
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO PARTIALLY LIFT PRECAUTIONARY MEASURES 69/2022**

Precautionary Measure No. 452-13
Lauro Baumea Mora *et al.* regarding Mexico¹
December 6, 2022
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to partially lift these precautionary measures granted in favor of (1) Lauro Baumea Mora, (2) Miguel Ángel Cota Tórtola, (3) Aurelia Butimena, (4) Librado Valenzuela Valencia, (5) Esteban Cecilio Valenzuela Buitimea, (6) Arturo Matas Gonzáles, (7) Gilberto Gálvez Palma, and (8) Gregorio Valdez Molina, members of the Yaqui People. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, as well as the absence of recent threatening events, along with the will of Ms. Aurelia Buitimea. Upon not identifying compliance with the procedural requirements regarding these persons, the IACHR decided to lift the instant measures.

2. On the other hand, the IACHR decided to maintain the precautionary measures in favor of Mario Luna and his family. Consequently, the Commission requested as follows: a) to the representatives, to present updated information on the risk faced by Mr. Mario Luna and his family; b) to the State, to carry out an updated risk assessment and adopt the appropriate and effective protection measures determined by its authorities in the matter; c) to both parties, to collaborate in the concerted actions that may be necessary for the proper implementation of the precautionary measures. Upon receiving the information from the parties and having forwarded the corresponding information, the Commission will analyze whether the beneficiaries' situation persists.

II. BACKGROUND INFORMATION

3. On May 18, 2015, the IACHR decided to request the adoption of precautionary measures in favor of (1) Lauro Baumea Mora, (2) Miguel Ángel Cota Tórtola, and (3) Aurelia Butimena, leaders of the Yaqui People. The request for precautionary measures alleged that there were threats, harassment, and acts of violence against these persons purportedly as a result of their opposition to the operation of a project on the Yaqui River. Upon analyzing the submissions of fact and law, the Commission considered that the information showed in principle that the leaders were in a serious and urgent situation, because their lives and personal integrity were threatened and at risk. Consequently, in accordance with Article 25 of the Rules of Procedure of the IACHR, the Commission requested that the State of Mexico: a) adopt the necessary measures to preserve the life and personal integrity of the leaders Lauro Baumea Mora, Miguel Ángel Cota Tórtola, and Aurelia Butimena; b) adopt the necessary measures to ensure that Lauro Baumea Mora, Miguel Ángel Cota Tórtola, and Aurelia Butimena can carry out their activities as human rights defenders, without being subjected to acts of violence and harassment in the exercise of their functions; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.²

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. *Lauro Baumea Mora et al. regarding Mexico*. MC-452-13. Resolution 19/2015 of May 18, 2015.

4. On March 2, 2016, the IACHR decided to extend precautionary measure 452/13 in favor of (1) Librado Valenzuela Valencia, (2) Esteban Cecilio Valenzuela Buitimea, (3) Arturo Matas Gonzáles, (4) Gilberto Gálvez Palma, and (5) Gregorio Valdez Molina, members of the Yaqui communities in Vicam, Bélem, Cócorit, Bácum, and Pótam. The information provided by the applicants alleged that the beneficiaries were at risk because they had been subjected to acts of violence, harassment, monitoring and death threats as a result of their work as human rights and water defenders. Through the extension decision, the Commission requested that Mexico adopt the necessary measures to guarantee that Librado Valenzuela Valencia, Esteban Cecilio Valenzuela Buitimea, Arturo Matas Gonzáles, Gilberto Gálvez Palma, and Gregorio Valdez Molina can carry out their activities as human rights defenders, without being subjected to acts of violence and harassment for the exercise of their functions; consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and report on the actions taken to investigate the alleged facts that led to the adoption of the precautionary measure and thus avoid their repetition.³

5. On March 22, 2016, the Commission decided to extend again these precautionary measures in favor of (1) Mario Luna Romero, Secretary of Traditional Authorities of the Vicam People of the Yaqui Tribe and spokesperson for the Yaqui Tribe in the claim for the *Independencia* aqueduct. The above, considering a series of follow-ups by strangers aboard unidentified vehicles. After considering the procedural requirements met, the Commission requested that Mexico: a) adopt the necessary measures to guarantee the life and personal integrity of Mario Romero Luna and his family; b) adopt the necessary measures to ensure that Mario Luna Romero can carry out his activities as a human rights defender, without being subjected to acts of violence and harassment in the exercise of his functions; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure and thus avoid their repetition.⁴

6. Representation was exercised by Andrea Davide Ulisse Cerami and Úrsula Garzón Aragón from the Mexican Center for Environmental Law, until December 19, 2019. From that day on, the beneficiary Mario Luna was appointed as the new common representative. In turn, Mario Luna authorized Mariano Machain, from SERAPAZ organization, as his and Aurelia Buitimea's representative.

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

a. Regarding the procedure following the extension of March 22, 2016

7. During the time the precautionary measures were in force, the Commission followed up on the subject matter of these precautionary measures by requesting information from the parties. On April 26, 2016, a report was received from the representatives, which was transferred to the State on June 28. On June 23 and 27, reports were received from the representatives and the State, respectively, transferred between the parties on July 6, 2016. On July 25, 2016, a report was received from the representatives, which was forwarded to the State on August 2, 2016. The State submitted its report on August 16, 2016, and the representatives reported new facts on August 25, 2016, both of which were forwarded on October 11, 2016. The Commission received two letters from the representatives on November 15 and December 20, 2016, which were forwarded to the State on December 22, 2016. The State sent a report on January

³ IACHR. [Extension of beneficiaries Lauro Baumea Mora et al. regarding Mexico. PM-452-13](#). Resolution 7/2016 of March 2, 2016.

