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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 9/2024**

Precautionary Measure No. 519-17  
Eduardo Valencia Castellanos regarding Mexico<sup>1</sup>  
March 6, 2024  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Eduardo Valencia Castellanos. At the time of making the decision, the Commission assessed the measures that the State adopted internally, as well as the change in circumstances and lack of situations that put the beneficiary at risk, at this time. Taking into account the nature of the precautionary measures and in light of the information available, the Commission considered that it is not possible to identify a situation of risk under the terms of Article 25 of the Rules of Procedure at this time. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

**II. BACKGROUND INFORMATION**

2. On November 27, 2017, the IACHR decided to request the adoption of precautionary measures in favor of Eduardo Valencia Castellanos, in Mexico. The request for precautionary measures alleged that the beneficiary was at risk after having been the victim of a serious attempt on his life by inmates at the location where he was deprived of his liberty. In addition, it was stated that he was experiencing harassment at the hands of the person who had allegedly attempted on his life. Upon analyzing the allegations of fact and law, the Commission considered that the available information showed, *prima facie*, that the beneficiary was in a serious and urgent situation. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requested that Mexico:

- a. adopt the necessary measures to protect the life and personal integrity of Mr. Eduardo Valencia Castellanos;
- b. consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- c. report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.<sup>2</sup>

**III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES WERE IN FORCE**

3. During the time the precautionary measures have been in force, the Commission has followed up on the subject matter of these precautionary measures by requesting information from the parties. In this regard, communications have been received on the following dates:

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<sup>1</sup> In accordance with the provisions of Article 17.2.a of the Rules of Procedure of the Commission, Commissioner José Luis Caballero Ochoa, a Mexican national, did not participate in the debate or in the decision of this decision.

<sup>2</sup> IACHR. [Eduardo Valencia Castellanos regarding Mexico \(PM-519-17\)](#). Resolution 48/2017 of November 27, 2017.

	<b>Reports from the State</b>	<b>Reports from the representation</b>
2017	No reports	December 7 and 26
20183	February 12	January 4 and 20; February 20 and 24; April 28; May 16, 17, and 24; November 16 and 20
2019	No reports	January 1; February 9 and 25; April 6, 12, and 18; June 3, 5, 11, 14, and 28; July 24 and 31; August 7; October 1 and 22; November 5 and 8; December 3
2020	March 31	April 10, 11, 17, 20, 29, and 30; July 2, 3, 16 and 27; August 1; September 12; October 6
2021	No reports	January 11, February 16, April 6, May 11, June 8
2022	No reports	No communications
2023	March 31 and November 2	January 4; July 12 and 21; August 7

4. The IACHR requested and forwarded information on April 5 and June 20, 2019; April 29, 2020; December 30, 2022; and August 7, 2023. On March 31 and November 2, 2023, the State requested that it be evaluated if a serious, urgent, and irreparable situation persists, and requested that these measures be lifted. The report of March 31 was forwarded to the representation on August 7, 2023, and it was requested information to evaluate keeping these precautionary measures in force.

5. The representation is exercised by Luz María Castellanos de Valencia and Cinthia Gabriela Ramírez Fernández.

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

6. In its report of February 12, 2018, the State reported that, due to the beneficiary's injuries, his transfer to a Hospital in Nuevo Vallarta was determined. He was hospitalized there until January 17, 2018, the date on which he was released after receiving bail. It was added that the Ministry of the Interior (SEGOB) carried out the transfers to the beneficiary's home in Guadalajara. It was also noted that his safety was guaranteed for the transfers to Nayarit to sign before the judge in his trial, in addition to having requested that the authorities analyze the possibility that he go before a judge in Guadalajara to comply with the obligation. It was indicated that a risk assessment was to be carried out, and an inter-institutional meeting was held to monitor the precautionary measures on February 8, 2018. The State also provided the beneficiary's medical diagnosis and indicated that it was in constant contact with him in order to know his situation and coordinate transfers to the Court. In addition, the State reported on the status of the investigations by the Prosecutor's Office into the acts of violence against the beneficiary.

