
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 20/2022**

Precautionary Measure No. 404-10
Members of the Qom Navogoh Indigenous Community “La Primavera”
regarding Argentina
May 3, 2022
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the members of the Qom Navogoh indigenous community “La Primavera,” in the Formosa Province, Argentina. At the time of making the decision, the Commission evaluated the actions that the State took during implementation, as well as the observations from the beneficiaries’ representatives. Following the State’s request to lift, the IACHR requested the representatives’ observations. Upon assessing the circumstantial changes and as, based on the information available, it was not possible to determine that the procedural requirements were fulfilled, the IACHR has decided to lift the present measures.

II. BACKGROUND INFORMATION

2. On April 21, 2011, the IACHR granted precautionary measures in favor of the members of the Qom Navogoh indigenous community “La Primavera,” in the Formosa Province, Argentina, on behalf of the Center for Legal and Social Studies (*Centro de Estudios Legales y Sociales*, CELS). The request for precautionary measures alleged several violent acts against community members at the hands of officers from state security forces in November 2010. These acts reportedly led to the displacement of leader Félix Díaz and his family. The applicants reported that the aggressors remain in the area and that they create a climate of tension among the residents. Furthermore, they added that no security measures had been implemented to allow the return of Félix Díaz and his family. Consequently, the Commission requested that the State of Argentina: a) adopt the necessary measures to guarantee the life and physical integrity of the members of the Qom Navogoh indigenous community against possible threats, aggressions, or harassment by police officials, security forces, or other state agents; and b) implement the necessary measures for the safe return of Félix Díaz and his family to the community.¹

III. SUMMARY OF THE INFORMATION PROVIDED DURING THE TIME THE PRECAUTIONARY MEASURES WERE IN FORCE

3. During the time the precautionary measures were in force, the Commission has followed up on the situation at issue pursuant to Article 25 of its Rules of Procedure, particularly by requesting that the parties provide information.²

¹ IACHR. Precautionary Measures 2011. Available [in Spanish] at:
<https://www.oas.org/es/cidh/decisiones/MC/cautelares.asp?Year=2011&Country=ARG>

² On May 11, 2011, the State submitted a report. On May 17, 2011, the report was submitted to the representatives for comments. On May 19, 2011, the representatives also presented a report. On June 29, 2011, the State presented its report. On July 8, 2011, the Commission requested the parties submit updated information. On July 8, 2011, the representatives submitted a report. On July 18, 2011, the State submitted a report. On August 3, 2011, the Commission forwarded the information to provide updated information. On August 8, 2011, the representatives submitted

4. In a more recent development, on March 6, 2020, the State submitted a report in which it requested that the precautionary measures be lifted. On April 15, 2020, the Commission forwarded the report to the representatives and granted them 30 days to make observations. On May 16, 2020, the representatives submitted a report. On January 20, 2022, they submitted an update on contact information. On March 16, 2022, the Commission requested that the parties submit updated information. The representatives submitted information on March 31 and April 12, 2022. Although the State requested a time extension, the information was submitted on April 5, 2022.

a report and on August 10, the State requested a time extension. On September 1, 2011, the representatives submitted a communication. On September 13, 2011, the Commission forwarded to the State the report submitted by the delegation to provide the information requested on August 3, 2011. On October 17, 2011, the representatives provided information. On October 20, 2011, the Commission forwarded it to the State and reiterated the request for information first communicated on September 13, 2011. On October 27, 2011, the representatives submitted a report. On November 19, 2011, the State requested an extension, which was granted on November 23, 2011. On December 27, 2011, the State presented a report. On January 6, 2012, the Commission forwarded it to the representatives for comments. On January 12 and 20, 2012, the representatives submitted a report. On January 27, 2012, the Commission forwarded it to the State for comments. On February 9, 2012, the representatives presented a report. On February 17, 2012, the State requested an extension. On February 21, 2012, the representatives sent various annexed documents. On February 22, 2012, the Commission granted the State an extension. On March 29, 2012, the State requested an extension to provide updated information which was granted on June 28, 2012. On March 30, 2012, the representatives submitted a communication. On July 20, 2012, the representatives submitted a report. On July 26, 2012, the Commission forwarded the information presented by the representatives to the State. On July 27, 2012, the State again requested an extension, which was subsequently granted on August 29, 2012. On September 24, 2012, the State presented a report. On September 28, 2012, one beneficiary submitted a communication. On October 12, 2012, the Commission forwarded the report submitted by the State to the representatives. On November 1, 2012, the State submitted a report. On November 12, 2012, the representatives presented a report. On November 15, 2012, the State submitted a report. On November 21, 2012, the Commission forwarded the information for comments. On December 14 and 19, 2012, the representatives submitted several annexes. On December 21, 2012, the State requested an extension, which was granted on January 10, 2013. On February 22, 2013, the State requested another extension, which was granted on March 4, 2013. On March 27, 2013, the representatives submitted updated information and the State requested an extension. On April 24, 2013, the State submitted a report. On May 13, 2013, the Commission forwarded the information in order to receive updated information. On June 4, 2013, the Commission requested updated information from the parties. On June 20, 2013, the State requested an extension. On June 20, 2013, the representatives provided information. On July 17, 2013, the State submitted updated information. On August 23, 2013, the Commission forwarded the information in order to provide updated information. On September 27 and 28, 2013, the State requested an extension, which was granted on October 3, 2013. On October 8, 2013, the representatives submitted a report. On October 17, 2013, the State requested a one-month extension. On November 4, 2013, the State submitted a report. On November 7, 2013, the Commission forwarded the information in order to provide updated information. On December 2, 2013, the representatives submitted a communication. On December 12, 2013, the State presented a report. On December 14, 2013, the representatives also presented a report. On December 18, 2013, the Commission forwarded the information and requested the parties to provide updated information. On January 15 and 17, 2014, the representatives submitted a report. On January 27, 2014, the State requested an extension, which was granted on January 31, 2014. On February 19, 2014, the State requested another extension, which was granted on February 25, 2014. On March 12, 2014, the State submitted a report. On April 10, 2014, the Commission forwarded the comments to the representatives. On May 10, 2014, the representatives submitted a report. On May 19, 2014, the State submitted a report. On May 22, 2014, the State requested the precautionary measures be lifted. On August 28, 2014, the Commission forwarded the information to provide updated information. On the same day, the representatives submitted a report. On September 23, 2014, the Commission reiterated its request for information made on August 28, 2014. On October 2, 2014, the State requested an extension, as did the representatives on October 3, 2014. On October 8, 2014, the representatives provided updated information. On November 19, 2014, the State submitted a report. On December 23, 2014, the representatives also presented a report. On December 29, 2014, the Commission forwarded the information to provide updated information. On January 27, 2015, the State repeated its request to lift the precautionary measures. On January 28, 2015, the representatives requested an extension to provide an updated request. On February 13, 2015, the representatives presented a report. On March 9, 2015, the Commission forwarded the information. On March 10, 2015, the State submitted a report. On April 10, 2015, the representatives presented a report. On May 18, 2015, the State submitted a report. On July 23, 2015, the Commission forwarded the information to provide updated information. On August 18, 2015, the representatives submitted a report. On September 29, 2015, the State presented a report. On October 7, 2015, the Commission forwarded the information. On October 8, 2015, the representatives submitted a report. On October 16, 2015, the State requested an extension, which was granted on October 27, 2015. On October 16, 2015, the representatives provided information. On November 6, 2015, the State requested an additional extension. On November 25, 2015, the State submitted a report. On January 20, 2016, the representatives submitted information. On March 4, 2016, the Commission convened a working meeting for April 6, 2016. On June 15, 2016, the representatives presented a report. On May 17, 2017, the Commission forwarded it to the State for comments. On July 18, 2017, the representatives submitted a report. On August 17, 2018, the State submitted information. On December 6, 2018, the Commission forwarded the information to the representatives for comments. On January 7, 2019, the representatives presented a report. On March 28, 2019, the Commission forwarded it to the State for observations. On April 23, 2019, the State requested an extension, which was granted on May 10, 2019. On May 28, 2019, the State requested an additional extension, which was granted on August 16, 2019. On September 27, 2019, the State requested an additional extension.

5. A yearly summary of the information submitted by the parties is presented below.

A. Information provided by the representatives

- 2011

6. On May 19 and July 8, 2011, the representatives reported that the members of community had returned to the area, except for Félix Díaz. On September 1, 2011, the representatives stated that Félix Díaz was charged with criminal incitement in connection with the events that took place on November 23, 2010. In this regard, it was indicated that only members of the community were being investigated for the events that took place in 2010. It was also stated that following the investigation regarding the events occurred on November 23, two police officers, who had been released due to lack of admissible evidence, were charged.