⁴ IACHR. [Extension of beneficiaries Lauro Baumea Mora et al. regarding Mexico. PM-452-13](#). Resolution 15/2016 of March 22, 2016.

10, 2017, sent to the representatives on April 4, 2017. The representatives sent reports on May 5 and July 13, 2017, forwarded to the State on September 5, 2017.

8. On December 19, 2017, the resignation from the representatives of the Mexican Center for Environmental Law was received and, during September 2017, communications of authorization of new representatives were received. On July 23, 2019, a new report of the representatives was received, forwarded to the State on August 15, 2019. The State sent its last report on November 12, 2021, forwarded to the representatives on February 24, 2022. The representatives submitted its response on March 25, 2022.

b. Information provided by the State

9. In its report of June 27, 2016, the State indicated that a consultation meeting was held on May 12, 2016, and gave information on the protection provided to the beneficiaries. In this regard, the following was indicated:

- a. Mr. Lauro Baumea Mora has been incorporated into the Protection Mechanism for Human Rights Defenders and Journalists (the Mechanism or the Protection Mechanism), where he has been since March 17, 2015. On April 29, 2016, the following security measures were approved in his favor:
 - i. Lease of telephone line and equipment with location application for immediate reaction systems for state and federal police;
 - ii. A directory of state and federal police emergency numbers was provided, as well as a security escort service for transfers, if requested within 72 hours;
 - iii. Request information from the PGJ on preliminary investigations;
 - iv. Installation of closed-circuit television and security locks in his home;
 - v. Fixed and logbook surveillance at his home; and
 - vi. Accompaniment in the transfers of her daughters by the Municipal Police of Obregon, Sonora.
- b. It was also indicated that after reporting a break-in at Lauro Baumea's home to the panic button, the corresponding protocol was activated and he was attended to by the federal police and technical security specialists, who verified the reported situation and carried out the pertinent security repairs.
- c. Regarding Aurelia Butimania and Miguel Ángel Cota, it was indicated that they were provided with panic buttons on November 27, 2015. Afterwards, they were presented with options for security measures in their homes, being only accepted by Miguel Ángel Cota and receiving indication from Aurelia Butimania that she would consult with the community.
- d. Regarding Mario Luna, it was indicated that he has been incorporated into the Mechanism since March 17, 2016, with a direct contact number with the State Police and two panic buttons (one for him and one for his son).
- e. Regarding the remaining beneficiaries, it was indicated that a risk assessment by a risk analyst has been requested.
- f. In addition, it was reported that there have been two preliminary inquiries for reported threats, one by acts against Miguel Angel Cota, Lauro Baumea, and Aurelia Butimania, and the other by facts only against Lauro Baumea.

10. In its report of August 16, 2016, the State made a statement on the bullet wounds received by Librado Valenzuela and Gregorio Valdez on June 15, 2016 (see *infra* para. 34). It was decided to take Mr. Librado Valenzuela to a private hospital due to his delicate condition, and he underwent surgery on June 16. The expenses were covered by the Mexican State, and both were followed up on their health situation.

At the same time, 24-hour protection measures were taken at their home, an investigation was opened by the Sonora PGJE, and accompaniment was ordered for their medical transfers.

11. In light of the above, 24-hour protection was also ordered for Lauro Baumea, Mario Luna, and Miguel Cota and surveillance rounds were ordered in the community of Vicam. It was indicated that the security details for Lauro Baumea and Mario Luna indicated above were maintained, as they reported extraordinary risk, as well as assistance buttons were granted to Esteban Cecilio, Librado Valenzuela, Gregorio Valdez, and Gilberto Gálvez.

12. The State submitted a new report on January 10, 2017. In relation to the events of August 12, 2016, when a person threatened Mr. Librado Valenzuela on the federal highway (see *infra* para. 37), it was indicated that at the time of the events state police moved to the area without being able to locate the aggressor. The following day, Mr. Librado Valenzuela's wife called the police to report a suspicious person loitering in the community on a motorcycle, who they thought could be the same person from the previous day. Therefore, the state police went to the area and, after locating the person, they stopped him for a search, indicating that it was the same person from the previous day according to the description received, and he turned out to be a local resident.

13. On August 19, 2016, the Chief of the State Public Security Police Group and his team went to Librado Valenzuela's home to verify the available security escort team. There they were informed that on August 12 his son was in his vehicle when a man with his face covered with a cloth approached him making movements as if he were going to take something out of his clothes, so he immediately left. It was reported that there is no investigation file before the Attorney General's Office because no complaint was filed, which would be necessary to open an investigation.

14. The State reiterated that the same measures in favor of Lauro Baumea, ratified on June 20, 2016, remain in force. In turn, Aurelia Buitimea and Miguel Cota continue with panic buttons. It was added that Miguel Cota's has been turned off for 345 days.

15. Regarding Mario Luna, it was indicated that he and his son continue to have a panic button and the home of the mother of his children has an audible alarm. A request was made to install an internet-monitored GPS in Mario Luna's car and a technical visit to two homes in other locations to verify their security.

16. After individual and collective risk analyses, most of the above measures were ratified and the remaining beneficiaries would be provided with panic buttons, GPS internet positioning in their vehicles, emergency contact numbers, as well as technical visits to install relevant security measures and rounds with logbook in private homes.