7. By report of March 31, 2020, information was provided on the proceedings carried out by the Prosecutor's Office of Nayarit in relation to allegations of torture of the beneficiary, in relation to the alleged events of violence to which he was subjected while he was deprived of liberty in 2017. On August 7, an interview was conducted with A.G.R. On July 26, 2018, proof of identity was received from J. E. L. L.; and on October 2, 2018, copies of two employment records were forwarded. Furthermore, on March 22, 2019, notification was given of the admission of an amparo lawsuit and on March 25, 2019, the Director

<sup>3</sup> Additionally, during 2018, the Commission received multiple communications from third parties accusing the beneficiary of having committed crimes against them, mainly fraud.

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of the Nayarit Police was requested to investigate alleged acts of torture against the beneficiary. For this reason, on March 27, 2019, an appearance was held before the Court and on April 23, 2019, a witness was interviewed. In May 2019, additional interviews were conducted with three people and an additional one in June. The Prosecutor's Office also reported proceedings on the accusations against the beneficiary.

8. It was reported that on July 29, 2019, a follow-up meeting took place with the beneficiary and its representatives. The Ministry of Foreign Affairs (SRE), Nayarit Prosecutor's Office, Supreme Court of Justice of Nayarit, General Secretariat of Government of Nayarit, and Ministry of Public Security of Jalisco (SSPJ) participated in this meeting. The following was agreed: a) the SSPJ will provide accompaniment to the beneficiary on Mondays, Wednesdays, and Thursdays from 10:00 a.m. to 3:00 p.m. in order for the beneficiary to be able to carry out his activities; b) on the other days, he will have access to the help button; c) scheduled rounds will continue at the beneficiary's home; d) the beneficiary will be updated if the National Human Rights Commission (CNDH) decides to bring the case before the State Human Rights Commission of Nayarit (CEDH); e) the federal and state Prosecutors' Offices will be requested to report on the status of the investigations when they may have an impact on the beneficiary's safety; and f) the SSPJ will provide the beneficiary with contact numbers. It was noted that, although the agreements were read at the meeting without any challenges, at the time of signing, the beneficiary expressed disagreement and did not want to sign. The State indicated that the patrols continue at his home, the beneficiary is accompanied by SSPJ agents when he travels to carry out procedural obligations, and he has access to a help button.

9. In the report dated March 31, 2023, the State informed that it held a working meeting with the beneficiary and his representation on October 10, 2022. During this meeting, the beneficiary requested that his security measures be reinforced, due to his ongoing search for justice for the crimes committed against him. The SEGOB requested the support of the National Guard for the accompaniment of the proceedings of October 13, 2022 in the criminal proceedings being conducted for torture against the beneficiary in Nayarit. In turn, on October 19, 2022, the SEGOB requested the collaboration of the SSPJ to explore the possibility of accompanying the beneficiary on his daily transfers. The beneficiary was informed of the response and reminded of the importance of filing the corresponding complaints with the relevant authorities, such as the Public Prosecutor's Office, regarding the facts reported by e-mail.

10. The SSPJ reported that it implements protection measures consisting of accompanying the beneficiary in the agreed terms on Mondays, Wednesdays, and Thursdays from 10:00 a.m. to 3:00 p.m., as well as access to a help button, scheduled patrols, and emergency contact numbers. Additionally, the support of the National Guard was requested to accompany issues related to the criminal process on November 11, November 28, and December 8, 2022, as well as January 13 and 19, February 3, February 21, and March 14, 2023.

11. The State mentioned that it held a virtual implementation meeting with the beneficiary on January 13, 2023. During this meeting, the beneficiary requested to extend the hours of the security patrols to at least 7:00 p.m., for which the SEGOB indicated that it would seek contact with local corporations in Guadalajara and Zapopan for this purpose and would call a new meeting once it had received the response. On March 10, a new meeting was held and it was agreed to formally notify the governments of Guadalajara and Zapopan to include them in the implementation. The Metropolitan Police

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of Guadalajara stated that they cannot provide accompaniment, but offered direct emergency contact numbers.

12. The State argued that the beneficiary's situation is significantly different from the context at the time these precautionary measures were granted. It added that no security incidents have been reported, except for "threatening electronic communications and calls from unknown numbers" that have not been brought to the attention of the competent authorities. It was added that the help button was suspended on July 31, 2022, due to a disuse report for more than 200 days. Consequently, it was requested that an assessment be made of whether a situation of seriousness, urgency, and irreparable harm persists.