7. Since May 2011, security measures have been implemented in the communal territory and the Frontier Patrols are the responsible state force. The representatives stated that “the measures adopted so far provide a minimum level of security and peace of mind for the members of the community.” In addition, they indicated that “harassment” by provincial police personnel continued. On June 25, 2011, the election of the community representative was held, Félix Díaz was elected. On August 5, 2011, the representatives indicated that the necessary documentation to register the Indigenous Community “Potae Napocná Navogoh” in the National Registry of Indigenous Communities (*Registro Nacional de Comunidades Indígenas*, RENACI) was submitted to the National Institute of Indigenous Affairs (*Instituto Nacional de Asuntos Indígenas*, INAI).

8. On September 13, 2011, a working meeting was held between state authorities and community members in which the community’s registration in RENACI was addressed. In addition, a land-use plan was discussed in order to resolve issues regarding land ownership with the indigenous community. On October 27, 2011, it was reported that during the meetings of the Roundtable held on August 9 and September 13, 2011, the authorities who participated did not have decision-making power. Lastly, it was reported that on September 30, 2011, Tino Díaz, grandnephew of Félix Díaz, had his house set on fire. It was also reported that on October 6, 2011, four armed individuals on horseback entered Ricardo Vargas’ house, allegedly with the aim of intimidating him and his family. He stated that members of the community tried to contact the members of the Frontier Patrols responsible for the community’s security but were unable to do so.

- 2012

9. On January 27, 2012, a meeting was held with members of the Frontier Patrol that were responsible for community security. Work meetings were held on March 24, 2012, and May 9, 2012. The following commitments were agreed upon: to carry out tasks to guarantee the security of the community, such as establishing a liaison between the beneficiaries and the State in order to coordinate the implementation of the precautionary measures; and the drafting of a protocol to define the role of the Frontier Patrols and the Provincial Police regarding the community’s security. Subsequently, during concertation meetings on July 25, 2012, and September 10, 2012, it was reported that the representatives stated that provincial government officials recommended the participation of Mr. Cristino Sanabria, which the representatives considered problematic as Mr. Sanabria’s participation would encourage divisions within the community.

10. On November 13, 2012, a meeting was held within the framework of the Provincial Complementation Council for Internal Security in the city of Formosa (*Consejo Provincial de*

Complementación para la Seguridad Interior en la ciudad de Formosa), where urgent measures were taken to minimize accidents on the roads surrounding the community.³ At the consultation meeting on December 18, 2012, the following was established: (i) the assessment of the police personnel working in the community in order to prevent the officers who participated in the events of November 23, 2010 from continuing to provide active service; (ii) a dialogue regarding the Draft Protocol for the Intervention of the Security and Police Forces (*Proyecto de Protocolo de Intervención de las Fuerzas de Seguridad y Policiales*) was postponed until the next meeting; (iii) to request the National Roads Department (*Dirección Nacional de Vialidad*) and the Provincial Roads Department (*Dirección Provincial de Vialidad*) to establish security measures on the route of National Route 86, Provincial Route 3 and local roads in the community's jurisdiction; and (iv) to schedule a meeting in 2013.

11. On December 14, 2012, the final dismissal was issued in favor of specific members of the community. In addition, information was provided on criminal complaints and other communications.⁴ The lack of progress in the community's land claim before the Supreme Court of Argentina was questioned.

12. The representatives referred to the following alleged facts: On December 28, 2011, Mr. Samuel Garcete had convulsions and was admitted to intensive care at the Formosa Central Hospital (*Hospital Central de Formosa*) and then transferred to the High Complexity Hospital (*Hospital de Alta Complejidad*) and the care he received was questioned; on November 8, 2011, Félix Díaz' son and grandson were allegedly assaulted with gunshots when they were traveling along a road in the community; on January 7, 2012, Rolando Díaz was attacked by four youths with sticks, bottles, and blows to the head; on January 17, 2012, the lack of consultation regarding the granting of social housing was questioned; on January 18, 2012, there were incidents with firearms against members of the community;⁵ on January 25, 2012, Erma Peteñi was allegedly in her home when she was hit with a hammer on her left cheek; on January 31, 2012, there was a stampede on the community road, which caused Ms. Amanda Asijak, Félix Díaz' wife, to be trampled over; on February 4, 2012, two hooded individuals on a motorcycle wounded Juan Carlos Díaz in the left arm with a knife, he was subsequently taken to the hospital and the care he received was questioned; on March 7, 2012, Cristino Sanabria, a member of the community, told Félix Díaz to stop carrying out legal actions or else he and other members of the community would retaliate against him; on June 29, 2012, Félix Díaz's son was physically assaulted by a group of twenty-five people with machetes, sticks, and chains; Félix Díaz stated that unknown persons had been near his home shouting threats against him and his family (no date provided); on June 25, 2012, Cristino Sanabria reportedly threatened Laureano Sanagachi, a community authority; in the early morning of July 7, 2012, a group of people attacked Carlos Yeikle; on October 2, 2012, buffaloes entered the territory occupied by Oscar Alfredo Cañete; upon the community's complaint, the animals were removed; on October 20, 2012, Roberto Alonzo, a member of the community, was verbally assaulted by José Saucedo, who had a gun on him; and on August 9, 2012, Félix Díaz was riding his motorcycle when a black pickup truck ran over him at high

³ It was reported that on December 9, 2019, two members of the community died as a result of an accident on National Route 86.

⁴ The representatives referred to: criminal complaint for the violation of human rights and discrimination against the Qompi for the facts that occurred since their struggle for their ancestral territories began; criminal complaint for the crimes of usurpation, threat, and/or any other crime that could be characterized against police personnel for facts that occurred since the beginning of the struggle for the ancestral territories of the community; criminal complaint for the crime of limiting the freedom of movement or crime that could be classified as the Police of the Formosa province, specifically the Special Unit of Rural Affairs (*Unidad Especial de Asuntos Rurales*), denies community members access into their ancestral territory; documents that dismiss all the complaints due to the lack of detail as insufficient information is provided to prove the commission of a crime; and communication presented by the representatives before the Supreme Court of Argentina to report on the community's situation.

⁵ The representatives referred to: a) At about 1:30 pm when some children were trying to obtain honey in the community area, Jorge Saucedo, an individual who occupies the community's lands, shot at the children while telling them to leave his land and that he was going to kill them; b) Sindulfo Caballero's family suffered an attack when someone started shooting at their home; and c) Horacio López was attacked by Ángel Mendoza, who shot him while on horseback. The only facts reported were the attack on minors, as the other victims believe that the complaints will not be adequately handled.

speed, leaving him unconscious. The representatives stated that their complaints were not being taken seriously, and they also alleged discrimination. Lastly, the representatives raised questions regarding access to health and water for the community.

- 2013

13. The representatives reported that the head of the National Secretariat of Human Rights (*Secretaría de Derechos Humanos de la Nación*) and the director of the National Institute of Indigenous Affairs, along with other national officials, visited the community on March 6, 2013. A security briefing was held on April 10, 2013. On June 20, 2013, it was reported that the Protocol for the Intervention of Security and Police Forces was adopted, thereby authorizing the intervention and participation of the Frontier Patrols as a national security force in the community territory in liaison with the Provincial Police. The main security measure implemented was the intervention of Frontier Patrol personnel, under the orders of the Ministry of Justice (*Ministerio de Justicia*) and Ministry of Security (*Ministerio de Seguridad*) of Argentina, whose main purpose was to control the entry and exit of people to and from the indigenous community.⁶ On October 8, 2013, the representatives stated that the harassment experienced by the members of the community has changed and that it allegedly comes from “Creole” families in the community’s territory.

14. It was reported that: on December 23, 2012, a 16-year-old youth was run over in a neighboring community; on December 30, 2012, Omar Ávalos was in the town of Laguna Blanca with his wife when he was attacked by a group of people who beat them, the incidents were reported; on January 5, 2013 Juan Daniel Asijak was found unconscious on the side of a community road next to his motorcycle. He was taken to the hospital and subsequently died due to severe head trauma. The representatives deny allegations concerning the victim having caused the accident due to an reported inebriated state; on January 15, 2013, three people who did not belong to the community threatened Héctor Alonso with sharp weapons; and Pablo Sanagachi died in February due to pulmonary tuberculosis, cardiorespiratory insufficiency, and malnutrition; on May 4, 2013, Abelardo Díaz and Carlos Sosa were assaulted, and subsequently hospitalized at the Laguna Blanca Hospital after which they were admitted to the Hospital de Alta Complejidad in the city of Formosa; and in December 2013, they referred to the violent incidents to which relatives of Félix Díaz had allegedly been subjected.

