
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 3/2022**

Precautionary Measure No. 338-13
Lorenzo Santos Torres and his family regarding Mexico¹
January 23, 2022
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Lorenzo Santos Torres and his family, in Mexico. In making the decision, the Commission assessed the measures implemented by the State throughout the time the precautionary measures have been in force, as well as the observations furnished by the beneficiaries' representation. Following the State's repeated request to have the measures lifted, the IACHR requested observations from the representation. The representation did not submit their response, their last communication being in August 2021. Upon assessing the significant change in the factual circumstances given the measures adopted by the State, the IACHR decided to lift these measures under the terms of Article 25 of its Rules of Procedure.

II. BACKGROUND INFORMATION

2. On November 8, 2013, the IACHR requested that precautionary measures be adopted in favor of Lorenzo Santos Torres and his family, in Mexico. The representation is the Center for Human Rights and Advice to Indigenous Peoples A.C. (CEDHAPI A.C.). The request alleged threats and acts of violence against Mr. Lorenzo Santos in the context of a social and agrarian conflict in Santiago Amoltepec. In particular, the representation stated that on September 10, 2013, Mr. Santos's son was assassinated, and that on October 13, 2013, Mr. Lorenzo received shots that demanded his hospitalization. Upon analyzing the submissions of fact and law provided by both parties, the Commission considered that the information presented showed *prima facie* that Lorenzo Santos Torres and his family were in a situation provided for in Article 25 of its Rules of Procedure. Consequently, the Commission requested that the State: a) adopt the necessary measures to safeguard the life and personal integrity of Lorenzo Santos Torres and his family; b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; c) report on the actions taken to investigate the events that gave rise to the adoption of this precautionary measure, so as to prevent such events from reoccurring.²

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

3. Throughout the time the precautionary measures have been in force, the Commission has followed-up on the situation that is the subject matter of this resolution through the request for information from the parties. On December 6, 2013, the State presented a report. On January 10, 2014, the Commission sent it to the representation so that they provide their observations. On March 6, 2014, the State presented a report. On May 26, 2014, the representation presented a report. On September 4, 2014, the Commission asked the representation to present updated information. On October 21, 2014, the

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

² IACHR. [Resolution 7/2013. Precautionary Measure No. 338-13. Matter of Lorenzo Santos Torres and his family regarding Mexico.](#) November 8, 2013.

Commission requested that the State present information and reiterated the request for information made to the representation. On January 19, 2015, the State submitted a report. On February 5, 2015, the representation presented a report. On June 8, 2015, the Commission asked the parties to provide updated information. On January 5, 2016, the Commission reiterated the request for information made on June 8, 2015. On January 25, 2016, the State submitted a report. On July 18, 2016, the Commission sent it to the representation and asked them to present their observations. On August 13, 2021, the representation presented a report. On November 18, 2021, the State requested the lifting of the precautionary measures. On December 8, 2021, the Commission forwarded the State's report to the representation. On December 27, 2021, the State presented a report. The representation did not submit additional information after requesting information in December 2021.

A. Information provided by the State

4. On December 6, 2013, the State indicated that: (i) commanders of the State Investigation Agency carried out various security rounds in Santiago Amoltepec, Sola de Vega, Oaxaca. They also established constant communication with the beneficiary and interviewed him on several occasions; (ii) as of October 31, 2013, the protection and security of the beneficiary were maintained. When he was transferred to receive medical attention at the Aurelio Valdivieso Civil Hospital, in the city of Oaxaca, he was assigned officers from the State Investigation Agency for his protection; (iii) young woman María Guadalupe Santos Girón and Ms. Adelfa Torres Hernández were transferred to the city of Oaxaca. However, on November 1, young Santos Girón and Ms. Torres Hernández decided to return to their community, and were protected by State Investigation Agents; (iv) police officers carried out tours to protect the beneficiaries, which include the school of Mr. Santos Torres's children, his home, and his relatives located in Santiago Amoltepec, Sola de Vega, Oaxaca, and the Civil Hospital, where the beneficiary was hospitalized; and (v) on November 2, the North Zone Deputy Attorney General's Office [*Subprocuraduría General Zona Norte*] began an investigation against that or those responsible for committing the crime of attempted homicide against the beneficiary.