13. The State submitted a report on November 2, 2023. It stressed that there has been an ongoing dialogue with the beneficiary and measures have been implemented in collaboration with federal, state, and municipal authorities. It was added that the SEGOB has made available protective measures along with the Government of Jalisco. It also offered the option to update the risk assessment, but the beneficiary's consent had reportedly not been obtained. The State indicated that it forwarded communication with proposals for protection from state and municipal authorities. It requested their consent and reiterated the importance of updating the risk assessment which was last carried out in April 2018. In September 2023, the SEGOB was notified of the filing of an amparo lawsuit by the beneficiary against the aforementioned communication. The beneficiary alleged that he is denied police accompaniment outside his home and in his travels in Guadalajara, referring to the 2018 risk assessment. Suspension was granted in the amparo lawsuit, and it was requested that the SSPJ and the City of Guadalajara implement the measures.

14. The State pointed out that this is not the first time that the beneficiary has objected to the risk reassessment, adding that he was reiterated the importance of reporting the issues that he considers as threats against him in order to determine whether they are facts related to him or his case. Nonetheless, he has refused to file complaints. The State indicated that, despite the aforementioned, communication has been maintained with the beneficiary and he has participated in meetings and agreements with the authorities, during which he received security proposals from various authorities, but has not agreed to implement them. National Guard accompaniment has been maintained every time the beneficiary has had to carry out activities related to his case and, when it has not been possible, it was because the request was not presented with the necessary requirements or within the necessary timeframe. The State indicated that there have been no incidents of risk and the security authorities remain committed to providing protection. Consequently, the State requested to lift these precautionary measures.

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

15. On December 7, 2017, the beneficiary indicated that, on December 5 of that same year, there was a riot in a prison where he was previously detained and that a policeman told him that a person had asked his room in the hospital where he was recovering. The proposed beneficiary reportedly saw this individual in the hospital and identifies him as one of his aggressors. He requested to be transferred to a prison outside of Nayarit. On December 26, the representation reported that, on December 18, they observed a recent model double cab pickup truck pass through the hospital and film the area where the beneficiary was. They asked that provisional measures be requested from the Inter-American Court.

16. In a communication dated January 4, 2018, it was noted that on December 22, 2017, officials from Nayarit went to the hospital to establish protection measures to be implemented and on December 26, 2017, the Public Prosecutor's agent in his case also went. The agent reported obstacles attempting to talk to the beneficiary, which he attributed to the police officer who was in charge of guarding the beneficiary to prevent him from escaping. On January 20, 2018, he reported that on January 1 and 17, 2018, state police officers attempted to remove him from the hospital, despite the order from federal judges to prevent it. He indicated that he left the hospital guarded by federal police and requested that his control measures be modified to a weekly signature in a Guadalajara court, to avoid the risk of going to Nayarit. On February 20 and 24, 2018, they reported that on February 15, the beneficiary was in his vehicle with his brother when a vehicle with four men pulled alongside them and stared at them, so they proceeded to rush off to lose them. He requested personalized protection. On April 28, he provided photographs of a court decision, which is not clearly legible. On May 16, he sent a communication to the SEGOB, informing them that he would not attend a meeting and requested protection agents. On May 17, 2018, he once again provided an unreadable court decision. On May 24, 2018, among other reports, he reported that while walking his dog on April 21, he saw three men who seemed suspicious to him, so he immediately returned home. He repeated his request for provisional measures. On November 16, he submitted an appeal for protection of constitutional rights (*amparo*) decision in his favor against a formal detention order of June 2018. On November 20, he sent a communication to SEGOB regarding a verification of the correct functionality of his help button.