17. In addition, as additional measures for the collective, it was agreed to provide them with a self-protection or self-defense course to know how to respond in a risk situation; public security presence in their homes, the international highway and the traditional Vicam guard; and to manage the possibility of providing them with psychological care, among others.

18. Finally, it was indicated that, following the concertation meeting of December 2, 2016, information on investigations was requested from the Office of the Inspector General of the Republic (*Procuraduría General de la República*) and the Office of the Inspector General of the State of Sonora (*Procuraduría General del Estado de Sonora*); the Secretary General of the Government of Sonora and the Municipal President of Guaymas were informed about the precautionary measures; the municipality was

requested to repair the public lighting; and a technical visit to the homes was requested to implement the corresponding measures.

19. By report dated November 12, 2021, the State indicated that, after a new risk analysis, in November 2017, it was decided to terminate the protection detail in favor of Lauro Baumea, as he was found to be at ordinary risk. However, a panic button was maintained in his favor. The report reiterates the information on the measures granted of an individual and collective nature following the 2016 risk assessments.

20. Regarding Mario Luna, it was reported that he continues to be part of the Protection Mechanism and has the following: panic button; GPS in his vehicle; infrastructure measures in two homes; emergency contact number for him, his son and his former wife; contact number with the federal police; rounds with state police logs at his home; accompaniment in transfers with 72 hours prior notice; and that the municipality was requested to install and maintain street lighting in his home and that of his family members.

21. In a follow-up meeting on August 9, 2019, measures were ratified in favor of Miguel Cota, Librado Valenzuela, Esteban Valenzuela, Arturo Matas, Gilberto Gálvez, and Gregorio Valdez and they were urged not to misuse the measures. A risk assessment was conducted in September 2019, where it was reported that Gilberto Gálvez Palma is no longer part of the “troop that is in charge of providing security in Vicam,” as he left the community and has other activities. Similarly, the risk analysis identified that from June 2016 to date there were no risk events and “concluded that they are not currently at risk derived from the human rights defense work related to the opposition to the aqueduct,” and therefore it was proposed to terminate the protection plan. On the other hand, it was decided to maintain some measures in favor of Librado Valenzuela and Gregorio Valdez, consisting of a panic button; digital base, and mobile radio equipment; portable digital radio; GPS for their vehicles; bulletproof vest; among others. In relation to Aurelia Buitimea, although she has not presented any security incidents, her risk evaluation is pending, and therefore measures in her favor are still pending.

22. The State reported challenges in the implementation of the precautionary measures. On several occasions, authorities attempted to meet with Lauro Baumea, Miguel Cota, Librado Valenzuela, Esteban Valenzuela, Arturo Matas, Gilberto Gálvez, and Gregorio Valdez to share the results of the risk assessment. On December 11, 2020, a *Zoom* meeting was confirmed, but the beneficiaries did not show up, claiming to have mistaken the time. The meeting was rescheduled for December 15, 2020, but again the beneficiaries did not show up, so there was only a phone call with Lauro Baumea and Esteban Valenzuela. In this meeting it was agreed that the Public Prosecutor’s Office (*Ministerio Público*) would receive them on December 18, 2020, to consult the investigation files initiated for the incidents against them. It was also agreed that the Mechanism would carry out new evaluations in favor of Librado Valenzuela and Esteban Valenzuela. The Mechanism scheduled the new analyses for February 5, 2021, which was suspended because both of those evaluated indicated that they were unable to attend the evaluation. It was noted that on several subsequent occasions the beneficiaries cancelled the scheduled interviews with the Mechanism’s personnel, making it impossible to comply with the agreement.

23. On the other hand, the State indicated that, in May 2019, the Yaqui traditional authorities reported that Librado Valenzuela and Gregorio Valdez were involved in events that disturbed the social peace of the community and that they could be responsible for crimes. In this regard, they allegedly interrupted the free transit of the federal highway in exchange for an economic charge, without the consent of the traditional authorities. It was indicated that they allegedly possess weapons and use drugs and narcotics and that they raided the facilities of the *Cooperativa de Transporte de Carga y Volteo* of the Yaqui

Communities. In turn, the traditional authorities denounced that Mr. Librado Valenzuela uses a Sonora State public security patrol car to travel and commit the alleged crimes, which the State indicated is out of context, since the protection measures consist of patrols and a patrol car parked at his home.

24. In relation to the burning of the vehicle of Mr. Mario Luna's partner (see *infra* para. 46), it was reported that the State provided her with shelter in a hotel in Mexico City from June 30 to July 7, 2017, covering the expenses for her and her daughter. On July 17, 2017, a meeting was held with authorities from the three levels of government to establish actions and tasks to protect Mr. Mario Luna and his wife. On September 27, 2017, the wife was given a panic button.

25. The State reported that, according to the reports of the Ministry of Public Security, there have been no incidents of risk against any of the beneficiaries in recent years. Regarding Librado Valenzuela and Gregorio Valdez, the State indicated that the risk events are not related to the implementation of the precautionary measures, in addition to the fact that they purportedly misuse the Mechanism. Regarding Mario Luna, the State considered that there are not sufficient elements to prove a risk to his life and integrity and that he is included in the Protection Mechanism.