5. On March 6, 2014, the State reported that: (i) the Oaxaca Public Security Secretariat provided protection to Mr. Lorenzo Santos Torres at the Civil Hospital in the city of Oaxaca; (ii) security service was provided at the domicile of the beneficiary, that of Justina Velasco Gómez, and that of Justino Girón Castro; as well as in the IEBO no. 71 where the daughter of Lorenzo Santos Torres studies; (iii) on December 13, 2013, the general coordination of legal affairs and human rights of the Ministry of Health reported on the medical care received by Mr. Santos Torres at the "Salvador Zubirán" National Institute of Medical Sciences and Nutrition; (iv) on December 19, 2013, a consultation meeting was held. However, the representative decided to withdraw from the meeting as the heads of the various convened state agencies were not present. Despite this, the state entities promised to continue implementing the precautionary measures; (v) on January 3, 2014, the Federal District Public Security Secretariat reported on the beginning of steps to implement protection measures for the beneficiaries during their stay in the Federal District: patrols, an emergency telephone number, and a contact person, in case of any eventuality; (vi) as of November 1, 2013, through the state police unit in Santiago Amoltepec, a permanent security service was implemented at the beneficiary's home, as well as patrols at the homes of his family members; (vii) on January 21, 2014, Mr. Lorenzo Santos Torres and his family were relocated to a guest house in Mexico City; (viii) on January 23, 2014, personnel from the Unit for the Defense of Human Rights of the Ministry of the Interior delivered the amount of 600.00 Mexican pesos as transportation resources for Mr. Santos Torres. Additionally, food assistance and lodging were provided to the beneficiary and his family, during their stay in Mexico City; (ix) on January 28, 2014, the Coordination for the Attention of Human Rights of the government of the state of Oaxaca reported on the arrest warrant executed against P.L.J.H., former mayor of Santiago Amoltepec, allegedly responsible for the crime of attempted, aggravated homicide against the beneficiary; and (x) constant telephone communications were maintained with Mr. Lorenzo

Santos Torres and his family, including regular visits, given that he still receives periodic medical attention at the “Salvador Zubirán” National Institute of Medical Sciences and Nutrition.

6. On January 19, 2015, the State indicated that: (i) the Unit for the Defense of Human Rights of the Ministry of the Interior reported that it requested the support of the Deputy Director General for Legality and Transparency belonging to the Unit of the Attorney General and Commissioner for Transparency of the Secretariat of Social Development, so that the benefit granted to Ms. Marcela Girón Castro, through the social development program “*Oportunidades*,” be given at the beneficiary’s home in the City of Mexico; (ii) Mr. Ángel Santos Girón is purportedly living in the United States, awaiting resolution of his asylum application; (iii) on May 23, 2014, a follow-up meeting on the precautionary measures was held, in which a trip for the beneficiary was agreed that could not be carried out due to medical complications; and (iv) in September 2014, the beneficiaries traveled to the municipality of Santiago Amoltepec to commemorate the death of the beneficiary’s son.

7. On January 25, 2016, the State reported that: (i) the medical care service continued to be in force through the Executive Commission for Attention to Victims (CEAV), an agency that provides medical and psychological care; (ii) in September 2014 and 2015 the beneficiaries traveled to Santiago Amoltepec to commemorate the death of the beneficiary’s son. Within the framework of the said transfers, the State coordinated various actions such as the use of helicopters to transfer the beneficiaries, given that Mr. Santos Torres’ state of health did not allow a land transfer, and a permanent security operation was managed in favor of the beneficiaries; (iii) on November 24, 2015, a follow-up meeting on the precautionary measures was held. At the meeting, the beneficiary expressed the will to return to the community of Santiago Amoltepec, the State upheld that there were no security conditions for a return; however, the State proposed to establish security measures at the beneficiary’s home in the community or transferring him to a safe house in Oaxaca, while the beneficiary insisted on his return; and (iv) at the meeting it was agreed to continue supporting the beneficiary with security, in addition to financial support and to try to find scholarships for the beneficiary’s children.

8. On November 18, 2021, the State affirmed that: (i) in 2016, when the beneficiary recovered his optimal level of health, he moved to the community of Santiago Amoltepec. The State coordinated actions to provide security to the beneficiary, such as the installation of an assistance button –which was canceled in November 2018–. The Secretariat of Public Security, through the state police, provided security and surveillance at the homes of the beneficiaries, among others; (ii) Mr. Santos Torres rejoined the community and reopened his grocery store, the store sells alcoholic beverages. Given this activity, fights have arisen in the establishment, while security personnel suffered physical and verbal attacks by passers-by under the influence of alcohol; (iii) on April 6, 2016, a final conviction was issued against M.J.P. for the crime of aggravated homicide with advantage against J.E.S.G., son of the beneficiary; (iv) on April 6, 2016, a final conviction was issued against P.L.J.H. for the crime of attempted murder with advantage and premeditation against the beneficiary; and (v) on April 12, 2021, an interview was carried out to determine the beneficiary’s level of risk and it was not possible to identify any imminent risk placing the beneficiary at extreme vulnerability, and therefore it was recommended to conclude the protection measures granted to the beneficiary. Lastly, the State requested the lifting of the precautionary measures.