17. On January 1, 2019, the beneficiary reported that since December 1, 2018, there were challenges in communication with SEGOB and it was allegedly not possible to guarantee accompaniment for his transfers to Nayarit. On February 9 and 25 and April 6, the representation sent photographs of handwritten documents, which were barely legible, and which alleged that "a high-risk context persists" regarding the beneficiary. On April 12, a brief was filed alleging State non-compliance with the precautionary measures, providing reasons as to why they disagree with what was reported by the State in its March 2018 report on implementation, but did not present any new facts. On April 18, the applicants forwarded a communication sent to the United Nations Working Group on Arbitrary Detention and, on June 3, they sent a communication to the ECHR, in relation to proceedings before those bodies. On June 5, they reiterated the considerations of April 18 regarding non-compliance with the precautionary measures. On June 11, they provided photographs of a communication from the Executive Commission for Attention to Victims (*Comisión Ejecutiva de Atención a Víctimas*, CEAV) to the Executive Director of Amnesty International Mexico (*Amnistía Internacional México*, AI), in response to a request by AI to bring the case to the attention of Amnesty International. On June 14, they reiterated previously presented arguments of non-compliance, but did not present new facts. On June 28, a communication was sent to the SEGOB, requesting accompaniment on July 2, 2019 in transfers to sign his provisional release before a Judge in Jalisco. On July 24, the representation provided a case law document of the inter-American system and the United Nations on international liability that they consider applicable to their case.

18. On July 31, 2019, it was reported that only the beneficiary had been provided with protection, despite the fact that it was provided that the measures to be adopted must be "consulted and agreed upon with the beneficiary and his representatives", no protection measures have been adopted in favor of his representatives in the processes at the internal level. They therefore request its extension in favor of five persons.<sup>4</sup> The processes followed internally were listed, but no facts related to the representation was presented.

<sup>4</sup> (1) Guillermo Cambero Quezada, (2) Ramiro Aguirre Aguirre, (3) Jesús Alejandro Pérez Pereda, (4) Juan Carlos Sánchez Solorzano, and (5) Jorge Valenzuela Vázquez.

19. On August 7 and October 22, 2019, internal judicial resolutions were provided on the beneficiary's cases. On October 1, they forwarded an email informing the beneficiary that he was recognized as a victim before the CEAV. On November 5 and 8, they forwarded emails about a statement made by the beneficiary that he was not allowed to present evidence in Guadalajara. The SEGOB stated that it would arrange for the support of the Federal Police for his transfer to Nayarit. On December 3, they provided an illegible handwritten document, which they indicate corresponds to the dismissal of the criminal action due to lack of guarantees.

20. On April 10, 2020, he sent emails to institutions and NGOs and requested that they "send this document to the *cenator* Álvarez and Casa (sic), if possible. It is my statement regarding what happened to me, in case something happens to me" (does not contain attached document). On April 11, he sent a document that he calls "chronicle of an announced deviation of power", where he narrates facts related to his case and the processes against him and those where he has denounced. On April 17, 2020, he sent case law from a case before the Inter-American Court, since he considers it shares similarities with his case. On April 20, 29, and 30, he sent photographs of handwritten documents which were barely legible. He indicated that the State has the obligation to terminate criminal proceedings, determine responsibilities against various persons, repair the damage caused, issue orders for the recapture of released persons, among others. He states that the State report does not indicate any actions to clarify the facts. On July 3, he forwarded an email from the Prosecutor's Office acknowledging receipt of his brief of evidence and request for criminal prosecution. The beneficiary considered that there was evidence of obstruction of justice. On July 16 and 27, he submitted a brief sent to the Prosecutor's Office on the evaluation of evidence. On August 1, 2020, a poorly legible handwritten letter was sent where, among other things, it is alleged that sufficient and timely measures are not taken to protect the beneficiary, that the measures were not agreed with the beneficiary and his representatives, and that the facts have not been investigated. On September 12 and October 6, he sent communications to the Prosecutor's Office and a Judge.

21. On January 11, 2021, in a handwritten document, which was difficult to read, he reiterates considerations of the brief from August 1, 2020. On February 16, 2021 he requested a work meeting, alleging "judicial persecution" against the beneficiary, since a Criminal Court in Nayarit required him to present expert evidence on March 12, 2021 and warned him that he will be sanctioned if he disrupts the order in the proceedings. It was alleged that the precautionary measures have not been complied with, indicating that a friend of his was kidnapped and executed in November 2020, while also referring to the murder of the former governor of Jalisco, Aristoteles Sandoval, on December 18, 2020.

22. On April 6, 2021, he forwarded a communication sent to the SEGOB. The report states that on March 8, 2021, the beneficiary was driving a vehicle in Guadalajara when he noticed that a white van with tinted windows was obstructing the bicycle lane about 50 meters from where he was. He then went to a shopping plaza and noticed that the van was behind him also entering the plaza. The beneficiary drove to the end of the parking lot and noticed that the other vehicle did too. He then went to the *OfficeMax* store and noticed that a person in the vehicle got out of it. When the beneficiary passed the store's temperature filter, the other person hurried back to the van and they left the premises. The beneficiary reported having pressed the panic button, where they informed him not to leave the store and that security would be there shortly. He then noted seeing two people inside *OfficeMax* who looked suspicious to him, a tattooed man in a polo shirt who lined up behind him at the checkout counter, and another with a "black satchel". The

first person left and the second stayed between the aisles of the store, so the beneficiary decided to leave at this time. The beneficiary's brother reportedly corroborated that 20 minutes after the call, a patrol car arrived. He added that they called him from the emergency button to tell him not to leave the store, but that they scolded him because he left. The beneficiary added that they were monitoring his home, but did not provide further details. He noted having received a communication from the SEGOB to perform a new risk assessment, but he considers that it is not necessary and requests that the assessment performed in 2018 be complied with.

23. On May 11, 2021, he sent photographs of an unreadable handwritten document, which shows a request to submit their case to the Inter-American Court. On June 8, he attached a letter addressed to the Prosecutor's Office where he expresses disagreement with decisions made and develops arguments on evidence and different considerations.

24. On January 4, 2023, it was reported that on July 29, 2019, there was a meeting with authorities and that he did not sign the minutes because he did not agree with the security measures. He added that he was unable to contact SEGOB staff in 2021, and continued to be unable to do so until September 3, 2022. In a consultation meeting held on October 10, 2022, he requested that he be granted an escort for all his travels in Guadalajara, which he considered necessary "due to the serious threats he suffered from 2019 to 2022". On October 15, 2022 he was notified that it was not possible to implement police accompaniment for all his transfers. He alleged that, as his cases were advancing internally, where he was recovering property and compensation, threats against him and his family were increasing. On July 12 and 20, 2023, he sent communications to internal authorities. He submitted one to the CEAV requesting that reparation measures be determined in his favor, and another to a criminal judge in Nayarit, requesting dismissal of the case against him. Lastly, on August 7, 2023, the representation alleged that: 1) the State report that was forwarded is one day after the deadline, so its content is not attestable; 2) the accompaniments that the SSPJ should have carried out during his displacements in Guadalajara, Jalisco were not complied with; 3) the complaints that have taken place about events against him and his family have been filed, the last one dated July 24, 2023 (he did not provide details); 4) the situation that places him at risk has not changed, so it is not appropriate to evaluate whether the requirements of seriousness, urgency, and irreparable harm are ongoing; and, 5) he may be subject to preventive detention at any time.

#### **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 this Article, the IACHR grants precautionary measures in urgent and serious 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 established repeatedly that precautionary and

provisional measures have a dual nature, both protective and precautionary.<sup>5</sup> Regarding the protective nature, these measures seek to avoid irreparable harm<sup>6</sup> and protect the exercise of human rights.<sup>6</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 adopted.<sup>7</sup> 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. They aim to safeguard 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 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. 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 respect to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that “[t]he decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) establishes that “[t]he 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 shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider if new situations have 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.<sup>8</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>9</sup> The Inter-American Court has indicated that the passage of a

<sup>5</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.

<sup>6</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; 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.

<sup>7</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; 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.

<sup>8</sup> I/A Court H.R. [Matter of Fernández Ortega et al. Provisional measures regarding Mexico](#). Order of February 7, 2017, paras. 16 and 17.

<sup>9</sup> *Ibidem*

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reasonable period of time without any threats or intimidation, in addition to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>10</sup>

29. Prior to analyzing if the procedural requirements remain in force, the Commission considers pertinent the analysis of the following preliminary issues. *First*, the IACHR wishes to recall that the mechanism of precautionary measures is called upon exclusively to analyze issues related to the requirements of seriousness, urgency, and irreparable harm established in Article 25 of the Rules of Procedure of the IACHR. In this regard, it is noted that throughout the period in question, the representation has sent multiple communications related to the legal proceedings against the beneficiary and those he has filed. The representation has provided judicial rulings and briefs submitted to the domestic authorities, as well as allegations related to State responsibility and jurisprudence that they consider applicable. In this regard, the Commission recalls that the analysis of the compatibility of these proceedings in light of the American Convention is beyond the scope of these proceedings, and therefore, these allegations will not be the subject of this resolution and should be analyzed through the system of petitions and cases, in the event that an individual petition is filed and the conventional and procedural requirements in force are met.

