indigenous communities that are beneficiaries of these precautionary measures; (2) guarantee that, in order for this to be an informed consultation process, the indigenous communities have access beforehand to the project's Social and Environmental Impact Study, in an accessible format, including translation into the respective indigenous languages; (3) adopt measures to protect the life and physical integrity of the members of the indigenous peoples in voluntary isolation of the Xingu Basin, and to prevent the spread of diseases and epidemics among the indigenous communities being granted the precautionary measures as a consequence of the construction of the Belo Monte hydropower plant. This includes any diseases derived from the massive influx of people into the region as well as the exacerbation of transmission vectors of water-related diseases such as malaria.

On July 29, 2011, during its 142nd regular session, the IACHR evaluated Precautionary Measure 382/10, based on information submitted by the State and the petitioners, and modified the aim of the measure. The IACHR requested that the State: 1) Adopt measures to protect the lives, health, and physical integrity of the members of the Xingu Basin indigenous communities in voluntary isolation and to protect the cultural integrity of those communities, including effective actions to implement and execute the legal/formal measures that already exist, as well as to design and implement specific measures to mitigate the effects the construction of the Belo Monte dam will have on the territory and life of these communities in isolation; 2) Adopt measures to protect the health of the members of the Xingu Basin indigenous communities affected by the Belo Monte project, including (a) accelerating the finalization and implementation of the Integrated Program on Indigenous Health for the UHE Belo Monte region, and (b) designing and effectively implementing the recently stated plans and programs that had been specifically ordered by the FUNAI in Technical Opinion 21/09; and 3) Guarantee that the processes still pending to regularize the ancestral lands of the Xingu Basin indigenous peoples will be finalized soon, and adopt effective measures to protect those ancestral lands against intrusion and occupation by non-indigenous people and against the exploitation or deterioration of their natural resources. Moreover, the IACHR decided that the debate between the parties on prior consultation and informed consent with regard to the Belo Monte project has turned into a discussion on the merits of the matter, which goes beyond the scope of precautionary measures.

PM 80/11 - Maurice Tomlinson, Jamaica

On March 21, 2011, the IACHR granted precautionary measures for Maurice Tomlinson, in Jamaica. The request for precautionary measures alleges that Maurice Tomlinson is facing a situation of risk due to his work as a defender of the rights of lesbian, gay, bisexual, trans, and intersex (LGBTI) persons in Jamaica. It indicates that he has been receiving death threats via e-mail, and that the State authorities have not adopted protection measures. The Inter-American Commission asked the State of Jamaica to adopt, in agreement with the beneficiary, the necessary measures to guarantee his life and physical integrity, and to inform the IACHR on the steps taken to investigate the facts that led to the adoption of these precautionary measures.

PM 61/11 – Members of the Awá Indigenous People of the Departments of Nariño and Putumayo, Colombia

On March 16, 2011, the IACHR granted precautionary measures for the members of the Awá indigenous people of the departments of Nariño and Putumayo, Colombia. According to the request for precautionary measure and information from various sources, the Awá people have been the target of numerous attacks, murders, and threats in the context of the armed conflict in Colombia. The information indicates that clashes between the Army and irregular armed groups have taken place recently in territory of the Chinguirito Mira indigenous reserve and of the community of La Hondita, leaving members of the Awá people caught in the middle of the crossfire. The request indicates, moreover, that in 2011 three accidents have reportedly taken place involving antipersonnel landmines planted in Awá ancestral territory by participants in the armed conflict. The Inter-American Commission requested that the State of Colombia adopt measures, agreed upon with the beneficiaries, to guarantee the life and physical integrity of the members of the Awá indigenous people of the departments of Nariño and Putumayo, including landmine removal their ancestral territory and landmine risk education for the members of the Awá people.

PM 62/11 – Félix Rocha Díaz, United States

On March 10, 2011, the IACHR granted precautionary measures for Félix Rocha Díaz. The precautionary measures are accompanied by a petition concerning the alleged violation of Articles I, XVIII, XXV, and XXVI of the American Declaration, which is being processed under No. P 259-11. The request for precautionary measure alleges that there had been errors in Félix Rocha Díaz's legal representation at trial, and that the 13 years he has spent on death row constitutes cruel and unusual punishment. The Commission asked the United States to refrain from carrying out the death penalty until the Commission has the chance to rule on the petitioner's claim regarding the alleged violation of the American Declaration, so as not to render ineffective the processing of the claim in the inter-American human rights system.

PM 57/11 – Pedro Vicente Elvir and Dagoberto Posadas, Honduras

On March 9, 2011, the IACHR granted precautionary measures for Pedro Vicente Elvir and Dagoberto Posadas, in Honduras. The request for precautionary measures alleges that Pedro Vicente Elvir and Dagoberto Posadas, President and Director of the Communication Unit of the National Child Protection Workers Union (Sindicato de Trabajadores del Patrono Nacional de la Infancia, SITRAPANI), are in a situation of risk due to their work in the union. They are reported to have been victims of acts of violence in which their assailants used guns to frighten them. The Inter-American Commission asked the State of Honduras to adopt the necessary measures to guarantee the life and physical integrity of the beneficiaries, and to reach agreement with the beneficiaries and their representatives on the measures to be adopted.

PM 50/11 – Jimena Castillo et al., Honduras

On March 3, 2011, the IACHR granted precautionary measures for Jimena Castillo Canales, Lorena Ruiz, Berta Haydee Canales Alvarado, Gabriela Castillo Morales, and Ana Belia Morales Rivera, in Honduras. The request for precautionary measures alleges that on February 13, 2011, Jimena Castillo Canales and Lorena Ruiz were traveling in a vehicle when two masked individuals reportedly shot at them 15 times. Jimena Castillo was wounded in the arm, and eight bullets hit the vehicle. The Inter-American Commission asked the State of Honduras to adopt the necessary measures to guarantee the beneficiaries' life and physical integrity and to reach agreement with the beneficiaries and their representatives on the measures to be adopted.

PM 321/10 - Rapa Nui Indigenous People, Chile

On February 7, 2011, the IACHR granted precautionary measures for the Rapa Nui Indigenous People of Easter Island, Chile. The request for precautionary measure alleges that the Rapa Nui people's life and integrity are at risk due to acts of violence and intimidation reportedly carried out by police in the context of demonstrations and evictions. The Inter-American Commission asked the State of Chile to immediately bring an end to the use of armed violence in the execution of State administrative or judicial actions against members of the Rapa Nui people, including evictions from public spaces or from public or private property; to guarantee that the actions of State agents in the framework of protests and evictions do not jeopardize the life or physical integrity of the members of the Rapa Nui people; to inform the IACHR within 10 days about the adoption of these precautionary measures; and to update this information periodically. On October 31, 2011, the IACHR lifted the precautionary measure and archived the file.

PM 5/11 — Gary Resil, Harry Mocombe, Roland Joseph, Evel Camelién, and Pierre Louis, United States

On February 1, 2011, the IACHR granted precautionary measures for Gary Resil, Harry Mocombe, Roland Joseph, Evel Camelién, and Pierre Louis, in the United States. The request for precautionary measure alleges that the lives and health of these individuals could be at grave risk if they were to be deported to Haiti, given that once they arrived in the country they would probably remain in custody, without access to food, drinking water, and adequate medical treatment. It also indicates that these individuals have their immediate families in the United States and that most of their family members in Haiti had died in the January 2010 earthquake. The Inter-American Commission asked that the United States suspend the deportation process in the case of the five beneficiaries until such time as: (1) Haiti is able to guarantee that detention conditions and access to medical care for persons in custody comply with applicable minimum standards, and (2) the procedures in place to decide upon and review the deportation of the five beneficiaries adequately take into account their right to family life and their family ties in the United States.

On May 31, 2011, the IACHR expanded Precautionary Measure 5/11 in favor of 33 persons facing deportation from the United States to Haiti. The identity of the beneficiaries will be kept under seal at the request of the applicants. The request for precautionary measure alleges that the lives and health of these individuals could be at grave risk if they were to be deported to Haiti, given their health conditions and the lack of relatives in Haiti to assist them in obtaining access to medical treatment, food and drinking water. The Inter-American Commission asked that the United States suspend the deportation process in the case of the 33 additional beneficiaries until such time as: (1) Haiti is able to guarantee that detention conditions and access to medical care for persons in custody comply with applicable minimum standards, and (2) the procedures in place to decide upon and review the deportation of the 33 beneficiaries adequately take into account their right to family life and their family ties in the United States. The IACHR also requested the United States to inform the Commission as to the actions taken in cooperation with the beneficiaries and the petitioners to implement these measures.

On June 27, 2011 the IACHR extended this precautionary measure to protect two additional persons who requested their identity to be kept confidential.

On September 29, 2011 the IACHR extended this precautionary measure to protect Louis Raphael.

On June 5, 2012, the IACHR extended this precautionary measure to protect eight additional persons who requested their identity to be kept confidential.

PM 13/11 - Néstor Rodríguez Lobaina and Family, Cuba

On January 24, 2011, the IACHR granted precautionary measures for Néstor Rodríguez Lobaina and his family, in Cuba. The request for precautionary measure alleges that on December 9, 2010, Néstor Rodríguez Lobaina was out walking with his 10-year-old daughter, Diana Rodríguez Castillo, when he was intercepted by agents of the political police. According to the request, the agents reportedly hit him with pepper spray and put him in a patrol car, leaving the girl by herself, 15 blocks away from home. The request adds that after being detained for 72 hours at the Department for State Security Operations in the city of Guantánamo, he was apparently transferred on December 12 to the Guantánamo Provincial Prison and that his family has not received any information about his state of health or about any treatment he may or may not be receiving for burns he allegedly suffered as a result of the pepper spray having hit him at close range. The Inter-American Commission asked the State of Cuba to adopt any necessary

measures to preserve and guarantee the life and physical integrity of Néstor Rodríguez Lobaina and his family, and to allow access and health treatment and monitoring by a doctor trusted by him or by an international organization.

© Copyright 2011 OAS

[Internships](#)

[Fellowships](#)

[Vacancies](#)

[Terms & Conditions](#)

[Contact Us](#)

[Related Links](#)

1889 F St. N.W. Washington, DC, U.S.A. 20006 / E-mail: cidhoea@oas.org / Phone: (202) 370-9000 / Fax: (202) 458-3650



OAS » Inter-American Commission on Human Rights (IACHR) » Precautionary Measures

Precautionary Measures

2018	2017	2016	2015	2014	2013	2012	2011	2010	Previous Years
------	------	------	------	------	------	------	------	------	----------------

PM 199/09 – 300 Inhabitants of Puerto Nuevo, Peru

On December 27, 2010, the IACHR called for the adoption of precautionary measures to protect the life and personal integrity of 300 inhabitants of Puerto Nuevo Callao in Peru. According to the information furnished, activities involving the warehousing and transport of lead have seriously compromised the health of 300 inhabitants of the Puerto Nuevo human settlement, and have high levels of that substance in their blood. It is alleged that the lead poisoning victims lack the appropriate medical care in terms of diagnosis, treatment, and prevention of illness. Moreover, it has been noted that the actions undertaken by the State to protect the inhabitants of Puerto Nuevo from the effects of lead poisoning have not been effective in reducing their risk of exposure. Consequently, the Commission required the Peruvian State to adopt the necessary measures with a view to suspending lead warehousing and transport activities in Puerto de Callao until such time as it is able to adopt, inter alia, measures to effectively eliminate the situation of environmental contamination, relocate the population, or provide for an alternative lead warehousing site; to adopt the necessary measures to provide specialized medical diagnostic services for the beneficiaries as well as appropriate and specialized medical treatment to those whose diagnosis indicates a risk of irreparable harm to their personal integrity or life; and to continue adopting the necessary measures to mitigate harm to the environment.

PM 340/10 – Women and girls residing in 22 Camps for internally displaced persons in Port-au-Prince, Haiti

On December 22, 2010, the IACHR granted precautionary measures for all the displaced women and children living in 22 camps for internally displaced persons in Port-au-Prince, Haiti, in the wake of the January 10, 2010 earthquake. The request for precautionary measures alleges a pattern of sexual violence and a series of acts of violence against the women and girls residing in said camps. The Inter-American Commission called on the State to ensure the availability of adequate medical and mental health care for the victims of sexual violence located in accessible areas; to provide adequate security at the camps for internally displaced persons, including the lighting of public spaces, regular patrols within the camps as well as outlying areas, and to increase the presence of female police officers assigned to patrol details and local police precincts; to ensure that the law enforcement agencies tasked with responding to incidents of sexual violence receive the necessary training to respond appropriately to reported cases of sexual violence and provide the necessary security to the camps; to promote the establishment of special investigative police units within the Office of the Attorney General with a view to investigating rape cases and other crimes of sexual violence; and to ensure that grassroots women's groups fully participate in and have a steering role in the planning and implementation of policies and practices aimed at combating and preventing rape and other forms of sexual violence in the camps.

PM 410/10 – Héctor Francisco Lucas Méndez, Guatemala

On December 13, 2010, the Commission requested precautionary measures on behalf of Héctor Francisco Lucas Méndez. According to the information furnished, the beneficiary would be in a situation of risk, presumably due to the opening of proceedings that would result in investigations and trials in the alleged murder of his brother, Junio Maynor Lucas Méndez, which allegedly occurred on August 17, 2010. Specifically, the requesters noted that Mr. Héctor Francisco Lucas Méndez had suffered an attack on his life on September 28, 2010, one day after he had given his statement in the aforementioned legal proceeding. In view of the foregoing, the IACHR requested, inter alia, that the State adopt the necessary measures to protect the life and physical integrity of Héctor Francisco Lucas Méndez, and to investigate the events leading to the adoption of the precautionary measures.

PM 383/10 - John Jairo Palacios, Colombia

On November 23, 2010, the IACHR granted precautionary measures for John Jairo Palacios, in Colombia. The request for precautionary measures alleges that on July 30, 2010, John Jairo Palacios was a victim of forced disappearance, which had reportedly been carried out by paramilitary groups. The IACHR requested information from the State based on its authority under Article XIV of the Inter-American Convention on Forced Disappearance of Persons, but it did not receive information that would clarify his whereabouts. In view of the seriousness and urgency of the allegations and the lack of information on the whereabouts of the allegedly disappeared person, the IACHR granted precautionary measures so as to guarantee the life and humane treatment of

John Jairo Palacios. The Commission requested that the State provide information on the whereabouts of John Jairo Palacios, his state of health, and his security situation; that it adopt the necessary measures to ensure the life and physical integrity of John Jairo Palacios; and that it report on the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 367-10 - Forced Evictions from Five Camps for Displaced Persons, Haiti

On November 15, 2010, the IACHR granted precautionary measures for the residents of five camps for internally displaced persons in Haiti. The request for precautionary measures alleges that forced evictions were carried out in five encampments created by families that set up tents in open fields, on public or private property, following the destruction of their homes by the earthquake. The Inter-American Commission asked the State of Haiti to adopt a moratorium on the expulsions from the camps for internally displaced persons until a new government can take office; to ensure that those who have been illegally expelled from the camps are transferred to places with minimum sanitary and security conditions; to guarantee that those who have been internally displaced have access to effective remedies in court and before other competent authorities; to implement effective security measures to safeguard the physical integrity of the camps' inhabitants, guaranteeing in particular the protection of women and children; to train security forces on the rights of displaced persons, in particular their right not to be expelled from the camps by force; and to ensure that international cooperation agencies have access to the camps for internally displaced persons.

PM 192-10 - LM, Paraguay

On November 10, 2010, the IACHR granted precautionary measures for LM, in Paraguay. The request for precautionary measures alleges that due to a series of legal proceedings to determine who was responsible for the care and custody of the child LM, his alleged biological relatives had not been able to have access to him. According to the last communications submitted by the petitioners, the Commission understands that the situation continues to this day with no decision that would determine the child's situation, which could lead to his rights being affected in a series of ways. Based on the principle of the best interests of the child, the IACHR granted precautionary measures so as to ensure that the time factor does not become a determining element for the domestic courts, to the detriment of LM's rights. Within this framework, the IACHR asked the State to take the necessary measures to ensure that the proceedings related to the guardianship and custody of the child LM are resolved within a period of three months, and to report on the steps taken to comply with this precautionary measure.

PM 92-10 - Juan Manuel Martínez and Family, Mexico

On November 4, 2010, the IACHR granted precautionary measures for Juan Manuel Martínez Moreno and his family, in Mexico. The request for precautionary measures alleges that Juan Manuel Martínez and his family were the object of threats, were followed, and were subject to acts of harassment since the beginning of 2010, when Juan Manuel Martínez was released from prison. According to information provided by the petitioners, Juan Manuel Martínez was arrested in 2008 for acts connected with the death of U.S. videographer Bradley Roland Will of Indymedia, who was shot to death on October 27, 2006, in Oaxaca. The request indicates that the wife of Juan Manuel Martínez received an intimidating phone call on January 18, 2010, in which she was instructed to stop denouncing the alleged injustices committed against her husband and told that if she failed to do so, the lives of her three children would be at risk. From that point on, the family was reportedly the object of other threats, had been followed by automobiles with no tags and with tinted windows, and had had its residence under surveillance by individuals taking photographs and notes, among other things. The Inter-American Commission asked the State of Mexico to take the necessary steps to guarantee the life and integrity of Juan Manuel Martínez and his family; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to report on the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 395-09 – Maho Indigenous Community, Suriname

On October 27, 2010, the IACHR granted precautionary measures for the inhabitants of the Maho Indigenous Community, in Suriname. The request for precautionary measures alleges that since 1990, the organization Stichting Mohsiro and other third parties have allegedly been encroaching upon the 65 hectares of land that was reserved for the Maho Community in 1971. It is also alleged that at times, the invaders have destroyed the community's crops and threatened its members' physical integrity. It is alleged that as a result of these actions, the extinction of this community may be imminent. The Inter-American Commission asked the State of Suriname to take the measures necessary to ensure that the Maho Community can survive on the 65 hectares that have been reserved for it free from incursions from persons alien to the community, until the Commission has decided on the merits of the petition.

PM 197-10 - 135 Inhabitants of San Juan Copala, Mexico

On October 7, 2010, the IACHR granted precautionary measures for 135 inhabitants of San Juan Copala, Mexico. The request for precautionary measures alleges that 135 members of the Triqui indigenous people of San Juan Copala, in Oaxaca state, are displaced as a result of repeated violent attacks carried out against them by an armed group. The information received indicates that in the previous eleven months, 25 persons have been killed and 17 injured as a result of the acts of violence in San Juan Copala. The Inter-American Commission requested that the State of Mexico adopt the necessary measures to guarantee the life and personal integrity of the 135 inhabitants of San Juan Copala, Mexico; reach agreement with the beneficiaries and their

representatives on the measures to be adopted; and inform the Commission about the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 157-09 – Yesid Ramírez Bastidas, Colombia

On September 13, 2010, the IACHR granted precautionary measures for Yesid Ramírez Bastidas, in Colombia. The request for precautionary measures alleges that Yesid Ramírez Bastidas has been subject to illegal telephone interceptions and intelligence activities on the part of agents of the Administrative Department of Security (DAS). The request and additional information provided by the applicants further indicate that neither Yesid Ramírez Bastidas nor his family were guaranteed a security plan following his term as a magistrate, which ends on September 30, 2010. The Inter-American Commission asked the State of Colombia to adopt the necessary measures to guarantee the life and personal integrity of Yesid Ramírez Bastidas, reach agreement with the beneficiary on the measures to be adopted, and inform the Commission on the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 243-10 – Sigifredo Espinosa Pérez and his Family, Colombia

On September 13, 2010, the IACHR granted precautionary measures for Sigifredo Espinosa Pérez and his family, in Colombia. The request for precautionary measures alleges that Sigifredo Espinosa Pérez has been subject to being followed, purportedly as a result of his participation in investigations into alleged ties between public officials and armed groups operating outside the law. The information received further indicates that Espinosa Pérez had allegedly been subject to illegal telephone interceptions and intelligence activities on the part of agents of the Administrative Department of Security (DAS). The Inter-American Commission asked the State of Colombia to adopt the necessary measures to guarantee the life and personal integrity of Sigifredo Espinosa Pérez and his family, reach agreement with the beneficiary on the measures to be adopted, and inform the Commission on the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 254-10 – Leiderman Ortiz Berrio, Colombia

On August 20, 2010, the IACHR granted precautionary measures for Leiderman Ortiz Berrio, in Colombia. The request for precautionary measures indicated that the journalist Leiderman Ortiz Berrio has been the victim of a series of attacks in recent months, purportedly because of his reporting on illegal gangs. It added that the last attempt on his life took place on May 20, 2010, with the explosion of a grenade in his house in the municipality of Cauca, in Colombia's department of Antioquia. According to the information received, to date the authorities have not provided protection arrangements for Ortiz Berrio. The Inter-American Commission requested that the State of Colombia adopt the necessary measures to guarantee the life and personal integrity of Leiderman Ortiz Berrio, that it reach agreement with the beneficiary and his representatives on the measures to be adopted, and that it inform the Commission about the steps taken to prevent new acts of violence or intimidation against the beneficiary.

PM 185-07 – Norma Cruz Córdova and Alan Maldonado Ordóñez, Guatemala

On August 18, 2010, the IACHR expanded Precautionary Measures 185-07 to incorporate as beneficiaries Norma Cruz Córdova and Alan Maldonado Ordóñez, members of the Survivors Foundation (Fundación Sobrevivientes) of Guatemala. It is alleged that in June 2010, Norma Cruz Córdova received death threats in connection with a legal case brought by the foundation. The Commission's decision modifies precautionary measures originally granted on October 26, 2007. The Commission asked the State of Guatemala to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, reach agreement with the beneficiaries and their representatives on the measures to be adopted, and inform the Commission on the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 252-10 – Álvaro Javier Martínez Torres et al., Colombia

On August 13, 2010, the IACHR granted precautionary measures for Álvaro Martínez Torres and others, in Colombia. The request for precautionary measures alleges that the Martínez family was in a situation of imminent risk, purportedly due to his activities to vindicate the rights of his family and other displaced persons on the "La Alemania" farm, in the town of San Onofre, department of Sucre, as well as his actions to clarify the events that led to the death of Rogelio Martínez, who was allegedly murdered on May 18, 2010, by armed groups operating outside the law. The Inter-American Commission requested that the State of Colombia adopt the necessary measures to guarantee the life and personal integrity of Julia Isabel Torres, Luis Miguel Martínez Torres, Mabelis Martínez Torres, Luis Miguel Martínez Torres, Álvaro Javier Martínez Torres, Kelly Johana Martínez, Luis Fernando Martínez, Isabel Sofía Martínez, and Luz Nellis Martínez; that it reach agreement with the beneficiaries and their representatives on the measures to be adopted; and that it inform the Commission about the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 259-10 – Marco Vinicio Hernández González et al.

On August 13, 2010, the IACHR granted precautionary measures for Marco Vinicio Hernández González and the immediate family of Juan Fidel Pacheco Coc, in Guatemala. The request for precautionary measures alleges that Juan Fidel Pacheco Coc, Secretary

General of the General Labor Union of Employees of the General Directorate of Migration of Guatemala (USIGEMIGRA), was murdered on July 31, 2010, after receiving threats. That same day, Marco Vinicio Hernández González, Assistant Secretary General of USIGEMIGRA, allegedly received threats in which he was told that he was "next on the list." It is alleged that in May 2010, Mr. Pacheco Coc asked the appropriate authorities for protection measures for the members of the labor union, but that he had received no response. The Inter-American Commission requested that the State of Guatemala adopt the necessary measures to guarantee the life and physical integrity of Marco Vinicio Hernández González and the immediate family of Juan Fidel Pacheco Coc; that it reach agreement with the beneficiaries and their representatives on the measures to be adopted; and that it inform the Commission about the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 97-10 – 179 Families of the Settlements of El Vergel and El Pedregal, Department of Cauca, Colombia

On August 13, 2010, the IACHR granted precautionary measures for 179 families living in the settlements of El Vergel and El Pedregal, in the department of Cauca, Colombia. The request for precautionary measures alleges that these families are in a situation of extreme danger as a result of the armed conflict and the lack of measures to protect civilians who live in the area. According to the information provided, the inhabitants of these settlements were victims of bullet wounds, forced displacements, and other alleged acts of violence. The Inter-American Commission asked the State of Colombia to adopt the necessary measures to guarantee the life and personal integrity of the 179 beneficiary families; to adopt the necessary measures to guarantee the return, in conditions of security, of the families displaced from El Vergel and El Pedregal; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission on the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 102-10 – Inhabitants of the Mixteca Indigenous Community of Lázaro Cárdenas, Putla, Oaxaca, Mexico

On August 4, 2010, the IACHR granted precautionary measures for the inhabitants of the Mixteca indigenous community of Lázaro Cárdenas, Putla, Oaxaca, Mexico. The request for precautionary measures alleges that a series of acts of violence have taken place against the inhabitants of the Mixteca indigenous community of Lázaro Cárdenas, in the state of Oaxaca, in the context of a violent dispute between two communities to define their territory and the access to it. According to the information received, the situation was aggravated in March and May of 2010, with the reported disappearance of Marcelino Pedro Hernández Jiménez and Eleazar Asunción Sánchez Hernández and the purported invasion by approximately 1,500 people from another community, which took place in July 2010 and which allegedly places all inhabitants of Lázaro Cárdenas at risk. The Inter-American Commission asked that the State of Mexico adopt the necessary measures to guarantee the life and personal integrity of the members of the Mixteca community of Lázaro Cárdenas; that it adopt the necessary measures to remove the risk factors tied to the demarcation of lands between both communities, in order to prevent further confrontations; that it establish a mechanism for constant monitoring and ongoing communication with the beneficiaries, so that the measures can be implemented by mutual agreement with the beneficiaries and their representatives; and that it provide updated information on the steps taken to discover the whereabouts of Marcelino Pedro Hernández Jiménez and Eleazar Asunción Sánchez Hernández.

PM 221-10 – Edwin Róbelo Espinal, Honduras

On July 22, 2010, the IACHR granted precautionary measures for Edwin Róbelo Espinal, in Honduras. The request for precautionary measures alleges that Edwin Róbelo Espinal has been subject to threats and harassment, purportedly on the part of police agents, since October 2009, and that this allegedly has to do with his participation in demonstrations. The request adds that on June 30, 2010, Edwin Róbelo Espinal was detained and physically abused by agents of the police. It also indicates that he had not received a response to a request for protection submitted to the relevant authorities. The Inter-American Commission requested that the State adopt the necessary measures to guarantee the life and personal integrity of the beneficiary; come to an agreement with the beneficiary and his representatives on the measures to be adopted; and inform the Commission on the steps taken to investigate the facts that led to the adoption of these measures.

PM 214-10 – Reina Luisa Tamayo Danger, Cuba

On July 20, 2010, the IACHR granted precautionary measures for Reina Luisa Tamayo Danger, in Cuba. The request for precautionary measures alleges that Reina Luisa Tamayo Danger has suffered constant threats and acts of harassment, in light of her involvement in various public protests since the death of her son Orlando Zapata Tamayo in February 2010. The request further indicates that she has been the victim of acts of violence, in which she allegedly was beaten and one of her arms was fractured. The Inter-American Commission asked the State of Cuba to adopt the necessary measures to guarantee the life and physical integrity of Reina Luisa Tamayo Danger, reach agreement with the beneficiary on the measures to be adopted, and inform the Commission on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 187-10 – Persons Deprived of Liberty in the Third Precinct Police Station of Ensenada, Province of Buenos Aires, Argentina

On July 2, 2010, the IACHR granted precautionary measures for persons deprived of liberty in the Third Precinct Police Station of Ensenada, in the province of Buenos Aires, Argentina. This precautionary measure was granted at the Commission's initiative following a visit to that police station on June 8, 2010. During the visit, the IACHR observed that 20 individuals were being held in a

situation of extreme overcrowding in the jail area, which consists of three windowless cells with no ventilation points and a corridor and bathroom. Three persons sleep in each cell, and eleven sleep on the floor in the corridor. Those in custody are shut inside 24 hours a day, with no access to natural light and without doing any type of productive or recreational activity. Although police station jails are meant to be temporary detention centers, at the time the IACHR visited, all those being held in the Third Precinct Police Station of Ensenada had been there for periods ranging from 3 to 18 months, according to the official records of the population in custody. The IACHR also verified the existence of two persons who were ill and were not receiving adequate medical care, and it was informed that those in custody would not receive medical attention unless it was ordered by a judge, in which case they would have to be transferred to an assistance center. The Inter-American Commission asked the State of Argentina that the persons being deprived of their liberty in the Third Precinct Police Station of Ensenada be immediately placed in a location that complies with the requirements for detention in conditions of dignity.

PM 194-10 – Carolina Pineda, José Luis Buqedano, and Delvid Ixcel Sánchez Ávila, Honduras

On July 2, 2010, the IACHR granted precautionary measures for Carolina Pineda, José Luis Buqedano, and Delvid Ixcel Sánchez Ávila, in Honduras. The request for precautionary measures alleges that the beneficiaries had been subject to acts of harassment and aggression that put their lives and personal integrity at risk. The request alleges that on June 10, 2010, armed and hooded men attempted to kidnap Carolina Pineda, Secretary of the Central Management Council of the College of Middle Education Professors of Honduras (COPEMH). It adds that on June 12, 2010, José Luis Buqedano, Secretary of the Unified Confederation of Workers (CUTH), Secretary General of the Independent Federation of Honduran Workers, and leader of the National Front for Popular Resistance (FNRP), had reportedly been chased by persons in a vehicle who fired gunshots at him. Finally, the request alleges that Delvid Ixcel Sánchez, a member of the National Front for Popular Resistance and collaborator with the Committee for the Defense of Human Rights (CODEH), had been pursued by an armed man on June 10, 2010. Delvid Ixcel Sánchez identified the assailant as one of a group of four armed individuals that had attacked him on February 25, 2010. The Inter-American Commission asked that the necessary measures be adopted to guarantee the life and personal integrity of the beneficiaries, that agreement be reached with the beneficiaries and their representatives on measures to be adopted, and that the Commission be informed about the investigations undertaken with regard to the facts that led to the adoption of these measures, in order to remove the risk factors.