9. On December 27, 2021, the State furnished a report on the risk faced by the beneficiaries on August 10, 2021. It reported that: (i) on August 12, 2021, an investigation was launched against that or those responsible for the crime of theft. It was reported that the vehicle was located and delivered to the beneficiary’s wife, Marcela Girón Castro; and (ii) within the investigations carried out, it has not been detected the existence of any imminent risk sufficient to grant legal protection measures in favor of the beneficiaries and they highlighted that no relationship is observed between the risk in 2021 and the situation that called for the granting of precautionary measures. In this sense, the State considered that

there is no situation meeting the requirements of Article 25 of the Commission's Rules of Procedure since 2014 and emphasized that the events that gave rise to the precautionary measures were investigated and prosecuted. The judicial processes led to two convictions. The State reiterated its request to have the precautionary measures lifted.

B. Information provided by the representation

10. On May 26, 2014, the representation reported that: (i) the beneficiaries were living in Mexico City because the beneficiary receives medical assistance at the "Salvador Zubirán" National Institute; (ii) Ángel Santos Girón, son of the beneficiary, is reportedly living in the United States; (iii) Lorenzo Santos Torres was under medical observation; and (iv) on May 23, 2014, a meeting on precautionary measures was held in which it was discussed the transfer of the beneficiaries to their community in September to commemorate the death of the beneficiary's son, Jonathan Santos Girón. On February 5, 2015, the representation stated that: (i) on January 29, 2015, the beneficiary underwent surgery at the Salvador Zubirán Institute; (ii) on January 19, 2015, the then municipal president of Santiago Amoltepec, A.R.T., was arrested for the alleged crime of homicide; (iii) paramilitary groups are said to be ruling in the community; and (iv) it was requested that the State take due precautions in the return of the beneficiary and his wife to the community of Santiago Amoltepec.

11. On August 13, 2021, the representation stated that on August 10, 2021, the beneficiary along with his wife and other members of the community were heading towards the city of Oaxaca to buy merchandise, given that the beneficiary works as a merchant. On August 12, 2021, one of the beneficiary's workers called him to inform him that the truck containing all the goods had been stolen. On August 13, 2021, they allegedly found the truck, but without the goods. Additionally, in June 2021, the beneficiary's money and purchase notes from the central supply station where he bought his merchandise were stolen.

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

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

13. 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.³ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁴ To do this, the IACHR

³ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Order of July 6, 2009, considerandum 16.

⁴ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala, Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

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.⁵ 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:

- 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.

14. With respect to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that “the 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.

15. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.⁶ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁷ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.⁸

16. In the instant matter, the Commission recalls that the precautionary measures were granted in 2013 in light of the information available that gave an account of the seriousness of the situation faced by the beneficiary and his family (see *supra* para. 2). During the follow-up on the matter, the State sent reports in response to various requests from the Commission. Thus, the Commission observes that the State referred to the following measures:

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

⁶ I/A Court H.R., [Provisional measures regarding Mexico, Order of February 7, 2017](#), paras. 16 and 17.

⁷ *Ibid.*

⁸ *Ibid.*

- (i) Consultation meetings held with the representation to discuss the implementation of the precautionary measures on December 19, 2013 (see *supra* para. 5), on May 23, 2014 (see *supra* para. 6), and on November 24, 2015 (see *supra* para. 7);
- (ii) Establishment of protection measures in favor of the beneficiaries consisting of security rounds, constant communication with the beneficiary (see *supra* para. 4), transfer of the beneficiary to a safe house, permanent protection service at the beneficiary's home, economic assistance -transportation, food, and lodging- (see *supra* para. 5);
- (iii) Medical care for Mr. Lorenzo Santos Torres according to his health situation (see *supra* paras. 4-6); and
- (iv) Investigations carried out to clarify the alleged facts, concluding in the final conviction of those responsible, both for the crime against the beneficiary and for the crime against the beneficiary's son (see *supra* para. 8).