30. As a *second preliminary question*, the Commission observes that, in its communications of December 26, 2017, May 24, 2018, and May 11, 2021, the representation requested that the matter be submitted to the Inter-American Court. In accordance with Articles 25(12) and 76 of its Rules of Procedure, as well as Article 63(2) of the American Convention, the Commission may indeed request provisional measures from the Inter-American Court “in situations of extreme seriousness and urgency when necessary to avoid irreparable harm to persons”. The Commission takes into consideration several criteria, such as that “the State concerned has not implemented the precautionary measures granted by the Commission [or] the precautionary measures have not been effective [...]”. In this regard, as will be analyzed below, the Commission has taken note of the measures implemented by the State, as well as the information provided on the situation that places the proposed beneficiary at risk, and therefore has not considered the need to request provisional measures from the Inter-American Court.

31. Lastly, as a *third preliminary question*, the Commission notes that, in its communication of July 31, 2019, the representation requested the extension of the precautionary measures in favor of five people. The above, alleging that it was decided to “consult and agree upon the measures to be adopted with the beneficiary and his representatives” and given that the referred persons represent the beneficiary in the internal processes. In this regard, the IACHR recalls that concertation measures seek to ensure that the measures to be adopted are agreed with the beneficiaries and their representatives in order to ensure their participation in the planning and implementation of the measures.<sup>11</sup> Within the framework of these precautionary measures, the Commission only identified Mr. Eduardo Valencia Castellanos as the beneficiary. The Commission notes, according to the information provided by the parties, that the beneficiary has been accompanied by his representation at the implementation or consultation meetings convened by the State. Furthermore, although the beneficiary alleged a relation with the matter at hand due to the legal representation exercised by the persons in their cases, no concrete facts were provided that allow the Commission to consider a situation of risk against the five persons who are referred to. This situation did not change despite the information forwarded between the parties.

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<sup>10</sup> *Ibidem*

<sup>11</sup> IACHR. General Guidelines for Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights: approved by the Inter-American Commission on Human Rights on September 30, 2019.

32. Having specified the foregoing, the Commission proceeds to carry out the analysis of keeping these precautionary measures in force. The Commission observes that the State requested the lifting of these precautionary measures on March 31 and November 2, 2023. Under the terms of Article 25.9 of the Rules of Procedure, the request to lift dated March 31, 2023 was forwarded to the representation in a timely manner. It requested updated information and its observations on the request to lift, and indicated that the Commission would evaluate keeping these precautionary measures in force. The representation sent its last communication on August 7, 2023, expressing its observations against the lift, while the State reiterated its request by communication of November 2, 2023.

33. In analyzing if the procedural requirements remain in force, the Commission observes that, in 2018, it considered that the procedural requirements regarding Mr. Eduardo Valencia Castellanos were met, given the aggressions to which he was subjected while in detention and the alleged surveillance in the hospital, as well as the attempts to return him to the detention center where the acts of violence took place. In this regard, the IACHR notes that it is not a disputed fact that Mr. Castellanos has been at liberty since January 17, 2018, the date on which he was granted bail. Furthermore, the IACHR notes that the State guaranteed the safety of the beneficiary in the transfer of Nuevo Vallarta to his home in Guadalajara, Jalisco. Although the beneficiary has alleged, without details, the possibility of being returned to prison, the IACHR notes that he has remained at liberty throughout the duration of the precautionary measures, for almost five years, and there are no elements to evaluate his return to prison. In these circumstances, the Commission observes that the conditions under which the precautionary measures were granted have changed significantly, since the beneficiary is no longer deprived of liberty in the custody of the State.

34. The IACHR warns that it is appropriate to analyze if the procedural requirements remain in force, in light of the current circumstances. Thus, from the reports submitted by the State, the Commission observes that the following measures have been implemented:

- The following were adopted as safety measures:
  - o Police accompaniment of the beneficiary when he has had to go to Nayarit to carry out activities related to legal proceedings to which he is a party;
  - o Scheduled rounds at his home;
  - o Emergency button - until July 31, 2022, due to its disuse being reported;
  - o Emergency contact numbers;
  - o On July 29, 2019, the SSPJ offered to provide accompaniments to the beneficiary on Mondays, Wednesdays, and Thursdays from 10:00 a.m. to 3:00 p.m. in order for the beneficiary to carry out his activities. The Commission observes that, although the beneficiary refused to sign the agreement of the meeting, it subsequently alleged its non-compliance. Although it was reported that the SSPJ indicated that it had been complying with them, the IACHR is unclear about their implementation.
- Concertation meetings were held with the beneficiary and its representatives on February 8, 2018, July 29, 2019, October 10, 2022, and January 13, 2023;
- Several investigative actions carried out by the Prosecutor's Office have been reported;
- The Commission takes note of the State's willingness to coordinate security measures with state and municipal authorities, noting that some of them have not been accepted by the beneficiary, even making use of his right to appeal these decisions, with the filing of an amparo lawsuit;
- The IACHR, in turn, highlights the State's willingness to update the 2018 risk assessment, which the beneficiary has refused. The Commission considers that the assessment carried out almost five years ago does not necessarily represent the reality of the beneficiary's current situation.

35. In relation to this last point, the Commission recalls what was indicated by the Inter-American Court, in regard to human rights defenders, regarding the suitability of the protection measures, which must be in accordance with the functions of the persons, the level of risk must be subject to an evaluation in order to adopt and monitor the measures that are in force and must be able to be modified according to the variation in the intensity of the risk.<sup>12</sup> In this regard, the risk assessment is the means by which the State may identify the most suitable and effective measures or “the most appropriate mechanisms to comply with the measures dictated by the organs of the inter-American system”,<sup>13</sup> which corresponds to the State through its national mechanisms for the protection of persons at risk.<sup>14</sup> In this regard, considering the temporary and provisional nature of the protection measures, it is important to update the risk assessments, which may result in a more moderate level than the initial one, resulting in the adjustment of the components of the security plan.<sup>15</sup> In addition, when a risk assessment contradicts the perception of the beneficiaries, the authorities must receive information from the beneficiaries and their representatives on the reasons why they consider there is a risk.<sup>16</sup> Thus, considering that “if the conditions of risk to life and integrity do not subsist, neither do the reasons to keep them in force”, it is necessary for the States to carry out a risk assessment to decide on the permanence of the protection measures.<sup>17</sup>

36. In this regard, the Commission notes that it is not a controversial fact that the beneficiary has refused to update the risk assessment, and requested that the one carried out in 2018 remain in force. In addition, it is noted that in view of the most recent consultation meetings of October 10, 2022 and January 13, 2023 and the constant communication by other means with the state authorities, there is no knowledge of the reasons for the beneficiary’s refusal to review the situation that places him at risk and possible determination of the protection measures he allegedly requires. Furthermore, as is indicated *below*, there are no reports of specific events that place the beneficiary at risk or, despite the explicit request of the State, of complaints that have been filed for risks that the beneficiary has faced that justify the requested measures.

37. Regarding if the situation of risk is ongoing, the Commission observes the following:

- Regarding specific events, the following was reported: i) on February 15, 2018, they observed that a vehicle with four men pulled alongside them and were looking at them, so they proceeded to speed of to lose them; ii) on April 21, 2018, while walking his dog, he saw three men who seemed suspicious to him, so he immediately returned home; and, iii) on March 8, 2021, he noticed people he considered suspicious in a vehicle, which drove to the same plaza and the same store as him

<sup>12</sup> I/A Court H.R. [Case of Human Rights Defender et al. v. Guatemala](#). Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 28, 2014. Series C No. 283, Considerandum 157; See, also: IACHR. [Northern Central America Environmental defenders](#). December 16, 2022. OAS/Ser.L/V/II. Doc400/22, para. 217

<sup>13</sup> IACHR. [Towards Effective Integral Protection Policies for Human Rights Defenders](#). 333; IACHR. [Second Report on the Situation of Human Rights Defenders in the Americas](#). 456-460.

