
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 35/2022**

Precautionary Measure No. 134-07
Alba Gabriela Cruz Ramos regarding Mexico¹
July 12, 2022
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Alba Gabriela Cruz Ramos, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation and the repeated request to have the measures lifted, as well as the lack of information from the beneficiary. Upon not identifying compliance with the procedural requirements, the IACHR decided to lift these measures.

II. BACKGROUND INFORMATION

2. On July 26, 2007, the IACHR granted 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 lawyers and members of the November 25 Liberation Committee, dedicated to the psychological care and legal assistance of members of the Popular Movement of Oaxaca detained in November 2006. The information available indicated that the beneficiaries were being subjected to aggressions, threats, and harassment due to their work in the organization. It was indicated that between December 2006 and July 2007, the beneficiaries and some of their families received telephone threats and were victims of persecution and attacks promoted by both private individuals and police officers of the State of Oaxaca. The most serious attacks were reportedly carried out on July 16, 2006, in the context of the celebration of the traditional “Guelaguetza Popular” festival in the city of Oaxaca. The Commission requested that the State of Mexico adopt the necessary measures to guarantee the life and physical integrity of the beneficiaries and report on the actions taken to clarify the facts that gave rise to the precautionary measures.²

3. Subsequently, on March 16, 2016, the Commission decided to partially lift this precautionary measure, with regard to Alejandro Luis López Noyola, Jesús Manuel Grijalva Mejía, Mayem Pilar Arellanes Cano, and Alma Delia Gómez Soto, remaining in force in favor of Alba Gabriela Cruz Ramos³. On that occasion, the Commission took into consideration the lack of updated information regarding the persons on whom these precautionary measures were lifted. It was also noted that the representatives indicated that contact with such persons had been lost, and therefore no information was available to assess compliance with the procedural requirements by that date⁴.

III. INFORMATION PROVIDED DURING THE TIME THE MEASURES WERE IN FORCE

¹In accordance with Article 17(2)(a) of the IACHR Rules of Procedure, Commissioner Joel Hernández García, a Mexican national, did not participate in the debate and deliberation of this matter.

² IACHR, Precautionary Measures granted during 2007, available at <http://www.cidh.org/medidas/2007.sp.htm>.

³ IACHR. [Resolution of Partial Lifting of Precautionary Measures 12/2016. Precautionary measure 134-07. Matter of Alejandro Noyola and other Lawyers of Oaxaca regarding Mexico](#). March 16, 2016.

⁴ In this communication, the Center for Justice and International Law informed that it would not continue with the representation in the instant matter and provided contact details of the beneficiary.

a. On the procedure throughout the time the measures were in force

4. During the time the precautionary measures were in force, the Commission has followed-up on the situation that is the subject matter of these precautionary measures by requesting information from the parties. According to the records in the file, the representation submitted a report on May 23, 2010, and February 14, 2011, which was transferred to the State on April 27, 2011. The State submitted a report on May 31, 2011, which was forwarded to the representation on July 18, 2011. On August 17, 2011, the representation submitted comments on the State report and updated information. On September 1, 2011, it was transmitted to the State. On October 11, 2011, the State submitted an updated report forwarded to the representation on October 19, 2011. On November 21, 2011, the representation sent its observations as well as updated information on April 20, 2012, which was forwarded to the State on May 7, 2012. The State submitted a report on July 2, 2012, requesting to analyze whether the precautionary measures should remain in force, given the lack of information on some persons. That report was forwarded to the representation on July 11, 2012. The representation submitted observations and updated information on August 13, 2012, which was transferred to the State on August 23, 2012. The beneficiary Alejandro Noyola submitted a communication on January 22, 2013.