15. The representatives considered that the provincial authorities are unaware of the community’s own system of authorities elected by its members, due to the recognition given to the Civil Association “La Primavera,” which, according to the representatives, only represents a small group of indigenous people with no community participation. Regarding the investigations into the events of 2010, it was indicated that on November 26, 2013, the decision of the judge of first instance which ruled that the intervening provincial judge and the commissioner who were in charge of the operation in November 2010 were not criminally liable was confirmed. On April 5, 2013, Félix Díaz was prosecuted by the provincial courts for the crime of usurpation of the lands that are the subject of the community property claim. Regarding the territorial dispute, the Supreme Court convened a conciliatory hearing between the parties on May 22, 2013. Lastly, the representatives indicated that there are difficulties in accessing health care.

- 2014

16. The representatives questioned the implementation of the precautionary measures and reiterated previous allegations. They believe there is unfamiliarity of the community’s own system of authorities since at a provincial level, only the Civil Association “La Primavera” was recognized and not

⁶ It was generally indicated that individuals noticed that police personnel dressed in civilian clothes was present, as was an officer who was allegedly present in the repression that took place on November 23, 2010. No further details were provided.

the head of the community, the Qarashe, Félix Díaz, who was elected in accordance with indigenous traditions. On May 10, 2014, the representatives stated that the Public Defender's Office challenged the final technical report of the survey, carried out in the framework of the process before the Supreme Court, regarding the communal territory. In this regard, questions were raised, such as the fact that the report did not include that the traditional occupation territory is the home site of 17 families, including that of Félix Díaz.

17. Lastly, the following alleged facts were presented: on January 12, 2014, medical care was requested to assist a pregnant woman, but it was delayed and the baby died at birth; members of the indigenous community filed a complaint with the Provincial Criminal Prosecutor's Office due to the presence of non-indigenous persons within the community territory (dates were not specified); on August 24, 2014, two community members' houses were set on fire, these incidents were reported; on August 29, 2014, Elías Jara died in the Hospital Central of the city of Formosa, and the medical care was questioned; on December 12, 2014, police officers found the body of Norma Artaza on the side of National Route 86, who, according to the forensic doctor, died due to bronchoaspiration as a result of alcohol intake; on December 16, 2014, a 7-month-old baby died after suffering from a high fever and after being transferred to the Hospital de la Ciudad de Formosa. Adequate medical care was again doubted.

- 2015

18. On January 15, 2015, the Ministry of Security sent the members of the community a communication in which they committed to ensuring the correct implementation of the Protocol. It was reported that the community wished to relocate two Frontier Patrol stations. On April 10, 2015, the representatives recalled that on May 24, 2013, a meeting was held in which the State proposed the continuation of the Roundtable for Dialogue. However, the State reportedly established the condition that Cristino Sanabria would have to participate as the community's authority. The community did not accept the condition and recalled that Félix Díaz was appointed as community authority on June 20, 2011. After that election, the Province withdrew from the Roundtable for Dialogue. On October 16, 2015, the representatives stated that the Protocol for the Intervention of the Security and Police Forces was being breached. On February 26, 2015, a meeting was held at the Formosa Government House. This meeting was reportedly announced on short notice, which did not allow for the proper preparation of the community authorities.

19. In February 2015, the representatives reported that the community held a protest on National Route 86 due to the State's inaction and the lack of response to the complaints they file. The local Ombudsperson filed criminal actions against those who were protesting on National Route 86. They also reported the following alleged facts: on December 28, 2014, a group of people assaulted Rolando Díaz; on January 2, 2015, Rolando Medina was found on the side of National Route 86, 500 meters from the Frontier Patrol station, in critical health condition, Rolando was hospitalized at the Laguna Blanca Hospital and then transferred to the Central Hospital of Formosa, where he died on January 3, 2015; on January 2, 2015, shots were allegedly fired in the area surrounding Félix Díaz's home; as a result, the Frontier Patrol reinforced its surveillance in the area for a few days; on February 1, 2015, Valentín Yagacle was threatened by two men; on September 30, 2015, a group of 10 women and their children were obstructing National Route 11, and the provincial police reportedly repressed the protest;⁷ on October 1, 2015, a community assembly was held the Provincial Ombudsperson attended and indicated that the indigenous people had committed a crime by obstructing the road and that he was going to work on the eviction of the indigenous people; subsequently, Delfia Quiroga received a death threat via telephone; on

⁷ On September 30, 2015, community defense lawyer Roxana Silva presented a habeas corpus to protect the life and integrity of the community, which was rejected on October 6, 2015.

October 14, 2015, a group of members of “La Primavera” were detained by the security forces when they were in the town of Laguna Blanca. They were later released and allegedly received threats and beatings.

20. Lastly, they expressed concern over access to health care and drinking water, as well as the progress of the investigations. In January 2015, work began on the building of a construction site within the community territory, but community members were not consulted in advance.

- 2016

21. On June 15, 2016, the criminal proceedings in which Félix Díaz is involved were informed. The Federal Judiciary dismissed one proceeding, regarding the investigation into the crime of road obstruction by the Federal Justice. Before the Provincial Justice, there were proceedings for crimes of resistance to authority and injuries, theft of firearm, sexual abuse, and another for the crimes of armed attack to authority, serious and minor injuries, and instigation of crimes. It was indicated that all the investigations were related to events that occurred on November 23, 2010.

- 2017

22. On December 12, 2016, Carlos Alonzo was allegedly assaulted and then hospitalized. On January 3, 2017, Manuel Salvador’s corpse was found and the cause of death was undetermined. On January 6, 2017, Esther Díaz reported that she was assaulted by a man while returning from Manuel Salvador’s funeral. On January 9, 2017, Héctor Alonso reported that someone tried to break into his sister’s, Nélica Alonso, home. On January 25, 2017, Helena Cabrera reported that she was assaulted by a man who had covered his face. On January 31, 2017, Fabián Díaz reported similar allegations. In addition, they reported dissatisfaction in the community due to the presence of cattle and the cutting of wire mesh to allow animals to pass by. It was reported that the last “community meeting” took place in October 2016.

- 2019

23. On January 7, 2019, the representatives reported that on July 23, 2018, a meeting was held, constituting progress in the implementation of the precautionary measures for the representatives. Following a meeting of the Provincial Complementation Council for Internal Security in October 2016, meetings were held on July 23 and October 31, 2018. The next meeting was scheduled for 2019. They considered that the State has yet to report on the relocation of the Frontier Patrol checkpoints. On May 18, 2018, notification was given of the withdrawal of the affected personnel and resources to the security stations at the Community Integration Center (*Centro Integrador Comunitario*) and on National Route 86. The representatives indicated that this decision should have been consulted with them. The representatives were informed about the deployment of the personnel and that it would be carried out with the purpose of optimizing and making the best use of the available human and material resources. There was a dispute in the areas surrounding the Community Integration Center. It was stated that on December 26, 2018, the FM radio antenna on the Center’s property was taken down. As a result, security was reinforced in the area. Lastly, it was reported that the statute of limitations had expired and Félix Díaz was dismissed from the criminal proceeding in which he was charged with the crime of usurpation. He was still being charged in two other criminal proceedings.

- 2020

24. On May 16, 2020, the representatives informed that it opposes the State's request to lift the precautionary measures.⁸ The representatives stated that there are no allegations of direct aggression by public agents toward Félix Díaz and the community. However, they alleged that there have been acts of violence which purportedly demonstrates a certain tolerance on the part of the State for acts provoked by other actors. They reported the intra-community conflict that occurs the area adjacent to the Community Integrating Center, which was reported but of which the results are unknown, as an example of the fact, they refer to the incident that occurred on December 26, 2018.

25. On March 15, 2019, Ms. Jimena Psathakis, President of the National Institute of Indigenous Affairs, travelled to the Formosa Province to meet with members of the community. However, a section of the community, which was reportedly hostile to Mr. Félix Díaz, prevented the meeting from taking place. On May 4, 2020, Ursino Díaz found that a Creole family had installed a new wire fence, preventing the free circulation of community members. They indicated that the provincial agents questioned Félix Díaz's communal authority.