PM 104-09 – 29 Displaced Families from the Municipality of Argelia, Colombia

On July 1, 2010, the IACHR granted precautionary measures for 29 displaced families from the municipality of Argelia, in the department of Cauca, Colombia. The request for precautionary measures alleges that 29 families from this municipality had been displaced toward Popayán, after having been victims of alleged threats, acts of violence, pursuits, and disappearances. The request also alleges those who committed these acts were armed groups operating outside the law who had acted with the acquiescence of authorities in the area. The Inter-American Commission requested that the State of Colombia adopt the necessary measures to guarantee the life and physical integrity of 96 individuals who belong to these families identified in the request for precautionary measures and to an additional family that is currently displaced in Bogotá. The IACHR also requested that the State adopt the necessary measures to guarantee the definitive return of these families to the municipality of Argelia in conditions of dignity and security; that a mechanism be established for constant monitoring and ongoing communication with the families displaced from Argelia toward Popayán, so that the measures can be implemented by mutual agreement with the beneficiaries and their representatives; that the Commission be informed about the steps taken to discover the whereabouts of Over Herney Muñoz and Jesús Olivier Alvarado Muñoz; and that the State inform the IACHR about the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 179-10 – Egberto Ángel Escobedo Morales, Cuba

On June 28, 2010, the IACHR granted precautionary measures for Egberto Ángel Escobedo Morales, in Cuba. The request for precautionary measures alleges that Escobedo Morales is being deprived of his liberty, that he suffers from health problems, and that the prison authorities are not giving him the medical attention that his health condition requires. The Inter-American Commission asked the government of Cuba to instruct the relevant authorities to conduct medical tests to evaluate the beneficiary's health and provide him with adequate treatment; to adopt these measures in consultation with the beneficiary and his family; and to inform the IACHR about the actions taken to implement the precautionary measures.

PM 180-10 – Juan Ramón Flores, Honduras

On June 21, 2010, the IACHR granted precautionary measures for Juan Ramón Flores, in Honduras. The request for precautionary measures alleges that the beneficiary, who belongs to the Resistance Movement against the coup d'état, had been subject to kidnapping and threatened at gunpoint. The Inter-American Commission asked that the necessary measures be adopted to guarantee the life and personal integrity of Juan Ramón Flores, that agreement be reached with the beneficiaries and their families on the measures to be adopted, and that the IACHR be informed about the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 189/10– Ronnie Lee Gardner, United States

On June 17, 2010, the IACHR granted precautionary measures for Ronnie Lee Gardner, who has been deprived of liberty since 1985 awaiting the death penalty. The request for precautionary measures was presented in the context of a communication about the alleged violation of rights enshrined in the American Declaration. The communication alleges that Mr. Gardner's lengthy incarceration on death row constitutes cruel and unusual punishment, as well as issues related to an alleged lack of due process. Through the precautionary measures, the Commission asked the United States to refrain from executing Mr. Gardner until the former has had an opportunity to issue its decision on the petitioner's claim regarding alleged violations of the American Declaration.

PM 184/10– David Powell, United States

On June 14, 2010, the IACHR granted precautionary measures for David Powell, who has been deprived of liberty since 1978 awaiting the death penalty. The precautionary measures were issued in the context of a petition alleging the violation of rights enshrined in the American Declaration. This petition, which is being processed by the Commission, alleges irregularities in the criminal proceedings and that Mr. Powell's lengthy incarceration on death row constitutes cruel and unusual punishment. Through the precautionary measures, the Commission asked the United States to refrain from executing Mr. Powell until the former has had an opportunity to issue its decision on the petitioner's claim regarding alleged violations of the American Declaration.

PM 131-09 – Blanca Mesina Nevárez, Silvia Vásquez Camacho, and their Families

On June 4, 2010, the IACHR granted precautionary measures for Blanca Mesina Nevárez, Silvia Vásquez Camacho, and their families, in Mexico. In the request for precautionary measures and in additional information provided to the IACHR, it is alleged that Ms. Mesina Nevárez and Ms. Vásquez Camacho have been subject to acts of intimidation and harassment that place their lives and personal integrity at risk. It is also alleged that this situation stems from their having reported alleged abuses of authority committed by Baja California public law enforcement agents. The additional information provided at the Commission's request indicates that there apparently have been delays in implementing a security plan for Ms. Mesina Nevárez, Ms. Vásquez Camacho and their families. The Inter-American Commission asked the State of Mexico to adopt the necessary measures to guarantee the life and personal integrity of Blanca Mesina Nevárez, Silvia Vásquez Camacho, and their families; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the IACHR on the steps taken to investigate the events that led to the adoption of precautionary measures.

PM 221-09 – María Stella Jara Gutiérrez and Son, Colombia

On June 2, 2010, the IACHR granted precautionary measures for María Stella Jara Gutiérrez and her son, in Colombia. In the request for precautionary measures and in additional information sent later, it is alleged that Judge Jara Gutiérrez, who is in charge of the Palace of Justice case, has received threats from alleged armed groups operating outside the law. It is also alleged that the threats have intensified in recent months, as the date for issuing the final judgment in the case draws near. The information also indicates that there has been a delay in the implementation of a security plan designed to safeguard the life and integrity of Judge Jara Gutiérrez and her youngest son. The Inter-American Commission asked the State of Colombia to adopt the necessary measures to guarantee the life and personal integrity of María Stella Jara Gutiérrez and her son; to reach agreement with the beneficiary and her representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the events that led to the adoption of precautionary measures.

PM 196-09, Amplification – Journalists from Radio Progreso, Honduras

On June 2, 2010, the IACHR expanded Precautionary Measure PM 196-09 for Karla Patricia Rivas Sánchez, José Pablo Peraza Chávez, Rita Suyapa Santamaría Velásquez, Alfredo Bográn, Iolany Mariela Pérez Parada, Rommel Alexander Gómez, Lesly Castro, José Domingo Miranda, Héctor Hernández, Víctor Emilio Borjas, Leticia Castellanos, and Pablo Ordóñez, in Honduras. The request for precautionary measures alleges that these journalists, who work at Radio Progreso, have been tailed by vehicles, and that unknown individuals have been keeping the entrance of the radio station under surveillance. The Inter-American Commission asked the State to adopt the necessary precautionary measures to guarantee the life and personal integrity of the journalists who are beneficiaries of this measure; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; to inform the Commission about the steps taken to investigate the events that led to the adoption of these measures; and to inform the IACHR on the implementation of the precautionary measures granted.

PM 260-07 – Communities of the Maya People (Sipakepense and Mam) of the Sipacapa and San Miguel Ixtahuacán Municipalities in the Department of San Marcos, Guatemala

On May 20, 2010, the IACHR granted precautionary measures for the members of 18 communities of the Maya indigenous people: Tres Cruces, Escupijá, Pueblo Viejo, La Estancia, Poj, Sipacapa, Pie de la Cuesta, Cencil, Chual, Quecá, Quequesiguan, San Isidro, Cano, Ángel, San José Ixcanché, San José Nueva Esperanza, San Antonio de los Altos, and Siete Platos, in Guatemala. The request for precautionary measures alleges that in November 2003, the Ministry of Energy and Mines granted the Montana company a license to mine for gold and silver for 25 years, within an area of 20 square kilometers in the municipalities of Sipacapa and San Miguel Ixtahuacán. The concession's environmental and hydrological impact area would encompass the territories of at least 18 communities of the Maya people in both municipalities. The petitioners allege that the mining concession was issued and mining began without the prior, complete, free, and informed consultation of the affected communities of the Maya people. Montana

reportedly began constructing the Marlin I Mine in 2003 and extracting gold and silver in 2005. The petitioners maintain that the mining has produced grave consequences for the life, personal integrity, environment, and property of the affected indigenous people, since the Tzálá River and its tributaries are the only sources of water for consumption and subsistence activities. According to the request, a number of water wells and springs have dried up, and the metals present in the water as a result of the mining activity have had harmful effects on the health of members of the community. The Inter-American Commission asked the State of Guatemala to suspend mining of the Marlin I project and other activities related to the concession granted to the company Goldcorp/Montana Exploradora de Guatemala S.A., and to implement effective measures to prevent environmental contamination, until such time as the Inter-American Commission on Human Rights adopts a decision on the merits of the petition associated with this request for precautionary measures. The IACHR likewise asked the State to adopt the necessary measures to decontaminate, as much as possible, the water sources of the 18 beneficiary communities and to ensure their members access to water fit for human consumption; to address the health problems that are the subject of these precautionary measures, in particular to begin a health assistance and health care program for the beneficiaries aimed at identifying those who may have been affected by the consequences of the contamination, so as to provide them with appropriate medical attention; to adopt any other necessary measures to guarantee the life and physical integrity of the members of the 18 aforementioned Maya communities; and to plan and implement the protection measures with the participation of the beneficiaries and/or their representatives.

On December 7, 2011, after examining additional information submitted by the State and the petitioners, the IACHR notified its decision to modify these precautionary measures, and requested the State of Guatemala to adopt the necessary measures to ensure that all beneficiary members of the 18 Mayan communities have access to potable water appropriate for human consumption and household use, as well as for irrigation purposes. Specifically, the IACHR requested the State to take the necessary measures, in order that the 18 beneficiary communities' water resources are not contaminated by mining activities.

PM 141-10 – X and Her Two Children, Colombia

On May 11, 2010, the IACHR granted precautionary measures for Ms. X, whose identity the IACHR is withholding, and for her two children, who are minors, in Colombia. The request for precautionary measures alleges that Ms. X has been subject to threats and acts of harassment since she reported having been raped by agents of the State in July 2009. The request indicates that following new threats she received in May 2010, Mrs. X moved to another city. The Inter-American Commission asked the State of Colombia to adopt the necessary measures to guarantee the life and physical integrity of X and her two children; to reach agreement with the beneficiary and her representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the events that led to the adoption of precautionary measures.

PM 196-09, Amplification – Inmer Genaro Chávez and Lucy Mendoza, Honduras

On May 3, 2010, the IACHR expanded Precautionary Measure PM 196-09 for Inmer Genaro Chávez and Lucy Mendoza, in Honduras. The request for precautionary measures alleges that journalist Inmer Genaro Chávez, who works at Radio Progreso, has received death threats, including a text message sent to his cell phone that said, "Resistance we are eliminating the chebes next come the priests," after journalist Luiz Chávez and his cousin Alberto Chávez were killed on April 11, 2010. The request also alleges that the lawyer and human rights defender Lucy Mendoza, who has been supporting Radio Progreso journalists in criminal proceedings, has also received death threats. The Inter-American Commission asked that the State adopt the necessary measures to guarantee the life and personal integrity of Inmer Genaro Chávez and Lucy Mendoza, that agreement be reached with the beneficiaries and their representatives on the measures to be adopted, and that the Commission be informed on the steps taken to investigate the facts that led to the adoption of these measures.

PM 114-10 – Persons Deprived of Liberty in the Judicial Police Department (DPJ) of Vila Velha, Brazil

On April 28, 2010, the IACHR granted precautionary measures for those persons deprived of liberty in the Judicial Police Department (DPJ) of the city of Vila Velha, in the state of Espírito Santo, Brazil. The request for precautionary measures indicates that the life, personal integrity, and health of those deprived of liberty in the Vila Velha DPJ are at risk. It adds that an average of 160 people, both accused and convicted persons, are being held, in inhuman and degrading conditions, in a cell with the capacity to hold 36 persons. The Inter-American Commission asked the State of Brazil to adopt the necessary measures to protect the life, personal integrity, and health of those persons deprived of liberty in the Judicial Police Department of the city of Vila Velha, in the state of Espírito Santo, and to provide adequate medical attention to the beneficiaries and prevent the transmission of contagious diseases. The Commission also asked that the measures be adopted in consultation with the beneficiaries' representatives, that the Commission be informed as to the measures adopted to reduce overpopulation in the facility, and that it be informed regarding the failure to divide inmates who are accused from those who have been convicted.

PM 250-09 – José Alejandro Solalinde Guerra and Members of the Hermanos en el Camino Migrant Shelter, Mexico

On April 23, 2010, the IACHR granted precautionary measures for José Alejandro Solalinde Guerra, David Álvarez Vargas, Areli Palomo Contreras, Mario Calderón López, and Norma Araceli Doblado Abrego, who work or can be found at the Hermanos en el Camino Migrant Shelter in Ixtepec, in the state of Oaxaca, Mexico. In the request for precautionary measures and in information provided during a working meeting held on March 20, 2010, during the Commission's 138th period of sessions, it is alleged that the beneficiaries had been subject to acts of intimidation and that in February 2010, Father Solalinde Guerra was detained and held at gunpoint by the Federal Police when he went to the Office of the Public Prosecutor of Oaxaca state in the context of investigations underway for the alleged murder of three migrants. The petitioners indicate that the protection measures implemented by the

authorities turned out to be ineffective, and they inform the Commission that the acts of harassment continue. The Inter-American Commission asked that the State of Mexico adopt the necessary measures to guarantee the life and personal integrity of José Alejandro Solalinde Guerra, David Álvarez Vargas, Areli Palomo Contreras, Mario Calderón López, and Norma Araceli Doblado Abrego; that the planning and implementation of the protection measures be done in agreement with the beneficiaries and their representatives; and that the Commission be informed about the measures adopted to remove the risk factors for the beneficiaries.

PM 312-09 - Father Pedro Pantoja Arreola and his Team of Collaborators at the Belén Migrant Shelter, Mexico

On April 23, 2010, the IACHR granted precautionary measures for Father Pedro Pantoja Arreola and his team of collaborators at the Belén Migrant Shelter in Saltillo, in the state of Coahuila, Mexico. In the request for precautionary measures and in information provided during a working meeting held on March 20, 2010, during the Commission's 138th period of sessions, it is alleged that the beneficiaries had been subject to acts of intimidation and harassment, an unsuccessful break-in attempt at the shelter's facilities, and surveillance by individuals in vehicles who take photographs of those who enter and leave the shelter. The Inter-American Commission asked that the State of Mexico adopt the necessary measures to guarantee the life and personal integrity of Father Pedro Pantoja Arreola and his team of collaborators at the Belén Migrant Shelter in Saltillo, in the state of Coahuila, Mexico. The IACHR also asked that the planning and implementation of the protection measures be done in agreement with the beneficiaries and their representatives, and that the Commission be informed about the measures adopted to remove the risk factors for the beneficiaries.

PM 196-09, Amplification - Rebeca Ethel Becerra Lanza and Daughters, Honduras

On April 13, 2010, the IACHR expanded Precautionary Measure PM 196-09 for Rebeca Ethel Becerra Lanza and daughters, in Honduras. The request for precautionary measures alleges that Ms. Becerra had been subject to surveillance in front of her house, times in which she was followed, an attempted break-in at her house, and intimidating phone calls. The request indicates that the acts were reported to the Public Ministry, but that the authorities had not acted. The Inter-American Commission requested that the necessary measures be adopted to guarantee the life and personal integrity of Rebeca Ethel Becerra Lanza and her daughters, that the measures to be adopted be agreed on by the beneficiaries and their representatives, and that the Commission be informed about the steps taken to investigate the facts that led to the adoption of these measures.

PM 304-08 - Diomedes Meneses Carvajalino, Colombia

On April 9, 2010, the IACHR granted precautionary measures for Diomedes Meneses Carvajalino, in Colombia. The request for precautionary measures alleges that the life and health of Mr. Meneses Carvajalino are in grave danger, as the prison he is in has not provided him with adequate medical care to address a health problem he has had since the beginning of 2009. The Inter-American Commission asked the State of Colombia to adopt the necessary measures to provide adequate medical care that makes it possible to protect the life, personal integrity, and health of Mr. Meneses Carvajalino; to reach agreement with the beneficiary and/or his representative on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of the precautionary measures.

PM 222-09 - Agustín Humberto Estrada Negrete, Leticia Estrada Negrete, and Guadalupe Negrete Silva, Mexico

On April 7, 2010, the IACHR granted precautionary measures for Agustín Humberto Estrada Negrete, Leticia Estrada Negrete, and Guadalupe Negrete Silva, in Mexico. The request for precautionary measures alleges that Mr. Estrada Negrete, a member of the nongovernmental organization Agenda Lesbianas Gays Bisexuales Transexuales [Lesbian, Gay, Bisexual, and Transsexual Agenda] had been subject to death threats, acts of physical violence, and harassment since February 2009. It adds that these acts had been reported to the appropriate authorities, but that the necessary protection measures had not been adopted. It indicates that Mr. Estrada Negrete, his mother, and his sister had received new threats in January and February of 2010. The Inter-American Commission asked the State of Mexico to adopt the necessary measures to guarantee the life and physical integrity of Agustín Humberto Estrada Negrete, Leticia Estrada Negrete, and Guadalupe Negrete Silva; to plan and implement the protection measures with the participation of the beneficiaries and/or their representatives; and to inform the Commission about the measures adopted to respond to the factors that place the beneficiaries at risk.

PM 36-10 - Rodrigo Callejas Bedoya and Family, Colombia

On April 12, 2010, the IACHR granted precautionary measures for Rodrigo Callejas Bedoya and his family, in Colombia. The request for precautionary measures alleges that Rodrigo Callejas Bedoya has subject to threats and harassment, allegedly because of his work as an independent journalist; as a result, his life and personal integrity, as well as that of his family, are at risk. The Inter-American Commission asked the State of Colombia to adopt the necessary measures to guarantee the life and physical integrity of journalist Rodrigo Callejas Bedoya and his family; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 99-10 - Tránsito Jurado, María Eugenia González, and Members of the Corporación Sisma Mujer, Colombia

On April 8, 2010, the IACHR granted precautionary measures for Tránsito Jurado, María Eugenia González, her minor children, and the members of the Corporación Sisma Mujer, in Colombia. The request for precautionary measures alleges that Sisma Mujer and two women who participate in a program coordinated by that organization have been subject to threats, harassment, and one act of violence, allegedly as a result of their work defending the rights of women in a situation of displacement. The request indicates that Ms. González began to receive intimidating telephone calls and to be the target of acts of harassment, starting in September 2009; that on December 4, 2009, an unknown individual approached her on the street and told her to leave Cali with her family; and that eight days later, her son, Jonathan Gómez, was murdered. The request adds that Ms. Jurado has also received death threats, and that on January 27, 2010, Sisma Mujer received an e-mail signed by the "Bloque Metropolitano de las Águilas Negras" [Metropolitan Bloc of the Black Eagles], in which the organization was declared a "military target." The request indicates that Sisma Mujer reported the aforementioned acts and met with the competent authorities, but alleges that the necessary protection measures have not been implemented to date. The Inter-American Commission asked the State of Colombia to adopt the necessary measures to guarantee the life and personal integrity of María Eugenia González, her minor children, Tránsito Jurado, and the members of the Corporación Sisma Mujer; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 1-10 - Fourteen Women in a Situation of Displacement, Colombia

On March 25, 2010, the IACHR granted precautionary measures for 14 women in a situation of displacement in Colombia, whose identity the IACHR is withholding because some of them have suffered sexual violence. The request for precautionary measures alleges that the 14 women are leaders of the displaced community in Bogotá and that as a result of these activities, they have been victims of sexual violence, physical attacks, threats, acts of harassment, and a violent home raid. The request indicates that the beneficiaries met with the Director of the Presidential Human Rights Program on December 22, 2009, and it was agreed that security measures would be taken, but that the agreement had not been implemented to date. It adds that in the time that has passed since that meeting, one of the beneficiaries has suffered an act of sexual violence, and there have been two acts of aggression and one death threat. The Inter-American Commission asked the State of Colombia to adopt the necessary measures to guarantee the life and physical integrity of the 14 women; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of precautionary measures.

On May 6, 2010, the IACHR expanded the PM 1-10 precautionary measures for Ana María Perea Incel. According to the information sent by the petitioners, Ms. Perea Incel is a member of the Association of Afro Women for Peace and a participant in talks with the government of Colombia on the issue of the rights of the displaced population. It is alleged that on two occasions since December 2009, Ms. Perea Incel was approached in cars by unknown individuals who threatened her with violent acts if she does not leave her work with the Association.

PM 71-10 Claudia Samayoa, Erenia Vanegas, and Members of UDEFEGUA, Guatemala

On March 25, 2010, the IACHR granted precautionary measures for Claudia Samayoa Pineda, Erenia Yamileth Vanegas Zapata, and their families, as well as the other members of the Unit for the Protection of Human Rights Defenders (UDEFEGUA), in Guatemala. The request for precautionary measures alleges that the beneficiaries have been targets of harassment in recent months as a result of their work and their complaints about alleged abuses of authority committed by State officials. The request alleges that despite the fact that the acts had been reported to the competent authorities, effective protection measures had not been implemented. The Inter-American Commission asked the State of Guatemala to adopt the necessary measures to guarantee the life and physical integrity of Ms. Samayoa and Ms. Vanegas, their families, and the other members of UDEFEGUA; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 79-10 - Nineth Montenegro and Family, Guatemala

On March 25, 2010, the IACHR granted precautionary measures for Nineth Montenegro and her family, in Guatemala. The request for precautionary measures alleges that in early March 2010, Congresswoman Nineth Montenegro Cottom learned of a plan to try to kill her. The request indicates that on March 4, 2010, Ms. Montenegro Cottom met with personnel from the International Commission against Impunity in Guatemala (CICIG), who offered her security measures provided by the Secretariat for Administrative and Security Affairs (SAAS). The request adds that on March 10, Ms. Montenegro Cottom met with personnel from the Ministry of the Interior to discuss the security plan being offered, and expressed her lack of confidence in the services that the SAAS and the National Civilian Police could offer. It also indicates that Ms. Montenegro Cottom would have an armored vehicle, but she believes that she needs a more extensive security scheme. The Inter-American Commission asked the State of Guatemala to adopt the necessary measures to guarantee the life and physical integrity of Congresswoman Nineth Montenegro Cottom and her family, including Alejandra García Montenegro, Emilia García, Mario Alcidez Polanco Pérez, and Carlos Humberto Peraza Ramírez, as well as X, whose identity is being withheld as he is a minor. The Commission also requested that the State reach agreement with the beneficiaries and their representatives on the measures to be adopted and inform the Commission on the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 95-10 - X and Family, Honduras

On March 24, 2010, the IACHR granted precautionary measures for X, whose identity the IACHR is withholding because he is a minor, as well as for his family, in Honduras. The request for precautionary measures alleges that X, an active member of various student groups and of the National Front for Popular Resistance, has been subject to a kidnapping and to death threats. The Inter-American Commission asked the State of Honduras to adopt the necessary measures to guarantee the life and physical integrity of X and his family; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of precautionary measures.

PM 91-10 - Pedro Brizuela, Mateo Enrique García Castillo, and their immediate families, Honduras

On March 19, 2010, the IACHR granted precautionary measures for Pedro Brizuela, Mateo Enrique García Castillo, and their respective immediate families, in Honduras. The request for precautionary measures alleges that Pedro Brizuela and Mateo Enrique García Castillo, who belong to the National Front for Popular Resistance, have been targets of acts of violence and harassment. On February 24, 2010, Claudia Brizuela, daughter of Pedro Brizuela, was shot to death by unknown persons when she opened the door to her house. The request for precautionary measures indicates that both before and after his daughter's murder, Mr. Brizuela received threats on his cell phone. It also indicates that on February 26, 2010, Mr. Mateo Enrique García Castillo was the object of a kidnapping attempt by four men who the day before had infiltrated a march convened by the National Front for Popular Resistance. The Inter-American Commission asked the State to adopt the necessary measures to guarantee the life and personal integrity of Pedro Brizuela, Mateo Enrique García Castillo, and their immediate families; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of the precautionary measures, in order to remove the factors placing the beneficiaries at risk.

PM 14-10 - X and XX, Mexico

On March 3, 2010, the IACHR granted precautionary measures for two persons in Mexico whose identity the Commission will withhold because one of them alleges having been the object of sexual abuse. The request for precautionary measures indicates that the beneficiaries have been subject to threats and harassment since the release of X, who had reportedly been kidnapped on July 6, 2009, in the city of Acapulco, in the state of Guerrero. During the 10 days she was held, she was allegedly drugged, raped, tortured, and kept in chains. The request for precautionary measures alleges that agents of the Ministerial Police were involved in the kidnapping, a connection made because XX had previously reported alleged unlawful actions on the part of State officials. At the time of her release, the kidnappers allegedly threatened to kill her if she reported what had happened. The request indicates that X and her mother, XX, filed a complaint with the Public Ministry and with the Attorney General's Office of the state of Guerrero, where they also requested personal protection measures, but they apparently received no response. The Inter-American Commission asked the State to adopt the necessary measures to guarantee the life and personal integrity of X and XX; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of the precautionary measures, in order to remove the factors placing the beneficiaries at risk.

PM 52-10 - Margarita Guadalupe Martínez Martínez and her immediate family, Mexico

On March 3, 2010, the IACHR granted precautionary measures for Margarita Guadalupe Martínez Martínez, her husband, Adolfo Guzmán Ordaz, and her two children, in San Cristóbal de las Casas, in the state of Chiapas, Mexico. The request for precautionary measures alleges that the beneficiaries are targets of threats and harassment. It indicates that on November 8, 2009, some 18 to 20 individuals, allegedly from the Ministerial Police, came to the beneficiaries' home without a search warrant, threatened Mrs. Martínez Martínez with a firearm, and searched the entire house, including the bedroom in which the children were sleeping. The request adds that this was reported to the authorities and that the beneficiaries asked the authorities for protection, but this was not granted. It also indicates that on February 25, 2010, Mrs. Martínez Martínez was kidnapped and tortured and that her life was threatened by unknown persons, who warned her to desist in her criminal complaint regarding abuse of authority, breaking and entering, psychological torture, and threats, a complaint lodged as a result of the events of November 8, 2009. The request alleges that the kidnappers told her that the attack was "a little gift from the municipal president of Comitán." The Inter-American Commission asked the State to adopt the necessary measures to guarantee the life and personal integrity of Margarita Guadalupe Martínez Martínez, her husband, Adolfo Guzmán Ordaz, and her children, Ada Sarai Martínez Martínez and Eduardo Abel de León Martínez; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of the precautionary measures, in order to remove the factors placing the beneficiaries at risk.

PM 43-10 – "Amelia", Nicaragua

On February 26, 2010, the IACHR granted precautionary measures for a person who the IACHR will identify as Amelia, in Nicaragua. The request seeking precautionary measures alleges that Amelia, mother of a 10-year-old girl, is not receiving the necessary medical attention to treat the cancer she had, because of her pregnancy. The request alleges that the doctors had recommended to urgently initiate chemotherapy or radiotherapy treatment, but the hospital informed Amelia's mother and representatives that the treatment would not be given, due to the high risk that it could provoke an abortion. The Inter-American Commission asked the State of Nicaragua to adopt the measures necessary to ensure that the beneficiary has access to the medical treatment she needs to treat

her metastatic cancer; to adopt the measures in agreement with the beneficiary and her representatives; and to keep her identity and that of her family under seal. Within the deadline set to receive an answer, the State of Nicaragua informed the IACHR that the requested treatment has been initiated.

PM 12-09 – Community of Alto Guayabal–Coredcito of the Emberá People, Colombia

On February 25, 2010, the IACHR granted precautionary measures for 87 families of the Emberá People's Community of Alto Guayabal-Coredocito—declared "So Bia Drua," a humanitarian area of the Uradá Jiguamiandó Indigenous Reserve—in the municipality of Carmen del Darién, department of Chocó, Colombia. The request for precautionary measure alleges that this community has been subject to acts of violence that placed their lives and personal integrity at risk. It is alleged, among other facts, that on January 30, 2010, two helicopters and a plane belonging to the armed forces carried out a machine-gun attack and bombing 300 meters from the community's main settlement, hitting the house of a family where there were three adults and two children, who were wounded. The request indicates, for example, that Mr. José Nerito Rubiano Bariquí was wounded in the thorax with a firearm, as a result of which he broke his spinal column and was left paraplegic. According to the applicants seeking the measures, the military presence in the area is related to the resumption of mining activity. The Inter-American Commission requested that the State of Colombia adopt the measures necessary to protect the life and personal integrity of 87 families of the Community of Alto Guayabal-Coredocito; that it come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and that it inform the Commission on actions taken to investigate the events that led to the adoption of precautionary measures so as to remove the risk factors for the beneficiaries. .

PM 38-10 - Manuel de Jesús Varela Murillo et al., Honduras

On February 25, 2010, the IACHR granted precautionary measures for Manuel de Jesús Varela Murillo, Ricardo Antonio Rodríguez, and their families, in Honduras. The request for precautionary measures alleges that the beneficiaries, who belong to the Resistance Movement against the coup d'état, had been subject to kidnapping, acts of torture, and death threats. It indicates that on February 2, 2010, they were attacked by 20 individuals in civilian clothing, who were heavily armed and wore ski masks over their faces. It alleges that the beneficiaries were taken to a house where they were blindfolded, hit about the head, and threatened with machetes while being asked where the arsenal was and where the dollars were and being told to abandon the resistance. The beneficiaries indicated that the attackers robbed them of money, a computer, personal documents, and one cell phone. They state that after more than three hours of interrogation and threats to kill their families, they were abandoned in the Víctor Ardon neighborhood. The Inter-American Commission asked the state to adopt the necessary measures to guarantee the life and personal integrity of Manuel de Jesús Varela Murillo, Ricardo Antonio Rodríguez, and their families; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of the precautionary measures, in order to remove the factors placing the beneficiaries at risk.

PM 196/09, Amplification - Anselmo Romero Ulloa and María Brígida Ulloa Hernández, Honduras

On February 12, 2010, the IACHR expanded Precautionary Measure PM 196-09 for Anselmo Romero Ulloa and María Brígida Ulloa Hernández, in Honduras. The request for precautionary measures alleges that Mr. Anselmo Romero Ulloa, a member of the National Coordinating Committee for the Resistance, was attacked on November 3, 2009, by a man armed with an Uzi. It alleges that the attacker fired a volley of gunshots near Mr. Romero's face, which left him deaf in one ear, and that another volley passed very close to María Brígida Ulloa Hernández, who lives with Mr. Romero Ulloa. It adds that a complaint was filed with the National Office of Criminal Investigation in Comayagua, but that the Public Prosecutor's Office has yet to proceed with the case. It also indicates that on January 29, 2010, the same person who attacked Mr. Romero Ulloa in 2009 was prowling around the outside of his house, and that the house has been under surveillance at various times by unidentified individuals. The Inter-American Commission asked the State to adopt the necessary measures to guarantee the life and personal integrity of Anselmo Romero Ulloa and María Brígida Ulloa Hernández; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of these measures. The IACHR asked the State to provide information within a 20-day period and to provide updates on a regular basis..

PM 18-10 – Indyra Mendoza Aguilar et al., Honduras

On January 29, 2010, the IACHR granted precautionary measures for Indyra Mendoza Aguilar, Nohelia Flores Álvarez, Fátima Maritza Ulloa Becerra, and Ana Lourdes Ordóñez, in Honduras. Indyra Mendoza Aguilar is the director of Cattrachas, a nongovernmental organization that works for the rights of the lesbian, gay, bisexual, transgender, and intersex (LBGTI) community. The request for precautionary measures alleges that on December 17, 2008, in Tegucigalpa, Nohelia Flores Álvarez, who belongs to Cattrachas, was forced to get into a vehicle of a member of the Preventive Police, who demanded sexual services at gunpoint. The request indicates that Nohelia Flores Álvarez refused, and the police officer threatened her life. It goes on to say that the next day, the policeman returned with two other men in a pickup truck and the three of them stabbed her a total of 17 times, in her throat, back, stomach, and arms. After she passed out, the men abandoned her in some bushes. In the hospital, Indyra Mendoza took photos that could serve as evidence in a trial and accompanied him in the process of filing the complaint, which is being investigated by Fátima Maritza Ulloa Becerra and Ana Lourdes Ordóñez, agents of the National Office of Criminal Investigation in Tegucigalpa. The request for precautionary measures alleges that the four beneficiaries are the object of threats and acts of harassment that place their lives and personal integrity at risk. The Commission requested that the State of Honduras adopt the necessary measures to guarantee the life

and personal integrity of Indyra Mendoza Aguilar, Nohelia Flores Álvarez, Fátima Maritza Ulloa Becerra, and Ana Lourdes Ordóñez; that it come to an agreement with the beneficiaries and their representatives on the measures to be adopted; and that it inform the Commission about the actions taken with respect to the events that led to the adoption of the precautionary measures, so as to remove the factors placing the beneficiaries at risk.

PM 385-09 – 31 Undocumented Immigrants Residing in Atlanta, Georgia, United States

On January 29, 2010, the IACHR granted precautionary measures for 31 undocumented immigrants residing in Atlanta, Georgia, whose dialysis treatments at Grady Memorial Hospital were scheduled to be terminated on February 3, 2010. The request seeking precautionary measures alleges that the lives and health of the 31 persons concerned are at grave risk due to the fact that they suffer from End-Stage Renal Disease and do not have the economic resources to obtain the dialysis treatments that their condition requires. It is alleged that Grady Memorial Hospital's decision to terminate the dialysis treatments had a disproportionate effect on the beneficiaries because, unlike the affected U.S. citizens, they are not eligible to receive assistance through programs such as Medicare or Medicaid. Furthermore, the petitioners claim that the beneficiaries were not informed of alternative means of obtaining the treatment that they require, but that they were instead encouraged to leave the state of Georgia and return to their countries of origin. The Inter-American Commission asked the United States to instruct the competent authorities to take the urgent measures necessary to ensure that the beneficiaries have access to the medical treatment that may be required for their condition, and to inform the IACHR about compliance with these measures within 10 days, and thereafter on a periodic basis. .

PM 196/09, Amplification - Gilberto Vides and his immediate family, Honduras

On January 22, 2010, the IACHR expanded Precautionary Measure PM 196-09 for Gilberto Vides and his immediate family. The request for precautionary measures alleges that on January 7, 2010, Professor Gilberto Vides, of the National School of Fine Arts, was approached by two armed men when he was returning from a resistance march. It indicates that they shot at the windshield and back window of his car and then fled. It also alleges that his home was under surveillance on January 8 and 9, 2010. The Inter-American Commission asked the State to adopt the necessary measures to guarantee the life and personal integrity of Gilberto Vides and his wife and daughter; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of these measures.

PM 196-09 - Amplification of Precautionary Measure, Nuclear Family of Rasel Antonio Tome, Honduras

On January 19, 2010, the IACHR amplified Precautionary Measure PM 196/09 for relatives of Rasel Antonio Tome, in Honduras. Rasel Antonio Tome is a beneficiary of IACHR precautionary measures through the amplification granted on September 23, 2009, when he was in the Embassy of Brazil with President Manuel Zelaya. The request for precautionary measures indicates that Rasel Antonio Tome has received death threats, and posters have appeared on the streets of Tegucigalpa bearing his photograph, along with those of other leaders of the Resistance Front, with captions such as "People of Honduras: These are your enemies. Know them." The request also reports that this same message is contained in a TV announcement that runs on Channel 8. It alleges that the security of Rasel Antonio Tome's nuclear family, which consists of his wife and three minor children, is at risk. The Inter-American Commission requested that the State adopt the necessary measures to guarantee the life and personal integrity of the members of Rasel Antonio Tome's nuclear family; that it reach an agreement with the beneficiaries and their representatives on the measures to be adopted; and that it inform the Commission about the actions taken to investigate the events that led to the adoption of these measures. The IACHR asked the State to provide information within a period of 20 days and to provide regular updates.

PM-364/09 Carlos Amilcar Orellana Donis, Guatemala

On January 19, 2010, the IACHR granted precautionary measures for Carlos Amilcar Orellana Donis, in Guatemala. The request for precautionary measures alleges that in the early morning hours of August 29, 2009, Mr. Carlos Amilcar Orellana Donis was transferred unexpectedly to a maximum-security prison, even though he had not yet been tried. It adds that of the eight persons who have been charged in the case against him, he was the only one who was transferred. It states that the maximum-security prison also houses those who in 2007 allegedly killed the four police officers charged in the same crime in which Mr. Orellana Donis has been accused. The request also alleges that courts in Guatemala have recently issued rulings ordering the return of Mr. Orellana Donis to a preventive detention center, and that the competent Guatemalan authorities have not complied with these rulings. The IACHR asked the State of Guatemala for information in December 2009 but received no response. The Inter-American Commission requested that the State of Guatemala adopt the necessary measures to guarantee the life and physical integrity of the beneficiary and to separate him from the persons deprived of liberty who have already been convicted.

PM 113/07 (Amplification) - Corporación para la Paz y el Desarrollo Social (CORPADES) [Corporation for Peace and Social Development], Colombia

On January 14, 2010, the IACHR extended Precautionary Measure PM 133-07 to protect Guillermo Osorio, Jairo Ivan Maya Rodríguez, Yeisme Romero Fuenmayor, Juan David Muñoz, and Rafael Emiro Bedoya, all of whom belong to the Corporación para la Paz y el Desarrollo Social (CORPADES). The request for precautionary measures alleges that the beneficiaries have received threats

from alleged paramilitary groups, due to their community leadership and participation in criminal proceedings brought against members of organizations operating outside the law. The petitioners inform the Commission that on December 20, 2009, John Alexander Pulgarín—a member of CORPADES and a witness in a case brought against the paramilitary member Jhon William López—was killed, despite the fact that the State had apparently provided a protection scheme for him. The IACHR originally granted this precautionary measure on March 14, 2008, for Fernando Quijano, Carlos Mario Arenas, Teresa Muñoz Lopera, Alberto Manzo Monsalve, Dillier Fernando Vásquez Rúa, Santiago Quijano, and Marín Alonso Velásquez, all members of CORPADES. The request for precautionary measures alleges that the members of this organization have been targets of threats and attacks allegedly committed by groups operating outside the law. The Commission asked the Colombian State to adopt the necessary measures to guarantee the life and physical integrity of the beneficiaries, as well as to inform the Commission about the steps taken to clarify judicially the events that led to the adoption of precautionary measures. The Commission will continue to monitor the situation.

PM 380-09 – María Lourdes Afiuni, Venezuela

On January 11, 2010, the IACHR granted precautionary measures for María Lourdes Afiuni, Venezuela. The request seeking precautionary measures alleges that on Sunday, January 3, 2010, a group of persons deprived of liberty in the Instituto Nacional de Orientación Femenina (INOF) wore distinctive tape in their legs and head, which allegedly means “war” or “mutiny”, and planned to “burn the judge alive,” in reference to Mrs. Afiuni. It is alleged that they also planned to hurt other three persons detained who are perceived to be close to Mrs. Afiuni. The Inter-American Commission asked the State of Venezuela to adopt the measures necessary to guarantee the life and physical integrity of the beneficiary; to adopt the measures necessary to transfer the beneficiary to a safe place, and to inform the IACHR about actions taken to investigate through the Judiciary the facts that led to the adoption of precautionary measures.

PM 209-09 – Franklin José Brito Rodríguez, Venezuela

On January 11, 2010, the IACHR granted precautionary measures for Franklin José Brito Rodríguez, Venezuela. The request for precautionary measure alleges that in the early morning hours of December 13, 2009, agents of the Metropolitan Police of Caracas moved Franklin José Brito, who had been carrying out a hunger strike in front of the OAS office in Caracas, to the Military Hospital. Mr. Brito alleges that he is being unlawfully deprived of his personal liberty, as he is being held in the facility against his will. It is alleged that he was transferred to the Military Hospital in response to an amparo action filed by the Public Ministry on the grounds of safeguarding his life. However, the request argues that the amparo is arbitrary, since it does not meet any of the assumptions established in the law for an amparo action. The Commission was also informed that as of January 6, 2010, Mr. Brito was still in the Military Hospital without having access to a medical doctor he trusted. Finally, the Commission was informed that on January 9, 2010, State officials allegedly sedated him against his will and transferred him again, telling his daughter that they were taking him for intensive therapy. The Inter-American Commission asked the State of Venezuela to adopt the measures necessary to permit access, treatment, and monitoring of Mr. Brito's health situation, and to ensure that Mr. Franklin Brito can receive regular visits. The IACHR also requested that the State inform the Commission within a 10-day period on the adoption of precautionary measures and update that information on a regular basis.

PM 196/09, Amplification - Marbin Emilio Hernández Duarte and his immediate family, Honduras

On January 8, 2010, the IACHR expanded Precautionary Measure PM 196-09 for Marbin Emilio Hernández Duarte and his immediate family. Mr. Duarte belongs to a group that does outreach activities related to the Resistance Front and to situations of repression following the June 2009 coup d'état. The request for precautionary measures alleges that on October 18, 2009, the group organized the presentation of a video in the Divanna de Comayagüela neighborhood, where unknown individuals took photos of the group and of the coordinators of the Resistance Front. The request notes that the following day Marco Antonio Martínez Lezama, the coordinator of the resistance movement in that neighborhood, was found dead. The request adds that on October 28, 2009, the same video was shown in the neighborhood of La Fraternidad de Tegucigalpa, and that once again unknown individuals took photos of them. It was reported that on December 22, 2009, Edwin Renán Fajardo Argueta, a member of the group, was found dead at his home and that on that date unknown individuals had followed Mr. Duarte. The request adds that on December 29 journalist César Silva, another member of the group, was kidnapped. It adds that on December 31, 2009, two men with military-style haircuts approached Mr. Duarte's residence, where his two children were playing outside, asked the 9-year-old boy for water, and asked the 5-year-old boy what his father's name was. The Inter-American Commission asked the State to adopt the necessary measures to guarantee the life and personal integrity of Marbin Emilio Hernández Duarte and his family; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of these measures. The IACHR asked the State to provide information within a 20-day period and to provide updates on a regular basis.



Precautionary Measures Granted by the Commission during 2009

Click here to see the Precautionary Measures Granted in 2009, ordered by country, in alphabetical order

Below are the Precautionary Measures Granted in 2009, in Chronological order, starting in the last one to be granted

PM 196-09, Amplification - César Omar Silva Rosales, Honduras

On December 31, 2009, the IACHR expanded Precautionary Measure PM 196-09 for César Omar Silva Rosales, in Honduras. The request for precautionary measures alleges that journalist Silva Rosales was kidnapped on December 28, 2009, by three armed individuals and that they interrogated him every 10 minutes over a period of approximately 24 hours, during which time he was mistreated, beaten, and threatened with death. The request indicates that he was freed in the vicinity of the Cerro Grande neighborhood, in eastern Tegucigalpa, a place used in the 1980s as a dumping ground for bodies. The Inter-American Commission asked the State to adopt the necessary measures to guarantee the life and personal integrity and the right to freedom of expression of César Omar Silva Rosales, and to investigate the facts that led to this request.

PM-297-09 - Juan Almonte Herrera and others, Dominican Republic

On December 11, 2009, the IACHR granted precautionary measures for Juan Almonte Herrera, Yuverky Almonte Herrera, Joel Almonte, Ana Josefa Montilla, Genaro Rincón, and Francisco de León Herrera, in the Dominican Republic. The request for the precautionary measure alleges that Mr. Juan Almonte Herrera had been detained by four agents of the Anti-Kidnapping Department of the National Police on September 28, 2009, as part of the investigation being carried out into the kidnapping of Eduardo Baldera Gómez. Mr. Almonte Herrera was reportedly taken to an unknown location without having access to visits by his family or his legal representatives. On October 2, 2009, the Second Criminal Court of the National District reportedly ordered the release of Mr. Almonte Herrera in a public hearing. Nevertheless, it is alleged that his whereabouts remain unknown.

On November 30, 2009, the IACHR asked the State of the Dominican Republic to provide information within a 48-hour time frame on the whereabouts of Mr. Almonte Herrera and on the security situation of his relatives and representatives, among other matters. To date, the IACHR has not received any response to that request for information. In addition, the IACHR received information on December 5, 2009, indicating that relatives and representatives of Mr. Almonte Herrera had reportedly been followed and subject to harassment on the part of agents of the National Police since the date on which Mr. Almonte Herrera was detained. Given the gravity and urgency of the situation, and the lack of response regarding the whereabouts of Mr. Almonte Herrera, the Inter-American Commission requested that the government of the Dominican Republic report on the whereabouts of Juan Almonte Herrera, his state of health, and his current security situation; that it adopt the necessary measures to guarantee the life and physical integrity of Juan Almonte Herrera, Yuverky Almonte Herrera, Joel Almonte, Ana

Josefa Montilla, Genaro Rincón, and Francisco de León Herrera; and that it report on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 118/09 – Naso Indigenous People of the Bocas del Toro Region, Panama

On November 30, 2009, the IACHR granted precautionary measures to protect the life and physical integrity of Naso People leaders Eliseo Vargas, Tony Vargas, Oscar Vargas, Lupita Cargas, Marcial Gamarra, and Lucho Gamarra; to prevent the continuation of collective forced evictions and/or removal of dwellings; and to guarantee the free circulation and security of the Naso Indigenous People of the Bocas del Toro Region in Panama. The request for precautionary measures alleges that on March 30, 2009, police and employees of the Ganadera Bocas company arrived at the Naso community of San San Druy to execute an eviction order. According to the information received, the police agents proceeded to violently evict the families that occupied the land in conflict with the company, throwing tear gas bombs where there were children and destroying some 30 houses, the Naso cultural center, the school, the church, and other community facilities. The request indicates that the indigenous people who were evicted had installed themselves in encampments and that agents of the National Police had surrounded several Naso communities and used roadblocks to restrict the free movement of community members, which impeded the delivery of food and water to the people inside the camp. It adds that on April 15, 16, and 17, 2009, Ganadera Boca employees escorted by police agents allegedly fired gunshots into the air and knocked down six houses and the community's encampment. It was also reported that on October 2, 2009, approximately 40 heavily armed police arrested eight Naso indigenous people, including Eliseo Vargas and Lucho Gamarra, who were conducting a peaceful protest in front of the Cathedral Plaza. These individuals were reportedly freed on October 4. The information adds that on November 19, 2009, presumably without a court order, some 200 police agents arrived at the Naso communities of San San and San San Druy and threw tear gas bombs, and employees of the Ganadera Bocas company allegedly knocked down several houses with their equipment. The IACHR asked the State of Panama to take the measures necessary to prevent the continuation of collective forced evictions and/or removal of dwellings of the Naso indigenous people; provide emergency health care and housing to the members of these communities who were victims of eviction and of the destruction of homes, crops, and animals; adopt the measures necessary to preserve the life and physical integrity of the beneficiaries; guarantee the free movement and security of the members of the Naso Indigenous People so that they do not become targets of new acts of violence or intimidating measures; and investigate the facts that led to the adoption of these precautionary measures.

PM 224/09 – Adolescents Deprived of Liberty in the Socio-Educational Internment Facility (UNIS), Brazil

On November 25, 2009, the IACHR granted precautionary measures for adolescents deprived of liberty in the Socio-Educational Internment Facility (Unidad de Internación Socioeducativa, UNIS), in Brazil. The request for precautionary measures alleges that the life and physical integrity of some 290 adolescents deprived of liberty in the UNIS is at risk. It indicates that many of the inmates held have been subject to beatings and acts of aggression and torture, allegedly by State agents and by other adolescents, and that between April and July of 2009 three adolescents died in the facility as a result of these acts. The Inter-American Commission asked the State of Brazil to adopt the measures necessary to guarantee the life and physical integrity of the adolescents deprived of liberty in the UNIS and to keep deaths and acts of torture from occurring in the facility, as well as to inform the IACHR about the actions taken to judicially clarify the acts that warrant the adoption of these precautionary measures.

PM 339-09 – CJD and MAG, Colombia

On November 23, 2009, the IACHR granted precautionary measures for CJD and MAG, in Colombia. The request for precautionary measures alleges that the journalist CJD, who allegedly had been kidnapped in 2001 and forced to leave the country on three occasions, has been subject to ongoing threats and acts of harassment. The request indicates that on October 16, 2009, six individuals in four vehicles entered the residential complex where she lives, and some of them approached the door of her apartment. It adds that on June 20 and October 7,

2009, several calls were received on the cellular phones of CJD and her parents, in which unknown individuals asked about her younger daughter, MAG. The request also states that in 2008, CJD allegedly learned that her security escorts had produced intelligence reports on her and her daughter, in response to which she asked the Ministry of the Interior and Justice to appoint guards that she trusted. This request apparently received no response, and thus CJD petitioned the Constitutional Court for protection. On October 23, 2008, the Constitutional Court ordered the Ministry of the Interior and Justice to implement the security measures necessary to safeguard the life and physical integrity of CJD and ordered the Administrative Department of Security (DAS) to allow her access to the information about her in the entity's files. The request for precautionary measure indicates that the State has not complied with these orders, and that therefore there had apparently been an investigation into acts of contempt on June 11, 2009. The Commission asked the government of Colombia to adopt the measures necessary to guarantee the life and physical integrity of CJD and MAG, and to report on the actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 319/09 – League of Displaced Women – Cartagena, Colombia

On November 18, 2009, the IACHR granted precautionary measures for Doris Berrio Palomino and her family, in Colombia. The request for precautionary measures alleges that on August 31, 2009, Jair Pantoja Berrio, Doris Berrio Palomino's son and the founder of the Youth League of the League of Displaced Women (LMD), was killed in Cartagena. The request indicates that the murder took place even though the family of Doris Berrio Palomino has security measures in place provided by the State of Colombia. It adds that the Constitutional Court on three occasions had pronounced itself on the situation of risk faced by members of the LMD and that members of the League had informed the Ministry of the Interior about the inadequacy of the security measures, but it alleges that the Colombian State had not acted with diligence to ensure that the security schemes were effective. The request indicates as well that in 2009, various leaders of nongovernmental organizations that work to protect the rights of the displaced population in Cartagena had allegedly been killed and that beginning in March 2001, members of the LMD were victims of acts of violence and threats, allegedly perpetrated by armed groups operating outside of the law. The Commission asked the government of Colombia to adopt the measures necessary to guarantee the life and physical integrity of Doris Berrio Palomino and her family, and to report on the actions taken to judicially clarify the facts that warrant the adoption of precautionary measures.

PM 240/09 – Mauricio Meza - Colombia

On November 18, 2009, the IACHR granted precautionary measures to protect the life and physical integrity of Mauricio Meza Blanco, in Colombia. The request for precautionary measures alleges that the human rights defender and environmentalist Mauricio Meza resumed his efforts in September 2009 after having moved away from his family and his job in order to reduce the level of risk he was facing. The request states that it is unknown what progress has been made in the investigations into the kidnapping attempt of March 2009 and the threats that were reported to the appropriate authorities, and that the protection system granted by the Ministry of the Interior continues to be temporary, since the evaluation of the risk level was given as "ordinary." The request adds that in a public environmental hearing held on October 23, 2009, security guards allegedly followed Mr. Meza and took photographs of him, and that an automobile assigned to the Judicial Investigation Section (SIJIN) had tailed him. It is also alleged that on October 25, 2009, an unknown individual shot at his house with a firearm and that on October 31, 2009, he had been subject to harassment, allegedly on the part of intelligence agents. The Inter-American Commission asked the Colombian State to adopt the measures necessary to guarantee the life and physical integrity of Mauricio Meza Blanco and to inform the IACHR about actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 119/09 – César Julio Valencia - Colombia

On November 17, 2009, the IACHR granted precautionary measures for Magistrate César Julio Valencia Copete, in Colombia. The request for precautionary measures alleges that Magistrate

Valencia Copete had received threats to his life stemming from his participation in investigations into alleged ties between public officials and armed groups operating outside of the law. It adds that in March 2008, Magistrate Valencia Copete learned that his cellular telephone had been tapped by the Administrative Department of Security. It was allegedly learned that an official in the Office of Protection who was also assigned to the Counterintelligence Section was in possession of personal information about Magistrate Valencia Copete; that the State had still not taken the measures necessary to investigate the surveillance and telephone wiretapping to which Magistrate Valencia Copete had been subject; and that even though the State had provided him with a security scheme, neither he nor his representatives have been able to participate in its design and implementation, and the authorities responsible for implementing it were apparently not receptive to his requests. The Inter-American Commission asked the government of Colombia to adopt the measures necessary to guarantee the life and physical integrity of César Julio Valencia Copete; guarantee access to information in the intelligence files that would be necessary to protect his personal security; and report on the steps taken to judicially clarify the acts that warrant the adoption of precautionary measures.

PM 242/09 - Members of the Consultancy on Human Rights and Displacement (CODHES) Colombia

On November 16, 2009, the IACHR granted precautionary measures for Enrique Rojas Rodríguez, Marco Romero Silva, and Edna Bibiana Ortiz, members of the Consultancy on Human Rights and Displacement (Consultoría para los Derechos Humanos el Desplazamiento, CODHES), in Colombia. The request for precautionary measures alleges that these three individuals had had their telephones tapped, had been tailed, and had been subject to other intelligence activities on the part of agents of the Administrative Department of Security (DAS). It adds that the proposed beneficiaries would seem to be at risk in light of the fact that high-level public officials had made speeches against their activities in defense of people who had been subject to forced displacement. In addition, it reports that on October 30, 2009, Edna Bibiana Ortiz was part of a humanitarian mission verifying the situation of displaced populations in the Upper Sinú and Upper San Jorge. The mission was attacked with firearms, allegedly by paramilitary groups, leaving a teacher dead and a nurse hospitalized. The Inter-American Commission asked the State of Colombia to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries; provide a nexus and/or protection system for members of CODHES who travel to conflict zones in the course of their work; provide protection around the perimeter of CODHES headquarters; and guarantee access to any information in intelligence files that may be necessary to protect their personal security.

PM 338/09 - Macdiel Bachiller Pedroza, Cuba

On November 13, 2009, the IACHR requested the adoption of precautionary measures for Macdiel Bachiller Pedroza, in Cuba. The request for precautionary measures alleges that Macdiel Bachiller Pedroza had been deprived of liberty on four occasions, on the grounds that he was a "danger to society," in retaliation for the activities of his father, the union leader Aurelio Bachiller. It was also alleged that as a result of the State's actions, the rights and remedies to which the beneficiary would have access under domestic and international law would not be subject to effective legal protection. Consequently, the IACHR requested that the government of Cuba provide information about the beneficiary's legal situation and detention status.

PM 302/09 - Mario Alberto Pérez Aguilera, Cuba

On October 22, 2009, the IACHR granted precautionary measures for Mario Alberto Pérez Aguilera, in Cuba. The request for precautionary measures alleges that the prison authorities purportedly hindered Pérez Aguilera from having access to daily meals without being subject to degrading acts. The petitioners cite as evidence the fact that the beneficiary's cell is located at the end of the corridor and thus food is often not distributed to him, and that he has had to beg to receive his ration. In this context, they reported that in January 2009 the beneficiary

went for 11 days without receiving any food. In addition, they maintained that Pérez Aguilera had been isolated from the rest of those deprived of liberty and that he had been subject to beatings when he had tried to communicate with other detainees. The Inter-American Commission asked the government of Cuba to adopt the measures necessary to guarantee the life and humane treatment of Mario Alberto Pérez Aguilera and to inform the IACHR about actions taken to implement the precautionary measures.

PM 276-09 – R.S., A.B. and others, Haiti

On October 14, 2009, the IACHR granted precautionary measures for R.S. and her 12-year old child, A.B., as well as five members of a human rights organization in Haiti, whose identity is kept under seal at the request of the applicants. The request seeking precautionary measures alleges that A.B. was raped in January 2009 by a school employee, and that A.B. and her mother are being subjected to threats and violent acts as a result of the complaints they filed. On their part, the five members of the human rights organization mentioned above have also been subjected to telephone threats and harassment in the last few months, as a result of the psychological and legal support offered to A.B. and her mother. It is also alleged that on April 25, 2009, R.S.'s residence was set on fire by heavily armed individuals. According to the petitioners, the acts of violence they are being subjected to have been conducted by a local police officer, who allegedly is the brother of the professor they accuse of having raped A.B. The Inter-American Commission asked the State of Haiti to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and inform the IACHR about actions taken to investigate through the Judiciary the facts that led to the adoption of precautionary measures.

PM 239/09 – Héctor Antonio García Berríos and others, El Salvador

On October 7, 2009, the IACHR granted precautionary measures for the members of the Association of Friends of San Isidro (Asociación Amigos de San Isidro, ASIC), Héctor Antonio García Berríos, Alirio Napoleón Hernández Leiva and Miguel Ángel Rivera Moreno; for the members of the community radio Victoria, Alexander Beltrán Castillo, Ludwin Iraheta and Vladimir Abarca, and for the priest Luis Alberto Quintanilla, in El Salvador. The request seeking precautionary measures alleges that the beneficiaries have been the target of threats in the last few months, allegedly as a result of their activism in defense of the environment in the San Isidro county, department of Cabañas, and of complaints filed against the local public administration. The Inter-American Commission asked the State of El Salvador to adopt the measures necessary to guarantee the life and personal integrity of the beneficiaries, and to inform the IACHR about any actions taken to investigate the facts.

PM 290/09 – Jesús Tecú Osorio and his family, Guatemala

On October 6, 2009, the IACHR granted precautionary measures for Mr. Jesus Tecu Osorio and his family, in Guatemala. The request seeking precautionary measures alleges that Mr. Jesus Tecu Osorio received death threats and that on September 14, 2009, he received several telephone calls with death threats for his family. The request also alleges that these threats could be linked to the activities of Mr. Osorio as a human rights defender in Guatemala. Mr. Tecu Osorio allegedly requested protection to several instances of the National Civilian Police, which offered him protection to the perimeter of his house, but the request says that this would not be adequate for the situation of risk of the beneficiaries. The Inter-American Commission asked the State of Guatemala to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to inform the IACHR about any actions taken to investigate these facts.

PM 262/09 - Félix Waldemar Maaz Bol, Guatemala

On September 29, 2009, the IACHR granted precautionary measures for Mr. Félix Waldemar Maaz Bol, in Guatemala. The request seeking precautionary measures alleges that Félix Waldemar Maaz Bol, President of the Association of Journalists of Alta Verapaz, had allegedly been the target of an attack with explosives on August 18, 2009, in the outside of his residence, due to his work as a journalist. The Inter-American Commission asked the State of

Guatemala to adopt the measures necessary to guarantee the life, physical integrity and freedom of expression of the beneficiary, and to inform the IACHR about any actions taken to investigate the facts.

PM 270/09 – X and XX

On September 21, 2009, the IACHR granted precautionary measures for two individuals in Colombia whose identity the IACHR decided to withhold. The request for precautionary measures alleges that X and her 15-year-old daughter XX had been followed and subject to physical aggressions, threats, and a kidnapping attempt after they reported the sexual violation of XX, which allegedly occurred in December 2006. The request also indicates that XX showed after-effects of having been sexually violated and having carried a high-risk pregnancy. The request alleges that the adolescent's physical and mental health had deteriorated in recent months as a result of the acts of violence to which her immediate family had been victim and due to the alleged absence of adequate medical treatment. The Inter-American Commission asked the State of Colombia to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries; guarantee that XX can have proper medical treatment for the effects of having been sexually violated and having carried a pregnancy under allegedly risk circumstances; reach agreement with the beneficiaries and their representative on the measures to be adopted; inform the IACHR within a 20-day period about any actions taken to investigate the facts that led to the adoption of the precautionary measures and update the information periodically; and adopt all necessary measures so that the beneficiaries' identity is duly protected in the implementation of the precautionary measures.

PM 196/09 – Amplification of Precautionary Measures, Honduras

On August 21, 2009, the Inter-American Commission on Human Rights (IACHR) decided a new amplification of precautionary measures PM 196-09, in order to safeguard the life and personal integrity of Ms. Hedme Castro, director of the School Alba Nora Gúnera. According to the information received, Ms. Castro has been tailed and has been target of verbal aggression and harassment due to her opposition to the coup d'état. The information adds that vehicles without plates and with tinted windows are seen around her residence and her workplace, that the school's gates' locks have been broken, and that a patrol of 10 soldiers entered the school on August 18, 2009. The IACHR set a 7 day deadline to receive information about the implementation of the required measures. This list of protected persons complements lists transmitted via communications dated June 28 and 29; July 2, 3, 10, 15, 24 and 30; and August 7 and 17, 2009.

PM 196/09 – Amplification of Precautionary Measures, Honduras

On August 17, 2009, the Inter-American Commission on Human Rights (IACHR) decided a new amplification of precautionary measures PM 196-09, in order to safeguard the life and personal integrity of Ms. Nelly Guadalupe Doblado Guevara, Mr. Justo Pastor Henríquez and Mr. Eddy René Doblado Guevara. According to the information received, Ms. Nelly Guadalupe Doblado Guevara and her brother Eddy René Doblado Guevara were detained by the security forces in the context of a protest that took place in Comayagua on July 30, 2009, and that they were severely beaten. Additionally, the residence of Ms. Nelly Guadalupe Doblado Guevara and Mr. Justo Pastor Henríquez was the alleged target of an attack with Molotov bombs on the early hours of August 17, 2009. The IACHR set a 5 day deadline to receive information about the implementation of the required measures. This list of protected persons complements lists transmitted via communications dated June 28 and 29; July 2, 3, 10, 15, 24 and 30; and August 7, 2009.

PM 192/09 – Lydia Cacho and others, Mexico

On August 10, 2009, the IACHR granted precautionary measures for Ms. Lydia Cacho, her family and employees of the Integral Center for the Attention of Women (CIAM) of Cancun, Mexico. The request seeking precautionary measures alleges that between July 17 and 30, 2009, strangers had been around her residence and had taken pictures, and that on August 5,

2009, Ms. Cacho received death threats. It adds that CIAM employees have recently received death threats and that Lydia Cacho had refrained from adding comments to her personal blog due to the threats received through it. The Inter-American Commission asked the State of Mexico to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries and to inform the IACHR about actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 196/09 – Amplification of Precautionary Measures, Honduras

On August 7, 2009, the Inter-American Commission on Human Rights (IACHR) decided a new amplification of precautionary measures PM 196-09, in order to safeguard the life and personal integrity of persons in Honduras, who, according to information received, are at risk. The following persons are now included in the framework of precautionary measures 196-09:

- Gerson Evelar Vilches Almendares, has disappeared. According to information received, Almendares was last seen in the custody of the agents of the State who had presumably detained him.
- Eduardo Castañeda Perdomo, lawyer. According to information received, the military has followed him and members of the armed forces have raided his residence.
- Norma Estela Mejía, vice president of the Sitrajerzeesh union, which is affiliated with the Central General de Trabajadores (CGT), has received death threats because of her opposition to the coup d'état.
- Daniel Durón, national leader of the Central General de Trabajadores (CGT), has received death threats. These threats have included text messages sent to his mobile phone.
- Evangelina Argueta leader of the Central General de Trabajadores (CGT), has received threats via telephone because of her opposition to the coup d'état.

The IACHR set a 48 hour deadline to receive information about the implementation of the required measures. This list of protected persons complements lists transmitted via communications dated June 28 and 29 as well as communications dated July 2, 3, 10, 15, 24 and 30, 2009.

Request for information on the basis of Article 41 of the American Convention

Additionally, the IACHR requested information about the following situations and/or threats and acts of violence against persons. This information is requested within the framework of the competencies offered by Article 41 of the American Convention. The IACHR set a 48 hour deadline to receive information about the following:

Teacher Roger Vallejos Soriano

The IACHR requested information about the death of teacher Roger Vallejos Soriano, who died of a gunshot wound to the head on July 30, 2009.

Detentions

According to information received, various persons have been injured and detained during demonstrations and protests, according to the following details:

The July 30 Demonstration in Comayagüela, in which members of security forces in armored cars violently broke up the demonstrators using both bullets and teargas. According to information received, 61 people were detained, 16 of whom suffered serious injuries: 16 people have been detained and have suffered injuries, broken bones and beatings: Enmanuel Alberto Banegas Caballero, Luis Rodolfo Figueroa, Cristian David Herrera, Carlos Humberto Reyes Banegas, Carlos H. Reyes, Oscar Moncada, Marcial Cruz, Glenys Rodríguez,

Alexis García, Nefris Pineda, Ody José Valeriano, Tania Guiselle Guzmán, Carlos Alberto Cuello Canales, Manuel Banegas, Rommel Espinal, Emilio Castro.

45 people have been detained in the Belén police station: Héctor Armando Romero, Raúl Ernesto Meza, Lester Chávez, Eduardo Lagos, Fran Alexander Hermindo, Fredy Ariel Morazan, Marlon Dagoberto Villalobos, Dia Dec Shofol Rodriguez, Eric Alexander Romero, Dagoberto Aristde Moncada, Edas Dalmiro Moncada, José Ramiro Elvir Matamoros, Quintín García Hernández, Alex Osman Sierra Rodríguez, Rafael Pavón, Modesto Aguilar Herrera, Vivian Ramos Mejía, Oscar A. Flores, Luis Moncada, Julio Salas Posas, Marcos Mendoza, Luis Baquedano, Obed Fernando Banegas, Milton Nahun Borjas, Juan José Vargas, David Varrales, Amado Sandoval Peña, Milton Medardo Torres, José Celestino Barahona, Fernando Izaguirrez, Jorge Luis Ortega, Rudy Izaguirre, Daniel Rivera Amador, Juan Barahona, Cesar Adolfo García, Carlos Ramos, Olvin Mejía, Héctor Manuel Herrera, Johan Ordoñez, Abraham Lincol, Gabriel Galeano, Melvin Roberto Vaca, Gerardo Abrachar Soleno López, Héctor Rolando Hernández, Joel Antonio Munguía.

Outpost of Danlí, on the border of Nicaragua, July 29, 2009: Seven Garifunas have been detained by a Honduran police squad in the outpost of Danlí, located on the Nicaraguan border. It is alleged that both their documents and musical instruments were seized and that they were also the subject of discriminatory acts because of their race.

Outpost of Danlí, on the border of Nicaragua, July 25, 2009: The following persons have been detained and are currently in the District 7 Police Post in Danlí, in connection with the acts of violence that occurred in the Department of El Paraíso on July 25, 2009: Adrián Carranza, Alfredo Redondo Comayagua, Ángel de Jesús Rivera Cruz, Arnaldo Hernández, Brayab Ernesto Ávila (15 years old), Carlos Alejandro Hernández, César Samuel Escalante Vásquez, Dave Ezequiel Torres (16 years old), David Orlando de Canton, Eduardo Javier Mendoza (15 years old), Eduardo José Redondo Rudy (17 years old), Eliasa Mejía, Eráclito Isaac Sierra, Eser Peralta Lavaire (Cruz Roja), Feliz Antonio Doblado López, Florentino Urbina Acuña, Fran Anderson Corrales (16 years old), Gustavo Adolfo Suazo, Henry Antonio Molina, (11 years old), Jeremías Gómez Comayagua, Jhonatan Noe Osorio Cañada (17 years old), Joaquín Rueda Muñoz, Jhony Salgado, Jorge Franciso Valle, José Francisco Sanhesdias, Katerine Romero (14 years old), Kenia Sarai Funes (15 years old), Leo Gabriel Astriaco, Lidia Margarita Portillo, Linda Rosio Romero (17 years old), Luis Beltrán Alvardopadilla, Mario Javier García Mayrena, Marlon Iván Méndez, Marta Socorro, Marvin Javier Sánchez, Maycol Jamel Corrales Ventura (13 years old), Miguel Ángel Rodríguez Amador, Milton Ariel Ortiz Sierra (15 years old), Norma Supaya Ruiz Padilla, Nubia Xiomara Valladares, Orlyn Joel Flores, Roberto Bautista, Rony Misael Mejia Mairena, Sabas de Jesús García Ocampo, Santos Ilarios Sánchez, Sergio Raúl Geresano Correa (17 years old), Teresa de Jesús Rivera, Vicenta Bautista, Víctor Isaí Soto Hernández, Vilma Yolanda Flores.

San Pedro Sula, August 3, 2009: On August 3, 2009, dozens of people were detained and many others suffered bruises and broken bones as a result of violence that took place during a demonstration against the coup d'état in San Pedro Sula. According to information received, the acts of violence have been perpetuated by officers of the Special Operations Forces (COBRA) and members of the 105th Brigade, headquartered in San Pedro Sula. Tanks of water, teargas and batons were reportedly used on the protesters, and many were injured. Some of the people who have been reportedly detained as part of these acts of violence are: Eva Aguilar, Marcela Rosales, Porfirio Castro, José Matías Vásquez, Roberto Mejía, Cristobal, Gustavo, José Edgardo Castro (beaten), Profesor Gustavo Mejía (UTR director), Prof. Miguel Ramos (INTAE assistant director), Antonio Carballo (director del reyes), Wilson Mejía, Prof. Alexis Orellana, Prof. Osman (Patria de la lima), Porfirio Casco (Father of the family, Valle de Sula. He was beaten, his car windows were broken and his car was taken from him), Valdemar García, Carlos Muñoz, José Natividad Vásquez, Gustavo Mejía Escobar, Cristóbal Rolando Villafranca, José Luis Argueta, Oscar López, Walter Geovanny Córdova Bermúdez, Edwin Antonio Enamorado, José Antonio Ramos, José Alexis Orellana, Edgardo Castro (his car windows were broken), Manuel de Jesús Ríos, Manuel Dionisio Montes, José Leonel González, Tony Ulloa, Eugeni Castro Mendoza (suffered a broken right arm, and injuries to his left arm), Gustavo Henríquez (suffered a head injury after being struck with the butt of a rifle), Juan Ramón Urbina (suffered blows to his back), José Germán Martínez (suffered blows to his back from the barrel of a gun), and Nelly Marcela Rosales (pregnant, suffered blows to her knee).

Regarding these detentions, the IACHR requested the following information:

1. the most recent information about injured persons and the state of their health, as well as the circumstances under which they were injured;
2. the location(s) where detained persons are being held and deprived of their liberty in conjunction with the aforementioned events, the cause of their detention and if they have spoken with legal representation;
3. information about the measures that have been adopted to judicially clarify the aforementioned facts.

Situations

The IACHR likewise requested information regarding the following situations:

- According to information received, Radio Globo indicated that on August 4, 2009, it received a notification from the National Telecommunications Commission of Honduras, which assigns radio and television frequencies. The notification included the solicitation of a lawyer who is presumably part of the legal auditor of the Armed Forces, and requested to suspend the media organization from being used to commit acts of sedition.
- According to information received, an explosive device was thrown at Channel 6's buildings in San Pedro Sula during the end of July. The channel is known for reporting on both sides of the coup d'état.
- On August 5, 2009, in the city of Tegucigalpa, military forces, the Special Operations Forces (COBRA) and members of the Riot Police repressed a demonstration concentrated in the National Autonomous University of Honduras (UNAH). Concurrent with information received, security forces repressed students using teargas, water tanks with pepper spray and by firing off their guns, presumably using rubber bullets. Additionally, they confiscated the video cameras of students who were trying to document the situation. The total number of demonstrators who were injured is still undetermined.
- Specifically, information received indicates that UNAH Rector Julieta Castellanos, Professor Ramón Romero (also said to be the vice-rector of UNAH), University Commissioner Olvin Rodríguez (also said to be the Secretary of the Institution) and Professor Daniel Matamoros Watson were physically harassed by members of the security forces, as they attempted to intercede and end the repression against the demonstrators. Finally, information received indicates that one of the injured students, Allan Noe Hernández, had been transferred to the School Hospital. Another student had received medical attention in a private institution, and the rest of the injured persons received medical attention in the UNAH buildings themselves.

PM 196/09 – Amplification of Precautionary Measures, Honduras

On July 30, 2009, the Inter-American Commission on Human Rights (IACHR) decided a new amplification of precautionary measures PM 196-09, in order to safeguard the life and personal integrity of persons in Honduras, who, according to information received, are at risk. This list of protected persons complements lists transmitted via communications dated June 28 and 29 as well as communications dated July 2, 3, 10, 15 and 24, 2009.

The IACHR requested that the necessary measures be adopted to ensure the life and personal integrity of all of the beneficiaries. Through the Commission's July 30 decision, the following persons are now included in the framework of precautionary measures 196-09:

- Juan Carlos Trochez, 24, who reportedly suffered two gunshot wounds during a shooting in which 11 bullets were fired at his car on July 24, 2009. According to information received by the IACHR, Juan Carlos is the son of Liberal Party Representative Rodrigo Trochez. Juan Carlos Trochez was shot after members of the Honduran Assembly, including his father, denounced the coup d'état before members of the United States Congress in Washington.
- Rommel Gómez, a Radio Progreso journalist, and his wife, Miryam Espinal, who have allegedly received telephone calls containing death threats. On July 10, 2009, the IACHR

requested information about Rommel under Article 41 of the American Convention. To date, no information has been received.

The IACHR set a 48 hour deadline to receive information about the implementation of the required measures.

Request for information within the framework of PM 196/09:

The IACHR also requested information about the situation of other persons within the framework of PM 196/09. The Commission requested this information in order to evaluate several requests for precautionary measures received in regards to the situations described below:

- The IACHR has received information and requests for precautionary measures in favor of representatives of the Bank of the Partido Liberal (Liberal Party) and of the Democratic Unification Party (Partido Unificación Democrática), who have been the subject of harassment. According to information received, this harassment has included: shots fired in the vicinity of their homes and neighborhoods; raids, conducted under false pretenses; initiation of investigations on sedition and treason charges and the freezing of bank accounts. This harassment is presumably in response to their public statements condemning the coup d'état and denunciations of the human rights violations that are allegedly occurring in Honduras following the coup d'état. The Commission requires information about the situation of the following representatives:

1. Eric Mauricio Navarrete, representative of the Partido Liberal;
2. Elías Arnaldo Guevara, representative of the Partido Liberal;
3. Edna Carolina Echavarría, representative of the Partido Liberal;
4. Eleazar Juárez, representative of the Partido Liberal;
5. Rodrigo Trochez, representative of the Partido Liberal;
6. Manuel de Jesús Velásquez, representative of the Partido Liberal;
7. Javier Hall Polio, representative of the Partido Liberal;
8. Norma Calderón, representative of the Partido Liberal;
9. Gladys del Cid, representative of the Partido Liberal;
10. José Simón Azcona, representative of the Partido Liberal;
11. Edmundo Orellana, representative of the Partido Liberal;
12. Julio Santos, acting representative of the Partido Liberal;
13. Olman Maldonado, acting representative of the Partido Liberal;
14. Dayana Burke, representative of the Partido Liberal;
15. Víctor Cubas, acting representative of the Partido Liberal;
16. Francis Hernández, acting representative of the Partido Liberal;
17. Elvira Argentina Valle, representative of the Partido Liberal;
18. José de la Paz Herrera, representative of the Partido Liberal;
19. Silvia Ayala, representative of the Partido Unificación Democrática (UD);
20. Oscar Mejía, representative of the Partido Unificación Democrática (UD);
21. Marlene Paz, representative of the Partido Unificación Democrática (UD);
22. Tomas Andino, acting representative of the Partido Unificación Democrática (UD).

- The situation of Mr. Albencio Fernández Pineda, member of CIPRODEH. Mr. Pineda has reported that since the coup d'état, shots have been fired in front of his home on multiple occasions to intimidate him. This intimidation is reportedly aimed at stopping him from publicly denouncing the human rights abuses that have in Honduras since the coup d'état. According to information received, Mr. Pineda has been accompanying some of the aforementioned Honduran representatives to Washington. The Commission requires information about the aforementioned facts as well as the measures that have been adopted to secure the safe return of Mr. Pineda and the other members of the delegation to Honduras.
- The situation of communications professionals from Radio PROGRESO and the Reflection, Investigation and Communication Team (ERIC) of the Compañía de Jesús de Honduras, both located in the northern Honduran city of Progreso. These communications professionals have reportedly been receiving threats both on their cell phones and emails.

Likewise, information has been received indicating that since July 24, 2009, ERIC's headquarters have been surrounded by heavily armed police and military contingents.

Request for information on the basis of Article 41 of the American Convention

Additionally, the IACHR requested information about the following situations and/or threats and acts of violence against persons. This information is requested within the framework of the competencies offered by Article 41 of the American Convention. The IACHR set a 48 hour deadline to receive information about the following:

Persons or groups of persons

- The murder of young Pedro Magdiel Muñoz (also identified as Pedro Ezequiel or Pedro Mondiel Martínez). According to press reports, his body was found on July 25, 2009 in a field near a military outpost, along the route to the Nicaraguan border. Mr. Muñoz's body showed signs of torture and multiple stab wounds. Media reports state that the last time the youth was seen, he was being detained by agents of the Honduran Police Forces.
- The situation of Lourdes Amalia Sánchez, a member of the military who was in charge of the custody of the family of President Zelaya. Ms. Sánchez was present on June 28, 2009 at 5:00 a.m. when heavily armed members of the Honduran military entered the presidential residence and, after confronting its security forces, deprived President Zelaya of his liberty. According to information received by the IACHR, Ms. Sánchez had been imprisoned because she changed her witness statement.
- Information regarding the events that took place at the Honduran-Nicaraguan border on July 24, 2009. Multiple communications have been received related to the developing situation along the highway connecting Tegucigalpa to the department of El Paraíso, in which the border crossing with Nicaragua is located. According to information received, the *de facto* regime has set up approximately 15 to 18 military and police outposts, presumably in order to restrict the freedom of movement of the protesters. According to press reports and local human rights organizations, hundreds of people have been subjected to degrading registries and interrogations and have had their identification cards taken in these military outposts. In some reported cases, people have been illegally detained for several hours in these military outposts. At the same time, there were approximately 4,000 people who could not relocate or access food, health and sanitation services in the military outposts, according to reports. Freedom of movement in that region has been limited by decrees which have been issued and extended for several days. In the context of the mobilization of people to the border area, there have reportedly been acts of repression using both bullets and tear gas canisters. According to information received, three people were injured and scores were detained, registered and taken to police stations in El Paraíso and Danlí.
- Persons whose freedom of movement has been limited along the highway include: the Honduran First Lady, Mrs. Xiomara Castro de Zelaya and her daughter, Xiomara Zelaya Castro, who reportedly attempted to reunite with Constitutional President, Manuel Zelaya Rosales. According to information received, two youths, Armando Licone and Lenin Ernesto Canales, also accompanied the family;
- On July 27, 2009, a communication was received stating that the youths, Armando Licona and Lenin Ernestos Canales, had been detained by the *de facto* government's security forces and taken to a post in the department of El Paraíso. The youths formed part of the delegation of First Lady Xiomara Castro de Zelaya and intended to travel to Las Manos to reunite with President Manuel Zelaya Rosales;
- Moisés Hernández Ventura also suffered a gunshot wound from a 9 millimeter bullet, which presumably shot by a member of the Armed Forces of Honduras;
- According to information received by the IACHR, the following persons have been detained in police cells in the department of El Paraíso and other military outposts along the highway to the Nicaraguan border, in Las Manos, in the department of El Paraíso: Mario López, Josefa Escoto, Hayde o Aidé Saravia, Nicole Yáñez, Wilfredo Serrano, José Serrano, Eduardo Flores, Donald Domínguez, Oqueli Mejia, Marcia García, Martina García, Pedro Aguilar, Ivan Eduardo Sanchez Perez, Cesar Arnoldo Bobadilla, Carlos Geobany Salinas, Elsy Leticia Castellanos, Gilma Siliezar, Lesbia Daniela Velásquez, Julia Bobadilla, Dinora Pineda, Edith Umanzor,

Sandra Sandoval, Ramón Roger Díaz, Maritza Azucena Osejo, Concepción Zepeda, Milciades Zuniga, Nidia Osejo, Fatima Melisa Zuniga, Angela Carcomo, Yobany Gonzales, Halvin Alexander Sandoval, Mari Cruz Portillo Varela, Francisco Javier Armas, Blanca Azucena Rodríguez, Balbitrudis sosa Ortiz, Lesbia soriano, Olman Eduardo Soriano, Santos Zacarías Ríos o Santos Sacarías Ríos, Justo Pastor Mondragón, Rufino Aguilar, Karen Martínez, Jonathan de Jesús Canales, Manuel Ordóñez, Clemente Sambrano, Juan Antonio Torres, Domingo Solórzano, Luís Alfredo Funez, Carlos Rodrigues, Oscar Alberto Gonzáles, Rony Martínez (beneficiario de medidas cautelares de la CIDH), Claudia Ruiz, Alexis andino, Juan Carlos García, Oscar Rene Serón, Alfonso Ávila, José Antonio Zelaya, Aída Días Rosales, Flavio Fernando Sevilla Álvarez, Asolia Mineth Gradiz Reyes, Geraldina Pineda, Carmen Sánchez, Vicente Beatriz, Jacobo Pineda, Gustavo Orellana Martínez, Elena Melgar Dubon, Antonio Bustamante, Delhi Patricia Barahona, Merlin Salgado, Nubia Moncada, Oneyda Barahona, Leticia Barahona, Sonia Castillo, Iris Yolanda Ramos Ávila, María Angela Gomes, Elda Barahona, Pablo Balerio, Maria Eugenia Salgado, José Humberto Meza, Javier Escoto Berrios, Santos Cruz.

- With respect to journalists, information received on July 25, 2009 stated that a group of foreign journalists had been attacked by members of the Police Forces in Danlí. According to the information received, photojournalist Wendy Olivo of the Agencia Bolivariana de Noticias was attacked while trying to take photographs of people detained by a police patrol. When she refused to hand over her camera to the police, Olivo was reportedly struck. Other journalists were also attacked when they tried to defend the photographer.
- Similarly, reporters from daily newspaper *La Tribuna* stated that they had been the subject of aggression by the pro-Zelaya protesters. The journalists reported that the protesters were presumably in favor of President Zelaya's return, and the attack occurred on July 26, 2009 in the department of El Paraíso. According to information received, a group of people had been trying to remove Henry Carvajal's camera, and when journalist Martín Rodríguez intervened, they also grabbed him. The protesters reportedly accused them of being coup organizers. Carvajal reports that due to the attack, the photos he had taken that the day were lost.

Situations

- The situation of the Guadalupe Carney community, where more than 600 families connected to 45 associated peasant companies live. According to information received, the situation of this community is especially serious, presumably because of written threats delivered by the Cámara de Comercio e Industria de Trujillo. The Cámara de Comercio e Industria de Trujillo have been expressly requesting an armed intervention by Honduran military forces against the aforementioned community, calling it a bastion of resistance against the coup d'état. The group has been threatening to carry out their own armed intervention if the military refuses to intervene.
- Acts of violence committed against the teachers who have been protesting in Tegucigalpa and Comayagüela, presumably by police and military agents. Concurrent with what has been reported, at least eight people have been seriously injured. One of them is identified as teacher Roger Vallejos Sorian, who suffered a gunshot wound to the head. Likewise, leader Carlos H. Reyes, a beneficiary of precautionary measures, suffered a broken arm. Additionally, approximately 200 people have been detained, including Juan Barahona, who is also a beneficiary of precautionary measures. The Commission requested information about these acts and the measures adopted to safeguard the life and personal integrity of the protesters; the identification of persons who have been injured and the state of their health, as well as how they were injured; the identification of all detained persons within the framework of the facts described and the locations where they were arrested, as well as the reason for their detention and if they have communicated with some form of legal representation; and information about the measures adopted to judicially establish the aforementioned facts.

PM 196/09 – Request for Information, Honduras

On July 25, 2009, in the exercise of attributions set forth in Article 41 of the American Convention on Human Rights, the Commission requested information about the situation of the wife, mother, mother-in-law and children of President Manuel Zelaya Rosales. According to information received by the Commission, they were delayed while trying to relocate to the

frontier zone to reunite with the President. The IACHR set a deadline of 48 hours to receive information about the situation of these persons. On June 28, 2009, the Commission had solicited information about family members of President Zelaya within the framework of MC 196-09 in order to decide on requests for precautionary measures.

PM 196-09 Amplification of Precautionary Measures, Honduras

On July 24, 2009, the Inter-American Commission on Human Rights (IACHR) decided a new amplification of precautionary measures PM 196-09, in order to safeguard the life and personal integrity of persons in Honduras, who, according to information received, are at risk. This list of protected persons complements the lists that were transmitted through press releases issued on June 28, June 29, July 2, July 3, July 10 and July 15, 2009.

The IACHR requested that the necessary measures be adopted to ensure the life and personal integrity of all of the beneficiaries. Through today's decision by the IACHR, the following individuals are now included in the framework of precautionary measures 196-09:

1. Nahún Palacios, Director of Aguán Television, Channel 5;
2. María Margarita Zelada Rivas, Representative for the Courts Department of the Honduran National Congress;
3. Gladys Lanza, Coordinator for the Committee for Peace Visitation Padilla;
4. Elsy Benegas, President of the National Agrarian Institute Workers' Union and leader of the Coordinating Committee of Popular Organizations of Aguán (COPA);
5. Manuel Montoya, leader of the National Electric Energy Corporation Workers' Union;
6. Eduardo Flores, member of the Coordinating Committee of Popular Organizations of Aguán (COPA);
7. José Luis Galdámez Álvarez, Director of the "After the Truth" radio program on Radio Globo;
8. Andrés Armando Molina Zelaya, (journalist for Radio "Juticalpa," located in the department of Olancho);
9. Martha Elena Rubí, (owner of Radio "Juticalpa," located in the department of Olancho) and her children, María José, José Daniel and José Levi (all with the surname Rubí);
10. Kenia Irias, Technical Director of the National Women's Institute (INAM) and her children Kimberly Nairobi Hernández Irias (16 years old) and Jancarlos Emanuel Velásquez Irias (5 years old);
11. Lilibeth Reyes Cartagena, Lídice Isabel Ortega Reyes, Keyla Amador and Isis Gabriela Arriaga Hernández, members of Center for Women's Studies-Honduras (CEM-H)

The IACHR requested that it receive information about the implementation of the required measures before July 29, 2009.

Likewise, in the exercise of attributions offered in article 41 of the American Convention on Human Rights, the Commission requested information about the following persons and situations:

1. The death of Vicky Hernández Castillo (Jhonny Emilson Hernández), member of the transvestite community. Ms. Castillo Hernandez's body had signs of strangulation and a bullet wound to the head, presumably sustained during raids conducted by the National Police on June 29, 2009, as part of the curfew declared by the *de facto* regime.
2. The situation of Mr. Ariel Fabricio Varela Moncada, National Technology Coordinator of Care International in Honduras. On June 15, 2009, he allegedly received a telephone call with death threats against his mother, his children and himself.
3. The situation of Mr. Julio César Dubón, about whom the Commission has been informed that on July 15, 2009, armed individuals broke into his house, handcuffed Mr. Dubón and his wife, struck his son and threatened them with death. When the individuals left the house, they allegedly took with them personal goods such as Mr. Dubón's car, computers and money.
4. The police investigation by employees of the General Directorate of Criminal Investigations (DGINC) into the Reverend Fausto Milla Training Center. The Training Center's Executive Director, the Rev. Fausto Milla, is the leader of social movements in the western part of the country that have maintained permanent resistance against the *de facto* regime. Mr. Milla

allegedly housed persons who had traveled from another municipality to participate in protests in favor of President Zelaya.

5. The threats and harassment of teachers in the Trujillo and Tocoa municipalities, in the department of Colon, El Paraíso Copan, Jocon Yoro and Olanchito Yoro. The teachers have been striking in protest against the coup d'état since June 28, 2009. According to information received, particularly in El Paraíso Copan, agents of the police forces have sought out teachers, taken them from their homes and obligated them, through beatings, to go to return to the schools. The teachers have been shut inside the schools without water for two days.
6. The barring of entry to the Government House of a Radio Globo journalist, Lilié Díaz, although she is accredited to enter the Government House for one more year.
7. The situation of Channel 8, property of the Government of Honduras. Channel 8 signal was cut on June 28, 2009. When it returned to the air days later, all of the people that had previously worked at Channel 8 had been replaced by new employees. According to information received, everything from programming to publicity has been changed to reflect the editorial opinion of the *de facto* regime.

The IACHR requested to receive this information no later than July 29, 2009.

PM 196-09 – Request for Information, Honduras

On July 15, 2009, the IACHR decided to request detailed information regarding the situation of the following individuals about whom the Commission has received information indicating they are at risk:

1. Juan Carlos Griffin, Public Prosecutor of Human Rights in Tegucigalpa;
2. Rodolfo Augusto Padilla Sunseri, Mayor of the Municipal Corporation of San Pedro Sula (leader of the liberal party).

Likewise, in the exercise of its authority under Article 41 of the American Convention on Human Rights, the IACHR requests information on the situation of the following individuals and events:

1. the murder, on July 11, 2009, of popular leader Roger Bados, in San Pedro Sula;
2. the murder, on July 12, 2009, of popular leader Ramón García, in Santa Bárbara;
3. the detention, on July 11, 2009, of journalists from the media organizations TeleSUR and Venezolana de Televisión, and the implementation of immigration operations on July 12, 2009, at the hotel in which the journalists were staying. The Commission requested detailed information about this event, as it is particularly aware that six of these journalists are protected by the precautionary measures handed down in this matter.

PM 220/09 -Ariel Sigles Amaya, Cuba

On July 10, 2009, the IACHR granted precautionary measures in favor of Ariel Sigles Amaya, in Cuba. The request for precautionary measures alleges that the life and personal integrity of Mr. Ariel Sigles Amaya are at imminent risk due to the grave state of his health. The information received by the IACHR indicates that since September 2008, his health has progressively deteriorated due to the conditions of his detention. The Inter-American Commission requested that the Cuban State adopt the necessary measures to guarantee the life, personal integrity and health of the beneficiary. Specifically, the IACHR requested that the Cuban State offer Mr. Ariel Sigles Amaya adequate medical attention in compliance with international standards regarding the treatment of persons deprived of their liberty. Additionally, the measures must be arranged with the beneficiary and his family members. Likewise, the IACHR requested that the State of Cuba inform the Commission about its compliance with the recommendations contained in IACHR [Report No. 67/06](#), issued on October 21, 2006, where the IACHR recommended the State of Cuba the immediate and unconditional release of the victims in this case, including Mr. Ariel Sigler Amaya, declaring

null the charges against them because they are based in laws that impose illegitimate restrictions on their rights.

PM 196-09 Amplification of Precautionary Measures, Honduras

On July 10, 2009, the Inter-American Commission on Human Rights (IACHR) decided a new amplification of precautionary measures PM 196-09, in order to safeguard the life and personal integrity of persons in Honduras, who, according to information received, are at risk. This list of protected persons complement the lists that were transmitted through press releases issued on June 28, June 29 and July 2, 2009.

The IACHR requests that the necessary measures be adopted to ensure the life and personal integrity of all of the beneficiaries. In respect to those who have been arbitrarily detained and/or whose whereabouts remain unknown, the Commission requested to be informed of their whereabouts immediately. In the case of those arbitrarily detained, the Commission requested that these individuals be freed immediately. The IACHR requests that it receive information about the implementation of these required measures no later than July 15, 2009.

Through the amplification decided on July 10, 2009 by the IACHR, the following persons are now included in precautionary measures 196-09:

1. Andrés Tamayo, president of the Olancho Environmental Movement, who was the subject of threats and aggression by troops from the Police Forces during a protest on July 3, 2009;
2. Angélica Patricia Benitez, former representative in the National Congress for the Unificación Democrática party and wife of César Ham, current representative of the same party. Information was received that he had been the subject of aggression by members of the Police Forces on June 30, 2009 and that his residence had been fired upon with machine guns in the last days; and
3. Alexis Núñez, Edwin Noel Mejía, Melvin Anael Romero and René Ruiz: The IACHR received information that these four people have been the subject of forced military recruitment by troops from the Honduran Police Forces and that their whereabouts remain unknown.

The IACHR also requests information regarding the situation of the following persons. The Commission received information indicating that they are at risk because of their roles as union leaders:

1. Daniel Durón;
2. Eliseo Hernández;
3. Hilario Espinoza;
4. Idalmi Cárcamo;
5. Jaime Vallecillo Turcios;
6. Javier Alonso Valladares Aciego;
7. José Marcial Zúñiga Rodríguez;
8. José Zuñiga;
9. Luis Alonzo Mayorga Galvez;
10. Marco Tulio Sanchez del Cid;
11. Mauro Enrique Soto Gómez;
12. Roque García Solórzano;
13. Rufino García Espinoza;
14. Víctor Arita Petit;
15. Víctor Manuel Izaguirre Varela; and
16. Vladimiro Santos Espinal.

Likewise, in the exercise of the attributions offered by Article 41 of the Inter-American Convention on Human Rights, the Commission requests information about the situation of the following people and events:

People:

1. Carlos Mencía, peasant leader and candidate for representative of the Unificación Democrática party, about whom information has been received that there are warrants for his arrest in the city of Olanchito, in the department of Yoro;
2. Lety Orfilia Figueroa Rivera, social leader of Guapinol, Tocoa, Colón, about whom information has been received that she has been the subject of threats and that there is a warrant for her arrest;
3. Maribel Barahona, candidate for representative of the Unificación Democrática party, about whom information has been received that there is an order to detain her in the city of Olanchito, in the department of Yoro;
4. Melany Mercedes Perdomo Gaitán, social leader of Guapinol, Tocoa, Colón, about whom information has been received that she has been the subject of threats and that there is a warrant for her arrest;
5. Paula Durán, teacher, former municipal human rights commissioner and leader of a local women's organization, about whom information has been received that there is a warrant for her arrest in the city of Olanchito, in the department of Yoro;
6. Héctor Castellano, journalist, about whom information has been received that he has been the subject of death threats;
7. Rommel Gomez, journalist, about whom information has been received that he had been beaten and detained while covering popular protests in the Central Park of San Pedro Sula. It is also alleged that troops from the Police Forces had taken his personal documents;
8. Jorge Otts Anderson, journalist, about whom information has been received that the military had been looking for him to confiscate his work equipment; and
9. Nahún Palacios, journalist, about whom information was received that on June 30, 2009, troops from the Police Forces had raided his house, confiscated his work equipment and held his children at gunpoint. They had also been the subjects of threats by soldiers;

Events

1. the events at the Toncontin Airport on July 5, 2009, which reportedly resulted in the death of Isis Obeth Murillo, and the injury of Adriana Izaguirre, Darwin Antonio Lagos, Guillermo López and José Antonio (surname still unknown);
2. the death of journalist Gabriel Fino Noriega, Radio América correspondent in San Juan Puebla, Atlántida, killed on July 3, 2009 as he left the Radio América offices;
3. the discovery of a body in "La Montañita", with apparent signs of torture and a t-shirt supporting the fourth ballot box; and
4. the discovery of two bodies in a barrel in Tegucigalpa, with money and cell phones still intact, and their arms bound with shoelaces.

Freedom of expression

1. the interruption of the Santa Rosa de Copán radio signal, located in the department of the same name, on July 3, 2009;
2. a protest comprised of thousands of people in front of the Presidential House in Tegucigalpa on July 3, 2009, dispersed by soldiers and police, in which people had been beaten and detained;
3. a protest comprised of 4,000 peasants in the department of Olancho in which people had been beaten and detained. They were found at about 2:00 a.m. on July 3, 2009 in the town of Limones, where they were dispersed by soldiers and police.

PM 196-09 Amplification of Precautionary Measures, Honduras

Letter sent by the de facto authorities in Honduras to the IACHR in response to PM 196-09

On July 3, 2009, the IACHR decided to further expand precautionary measures PM 196-09 in order to safeguard the life and personal integrity of the following individuals who have been indicated to be at risk. This list of protected persons complements the lists included in communiqués on June 28 and 29 and July 2, 2009.

The IACHR requested that necessary measures be adopted to ensure the life and personal integrity of all the beneficiaries. In particular, with respect to those who have been detained or whose whereabouts are unknown, the Commission requested that information be provided on their whereabouts, and in the case of arbitrary detentions, that these individuals be released immediately. The IACHR set a 48-hour deadline for information to be provided on the implementation of the required measures. Through today's decision by the IACHR, the following individuals are now included in the precautionary measures:

1. Adán Funes, Mayor of Tocoa, Colón;
2. Adelmo Rivera, Mayor of Sonaguera, Colón;
3. Buenaventura Calderón, community leader of Puerto Lempira, Gracias a Dios;
4. Dagoberto Rodríguez, director of the Cadena Voces radio station. It has been indicated to the Commission that he had received telephone threats;
5. Esteban Félix, Associated Press journalist. According to the information received, he was detained on June 29, 2009, and taken to an immigration office where he was questioned about his visa status for working in the country;
6. Evelio Sánchez, community leader of Guapinol, Tocoa, Colón;
7. Fabio Ochoa, local president of the Democratic Unification party in Tocoa. According to the information received, he had been the victim of a shooting before the coup d'état and was in critical condition when he was removed from the hospital where he was being treated;
8. Felipe Antonio Gutiérrez, community leader of Guapinol, Tocoa, Colón;
9. Filemón Flores, advisor to the Mayor of Tocoa, Colón;
10. Geraldina Cerrato, in charge of the Municipal Women's Office in the city of Tocoa;
11. Humberto Maldonado, community leader of Guapinol, Tocoa, Colón;
12. Iris Munguía, Coordinator of the Banana Growers Union of Honduras. According to the information received, she was detained on July 2, 2009, at a demonstration in San Pedro Sula, and her whereabouts are unknown;
13. Juan Ramón Sosa, journalist for La Tribuna. According to the information received, he was beaten and insulted by police officers while he was covering a demonstration on June 29, 2009. His camera was also reportedly confiscated;
14. Manuel Membreño, community leader of Guapinol, Tocoa, Colón;
15. Nicolás García, Associated Press journalist. Information was received indicating that he was detained on June 29, 2009, and taken to an immigration office where he was questioned about his visa status for working in the country;
16. Waldemar Cabrera, community leader of Puerto Lempira, Gracias a Dios; and
17. Wilfredo Paz Maestro, member of the Honduras Federation of Teaching Organizations.

In addition, the Commission set a 24-hour deadline for detailed information to be provided regarding the following situations:

State of emergency

1. The repression of peaceful demonstrations, as a result of which individuals reportedly have disappeared or have been wounded or beaten, and in which teargas bombs reportedly were thrown. Information is requested in particular regarding a demonstration in San Pedro Sula on July 2, 2009; and
2. The attack on the newspaper La Prensa, in San Pedro Sula, on June 29, 2009, in which a group of demonstrators reportedly threw sticks and rocks at the entrance to the newspaper offices.

The Commission's decisions are based on requests for precautionary measures and facts of public knowledge. This list of situations for which information is requested also complements the lists included in communiqués on June 28 and 29 and July 2, 2009.

In its letter, the Inter-American Commission also reiterated that, in accordance with the provisions of the American Convention on Human Rights, all necessary measures must be adopted to ensure the life and personal integrity of human rights defenders, journalists, relatives of President Zelaya, and international observers who are in Honduras.

MC 196-09 - Amplification of Precautionary Measures, Honduras

On July 2, 2009, the IACHR decided a new amplification of precautionary measures PM 196-09 in order to safeguard the life and personal integrity of persons in Honduras who, according to the information received, are at risk. The IACHR requested that necessary measures be adopted to assure the life and personal integrity of all of the beneficiaries. In respect to those who have been arbitrarily detained and/or whose whereabouts remain unknown, the Commission requested to be informed of their whereabouts immediately. In the case of those arbitrarily detained, the Commission requested that these individuals be freed immediately. The IACHR set a deadline of 48 hours to receive information about the implementation of these required measures. Through this amplification, the following persons are now included in precautionary measures 196-09:

1. Adriana Sivori, TeleSUR journalist; According to information received by the Commission, military forces arbitrarily detained her, confiscated her equipment and documents and took her to an unknown location;
2. Alan McDonald, cartoonist; According to information received by the Commission, he and his 17-month-old daughter were detained after soldiers allegedly ransacked his house and destroyed his cartoons;
3. Alejandro Villatoro, Radio Globo journalist;
4. Andrés Pavón Uribe, member of the Honduran Human Rights Committee;
5. Ángel Alvarado; member of the National Resistance Committee;
6. Arcadia López, Staff Minister in the Presidential House;
7. Bertha Oliva de Nativí, member of the Committee for Family Members of the Detained and Disappeared in Honduras;
8. Carlos Eduardo Reina, member of the National Resistance Committee;
9. Carlos Humberto Reyes, member of the bloque popular;
10. Carlos Melano, assistant to President Zelaya;

11. Clyborn St. John, TeleSUR journalist;
12. Danny Reyes, director of the LGTB Rainbow Association of Honduras; According to information received by the Commission, he was taken to a political station on June 29, 2009;
13. David Ellner Romero, Canal 36/Radio Globo journalist; According to information received by the Commission, he was forcibly disappeared on June 28, 2009 by masked military forces;
14. Doris García, leader of the National Women's Institute;
15. Eduardo Maldonado, Canal 36 journalist; According to information received by the Commission, he was forcibly disappeared on June 28, 2009 by masked military forces;
16. Edward Yeferí Lobo Sánchez, defender of the rights of children and youth;
17. Enrique Flores Lanza, Presidential Secretary;
18. Enrique Reina, assistant to President Zelaya;
19. Eulogio Chávez, member of the National Resistance Committee;
20. Franklin Meija, Radio Globo journalist.
21. Freddy Quintero, TeleSUR journalist; According to information received by the Commission, military forces arbitrarily detained him, confiscated his equipment and documents and took him to an unknown location;
22. Guillermo de Jesús Mayen Jiménez, defender of the rights of children and youth, and member of the political party Union Democrática; According to information received by the Commission, he was pursued and hounded by security forces because of his association with Union Democrática;
23. Hector Licon, employee of the LGTB Rainbow Association of Honduras; According to information received by the Commission, he was taken to a political station on June 29, 2009;
24. Israel Moreno, director of Radio Progreso;
25. Israel Salinas, member of the Majority Union;
26. Juan Barahona, member of the bloque popular;
27. Larry Sánchez, TeleSUR journalist; According to information received by the Commission, military forces arbitrarily detained him, confiscated his equipment and documents and took him to an unknown location;
28. Lidieth Díaz, Radio Globo journalist;
29. Luter Castillo Harris, Chief of International Cooperation in the Chancellery of the Republic;
30. Madeleine García, TeleSUR journalist;
31. Marco Tulio Burgos Córdova, commissioner for the National Permanent Committee of Contingencies;
32. María José Díaz, TeleSUR journalist; According to information received by the Commission, military forces arbitrarily detained her, confiscated her equipment and documents and took her to an unknown location;
33. Marvin Ponce, National Congressional Deputy for the party Unificación Democrática;

34. Matilde Durón Ochoa, defender of the rights of children and youth;
35. Mayra Mejía, Labor Secretary
36. Milton Jiménez Puerto; President of the Banks and Securities Committee;
37. Miriam Mejh, Youth Institute;
38. Orlando Villatoro, Radio Globo journalist;
39. Patrick Pavón; employee of the LGTB Rainbow Association of Honduras; According to information received by the Commission he was attacked by members of the National Police and armed forces;
40. Rafael Alegría, national director of the Via Campesina;
41. Regina Osorio, TeleSUR journalist;
42. Roger Ulises Peña, unionist; According to information received by the Commission he was thrown to the ground at 9:00 a.m. on Monday, June 29, 2009 by a military command, and his health is now critical;
43. Rony Martínez; Radio Globo journalist;
44. Salvador Zúñiga; member of the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras;
45. Sara Elisa Rosales, member of the Las Lolas and Feminist Movement;
46. Tomás Andino Mencía; defender of the rights of children and youth

Additionally, the Commission requested information with a deadline of 48 hours on the following situations:

State of emergency

1. whether exceptional measures to restrict or suspend individual rights have been taken, and, in that case, what measures have been adopted to ensure respect for irrevocable fundamental rights and judicial guarantees;
2. decree 011-2009, by which fundamental rights were restricted;
3. whether any deaths have taken place in connection with the coup d'état, and, in this case, specific information on those deaths;
4. the forced recruitment of children and adolescents to the Military;
5. the total number of the detentions that took place beginning on June 28, 2009, in connection with the coup d'état or in later operations to control the public order; complete identification of the detained persons and reasons for their detention; whether any persons are being detained in military or police establishments; whether there any of the detained persons are incommunicado and the time lapsed under this condition; and whether there are judicial resources available and functioning to review the causes and conditions of these detentions.
6. the takeover of HONDUTEL by military forces; and
7. the alleged deliberate shut down of electricity and telephone services.

Freedom of expression

1. the shutting down of Channel 36, Channel 8 and State media;

2. the alleged prohibition on reproducing or broadcasting declarations of officials of the Government of President Zelaya by newspaper *el Tiempo* and Channel 11;
3. the alleged takeover and closing of Radio Progreso by military forces;
4. the alleged order, under threat of force, that two TeleSUR teams dismantle their equipment and interrupt their transmissions;
5. the alleged prohibition on cable TV broadcast channels (TeleSUR, CNN, CubaVisión Internacional); and
6. the takeover of Radio Globo by military forces and the alleged attacks, threats and intimidation against its staff.

MC 196-09 - Amplification of Precautionary Measures, Honduras

On June 29, 2009, the IACHR amplified the precautionary measures in favor of Edran Amado López, Bertha Cáceres and César Ham. According to information received by the IACHR, military forces have been surrounding the house of Bertha Cáceres, member of the Civic Council of Popular and Indigenous Organizations of Honduras (*Consejo Cívico de Organizaciones Populares e Indígenas de Honduras*). Military forces have allegedly also surrounded the house of César Ham, Representative in the National Congress by the *Partido Unificación Democrática*. The military also allegedly fired on Representative Ham's house with machine-guns. Additionally, Edran Amado López, a journalist on the TV Channel 36 program *Cholusatsur*, was allegedly detained and his whereabouts remain unknown. The IACHR requested that the necessary measures be adopted to guarantee the life and personal integrity of the beneficiaries. In the case of Edran Amado López, the Commission also asked for information about his whereabouts and, should he be arbitrarily detained, that he be released immediately. The IACHR asked that information regarding the implementation of these amplified measures be transmitted urgently, no later than July 1, 2009. The IACHR set the same July 1 deadline to receive information from Honduras regarding the situation of Roger Ulises Peña, Alan McDonald, Adriana Sivori, Larry Sánchez, María José Díaz and Freddy Quintero. According to the information received, Roger Ulises Peña, a union member, was allegedly attacked by a military command on June 29, 2009, and that his current health situation is very critical. Alan McDonald, a cartoonist, was allegedly arbitrarily detained along with his 17-month-old daughter when a group of soldiers allegedly raided his house and destroyed his cartoons. Military forces allegedly arbitrarily detained TeleSUR correspondents Adriana Sivori, Larry Sánchez, María José Díaz, and Freddy Quintero, and confiscated their notes and equipment.

The IACHR also set a July 1 deadline for receiving information from Honduras as to whether a state of emergency has been declared, and, in this case, what measures have been adopted to ensure respect for irrevocable fundamental rights and judicial guarantees. Furthermore, the Commission requests information as to whether any deaths have taken place in connection with the coup d'état, and, in this case, specific information on those deaths; and the total number of the detentions that took place beginning on June 28, 2009, in connection with the coup d'état or in later operations to control the public order; complete identification of the detained persons and reasons for their detention; whether any persons are being detained in military or police establishments; whether there any of the detained persons are incommunicado and the time lapsed under this condition; and whether there are judicial resources available and functioning to review the causes and conditions of these detentions.

Regarding the status of freedom of expression, the IACHR requests information from Honduras about the alleged shutting down of Channel 36, Channel 8 and State media; the alleged seizure of HONDUTEL by military forces; the alleged deliberate shut down of electricity and telephone services; the alleged order, under threat of force, that two TeleSUR teams dismantle their equipment and interrupt their transmissions; the alleged prohibition on cable TV broadcast channels (TeleSUR, CNN, CubaVisión Internacional); the alleged prohibition on reproducing or broadcasting declarations of officials of the Government of President Zelaya by newspaper *el Tiempo* and Channel 11; the seizure of Radio Globo by military forces and the

alleged attacks and threats against its staff, including Alejandro Villatoro, Lidieth Díaz, Rony Martínez, Franklin Mejía, David Ellner Romero, and Orlando Villatoro; the alleged seizure of Radio Progreso by military forces; the measures adopted to guarantee the life and personal integrity of an El Herald newspaper journalist, who was allegedly attacked by private persons during a protest in front of the Presidential House; and the alleged detention of 22 buses containing indigenous peoples from Olancho and Jesus de Otoro.

PM 196/09 – Foreign Minister of Honduras, Patricia Rodas, and request of information on other persons

On June 28, 2009, the IACHR granted precautionary measures in favor of the Foreign Minister of the Republic of Honduras, Ms. Patricia Rodas. The decision adopted by the Commission is based on requests for precautionary measures presented by several organizations, as well as on publicly-known recent events, according to which Minister Rodas has been arbitrarily deprived of her liberty and her whereabouts remain unknown. The IACHR requested the State of Honduras to clarify her situation and her whereabouts; to adopt the necessary measures to guarantee her life and personal integrity; and to ensure her immediate freedom. The Commission informed the State that it should receive information about the implementation of the requested measures in an urgent manner, no later than June 30, 2009.

Moreover, the Commission requested that the State of Honduras provide information on the situation of other high State officials, relatives of President Manuel Zelaya and social leaders so that it can decide on whether to grant several requests for precautionary measures. The IACHR established the same deadline of June 30, 2009, to receive information about the situation of these persons and on any other measure that might be adopted to safeguard their security. The following is the list of persons about whom the IACHR requested information:

State Authorities:

César Ham, Representative in the National Congress by the Partido Unificación Democrática;
 Marvin Ponce, Representative in the National Congress by the Partido Unificación Democrática;
 Enrique Flores Lanza, Secretary of the Presidency;
 Mayra Mejía, Secretary of Labor;
 Doris García, Minister of the National Institute of Women;
 Miriam Mejía, Youth Institute;
 Milton Jiménez Puerto, President of the Commission of Banks and Insurance;
 Marco Tulio Burgos Córdova, National Commissioner of the Permanent Committee of Contingencies;
 Luter Castillo Harris, Manager of External Cooperation of the Ministry of Foreign Relations;
 Arcadia López, Staff Minister in the Presidential House;
 Carlos Melano, assistant to President Zelaya;
 Enrique Reina, assistant to President Zelaya; and
 All other Ministers, Vice Ministers and members of the Cabinet of President Zelaya Rosales.

Relatives of President Manuel Zelaya

Popular Leaders

Rafael Alegría, national leader of Vía Campesina;
 Ángel Alvarado, of the Comité Nacional de Resistencia;
 Juan Barahona, of the Bloque Popular;
 Bertha Cáceres, of the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPIHN);
 Eulogio Chávez, of the Comité Nacional de Resistencia;
 Bertha Oliva de Nativí, of the Comité de Familiares Detenidos – Desaparecidos de Honduras (COFADEH);
 Andrés Pavón Uribe, of the Comité de Derechos Humanos de Honduras (CODEH);
 Marvin Ponce, of the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras;
 Carlos Eduardo Reina, of the Comité Nacional de Resistencia;
 Carlos Humberto Reyes, of the Bloque Popular;
 Sara Elisa Rosales, of the organization Las Lolas y Movimiento Feminista;
 Israel Salinas, of the Sindicato Mayoritario; and
 Salvador Zúñiga, of the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras.

PM 56/08—Ngöbe Indigenous Communities et al., Panama

On June 18, 2009, the IACHR granted precautionary measures for members of the indigenous communities of the Ngöbe people, who live along the Changuinola River in the province of Bocas del Toro, Panama. The request for precautionary measures alleges that in May 2007, a 20-year concession was approved for a company to build hydroelectric dams along the Teribe-Changuinola River, in a 6,215-hectare area within the Palo Seco protected forest. It adds that one of the dams authorized to be built is the Chan-75, which has been under construction since January 2008 and which would flood the area in which four Ngöbe indigenous communities have been established—Charco la Pava, Valle del Rey, Guayabal, and Changuinola Arriba—with a population of approximately 1,000 people. Another 4,000 Ngöbe people would also be affected by the construction of the dam. They allege that the lands affected by the dam are part of their ancestral territory and are used to carry out their traditional hunting and fishing activities. The Inter-American Commission believed that precautionary measures should be granted to avoid irreparable harm to the right to property and security of the Ngöbe indigenous people in the province of Bocas del Toro. The IACHR requested that the State of Panama suspend construction and other activities related to the concession until the bodies of the inter-American human rights system can adopt a final decision on the matter raised in Petition 286/08, which alleges violations of the rights protected under Articles 5, 7, 8, 13, 19, 21, 23, and 25 of the American Convention on Human Rights. The IACHR also asked the State of Panama to adopt the measures necessary to guarantee the free circulation as well as the life and physical integrity of the members of the Ngöbe community, in order to prevent acts of violence or intimidation measures.

PC 236/08 – Persons Deprived of Liberty in the Polinter-Neves Penitentiary, Brazil

On June 1, 2009, the IACHR granted precautionary measures for the persons deprived of liberty in the Polinter-Neves penitentiary, in the city of São Gonçalo, State of Rio de Janeiro, Brazil. The request seeking precautionary measures alleges that the inmates at the Polinter-Neves penitentiary do not have adequate access to medical attention. It is also alleged that inmates with tuberculosis and other contagious diseases share cells with other persons in a highly over-crowded situation and without sunlight. The Inter-American Commission asked the State of Brazil to adopt all measures necessary to guarantee the life, health and physical integrity of the beneficiaries; to ensure that they have adequate medical attention and to avoid the transmission of contagious diseases through a substantial reduction of the overpopulation in this penitentiary; as well as to inform the IACHR about the actions taken in response to this request.

PM 136/09 – Iduvina Hernández and 12 members of the SEDEM, Guatemala

On May 21, 2009, the IACHR granted precautionary measures for Ms. Iduvina Hernández, director of the Association for the Study and Promotion of Security in Democracy (Asociación para el Estudio y la Promoción de la Seguridad en Democracia, SEDEM) of Guatemala, and other 12 members of the organization. The request seeking precautionary measures alleges that Ms. Iduvina Hernández and the other members of SEDEM have been targets of threats in April and May 2009, through messages and anonymous telephone calls. It adds that no security measures were implemented, although complaints have been filed to the public authorities. The Inter-American Commission asked the State of Guatemala to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to inform the IACHR about any actions taken to eliminate the risk factors to the beneficiaries.

PM 150/09 – Mario David García and his family, Guatemala

On May 19, 2009, the IACHR granted precautionary measures for Mr. Mario David García and his family, in Guatemala. The request seeking precautionary measures alleges that Mr. García and his family are in a situation of imminent risk due to having filmed the video where lawyer Rodrigo Rosenberg Marzano made accusations of assassination and corruption against State high officials and businessmen. On May 10, 2009, Rodrigo Rosenberg Marzano was found dead with bullet impacts. The Inter-American Commission requested that the State of Guatemala

adopt the measures necessary to guarantee the life and physical integrity of Mario David García and his family, and inform the IACHR about actions taken to remove the risk factors for the beneficiaries.

PM 139/09 – Martha Lucía Giraldo Villano and others, Colombia

On May 19, 2009, the IACHR granted precautionary measures for the following relatives of Mr. José Orlando Giraldo Barrera: his daughters, Martha Lucía Giraldo Villano and Ximena Giraldo Villano; his wife, Luz Marina Villano Morales; his siblings: Marcial Orlando Giraldo Barrera, José Wilson Orlando Giraldo Barrera and Jairo Giraldo Barrera Orlando Giraldo Barrera, as well as each of their families in Colombia. The request seeking precautionary measures alleges that these persons have been tailed and threatened, allegedly as a consequence of their participation as witnesses in the criminal proceedings on the death of Mr. José Orlando Giraldo Barrera, which occurred on March 11, 2006. The request also states that on April 28, 2009, persons wearing uniforms allegedly conducted surveillance on the residence of Mr. José Wilson Orlando Giraldo Barrera and asked for his whereabouts and that on May 10, 2009, he was the target of an attempt against his life with a firearm in the city of Cali. It also alleges that the General Attorney of the Nation has offered to include some beneficiaries on its program of protection to victims and witnesses, but that this measure would complicate the beneficiaries' participation in the criminal proceedings on the death of Mr. José Orlando Giraldo Barrera. The Inter-American Commission asked the State of Colombia to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to inform the IACHR about any actions taken to investigate these facts.

PM 255/08 -19 Surviving Members of the Community of El Jute, Guatemala

On May 13, 2009, the IACHR requested the adoption of precautionary measures to protect the life and physical integrity of the survivors of the community of El Jute, in the Republic of Guatemala: Claudia Crisóstomo, Emilia Cheguen, Margarita Crisóstomo, Marcos Ramos Díaz, Francisco Javier Rivera, Aulalio Gallardo, Humberto Crisóstomo Mateo, Octavio Ramos, María Macaria López, Miguel Ángel Gallardo Álvarez, Isidoro de Jesús Gallardo Rivera, Pedro Gallardo Rivera, María Gallardo Rivera, Emilio Rivera Méndez, Maribel Crisóstomo López Ingrid, Noemí Crisóstomo López, Adán Ceferino Crisóstomo, Juan Antonio Rivera Ramos, and Nidia Crisóstomo Mateo. The decision was based on information indicating that the beneficiaries allegedly had been subject to threats since 2007 for their role as witnesses in a criminal case against members of the public security force and that the level of risk they were facing had apparently increased, inasmuch as the abovementioned criminal proceeding would take place in the course of 2009.

PM 120/09 – Marcelino Coache Verano y familia, Mexico

On May 8, 2009, the IACHR granted precautionary measures for Mr. Marcelino Coache Verano and his family, in Mexico. The request seeking precautionary measures alleges that Mr. Coache Verano, a social leader and member of the union Sindicato Libre de Empleados y Trabajadores al Servicio del Municipio de Oaxaca de Juárez, as well as his family, have been targets of threats and harassment since 2007. It adds that in March 2009, Mr. Coache Verano was intercepted by strangers, who led him to an unknown place, where they burned him with cigars in sensitive parts of his body. Moreover, the request alleges that the family of Mr. Coache Verano has received threats by telephone in April 2009. The Inter-American Commission asked the State of Mexico to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to inform the IACHR about any actions taken to eliminate the risk factors to the beneficiaries.

PM 91/08 – Federación Agrominera del Sur de Bolívar (FEDEAGROMISBOL), Colombia

On May 1, 2009, the IACHR granted precautionary measures for the leaders of Federación Agrominera del Sur de Bolívar (FEDEAGROMISBOL), in Colombia. The request seeking precautionary measures alleges that the leaders of FEDEAGROMISBOL have been the target of threats since April 2008, and that on April 22, 2009, a leader of the Federation, Mr. Edgar

Martínez Ruiz, was killed. The Inter-American Commission asked the State of Colombia to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to inform the IACHR about any actions taken to eliminate the risk factors to the beneficiaries.

PM 5/09 – X, Haiti

On April 17, 2009, the IACHR granted precautionary measures for six persons in Haiti, whose identity is kept under seal at the request of the applicants. The request seeking precautionary measures alleges that these persons have been targets of threats and assaults on the part of State security agents since 2008. It is also alleged that the father of one of the beneficiaries of these measures was killed on March 28, 2009. The Inter-American Commission asked the State of Haiti to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and inform the IACHR about actions taken to investigate through the Judiciary the facts that led to the adoption of precautionary measures.

PM 63/09 – Raúl Santiago Monzón Fuentes, Gladys Monterroso Velásquez de Morales et al., Guatemala

On April 8, 2009, the IACHR granted precautionary measures for Raúl Santiago Monzón Fuentes, Director of the Prosecution Department of the Office of the Human Rights Prosecutor of Guatemala; Gladys Monterroso Velásquez de Morales, wife of the Human Rights Prosecutor of Guatemala; and employees of the Office of the Human Rights Prosecutor in Guatemala. The request seeking precautionary measures alleges that these individuals were victims of various acts of violence as a result of actions undertaken by the Office of the Prosecutor with regard to the publication of historical archives of the Guatemalan National Police. The acts of violence specified include the kidnapping of Mrs. Gladys Monterroso Velásquez de Morales and a series of threats targeting Mr. Raúl Santiago Monzón Fuentes. The request also indicates that unidentified individuals had tailed employees and conducted surveillance on the buildings of the Office of the Human Rights Prosecutor. The Inter-American Commission requested that the State of Guatemala adopt the measures necessary to guarantee the life and physical integrity of Raúl Santiago Monzón Fuentes and Gladys Monterroso Velásquez de Morales; assign protection to the perimeter of the buildings of the Office of the Human Rights Prosecutor of Guatemala, so as to protect the life and physical integrity of the employees; and inform the IACHR about actions taken to investigate the facts that led to the adoption of precautionary measures.

PM 80/09 – Ronald John, Trinidad and Tobago

On April 6, 2009, the IACHR granted precautionary measures for Mr. Ronald John, who is deprived of liberty awaiting enforcement of the death penalty for the alleged commission of a crime in 2002.

The precautionary measures were issued in the context of a petition on the alleged violation of the rights enshrined in Articles I, XVIII and XXVI of the American Declaration by the State of Trinidad and Tobago. The petition, which is being processed by the Commission, alleges irregularities in the arbitrary detention, process and sentencing of Mr. John, among other factors. Through the precautionary measures, the Commission asked the State of Trinidad and Tobago to refrain from executing the death sentence until it has had an opportunity to issue its decision on the petitioner's claim of an alleged violation of the American Declaration.

PM 69/09—Inés Yadira Cubero González, Honduras

On April 6, 2009, the IACHR granted precautionary measures for Inés Yadira Cubero González, in Honduras. The request seeking precautionary measures alleges that Mrs. Inés Yadira Cubero González had been the target of an attempted shooting on March 16, 2009, allegedly due to her work as President of the Transparency and Anti-Corruption Commission of the Municipal Corporation of San Pedro Sula. The request further indicates that these acts were reported to the Office of the Public Prosecutor for Common Crimes in San Pedro Sula, but that Mrs. Inés Yadira Cubero had not been informed of the results of the investigation and had not been given any protection measures. The Inter-American Commission asked the State of

Honduras to adopt the measures necessary to guarantee the life and physical integrity of the beneficiary, and to inform the IACHR about any actions taken to investigate the facts.

PM 78/09 – Ronald Tiwarie, Trinidad and Tobago

On April 3, 2009, the IACHR granted precautionary measures for Mr. Ronald Tiwarie, who who is deprived of liberty awaiting enforcement of the death penalty for the alleged commission of a crime in 2001. The precautionary measures were issued in the context of a petition on the alleged violation of the rights enshrined in Articles I, II, XVIII and XXVI of the American Declaration. This petition, which is being processed by the Commission, alleges irregularities during the proceedings and in the sentencing of Mr. Tiwarie, among other factors. Through the precautionary measures, the Commission asked the State of Trinidad and Tobago to refrain from executing the death sentence until it has had an opportunity to issue its decision on the petitioner's claim of an alleged violation of the American Declaration.

PM 10/09 – Wong Ho Wing, Peru

On March 31, 2009, the IACHR granted precautionary measures for Wong Ho Wing, in Peru. The request for precautionary measures alleges that Mr. Wong Ho Wing had been subject to extradition proceedings at the request of the People's Republic of China, and that the Peruvian courts had ruled that the extradition was justified, even though the crime for which he would be tried in China could carry a death sentence. The petitioner states that the assurances given by the People's Republic of China are not sufficient to guarantee that such a sentence would not be applied. The Inter-American Commission requested that the Peruvian State refrain from extraditing Mr. Wong Ho Wing until the IACHR has ruled on the petition pending before the IACHR, and that it report on the implementation of this measure as soon as possible.

PM 50/09 - Alejandro Jiménez Blanco, Cuba

On March 18, 2009, the IACHR granted precautionary measures in favor of Alejandro Jiménez Blanco, in Cuba. The petition for precautionary measures alleges that Mr. Alejandro Jiménez Blanco was target of acts of violence at the Paso Penitentiary in Cuba, where it is alleged that he remains isolated in a punishment cell. The Inter-American Commission requested that the State of Cuba adopt the measures necessary to guarantee the life and personal integrity of the beneficiary. The Commission also requested the State to supply adequate medical treatment, in compliance to international standards regarding the treatment of persons deprived of their liberty. Finally, it requested the State to report to the IACHR on the actions taken to implement the precautionary measures.

PM 301/08—Leaders of the Indigenous Regional Council of Cauca (CRIC) and their Advisers, Colombia

On January 14, 2009, the IACHR granted precautionary measures in favor of 32 leaders and advisers of the Indigenous Regional Council of Cauca (Consejo Regional Indígena del Cauca, CRIC), in Colombia. The petition for precautionary measures alleges that the CRIC leaders and advisers have been the targets of acts of violence, threats, and stigmatization as a result of their activities as indigenous leaders. It also alleges that murders, threats, and acts of harassment against the CRIC leadership have increased since August 2008 and refers to, among others, the death of Edwin Legarda Vásquez, husband of the CRIC Senior Counselor Aída Marina Quilcué Vivas. The Inter-American Commission requested that the State of Colombia adopt the measures necessary to guarantee the life and personal integrity of the beneficiaries, as well as report on the actions taken to remove the risk factors that justify the adoption of these precautionary measures. The Commission continues to monitor the situation.



PRECAUTIONARY MEASURES

PRECAUTIONARY MEASURES GRANTED BY THE IACHR IN 2008

9. Article 25 of the Commission's Rule of Procedure establishes the mechanism for precautionary measures. The provision states that in serious and urgent cases, and wherever necessary according to the information available, the Commission may, on its own initiative or at the request of a party, request that the State concerned adopt precautionary measures to prevent irreparable harm to persons. If the Commission is not in session, the President or, in his absence, one of the Vice Presidents shall consult with the other members, through the Executive Secretariat, on the application of this provision. If, because of the circumstances, it is not possible to consult within a reasonable period of time, the President or, as needed, one of the Vice Presidents shall make the decision on behalf of the Commission and shall inform its members immediately. In accordance with the established procedure, the IACHR may request information from the interested parties concerning any matter related to the adoption and observance of the precautionary measures. In any event, the granting of such measures and their adoption by the State shall not constitute any prejudgment on the merits of the case.

10. The following is a summary of the precautionary measures granted in 2008, listed according to the member state concerned. It should be noted that the number of precautionary measures granted does not reflect the number of persons protected by their adoption; as will be seen below, many of the precautionary measures the Commission granted are for the purpose of protecting more than one person and, in some cases, groups of persons such as communities or indigenous people.

COLOMBIA

PM 113/07 *Corporación para la Paz y el Desarrollo Social (CORPADES)* [Corporation for Peace and Social Development]

11. On March 14, 2008, the IACHR granted precautionary measures for Fernando Quijano, Carlo Mario Arena, Tere a Muñoz Lopera, Alberto Manzo Monalve, Dillier Fernando Vázquez Rúa, Santiago Quijano, and Marín Alonso Velázquez, members of the *Corporación para la Paz y el Desarrollo Social* (CORPADES). The request seeking precautionary measures alleges that the members of this organization are targets of threat and assault, allegedly committed by illegal groups. The Commission asked the Colombian state to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries and to report the measures taken to conduct a judicial inquiry into the facts that necessitated the adoption of precautionary measures. The Commission continues to monitor the situation.

PM 141/08 Yolanda María Velásquez Osorio, her family, the *Corporación Social*, and the *Asociación de Mujeres por la Equidad y el Género Semillas de Paz* [Association of Women for Gender Equity, Seeds of Peace]

12. On June 19, 2008, the IACHR granted precautionary measures for Yolanda María Velásquez Osorio, her family, members of the *Corporación Social* and members of the *Asociación de Mujeres por la Equidad y el Género Semillas de Paz* [Association of Women for Gender Equity, Seeds of Peace]. The request seeking precautionary measures alleges that Mrs. Velásquez Osorio was the victim of death threats and kidnapping attempts and that members of the "Semillas de Paz" organization had been victims of violence, harassment and threats. The Commission asked the Colombian State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries and to report the measures taken to conduct a judicial inquiry into the facts that prompted the adoption of precautionary measures. The Commission continues to monitor the situation.

PM 228/07 Rafael Marulanda López and other members of the *Red de Apoyo en Derechos Humanos y Defensoría Social*

13. On September 4, 2008, the IACHR granted precautionary measures for Rafael Marulanda López, Diego Fernando Meneses García and Jairo Ortega Osorio, members of the *Red de Apoyo en Derechos Humanos y Defensoría Social* [Human Rights Support Network and People's Ombudsman's Office] in Colombia. The request seeking precautionary measures alleges that the members of this organization had received death threats and that on July 16, 2008, the lifeless body of Guillermo Rivera was found, showing signs of torture. Mr. Rivera had been an advisor to the organized labor groups on whose behalf the *Red de Apoyo*. The Commission requested that the Colombian state adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries of the provisional measures, and report the measures taken to conduct a judicial inquiry into the events that warrant enforcement of precautionary measures. The Commission continues to monitor the situation.

PM 117/08 Hugo Antonio Combariza Rodríguez

14. On September 24, 2008, the IACHR granted precautionary measures on behalf of Hugo Antonio Combariza Rodríguez. The request seeking precautionary measures alleges, *inter alia*, that Mr. Combariza Rodríguez had received threats because of his representation of victims of the armed conflict in proceedings being conducted under the Justice and Peace Law in the city of Cúcuta and that he was shot on April 25, 2008. On May 28, 2008, the Commission requested the State to provide information on the situation in question. After examining the information supplied by both parties, the Commission decided to grant precautionary measures in which it asks the Colombian state to adopt the measures needed to guarantee the life and physical integrity of the beneficiary and to report the measures taken to conduct a judicial inquiry into the events that prompted the adoption of precautionary measures. The Commission continues to monitor the situation.

PM 269/07 Iván Velásquez Gómez

15. On December 22, 2008, the IACHR granted precautionary measures on behalf of an Auxiliary Justice in the Criminal Chamber of the Colombian Supreme Court, Iván Velásquez Gómez, who was serving as coordinator of an "Investigative Support Commission" to establish the possible links between members of Colombia's National Congress and paramilitary organizations. The request seeking precautionary measures states, *inter alia*, that state agents were alleged to be targeting Justice Velásquez, who was allegedly being threatened because of his role in the so-called "parapolitics" trials, and that the protective measures previously established for him were not sufficient. On February 22, 2008, the IACHR instituted the process of requesting information from the State concerning the degree of the threat facing Justice Iván Velásquez and the security measures arranged for him. After examining the information supplied by the parties on the circumstances under which Auxiliary Supreme Court Justice Iván Velásquez Gómez must perform his functions, the Commission decided to grant precautionary measures and asked the State to guarantee the life and physical integrity of Iván Velásquez Gómez, to arrange, jointly with the beneficiary and the petitioners, the measures to be taken, and to report the steps intended to remove the threat factors that warrant enforcement of precautionary measures.

PM 93/08 María del Rosario González de Lemos

16. On December 22, 2008, the IACHR granted precautionary measures for an Auxiliary Justice in the Criminal Chamber of Colombia's Supreme Court, María del Rosario González de Lemos, who has actively participated in the prosecution of members of the Colombian National Congress accused of having ties to paramilitary organizations. The request seeking precautionary measures states, *inter alia*, that Justice González de Lemos was being threatened because of her role in the so-called "parapolitics" trials and that the previously established protective measures were allegedly inadequate. On May 19, 2008, the IACHR instituted the process of requesting information from the State on the threat level in the case of Justice María del Rosario González de Lemos and the security arranged for her. After examining the information supplied by both parties on the circumstances under which Justice María del Rosario González de Lemos must perform her functions, the Commission decided to grant the request for precautionary measures and accordingly asked the State to guarantee the justice's life and physical integrity, to arrange with her and the petitioners the measures to be adopted, and to report to the Commission on the measures intended to eliminate the risk factors that warrant enforcement of the precautionary measures.

CUBA

PM 320/08 Yordis García Fournier

17. On December 5, 2008, the IACHR granted the request seeking precautionary measures for young Yordis García Fournier. The Commission's decision was based on a request for precautionary measures in which it was alleged that Mr. Yordis García Fournier had been subjected to mistreatment in the Combinado de Guantánamo prison, where he was allegedly being held in a punishment cell with no clothes and in very bad health. Given the particulars of this case, the IACHR asked the Cuban state to adopt the measures necessary to guarantee the life and physical integrity of Yordis García Fournier, to provide him proper medical attention in keeping with the international standards for the treatment of persons deprived of their liberty and to inform the Commission of the measures taken to implement the precautionary measures.

DOMINICAN REPUBLIC

PM 195-08 Emildo Bueno *et al.*

18. On July 31, 2008, the IACHR granted the request for precautionary measures on behalf of Emildo Bueno Orguís, Dielal Bueno, Minoscal De Olis Oguiza, Gyselle Baret Reyes and Demerson De Olis Baret. The request seeking precautionary measures alleges that these individuals, born in the Dominican Republic of parents of Haitian origin, have been threatened and have been the targets of acts of violence, presumably in retaliation for the legal actions brought to obtain papers identifying them as Dominican citizens. The Commission asked the Dominican Republic to take the measures necessary to protect the lives and physical integrity of the beneficiaries and to report what measures are being taken to conduct a judicial inquiry into the facts that prompted the adoption of precautionary measures. The Commission continues to monitor the situation.

GUATEMALA

PC 61/08 Alberto López Pérez, Víctor Manuel Gómez Mendoza and their families

19. On April 3, 2008, the IACHR granted the request for precautionary measures for Messrs. Alberto López Pérez, Víctor Manuel Gómez Mendoza and their respective families. The request seeking precautionary measures alleges that Messrs. López Pérez and Gómez Mendoza had been the targets of threats, acts of intimidation and attacks as a result of their union activities. The Commission requested that the State of Guatemala adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries and their families, and report on the measures adopted to conduct a judicial inquiry into the events that prompted the adoption of precautionary measures. The Commission continues to monitor the situation.

PM 148/08 JRP and family

20. On July 16, 2008, the Commission granted the request for precautionary measures for Mr. JRP and five members of his family, several of whom are children whose identity will remain confidential. The request seeking precautionary measures alleges, *inter alia*, that Mr. JRP and his family had received death threats because he brought a case alleging corruption of minors and coercion involving conduct affecting his daughter, a minor. The Commission asked the Guatemalan state to take the measures necessary to preserve the life and physical integrity of the beneficiaries. The Commission continues to monitor the situation.

PM 295/08 José Pelicó Pérez and his family

21. On November 3, 2008, the IACHR granted the request for precautionary measures on behalf of Mr. José Pelicó Pérez and his family. The request seeking precautionary measures alleges that the beneficiaries have been receiving threats and have been followed since April 2008, presumably because of Mr. Pelicó Pérez' work as an investigative journalist with the *Centro de Reportes Informativos sobre Guatemala* (CERIGUA) [Center of News Reports on Guatemala]. The request states further that on October 5, 2008, Mr. Pelicó's wife and son had been threatened with a firearm. Given the situation, the IACHR asked the Guatemalan state to take the measures necessary to preserve the life and physical integrity of the beneficiaries and to report the measures taken to conduct a judicial inquiry into the events that warranted the adoption of precautionary measures. The Commission continues to monitor the situation.

GUYANA**PM 254/07 AW**

22. On February 12, 2008, the IACHR granted the request for precautionary measures for the child AW, whose identity will be kept confidential because of her age. The request seeking precautionary measures alleges, *inter alia*, that in 2002 a family member had handed the beneficiary over to an orphanage; even though members of the child's biological family tried to adopt her, she was put up for adoption and given to another couple in 2004. The request alleges that the beneficiary is being abused in her adoptive home. The Commission asked the Guyana State to immediately check the beneficiary's situation, report to the Commission and adopt measures to protect the life and physical integrity of the beneficiary. The Commission continues to monitor the situation.

HAITI**PM 181/07 Lovinsky Pierre-Antoine**

23. On February 28, 2008, the IACHR granted a request seeking precautionary measures for human rights defender Lovinsky Pierre-Antoine. The request alleges that on August 12, 2007, Mr. Lovinsky Pierre-Antoine was stopped as he was returning from a meeting with a foreign delegation conducting an investigation in Haiti. Since then, his whereabouts are unknown. On September 21, 2007, the Commission requested information from the State concerning the situation of Mr. Lovinsky Pierre-Antoine and repeated its request on December 31, 2007. In view of the situation and since the deadlines for submitting the requested information had passed, the Commission decided to grant the requested precautionary measures and asked the Haitian state to take the measures necessary to establish Lovinsky Pierre-Antoine's whereabouts, guarantee his life and physical integrity, and report the measures taken to conduct a judicial inquiry into the facts that prompted the adoption of precautionary measures.

PM 144/07 Detainees at Toussaint Louverture Police Station in Gonaïves

24. On June 16, 2008, the IACHR granted precautionary measures for the persons being held at the Toussaint Louverture Police Station in Gonaïves. The request seeking precautionary measures alleges, *inter alia*, that twelve minors in custody were co-mingled with

the adult population and persons carrying HIV. The Commission asked the Haitian state to take the measures necessary to protect the lives and physical integrity of all persons deprived of their liberty in the Toussaint Louverture Police Station, to provide them with food, medical care and proper sanitation, and to transfer children deprived of their liberty to suitable detention facilities. The Commission continues to monitor the situation.

HONDURAS

PM 210/08 Marlon Cardoza and other members of the CEPRES Association

25. On August 27, 2008, the IACHR granted a request for precautionary measures for Marlon Cardoza, Dennis Castillo and Josué Hernández Cardona, members of the *Asociación Centro de Educación y Prevención en Salud, Sexualidad y Sida* (CEPRES) [Center for Education in Health, Sexuality and AIDS Prevention Association]. The request for precautionary measures alleged that Messrs. Cardoza, Castillo and Hernández Cardona were the targets of threats and harassment. It also alleged that on June 10, 2008, Martín Girón, a founding member of the organization, was murdered. It also asserted that during that year, 27 persons from Honduras' lesbian, gay, bisexual and transgender community had been murdered. The Commission asked the Honduran state to guarantee the life and physical integrity of the beneficiaries and to report the measures taken to conduct a judicial inquiry into the events that warrant enforcement of precautionary measures. The Commission continues to monitor the situation.

PM 135/07 Public Prosecutor Luis Javier Santos and his children

26. On October 14, 2008, the IACHR granted the request seeking precautionary measures for public prosecutor Luis Javier Santos and his children. The request for precautionary measures alleges, *inter alia*, that Public Prosecutor Luis Javier Santos is being threatened because of his work on various corruption cases in the city of San Pedro Sula. On August 21, 2007, the IACHR requested information from the Honduran State concerning the security of public prosecutor Luis Javier Santos. After considering the information supplied by both parties on the circumstances under which Public Prosecutor Luis Javier Santos performs his functions and concerning an attempt made against his life, the Commission decided to adopt precautionary measures and requested the Honduran State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries and to report the measures taken to conduct a judicial inquiry into the events that warrant enforcement of the precautionary measures. The Commission continues to monitor the situation.

PM 303/08 Gabriel Zambrano, Carlos Murillo, Danilo del Arca and Carminda Pérez

27. On December 12, 2008, the IACHR granted precautionary measures for Gabriel Zambrano, Carlos Murillo, Danilo del Arca and Carminda Pérez, community leaders in the town of Villanueva, Department of Cortés. The request for precautionary measures alleges that the afore-named leaders are the targets of threats and attacks because of their activities to reclaim land. A number of community leaders from the area have allegedly been killed recently. The Commission asked the Honduran state to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries and to report the steps taken to conduct a judicial inquiry into the events that warrant enforcement of precautionary measures. The Commission continues to monitor the situation.

MEXICO

PM 265/07 MAA and her daughters

28. On February 12, 2008, the IACHR granted the request for precautionary measures for MAA and her three daughters, whose identities are being kept confidential because of their age and the nature of the allegations made. The request seeking precautionary measures alleges that one of the girls had been the victim of a number of acts involving sexual abuse. The request states that when the problems were reported to the competent authorities, the girl was allegedly abducted between August 28 and 29, 2007, and that the family had allegedly been the target of harassment to get them to withdraw their

complaint. On December 19, 2007, the Commission asked the State to provide information on the situation. After considering the additional information supplied by both parties, the Commission decided to ask the Mexican state to take the measures necessary to guarantee the life and physical integrity of the beneficiaries and to report what measures have been taken to conduct a judicial inquiry into the facts in this case that warrant enforcement of precautionary measures. The Commission continues to monitor the situation.

PM 147/08 Luz Estela Castro Rodríguez *et al.*

29. On June 13, 2008, the IACHR granted the request seeking precautionary measures for Marisela Ortiz Rivera, María Luisa García Andrade, Karla Michell and David Peña, members of the organization called "*Nuestras Hijas de Regreso a Casa*" [Our Daughters Home Again], for Luz Estela Castro Rodríguez, Alma Gómez Caballero, Rossina Urgana Barri, Gabino Gómez Escárcega, Adriana Carmona López, Minerva Maesse, Monserrat González, Irma Villanueva, Flor Gómez, Alberto Rodríguez, Beatriz Gómez, Consuelo Ramos, Ema Martínez, Flor Gómez, Imelda Ruiz, Inti Gómez, Ivonne Gómez, José A. Hernández, Karim Rivera, Laura Aragón, Leonilla Gómez, Luz María Reyes, María de la Luz Nájera, Manuel E. Gómez, María Elena Estevané, Pablo E. Gómez, Rosa Ema Carmona, Norma Ledezma, Silvia Madrigal, Verónica Nava, Yolanda Gómez and Zoila Espino, all members of the "*Centro de Derechos Humanos de la Mujer*" [Women's Human Rights Center] and for their immediate families. On June 9, 2008, the Commission received a communication from the Permanent Mission of Mexico to the OAS in which the Mexican State reports that a number of human rights organizations are concerned over threats made against those on whose behalf they work and asks the Commission to consider implementation of precautionary measures. In response, the Commission granted precautionary measures with a view to guaranteeing the lives and physical integrity of the beneficiaries and asked the State to report the measures taken to shed light on the facts. The Commission continues to monitor the situation.

PM 113/08 177 Inhabitants of the Community of Santo Domingo Ixcatlan

30. On May 19, 2008, the IACHR granted the request for precautionary measures for 60 inhabitants of the municipality of Santo Domingo Ixcatlan in the state of Oaxaca. The request seeking precautionary measures alleges that the people of the town of Santo Domingo have been victims of serious acts of violence committed by lawless armed groups with ties to local authorities. The request further alleges that on April 30, 2008, 40 armed men killed Gustavo Castañeda Martínez, Melesio Martínez Robles and Inocencio Medina Bernabé, who were burned to death and dismembered. The request names 60 witnesses, relatives and friends of the victims, said to have received death threats from the alleged perpetrators. The Commission asked the Mexican state to take the measures necessary to guarantee the life and physical integrity of the 60 people on whose behalf the precautionary measures were granted, and to report what measures have been taken to conduct a judicial inquiry into the events that prompted adoption of precautionary measures. On June 8, 2008, the Commission decided to amplify the precautionary measures to cover another 117 inhabitants of Santo Domingo Ixcatlan who had allegedly received death threats. The Commission continues to monitor the situation.

PM 102/08 Rafael Rodríguez Castañeda

31. On July 3, 2008, the IACHR granted a request for precautionary measures to preserve journalist Rafael Rodríguez Castañeda's right to access information. The request seeking precautionary measures is associated with petition P492/08 which alleges, *inter alia*, that the courts' refusal to provide access to leftover ballots, unused ballots, ballots declared to be valid and those nullified in the election held on July 2, 2006, before those ballots were destroyed, is a violation of Article 13 of the American Convention. The Commission asked the Mexican state to suspend plans to destroy the ballots until it is able to rule on the merits of the petition filed by Rafael Rodríguez Castañeda. The granting of precautionary measures does not imply any prejudgment on the merits of the complaint.

NICARAGUA

PM 277/08 Vilma Núñez de Escorcía

32. On November 11, 2008, the IACHR granted a request for precautionary measures for human rights defender Vilma Núñez de Escorcia and the members of the *Centro Nicaragüense de Derechos Humanos* (CENIDH) [Nicaraguan Human Rights Center]. The request seeking precautionary measures alleges that Mrs. Núñez de Escorcia and the members of the CENIDH are targets of public accusations and harassment by public officials because of their work as defenders of human rights. The Commission asked the Nicaraguan state to take the measures necessary to guarantee the life and physical integrity of the beneficiaries and to report what steps it has taken to conduct a judicial inquiry into the facts that necessitated the adoption of precautionary measures. The Commission continues to monitor the situation.

PARAGUAY

PM 277-07 Patients at the Neuropsychiatric Hospital

33. On July 29, 2008, the IACHR granted a request for precautionary measures on behalf of the patients at the Neuropsychiatric Hospital. The request seeking precautionary measures alleges that acts of physical violence and sexual abuse have been committed against the hospital's patients. It also alleges that effective measures have not been taken to investigate the violence and protect the patients. After requesting information from the parties several times, the Commission learned that in May and June 2008, the deaths of two patients were reported, as well as sexual abuse and violence at the hospital. The Commission asked the Paraguayan state to take the measures necessary to protect the lives and physical integrity of the beneficiaries, and especially to prevent additional acts of physical violence and sexual abuse inside the hospital. It also asked the State to report the measures taken to investigate the facts. The Commission continues to monitor the situation.

PERU

PM 103/08 Francisco Soberón Garrido and other members of APRODEH

34. On May 21, 2008, the IACHR granted precautionary measures for human rights defenders Francisco Soberón Garrido, Juan Miguel Jugo Viera and other members of APRODEH. The request seeking precautionary measures alleges that various state agencies had made statements and taken measures intended to intimidate APRODEH, particularly Francisco Soberón Garrido and Juan Miguel Jugo Viera, the executives of that institution. The request also states that, starting in April 2008, a number of APRODEH members had been the target of threats and other forms of harassment. The Commission asked the Peruvian state to take the measures necessary to guarantee the life and physical integrity of the beneficiaries and to report on the measures taken to prevent administrative and judicial means from being used to obstruct the human rights work done by APRODEH. The Commission continues to monitor the situation.

UNITED STATES

PM 240/07 Orlando Cordia Hall

35. On July 7, 2008, the IACHR granted precautionary measures on behalf of Orlando Cordia Hall, who was given the death penalty for the alleged commission of a crime in 1994. The petition attached to the request seeking precautionary measures alleges that in general, there is racial bias in the application of the death penalty in the United States and that, in this particular instance, the judgment delivered in the case was based on questionable evidence about conduct that did not appear in the indictment. The allegation is that the United States is responsible for violation of Articles II, XVIII, and XXVI of the American Declaration. The Commission asked the United States to refrain from executing the death sentence until it has had an opportunity to issue its decision on the petitioner's claim of an alleged violation of the American Declaration.

PM 149/08 Boniface Nyamanhindi

36. On August 18, 2008, the Commission granted the request seeking precautionary measures for Boniface Nyamanhindi, a national of Zimbabwe being held in a detention facility operated by the Immigration and Customs Enforcement Agency. The request seeking precautionary measures states that if deported to his native country, Mr. Nyamanhindi would face the threat of torture and cruel treatment because of his membership in an opposition party. The Commission asked the United States to take the measures necessary to prevent Mr. Nyamanhindi from sustaining irreparable harm as a result of his deportation.

PM 211/08 Djamel Ameziane

37. On August 20, 2008, the IACHR granted the request for precautionary measures for Mr. Djamel Ameziane. The request for precautionary measures alleges that Mr. Ameziane was detained by United States agents in Kandahar, Afghanistan in January 2007 and taken to the United States Naval Base at Guantánamo. According to the information received by the Commission, Mr. Ameziane was allegedly tortured and subjected to cruel, inhumane and degrading treatment during his incarceration. The request also alleges that he was in danger of being deported to his native country, Algeria, where he might be subjected to cruel, inhumane and degrading treatment. The Commission asked the United States to immediately take the measures necessary to ensure that Mr. Ameziane is not subject to torture or to cruel, inhumane or degrading treatment while in its custody and to make certain that he is not deported to any country where he might be subjected to torture or other mistreatment. The Commission continues to monitor the situation.



PRECAUTIONARY MEASURES 2007

1. Precautionary measures granted by the IACHR during 2007

9. The mechanism for precautionary measure is established in Article 25 of the Rule of Procedure of the IACHR. This provision states that in serious and urgent cases, and wherever necessary according to the information available, the Commission may, on its own initiative or at the request of a party, request that the State concerned adopt precautionary measures to prevent irreparable harm to persons. If the Commission is not in session, the President, or, in his absence, one of the Vice Presidents, shall consult with the other members, through the Executive Secretariat, on the application of this provision. If it is not possible to consult within a reasonable period of time under the circumstances, the President shall take the decision in favor of the Commission and shall so inform its members immediately. In accordance with the procedure established, the IACHR may request information from the interested parties related to any aspect of the adoption and observance of the precautionary measures. In any event, the granting of such measures and their adoption by the State shall not constitute on the part of the IACHR a prejudgment in the eventuality of a decision on the merits of the case.

10. Below is a summary of the precautionary measures granted or issued during 2007 in relation to member states. It should be noted that the number of precautionary measures granted does not reflect the number of persons protected by their adoption; as can be seen below, many of the precautionary measures issued by the IACHR protect more than one person and, in certain cases, groups of persons such as communities or indigenous people.

Barbados

Tyrone Da Costa Cadogan

11. On January 23, 2007, the IACHR granted precautionary measures in favor of Mr. Tyrone Da Costa Cadogan, who is deprived of liberty awaiting enforcement of the death penalty in a detention center in Barbados. The precautionary measures were issued in the context of a petition on the alleged violation of the right enshrined in Article 8 of the American Convention, which is before the Commission for its consideration. The petition alleges, *inter alia*, flaws in the legal representation of the alleged victim, a refusal to afford him access to psychiatric care, and other violations pertaining to due process. In the context of the precautionary measures, the Commission asked the State of Barbados to adopt the measures necessary to preserve Mr. Da Costa Cadogan's life and physical integrity, so as to ensure there be no impediment to the processing of his petition before the Inter-American system. The Commission continues to monitor the situation of the beneficiary.

Bolivia

Elizabeth Aida Ochoa Mamani

12. On April 24, 2007, the IACHR granted precautionary measures in favor of Ms. Elizabeth Ochoa Mamani, a Peruvian citizen living in Bolivia as a refugee. The request for precautionary measures was presented within a petition, which alleged, *inter alia*, the violation of the rights enshrined in Articles 8(2) and 22(7) of the American Convention. The available information indicates that on October 25, 2006, the Bolivian Supreme Court of Justice issued a detention order for the purpose of extraditing the beneficiary, despite the National Commission on Refugees' (CONARE) having recognized her status as a refugee as of November 30, 1994. In light of the situation, the Commission requested that the Bolivian State adopt the measures necessary to render null the detention order for extradition until such time the merits of the petition linked to the precautionary measures request should be definitively resolved by the organs of the Inter-American Human Rights System. The Commission noted that on October 17, 2007, the Supreme Court of Justice nullified the detention order against the beneficiary and also rejected the extradition request against her, and the precautionary measures were thus deactivated.

Brazil*Adolescents in the Public Prison of Guarujá*

13. On October 26, 2007, the IACHR granted precautionary measures in favor of the adolescents confined in the provisional detention center of Guarujá ("Public Prison of Guarujá") in the state of São Paulo. According to the available information, that detention center is for holding adults; nonetheless, adolescents were being held there. In addition, they were overcrowded and held in cells in poor conditions. It was also indicated that the adolescents could not leave the cells to eat or to attend to their physiological needs, and that they had no access to education. In September 2007, the State reported that repairs had concluded at the "Vicente de Carvalho" prison, to which all of the persons held at the provisional detention center of Guarujá would be transferred. In addition, the IACHR was informed that at the Guarujá facility, overcrowding, unsanitary conditions, and insecurity for the adolescents in custody persisted. The Commission was also informed that there had not yet been a final decision on judicial remedies pursued by the Public Ministry in 2002 and 2003 seeking an improvement in the conditions of detention of the persons held at that center. The Commission recommended to the Brazilian State that it adopt the measures necessary to guarantee the life and personal integrity of the adolescents held at the provisional detention center of Guarujá; promptly transfer the beneficiaries to a detention center for adolescents; provide them with immediate medical and psychological care; and prohibit the entry of adolescents to that detention center. The Commission continues to monitor the situation of the beneficiaries.

Colombia

X

14. On May 2, 2007, the IACHR granted precautionary measures in favor of Ms. X, whose identity has been kept under seal at the request of the applicants. The information available indicates that the beneficiary received several death threats by telephone after denouncing that she had been raped by members of the Colombian Army. In view of the information, the Commission asked the Colombian State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiary, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the situation of the beneficiary.

Corporación Jurídica Libertad

15. On June 14, 2007, the IACHR granted precautionary measures in favor of the members of the Corporación Jurídica Libertad (CJL), based in the city of Medellín. The information provided indicates that members of that organization had been targeted by death threats as a consequence of their activity in the defense of human rights. Allegedly, the

beneficiaries were investigated by intelligence agencies of the State and the Office of the Attorney General had issued arrest warrants for some of its members based on information manipulated by those agencies and by members of the armed forces. The Commission asked that the Colombian State adopt the measures necessary to ensure the life and physical integrity of the beneficiaries, and that it report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

John Fredy Posso Moreno

16. On July 6, 2007, the IACHR granted precautionary measures in favor of Mr. John Fredy Posso Moreno, a former worker of the Comité de Derechos Humanos (Human Rights Committee) of the city of Tulúa, and his family. The information provided indicates that an illegal armed group known as "AUC Águilas Negras" had declared Mr. Posso Moreno to be a military objective after he denounced the participation of paramilitaries in crimes that occurred in the city of Tulúa. It is also indicated that Mr. Posso Moreno has received death threats because of his activities as a human rights defender, and that his wife, Ms. Cecilia Bohórquez Santiago, has been kidnapped, persecuted, and threatened. The Commission asked the Colombian State to adopt the measures necessary to guarantee the life and physical integrity of Mr. Posso Moreno and his family, and to report on the actions adopted to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the situation of the beneficiaries.

Leaders of the COPDICONC

17. On July 24, 2007, the IACHR granted precautionary measures in favor of José Emery Álvarez Patiño, Marlene Cisneros, José Gildardo Ortega, José Arcos, Alfredo Quiñones, Arcediano Pialejo Micolta, Claudio Esterilla Montaña, Gonzalo Caicedo Esterilla, José Rogelio Montaña, Maritza Caicedo Ordoñez, Marianita Montilla Cobo, Fanny Caicedo, and José Pablo Estrada Perlaza, all of them leaders of the Council of Black Communities of the Western Cordillera of Nariño (COPDICONC: Concejo de Comunidades Negras de la Cordillera Occidental de Nariño). The information available indicates that residents of six communities in the department of Nariño, and particularly the leaders of COPDICONC, have been victims of acts of harassment, death threats, and detentions (*retenciones*) by illegal armed groups and government forces. It is also alleged that the leaders of COPDICONC are generally subject to hostile acts by members of both paramilitary and guerrilla groups, who accuse them of cooperating with the opposing force. The Commission asked the Colombian State to adopt the measures necessary to protect the life and physical integrity of the beneficiaries, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the situation of the beneficiaries.

Rigoberto Jiménez and members of the Corporación Jurídica Yira Castro

18. On August 21, 2007, the IACHR granted precautionary measures in favor of Rigoberto Jiménez, president of the National Coordinating Body of Displaced (CND: Coordinación Nacional de Desplazados), and of the members of the Corporación Jurídica Yira Castro, which provides legal assistance to victims of forced displacement in Colombia. The information available indicates that the beneficiaries have been the target of threats and harassment because of their work as human rights defenders. It is indicated that in July 2007, the CND received an email signed by an illegal armed group calling itself "AUC Águilas Negras de Bosa" that declared the beneficiaries to be an immediate military objective. It is also indicated that on June 22, 2007, unknown persons invaded the headquarters of the Corporación Jurídica Yira Castro, located in the city of Bogotá, and confiscated equipment and documents used in judicial proceedings in which the organization represents victims of forced displacement. The IACHR asked the Colombian State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries and to report on the actions taken to judicially clarify the facts that are the subject of the precautionary measures. The Commission continues to monitor the situation of the beneficiaries.

Carlos Mario Gómez Gómez

19. On November 19, 2007, the IACHR granted precautionary measures in favor of Mr. Carlos Mario Gómez Gómez, who is deprived of liberty and in the custody of the State. The information available indicates that Mr. Gómez Gómez was threatened by police agents and that on October 13, 2007, he suffered an attack by firearm in the Bellavista penitentiary, and was seriously injured. It is indicated that on November 1, 2007, the beneficiary was transferred to the Itagüí detention center, where the person allegedly responsible for the attack against him is serving a prison sentence. It is also alleged that despite the injuries suffered by the beneficiary, he was being kept on the floor of a prison cell without the proper sanitary conditions, posing a grave risk to his health. The Commission asked the Colombian State to adopt the measures necessary to guarantee Mr. Gómez Gómez's life and physical integrity, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the situation of the beneficiary.

Cuba

Francisco Pastor Chaviano González

20. On February 28, 2007, the IACHR granted precautionary measures in favor of Mr. Francisco Pastor Chaviano González, the former president of the Consejo Nacional por los Derechos Civiles (National Council for Civil Rights) who was detained as of May 1994 on charges of revealing secrets pertaining to state security. In December 2002, the IACHR had already granted precautionary measures in favor of Mr. Chaviano González due to the conditions of his detention; on that occasion, the Commission asked the Cuban State to provide him with specialized medical care and, if necessary, to transfer him to a hospital. The information available indicates that Mr. Chaviano González had been held in a punishment cell for several months, even though he suffered serious illnesses such as a pulmonary tumor, duodenal ulcer, arthritis, arterial obstruction, and ischemic alterations, which are said to have deteriorated due to the conditions of detention and mistreatment at the hands of prison guards. The Commission asked the Cuban State to adopt the measures necessary to guarantee the beneficiary's life and physical integrity, especially to instruct the competent authorities to evaluate his health conditions and to provide him with adequate medical treatment. On July 20, 2007, during its 129th regular period of sessions, the IACHR held a public hearing on the situation of persons deprived of liberty in Cuba, in which it received information on the beneficiary's health situation and conditions of detention. The Commission has learned that on August 10, 2007, Mr. Pastor Chaviano was released by the Cuban authorities.

Ecuador

Five members of a family and members of a human rights organization in Ecuador

21. On February 28, 2007, the IACHR granted precautionary measures in favor of five members of a family that resides along the Ecuadoran border with Colombia and the members of a human rights organization active in the same region. The persons who requested the precautionary measures asked that the identity of the persons protected be kept under seal. The information available alleges that members of that organization are subject to constant threats and persecution due to their activities to defend and promote human rights; that the children of the person who founded the organization have been victims of an attempted kidnapping; and that since late 2006 his wife and two siblings have received threats. The Commission asked the Ecuadorian State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. In addition, the Commission asked the Ecuadorian State for information on the situation of risk of another three persons. On July 19, 2007, during its 128th regular period of sessions, the IACHR held a working meeting with the members and the State regarding implementation of the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Guatemala

Carlos Albacete Rosales and Piedad Espinosa Albacete

22. On January 22, 2007, the IACHR issued precautionary measures in favor of Carlos Albacete Rosales and Piedad Espinosa Albacete, co-directors of the environmentalist organization Trópico Verde, devoted to defending the Maya Biosphere Reserve in the Petén region, in northern Guatemala. The information available indicates that on September 12, 2006, the beneficiaries' house was machine-gunned and that since late 2006 they have been subjected to persecution and threats. It is also indicated that after a series of threats, the office of Trópico Verde in the Petén region was forced to close, so that it could reopen in a safer place. On January 10, 2007, four uniformed persons were said to have shot at the beneficiaries when they were traveling in a taxi from the La Aurora National Airport. Finally, it is indicated that Carlos Albacete and Piedad Espinosa had to leave the country due to the threats and attacks directed against them, and that they would attempt to return to Guatemala to resume their activities in defense of the environment. The Commission asked the Guatemalan State to adopt the measures necessary to protect the life and personal integrity of the beneficiaries from the moment they return to Guatemala and to investigate the facts gave rise to the precautionary measures, so as to identify the persons responsible and impose the respective sanctions on them. On February 28, 2007, the IACHR decided to expand the precautionary measures to include Ms. Rut Delmira Catalán Rangel, who was said to have been the target of threats and harassment because of her work with the organization Trópico Verde. The Commission continues to monitor the beneficiaries' situation.

José Carlos Marroquín and his family

23. On January 29, 2007, the IACHR granted precautionary measures in favor of Mr. José Carlos Marroquín Pérez, his wife, and two daughters. The information available indicates that Mr. José Carlos Marroquín has been the target of a series of threats and attacks and that on November 18, 2006, unknown persons launched bombs and shot firearms at his home. Those attacks were said to have been aimed at pressuring Mr. Marroquín Pérez to renounce his affiliation with a Guatemalan political party. In weighing the request for precautionary measures, the IACHR received information according to which as of early 2007 Guatemala had a context marked by violence and attacks directed against politicians in connection with campaigning in the run-up to the September 2007 elections. The Commission asked the Guatemalan State to adopt the measures needed to guarantee the life and physical integrity of the beneficiaries and to report on the actions taken to investigate judicially the facts gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Marvin Roberto Contreras Natareno

24. On March 9, 2007, the IACHR granted precautionary measures in favor of Mr. Marvin Contreras Natareno, who was deprived of liberty at the Centro Preventivo para Hombres in Zone 18 of Guatemala City. The information available indicates that Mr. Contreras Natareno was being held in pre-trial detention in the framework of a criminal indictment involved the assassination of three Salvadoran members of the Central American Parliament (PARLACEN, Parlamento Centroamericano), and the driver who was with them. On February 25, 2007, four others accused of participating in that assassination were executed while being held in pre-trial detention at the "El Boquerón" high-security prison in Guatemala. The Commission asked the Guatemalan State to adopt the measures necessary to ensure the life and physical integrity of the beneficiary and to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiary's situation.

Félix Andrés Mendoza Monterroso and family

25. On March 23, 2007, the IACHR granted precautionary measures in favor of Mr. Félix Andrés Mendoza Monterroso and his family. Mr. Mendoza Monterroso is a member of the National Civilian Police (PNC: Policía Nacional Civil), a witness to the criminal conduct engaged in by agents of that police agency. The information available indicates that in March 2006 his brother, Mr. José Alfredo Mendoza Monterroso, was said to have been tortured for the purpose of getting him to withdraw a complaint he had lodged with the Office of the Ombudsperson for Human Rights (Procuraduría de los Derechos Humanos); that the brothers

Mendoza Monterroso were in hiding out of security considerations; that their family members have been threatened; and that in October 2006 Ms. Maria Elena Navas, the wife of José Alfredo Mendoza Monterroso, had been kidnapped and received death threats. The Commission asked the Guatemalan State to adopt the measures necessary for guaranteeing the life and physical integrity of the beneficiaries, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Daniel Joseph Vogt et al.

26. On March 30, 2007, the IACHR granted precautionary measures in favor of Messrs. Daniel Joseph Vogt, Arnaldo Yat Coc, and Juan Antonio Chen Dubon, human rights defenders. The Commission's decision is based on information according to which then beneficiaries have been subjected to threats and intimidation for defending the rights of the Maya Q'eqchi communities in the municipality of El Estor and offering them legal counsel in the dispute over property rights over land claimed by a local mining company. In addition, the IACHR was informed that on February 13, 2007, an unknown person was said to have broken into the Sagrado Corazón de Jesús church in Puerto Barrios, where the beneficiary Vogt is the priest, and to have stolen personal items used in their activities as human rights defenders. The Commission asked the Guatemalan State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to report on the actions adopted to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the situation of the beneficiaries.

Members of the Instituto de Estudios Comparados en Ciencias Penales of Guatemala

27. On June 8, 2007, the IACHR granted precautionary measures in favor of the members of the Instituto de Estudios Comparados en Ciencias Penales (ICCPG). The information available indicates that the beneficiaries have received death threats, and that despite the requests for protection made to the State authorities, they have not been granted adequate protection. It is indicated that one researcher of the Instituto was kidnapped on April 12, 2007, in Guatemala City, and released along a highway to Chimaltenango after being beaten and warned that the ICCPG should stop lodging complaints. At the same time, the IACHR considered this matter mindful of the increase in threats to and attacks on human rights defenders in Guatemala since early 2007. The Commission asked the Guatemalan State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Project Counseling Service – Regional Office

28. On June 14, 2007, the IACHR granted precautionary measures in favor of Samantha Sams, Gabriela Ispanel, Jorge Campos, Florinda Yax, Vivian Córdón, Evy Meléndez, Flor de María Salvador, Christina Laur, Cristal Barrientos, Dinova López, Tania Palencia, Katrina Monterroso, Miriam Chávez, and Mercedes Vicente, all members of the Project Counseling Service (PCS), known in Spanish as Consejería de Proyectos, Guatemala Regional Office. The information available indicates that on May 7, 2007, one of the members of PCS was said to have been kidnapped, assaulted, and threatened before being released. At the same time, the IACHR considered this matter mindful of the increase in threats and attacks directed against human rights defenders in Guatemala as of early 2007. The Commission asked the Guatemalan State to adopt the measures necessary to ensure the life and physical integrity of the beneficiaries, and to report on the actions taken to investigate judicially the facts that give rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Eduardo Rafael Vital Peralta et al.

29. On June 18, 2007, the IACHR granted precautionary measures in favor of Messrs. Eduardo Rafael Vital Peralta, Jorge Emilio Minera Morales, René Arturo Xicará Choloján, and Erick Javier Aguilar Alvarado, all leaders of the Centro Universitario de

Occidente (CUNOC) of the Universidad de San Carlos, and their family members. The information available indicates that as of late March 2007 members of the organization Grupo de Responsabilidad de Todos (RETO) and their family members have been victims of acts of aggression and threats. Such incidents are said to be in retaliation for the initiative of the CUNOC Directing Council, made up of several members of RETO, that involved combating the illegal collection of monies from merchants established in the vicinity of the Universidad de San Carlos, traditionally done by students and former students of the university during Holy Week to cover the costs of their academic activities. It is noted that after the threats to the members of RETO and their family members were disclosed, Guatemala's National Civilian Police provided individual protection to Mr. Eduardo Rafael Vital, a measure that is said to have proven insufficient. The Commission asked the Guatemalan State to adopt the measures necessary to ensure the life and physical integrity of the beneficiaries, and to report on the actions adopted to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor on the beneficiaries' situation.

Juana Méndez Rodríguez et al.

30. On June 25, 2007, the IACHR granted precautionary measures in favor of Ms. Juana Méndez Rodríguez, her husband Mónico Reyes, and their children Antonio, Santos Anibal, Amelia Yolanda, Justiniano Froylan, Rodolfo Otoniel, Silvino Rolando, Elmer Rubén, Melvin Marino, María Telma, and Brenda Floridalma, all with the last names Reyes Méndez, as well as PNC agent Lázaro Dubón Cano and his family. The Commission's decision was based on information according to which the beneficiaries received threats after Ms. Méndez Rodríguez filed a complaint alleging sexual abuse by agents of the National Civilian Police (PNC), some of whom were convicted. It is indicated that on April 23, 2007, the attorney who provides judicial assistance to Juana Méndez in the criminal proceeding was intercepted, assaulted, and threatened by hooded men. Agent Dubón Cano is a key witness in the criminal and disciplinary proceedings pending against members of the PNC with respect to the rape of Ms. Méndez Rodríguez. The Commission asked the Guatemalan State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Trade unionists at the Empresa Portuaria Quetzal

31. On August 31, 2007, the IACHR granted precautionary measures in favor of Messrs. Lázaro Noe Reys Matta, Eulogio Obispo Monzón Mérida, Arturo Granados Hernández, Miguel Antonio Madrid Hernández, Max Alberto Estrada Linares, and Oscar Giovanni González Dorado, all members of the Sindicato de Trabajadores de la Empresa Portuaria Quetzal (STEPQ, Trade Union of Workers of the Empresa Portuaria Quetzal). The information available indicates that as of January 2007 members of the board of the STEPQ have been subject to intimidation and threats by unknown persons. In January 2007 the then-secretary general of the union, Pedro Zamora Alvarez, was assassinated when taken to his residence accompanied by his children, one of whom suffered a serious injury. It is indicated that the next day the beneficiaries received several phone threats, and that in February 2007 Lázaro Noe Reyes and Eulogio Obispo were intimidated by hooded persons who circulate in a vehicle with polarized glass, and with no rear tags. It was also indicated that in July 2007, one witness to the death of Mr. Zamora Álvarez was assassinated while the STEPQ was taking steps for the witness to be able to give testimony without fearing retaliatory acts. The Commission asked the Guatemalan State to take the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

María Juárez

32. On October 26, 2007, the IACHR ordered precautionary measures in favor of Maria Juarez, a functionary of the Survivors Foundation, which is dedicated to bringing juridical and psychological assistance to women victims of violence in Guatemala. The available information indicates that the beneficiary received threats and harassment due to her activities with the Survivors Foundation. The information indicates that such threats

occurred more frequently after the organization began investigating the disappearance of children in Chiquimula Department and in the Capital. The applicants alleged that the Public Ministry had not responded to complaints regarding the threats. The Commission requested that the State of Guatemala adopt the measures necessary to guarantee the life and physical integrity of Maria Juarez and report on the measures adopted with the goal of judicially clarifying the facts that justified the adoption of precautionary measures. The Commission continues to follow the beneficiary's situation.

26 children in the process of being adopted

33. On November 21, 2007, the IACHR granted precautionary measures in favor of 26 children in the process of being adopted in Guatemala. The information available indicates that the beneficiaries, all under six months of age, are undergoing the international adoption procedure. The persons requesting the measures allege that the adoption procedures are irregular, and that the children are being housed in private homes without judicial authorization and in violation of the law. It is also indicated that there is no information on the conditions in which the children were separated from their biological parents, and that adoption procedures are being carried out through civil-law notary proceedings without the supervision of the competent authorities. The Commission asked the Guatemalan State to define the conditions and the place where the beneficiaries could be found, and to report on their legal and family status, and on the measures it would be taking to protect them. The Commission continues to monitor the beneficiaries' situation.

Haiti

Marc-Arthur Mésidort and family

34. On January 25, 2007, the IACHR granted precautionary measures in favor of Marc-Arthur Mésidort, president of the *Groupe d'Action pour la Défense des Droits Humains* (GADH) and members of his family. The information available indicates that the beneficiary has been the target of threats and harassment since January 2005, and that he is impeded from lodging a complaint due to the fact that persons associated with the assailants are said to have influence among the local police and judicial authorities. It is indicated that Mr. Mésidort's wife and children took to sleeping away from his residence due to the threats. The Commission asked the Haitian State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to report on actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Honduras

Marcos Bonifacio Castillo, member of the Garifuna Community of Punta Piedras

35. On August 20, 2007 the IACHR granted precautionary in favor of Marcos Bonifacio Castillo, a member of the Garifuna community of Punta Piedras. The information available indicates that members of that community have been subjected to threats and attacks by inhabitants of the community of Río Miel, and that on June 11, 2007, Mr. Félix Ordóñez Suazo was assassinated. The beneficiary was said to have been an eyewitness to that homicide, for which he was said to have received death threats. It is noted that the attacks on members of the Garifuna community of Punta Piedras were reported to the local authorities, who are said not to have intervened to forestall new confrontations. The Commission asked the Honduran State to take the measures needed to guarantee the life and physical integrity of the beneficiary, and to report on the actions taken to investigate judicially the assassination of Mr. Ordóñez Suazo and the death threats received by Mr. Marcos Bonifacio Castillo. The Commission continues to monitor the beneficiary's situation.

Héctor Geovanny García Castellanos and Martín Omar Ramírez

36. On November 1, 2007, the IACHR granted precautionary measures in favor of journalists Héctor Geovanny García Castellanos and Martín Omar Ramírez. The information available indicates that in September 2007, Mr. García Castellanos was the victim of an attack

by firearm when traveling in the city of Tegucigalpa in his car, and that Mr. Ramírez received death threats as of September 2007. In both cases, it is indicated that the threats and acts of violence are related to the exercise of journalism. The Commission asked that the Honduran State adopt the measures needed to guarantee the life and physical integrity of the beneficiaries, and report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Mexico

Workers of Radio Calenda

37. On February 16, 2007, the IACHR granted precautionary measures to Esteban Abel Sánchez Campos, Emilio Santiago Ambrosio, Darío Roberto Campos Martínez, Carlos Bourget Aguilar, and Marta Elia Aguilar García, all workers with Radio Calenda in Oaxaca. The information available indicates that the beneficiaries have been threatened and attacked by the local mayor (*presidente del municipio*) where this radio station operates, and persons close to him. On November 26, 2006, Mr. Campos Martínez was said to have been kidnapped as he walked along a street of Oaxaca, and held in a vehicle for approximately one hour; he is said to have been assaulted and intimidated to get Radio Calenda to stop putting out information unfavorable to the mayor. It was indicated that on January 24, 2007, the mayor shot twice, with a firearm, at reporter Sánchez Campos, who was close to the city hall (Palacio Municipal) and was not hit. The same day, an associate of the mayor had thrown a stone at Mr. Santiago Ambrosio, who suffered an eye injury. In view of the situation, the Commission asked the Mexican State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Castulo Benavides and other members of the FLOC

38. On April 19, 2007, the IACHR issued precautionary measures in favor of Messrs. Castulo Benavides Rodríguez, Baldemar Velásquez, Ken Barrer, and Davis Castillo Nuñez, all members of the Foro Laboral Obrero Campesino (FLOC) in Monterrey. The information available indicates that since May 2005, the beneficiaries have been subject to harassment because of their work as defenders of the rights of migrant workers. It is also indicated that in September 2006, the offices of the FLOC were broken into; documents and lists of affiliated workers were taken. On April 9, 2007, the corpse of the coordinator of the offices, Mr. Santiago Rafael Cruz, was found with his hands and feet bound, and with signs of torture. The Commission asked the Mexican State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, to adopt security measures at the offices of the FLOC, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Francisco Velasco Hernández

39. On July 11, 2007, the IACHR issued precautionary measures in favor of Francisco Velasco Hernández in Mexico. The information available indicates that on January 13, 2007, agents of the judicial police (Policía Ministerial) of the state of Oaxaca detained Francisco Velasco in the city of Oaxaca, tortured him, and after taking him to the offices of the Office of the Attorney General for the state of Oaxaca tried to make him confess to stealing a car. It is indicated that on January 23, 2007, the beneficiary filed a criminal complaint and a complaint before the State Human Rights Commission of Oaxaca against four police agents regarding the assaults mentioned above. It is also alleged that since February 2007 the beneficiary has received a series of threats from the police officers who are said to have attacked him, and from other agents of the judicial police of Oaxaca to get him to back down from the complaint filed. The Commission asked the Mexican State to adopt the measures needed to guarantee the life and physical integrity of the beneficiary, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiary's situation.

Alejandro Noyola et al.

40. On July 26, 2007, the IACHR issued precautionary measures in favor of Alejandro Noyola, Jesús Manuel Grijalva Mejía, Alba Gabriela Cruz Ramos, Alma Delia Gómez Soto, César Grijalva, Flora Gutiérrez, and Jesús Alfredo López García, all attorneys members of the Comité de Liberación 25 de Noviembre, devoted to providing psychological care for and legal assistance to members of the Movimiento Popular of Oaxaca detained in November 2006. The information available indicates that the beneficiaries have been subject to attacks, threats, and harassment because of their work in that organization. It is indicated that from December 2006 to July 2007, the beneficiaries and some of their family members received threats by telephone and were victims of persecution and assaults promoted by private persons and members of the police of the state of Oaxaca. The most serious attacks were said to have taken place on July 16, 2006, in the context of the traditional festivity known as the "Guelaguetza Popular" in the city of Oaxaca. The Commission asked the Mexican State to adopt the measures needed to guarantee the life and physical integrity of the beneficiaries, and to report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Ms. X et al.

41. On September 4, 2007, the IACHR granted precautionary measures in favor of Ms. X, her husband and her children in the State of Guerrero, Mexico. The applicants of the measures indicated that on March 22, 2002, Ms. X was raped, allegedly by members of the Mexican Army, allegations which are currently under consideration by the Inter-American Commission via a petition connected with the precautionary measures. The petition indicates that the beneficiaries have been victims of aggression, threats and stalking after reporting the rape of Ms. X. Additionally, the petition alleges that on August 8, 2007, the beneficiaries requested personal protection from the General Justice Prosecutor's Office but did not receive a response. In view of above, the Commission requested that the Mexican State adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries and report on the actions adopted with the goal of judicially clarifying the facts that justified the adoption of precautionary measures. The Commission continues to follow the beneficiaries' situation.

Nicaragua*Nubia Geoconda Artola Delgadillo et al.*

42. On August 31, 2007, the IACHR granted precautionary measures in favor of Nubia Geoconda, Amparo del Socorro, Wilberto Antonio, Ludys Cruz, William, and Raúl Terencio, all with the last names Artola Delgadillo; Juan Ramón Artola; Victor Manuel and Santos Zeledonio, both with the last names Artola Amador; Sheyla Carolina Artola Aguilar; and Enrique Alexander Artola Artola. The information available indicates that brothers Raúl Terencio Artola Delgadillo and William Artola Delgadillo were tortured by volunteer police after being detained and accused of the crime of cattle-rustling in the municipality of Nueva Guinea. On March 20, 2007, the mother of the accused, Ms. Villanueva Delgadillo Obando, was assassinated by two persons who were hooded and dressed in military uniform as she was headed to the court of Nueva Guinea to attend an oral hearing in the criminal proceeding against the police officers mentioned above. On August 6, 2007, Ms. Delgadillo Obando's husband, Mr. Gilberto Artola, was executed by hooded and uniformed persons who immediately thereafter, according to the information received, raped his daughter and granddaughter, Amparo del Socorro Artola Delgadillo and Sheyla Carolina Artola Aguilar. It is indicated that in August 2007, members of the family were subjected to harassment, and that after reporting these incidents were threatened by police agents to get them to abandon their home. In view of the information, the Commission asked the Nicaraguan State to adopt the measures necessary to guarantee the life and physical integrity of the beneficiaries, and to report on the actions taken to judicially clarify the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Peru

Indigenous peoples of Mashco Piro, Yora, and Amahuaca in voluntary isolation

43. On March 22, 2007, the IACHR granted precautionary measures in favor of the indigenous peoples of Mashco Piro, Yora, and Amahuaca, living in voluntary isolation, who live in the area of the Las Piedras river, department of Madre de Dios, in Peru. Already in 2006 the Commission had requested information of the Peruvian State with respect to the situation of those indigenous communities, in particular on the implementation of measures to guarantee their life and personal integrity, and to halt illegal logging in their territory. At the same time, the IACHR was informed that illegal logging has continued in territory legally protected and designated to those communities in the department of Madre de Dios, exposing them to the risk of extinction. In view of the situation, the Commission asked the Peruvian State to adopt all measures necessary to guarantee the life and personal integrity of the members of the Mashco Piro, Yora, and Amahuaca indigenous peoples in voluntary isolation, especially the adoption of measures aimed at preventing irreparable harm resulting from the activities of third persons in their territory. On October 12, 2007, during its 130th regular period of sessions, the IACHR held a public hearing in which it received information from the State and the representatives of the beneficiaries on the implementation of the precautionary measures issued. The Commission continues to monitor the beneficiaries' situation.

Marco Arana, Mirtha Vásquez, et al.

44. On April 23, 2007, the Commission granted precautionary measures in favor of priest Marco Arana and attorney Mirtha Vásquez and other members of the organization "Group of Integral Education for Sustainable Development" (GRUFIDES: Grupo de Formación Integral para el Desarrollo Sostenible), an institution devoted to defense of the environment, training, and legal assistance for peasant communities around the city of Cajamarca. The information available indicates that the beneficiaries have been subjected to intimidation and threats by individuals who support mining in the region, and that some persons were assassinated in confrontations between the sectors that support mining and those who protest mining activities. The Commission asked the Peruvian State to adopt the measures necessary to guarantee the life and personal integrity of the beneficiaries, verify the effective implementation of the measures of protection by the competent authorities, provide perimeter surveillance for the headquarters of the NGO GRUFIDES, provide police accompaniment to the GRUFIDES personnel who must travel to the peasant communities, and report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Juan Fidel Zamudio Bocángel et al.

45. On May 30, 2007, the IACHR granted precautionary measures in favor of Juan Fidel Zamudio Bocángel, Sara Mercedes Sánchez Loarte, Giusella Inés Bocángel Gómez, and two minors in his family. The information available indicates that Mr. Zamudio Bocángel has survived an attack and constant acts of harassment and other threats since April 2006. It is also indicated that his family members have received threats since September 2006. The Commission asked the Peruvian State to adopt the measures needed to guarantee the life and personal integrity of the beneficiaries, to verify that the measures referred to are effectively implemented, and to report on the actions taken to investigate judicially the facts that gave rise to the adoption of precautionary measures. The Commission continues to monitor the beneficiaries' situation.

Community of La Oroya

46. On August 31, 2007, the IACHR granted precautionary measures in favor of 65 residents of the city of La Oroya in Peru. The persons requesting precautionary measures asked that the identity of the beneficiaries be kept under seal. The information available indicates that the beneficiaries suffer from a series of health problems stemming from high levels of air, soil, and water pollution in the community of La Oroya, which are a result of metallic particles released by the complex of metallurgical companies established there. From that information it appears that the persons affected by the pollution do not have adequate medical care for diagnosis, treatment, and prevention. In December 2005 and November 2006, the Commission requested information from the State, *inter alia*: what measures were

being adopted to protect the health of the population of La Oroya affected by the pollution, in particular in terms of adequate medical care and environmental controls at the smelting plants. In addition, the Commission received information according to which in May 2006, the Constitutional Court of Peru had decided an action alleging failure to act (*acción de incumplimiento*) against the Ministry of Health and the General Bureau for Environmental Health of Peru, requiring the design and implementation of a “public health emergency strategy” for the city of La Oroya within 30 days. The Commission asked the Peruvian State to adopt the appropriate measures for making a specialized medical diagnosis of the beneficiaries, provide specialized and adequate medical treatment for those persons whose diagnosis shows that they are at risk of facing irreparable harm to their personal integrity or life, and coordinate with the persons requesting the measures and the beneficiaries to ensure implementation of the precautionary measures. On March 8, 2006, during its 124th regular period of sessions, the Commission held a working meeting that included the participation of representatives of the State and the persons requesting the measures. The Commission continues to monitor the beneficiaries’ situation.

United States

Humberto Leal García

47. On January 30, 2007, the IACHR granted precautionary measures in favor of Mexican citizen Humberto Leal García, who was deprived of liberty in a detention center in the state of Texas, waiting for a date to be set for carrying out the death penalty. The precautionary measures were submitted in the context of a petition alleging violation of the rights enshrined in Articles I, XXV, XXVI, and XVIII of the American Declaration, which is being processed before the Commission. The petition alleges, *inter alia*, violations of due process, that Mr. Leal García was not informed of the right to consular assistance, and that he was subjected to inhuman conditions of detention. The petition also alleges that lethal injection is a method of execution that causes extreme and unnecessary suffering, and that the pardon procedure provided for in the state of Texas is incompatible with Article XXVI of the American Declaration. The Commission asked the United States to adopt the measures necessary to preserve the life and physical integrity of Mr. Leal García, so as not to impede the processing of his claim before the inter-American system. By a communication of March 29, 2007, the United States reported having transmitted the IACHR’s request to the Governor, Attorney General, and the Texas Pardon and Parole Board. The Commission continues to monitor the beneficiary’s situation.

On July 1, 2011, the IACHR evaluated PM 349/06, based on information submitted by the petitioners. In the Merits Report on this case, approved on July 24, 2008, the IACHR determined that the State had violated Articles I, XVIII, and XXVI of the American Declaration of the Rights and Duties of Man against Leal García and other individuals, with regard to the criminal proceedings that led to the imposition of the death penalty. Consequently, the IACHR recommended that the United States stay the death sentence imposed on Leal García and the other victims in the case, and hold a new trial in accordance with the protections prescribed in the American Declaration. After it received information from the petitioners indicating that the execution had been scheduled for July 7, 2011, the Inter-American Commission directed a communication to the United States on July 1, 2011, in the context of the Precautionary Measure and in follow-up of the recommendations in the Merits Report, asking the State to suspend it. Humberto Leal García was executed on July 7, 2011.

Rubén Ramírez Cárdenas

48. On January 30, 2007, the IACHR granted precautionary measures in favor of Mexican citizen Rubén Ramírez Cárdenas, who is deprived of liberty at a detention center in the state of Texas, waiting for a date to be set for execution of the death penalty. The precautionary measures were submitted in the context of a petition alleging violation of the rights enshrined in Articles I, XXV, XXVI, and XVIII of the American Declaration, which is being processed before the Commission. The petition alleges, *inter alia*, violations of the right to

due process, that Mr. Ramírez Cárdenas was not informed of the right to consular assistance, and that he was subjected to inhuman conditions of detention. The petition also alleges that the use of lethal injection as the method of execution causes extreme and unnecessary suffering, and that the pardon procedure provided for in the state of Texas is incompatible with Article XXVI of the American Declaration. The Commission asked the United States to adopt the measures necessary to protect the life and physical integrity of the beneficiary, so as not to impede the processing of his claim before the inter-American system. The Commission continues to monitor the beneficiary's situation.

Frank Igwebuike Enwonwu

49. On March 28, 2007, the IACHR issued precautionary measures in favor of Nigerian citizen Frank Igwebuike Enwonwu, who is deprived of liberty at a detention center in the state of Massachusetts, awaiting execution of an order for deportation to the country of his nationality. That order was said to have been issued in December 2006 and appealed by the beneficiary. The information available indicates that Mr. Igwebuike Enwonwu's due process guarantees were not protected, and that the execution of the deportation order could result in acts of torture to his detriment. In addition, it is alleged that there were flaws in the beneficiary's legal representation. In view of these considerations, the Commission asked the United States to refrain from deporting Mr. Igwebuike Enwonwu until a motion for review filed by him has been decided upon, and to report to the Commission on the measures adopted in this regard. The Commission continues to monitor the beneficiary's situation.

Heriberto Chi Aceituno

50. On September 28, 2007, the Commission granted precautionary measures in favor of Honduran citizen Heriberto Chi Aceituno, who is deprived of liberty at a detention center in the state of Texas, awaiting implementation of the death penalty. The request for precautionary measures was presented in the context of a petition on the alleged violation of the rights enshrined in Articles I, XXVI, and XVIII of the American Declaration, which is being processed before the Commission. The petition alleges, *inter alia*, violations of due process, in particular, that Mr. Chi Aceituno was not informed of the right to consular assistance throughout the proceeding that culminated in his being sentenced to death. The Commission asked the United States to adopt the measures necessary for preserving the life and physical integrity of the beneficiary, so as not to impede the processing of his claim before the inter-American system. The Commission has taken note that the execution of the death penalty, set for October 3, 2007, was suspended by a resolution of the Texas Court of Criminal Appeals, considering that another case raising the constitutionality of lethal injection is pending before the United States Supreme Court. The Commission continues to monitor the beneficiary's situation.

Exh. 4



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

**Murphy, Theodore J., Esq.
Murphy Law Firm, PC
320 N. High Street
West Chester, PA 19380**

**DHS/ICE Office of Chief Counsel - DAL
125 E. John Carpenter Fwy, Ste. 500
Irving, TX 75062-2324**

Name: MATA-SICILIANO, JUAN ALBER... A 094-790-928

Date of this notice: 5/11/2017

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Cynthia L. Crosby
Acting Chief Clerk

Enclosure

**Panel Members:
Grant, Edward R.
Kelly, Edward F.
Mann, Ana**

Lulsr,ges
Userteam: Docket

**For more unpublished BIA decisions, visit
www.irac.net/unpublished/index/**

Falls Church, Virginia 22041

File: A094 790 928 – Dallas, TX

Date:

MAY 11 2017

In re: JUAN ALBERTO MATA-SICILIANO

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Theodore J. Murphy, Esquire

APPLICATION: Reopening

The respondent, a native and citizen of El Salvador, was ordered removed from the United States in absentia on November 6, 2006, after not appearing at a hearing. He filed a motion to reopen on September 12, 2016, and appeals from the Immigration Judge's decision dated November 10, 2016, denying the motion. The appeal will be sustained.

We review Immigration Judges' findings of fact for clear error, but questions of law, discretion, and judgment, and all other issues in appeals, de novo. 8 C.F.R. § 1003.1(d)(3)(i), (ii).

On appeal, the respondent argues that he did not receive notice of the hearing. The respondent states that he provided his uncle's address as his mailing address, and the Notice of Hearing was not received by his uncle. *See Matter of M-R-A-*, 24 I&N Dec. 665 (BIA 2008) (setting forth the factors for rebutting the presumption of delivery of regular mail). The Notice of Hearing was mailed to the address provided by the respondent, and it was not returned as undeliverable. However, the order of removal, entered in absentia, was mailed to the same address, and it was returned as undeliverable. In addition, the respondent's uncle submitted a letter wherein he states that he resided at that address at the time the Notice of Hearing was mailed, and he did not receive it. The respondent also states in his affidavit that his uncle never informed him that a Notice of Hearing was received. We recognize, as did the Immigration Judge, that the respondent was not actually residing with his uncle when the hearing notice was mailed. *See* section 240(b)(5)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(5)(B) (providing that no written notice shall be required under this provision if the alien has failed to provide the address required under section 239(a)(1)(F) of the Act). However, the respondent did not waive his right to notice of his hearing by designating his uncle's address as his mailing address. In light of the foregoing, we will reopen these proceedings based on lack of notice. Accordingly, the following order will be entered.

ORDER: The appeal is sustained, the in absentia order of removal is vacated, and these proceedings are reopened and remanded for further proceedings consistent with the foregoing opinion.



FOR THE BOARD

Immigrant & Refugee Appellate Center, LLC | www.irac.net

207

written record of any change in address or telephone number and the consequences of failing to do so. *See* INA § 239(a)(1)(F). The NTA also includes the consequences for failing to appear at a scheduled hearing. *See* INA § 239(a)(1)(G).

If the alien does not attend a scheduled removal hearing after written notice has been provided to the alien or the alien's counsel of record, the alien will be ordered removed *in absentia* if the Government establishes by clear, unequivocal, and convincing evidence that written notice of the hearing was provided and that the alien is removable. INA § 240(b)(5)(A). Adequate notice can be accomplished through personal service, or if personal service is not practicable, through service by mail to the alien. INA § 239(a)(1). Service by mail is proper upon proof of attempted delivery to the alien's most recently provided address. INA § 239(c).

The *in absentia* order may be rescinded upon a motion to reopen filed at any time if the alien can demonstrate that he did not receive adequate notice of the hearing. INA § 240(b)(5)(C)(ii); 8 C.F.R. § 1003.23(b)(4)(iii)(2). However, when written notice is properly addressed and sent to the alien by regular mail according to normal office procedures, a presumption of delivery arises. *Matter of M-R-A-*, 24 I&N Dec. 665, 673 (BIA 2008). Once the presumption of delivery arises, the burden is on the alien to provide proof that the document was not received. *Id.* at 674. The Court may consider all relevant evidence of record to overcome the presumption of delivery. *Id.* at 673-74. Evidence may include, but is not limited to:

- (1) [T]he respondent's affidavit; (2) affidavits from family members or other individuals who are knowledgeable about the facts relevant to whether notice was received; (3) the respondent's actions upon learning of the *in absentia* order, and whether due diligence was exercised in seeking to redress the situation; (4) any prior affirmative application for relief, indicating that the respondent had an incentive to appear; (5) any prior application for relief filed with the Immigration Court or any *prima facie* evidence in the record or the respondent's motion of statutory eligibility for relief, indicating that the respondent had an incentive to appear; (6) the respondent's previous attendance at Immigration Court hearings, if

applicable; and (7) any other circumstances or evidence indicating possible non-receipt of notice.

Id. at 674. However, an alien's failure to receive actual notice of a removal hearing due to neglect of his obligation to keep the immigration court apprised of his current mailing address does not entitle the alien to a rescission of his removal order. *Gomez v. Holder*, 560 F.3d 354, 360-61 (5th Cir. 2009); *Matter of M-R-A-*, 24 I&N Dec. at 675. Also, no written NOH is required if a respondent fails to provide an address he or she can be contacted at as required under INA § 239(a)(1)(F) and reflected in the NTA. *See* INA § 240(b)(5)(B).

In this case, the Court finds that Respondent is not entitled to rescission of his *in absentia* order due to his neglect of his obligation to provide an address that he could be contacted at and he was not entitled to notice. *Gomez v. Holder*, 560 F.3d at 360-61; INA § 240(b)(5)(B). It appears that Respondent purposefully avoided his removal hearing. Although Respondent provided his uncle's address at "3333 Webb Chapel, Apt. 221, Dallas, Texas 75220," according to his affidavit, Respondent was actually living in Houston, Texas. *See* Resp't. Mot. to Reopen, Tab Q, at 208-09. The I-213 states that Respondent claimed to be heading to the Webb Chapel address to reside with his friend, Mario Medina. *See* Ex. 3. The I-213 also makes no mention of his uncle, Noe Siciliano. Further, Respondent had been properly served with his NTA as evidenced by his signature, thus he was on notice that he was in removal proceedings, his obligations to the Court and consequences of failing to appear. He did not file this motion until a decade later. Thus this case is not about lack of notice, but rather Respondent's failure to comply with his obligations to the Court, he was not entitled to notice and is not entitled to rescission of his *in absentia* order.

Alternatively, even if the Court construed Respondent's motion as a true lack of notice claim, it will find that Respondent has failed to offer sufficient evidence to rebut the presumption of delivery using the factors under *Matter of M-R-A-*.

The NTA included Respondent's reported address as "3333 Webb Chapel, Apt. 221, Dallas, Texas 75220." The Court mailed a notice of hearing to this address on July 18, 2006. This notice was not returned to the Court as undeliverable. (1) According to Respondent's affidavit, he relied upon his uncle to receive Respondent's mail at the web chapel address. *See* Resp't. Mot. to Reopen, Tab Q, at 208. (2) Noe also claims that he did not receive any mail from the Court at this address and he lived there from 2006 to 2008. *See id.* Tab T, at 226. (3) It is unclear when Respondent learned of his *in absentia* order but it is clear that he did not take any action on his case until a decade later. (4)-(5) Respondent did not have any prior applications for relief nor does it appear that he was eligible for relief when he entered the country on June 26, 2006. In particular, the I-213 indicates that Respondent did not claim any fear of returning to El Salvador when he was caught at the border. (6) Respondent did not attend any hearing with the Court. (7) The Court also notes that the *in absentia* order was mailed to the Webb Chapel address on November 6, 2006 and returned to the Court as undeliverable.

In balancing the factors, the Court finds that Respondent has not rebutted the presumption of delivery. The Court is particularly concerned about the ten year gap in Respondent pursuing his case, his lack of prior incentive to appear, and use of an address where he was not living. The Court will deny Respondent's motion on this basis.

The Court will also deny Respondent's motion on the basis that if an alien fails to receive actual notice of his removal hearing "through some failure in the internal workings of the household" he may still be charged with receiving proper notice. *See Ojeda-Calderon v. Holder*,

726 F.3d 669, 673 (5th Cir. 2013); *Matter of G-Y-R-*, 23 I&N Dec. at 189. Such is the case in this instance. Thus, the Court finds that Respondent may be charged with receiving proper notice and the Court will not reopen the proceedings based on lack of notice.

B. Reopening to apply for asylum, withholding of removal, and protection under the convention against torture (CAT) based on changed country conditions

A respondent can file a motion to reopen outside the normal filing deadline if the basis of the motion is to apply for asylum, withholding of removal, or protection under the CAT and is based on “changed country conditions arising in the country of nationality or the country to which removal has been ordered.” 8 C.F.R. § 1003.23(b)(4)(i). The evidence must be material and must have been unavailable and could not have been discovered or presented at the previous hearing. *Id.*; *Matter of S-Y-G-*, 24 I&N Dec. at 252. A respondent must also “make a prima facie showing that there is a reasonable likelihood that the relief sought would be granted at the reopened hearing.” *Ramos*, 622 F. App’x. at 433.

The Court finds no evidence in the record to establish a material change in country conditions in El Salvador since Respondent missed his November 6, 2006 hearing to present. Respondent submitted evidence of generalized violence in his home country that has been widespread and ongoing since before he entered the U.S. Much of this evidence details the gangs that have been an ongoing problem in El Salvador. Respondent even admits that he encountered a gang member in 2002 before he came to the U.S. *See* Resp’t. Mot. to Reopen, Tab Q, at 209. If anything, Respondent only discusses changed personal circumstances with events relating to his friends and family as well as his events related to his partner. The Fifth Circuit very recently reaffirmed that a change in personal circumstances does not constitute changed country conditions. *See Singh v. Lynch*, No. 15-60400, 2016 U.S. App. LEXIS 18910 at *3 (5th Cir. Oct. 20, 2016). A motion to reopen can be denied where the evidence only shows a continuance of the

same type of conditions in the home country. *See id.* As such, the Court will deny Respondent's motion on this basis.

The Court also notes that Respondent does not appear to have much of an actual asylum claim other than fear of generalized violence and gangs. *See* Resp't Mot. to Reopen, Tab P. Thus, it does not seem that Respondent will be able to show that he has a well-founded fear of persecution on account of one of the protected grounds. *See* INA § 208(b)(1)(B)(i); *INS v. Elias-Zacarias*, 502 U.S. 478 (1992); *Matter of Mogharrabi*, 19 I&N Dec. 439, 447 (BIA 1987) (finding that applicants fearing retribution over purely personal matters or aliens fleeing general conditions of violence and upheaval in their countries are ineligible for asylum).

The Court will deny Respondent's motion to reopen for failing to establish a material change in country conditions.

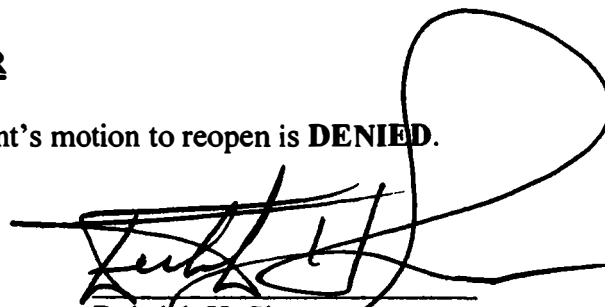
C. Sua Sponte

The Court declines to exercise its *sua sponte* authority to reopen as this case is not a truly exceptional situation. *See Matter of G-D-*, 22 I&N Dec. 1132, 1133-34 (BIA 1999). "[I]t is not meant to be used as a general cure for filing defects or to otherwise circumvent regulations, where enforcing them might result in hardship." *Matter of J-J-*, 21 I&N Dec. at 984 (BIA 1997).

ORDER

IT IS HEREBY ORDERED that Respondent's motion to reopen is **DENIED**.

Date: 10th day of November, 2016
Dallas, Texas



Deitrich H. Sims
Immigration Judge

Exh. 5



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

*5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041*

**ALFARO-SERRANO, BLANCA LIDIA
2687 1/2 W. PICO BLVD
LOS ANGELES, CA 90006**

**DHS/ICE Office of Chief Counsel - HLG
1717 Zoy Street
Harlingen, TX 78552**

Name: ALFARO-SERRANO, BLANCA LI... A 098-121-479

Date of this notice: 10/25/2012

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

**Donna Carr
Chief Clerk**

Enclosure

**Panel Members:
Adkins-Blanch, Charles K.
Hoffman, Sharon
Manuel, Elise L.**

**TranC
Userteam: Docket**

Immigrant & Refugee Appellate Center | www.irac.net

MS

Falls Church, Virginia 22041

File: A098 121 479 - Harlingen, TX

Date:

OCT 25 2012

In re: BLANCA LIDIA ALFARO-SERRANO

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

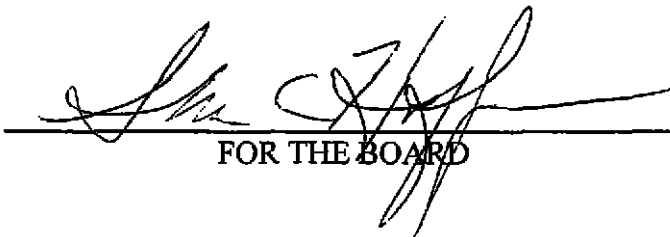
ON BEHALF OF DHS: Nicole M. Gonzalez
Assistant Chief Counsel

APPLICATION: Reopening

ORDER:

The respondent's appeal of the decision of the Immigration Judge, issued April 1, 2011, denying her motion to reopen is sustained, these removal proceedings are reopened, and the record is remanded to the Immigration Court for further proceedings.

The Immigration Judge ordered the respondent, a native and citizen of El Salvador, removed, in absentia, in September 2004, without providing her notice of the hearing because she was deemed to have failed to provide an address where she could be contacted. *See* sections 240(b)(5)(A), (B) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(b)(5)(A), (B); *Gomez-Palacios v. Holder*, 560 F.3d 354, 360-61 (5th Cir. 2009). However, the Record of Deportable / Inadmissible Alien (Form I-213) indicates that, upon her apprehension by Border Patrol agents in July 2004, the respondent provided an address in "Chantille," Virginia (Exh. 2).¹ Considering these circumstances, we conclude that the September 2004 removal order should be rescinded as the respondent did not receive notice of her hearing in accordance with section 239 of the Immigration and Nationality Act, 8 U.S.C. § 1229. *See* section 240(b)(5)(C)(ii) of the Act, 8 U.S.C. § 1229a(b)(5)(C)(ii).



FOR THE BOARD

¹ It appears that the respondent was referring to Chantilly, Virginia.

Exh. 6

2009 WL 5548117 (BIA)

**** THIS IS AN UNPUBLISHED DECISION - NOT INTENDED FOR CITATION AS PRECEDENT ****

U.S. Department of Justice
Executive Office for Immigration Review

Board of Immigration Appeals

IN RE: SOMSAK SAE KU

File: A039 065 507 - Atlanta, GA
December 31, 2009

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT:

Jorgelina E. Araneda, Esquire

ON BEHALF OF DHS:

Mele Moreno
Assistant Chief Counsel

APPLICATION: Reopening

***1** The respondent has appealed from the Immigration Judge's decision dated April 24, 2008. The Immigration Judge denied the respondent's motion to reconsider the denial of his motion to reopen proceedings in which he was ordered removed in absentia. The respondent's appeal will be sustained.

The Board reviews an Immigration Judge's findings of fact, including findings as to the credibility of testimony, under the "clearly erroneous" standard. 8 C.F.R. § 1003.1 (d)(3)(i); *Matter of S-H-*, 23 I&N Dec. 462, 464-65 (BIA 2002). The Board reviews questions of law, discretion, and judgment and all other issues in appeals from decisions of Immigration Judges *de novo*. 8 C.F.R. § 1003.1(d)(3)(ii); *Matter of A-S-B-*, 24 I&N Dec. 493 (BIA 2008).

Under our *de novo* review, we find that the facts of this case fall within the parameters of our decision in *Matter of G-Y-R-*, 23 I&N Dec. 181 (BIA 2001). In that case, we held that entry of an in absentia order of removal is inappropriate where the record reflects that the alien did not receive, or could not be charged with receiving, the Notice to Appear informing the alien of the statutory address obligations associated with removal proceedings and of the consequences of failing to provide a current address, pursuant to section 239(a)(1)(F) of the Immigration and Nationality Act, 8 U.S.C. § 1229(a)(1)(F). The record reflects that the Notice to Appear (Form I-862) and the notice of hearing were mailed by regular mail to the respondent at his last known address, 3901 Quail Hollow Drive, Raleigh, NC 27609. However, both the Notice to Appear and notice of hearing were returned as undeliverable, even though the respondent maintains that

he continues to reside at the same address. Since the evidence in the record indicates that the respondent did not receive either the Notice to Appear or notice of hearing, we find that the respondent did not receive proper notice of his hearing. Accordingly, the following order will be entered.

ORDER: The respondent's appeal is sustained, the respondent's removal proceedings are reopened, and the record is remanded to the Immigration Judge for further proceedings consistent with the foregoing decision and the entry of a new decision.

Jim Hilz
FOR THE BOARD

2009 WL 5548117 (BIA)

End of Document

© 20 8 Thomson Reuters. No c a m to or g na U.S. Government Works.

Exh. 7

2005 WL 3833044 (BIA)

**** THIS IS AN UNPUBLISHED DECISION - NOT INTENDED FOR CITATION AS PRECEDENT ****

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals
IN RE: MATHIEU AURELIEN

File: A96 021 154 - Miami
November 17, 2005

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT:

Bruce L. Glaskin, Esquire

***1** The respondent has appealed the Immigration Judge's denial of a motion to reopen proceedings in which the respondent was ordered removed in absentia. The appeal will be sustained and the proceedings will be remanded to the Immigration Judge.

An order issued following proceedings conducted in absentia pursuant to section 240(b)(5)(A) of the Immigration and Nationality Act, [8 U.S.C. § 1229a\(b\)\(5\)\(A\)](#), may be rescinded only upon a motion to reopen which demonstrates that the alien failed to appear because of exceptional circumstances, because he did not receive proper notice of the hearing, or because he was in Federal or State custody and failed to appear through no fault of his own. Section 240(b)(5)(C), [8 U.S.C. § 1229a\(b\)\(5\)\(C\)](#). The term "exceptional circumstances" refers to exceptional circumstances beyond the control of the alien, such as serious illness of the alien or death of an immediate relative, but not including less compelling circumstances. Section 240(e)(1), [8 U.S.C. § 1229a\(e\)\(1\)](#).

On appeal the respondent contends that he never received the notice of hearing. He states that from the date of his release from the Krome Processing Center on January 11, 2003, until June 2, 2004, he resided at 3601 Baker Ave., 138, Haines City, Florida 33844. He contends that he never received the court notice as evidenced by the return of the hearing notice to the Immigration Court, due to an insufficient address.

The record reflects that the Notice to Appear was personally served on the respondent on January 15, 2003, while he was still in detention. The Notice to EOIR: Alien Address (Form [I-830](#)) lists the respondent's address as 3601 Baker Dairy Rd., Haines City, FL 33844-8149. This is the address which appears on the notice of hearing dated January 22, 2003. The hearing notice was returned to the Immigration Court stamped "Insufficient Address." The in absentia order sent to the respondent was also returned to the Immigration Court stamped "Insufficient Address." Therefore, it appears that the respondent's address was incorrect on the Form [I-830](#). Consequently, we find that the respondent did not receive notice of the hearing as required by section 239(a)(2) of the Act, [8 U.S.C. § 1229\(a\)\(2\)](#). Accordingly, the appeal will be sustained, the proceedings will be reopened, and the record will be remanded.

ORDER: The appeal is sustained.

FURTHER ORDER: The proceedings are reopened, and the record is remanded for further proceedings and the entry of a new decision.

<Signature>

FOR THE BOARD

2005 WL 3833044 (BIA)

End of Document

© 20 8 Thomson Reuters. No c a m to or g na U.S. Government Works.