5. Following its lack of response, the request for information was reiterated to the State on August 12, 2013, and its report was received on August 19, 2013, which was forwarded to the representation on September 10, 2013. The representation submitted comments and updated information on October 15, 2013, which was transferred to the State on November 20. The State submitted a report on December 31, 2013, insisting on the assessment on whether the precautionary measures should remain in place, a report, which was forwarded to the representation on January 22, 2014. On February 21, 2014, the representation provided its report declaring that they only received information about Alba Gabriela Cruz Ramos. The report was forwarded to the State on March 31, 2014. On May 9, 2014, the State submitted its observations, which were forwarded to the representation on November 7, 2014, without receiving a response. On January 23, 2015, the State submitted an additional report insisting on assessing whether the precautionary measures should remain in place. The report was forwarded to the representation on July 2, 2015. On August 3, 2015, a request for a timeline extension was received from the representation, without its subsequent response being registered⁵. The Commission issued its Partial Lift Resolution on March 16, 2016 (see *supra* para. 3).

6. After the partial lifting of precautionary measures, the Commission has followed up on the situation of Ms. Alba Gabriela Cruz Ramos through the information provided by the parties. On March 30, 2016, the representation, the Center for Justice and International Law (CEJIL), and the Committee for the Comprehensive Defense of Human Rights Gobixha (CODIGODH), sent a communication indicating that they had submitted a writing prior to the partial lifting of precautionary measures. In the report, they provided observations to the last report of the State and indicated that they had resumed contact with all the beneficiaries, providing updated information on each of them, especially on Mayem Arellanes and Alma Delia Gómez Soto, requesting that the Resolution of Lifting be rectified and the precautionary measures be maintained⁶. On September 7, 2016, the State submitted a report, in which it requested the lifting of these precautionary measures. On November 17, 2016, CEJIL submitted a letter informing that

⁵ In addition to the information received listed here, the Commission received communications from Lawyers Without Borders, *Peace Brigades International Mexico* and the *Robert F. Kennedy Center for Human Rights*, which were reviewed and recorded as third-party information, as they did not have representation in this matter.

⁶The letter received on March 30, 2016, is dated March 30, 2015, and contains as an annex, *inter alia*, a letter dated September 18, 2015, with which they would have responded to the request for information prior to the granting. They also indicate to attach the mail with which said letter would have been sent, however, it is not in the annexes sent.

they would not continue with the legal representation of the precautionary measures, highlighting that they were still in force in favor of Ms. Alba Cruz Ramos, to whom they had notified their decision and provided their contact information. On October 14, 2021, the State provided a new report, reiterating its request for the lifting of these precautionary measures.

7. On March 2, 2022, the Commission forwarded the information to the beneficiary, requesting her comments, in particular on the request for lifting, as well as updated information to examine the relevance of maintaining the precautionary measures in force. The request for information was reiterated on June 17, 2022. To date, no response has been received from the beneficiary.

b. Information provided by the representation after the partial lifting.

8. In their brief dated September 18, 2015, received on March 30, 2016, the representation questions that the State inferred that the person entering the CODIGODH offices on July 7, 2014, was not a person unaffiliated to the organization. In this regard, they noted that on July 9, the beneficiary filed the corresponding complaint for these events. The report received from the technicians indicated that the alarm was tampered with. In addition, the examination of the security cameras that cover the entrance showed that they stopped working for a few hours on the day of the events. In relation to the security patrols at CODIGODH facilities, it was alleged that these take place irregularly and sporadically. On the other hand, regarding the emergency numbers assigned with the Oaxaca Police, they indicated that they either do not answer or, when they answer, they inform them that the number no longer corresponds to the person designated as the liaison.

9. The representation reported having resumed contact with Alejandro Noyola, Jesús Manuel Grijalva Mejía, César Grijalva, Jesús Alfredo López García, Maye, Pilar Arellanes Cano, Flora Gutiérrez, and Alma Delia Gómez Soto, reporting that no measures were being implemented in their favor and there would be no progress in the investigations carried out for attacks or threats received by some people.

10. Regarding threatening events, they indicated that, after the entry to their offices on July 7, 2014, on July 8, 2014, they received intimidating calls on the number of CODIGODH offices and on the cell phone of an organization coordinator. Subsequently, they allegedly received threatening calls on July 29 and August 11, 2014.

11. On the other hand, on June 16, 2015, Ms. Alba Cruz's truck was allegedly stolen, while she was going to file a lawsuit in relation to an electoral process; in the vehicle was her *iPad*, which contained sensitive information of cases that CODIGODH accompanied and contact of related persons. In turn, a CODIGODH coordinator, upon returning from a work trip on July 31 and August 1, 2015, discovered that her home had been broken into and two computers and two hard drives, with information from the organization's cases, had been stolen. The incident was reported without results.

12. The representation provided information about Mayem Arellanes, reporting a pickup truck following her on October 15, 2014, while she was walking with a colleague; and on October 23, 2014, while she was riding on her motorcycle. On October 30, 2014, the harassment was reportedly carried out by two subjects on motorcycles while she was riding on her motorcycle after she left work. In addition, on March 11, 2015, she reportedly saw two police officers at her home checking her motorcycle and knocking on her door, who indicated that it was a routine operation; Ms. Arellanes indicated that she would call the

police commissioner, and this made the police officers leave. The commissioner indicated that there was no such operation.

13. The representation also provided information on Ms. Alma Delia Gómez Soto, indicating that on August 13, 2015, at 3:00 p.m., her neighbors saw a young man enter her home and, when she entered later, she found the locks forced and her belongings revolted and disordered. In addition, on September 12, 2015, the windows of her vehicle were smashed while she was standing in front of the door of her home. Both events were brought to the attention of the authorities.

14. In that letter, the representatives spoke out against the lifting, based on the information presented. For its part, in the letter dated March 30, 2015 –filed on March 30, 2016–, the representation states that it had sent the communication of September 18, 2015, on time and requests that the Commission consider it submitted and rectify the lifting resolution, ordering to maintain the precautionary measures in force.

15. Following the letter of November 17, 2016, in which CEJIL indicates that it is no longer representing the matter, the Commission has not received any information. Finally, on March 2, 2022, the IACHR requested information from the beneficiary and reiterated that request on June 17, 2022, without receiving a response.

c. Information provided by the State after the partial lifting.

16. In its report of September 6, 2016, the State requested the lifting and recalled that the granting of precautionary measures was preceded by the fact that on July 16, 2007, in the framework of the Guelaguetza popular festival, violent events occurred caused by the operation implemented by the Federal Government, through which the *Cerro del Fortín* was cordoned off in an operation in which various police agencies from different levels of government and the Mexican Army participated. On that occasion, two lawyers of the November 25 Liberation Committee were assaulted by members of the police. On July 31, 2007, the precautionary measures were granted in favor of various members of the said Committee.

17. In relation to the measures implemented, the State indicated that through different internal working meetings that have taken place since August 3, 2007, agreements have been reached that resulted in the implementation of different measures:

- a. Nine cellular communication devices have been provided in order to maintain communication with the beneficiaries, with no reports or requests for support received;
- b. Previously, the then Secretariat of Public Security provided the service of patrols to the beneficiaries. This task was now carried out by the State Secretariat of Public Security, with bi-daily patrols in private homes and the organization's facilities. Notwithstanding the above, Ms. Alba Gabriela Cruz indicated that she did not want this service, because she did not want it to be provided by the state police;
- c. In September 2014, security infrastructure was provided at the beneficiary's home, including a closed-loop system in the organization's facilities;
- d. It was indicated that seven investigations were opened by the Attorney General's Office of Oaxaca, for acts committed against various beneficiaries.

18. On October 14, 2021, a report was received from the State, where the lifting of the precautionary measures was again requested. The report provided details on the measures implemented, indicating that, on portable measures, the cellular telephone equipment has application for immediate reaction system. On measures installed in the beneficiary's residential home, it was reported the installation and put into operation of, i. IP-CCTV digital closed-circuit television, without cameras; ii. 5 CCTV surveillance camera units with channeling; iii. Audible alarm system with cell phone alert module by text or voice message; iv. 9 sensor units on open doors and/or windows; v. 3 wireless indoor motion detection sensor units; vi. 2 units of suburban energy-saving luminaire with electrical installation and ducting; vii. 2 units of light reflectors. In relation to the domicile of *Colectivo DH*, it was noted that the following was installed and put into operation: i. IP-CCTV digital closed-circuit television; ii. 5 digital surveillance camera units with channeling; iii. 2 units of suburban energy-saving luminaire. On the other hand, they also referred to patrols in the beneficiary's residential and work domicile, assessing that the beneficiary expressed her dissatisfaction that the patrols were provided by the Secretariat of Public Security of the State of Oaxaca.

19. In relation to the concertation of the measures, it was indicated that on August 23, 2017, a follow-up meeting was held in the Government Palace of the State of Oaxaca, with the participation of the beneficiary and staff of the Unit for the Defense of Human Rights of the Ministry of the Interior (UDDH-SEGOB), the Coordination for the Care of Human Rights of Oaxaca, the General Secretariat of the Government of the aforementioned entity, and Secretariat of Public Security. At the said meeting, it was agreed to change the patrols of the state police to the federal police; it was reported that the beneficiary was committed to informing the UDDH about the maintenance of the infrastructure in her residence or about any incident of risk; as well as that the Prosecutor's Office would review the investigations where the beneficiary is a victim and would inform her of the result. In May 2019, a new follow-up meeting was convened, but the beneficiary indicated that she was unable to attend because she was out of town, without suggesting a new date.

20. The State indicated that the patrols have been maintained since 2014 by the Federal Police, being limited only to the residence of the organization and not to the beneficiary's home in 2018, as it was requested by the beneficiary on April 16, 2018. The measure would continue to be currently provided by the National Guard. The State's report highlighted that, as of April 2014, the reports of the National Guard do not show any record of threats or aggressions against the beneficiary, nor has there been any incident during the patrols.

21. The state report reports the results of three investigations for threats in 2012: the first was filed in 2017, but the judge ruled that the criminal action had expired and dismissed the case, and the beneficiary was notified; in the second and third cases, the ministerial authority issued an agreement not to prosecute the case in January and August 2018, respectively, and the beneficiary was notified without filing an appeal against the decisions, as the criminal nature was not proven.

22. Likewise, it was reported that in a meeting of the ministerial body with the beneficiary on January 24, 2018, she was informed of the status of said investigations, indicating that there were others to which they did not refer and that she would submit a written request for information on them. Upon not receiving said request, the Prosecutor's Office communicated with the beneficiary on March 1, 2018, committing her to submit the brief on March 5, 2018, but this was not received.

23. In relation to the analysis of the beneficiary's risk, it was noted that on March 11, 2021, an evaluation was carried out with an interview with the beneficiary through the Zoom platform, which was conducted by the Risk Assessment Unit of the Protection Mechanism for Human Rights Defenders and Journalists (Mechanism), resulting in a risk level of 33.51. Likewise, the 'specialists of the Mechanism did not identify any imminent risk situation that would place the beneficiary in extreme vulnerability, and therefore it was proposed that the measures granted be terminated (*see supra para. 18*). The above result was notified to Ms. Alba Gabriela Cruz Ramos, including the decision to request the service provider to withdraw the measures and the conclusion of the patrols by the National Guard.

24. Finally, the State emphasized that since 2014 there have been no incidents of risk against the beneficiary, and therefore there is currently no imminent risk against her. In addition, it emphasized that the facts reported were duly investigated.

IV. ANALYSIS OF THE REQUIREMENTS OF URGENCY, SERIOUSNESS, AND IRREPARABLE HARM

25. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

26. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, protective and precautionary.⁷ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁸ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁹ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. The precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision

⁷See in this regard: I/A Court H.R. Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Order of July 6, 2009, considerandum 16. Available [in Spanish] at https://www.corteidh.or.cr/docs/medidas/penitenciarioregion_se_01.pdf

⁸See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala, Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. https://www.corteidh.or.cr/docs/medidas/fernandez_se_02.pdf. Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

⁹See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. "urgent situation" refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. "Irreparable harm" refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

27. With regard to the foregoing, Article 25(7) of the Commission's Rules of Procedure establishes that "decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions." Article 25(9) sets forth that "the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force." In this regard, the Commission should assess if the serious' and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider whether new situations have subsequently arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

28. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.¹⁰ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.¹¹ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, in addition to the lack of imminent risk, may lead to the international protection measures being lifted.¹²

29. As a *preliminary point*, the Commission notes that, in its letter of March 30, 2016, the representation referred to having sent a response to the request for information of July 2, 2015, in writing of September 18, 2015, which is attached to the communication of March 30, 2016. After receiving CEJIL's communication of March 30, 2016, the IACHR verified that it had not received such information through the IACHR Portal. Likewise, a comprehensive review of the institutional emails of the IACHR was conducted, including consulting with the specialized IT areas of the OAS, verifying that the aforementioned information was not received. Additionally, in the communication of March 30, 2016, it was indicated to attach the email by which the report of September 18, 2015, was sent, however, it is not in the annexes sent¹³. In this regard, the Commission recalls that it made the partial lifting decision of March 16, 2016, based on the information available at the time of analyzing the validity of the precautionary measures and considering, among others, the previous allegations of the representation that contact with the persons on whom the measures were lifted had been lost.

30. In this order of ideas, in relation to the representation's request to rectify the Lifting Resolution and maintain the precautionary measures in force (see *supra* para. 14), the Commission would like to

¹⁰ I/A Court H.R. [Case of Fernández Ortega et al. v. Mexico. Provisional Measures regarding Mexico. Order of February 7, 2017](#), Consideradums 16 and 17.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ See *supra* footnote 7.

point out that this figure is not provided for in Article 25 of its current Regulations governing the mechanism of precautionary measures, or in another provision of its current regulations. In any case, if the existence of a risk after the lifting of precautionary measures is considered, it would be appropriate to present the updated and detailed information by means of a new request for precautionary measures, in order for the Commission to reassess the presence of the procedural requirements. In this way, the Commission notes that even in the letter of March 30, 2016, no updated information was presented on the said persons, limiting itself to sending the information of the letter that they indicated they had sent on September 18, 2015, six months before. Consequently, should the representatives consider that there is a situation presenting a risk, the beneficiaries or their representatives can file a new request for precautionary measures, with updated information so that the IACHR can evaluate compliance with the requirements established in Article 25 of its Rules of Procedure.

31. Considering the above, the Commission will analyze below the information presented on Ms. Ana Gabriela Cruz Ramos, on whom the precautionary measures remained in force after the partial lifting of September 18, 2015. Likewise, the information provided on other non-beneficiaries will be assessed in relation to the risk to the CODIGODH organization.

32. However, the Commission is aware that when the precautionary measures were granted on July 26, 2007, it was taken into consideration that the beneficiaries, all of them lawyers and members of the November 25 Liberation Committee, had been subject to attacks, threats and harassment because of their work as defenders, the strongest attacks being those of July 16, 2006, in the context of the celebration of the traditional “Guelaguetza Popular” festival in the city of Oaxaca (see *supra para. 2*).

33. Thus, the Commission notes that the most relevant risk events refer to the CODIGODH organization: the strongest event reported is from July 7, 2014, when they entered the office, having manipulated the security systems; on July 29 and August 11, 2014, intimidating calls were received; on June 16, 2015, an iPad was stolen from the parked van of Ms. Alba Cruz, which contained information about the organization; and, between July 31 and August 1, 2015, they allegedly entered to rob the home of a coordinator of the organization. The first two events were assessed when issuing the partial lifting of precautionary measures, to consider whether the precautionary measures in favor of Ms. Alba Gabriela Cruz should remain in force, in relation to her work with CODIGODH¹⁴. However, the Commission emphasizes that both these events and the rest, although they were current at the time of assessing the partial lifting, at the present time they do not have the same validity as in 2016, for the purposes of analyzing the validity of an imminent risk, having elapsed approximately 6 years since then.

34. On the other hand, the Commission welcomes the actions conducted by the State for the implementation of precautionary measures, which refer to the following:

- (i) Regarding security measures, the delivery of communication equipment, different security measures at the private home and at CODIGO DH’s home, as well as patrols at both, were reported. Regarding the patrols, it is important to note the change from the state police to the federal National Guard, following the beneficiary’s disagreement with the state police;
- (ii) In relation to concertation, meetings were held on August 23, 2017, and another meeting was called in May 2019, which the beneficiary was unable to attend;

¹⁴See: IACHR. [Resolution of Partial Lifting of Precautionary Measures 12/2016. Precautionary measure 134-07. Matter of Alejandro Noyola and other Lawyers of Oaxaca regarding Mexico](#). March 16, 2016, para. 5.

- (iii) Regarding investigations, information was provided on the outcome of three different investigations for threats against the beneficiary. It is important the meeting with ministerial authorities on January 24, 2018, to inform the beneficiary of the progress of the investigations, as well as the follow-up given to seek to have the information on those complaints that the beneficiary indicated were not included;
- (iv) In relation to updating the risk situation, the assessment conducted by the Mechanism on March 11, 2018, is relevant.

35. The Commission notes that the State requested the lifting of these precautionary measures on September 6, 2016, and, more recently, on October 14, 2021, the request was reiterated, accompanied by updated information. Under the terms of Article 25.9 of the Regulations, the request for lifting was transferred to the representation on March 2, 2022, requesting updated information and its observations on the request for lifting, reiterating said request on June 17, 2022. To date, the beneficiary has not provided any response in these proceedings. The last time the representation submitted information was in 2016, when CEJIL indicated that it would not continue with the representation and provided the beneficiary's contact information, without updated information on the risk situation. Since then, approximately six years have passed without any information from them. The above actions of the representation are particularly relevant given that the State has requested to assess whether these precautionary measures should remain in force at the time of requesting the lifting of such measures under the terms of Article 25 of the Rules of Procedure.

36. In analyzing whether this matter should remain in force, the IACHR does not identify the existence of facts that may allow identifying a situation presenting a risk under the terms of Article 25 of the Rules of Procedure. The last allegation about situations related to Ms. Alba Gabriela Cruz or the CODIGODH organization dates back to 2015, approximately 7 years ago. Although the representation submitted communications of March 30, 2016, and November 17, 2016, none of them provides more recent information than that of 2015. In this sense, the Commission does not have any assessment elements that allow to identify, at present, a situation presenting a risk in the terms of Article 25 of the Rules of Procedure.

37. The Commission recalls that when a State requests the lifting of a precautionary measure, it must present sufficient evidence and arguments to support its request.¹⁵ By the same token, the representatives of the beneficiaries who wish the measures to continue must present evidence of any reasons why.¹⁶ Similarly, Article 25(11) of the Rules of Procedure sets forth that the Commission may lift or review a precautionary measure when the beneficiaries or their representatives unjustifiably fail to provide the Commission with a satisfactory response to the requests made by the State for its implementation.

38. In this sense, and considering the analysis previously carried out, and in response to the State's request to have the measures lifted, the Commission considers that no situation has been identified that could support compliance with the requirements of Article 25 of the Rules of Procedure at present. In view of the above and taking into account the exceptional and temporary nature of precautionary measures,¹⁷ the Commission deems it appropriate to lift these measures.

¹⁵*Ibid.*

¹⁶*Ibid.*

¹⁷/A Court H.R., Matter of Adrián Meléndez Quijano et al. Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 22, and Matter of Galdámez Álvarez et al. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24

39. Lastly, the Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State of Mexico to respect and guarantee the rights recognized therein, including the life and personal integrity of the persons identified in the matter at hand.

V. DECISION

40. The Commission decides to lift the precautionary measures granted in favor of the beneficiary in this matter, "Alba Gabriela Cruz", in Mexico.

41. The Commission recalls that the lifting of these measures does not prevent the representatives from filing a new request for precautionary measures should they consider that there is a situation that meets the requirements established in Article 25 of the Rules of Procedure.

42. The Commission instructs its Executive Secretariat to notify this resolution to the State of Mexico and to the representation.

43. Approved on July 12, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarete May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Mario López-Garelli
By authorization of the Executive Secretary