26. Lastly, the means of protection referred to by the State are insufficient as they existed prior to the granting of the precautionary measures and did not have a positive impact on the community's situation. They indicated that the only new mechanism implemented is the "Mechanism for Alternative Resolution of Territorial Conflicts with Indigenous Peoples" (*Mecanismo de Resolución Alternativa de Conflictos Territoriales con los Pueblos Originarios*), which allegedly did not intervene in the community conflict. Lastly, they considered that there was non-compliance with the intervention protocol.⁹

- 2022

27. In its report dated March 30, 2022, the representatives referred to the report submitted on May 16, 2022. It was pointed out that the time that has elapsed since the granting of the precautionary measures is not, by itself, a criterion that allows the measures to be lifted. In this regard, it was stated that acts of hostility and undue interference by private individuals in the Qom Navogoh community persist in the community. It was reported that: (i) Mr. Díaz and members of his family have been threatened due to activities related to their community affiliation;¹⁰ (ii) there are undue intrusions into the territory such as entry of animals,¹¹ placement of wire fences,¹² and planting activity; and (iii) the presence of individuals from outside the community near the beneficiary's home. Mr. Díaz reported that in mid-March 2022, two people on horseback entered his land at night, which frightened his family. These trespassers have not been identified despite the fact that there is a permanent Frontier Patrol station just a few meters away from their home. The station was closed when his family arrived to report the incident. In addition, the implementation of the 2013 Security Protocol was questioned: (i) enforcement stations which are not open at all times; (ii) irregular patrols; (iii) difficulties to intervene at night; and (iv) ineffective

⁸ The representatives consider that the State's arguments in favor of lifting the precautionary measures are fourfold: the time that elapsed since the precautionary measures were granted and the subsequent modification of circumstances, the absence of acts of violence attributable to State agents, the possible of return of Félix Díaz and his family to the community, and the possibility of channelling claims from the community through independent mechanisms.

⁹ They alleged a lack of continuous patrols on the community roads, a decrease in the number of agents present by the security of the area, a lack of joint efforts between the security forces, difficulties in accessing complaint records, as well as lack of dialogue with the federal or provincial authorities

¹⁰ On September 6, 2021, Ms. Carmen Poli filed a complaint in which she states that a man at a gas station began to ask her son, Edgardo Díaz, questions about the community's roadblock on National Route 86 and then shouted, "Abandon the roadblock if you don't want something to happen to you".

¹¹ On February 21, 2022, Mr. Pablo Asijak reported that animals, which belong to Argentine citizens who own land bordering the community, were on community territory.

¹² On November 2, 2020, Mr. Eduardo Díaz reported the presence of wiring in the community.

coordination between federal and provincial security forces, which causes hindrances when reporting incidents. They consider that the Security Protocol is the only protective mechanism available to the community as a direct result of the precautionary process.

28. In addition, they reported that the beneficiaries are presenting a general complaint regarding the living conditions in the community, which is subject to systematic vulnerability due to its indigenous status. Mr. Félix Díaz “fears” the possibility that the precautionary measures may be lifted, as he believes that this would mean the loss of the only measure that, even with shortcomings, protects his family and his community against greater harm. Lastly, the representatives request that a meeting be called to return to the dialogue and establish a working space to provide the beneficiaries with specific answers.

29. Lastly, on April 12, 2022, the representatives reported that on April 10, 2022, Mr. Díaz’s 19-year-old granddaughter was intercepted by Creoles on National Route 86, in the Puente Sastrou area. These individuals allegedly tore her clothes, pointed a firearm at her, and said: “Tell your father, Eduardo Díaz, and Félix Díaz to stop doing what they are doing,” allegedly referring to the actions taken to gain access to drinking water and Eduardo Díaz’s role as an intermediary with the Province. The facts were reported on April 11, 2022. Nevertheless, they questioned the lack of a detailed description in the police record. Mr. Félix Díaz appealed to the media and social networks to report the incident. Lastly, they reiterated previous requests.

B. Information provided by the State

- 2011

30. In 2011, the State reported that a meeting was held with the representatives on May 2, 2011, and the following agreements were reached: to create a dialogue and work group made up of representatives of high national authorities and representatives of the community; to schedule a date for a working meeting; and to make the necessary institutional arrangements along with the Frontier Patrol in order to guarantee the community’s safety. On May 4, 2011, the Minister of Security requested the National Director of the Frontier Patrol to appoint a community liaison officer. Likewise, the Frontier Patrol was requested to adopt the necessary measures for the safe return of Félix Díaz and the remaining members of the community. On May 7, 2011, the new security troops arrived in the community. The security detail that was assigned to the community included six agents, two vehicles, and a mobile home.

31. On May 9, 2011, a working meeting was held in the context of the Dialogue Table between the authorities and the representatives.¹³ The State indicated that there are two groups in the community that share the same territory, one that considers that their leader is Félix Díaz, and another that considers that their leader is Fernando Sanabria. On July 18, 2011, the federal court issued a precautionary measure to prevent the Province from taking any action on the community’s land, and a judicial process is underway to resolve the territorial dispute. Lastly, the State reported on the investigations initiated up to that year.¹⁴

¹³ According to the State, the territorial problems of the community were discussed, and it was established that the members of the community will elect their representatives.

¹⁴ On June 29, 2011, it was indicated that the facts that gave rise to the granting of the precautionary measures were being investigated by the Court of Instruction and Correction No. 2 of Clorinda (*Juzgado de Instrucción y Correccional n°2 de Clorinda*). An investigation was initiated into the events of September 30, 2011, which were reported on October 1, 2011. The Province’s report stated that the fire was started intentionally, but that the perpetrator could not be identified. Regarding the alleged threats received by Ricardo Vargas, the State specified that no formal complaint had been filed with the Provincial Police.

- 2012

32. The State reported that on May 9 and July 25, 2012, working meetings were held in the city of Formosa within the framework of the Provincial Complementation Council for Internal Security. Field liaisons were assigned in order to start working on the protocol. On September 10, 2012, a consultation meeting was held to discuss the protocol for determining the role of the Provincial Police in the community, as well as the translator registry. The next meeting was scheduled for October 2012. The State referred to certain allegations¹⁵.

- 2013

33. On April 10, 2013, a consultation meeting was held to discuss the Protocol for the Intervention of the Security and Police Forces. On May 14, 2013, the Protocol approved by the community at the April 10, 2013, meeting was implemented. On July 10, 2013, the first follow-up meeting on the implementation of the Protocol for the Intervention of the Security and Police Forces held. The second meeting was held on September 20, 2013. On November 13, 2013, a working meeting was held within the framework of the Provincial Complementation Council for Internal Security. On this occasion, the situation of the implementation of the Intervention Protocol of the Frontier Patrols and the Provincial Police and the various road incidents in the community were discussed. As a result, the following was agreed: (i) to conduct road safety courses for members of the community; (ii) to report road accidents that occurred in the community; (iii) to liaise with police authorities in order to continue with the interviews conducted with members of the community in the framework of the administrative investigation into the events that occurred on November 23, 2010, among others. Subsequently, it was reported that it was in the “evidentiary stage.” In 2013, several measures were also taken for road safety such as installing speed reducers, indicating intersections, among others.

34. On July 17 and November 4, 2013, the State referred to and clarified certain facts alleged by the representatives on situations that allegedly occurred. In this regard, they indicated that: (i) on January 5, 2013, Juan Daniel Díaz was taken to the Laguna Blanca Hospital and then to the Formosa Central Hospital after a motor vehicle accident within the community; he died on January 9, 2013. Although the media alleged that the youth was beaten with a pistol, an investigation was initiated in response to the media complaint. The autopsy determined that “Juan Daniel Díaz’s cause of death was the result of direct trauma (inelastic collision) against a large mass object, in which inherent, agent, psychological, pathological and/or environmental factors may have been involved”; (ii) Pablo Sanagachi died while living in Buenos Aires; (iii) Omar Avalos and Héctor Alonso’s complaints are reported to have given rise to the Misdemeanour Summary Procedure No. 04/13-LB with the intervention of the Justice of the Peace of Small Claims of the 2nd (*Juez de Paz de Menor Cuantía de la 2^{da}*); (iv) after an investigation it was concluded that the alleged attacks on Abelardo Díaz and Carlos Sosa involved the youths of the community drinking alcoholic beverages; (v) the death of Ms. Delina Díaz was due to several circumstances, after being hospitalized on three occasions; (vi) Mr. Guillermo Díaz was allegedly hospitalized on several occasions. While hospitalized in the District Hospital of Laguna Blanca, he was informed that he had to be transferred to the High Complexity Hospital of Formosa, but initially the patient refused. His family subsequently accepted the transfer, but it was too late; (vii) it was reported that Máxima Noguera underwent surgery on September 27, 2013. When he was at home, the ambulance was called as he was in pain and had a fever. When informed that she had to be transferred to Laguna Blanca Hospital, Ms. Noguera refused and requested that a doctor treat her at her home. A doctor treated her and recommended hospitalization, but Ms. Noguera refused once again.

¹⁵On November 15, 2012, the State filed the complaints that were allegedly carried out for the acts involving members of the “Saucedo” family.

35. Regarding the territorial dispute before the Supreme Court of Justice of Argentina, on July 22, 2013, a resolution was issued after which a Work Plan was implemented. This Work Plan prioritizes the jurisdiction of the Colonia Aborigen. On August 14, 2013, with the community members it was sought to plan the operational tasks of the cadastral legal technical survey.¹⁶

- 2014

36. On May 22, 2014, the State requested the precautionary measures be lifted, and indicated that there were no new acts of violence attributable to state actors and that the facts that led to the granting of the precautionary measures were no longer in force. The State reported that the allegation of harassment against members of the community is false. The State believes this allegation is based on the representatives' desire to maintain the precautionary measures in force. The State indicated that the purpose of the participation of the Civil Association "La Primavera" is not to undermine the cohesion of the community. The State recalled that, since 1985, the Association was recognized as the local legal person entitled to exercise the rights of the community and in whose name the title deed of the community land was issued. The State recalled that the following security measures were adopted: a) the implementation of a Protocol of Action in the "La Primavera" Community, b) follow-up meetings to the Protocol; c) checkpoints established at the main accesses to the community; d) adequate signage on the routes, among others. On November 13, 2013, a conciliation meeting was held. The State established that there is no criminalization or lack of access to medical services for the community.

37. On May 19, 2014, the State specified and clarified alleged facts in the light of the representatives' allegations: (i) in the case of Jorgelina Elisa Díaz, there were proceedings aimed at clarifying the facts. However, after an arduous raking of the house and its surroundings, no evidence could be found to prove the presence of alleged aggressor and, consequently, of an attack; (ii) regarding Amanda Asijak, it was reported that the corresponding raking was carried out, but there was no indication or trace of any foreign people transiting the surroundings of the house; (iii) on April 1, 2014, Mr. Félix Díaz made an appearance on a media and stated that the police had hired a hitman in Paraguay to kill him and that he had been pursued by a car on three occasions. Consequently, the Police of the Formosa Province summoned Mr. Díaz to clarify the statements regarding the police. However, on April 3, 2014, in another media appearance, Mr. Díaz said that he was not referring to "the police in general", but rather to a particular police officer against whom he had allegedly filed a complaint that did not continue; (iv) on April 19, 2014, cattle theft was committed and indigenous inhabitants from the community participated; and (v) regarding the fires that occurred on August 24, 2014, the corresponding investigations were carried out, and it was concluded that the fires were accidental.

38. With regard to the investigation into the events that occurred on November 23, 2010, it was reported that the representatives agreed to produce the testimonies related to the indigenous people from those who allegedly had knowledge of the facts, and the receipt date of the testimonies was set on May 5 and 6, 2014. In addition, with regard to the territorial issue, the State claimed that the "Final Survey Work" (*Trabajo Final del Relevamiento*) was presented in the community on December 5, 2013. On that occasion, the mapping, which was the result of the survey activities, was presented. Three sectors of the community participated in the meeting, including Mr. Félix Díaz. The Final Survey Work was allegedly taken into account in the decision regarding the territorial dispute.

¹⁶ According to the State, during the following days, the community was explained the way in which the tasks would be carried out, in addition to the scope of the process. On September 3, 2013, the process technicians were introduced and, on September 21, the initiation of the third phase of the Plan was notified.

39. The State reported that the community has two Care Centers: the Integrated Community Center (*Centro Integrado Comunitario, CIC*) located in the center of the community and the Salud Nazareno Center, located at National Route 86. These centers provide medical care, obstetric services, vaccination, dental care, etc. Regarding water, the State stated that the community has water and electricity services free of charge. Moreover, a 7,500-metre aqueduct that transports water to a 250,000-litre tank was built, and with it the water is distributed over a 40,000-metre network and 460 home connections. Regarding education, it was reported that there is a kindergarten and that the Bilingual Primary School No. 291 “Nicolás Avellaneda” was inaugurated.

- 2015

40. On January 27, 2015, the State repeated its request to lift the precautionary measures. On March 10, 2015, the State requested that the decision to maintain the precautionary measures in force be reconsidered. It referred to a detailed account of the implemented actions: (i) a Security Device was permanently available in order to guarantee the life and personal integrity of Mr. Félix Díaz and the members of the “La Primavera” Community against possible threats, aggressions, or harassment by the police, the public security forces, and other state officers; (ii) the Dialogue Table was formed within the framework of the Provincial Complementary Council for Internal Security with the participation of the representatives and members of the community, with the exception of the social sector represented by Mr. Cristino Sanabria who, after having requested to participate in the Dialogue Table, was faced with a resounding opposition from the representatives of the precautionary measures. On November 13, 2013, the last meeting of the Dialogue Table was held, where it was found that the acts of violence in the community were intra-community, that is, among members of the same community; (iii) On May 14, 2013, the Protocol for the Intervention of the Concurrent Security Forces and Police (*Protocolo de Intervención de las Fuerzas de Seguridad y Policiales Concurrentes*) in the jurisdiction of the community was implemented. This Protocol has been approved at the meeting of the Dialogue Table on April 10, 2013. In the framework of its implementation, two evaluation and monitoring meetings were held, and no other meetings were held due to strict compliance with the Protocol; (iv) The security device in force in the community consisted of three checkpoints of the Frontier Patrol and a police detachment. From the beginning of the detachment activities, the cell phone number was provided to all community leaders to maintain constant, immediate, and reliable communication with the inhabitants of La Primavera; (v) In addition to the three checkpoints, the Frontier Patrol established two permanent security posts, one in the Community Integration Center and another in front of Mr. Félix Díaz’s house; among other locations.

41. Since, within the framework of the Dialogue Table, there was a discussion among members of the community and it was requested that an election be held in 2011. After the election, the Province recognized the participation of Mr. Díaz in the Dialogue Table, who allegedly used the situation to legitimize himself as the only authority of the Community, ignoring the role of the Traditional Cacique, Fernando Sanabria, a role that was assumed by Cristino Sanabria after the death of his father. He reported that Mr. Díaz, along with the sector of the community that supports him, obtained legal personality before the National Institute of Indigenous Affairs, an authority that has national but not provincial recognition. However, the Province has never prevented the participation of Félix Díaz in the work meetings, contrary to the attitude of Mr. Díaz who has tried to exclude the traditional community authorities from the meetings.

42. On January 4, 2015, there was a meeting between the Ministry of Security and the representatives, followed by another meeting on January 6, 2015, with the members of the community and Chief Commander Solan; and (iii) on April 7, 2015, the Supreme Court of Argentina urged the parties to continue with mutual collaboration. In 2015, an operation that involved 91 agents was conducted with the Argentine Frontier Patrol. This deployment was jointly agreed upon with community representatives, the

Formosa Province, and the rest of the agencies involved in the working table. The operation aimed to record the entry and exit of people to the community and guarantee secure the area. In addition, personnel were concentrated at Félix Díaz's home in order to guarantee his safety and that of his family. The Security Operation carried out by Frontier Patrol remained in force and was carried out on a rotating basis in five checkpoints and two security bases. In accordance with the Intervention Protocol, the Frontier Patrol conducted most of its tasks jointly with Provincial Police personnel. The members of the Frontier Patrol reported an increase in complaints between 2013 and 2014, which was deemed as a reflection of the increased mutual trust between the Community and the intervening security forces. Between January 26 and February 27, 2015, the Security operation had to be intensified and the work routines were reviewed in the face of the demonstrations carried out by the members of the community.

43. On September 29, 2015, the State referred to the construction of a health center that is being built on land handed over by Ms. Evangelina Fonda, a member of the community. The lack of prior consultation was raised before the Supreme Court, which decided that there was no impediment to prepare the lands to conduct the construction. On March 4, 2015, construction was approved in the Assembly, where a large number of members of the Community were present, including the president of the Civil Association "La Primavera", Oscar Camachi; the cacique of the community, Cristino Sanabria; and the Qaratagala -person who would serve as head of the community in case of inability by the Qarashe, Felix Díaz-, Laureano Sanagachi. On February 26, 2015, a meeting was held where several entities of the State and Mr. Félix Díaz (who allegedly opposed the construction) participated, and technical folders and information related to the construction of the Health Center were delivered.¹⁷ A section of the community prevented the construction from continuing. The construction impediment reportedly escalated to the point of attacking members of the community who were trying to accompany the workers to help them continue working. The roadblocks on the paths to access the community have impacted access to health services. Dr. Julio Cesar Scalora stated that on February 16, 2015, he was unable assist the patients who have outpatient treatment due to the roadblocks.

44. Mr. Félix Díaz and Mr. Eugenio Ediem Fernández were tried without pretrial detention on charges of theft and armed assault on an authority due to the events of November 23, 2010. On April 7, 2015, the examining judge acquitted members of the community, such as Mr. Félix Díaz and Clemente Sanagachi, for the crimes of resisting arrest and assault. The State declared that the representatives did not issue complaints or did not cooperate with the continuation of the investigation as they feared that the Frontier Patrols would show that the alleged facts were false. For example, the State declared that on January 7, 2012, it was reported in the media that Rolando Díaz had been attacked by four youths. However, after a medical professional examined him, it was concluded that there were no evident physical injuries. A similar situation occurred with Jorgelina Elina Díaz. After the complaint, the Frontier Patrol visited the scene to obtain evidence; however, no signs of an attack were found. Lastly, the State indicated that the alleged acts of repression of September 30, 2015, are false as well. The police visited the roadblock site to inform the community members that if they did not lift the blockade, corresponding legal actions would begin. However, approximately 250 members of the community surrounded the police officers and began

¹⁷ Meetings were held in January and February 2015 on the occasion of the first tasks for the construction of the Health Center. They state that on February 24, Mr. Félix Díaz refused to participate in the meeting on February 25, which had the purpose of clarifying doubts regarding the works of the Health Center. On March 4, 2015, an information Assembly was held on the construction of the Health Center. That day they requested that the members of the community who consider Félix Díaz as their leader to remove the blocks that prevented the continuation of the work. The government minister reported that the next day, the construction allegedly began. Additionally, on March 10 and 11, 2015, meetings were held in the Community. On March 12, 2015, Dr. Elizabeth Orbegozo, coordinator of the IV Sanitary District of the Ministry of Human Development (*Distrito Sanitario IV del Ministerio de Desarrollo Humano*), reported that Félix Díaz had disagreed with the construction of the new health center. The president of the La Primavera Civil Association and Cacique Cristino Sanabria expressed their discomfort at the situation where a small group prevents the construction of the new health center. On July 21, 2015, a meeting was held in the Community to report on the progress of the construction, and another meeting was held on October 15, 2015.

to assault them. Therefore, the use of shotguns with rubber bullets for defensive purposes was ordered. It was also stated that the alleged arbitrary arrests of October 14, 2015, are incorrect as well.

- 2018

45. On August 17, 2018, the State stated that on July 23, 2018, the 9th Meeting of the Provincial Complementation Council for Internal Security (*Consejo Provincial de Complementación para la Seguridad Interior*) was held. At that meeting: (i) the liaisons were defined to accelerate addressing the enforcement of the Security Forces Intervention Protocol. As a liaison of the Complementary Council, Dr. Julio Robles, Executive Secretary of the Provincial Complementary Council for Internal Security, was appointed; as a liaison of the Argentine Frontier Patrol, the first Sub-Lieutenant Pablo Arguello was appointed; of the Police, the Head of the “La Primavera” Special Unit was appointed; of the Ministry of Security, Mr. Rodrigo Toledo was appointed; as a representative of the Executive Secretary of the Internal Security Council and the Secretary of Human Rights, the Director of International Legal Affairs, Mr. Ramiro Badía was appointed; (ii) it was agreed that upon the submission of complaints by members of the Community to the “La Primavera” Special Unit, a certification with information on the reported event was allegedly to be delivered; (iii) it was agreed that the Ministry of Security would evaluate the locations of the Checkpoints of the National Frontier Patrol; and (iv) the next meeting date was set.

- 2020

46. On March 6, 2020, the State considered that the requested precautionary measures have been complied with. It indicated that: (i) a security operation of the Frontier Patrol was implemented to guarantee the life and physical integrity of the members of the community; (ii) the conflicts that have occurred since 2014 have been intra-community conflicts that have no relation with the object and purpose of the precautionary measures; and (iii) several working meetings have been held with the petitioners and the representatives. On February 18, 2019, the last meeting was held within the framework of the Provincial Complementary Council for Internal Security. Lastly, the State requests to lift the precautionary measures as there have been no new acts of violence attributable to State agents, which is clear evidence *per se* of the effectiveness of the actions implemented. The State considered that the facts taken into account by the Commission when adopting the precautionary measures no longer persist.

47. In addition, the State indicates that in the event of lifting the precautionary measures, there are domestic mechanisms to deal with any type of claim, inconvenience, or conflict that might affect Mr. Félix Díaz and/or the members of the Qom Navogoh Community; these instruments are: (i) the Provincial Complementary Council for Internal Security, which is responsible for articulating the intervention of provincial and federal forces in the Province of Formosa; (ii) mechanisms in charge of the Institute of Aboriginal Communities of Formosa (*Instituto de Comunidades Aborígenes de Formosa*, ICA) that aims at the permanent accompaniment of the indigenous peoples of the Province; (iii) the Consultative and Participatory Council of the Indigenous Peoples of the Republic (*Consejo Consultivo y Participativo de los Pueblos Indígenas de la República*) that functions within the Secretariat of Human Rights, Council to which Mr. Díaz himself belongs and which aims to include indigenous communities in the decision-making processes; and (iv) the creation of a Table for Alternative Resolution of Territorial Conflicts with Indigenous Peoples (*Mesa de Resolución Alternativa de Conflictos Territoriales con los Pueblos Originario*).

- 2022

48. In the report submitted on March 30, 2022, the State reiterated its request to lift the precautionary measures. It reported that the risk to which the representatives refer occurred in 2020, 2019, and even in 2018. It also requested to consider that the precautionary measures were granted in 2011 and, in the light of particular circumstances, which had reportedly been greatly modified since the adoption of the

measures: (i) the necessary measures were provided for the return of Félix Díaz and his family; (ii) the members of the security forces allegedly involved in the events of November 2010 do not serve in the community; and (iii) the measures to be adopted were agreed with the beneficiaries and their representatives. At present, no elements have been provided to determine the possible materialization of any risk of irreparable, serious, and urgent harm in relation to the area of rights of the beneficiaries which would call for the precautionary measures to remain in force. The State further emphasized that due process issues or territorial claims do not constitute situations of urgency, seriousness, or a risk of irreparable harm and, in this sense, they are not the subject of precautionary measures and should not be considered as justification for keeping the precautionary measures in force.

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

49. The mechanism of precautionary measures 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 Statute of the IACHR. The mechanism of precautionary measures is described in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

50. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, protective and precautionary.¹⁸ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.¹⁹ 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.²⁰ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. The precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

¹⁸ See in this regard: I/A Court H.R. Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. *Case of Carpio Nicolle et al. v. Guatemala*, Provisional Measures, Order of July 6, 2009, considerandum 16. Available at https://www.corteidh.or.cr/docs/medidas/centrospenitenciarios_se_02_ing.pdf

¹⁹ 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 6 [only in Spanish]; I/A Court H.R. *Case 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, [only in Spanish].

²⁰ 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 [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 [only in Spanish].

- 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.

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

- *Preliminary considerations*

52. The Commission considers it pertinent to make a statement on certain arguments and questions that the parties have presented throughout the time that the precautionary measures have been in force, namely: the questioning regarding the representation within the indigenous community; the questioning to the criminal proceedings in which members of the community and Mr. Díaz were involved; other arguments such as the lack of prior consultation of certain acts and the questionings as regards in delay in the judicial processes that involve the territory of the community; the questioning regarding the issue of health, water, and education; and the mentions of accidents and deaths on road routes that surround the community.

53. With regard to *representation within the indigenous community*, the Commission recalls that, in these proceedings, it is not for the Commission to determine which persons or group of persons should be the legitimate representatives of an indigenous community. On the one hand, the Commission understands that indigenous communities have their own methods of decision-making and internal processes for electing traditional authorities based on their customary law. On the other hand, the Commission notes that, according to the State, the Civil Association “La Primavera” participated as it had the local legal personality, with which it had been reportedly issued the community land title in its name.

54. With regard to this mechanism and in the light of the information available, the Commission considers that, regardless of the above, the greater the participation of members of the community in the implementation of precautionary measures, the better the understanding of the situation they face. It would not only address the situation of certain members, but rather refer to the entire community as a whole. In the Commission’s opinion, participating in dialogue with the State also helps identify the best protection methods for the members of an indigenous community, as well as the distinct positions that may exist within it and that may impact on the implementation of precautionary measures. Information that allows the State to propose the best protection actions in favor of the beneficiaries.

55. With regard to *the questioning of the criminal proceedings in which members of the community and Mr. Díaz were involved*, the Commission recalls that, in these proceedings, it is not for the Commission to make a statement on the alleged violations in the framework of such domestic proceedings. Given the

substantive assessment required to analyze the compatibility of such criminal proceedings in the light of the American Convention and the applicable standards, the Commission recalls that there is a Petition and Case System, in the framework of which such assessments can be made, after identifying the applicable admissibility requirements, or any of their exceptions. In this regard, the Commission makes it clear that the analysis of alleged violations goes beyond the mechanism of precautionary measures, which focuses only on the requirements of Article 25 of its Rules of Procedure.

56. With respect to the arguments submitted regarding the *lack of prior consultation of certain acts* and the *questioning regarding the delay in the judicial processes that involve the territory of the community*, the Commission considers, in line with State accounts, that this analysis requires, in the same way, substantive assessments with a view to determining the compatibility of the acts that are questioned with the American Convention and the applicable standards. In particular, for example, with Article 21 of the American Convention, for the question of consultation; and Articles 8 and 25 of the American Convention, for the topics of due process and reasonable time. As indicated, this exercise must be conducted within the framework of a request or case, if the regulatory prerequisites for it are met.

57. With regard to the *issues of health, water and education*, the Commission notes that the questions raised in this regard were presented in a general manner throughout an extensive period. In this regard, the Commission has not identified any assessment elements that would indicate an imminent and current risk under the terms of Article 25 of the Rules of Procedure regarding all members of the identified community. The Commission also notes that the State has reported the actions taken by the health sector, particularly in regard to specific individuals. It has also disputed the arguments submitted by the representatives in this regard and has reported on the services available in regard to health, water, and education in the area. Notwithstanding the foregoing, the Commission believes it is important to recall that the State has the obligation to continue providing health care, water, and education in the terms of the applicable international instruments.

58. Lastly, *with regard to accidents and deaths on road routes that surround the community*, the Commission understands that the State adopted certain measures to prevent them from reoccurring, as in some cases, it was alleged that inebriated individuals participated in these incidents. In this regard, the Commission has no elements of assessment that allow it to indicate the manner in which this situation is related to a situation of “imminent” risk in the terms of Article 25 of the Rules of Procedure, or how it is related to the facts that gave rise to these precautionary measures. In any case, the Commission notes that measures were taken by the State regarding road safety in the area, which were addressed in the dialogues between the parties.

- *Implementation of these precautionary measures*

59. In this case, the Commission granted precautionary measures following a series of events that occurred in 2010 and allegedly involved law enforcement officials. The foregoing allegedly created a situation that compelled certain members of the indigenous community, such as Mr. Díaz and his family, to relocate. In following up these precautionary measures, the Commission highlights that the State adopted a series of measures to implement them. While the representatives have questioned the measures taken by the State over time, the Commission notes that their existence has not been disputed.

60. In this regard, the Commission understands that there is no discussion that the State has taken the following measures, in particular:

- i. Several spaces for dialogue and seeking agreements with the representatives and members of the community since the precautionary measures were granted in 2011, either through working meetings, participation in Dialogue Tables or other spaces intended for this purpose such as the Provincial Security Council;
- ii. The security forces allegedly involved in the events of November 2010 do not operate in the community;
- iii. Measures to accompany the return of community members to their territory, including Mr. Díaz;
- iv. Establishment of liaisons between beneficiaries and the State in the framework of actions for the implementation of precautionary measures;
- v. Presence of a security contingent, which includes Frontier Patrol operations, as part of the measures to be adopted in community territory, security operations, and the reinforcement of these as certain events occurred;
- vi. Drafting, approving, and implementing a “Protocol of Intervention of the Security Forces and Police” in the community, through which the intervention and action of the Frontier Patrol as a national security force in the community territory was defined jointly with the Provincial Police; and
- vii. Information on the development of the investigations at the domestic level for the events that occurred in 2010 and that motivated these precautionary measures to be granted, as well as the results of the investigations on the alleged facts that reportedly occurred with respect to several members of the community while they were in force.

61. The Commission appreciates the measures taken by the State to implement these precautionary measures. Although the representatives have indicated that these measures do not represent compliance with the precautionary measures, the Commission considers, on the contrary, the measures reflect that concrete measures have been adopted over time. Moreover, these measures show that the implemented measures were the result of consensus between the representatives and members of the community. Consequently, and following the application of these measures, the Commission observes that both parties agreed that the factual circumstances that the Commission assessed in 2011 –the moment the precautionary measures were granted– have changed and are not currently in force. These considerations are relevant in light of the procedural requirements and the assessments required by the Rules of Procedure in view of the current situation of the persons.

- *Validity of the precautionary measures in light of Article 25 of the IACHR Rules of Procedure*

62. In analyzing the matter at hand, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping such measures in force requires a more rigorous evaluation.²¹ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.²² The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or

²¹ I/A Court H.R., Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17. Available [in Spanish] at https://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf

²² *Ibid.*

intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.²³

63. In this case, the Commission notes that the State has submitted a request to lift the precautionary measures on various occasions, at least from 2014 until its last communication of 2022. In accordance with Article 25.9 of the Rules of Procedure, the request to lift the measures was forwarded to the representatives. In January 2022, the representatives updated their contact information and subsequently submitted information in March 2022. Additionally, the Commission recalls that when a State requests the lifting of a precautionary measure, it must present sufficient evidence and arguments to support its request.²⁴ In the same manner, the representatives of the beneficiaries that want the measures to continue must present evidence of any reasons to do so.²⁵

64. The Commission recalls that the requests made by the IACHR to the State of Argentina in 2011 focused specifically on protecting the life and physical integrity of members of the indigenous community from “threats, attacks, or harassment by members of the police, law enforcement officers, or other State agents.” They also sought to ensure “the safe return of Félix Díaz and his family to the community.”

65. On the basis of the available information, after approximately 11 years of having the precautionary measures in force, the Commission observes that the parties’ situation of risk, as was considered in 2011 and which led to the consideration of the requests for protection, is no longer in force. The foregoing is decided insofar as no recent allegations have been presented regarding risk events that are attributable to law enforcement agents, and considering that Mr. Díaz, as well as other members, have returned to their community. Consequently, the Commission identifies that the precautionary measures, which were granted in 2011, have lost their subject matter and purpose to protect. In addition to considering the temporary nature of the protective measures, the Commission reaches this conclusion as the requests for protection were based on the factual assumption from 2011, and there is currently no dispute between the parties that this factual assumption is no longer in force.

66. On the other hand, the Commission notes that, since 2013, the representatives alleged that the “harassment” reportedly “mutated” as it is at the hands of Creole families in the community territory. Subsequently, in 2020 they reported that it was an “intra-community conflict” in a specific area. In the same vein, as indicated by the State, at the 2013 Dialogue Table meeting it was found that the acts of violence in the community were “intra-community”, that is, between members of the same community. Subsequently, by 2020, the State reaffirmed that the conflicts that have taken place since 2014 have been intra-community conflicts.

67. When analyzing the alleged “intra-community conflict,” the Commission notes that the last specific fact that the representatives alleged in this regard is dated December 2018. On that occasion, the representatives alleged that a Community Center antenna was demolished, which implied the need for reinforced security. In 2020, they reiterated this allegation by questioning the progress of the investigations following the filed complaint. That same year, the only two alleged new facts that were presented referred to: (1) an event that occurred in March 2019, in which some of the members of the community, who allegedly had no relation to Mr. Díaz, reportedly prevented them from holding a meeting with the National Institute of Indigenous Affairs; and (2) the allegation that in May 2020, a fence allegedly

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

installed by a Creole family was discovered. In that sense, these are events that reportedly occurred approximately four or two years ago, respectively.

68. When analyzing these allegations, the Commission does not observe the existence of a direct threat against the beneficiaries or risk factors that allow to support that all the members of the community experience the same situation. Nor does it identify harassment or intimidation directed against all members of the community. The available information reflects the existence of groups within the community, some in relation to Mr. Díaz while others not related in any way, and actions conducted around that relation, which leads to the aforementioned qualification of the “intra-community conflict.” With regard to the fence mentioned in May 2020, an alleged fact that is reportedly attributed to a Creole family, the Commission does not have sufficient elements to qualify the existence of an “imminent” risk by the mere construction of the fence. In this regard, the Commission has not been recently informed of the existence of specific facts, such as threats, harassment, or intimidation by Creole families against members of the community which would make it possible to identify risk factors against all members of the community. Nor has it been informed whether the State has been informed of these alleged threats.

69. In their 2022 communication, the representatives also alleged the presence of “certain individuals” in the community, which they described as “hostile” and as “undue interference”. In analyzing this allegation, the Commission observes that the representatives referred to the following specific facts: i) on September 6, 2021, it was reported that a man approached Edgardo Díaz at a gas station and asked about the community’s “roadblock” on National Route 86 and then began to shout: “Abandon the roadblock if you don’t want something to happen to you”; ii) On February 21, 2022, Mr. Pablo Asijak reported that animals, which belong to Argentine citizens who own land that borders the community, were on community territory; iii) on November 2, 2020, Mr. Eduardo Díaz reported the presence of wiring in the community; iv) sowing activity (without specific dates or details of time, manner, or place); and v) in mid-March 2022, at night, two people entered his land on horseback, which frightened Mr. Díaz’s family. It was also indicated that the Frontier Patrol’s post was closed when his family sought to report the incident. Subsequently, it was alleged that these individuals have not yet been identified. In the last communication of April 2022, the representatives stated that: vi) Mr. Díaz’s 19-year-old granddaughter was allegedly intercepted by “Creoles” on National Route 86. They reportedly pointed a firearm at her and referred to her father and Mr. Díaz. This act is reportedly linked to reported actions that they took regarding the Province. That incident was allegedly reported.

70. In analyzing these alleged facts in the light of Article 25 of the Rules of Procedure, the Commission observes the following:

- Regarding the *alleged fact i)*. This took place at a gas station in September 2021 and the incident referenced the “roadblock” on the community’s National Route. Although it was indicated that the person shouted at him, the Commission notes that this alleged fact was presented regarding a specific person linked to the Díaz family approximately six months ago, and the scope of a possible “threat” as such is not implied. In any case, the Commission does not observe whether the representatives informed competent State authorities when they considered it a “threat.”
- Regarding the *alleged fact ii)*. The Commission notes that parties also mentioned the presence of animals on a community property. Beyond this allegation, the Commission does not identify a concrete, direct, or continuous threat against the people of the community which would make it possible to identify a situation of “imminent” risk. In any case, the Commission does not observe whether the representatives informed the competent State authorities of this situation.
- Regarding the *alleged fact iii)*. The Commission notes that the presence of “wiring” was alleged in the community in November 2020. In this regard, no further details were provided on this issue

or on how community members would be at imminent risk from this event, which occurred over 15 months ago. In any case, the Commission does not observe whether the representatives informed the competent State authorities of this situation.

- Regarding the *alleged fact iv*). The Commission does not identify that the “sowing activity” puts the members of the community at “imminent” risk. The above also considers that no specific dates or details of time, manner, or place were provided.
- Regarding the *alleged fact v*). It was reported that, in March 2022, two people on horseback “frightened” Mr. Díaz’s family. On the basis of the available information, the Committee understands that, although the Frontier Patrol was not initially notified, they were subsequently made aware of the situation. In addition, the identification of the concerned individuals is still pending. In this regard, the Commission does not have sufficient elements to identify whether, in addition to appearing on the Díaz family’s territory, there was any direct threat, or previous direct harassment, against the family. Or if, on the contrary, this act is considered part of the aforementioned existing “intra-community conflict.” In any case, the Commission understands that the Frontier Patrol was reportedly present near Díaz family house and aware of the alleged facts for corresponding action.
- Regarding the *alleged fact vi*). Although the representatives reported that the facts faced by Mr. Díaz’s granddaughter occurred in an area of Route 86, the Commission notes that it was not properly reported whether it actually took place within the community. After reviewing information from the Argentine media, the Commission understands that the alleged event occurred outside the community territory.²⁶ Having notified the police, the Commission considers that the State should carry out the necessary investigations and clarify the facts. At the same time, the Commission understands that the representatives’ allegations do not indicate that there is a risk situation towards all members of the community with the same intensity as at that time when it decided to grant the precautionary measures in 2011, which is relevant given the change in the factual circumstances. Considering that Argentina has reported a series of internal mechanisms available to the community, it has not been alleged whether these mechanisms have been activated for this specific situation, even though Mr. Díaz has allegedly participated in these channels. The Commission has also not been informed whether the representatives have requested protection for the specific situation that occurred to Mr. Díaz’s granddaughter. This would make it possible to assess, for example, whether she was denied protection or whether the provided protection is not suitable for her particular situation. This is especially highlighted when she is outside the community, as there is reported police presence within the community, even near Mr. Díaz’s home.

71. With regard to this group of alleged facts, in summary, the Commission does not have sufficient elements to equate it with the situation of violence that was assessed at the time the precautionary measures were granted in 2011. Nor does it have elements to account for a situation of “imminent” risk to all members of the community under the terms of Article 25 of the Rules of Procedure. The foregoing considerations are determined with the most rigorous assessment that requires the maintenance of precautionary measures, and in consideration of the approximately 11 years that elapsed since they were granted. The aforementioned assessments do not imply that the State is relieved from its international obligations in the light of the applicable international instruments. On the contrary, these obligations

²⁶ TN, Formosa: Qom leader Félix Díaz reported threats against his family, April 10, 2022. Available [in Spanish] at: <https://tn.com.ar/sociedad/2022/04/10/formosa-el-lider-qom-felix-diaz-denuncio-amenazas-contra-su-familia/>; Agencia NOVA, Formosa: qom leader Félix Díaz reported threats against his family, April 14, 2022. Available [in Spanish] at: https://www.agencianova.com/nota.asp?n=2022_4_14&id=109226&id_tiponota=10

remain in force at all times regardless of this mechanism given the complementary and subsidiary nature of the Inter-American System.

72. Although the Commission observes that the representatives have alleged State tolerance to facts conducted by other actors, the Commission notes that this allegation has been presented in a general manner and lacks sufficient information to allow its analysis, beyond the generality of the allegation itself. The foregoing is particularly relevant given that the State has referred to at least four internal mechanisms that channel existing conflicts in the community:

- (i) The Provincial Complementation Council for Internal Security (*Consejo Provincial de Complementación para la Seguridad Interior*), which is responsible for coordinating the intervention of provincial and federal forces in the Formosa Province;
- (ii) Mechanisms run by the Institute of Aboriginal Communities of Formosa (*Instituto de Comunidades Aborígenes de Formosa, ICA*), which aims to provide permanent support for the indigenous peoples of the Province;
- (iii) The Consultative and Participatory Council of the Indigenous Peoples of the Republic (*Consejo Consultivo y Participativo de los Pueblos Indígenas de la República*), which operates within the framework of the Argentine Secretariat for Human Rights (*Secretaría de Derechos Humanos de la Nación*), to which Mr. Díaz himself belongs and which aims to include indigenous communities in decision-making processes; and
- (iv) The creation of an Alternative Territorial Conflict Resolution Board with the Indigenous Peoples (*Mesa de Resolución Alternativa de Conflictos Territoriales con los Pueblos Originarios*).

73. The Committee highlights that the representatives indicated that these mechanisms are allegedly insufficient and claim that they are not new, with the exception of the latter. In this regard, the Committee does not identify any concrete information that indicates the manner or reason that these mechanisms reportedly prevent the members of the community from channelling their intra-community demands or conflicts, or any demands or conflicts of another nature. These members also allegedly have diverse issues to be heard, addressed, and resolved, as appropriate. The Commission has also not been informed whether the representatives decided to activate them, and therefore assess their effectiveness and suitability. With regard to the allegation of the mechanisms' novelty, the Commission considers that it is not relevant to assess whether the mechanism existed prior to the precautionary measures being in force, but rather to identify how the existing internal mechanism applies to the individual's specific situation. The Commission calls on the parties, including the members of the community, to channel their demands through the appropriate internal channels and to continue their efforts on consensus building to that end. In the same way, the Commission calls on the State to continue to investigate the complaints that are presented and to clarify the alleged facts.

74. For the Commission, the reference to internal mechanisms is relevant as the Inter-American Court has indicated that, if it is found that the State in question has developed protective mechanisms or actions for the beneficiaries of international protective measures, it could decide to lift these measures by removing the obligation to protect from its primary responsible party, namely, the State.²⁷ As indicated by the Court, "[...] should the measures be lifted by the Court for this reason, it is the State's obligation to guarantee human rights, maintain the protective measures that it had adopted and that the Court considered effective, for as long as the circumstances merit."²⁸

²⁷ I/A Court H.R. Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia. Provisional Measures. Resolution of the Inter-American Court of Human Rights of May 22, 2013, para. 54.

²⁸ Ibidem

75. Based on the analysis carried out and in view of the State's reiterated request to lift the measures, the Commission understands that the factual circumstances that motivated the granting of these precautionary measures have changed significantly. Similarly, the information provided does not make it possible to give an account of a risk situation pursuant to Article 25 of the Rules of Procedure. Thus, the Commission deems that it is not possible to identify any situation that currently fulfils 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,²⁹ the Commission deems it appropriate to lift these measures.

76. In line with the Inter-American Court's indications in various matters,³⁰ a decision to lift does not 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. In the same way, also based on the assessment of the Inter-American Court, lifting the precautionary measures does not imply an eventual decision on the merits of the controversy in the inter-American system through a petition, nor does it prejudge state responsibility for the events denounced.³¹

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

V. DECISION

78. The Commission decides to lift the precautionary measures granted in favor of the members of the Qom Navogoh Indigenous Community, "La Primavera," in the Formosa Province, in Argentina.

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

80. The Commission instructs its Executive Secretariat to notify this resolution to the State of Argentina and to the representatives.

81. Approved on May 3, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary

²⁹ 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 [Only in Spanish]

³⁰ See: I/A Court H.R. Case of Velásquez Rodríguez. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988, Considerandum 3, and Matter of Giraldo Cardona et al. Provisional measures regarding Colombia. Order of the Inter-American Court of Human Rights of January 28, 2015, Considerandum 40.

³¹ 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.