<sup>14</sup> IACHR. [Towards Effective Integral Protection Policies for Human Rights Defenders](#). December 29, 2017, OAS/Ser.L/V/II. Doc. 207/17, paras. 263, 264, 281, 299 et al.

<sup>15</sup> *Ibid.*, paras 321-234.

<sup>16</sup> *Ibid.*, para. 325

<sup>17</sup> IACHR. [Second Report on the Situation of Human Rights Defenders in the Americas](#). December 31, 2011. OAS/Ser.L/V/II. Doc.66, paras. 529, 531. For its part, the Inter-American Court has ordered the carrying out of risk assessments at the domestic level on different occasions. See, for instance: I/A Court H.R. [Matter of Castro Rodríguez regarding Mexico. Provisional Measures. Order of the Inter-American Court of Human Rights of November 18, 2020](#), considerandum 14; [Matter of Castro Rodríguez regarding Mexico. Provisional Measures. Order of the Inter-American Court of Human Rights of June 23, 2015](#), considerandum 18; [Order of the Inter-American Court of Human Rights of November 14, 2017](#), considerandum 10; [Order of the Inter-American Court of Human Rights of November 18, 2020](#), considerandum 14.

and, afterwards, he noticed two suspicious people inside the location. In this regard, the IACHR understands that in the beneficiary's situation, these events cause anxiety and fear. However, the Commission notes that in none of them was there any direct threat or harassment against Mr. Valencia. The Commission also notes that in the last of the events, the emergency button provided as a protection measure was used. However, the instructions received were not followed, and therefore, since the authorities were not heeded, there were no consequences that could have clarified the facts.

- In addition, it was mentioned that a friend of the beneficiary was kidnapped and executed in November 2020, as well as that the former governor of Jalisco, Aristoteles Sandoval, was murdered on December 18, 2020. In this regard, the IACHR has no elements to consider that these events are related to the beneficiary.
- Additionally, it is noted that in the communications of January 4 and August 7, 2023, the beneficiary reported "threats against him and his family," the latest on July 24, 2023. In this regard, the State referred in its communication of March 31, 2023, to threatening electronic communications and calls from unknown numbers and referred to the importance of filing complaints. However, despite the constant communications submitted by the representation, the Commission has not received details on the aforementioned threats, nor have any complaints been submitted to the authorities. The Commission therefore does not have elements to assess the impact on the beneficiary's situation.

38. In this matter, taking into account the nature of the precautionary measures mechanism, in addition to the information available and the analysis carried out, the Commission understands that it has no elements to support compliance with the requirements of Article 25 of the Rules of Procedure. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,<sup>18</sup> the Commission considers that it is appropriate to lift these measures. In addition, the Commission considers that the corresponding allegations reportedly be assessed within the framework of the petition and case system, should a petition be filed.

39. In line with what was indicated by the Inter-American Court in various matters,<sup>19</sup> a decision to lift cannot imply that the State is relieved from its general obligations of protection, contained in Article 1.1 of the Convention, within the framework of which the State is especially obliged to guarantee the rights of persons at risk and must promote the necessary investigations to clarify the facts, followed by the consequences that may be established. Similarly, also based on the findings of the Inter-American Court, the lifting of the precautionary measures does not imply an eventual decision on the merits of the dispute.<sup>20</sup>

40. 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

<sup>18</sup> I/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.

<sup>19</sup> See: I/A Court H.R. Matter of Velásquez Rodríguez. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988. Recital 3; Matter of Giraldo Cardona and others. Provisional measures regarding Colombia. Order of the Inter-American Court of Human Rights of January 28, 2015. Recital 40; and, I/A Court H.R. [Case of Vélez Loor v. Panama. Provisional Measures](#). Order of the Inter-American Court of Human Rights of May 25, 2022. Considerandum 62.

<sup>20</sup> See: I/A Court H.R. Matter of Guerrero Larez. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of August 19, 2013. Considerandum 16, and Matter of Natera Balboa. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of August 19, 2013, considerandum 16.

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respect and guarantee the rights recognized therein, including the life and personal integrity of the persons identified in the matter at hand.

**V. DECISION**

41. The Commission decides to lift the precautionary measures granted in favor of Eduardo Valencia Castellanos, in Mexico.

42. The Commission recalls that the lifting of these measures does not prevent the representation 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.

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

44. Approved on March 6, 2024, Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary