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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 11/2023**

Precautionary Measure No. 41-22

**Hedme Fátima Castro Vargas and her family unit regarding Honduras**

March 6, 2023

Original: Spanish

**I. INTRODUCTION**

1. On January 17, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures submitted by the World Organization Against Torture (*Organización Mundial contra la Tortura*, OMCT) (hereinafter “the requesting organization” or “the applicants”)<sup>1</sup> urging the Commission to request the State of Honduras (“the State” or “Honduras”) to adopt the necessary measures to protect the rights to life and personal integrity of Hedme Fátima Castro Vargas and her family unit<sup>2</sup> (“the proposed beneficiaries”). According to the request, Ms. Hedme Fátima Castro Vargas and her family unit are at risk upon being subjected to surveillance, monitoring, intimidation, and other acts of violence since 2017.

2. In accordance with Article 25.5 of its Rules of Procedure, the Commission requested additional information from the applicants on March 29, 2022, and received information on April 8, 2022. The Commission requested information from the State on July 7, 2022 and received information on August 15 and September 2, 2022. The Commission requested information from both parties on December 13, 2022. It received information from the State on January 18, 2023 and from the applicants on January 24; as well as February 2 and 17, 2023.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Therefore, the State of Honduras is requested to: a) adopt the necessary measures, with a gender approach, to protect the rights to life and personal integrity of Ms. Hedme Fátima Castro Vargas and the members of her family unit; b) adopt the necessary protective measures, with the corresponding gender approach, in order for Ms. Hedme Fátima Castro Vargas to continue carrying out her activities in defense of human rights without being subject to threats, intimidation, harassment, and acts of violence; c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicants**

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<sup>1</sup> The organization indicated that it had the express agreement of the proposed beneficiary. In addition, according to the documentary support referring to internal meetings between the proposed beneficiary and entities of the State of Honduras, it is noted that Ms. Mery Agurcia is identified as a “representative”, along with a person representing the World Organization against Torture (*Organización Mundial contra la Tortura*, OMCT).

<sup>2</sup> According to the information provided, her family includes the following: Ms. Julia Vargas (mother) and Ms. Hedme Yesenia Sierra Castro (daughter). All these persons are fully identified in this procedure. The request also mentions that the proposed beneficiary reportedly has “daughters”. However, there is no record of the identity of the proposed beneficiary’s other daughter.

4. The proposed beneficiary is executive director of the Association for Participatory Citizenship (*Asociación por una Ciudadanía Participativa, ACI-PARTICIPA*), based in Tegucigalpa. Its main objective is to promote human rights in Honduras and support the participation of civil society.<sup>3</sup>

5. According to the request, the proposed beneficiary has been followed by unidentified individuals from her house and office, which reportedly especially took place while she was working. She first noticed she was followed on April 10, 2017, as she was leaving her home. When she stopped at a traffic light, a motorcycle stopped next to her vehicle and proceeded to photograph her vehicle and her license plates. Another event took place on July 21, 2017, when she was on her way to a press conference with her daughters at the National Autonomous University of Honduras. That day she was followed by a motorcycle, which sped up in an attempt to overtake via her right, and collided with her car door. On that occasion, the motorcycle driver parked and “defiantly stood” before them, so the proposed beneficiary and her daughters had to find shelter in a restaurant. On March 10, 2020, the proposed beneficiary was allegedly followed by a vehicle while she was making arrangements for the organization. When she arrived at her office entrance, the driver allegedly collided his vehicle with hers and then fled the scene. It was reported that on September 24, 2020, she was followed from her residence. On February 1, 2023, she was reportedly followed by a car with no license plates.

6. The proposed beneficiary allegedly has been reporting acts of surveillance since 2017. The first incident took place on June 18, 2017, when it was reported that the presence of a vehicle, which had no license plates and tinted windows, parked in such a way that it was believed it was observing Ms. Castro Vargas’ office. On January 25, 2021, the proposed beneficiary allegedly reported acts of surveillance and harassment by a police patrol in a post near her home. On February 12, 2021, she was again subject to surveillance by an unidentified vehicle from which a military police officer appeared to ask about her, despite not having a search warrant. The police were notified of the incident.

7. Due to the situation regarding her safety, the proposed beneficiary remained in Germany from March 22 to September 23, 2021, on account of the efforts made by the German Embassy. However, she decided to return to her country as both her daughter and her 93-year-old mother were experiencing health issues. Days after returning to Honduras, the surveillance and patrols at the hands of unidentified individuals near her office resumed. Particularly, on January 7, 2022, the proposed beneficiary reported being watched by unknown people on motorcycles both outside her office and her home. They allegedly even photographed her.

8. The applicants referred to acts of sabotage and tampering with her personal vehicle. The first event was reported on April 7, 2017, when the proposed grantee was driving to her office and noticed that the vehicle lost balance and became unstable. Upon inspection, screws were discovered nailed into each of the four tires, as well as the spare tire. It was considered that the tire manipulation occurred during the night while her vehicle was parked, when Ms. Castro Vargas returned from a reception with German parliamentarians. Facts of a similar nature were also reported by the proposed beneficiary on December 23, 2019; August 31, 2020; December 12 and 24, 2020; which allude to nails (or screws) being put in her tires, as well as the removal of other screws. On June 20, 2022, she found two bolts inserted into her vehicle’s tires.

9. The proposed beneficiary was allegedly subjected to threatening and intimidating calls on a recurring basis, both at her home and in her office. These reportedly originated from unknown or private numbers and in many cases, were “silent calls.” These calls started in June 2017 and continued through 2020, 2021, and 2022.<sup>4</sup> In this regard, the request described that some calls received on April 17, 2020, during which

<sup>3</sup> In this regard, the organization is reportedly engaged in the following activities: promoting and protecting human rights; fighting corruption and advocating for political reform in government; encouraging the participation of civil society in the governmental decision-making process; educating citizens regarding their right of access to justice and urging citizens to exercise their rights to the justice system; proposing development methodologies and strategies to combat poverty.

<sup>4</sup> According to the information, calls were made in August and September 2017; April 17 and September 22, 2020; February and March 2021; January 10, April, May, and June 2022.

she was told that: *“she should keep quiet, enough of so much shit”*. The latest incident was reported in June 2022, when he received several silent calls to her home and office number.

10. The information provided also described alleged intimidating and stigmatizing messages towards the proposed beneficiary through social networks. On September 21, 2022, she received a message stating: *“don’t bother the people because you already know that you live in a violent country, I don’t think you have enough security to protect yourself.”* Similarly, on December 7, 2022, she also received a message in response to a publication made by Ms. Castro Vargas on the risks to the rights of the Honduran population in the face of the state of emergency declared on December 6, 2022. In the messages, she is accused of being part of *“the pack of bad people who have taken over the incredible situation that our broken country is living,”* of *“trampling and using [human rights] to evict the people”* and lastly, stating that *“people like you make me sick”*.

11. The applicants also referred to other events towards the proposed beneficiary, as described below:

- On March 2, 2017, the proposed beneficiary was detained, allegedly in an arbitrary manner, by security agents at Toncontín International Airport. This occurred when she was attempting to travel to Geneva to participate in activities which were specific to her work as an advocate. The three agents allegedly interviewed her during her detention. They asked her about her activities and *“the reasons why she carried out reports on the human rights situation in Honduras.”* She states that they detained her without a warrant and that they did not allow her to make phone calls. However, after about 30 minutes she was allowed to board her flight.

- On September 8, 2017, the proposed beneficiary was with other human rights defenders on the campus of the National Autonomous University of Honduras (UNAH) in a context of student movement. While they were in a van owned by the National Commissioner for Human Rights (*Comisionado Nacional de Derechos Humanos, CONADEH*), police officers proceeded to open the car windows and assault Ms. Castro Vargas along with two other defenders. In addition, they sprayed pepper spray inside of the vehicle. At that time, they were evicted from the van and subsequently taken to the Police Investigation Directorate (*Dirección Policial de Investigación, DPI*). That same day, in the afternoon, the proposed beneficiary was released without charges and was transferred to the hospital to be treated.

- On November 4, 2021, a fire was reported in the residence owned by the proposed beneficiary. At the time of the incident, she was no longer living in the residence as she had been forced to move from her home a few days earlier *“due to the security risks she faced.”* On November 5, 2021, Ms. Castro Vargas submitted a request to the Honduran Fire Department for an inspection to determine the causes of the incident. However, to date, no such inspection has been carried out.

- On July 14, 2022, the alleged search and attempted confiscation of equipment from the offices of ACI-PARTICIPA by the DPI was reported. The police officers allegedly arrived at these offices and demanded the video footage of the office security cameras. However, they did not present a judicial order, nor any documentation or accreditation that identified them. The applicants described the event as an act of *“harassment”* towards the proposed beneficiary and the organization. The incident occurred while Ms. Castro Vargas and the lawyers of ACI-PARTICIPA were processing a complaint. A similar event occurred in July 2019, when unknown persons attempted to enter the ACI-PARTICIPA office in order to remove material and demanded that *“the security camera footage be erased.”* One of the people identified himself as an official of the Presidential Palace, but did not present any identification or a judicial order.

12. The applicants reported on the proposed beneficiary's mother, Ms. Julia Vargas, and her daughter, Hedme Yesenia Sierra Castro. On April 6, 2019, her mother was subject to an "attack" in her bedroom by two police officers, who threw a tear gas canister at her. This incident occurred while Ms. Castro Vargas was presenting the report on the human rights situation in Honduras. Regarding her daughter, it was alleged that on December 22, 2021, while driving her vehicle, she observed a dark-colored pickup truck driving behind her. The vehicle was reportedly following her and constantly getting so close that it was not respecting the safety distance. Ms. Sierra Castro moved aside to let the pickup truck through, however, it positioned itself beside her and turned towards her. This forced her to turn sharply towards the road shoulder and cause an accident, during which one of her vehicle's tires exploded. The driver of the pickup truck fled the scene after the accident. Following the incident, the proposed beneficiary decided to change her residence.

13. The request noted that a protection request was filed in 2017 with the Mechanism for the Protection of Human Rights Defenders - Protection Mechanism (*Mecanismo de Protección a Defensoras y Defensores de Derechos Humanos - Mecanismo de Protección*). According to the information provided, the request was analyzed until 2021 and it allegedly recognized that the proposed beneficiary was at "high" risk since 2019. In this sense, it was highlighted that on September 2 and October 21, 2019, the Technical Committee of the Protection System for Human Rights Defenders (*Comité Técnico del Sistema de Protección para Defensores y Defensoras de Derechos Humanos*) granted protection measures in favor of the proposed beneficiary. On that occasion, the Protection Mechanism mentioned the following as security measures: a civilian companion for six months and a police liaison. However, the first measure was not executed because it coincided precisely with the time she was abroad. As for the liaison, it was indicated that it was not in place as, when she attempted to call the number, they never answered. The applicants also reported that the Ministry of Security had established "police rounds," but these rounds did not occur consistently and ceased in November 2021. It was indicated that no follow-up or support was provided to the distress calls made to the Protection Mechanism.

14. Therefore, self-protection measures were implemented, such as: i. installing security cameras in her residence and in the ACI-PARTICPA offices; ii. selecting alternative transit routes; iii. avoiding walks alone in dangerous places; iv. changing her phone number; and v. changing her residence and leaving the country for six months. It was reported that an emergency fund was received by the program "Observatory for the protection of Human Rights Defenders" (*Observatorio para la Protección de Defensores de los Derechos Humanos*) and "ProtectDefenders.eu" to cover expenses of security agents for a period of six months (culminating in May 2022).

15. Regarding the conclusion of the protection measures, the applicants informed that on October 2, 2022, the Technical Committee held a meeting to learn about the proceedings in Ms. Castro Vargas' case. In the meeting, among other aspects, it was agreed to maintain the liaison and police patrols; execute compliance with a monthly stipend for security accompaniments; and monitor compliance with revision and maintenance of the surveillance cameras in the proposed beneficiary's residence and office.<sup>5</sup> On the other hand, the Protection Mechanism refused to grant her an armored vehicle, driver, and fuel within the protection detail.

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<sup>5</sup> The following measures were agreed: a) Maintain the **police liaison** protection measure in favor of the beneficiary for her residential area and in the work area, in the ACI-PARTICIPA office in Tegucigalpa and Choluteca; b) Maintain the protection measure consisting of **police patrols** in her work area, the ACI-PARTICIPA offices in Tegucigalpa and Choluteca, and in her residential area; c) Manage compliance with the protection measure granted in the Technical Committee of the Protection Mechanism, on October 21, 2019, referring to a **monthly stipend** equivalent to a minimum wage, in order for the beneficiary to hire a person of her trust to perform **security escort** functions; d) Recommend the Beneficiary **file complaints** for the new incidents of risk suffered and for which they may arise; e) Send a brief from the General Directorate of the Protection System of the National Prosecutor's Office to the National Prosecutor's Office, requesting the current report of the beneficiary. In case of being in administrative file, request the reasons for the closure; f) Send official letter from the General Directorate of the Protection System to the National Electric Power Company, requesting the repair of the street lighting in the beneficiary's residential area; g) Send official letter from the General Directorate of the Protection System to the National Electric Power Company in order to request the repair of public street lighting in the proposed beneficiary's work area; h) Grant the **card of**

16. Despite the aforementioned agreements, the proposed beneficiary considered that the protection measures continue to present failures in their implementation. In this regard, she indicates that the police liaison, police patrols, and security agents had not been implemented to date. Nor has the revision and maintenance of the surveillance cameras been complied with. These breaches were confirmed ex officio issued by the Implementation and Monitoring Unit of the General Directorate of the Protection System (*Unidad de Implementación y Seguimiento de la Dirección General del Sistema de Protección*) on October 31, 2022. Consequently, on November 16, 2022, the Director of the General Directorate of the Protection System requested that the head of the Human Rights Department provide a detailed report on the breaches of the protection measures that had been issued in favor of the proposed beneficiary. There is currently no response to this report.

17. According to the latest information provided, on February 3, 2023, a follow-up meeting for the protection measures was held at the headquarters of the General Directorate of the Protection System (*Dirección General del Sistema de Protección*). This space was dedicated solely to monitoring the implementation of police protection measures. In this regard, it was agreed that the proposed beneficiary would provide two additional telephone numbers to ensure the implementation of the police liaison. On the other hand, Ms. Castro Vargas reiterated that police patrols in her residential area have not been implemented and requested that they be increased from three to five times a week. The latter request was rejected by the authorities present. Instead, the Department of Human Rights of the Secretariat of Security (*Departamento de Derechos Humanos de la Secretaría de Seguridad*) pledged to “make corrections in order to comply with the measure of patrols in favor of the beneficiary in her home.” It was reported that the applicants were not provided any documentation or measures that should be taken to ensure implementation.

18. Regarding the lack of implementation of a monthly stipend to hire a trusted person to perform security functions, the representatives of the Protection System indicated that the stipend is granted through social services and not through the Protection System. It was indicated that no alternatives were offered to accelerate and ensure the correct implementation of such a measure. Furthermore, at the last mentioned meeting, those present briefly discussed the Technical Committee of the Protection System’s lack of implementation of the agreements taken on October 2, 2022, which regarded the revision and maintenance of the surveillance cameras in the proposed beneficiary’s residential and work areas. The authorities present indicated that the measure had not been implemented due to “administrative problems” and when were requested more details in this regard, this information was denied. They noted that “they could not respond as it was a follow-up meeting, not one to give explanations.” Moreover, the lack of repair of public lighting in the proposed beneficiary’s residential and workspace was discussed. In this regard, state representatives agreed to follow up on the matter, but did not specify a specific detail to ensure compliance.

19. Regarding the complaints filed regarding the alleged risk situation, Ms. Castro Vargas filed several complaints with different institutions: CONADEH; the Secretariat of Human Rights; the Security Secretary; the Protection Mechanism; the Public Prosecutor’s Office; the Special Prosecutor’s Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators (FEPRODDHH); and the Human Rights Prosecutor’s Office. The applicants stated that none of the allegations have been investigated and some cases have already been closed.

20. It was reported that, on January 13, 2022, the proposed beneficiary filed a complaint with the FEPRODDHH regarding the following incidents: i. the fire in her residence on November 4, 2021; ii. the attacks against her daughter on December 22, 2021; iii. acts of intimidation, surveillance, and monitoring by military police in the offices of the ACI-PARTICIPA on February 12, 2021; and iv. threatening calls in February and March

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**Beneficiary of the Protection Mechanism** for a period of six months; i) Follow up on compliance with the protection measure relating to the **revision and maintenance of the surveillance cameras in the beneficiary’s residential area**; j) Follow up on compliance with the protection measure relating to the **revision and maintenance of the surveillance cameras in the beneficiary’s work area**; k) Recommend that the beneficiary report the incidents to the Implementation and Monitoring Analyst (*Analista de Implementación y Seguimiento*, UIS) of the DGSP, to promote the corresponding actions.

2021. On January 18, 2022, the complaint was declared inadmissible.<sup>6</sup> In this regard, Ms. Castro Vargas considers that the FEPRODDHH ignored “the regional and international guidelines for the investigation and mitigation of attacks against human rights defenders.” She also states that status was unclear regarding the situation her family faces and the application of the gender perspective in the adoption of protection measures for situations of risk of women defenders. It was suggested that investigations should identify the type of threats and attacks that have been perpetrated against them, in addition to the level of repetition and increase of potential patterns of harassment and attacks.

21. The request highlights that, during the meeting in October 2022, state authorities agreed to request information on the current status of the complaints that had been filed by the proposed beneficiary. Despite this agreement, she has not received a response from the Public Prosecutor’s Office. Ms. Castro Vargas reportedly expressed concern at the States’ lack of diligent investigation, taking into account that many of the attacks identified are at the hands of the military police and other armed forces.

22. Lastly, the applicants consider that the attacks against the proposed beneficiary and her family unit, especially the most recent incidents, allegedly have a direct link to her work as an advocate given that she has shed a light on the human rights violations in the country, as well as exposed the acts of corruption from the various authorities and public officials. Currently, Ms. Castro Vargas is in alleged “hiding” given that the latest risk analysis concluded that her level of risk was “extremely high” after the last attacks against her and due to the failed implementation of protection measures that guarantee her life and personal integrity, as well as that of her family.

## **B. Information provided by the State**

23. The State reported that on April 30, 2017, the protection request in favor of Ms. Castro Vargas was admitted through extraordinary procedure. On September 2, 2019, the Department of Human Rights of the Security Secretary held a meeting with the proposed beneficiary following the alleged threats and risk to her life and her family. On that occasion, they agreed to implement police measures consisting of police liaison and police patrols in the facilities of ACI-PARTICIPA, which were ratified at the Technical Committee session on October 21, 2019.

24. According to the state report, by August 2022, the protection measures in favor of the proposed beneficiary reportedly consisted of the following: i. police liaison, ii. police patrols in her work area; iii. promoting the investigation process initiated before the competent authorities; iv. installing a virtual security door attendant system in the proposed beneficiary’s workplace (ACI-PARTICIPA, Tegucigalpa); and v. granting a monthly stipend in order for the proposed beneficiary to be able to hire a person of her trust to perform security escort functions. Regarding the latter measure, it is mentioned that the proposed beneficiary reportedly waived it on April 26, 2021.

25. The State initially indicated that the proposed beneficiary’s matter was reportedly ready to be presented at the session of the Technical Committee of the Protection Mechanism in order to communicate the results of the risk re-assessment and to agree on the adequate protection and preventive measures in accordance with the current level of risk. However, this was allegedly unable to coordinate because the proposed beneficiary reportedly did not indicate when she would be available for this session.

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<sup>6</sup> According to the information provided, FEPRODDHH determined the following: a) it was impossible to determine that the fire in Ms. Hedme Fátima Castro Vargas’ home was due to reprisals for her work in defense of human rights, since Ms. Hedme Fátima Castro Vargas did not reside there at the time of the incident; b) FEPRODDHH lack of competence to obtain information about the attack on Ms. Hedme Fátima Castro Vargas’ daughter, since she was not part of the population covered by FEPRODDHH; c) Subjectivity in the assessments of the complainant, Ms. Hedme Fátima Castro Vargas, regarding the nature of the threats and intimidations by the military police and the unknown individuals mentioned above.

26. Subsequently, in its January 2023 report, the State communicated that on September 18, 2022, a meeting of the Technical Committee of the Protection Mechanism was held, in which the following measures were determined as “Complied with”:

- i. Maintain the liaison protection measure in favor of the proposed beneficiary, in her residential area and in the work area of the ACI-PARTICIPA organization;
- ii. Maintain the protection measure, consisting of police patrols in her work area, the offices of ACI-PARTICIPA, and extend the measure to the residential area;
- iii. Grant the beneficiary card of the Protection Mechanism, for a period of six months.

27. The State report also referred to other measures that had been heard before the competent authorities but that, to date, had allegedly not received a response or were reportedly not complied with. These measures consist of the following:

- i. Manage compliance with the protection measure granted by the Technical Committee of the Protection Mechanism dated October 21, 2019, regarding the monthly stipend equivalent to one salary to hire a trusted person as decided by Ms. Castro Vargas to perform security escort functions. In this regard, the Technical Committee considered it appropriate to immediately comply with this measure due to the incidents against the proposed beneficiary;
- ii. To send official letter from the General Directorate of the Protection System (*Dirección General del Sistema de Protección*, DGSP) to the National Electric Power Company (*Empresa Nacional de Energía Eléctrica*, ENEE) in order to request the repair of public street lighting in the proposed beneficiary’s work area, as well as in her residential area;
- iii. To monitor compliance with the protection measure relating to the revision and maintenance of the surveillance cameras in the proposed beneficiary’s residential and work area.

28. On November 16, 2022, the Implementation and Monitoring Unit (*Unidad de Implementación y Seguimiento*) of the same Directorate requested that the Security Secretariat provide “corrective measures by virtue of the fact that the police liaison and patrol measures were not being complied with”. Furthermore, these measures were reportedly in force “while the risk re-assessment is prepared again, and the case is presented before the Technical Committee of the Protection Mechanism in a temporary period of six (6) months”.

29. Regarding the complaints filed by the proposed beneficiary, the State reported that three complaints were registered with the Special Prosecutor’s Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators (FEPRODDHH) and six complaints were with the Special Prosecutor’s Office for Human Rights. Regarding the complaints filed with the FEPRODDHH, one is under investigation<sup>7</sup> and the other two were declared administrative closure because there had been no crime.<sup>8</sup>

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<sup>7</sup> The complaint refers to events that occurred on November 4, 2021, about the fire that occurred in the proposed beneficiary’s house and that she requested the escort of the Police Post of the Las Brisas Colony and the Security Secretariat, but it was not granted. They also referred to incidents of surveillance and harassment by a police patrol in February and March 2021, as well as threatening calls during nighttime hours.

<sup>8</sup> The complaints consisted of the following: i. Events occurred on April 6, 2019, in the city of Choluteca, where a motorized of the National Police allegedly threw a tear gas bomb towards the house where the proposed beneficiary’s mother resided. The reason for the administrative closure was based on the fact that the bombs were reportedly thrown a context of protests, and that a tear gas canister fell in the vicinity of Ms. Julia Vargas’ house, thereby noting that it was not an action directed towards her but rather to disseminate the protest; ii. Events occurred on July 4 and 8, 2019, during which unknown persons who identified themselves as belonging to the Presidential Palace and the Police force requested documents, as well as that the security camera footage be erased despite not presenting a judicial order. The applicant also referred to other incidents of Ms. Castro Vargas being followed by a motorcyclist and a patrol car. The reason for the administrative closure focused on the fact that the reported incidents are ambiguous since none of the witnesses and the victim stated which particular action was aimed at harming her or her family, or which one shows that there is a direct threat against her.

As for the complaints filed with the Special Prosecutor for Human Rights, one was filed,<sup>9</sup> another is on appeal regarding the definitive dismissal,<sup>10</sup> another of them was sent to the FEPRODDHH,<sup>11</sup> and the remaining three were<sup>12</sup> not physically located and the search to determine their current status is ongoing.

30. Regarding the events that occurred on July 14, 2022, at the facilities of the ACI-PARTICIPA organization, the State indicated that the General Directorate of the Protection System was timely notified of the event and immediately arranged the security escort for CONADEH. In addition, the head of the Department of Human Rights of the Ministry of Security reported that the actions carried out by the DPI were part of an investigative process into the murder of the son of former President Porfirio Lobo and three other people in the early hours of July 14, 2022.<sup>13</sup> On the other hand, in its report of January 2023, the State indicated that an official letter was sent to the DPI requesting a detailed report on the actions or proceedings carried out in the offices of ACI-PARTICIPA by alleged members of the DPI who attempted to confiscate material (video footage from the cameras) from those offices.

31. Lastly, the State pointed out that protection measures in favor of the proposed beneficiary may continue to be provided under domestic procedure.

#### **IV. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM**

32. 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 18(b) of the Statute of the IACHR. The precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. 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.

33. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>14</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights<sup>15</sup>. 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

<sup>9</sup> On December 14, 2021, the administrative file was closed due to lack of evidence to effect and to initiate public criminal action. The complaint concerned crimes of abuses of power.

<sup>10</sup> On December 12, 2017, a prosecutorial charging document was filed for crimes of abuse of power, torture, and illegal detention. On June 1, 2018, a final dismissal was decreed by the Court in favor of all the accused; and on June 6, 2018, the Public Prosecutor's Office filed an appeal in relation to the dismissal that is pending resolution.

<sup>11</sup> Referred to the Special Prosecutor's Office on November 15, 2019, for the crime of abuse of power.

<sup>12</sup> The complaints were regarding crimes of threats.

<sup>13</sup> In addition, they explained that one of the vehicles that allegedly participated in the aforementioned murder had been found abandoned near the organization's facilities, and that the DPI was therefore requesting people who had a security camera system to erase the footage.

<sup>14</sup> See in this regard: I/A Court H.R. Matter of the Yare I and Yare II Capital Region Penitentiary Center. 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 only in Spanish)

<sup>15</sup> See 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 (Available only in Spanish); I/A Court H.R. Matter of Fernández Ortega et al. 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 (Available only in Spanish).



adopted.<sup>16</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) 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<sup>17</sup>. 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.

34. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; The information provided should be assessed from *prima facie*<sup>18</sup> standard of review to determine whether a serious and urgent situation exists. Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not called upon to make statements on violations of rights enshrined in the American Convention or other applicable instruments,<sup>19</sup> nor to determine whether the criminal sentences imposed on the proposed beneficiaries violate these international instruments. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>20</sup>

<sup>16</sup> See 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 (Available only in Spanish); 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 (Available only in Spanish).

<sup>17</sup> See 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 7; I/A Court H.R. Matter of “El Nacional” and “Así es la Noticia” newspapers. Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 (Available only in Spanish); I/A Court H.R. Matter of Luis Uzcátegui. Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

<sup>18</sup> See in this regard: I/A Court H.R. Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 (Only available in Spanish); I/A Court H.R. Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23. (Available only in Spanish)

<sup>19</sup> IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

<sup>20</sup> In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 (Available only in Spanish).

35. Thus, in accordance with the terms of Article 25 (6), the Commission considers the context in which this matter exists:

i. In its 2019 Country Report on the Human Rights Situation in Honduras, the Commission noted that there was a high percentage of impunity for the determination of responsibility for risk events faced by human rights defenders in the country.<sup>21</sup>

ii. In relation to the Protection Mechanism, during 2020, the Commission received information about a significant delay in the implementation of protection measures, apprehension regarding the measures due to high levels of State participation in attacks against defenders, officials' lack of knowledge on human rights issues and defenders, as well as the implementation of inappropriate measures in the face of the risks faced by defenders.<sup>22</sup>

iii. During 2021, the Commission was informed about flaws in the security details. For example, inconsistencies with police patrols, failures in updating or carrying out risk level analyses, failures in police liaisons, technical failures of security vehicles and their lack of maintenance, unilateral and unobserved changes of the protection detail, assignment of accompaniments and security escorts that the beneficiaries do not consider reliable, lack of differential approaches in security measures, among others.<sup>23</sup>

36. Within the framework of this security context applicable to the situation of defenders in Honduras, the Commission proceeds to analyze the proposed beneficiary's situation and the identified members of her family unit. As regards the specific situation alleged, the Commission notes that, according to the applicants, the proposed beneficiary is identified as the executive director of a civil organization that promotes human rights in Honduras. Given the position she allegedly holds in that organization, the Commission understands that she is the most public person of this organization in Honduras. The Commission also warns that, according to the applicants, it was alleged that the events that she has been facing since 2017 are related and occurred due to her efforts in defense of human rights and because she shed a light on to acts of corruption of various public officials (see *supra* para. 4 and 22).

37. In this understanding, the Commission observes that the information available to the applicants gives an account of the occurrence of the following events against the proposed beneficiary, which transpired until March 2021, the year in which she left the country for security reasons: Until 2020, she was reportedly followed by unknown individuals near her house and office, which included colliding her vehicle; she was reportedly the victim of surveillance by state agents and unidentified third parties both in her residence and at her workplace; her vehicle was allegedly subject to multiple acts of sabotage and manipulation focused on her tires; and she reportedly received threatening calls. Upon her return to the country in September 2021, from the information available to the applicants, the Commission observes that the events continued to be presented to date. The Commission notes that the events occurred even months after her return: it was reported that, in November 2021, her house was on fire, and the cause of the incident was not determined; the proposed beneficiary reported that her daughter was followed in December 2021; as from 2022, Ms. Castro Vargas reported being followed, manipulation of her vehicle, intimidating calls, and an attempt to confiscate equipment from her office; and, more recently, in February 2023 an unidentified individual followed her again.

38. The Commission observes the continuity of the events to the detriment of the proposed beneficiary from 2017 to date. It is also noted that it was alleged that the proposed beneficiary left the country in 2021 due to security issues. Upon returning to the country, the Commission notes that the events against her

<sup>21</sup> IACHR, [Human Rights Situation in Honduras](#), OAS/Ser.L/V/II., Doc. 146, August 27, 2019, par. 149.

<sup>22</sup> IACHR, [2020 Annual Report](#), Chapter IV.A, OAS/Ser.L/V/II., Doc. March 28 and 30, 2021, par. 502.

<sup>23</sup> IACHR, [2021 Annual Report](#), Chapter V, OES/Ser.L/V/II. Doc. 64 rev. 1, May 26, 2022, par. 104

continued, including a fire on her property, being followed by unknown individuals, intimidating calls, surveillance, manipulation of her vehicle, among others. The Commission highlights the constancy and persistence of the events, which only ceased to be reported when the proposed beneficiary was abroad. Similarly, the Commission notes that the facts reported have been presented when the proposed beneficiary was at home, in her office and in the framework of her activities as an advocate, which on certain occasions led to a change of residence or other self-protection measures. Thus, the IACHR considers that the risk situation that Ms. Castro Vargas faces has been maintained in the last six years, since the alleged facts have been reported to various state entities over time, including the Prosecutor's Office and the Protection Mechanism.

39. After requesting information from the State pursuant to the terms of Article 25 of the Rules of Procedure, the Commission notes that the State reported on the protection measures implemented in favor of the proposed beneficiary, as well as the status of the investigations. The Commission acknowledges the State actions to address the protection requests presented by the proposed beneficiary, as well as the steps taken to offer spaces for consultation with the proposed beneficiary and her representation. It also acknowledges the State's willingness to make the necessary corrections to promote an adequate implementation of the security measures that had been granted.

40. However, the Commission notes the following regarding the implementation of protective measures over time:

i. In 2019, protection measures were implemented in favor of the proposed beneficiary, which according to the State consisted of: police liaison and police patrols in the facilities of the organization led by the proposed beneficiary (see *supra* para. 23). According to the applicants, the measures also included: one civilian escort for six months (see *supra* para. 13). In view of the applicants' allegation that the measures were reportedly not properly implemented. For example, the applicants reported that the police liaison was not active; patrols did not occur consistently and ceased in November 2021; and civilian escort was not executed because the proposed beneficiary went abroad (see *supra* para. 13). The Commission notes that the State did not comment on the matter. However, it did report that the proposed beneficiary waived security escort in April 2021, the same year she left the country (see *supra* para. 24);

ii. According to the applicants, given the situation of the ineffective implementation of the security detail, by 2021 the proposed beneficiary allegedly implemented "self-protection" measures, such as: installing security cameras in her home and in the ACI-PARTICIPA offices; selecting alternative transit routes; avoiding walks alone in dangerous places; changing her phone number; and changing her residence and leaving the country for six months (see *supra* para. 14). When the proposed beneficiary returned to Honduras, it was reported that she received external funds to cover expenses of the security agents for a period of six months, which culminated in May 2022 (see *supra* para. 14). The Commission understands that the implementation of these measures depended on the material and economic possibilities of the proposed beneficiary herself;

iii. According to the State, by August 2022, the protection measures in favor of the proposed beneficiary reportedly consisted of: police liaison, police patrols in her work area; promotion the investigation process initiated before the competent authorities; installation of a virtual security doorman system in the proposed beneficiary's workplace (ACI-PARTICIPA, Tegucigalpa); and granting a monthly stipend in order for the proposed beneficiary to be able to hire a person of her trust to perform security escort functions. (See *supra* para. 24). Along the same lines, the applicants reported that, on October 2, 2022, the Technical Committee held a meeting, in which it was agreed, among other aspects, to maintain the liaison and police patrols; execute compliance with a monthly stipend for security accompaniments; and monitor compliance with

revision and maintenance of the surveillance cameras in the proposed beneficiary's residence and office (see *supra* para. 15);

iv. The State indicated that, by September 2022, the police liaison measures, patrols, and the granting of a beneficiary card of the Protection Mechanism were complied with (see *supra* para. 26). The State also referred to the monthly stipend for a person of confidence in security; repair of public lighting in the proposed beneficiary's work area; and follow-up regarding the revision and maintenance of surveillance cameras in residential and work areas (see *supra* para. 27). However, the Commission cautions that the applicants again indicated that the agreed measures were not fully implemented. In this regard, the Commission also notes that, according to the applicants, the alleged breaches were addressed by the Implementation and Monitoring Unit of the General Directorate of the Protection System and the General Directorate of the Protection System (see *supra* para. 16 and 28).

v. In 2023, the Commission observes that a conciliation meeting was held where the State entities were reiterated that the protection measures were allegedly not complied with (see *supra* para. 17 and 18). Regarding patrols, it was reported that the Department of Human Rights of the Security Secretariat undertook to "make corrections in order to comply with the measure of patrols in favor of the beneficiary in her home" (see *supra* para. 17). Similarly, it was indicated that the monthly stipend for a person who performs security escort depends on social services, but there were no alternatives for the correct implementation (see *supra* para. 18). With regard to the maintenance of cameras, the applicants indicated that these were allegedly not implemented due to "administrative problems", according to the State (see *supra* para. 18). The applicants also indicated that they had informed the State about the lack of repair of street lighting in the proposed beneficiary's residential and work areas (see *supra* para. 18).

41. The Commission understands that, although the State was reportedly aware of the risk situation and implemented an alleged protection detail in her favor, the available information reflects that risk events have continued to be presented against the proposed beneficiary in a consistent manner, and even during the time the protection measures were in force. Similarly, the available information shows that the protection detail was reportedly not being properly implemented over a period of time, and not only recently. In this regard, the Commission notes that the proposed beneficiary has been informing the State of this situation during the spaces for consultation. However, despite being aware that the protection measures were allegedly not being implemented properly, the Commission does not have information that the corrective measures offered by the state entities have actually been implemented to date or over time. The Commission also notes that the situation has been maintained over time, or at least during the last four years. The Committee observes that, despite the above situation, as of today there is allegedly no plan in place to ensure effective compliance with the agreed internal protection measures. In this regard, the Commission considers that it is necessary to offer not only spaces for consultation, but also to determine deadlines for implementation and assessment periods of protection measures with a view to making the corresponding adjustments over time.

42. The Commission carries out the above assessment considering that the proposed beneficiary's safety has become concerning over time. For example, in 2019, her level of risk was considered to be "high" (see *supra* para.13), which motivated her to leave the country. However, according to the applicants, more recently in 2023, a reported assessment determined her level of risk was "extremely high" (see *supra* para. 22). The applicants therefore state that the proposed beneficiary is currently in "hiding" due to the imminent risk to her life and personal integrity.

43. In light of the above, the Commission warns that the information available in the file does not allow to confirm the adequacy and effectiveness of the security measures, aimed at avoiding the persistence of the risk that the proposed beneficiary faces. The above considering that, despite having been granted the

security plan since 2019, incidents and events continued to be reported to Ms. Castro Vargas' detriment. In addition, to date, compliance with the measures, as well as corrective measures for their proper implementation are still pending. In view of these aspects, the Commission notes that, according to the State, a reassessment of the risk that the proposed beneficiary faces is pending (see *supra* para. 28), which would enable it to assess, in a more assertive manner, the measures to be adopted and to carry them out with the proposed beneficiary. In this regard, the Commission recalls that the protection measures must not only be fully complied with in order for them to be effective, but must also be suitable, insofar as they allow to face the risk that the defender faces and to be able to make this cessation, with particular importance in the principle of consultation.<sup>24</sup>

44. The Commission acknowledges the information provided by the State authorities regarding the procedural status of the investigation procedures related to the facts reported by the proposed beneficiary, as well as the detail on the grounds and causes of the judicial proceedings that led to the respective file, administrative closure, or transfer of the complaints. Notwithstanding, the IACHR notes that there is no information on some of the complaints filed since their files were allegedly unable to be physically located at the time the State response was submitted. In this regard, the Commission recalls the importance of conducting relevant research in order to mitigate the reported risk factors and prevent their recurrence over time. It also warns that the lack of progress in the investigative procedures causes situation of impunity that allows the persistence of the risk situation, which places the proposed beneficiary in a situation of greater vulnerability. In particular, the Commission considers it important to determine the circumstances of the alleged State action regarding the proposed beneficiary's situation, such as the alleged attempt to confiscate material from her offices (see *supra* para. 30)

45. Furthermore, the IACHR recalls that, both in the implementation of protection measures and in investigation processes, she must be considered from a gender perspective and with a differentiated approach, since she is a female human rights defender. This is in view of the multiple vulnerabilities faced by female defenders based on their gender and other intersectional factors. They are reportedly exposed to an increased risk of violence, threats, harassment, attacks, and other violations of their rights and it is more likely that their children are threatened or attacked as a form of intimidation in such countries,<sup>25</sup> as in the case of the proposed beneficiary.

46. In light of the information provided by both parties regarding this matter, given the visibility of the proposed beneficiary as well as the continuity and permanence of risk situations over time in the face of the lack of implementation of protection measures and the need to continue with the investigation of the reported situations, seen in light of the indicated context of human rights defenders in the country, the IACHR considers that the situation of Ms. Hedme Fátima Castro Vargas allows it to consider that her rights to life and integrity are that her rights to life and integrity are *prima facie* in a serious situation. The Commission also considers that the proposed beneficiary's family unit are at risk given their kinship, as there were incidents against them, according to the information available.

47. Regarding the requirement of *urgency*, the Commission notes that the proposed beneficiary has been subject to incidents of risk on a sustained basis, which makes it foreseeable that they may continue to occur and materialize, particularly in the area of her work as a human rights defender. In view of the above, given the reported risk events and the visibility of the proposed beneficiary, along with the alleged lack of implementation of protection measures, and the pending re-assessment of her level of risk, the Commission

<sup>24</sup> IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), December 31, 2011, para. 521-524.

<sup>25</sup> IACHR, [Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean](#). OAS/Ser.L/V/II. Doc.233, November 14, 2019. par. 127

considers that it is urgent to adopt immediate measures to safeguard the life and personal integrity of the proposed beneficiary.

48. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to life, personal integrity, and health, by their very nature, constitutes the maximum situation of irreparability.

## **V. BENEFICIARIES**

49. The IACHR considers as beneficiaries of these precautionary measures Ms. Hedme Fátima Castro Vargas, who is duly identified. Her mother and daughters are also included as beneficiaries.

## **VI. DECISION**

50. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Accordingly, Honduras is requested to:

- a) adopt the necessary measures, with a gender approach, to protect the rights to life and personal integrity of Ms. Hedme Fátima Castro Vargas and the members of her family unit;
- b) adopt the necessary protective measures, with the corresponding gender approach, in order for Ms. Hedme Fátima Castro Vargas to continue carrying out her activities in defense of human rights without being subject to threats, intimidation, harassment, and acts of violence;
- c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

51. The Commission also requests that the State of Honduras report, within 15 days as from the day after this resolution, on the adoption of the required precautionary measures and to update that information periodically.

52. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected under the applicable instruments.

53. The Commission instructs its Executive Secretariat to notify this resolution to the State of Honduras and the applicants.

54. Approved on March 6, 2023, by Julissa Mantilla Falcón, President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Carlos Bernal Pulido, members of the IACHR.

Norma Colledani Toranzo  
By authorization of the Executive Secretary