26. The State referred to the investigation files that have been opened by the PGJE:

- a. C. I. 337/2015 for the crime of threats against Miguel Cota, Lauro Baumea, and Aurelia Buitimea;
- b. C.I. 692/2015, for threats against Lauro Baumea;
- c. I/COB/106/115/00414/6-2017, for fire damage to the detriment of Mr. Mario Luna's partner;
- d. NUC/SON/COB/FGE/2018/106/8593 for burglary in the home of the former wife of Mr. Mario Luna;
- e. NUC/SON/COB/FGE/2018/106/33138 for the crime of threats against Mario Luna and Carlos Luna;
- f. NUC/SON/COB/FGE/2019/106/03755 for burglary in the home of the former wife of Mr. Mario Luna;
- g. SON/COB/FGE/2019/106/45727 for vehicle theft, opened against Librado Valenzuela Valencia;
- h. SON/COB/FGE/2019/106/46199 for aggravated illegal deprivation of liberty, opened against Librado Valenzuela Valencia;
- i. SON/COB/FGE/2020/098/21785 for various crimes, opened against Librado Valenzuela Valencia;
- j. SON/COB/FGE/2019/106/46199 for aggravated illegal deprivation of liberty, opened against Gregorio Valdez Molina;
- k. SON/COB/FGE/2020/106/16806 for homicide, opened against Librado Valenzuela; and SON/COB/PGE/2016/161/14144, for injuries against Gregorio Valdez Molina and Librado Valenzuela Valencia.

27. The State argues, in response to the allegations of the representatives that there is no progress in the investigations, that in the consultation meetings they have been offered appointments with the Public Prosecutor's Office, which they have not followed up on, or that sometimes the complaint has not been ratified.

28. Additionally, the State reported on a human rights training workshop to the Yaqui Community on August 10 and 11, 2019, with the support of the National Institute of Indigenous Peoples (INPI), Commission for Dialogue with Indigenous Peoples of Mexico (CDPIM), and National Human Rights Commission (CNDH). The workshop was held in the community of Vicam with 22 participants proposed by Mario Luna.

29. The State indicated that the results of the risk analysis and the lack of incidents indicate that the procedural requirements do not subsist. In addition, it was pointed out that the circumstances in Sonora have changed, with the government and customary authorities being different from those that generated the risk. In addition, it was emphasized that the defense of the aqueduct is an issue that is currently being litigated through the courts, guaranteeing access to justice, and therefore their integrity is not at risk. Thus, it was pointed out that the defense activity currently being carried out does not derive from opposition to the aqueduct.

30. On the other hand, it was indicated that the improper use of security measures has generated social conflicts and has led the authorities to establish the responsibilities of the beneficiaries and to protect the authorities from their actions.

31. Considering all the above, the State requested the lifting of the precautionary measures.

c. Information provided by the representatives.

32. In their communication of April 26, 2016, the representatives indicated that the State has not yet contacted them to arrange precautionary measures and a comprehensive protection plan to enable them to carry out their work as human rights defenders.

33. On June 23, 2016, the representatives provided a new report. They reported that on May 12, 2016, there was a concertation meeting with the State and 9 beneficiaries. On the same day at night, people were observed loitering in the house of Esteban Cecilio Valenzuela. On May 30, a brother of Gregorio Valdez Molina was harassed and pursued by several pickup trucks, and on June 11, polarized vehicles followed Gregorio Valdez Molina, who had to take refuge in Librado Valenzuela's house. On the same night, June 11, there was a shootout in Vicam between armed groups and a group took refuge in the house of the mother of Mario Luna's children; one of his sons activated the security button and state police upon arrival reportedly made stigmatizing comments against him, and the Navy reportedly arrived at dawn to patrol the area.

34. It was also reported that on June 15, Librado Valenzuela and Gregorio Valdez were in their pickup truck near International Highway 15 when they were attacked by an armed group with AK-47 weapons, wounding both of them in the legs.

35. In a report dated July 25, 2016, it was noted that on July 21, 2016, after conducting risk analysis on six beneficiaries, when they returned to the territory of the Yaqui Tribe at night, a shooting allegedly broke out between two organized crime groups, which happened next to the home of Librado Valenzuela, Esteban Valenzuela, and Gregorio Valdez. In addition, it was indicated that the measures implemented by the State have been ineffective, giving as an example the situation of Lauro Baumea and the raid on his home despite having security measures in place. In addition, it was indicated that risk analyses take a long time to be carried out and duly updated, as well as that there is no effective implementation of measures.

36. It was also noted that the investigations were not opened until it was reported that the IACHR granted precautionary measures. In turn, there are neither measures to prevent violence nor punishment of those responsible. The representatives requested that provisional measures be requested from the Inter-American Court.

37. By report of August 25, 2016, the representatives reported that, on August 12, while Esteban Valenzuela was driving on the international highway, a hooded person stood in front of his vehicle and pointed a gun at him, and he was able to flee after accelerating the vehicle. He took refuge in Librado Valenzuela's house, who had a state police presence after the events of July 15. He activated his emergency button and received a call from the company that operates it, but no authorities came to his aid. This was reported to the Secretary of the Interior on August 16, who indicated that he would be sought by authorities for his protection.

38. On August 16, Esteban Valenzuela's neighbors informed him that a person who resembled his aggressor was surrounding his house on a daily basis, which was reported again to the Governor's Office on August 17, and they were informed on August 19, but, as of the date of the writ, no authority had appeared to help him, so he could not return to his house or to his activities. The representatives insisted on the request for provisional measures.

39. On November 14, 2016, the representatives submitted observations to the State's report. They indicated that the protection detail for Lauro Baumea is not sufficient and the security escorts of the Federal Police that must be requested 3 days in advance become inoperative, giving as an example of this the attacks materialized against him.

40. Regarding Miguel Cota and Aurelia Buitimea, it was noted that they continue to have only a security button. Only Miguel Cota accepted infrastructure measures at his home, but to date they had not been implemented. As of the date of the report, there were still no state agents at Esteban Valenzuela's home despite the events of August 2016. Regarding Mario Luna and his family, despite the approval of a security detail after the risk analysis, it would not be implemented.

41. It was indicated that there continues to be no diligent investigation or punishment of those responsible for the risky acts. In addition, security work in the area had been neglected. It also insisted on the request for provisional measures before the Inter-American Court of Human Rights.

42. In their communication of December 20, 2016, the representatives indicated that, while assessing the possibilities of a request for provisional measures, on December 2, 2016, they had an implementation meeting with the State, committing to concrete protection measures and reaching agreements both parties. Consequently, the request for provisional measures that had been requested was withdrawn.

43. On May 5, 2017, a report was received from the representatives, where they referred to the agreements of the meeting of December 2, 2016, indicating that the State undertook to review the measures in favor of each of the individuals to ensure their operation and effectiveness and to request the support of municipal and state authorities. At the meeting, it was agreed with the State that it was required to repair the public lighting, that the rounds were more precise and supported by the state police, as well as that the Office of the Inspector General would provide information on progress in investigations.

44. The representatives pointed out that in cases of attempted homicide, such as that of Mr. Librado Valenzuela on August 12, 2016, it is not necessary to file a complaint to open an investigation, as it should be opened *ex officio*. Nevertheless, on December 6, 2016, Esteban Valenzuela, Librado Valenzuela, Gilberto Gálvez, Lauro Baumea, and Gregorio Valdez reportedly filed a complaint with the Inspector General of the Republic (*Procurador General de la República*) for all the events suffered since 2013.

45. In their report of July 13, 2017, the representatives informed that Mr. Mario Luna participated and spoke at the United Nations Permanent Forum on Indigenous Issues in New York, and that since May 2017, he has been part of the Indigenous Governing Council of the National Indigenous Congress (CNI). In turn, it was indicated that on June 23, 2017, a letter was sent to the National Water Commission (CONAGUA) alleging non-compliance with an amparo ruling ordering prior consultation in their territory.

46. In the context of the above, on June 27, 2017, around 5 a.m., Mr. Mario Luna's partner saw his vehicle on fire in the courtyard of his house, in the town of Vicam, managing to put out the fire with the help of a family member. Mario Luna reported the incident to the Protection Mechanism immediately, who indicated that state police would come to his aid, but they never arrived. After seeking help from local ministerial police, they went to the house and established that one or more persons had entered the *patio* through the perimeter fence, and that the fire was set with a device made with a glass bottle filled with gasoline wrapped in clothing, which was lit and placed under the vehicle. The ministers told him that the complaint had been filed.

47. It was indicated that the state police never arrived at the house and that, although on June 30 and July 3, 2017, state and federal authorities received Mr. Mario Luna, there was no consequence to his safety.

48. On December 19, 2017, Andrea Davide Ulisse Cerami, and Úrsula Garzón Aragón from the Mexican Center for Environmental Law resigned as representatives in the instant matter and informed that Mario Luna had been appointed as common representative, providing their contact.

49. By report dated July 23, 2019, the representatives indicated that, on February 10, 2018, they broke into the house of Mario Luna's former wife, after covering the cameras with clothes, indicating that it was demonstrated that they do not deter the commission of crimes. After these events, bars and lighting were requested, installed months later, after insistence.

50. During July 2018 events were reported around the house of Mr. Mario Luna's partner: on July 11, a person was killed 300 meters from her house, being recorded by her cameras; on July 19, a man circulating in a van intimidated the lady; on July 23 she saw the same van parked 100 meters from her house; at the end of July another man was killed near the lady's house. On the other hand, on July 26, 2018, in the afternoon, a half-naked man knocked twice on the door of Mario Luna's former wife and, as she and the girls came out, he remained sitting outside caressing his body.

51. After these events, the Protection Mechanism decided to remove Mario Luna's partner and their two children to Guaymas for 15 days; a neighborhood alarm was installed; the cyclone fence was repaired and the cameras were checked; an emergency number and federal police patrols were ordered, which they indicated would not be complied with.

52. During November 2018, unknown persons were recorded repeatedly prowling the homes of both Mario Luna's former wife and current partner, conducting surveillance and intimidation. In October, November 2018, and January 2019 defamatory messages of Mario Luna and the Yaqui Tribe were circulated, accusing them of protecting gasoline thieves. On January 19, 2019, the house of Mario Luna's former wife was robbed again.

53. On March 25, 2022, a report was received from SERAPAZ, as representatives of Mario Luna and Aurelia Buitimea, responding to the forwarding of the State's report of November 2021. In principle, they informed that Aurelia Buitimea is requesting the lifting of the precautionary measures in her favor. On the

other hand, it was indicated that the State's report refers to some of the risk events reported on Mario Luna in their last communication, but omits to pronounce on others.

54. It was reported that in February 2022, Mario's former partner and mother of two of his children, Anahí, was intimidated by unknown persons who were standing next to her vehicle and showed her firearms behind the window. Anahí had to take refuge in a store and requested support via the security button, but received no response. She called the company that manages the security button, but security forces arrived one hour later and "asked her to get out of the way since they did not know of her complaint and were unaware of the Mechanism or the order to protect Anahí."

55. On the other hand, it was indicated that a half-sister of Mario Luna, Lorena, disappeared on June 17, 2021, after arriving to work in Empalme, Sonora. She was found on June 22, 2021, in Puerto Peñasco, Sonora, after being recognized by a cab driver at an Oxxo store. The representatives indicates that Lorna did not receive any reference from her assailants to Mario Luna's work, but that this is not sufficient to rule out that it was a reprisal related to his work. After these events, the Protection Mechanism agreed to include Lorena in the same file as Mario Luna. At the time of the report, she remained sheltered outside Vicam, unable to return home, with no substantial progress reported in the investigations.

56. On the other hand, the representatives make reference to the disappearance and murder of Yaqui leader Tomás Rojo on May 27, 2021, which they place as a matter of the risk context of the Yaqui tribe. It was noted that after these events, Mario Luna temporarily left Vicam as a refugee. On the other hand, the report relates that in November 2020 Mario Luna's eldest son, Carlos, was intercepted by organized crime in the highlands and that, in December 2020, he received an extortion call in which his father Mario was mentioned.

57. It was confirmed that the current protection measures are panic buttons for Mario Luna, his former partner Anahí, and his son Carlos, surveillance cameras in the house of his former partner Anahí, his former wife Reyna, and Mario Luna's paternal family, GPS in the family vehicle and metal mesh in the perimeter fences. It was alleged that these measures contribute to mitigate the risk, but they are insufficient, due to failures in the signal of the security buttons, that the cameras stop working frequently and that the protective fences are fragile and not cemented. Evidence of the above is indicated by the three burglaries that have taken place at Reyna's home, where the sand was easily dug out from under the mesh. They also reported that the surveillance cameras and lamps increase the electricity bill by 300%, which complicates the family's economic situation.

58. The representatives indicated that Mario Luna chose to reduce his work as a human rights defender for his own protection. In addition, it was indicated that none of the security incidents suffered by Mario Luna have been clarified, nor has there been any conviction, nor has there been any comprehensive reparation to the Yaqui people. Finally, the representatives points out that Mario Luna or his representatives were not summoned to the last consultation meeting on August 25, 2021, being called by telephone by the State when the meeting had already begun, even though Mario Luna was ill from COVID.

59. The representatives requested to terminate the measures in favor of Aurelia Buitimea; to consider Mario Luna in a precautionary measure separated from the others, with his family, and to maintain them until he can carry out his work as a human rights defender, receive justice, and receive full reparation. Finally, they asked to consider granting precautionary measures to the human rights defender Fernando Jiménez Gutiérrez, due to the persecution he is suffering for his legal defense against the aqueduct.

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

60. 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 supervisory functions are established in Article 41(b) of the American Convention on Human Rights, also reflected in Article 18(b) of the IACHR Statute, while the precautionary measures mechanism is described in Article 25 of the Commission's Rules of Procedure. According to this article, the Commission grants precautionary measures in situations that are serious and urgent, and in which such measures are necessary to prevent irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

61. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.⁵ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁶ 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.⁷ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

⁵ 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/ngobe_se_01.pdf

⁶ 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.

⁷ 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.

62. With regard to the foregoing, Article 25(7) of the Commission's Rules of Procedure establishes that "[t]he decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions." Article 25(9) sets forth that "[t]he Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force." In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider if new situations have arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

63. 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.⁸ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁹ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, in addition to the lack of imminent risk, may lead to the international protection measures being lifted.¹⁰

64. As a preliminary point, the Commission notes that the State has indicated that several of the beneficiaries could have committed crimes, including by misusing the protection measures granted. In this regard, the Commission recalls that it is not for the Commission to comment on the possible criminal liability of beneficiaries under domestic law. Notwithstanding, the IACHR calls on the beneficiaries to make responsible use of the measures granted by the competent authorities, which is essential for their protection to be maintained and become suitable and effective.

65. Furthermore, the Commission notes that the representatives requested that provisional measures be requested from the Inter-American Court in its briefs of July 25, August 25, and November 14, 2016. However, that request was withdrawn in writing on December 20, 2016. The Commission therefore considers that the representatives have withdrawn that request.

66. In this regard, the Commission notes that the State requested the lifting of these precautionary measures on November 12, 2021. In accordance with the terms of Article 25(9) of the Rules of Procedure, the request to have the measures lifted was forwarded to the representatives on February 22, 2022, requesting updated information and their observations on the request to lift the measures. Some representatives responded to the request for information on March 25, 2022, requesting the lifting regarding Aurelia Buitimea and to maintain the measures in favor of Mario Luna and his family; the Commission has not received information on the remaining beneficiaries.

67. 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.¹¹ Similarly, the representatives of the beneficiaries who wish the measures to continue must present evidence of the reasons for doing so.¹² Consequently, it is up to the Commission to evaluate whether the procedural requirements remain met. For such purposes, considering that the beneficiaries have faced different events, according to their particular circumstances, the Commission will analyze the subsistence of the risk by dividing the beneficiaries in groups.

⁸ I/A Court H.R. [Case of Fernández Ortega et al. Provisional measures regarding Mexico. Decision of February 7, 2017](#). Considerandums 16 and 17.

⁹ *Ibidem*

¹⁰ *Ibidem*

i. Regarding Lauro Baumea Mora, Miguel Ángel Cota Tortola, and Aurelia Buitimea

68. The Commission granted precautionary measures in favor of Lauro Baumea, Miguel Cota, and Aurelia Buitimea on May 18, 2015, valuing their capacity as leaders of the Yaqui People, due to threats, harassment, and acts of violence as a result of their opposition to the operation of a project on the Yaqui River (see *supra* para. 3). The Commission notes that no threatening events against the three beneficiaries have been reported during the time the precautionary measures have been in force.

69. The measures adopted by the State regarding Lauro Baumea, after he was incorporated into the Mechanism on March 17, 2015, consisted of telephone equipment with a location and immediate reaction system for the state and federal police, emergency numbers, accompaniment in transfers with prior notice, closed circuit in his home with security locks, surveillance in his home and accompaniment in the transfers of his daughters (see *supra* para. 9). After the activation of his panic button in 2016 due to a break-in at his home, he was attended to by the federal police and security technicians who fixed the security infrastructure and, in June 2016, it was decided to maintain his security detail (see *supra* paras. 11 and 14). In November 2017, it was decided to terminate the security detail in his favor, as he was found to be at ordinary risk in a risk analysis, maintaining a security button (see *supra* para. 19). Regarding Aurelia Buitimea and Miguel Cota, they were given security buttons on November 27, 2015, and were presented with options to grant them security measures, which were only accepted by Miguel Cota (see *supra* para. 9 *et al.*); in June 2016, their security button was also ratified. On August 9, 2019, measures in favor of Miguel Cota were ratified. The State has also been reporting on the progress in the investigations into criminal acts against the beneficiaries and has reported challenges in the agreement of the measures with them.

70. In these conditions, the Commission notes that the State has been implementing measures in favor of the three beneficiaries, in accordance with their circumstances and the results of their risk analyses, which have been updated periodically. Thus, assessing the actions implemented by the State and the lack of risk events, as well as the lack of information on the activities of the beneficiaries that could put them at risk, along with the request to have the measures lifted with respect to Aurelia Buitimea, the Commission considers that at present no information is identified that would allow it to affirm that the procedural requirements subsist regarding (1) Lauro Baumea Mora, (2) Miguel Ángel Cota Tórtola, and (3) Aurelia Buitimea.

ii. Regarding Librado Valenzuela Valencia, Esteban Cecilio Valenzuela Buitimea, Arturo Matas Gonzáles, Gilberto Gálvez Palma, and Gregorio Valdez Molina

71. The Commission extended the precautionary measures at hand in favor of the referred persons on March 2, 2016, considering the acts of violence, harassment, following, and death threats resulting from their work as human rights defenders and water defenders and their role as Yaqui leaders of different communities (see *supra* para. 4).

72. The Commission observes, in principle, that the representatives have reported several confrontations of armed groups in the communities and in close proximity or even entering the homes of some beneficiaries. In this regard, although these events are not directed at them, the Commission considers that they are part of a territorial context that influences the particular risk of each defender within their communities.

73. Thus, regarding the events against the beneficiaries, it is noted that on June 11, 2016, Gregorio Valdez was followed by polarized vehicles, after his brother was harassed and pursued by several pickup

trucks on May 30 (see *supra* para. 33). In addition, on June 15, 2016, Librado Valenzuela and Gregorio Valdez were victims of an attack by an armed group, and were wounded in their legs (see *supra* para. 34). For his part, while Esteban Valenzuela was driving on the international highway on August 12, 2016, a hooded person stood in front of his vehicle and pointed a gun at him, and he was able to flee after accelerating the vehicle; the following day, they saw a person with a similar semblance in the community (see *supra* paras. 37-8). The Commission does not identify other particular events reported by the representatives since 2016, and approximately 7 years having elapsed since then.

74. For its part, the State has indicated that, regarding the gunshot wounds received by Librado Valenzuela and Gregorio Valdez in June 2016, they were provided with urgent medical attention and were granted 24-hour protection measures in their homes, as well as accompaniment for their medical transfers (see *supra* para. 10). In the same way, following the threat to Mr. Esteban Valenzuela on the highway in August 2016, police officers went at the time to locate the aggressor; in turn, the following day they attended to a report of a person in the community who could be the aggressor of the previous day, locating him and verifying that he was a neighbor of the community (see *supra* para. 12). On the other hand, the Commission notes that in 2016 the State granted security buttons in favor of Librado Valenzuela, Esteban Valenzuela, Gilberto Gálvez, and Gregorio Valdez (see *supra* para. 11), measures ratified at a meeting in August 2019, also including Arturo Matas; however, after a new risk analysis, in September 2019 it was determined to terminate the security details of most of them as there were no incidents since 2016, except for Librado Valenzuela and Gregorio Valdez, specifying that the measures that would be maintained in their favor consisted of panic button; digital base and mobile radio equipment; digital portable radio; GPS for their vehicles; bulletproof vest; among others (see *supra* para. 21). The State informs that, although an attempt was subsequently made to conduct new risk analyses on Librado Valenzuela and Gregorio Valdez, they did not respond to the State's calls.

75. In this regard, the Commission notes with concern the acts of violence against Librado Valenzuela, Gregorio Valdez, and Esteban Valenzuela, noting that particularly serious risks materialized for the first two in 2016. Notwithstanding, the Commission notes that the State has adopted measures in favor of all beneficiaries and, after the events indicated, their security details were strongly reinforced, with no subsequent risk events reported in the last 6 years. The absence of information on their situation has persisted over time, despite a recent request for additional information on their situation.

76. Even though there had been no risk events for years, the State maintained the measures in favor of Librado Valenzuela and Gregorio Valdez. Consequently, the Commission takes note of the State's recent attempts to reach agreement in order to carry out a new risk analysis and notes that the IACHR does not have information that could justify that the procedural requirements are met. The foregoing, given that the incidents on the persons who were subjected to them took place more than six years ago and the remaining persons have not reported any risk. In this sense, the Commission considers that the lifting is appropriate with respect to (1) Librado Valenzuela Valencia, (2) Esteban Cecilio Valenzuela Buitimea, (3) Arturo Matas Gonzáles, (4) Gilberto Gálvez Palma, and (5) Gregorio Valdez Molina.

iii. About Mario Luna Romero and his family

77. On March 22, 2016, it was decided to extend the precautionary measures in favor of Mario Luna Romero, considering his functions as representative of the Yaqui People in the claim for the *Independencia* aqueduct and assessing the information on a series of followings by strange persons aboard unidentified vehicles (see *supra* para. 5).

78. The information from the representatives indicates that after a confrontation of armed groups in Vicam, they took refuge in the house of Mario Luna's mother (see *supra* para. 33); after several relevant participations before the United Nations, the CNI and CONAGUA, on June 27, 2017, his vehicle was set on fire in the courtyard of his house without response from the Mechanism (see *supra* paras. 45-7). On February 10, 2018, they entered to rob his former wife's house and, during July of the same year, around his partner's house they murdered a person, a man in a van intimidated her, the same van parked near her house and a half-naked man knocked twice on the door and sat outside caressing his body (see *supra* paras. 49-50). In November 2018 unknown persons prowled both the house of Mario Luna's former wife and partner and, in January 2019, again burglarized his former wife's house (see *supra* para. 52). Finally, it was indicated that in November 2020 Mario Luna's son was intercepted by organized crime and in December he received a call referring to his father; in June 2021, following the disappearance of Mario Luna's sister, she was located in another city; and, in February 2020 Mario Luna's former partner was intimidated by unknown persons standing next to her vehicle, who showed her firearms and, upon reporting the facts, one hour later police arrived, but indicated to her that they had no knowledge of her complaint or of any order to protect her (see *supra* paras. 54-57).

79. The Commission is aware that Mr. Mario Luna has been included in the mechanism since March 17, 2016, when he was given a panic button for himself and another for his son (see *supra* para. 9.d); after the attack against Librado Valenzuela and Gregorio Valdez in June 2016, he was provided with 24-hour protection and the measures in his favor were maintained, adding a sound alarm to the home of the mother of his children, a request for GPS monitoring and a technical visit to two other homes to verify his safety (see *supra* paras. 11, 15). Subsequently, in 2021, the State informed that the security detail at that time consisted of: panic button; GPS in his vehicle; infrastructure measures in two homes; emergency contact number for him, his son and his former wife; contact number with the federal police; rounds with state police logs at his home; accompaniment in transfers with 72-hour prior notice (see *supra* para. 20). Likewise, after the events at his partner's home in July 2018 and the burning of his vehicle, the State paid for a shelter for her, first in Guaymas and then in Mexico City (see *supra* para. 50).

80. Considering the information provided by both parties, the Commission considers it positive that the State has implemented measures in favor of Mario Luna, which have been extended to his family members, in accordance with the evolution of the facts, even modifying and repairing the security measures in accordance with the needs identified, highlighting positively that, when necessary, even the persons at risk have been removed from the locality. However, the Commission notes that, unlike the remaining beneficiaries, Mr. Mario Luna and his family circle have been subjected to constant acts of violence, including in 2021. Considering the measures implemented by the State, and the need to have more elements of assessment to analyze his situation in the terms of Article 25 of its Rules of Procedure, the Commission considers it necessary for the representatives to provide additional and updated information on the risk faced by Mr. Mario Luna and his family, as well as, if applicable, the work that the beneficiary carries out. For its part, it is important that the State carry out a risk assessment of Mr. Mario Luna and his family and, through the competent authorities, determine the appropriate and effective protection measures.

81. Thus, considering the analysis previously carried out, and in view of the State's request to have the measures lifted, the Commission considers that it has not identified a situation that would support compliance with the requirements of Article 25 of the Rules of Procedure for the persons indicated above, and that it is important to have more information regarding the situation of Mario Luna and his family in order to assess their situation. In view of the above, and considering that exceptionality and temporality

is a characteristic of the precautionary measures,¹³ the Commission deems it appropriate to lift these measures regarding the beneficiaries for whom it has been identified that the procedural requirements are no longer met.

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

V. DECISION

83. Considering the submissions of fact and law offered by both parties, as indicated in section IV of this resolution, the Commission decides:

- a. To lift the precautionary measures granted in favor of (1) Lauro Baumea Mora, (2) Miguel Ángel Cota Tórtola, (3) Aurelia Butimena, (4) Librado Valenzuela Valencia, (5) Esteban Cecilio Valenzuela Buitimea, (6) Arturo Matas Gonzáles, (7) Gilberto Gálvez Palma, and (8) Gregorio Valdez Molina;
- b. To maintain the precautionary measures in favor of Mario Luna and his family. Consequently, the Commission requests: a) to the representatives, to present updated information on the risk faced by Mr. Mario Luna and his family; b) to the State, to carry out an updated risk assessment and adopt the appropriate and effective protection measures determined by its authorities in the matter; and c) to both parties, to collaborate in the concerted actions that may be necessary for the proper implementation of the precautionary measures. Upon receiving the information from the parties and having forwarded the corresponding information, the Commission will analyze whether the beneficiaries' situation persists.

84. The Commission recalls that the partial lifting of these measures does not preclude the filing of a new request for precautionary measures regarding the persons for whom the lifting was decided, in the event that it is considered that there exists a situation that meets the requirements established in Article 25 of the Rules of Procedure.

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

86. Approved on December 6, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarete May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary

¹³ 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