17. The Commission also notes that the State requested the lifting of these precautionary measures. Under the terms of Article 25(9) of the Rules of Procedure, the request to lift the measures was forwarded to the representation, who did not respond or provide additional observations, despite having furnished information in August 2021. 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.⁹ By the same token, the representatives of the beneficiaries that want the measures to continue must present evidence of any reasons why.¹⁰ Similarly, Article 25(11) of the Rules of Procedure sets forth that the Commission may lift or review a precautionary measure when the beneficiaries or their representatives unjustifiably fail to provide the Commission with a satisfactory response to the requests made by the State for its implementation.

18. When analyzing the information provided by the representation in light of the information sent by the State, the Commission notes that indeed the factual circumstances have changed compared to the situation assessed by the IACHR in 2013. To date, the information available indicates that Mr. Lorenzo: (1) is in "optimal health" after the health care received; (2) he has returned to the community of Santiago Amoltepec where previously there was a situation of conflict and violence; (3) upon returning to his community, he has not reported information that would allow for the identification of threats, monitoring, or direct harassment against the beneficiary, nor have any particularly serious acts of violence been alleged; (4) he has opened a grocery store, also for the sale of alcoholic beverages, as a business within the community and is said to have security personnel for the store; and (5) he has been informed of the final convictions to persons responsible for the events that gave rise to the precautionary measures. The Commission notes that the representation has not questioned what was recently furnished by the State nor have they provided observations following the request to have the measures lifted pursuant to the Rules of Procedure.

19. The most recent information provided by the beneficiary dates from August 2021. In it, it is indicated that a truck, with goods from the proposed beneficiary, were stolen on a road in Oaxaca, thereby affecting his business (see *supra* para. 11). In response, the State indicated that: (i) the said fact is not related to the precautionary measures; (ii) it has opened the corresponding investigations; and (iii) the truck was recovered (see *supra* para. 9). In this regard, the Commission agrees with the State in the sense that no elements are identified that would indicate that due to the robbery of the truck alone there is an "imminent" risk in this matter, especially understanding that: (i) the truck was recovered; (ii) no reports were made of attacks against Mr. Lorenzo at the time of the events; and (iii) no direct acts towards him or his family in the community have been alleged. The questions raised refer to the theft of his merchandise

⁹ Ibid.

¹⁰ Ibid.

on a road in Oaxaca. The above assessments are especially relevant considering that the factual circumstances that called for the granting of precautionary measures in 2013 have changed significantly to date due to the measures adopted by the State.

20. In analyzing the situation of persons who have left the territory of a State, such as in the case of Ángel Santos Girón, son of the beneficiary, the Commission recalls that the Inter-American Court has indicated, within the framework of provisional measures, that:

“Regarding the foregoing, it should be noted that the *effet utile* of provisional measures depends on the real possibility that they can be implemented. With respect to the indicated beneficiaries, there is a material impossibility for the State to comply with the provisional measures over territories where it lacks sovereignty, while, on the other hand, the representatives have not expressed the beneficiaries’ intention to return to the country. Additionally, there is no record of any new serious events that put their life and personal integrity at risk. For these reasons, the Court considers that it is appropriate to lift the provisional measures regarding these persons.”¹¹

21. In the matter at hand, the Commission notes that, when analyzing the information as a whole, it is not possible to conclude that this situation meets the requirements of Article 25 of the Rules of Procedure. In this regard, and considering the analysis previously carried out, and in response to the State’s request to have the measures lifted, the Commission understands that the factual circumstances that called for the granting of these precautionary measures have changed significantly due to the measures taken in favor of the beneficiaries. Thus, the Commission deems that it is not possible to identify any situation currently fulfilling 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,¹² the Commission deems it appropriate to lift these measures.

22. 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

23. The Commission decides to lift the precautionary measures granted in favor of Lorenzo Santos Torres and his family, in Mexico.

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

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

¹¹ I/A Court H.R. Matter of Luisiana Ríos *et al.* regarding Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of August 22, 2018. Considerandum 4. Available [in Spanish] at: https://www.corteidh.or.cr/docs/medidas/rios_se_10.pdf

¹² 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

26. Approved on January 23, 2022, by Julissa Mantilla Falcón, President; Margarette May Macaulay, First Vice-President; Esmeralda Arosemena de Troitiño, Second Vice-President; Edgar Stuardo Ralón Orellana; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary