
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 17/2023**

Precautionary Measure No. 131-09

Blanca Mesina Nevárez, Silvia Vázquez Camacho, and their families regarding Mexico¹

April 3, 2023

Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Blanca Mesina Nevárez and Silvia Vázquez Camacho, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during implementation, as well as the lack of recent information from the beneficiaries' representation, who has not responded to the requests made by the IACHR, their last communication being in 2014. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

II. BACKGROUND INFORMATION

2. On June 4, 2010, the IACHR granted precautionary measures in favor of Blanca Mesina Nevárez, Silvia Vázquez Camacho, and their families, in Mexico, considering the allegations of acts of intimidation and harassment that put their lives and personal integrity at risk, allegedly due to their complaints about purported abuse of authority committed by agents of the public forces of Baja California. Additional information provided indicated delays in the implementation of a security detail for Ms. Mesina Nevárez and Ms. Vázquez Camacho, and their families. The Inter-American Commission asked the State of Mexico to adopt the necessary measures to guarantee the life and personal integrity of Blanca Mesina Nevárez, Silvia Vázquez Camacho, and their families; to reach an agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the IACHR about the measures adopted to investigate the facts that gave rise to the granting of precautionary measures.²

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

a. Procedure throughout the time the measures were in force

3. While the precautionary measures have been in effect, the Commission has followed up the situation that is the subject of these measures through requests of information to the parties. The State has submitted reports on the following dates:

2010	June 28, September 9, October 20, October 28, and December 20
2011	January 10, February 1
2013	August 16
2015	January 21
2022	August 18

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. [Precautionary Measures. Grants. 2010.](#)

4. For their part, the representation sent communications on the following dates:

2010	August 2, August 24 and August 30 (the last one, WM request), October 27, November 9, December 16
2011	January 3, August 7 (withdraw representation about Blanca Margarita Mesina and provide contacts)
2013	July 9 and 31, August 2, 6 and 9 (about Blanca Mesina)
2014	March 19 (about Silvia Vázquez)

5. The Commission transferred reports between the parties and requested information on the following dates:

2010	July 6, August 19, September 30, November 11 and 28
2011	January 13, May 12
2012	December 24
2013	July 9 and 29
2014	February 12, December 4
2017	May 9
2022	April 20 and August 18

6. The Commission held a working meeting with the parties on October 27, 2010. The representation was carried out by the organization “Mexican Commission for the Defense and Protection of Human Rights” (CMDPDH) on behalf of both beneficiaries until August 7, 2012. Thereafter, Blanca Mesina represented herself and the CMDPDH continued with the representation of Silvia Vázquez.

7. On May 9, 2017, information was requested from the representation. On April 20, 2022, information was requested “to examine the relevance of maintaining the precautionary measures in force.” On August 18, 2022, a new request for information was made to the representation “in order for the Commission to assess whether these precautionary measures should remain in force.” None of the aforementioned communications from the IACHR were answered and the deadlines granted have expired.

b. Information provided by the State

8. In its report of June 28, 2010, the State reported that the Baja California State Preventive Police of the Secretariat of Public Security (PEP-SSPBC), in coordination with the Federal Police (PF), conducted patrols at the homes of both beneficiaries.³ In a working meeting on March 9, 2010, the beneficiaries were granted an emergency number from the SSPBC, as well as from the Police Station in Tijuana of the PF. After learning that they both lived in Mexico City (then Federal District), arrangements were made to provide an emergency number in that city. It was added that the Baja California Attorney General’s Office (PGJBC) has opened three preliminary investigations for threats against the two beneficiaries, and that the Federal Attorney General’s Office (PGR) has also opened the corresponding preliminary investigations. PGJBC authorities reported that they do not have the necessary personnel or methodology to carry out a risk assessment of the beneficiaries. Regarding a request for a security escort made by the beneficiaries, it was informed that it could not be granted until the risk assessment was carried out, for which the PGR would be requested to collaborate. On April 27, 2010, the PGJBC informed that it did not have the personnel to provide the security escorts. On April 27, 2010, the PGR reported the same. In addition, constant communication is maintained with the representatives to channel their requests, and a follow-up meeting was held on June 3, 2010. Finally, the State

³ Patrol logs from March 11 to 21 and from 23 to 26, 2010, and from April 1 to 7 regarding Silvia Vázquez’s address, as well as logs from March 11 to 21, 23, and 24, and from April 1 to 4, 6, and 7 regarding Blanca Messina’s address were annexed. There are also information cards of patrols made on April 10, 11, 12, 14, 15, 19, and from 22 to 30 and May 1, 2010, in both homes.

reported that precautionary measures to protect the beneficiaries were ordered by the Human Rights and Citizen Protection Ombudsperson's Office of Baja California, as well as precautionary measures ordered by the National Human Rights Commission.

9. In a report dated September 9, 2010, the State reported on the steps and official letters sent for due compliance with the patrols and filling out of the logs, and it was reported that from May 24 to 30, 2010, they were carried out on several occasions with the presence of the Deputy Director of Operations of the PEP. In addition, logs from different dates in April were attached and indicated that the beneficiaries' comments on the signatures on the logs would be reviewed. Regarding the PF, it was indicated that measures have been taken to continue the patrols once the beneficiaries return from Mexico City. It was added that efforts are underway to provide the beneficiaries with personal custody. Regarding emergency numbers, it was pointed out that the emergency numbers for citizens were reiterated and that the PF is aware of their situation, as well as that the attention of the PF numbers will be verified. Regarding the risk assessment, it was indicated that since the PGJBC does not have the necessary personnel or methodology, it asked the Attorney General's Office of Chihuahua for its applicable protocol to carry out the study. It was noted that both attended two of the psychological appointments provided, but neither of the beneficiaries arrived for the third appointment. The PGJBC also requested support for the risk assessment from the PGR, which indicated that it did not have specialized personnel. It was reported that it was nevertheless carried out by the PGJBC and concluded, pending analysis by the Federal Ministerial Police and their conclusions.

10. The State indicated that in a meeting with the beneficiaries, no agreement was reached regarding the confidentiality of the beneficiaries' personal data, as indicated by them. This is because there is an obligation of confidentiality for the Public Prosecutor's Office, but it has access to the information in order to act; however, they expressed their disagreement with being contacted. Moreover, they pointed out that it is not possible for the PGJBC to know if the callers are public servants of the institution or whether the PGJBC is incurring in the disclosure of their information or not. Regarding the proposal for a comprehensive security detail requested so that the beneficiaries may return to Tijuana, B.C., it was indicated that a working meeting with state and federal authorities was called for July 8, 2010. At this meeting it was agreed that the PF will provide nine temporary protection officers, the Tijuana City Council will provide vehicles and the PGJBC will provide gasoline; the PGJBC requested an address outside of Tijuana to provide investigative information; and, they were provided with general emergency numbers and an internet link to file a complaint. It was reported that the Secretary of Public Security of Tijuana offered security escorts in the past, but that the beneficiaries rejected them and made direct accusations of threats and harassment against them. Thus, on August 26, 2010, the PF indicated that the eight officers were available at the time the vehicles were made available; therefore, arrangements were made for them to be provided.

11. In its communication of October 20, 2010, the State sent the minutes of the meeting of October 15, 2010, where the beneficiaries were informed of the security detail consisting of four security escorts for each one, as from October 20. The beneficiaries also requested the resumption of the patrols and proposed that they have meetings with the PGJBC and the PGR together with the CNDH and the UPDDH to receive information on the investigations.

12. As a follow-up to the working meeting of October 27, 2010, on October 28, 2010, the State sent a letter formalizing its commitments from that meeting, consisting of: i) promoting the investigations; ii) perfecting the risk assessment; iii) granting the protection detail of four officers for each beneficiary with adequate personnel; iv) providing four vehicles, one main vehicle and one security escort vehicle for each one; v) providing them with a cell phone and closed circuit in their homes; vi) carrying out the corresponding actions in case of non-compliance.

13. On December 20, 2010, a report on compliance with the agreements was provided. A letter was sent to the PGJBC and the PGR to request their collaboration in promoting the investigations and taking

steps to improve the risk analysis. The willingness to provide security escorts and vehicles was reiterated. They indicated that they were informed that the beneficiaries would tentatively return to Tijuana on December 17, 2010, which was reported to the state authorities. It was indicated that the State undertook to install the closed circuit and that arrangements were being made for cellular telephones.

14. By communication dated January 10, 2011, the State forwarded the minutes of the meeting held in Tijuana, B.C. on January 4, 2011, where the following agreements were formalized: a) security escort for Blanca Mesina, consisting of four members of the Federal Police; b) two vehicles; c) Nextel cell phone; d) the installation of the closed circuit was scheduled for the first two weeks of January 2011;

15. The State sent a report on February 1, 2011, reiterating previous information and the agreements of the meetings of December 15, 2010 and January 4, 2011, and indicated that they have not received a response from the representation regarding the return of Silvia Vázquez to Tijuana. Regarding Blanca Mesina, it was reported that on January 4, 2011, she was received at the Tijuana airport by federal and state authorities, transferring her to the handover meeting and it was reported that they were still in the process of installing the closed circuit. It was noted that a meeting between the PGJBC, PGR and CNDH will be convened to reach the completion of the risk assessment.

16. In its brief of August 16, 2013, the State referred that, according to the information from the PGJBC and the PF, there were no risk events against the beneficiary Blanca Mesina. It was indicated that, after consultation, the beneficiary told them on July 9, 2013 that the members of the security escort have reported to their superiors about follow-ups, but the State indicated that there are no reports of the incidents. Regarding Silvia Vázquez, it was reported that there are two open investigations for threats against her, without details about them, and that it was agreed to hold a meeting with her in the near future to define a protection mechanism.

17. The State also reported that it conducted a risk assessment of the beneficiary Blanca Mesina through the Mechanism for the Protection of Human Rights Defenders and Journalists (the Protection Mechanism), which includes an interview with the beneficiary, information from authorities and context analysis, among other things.⁴ The results of the evaluation were notified to the beneficiary and showed that “there is no objective element of proof that considers the existence of an imminent risk,” therefore “it is determined to withdraw the protection service of the Federal Police officers in charge of the security of Blanca Margarita Mesina Nevárez and maintain other protection measures,” such as telephone service, perimeter patrols with contact number of authorities and infrastructure installed in her home. In turn, the evaluation considered that the level of risk was “ordinary,” different from the “extraordinary or extreme” level of risk when “the precautionary measures were granted by the IACHR.”

18. The State sent a new report on January 21, 2015, informing that actions were carried out to comply with the agreements of the meeting of September 2, 2013 on the protection of Silvia Vázquez, having requested information from the PGJBC on the telephone calls received by the beneficiary (see *infra* para. 33). It was also noted that the PF was asked to provide emergency numbers, which were already provided to the beneficiary and the PF reported that it had not received any emergency calls. The State added that the beneficiary was an official of the Protection Mechanism, so she was in direct contact with these authorities in order to receive protection from the PF if required.

19. The State sent its last report on August 18, 2022, indicating that it had called the beneficiaries to working meetings. On May 19, 2022, a meeting was held with Blanca Mesina, who indicated that she no longer maintains active participation in the case of the 25 police officers, but that there had been follow-ups

⁴ The State provided as an annex the risk assessment in its entirety, but requested discretion of its content due to its confidential nature, the document states that it legally has confidential status for 13 years after it is issued. Consequently, only the information added to the State report, consisting of the results of the evaluation, is transcribed to this resolution.

that could be related. They agreed to present a report on the facts and a proposal for protection measures, the State indicated that as of the date of the report they had not received it. Also, on June 15, 2022, a meeting was held with beneficiary Silvia Vázquez, who continues to live in Mexico City practicing self-care measures, but fears for her family in Tijuana, who have seen unknown persons outside her home. They also agreed to submit a report on these events and a proposal for protective measures, which had not been received as of the date of the report. The State indicated that it is awaiting the beneficiaries' written submissions to verify the feasibility of adopting measures in their favor.

c. Information provided by the representation

20. By communication dated August 2, 2010, the representation indicated that, although they received communication on March 5 that the patrols would begin at their homes, they were not aware that they had taken place on March 6 and 8. Therefore, at a meeting held on March 9, 2010, it was agreed that the PEP agents would collect the signature at the address. In a meeting held on April 20, 2010, the beneficiaries reported that the patrols were carried out inadequately, since they made one patrol per day, two or three times a week and at irregular hours. At a meeting held on June 3, 2010, the beneficiaries reported that the patrols continued to be irregular and that on May 17, 2010, they were informed that they would be suspended until further notice, without being reestablished. For its part, it was indicated that no initial communication was received from the PF to carry out patrols, then it was indicated that patrols were carried out without a logbook and, later, that the agents are not authorized to get out of the vehicle to ask for a signature and sometimes they are in civilian clothes, so they cannot be identified. As for security escorts, despite having reached agreements in meetings with authorities, they reported irregularities in the authorities' requests and indicated that they never received an answer, despite having requested it directly from the Public Prosecutor's Office. Regarding the emergency numbers, they stated that neither of the two numbers provided responds to the emergency situations that have arisen. Regarding the number of the PF Police Station, it was pointed out that no one answered a call made twice and, when calling the following day, they replied that the number did not correspond to what the authorities had indicated to them.

21. On the other hand, it was indicated that on April 27, 2010 a risk assessment was conducted, but that the evaluation "was not carried out in an adequate manner and with the participation of experts in different areas, as required in a risk assessment." It was indicated that they were given psychological support. It was also pointed out to them from the first meeting that protection could not be granted without the filing of complaints. The representation added that after filing a complaint in a case of torture, alleged ministerial agents irregularly obtained their number and called them, and that municipal patrol cars began to appear outside the home of Silvia Vázquez and her organization, without the Municipal Police being able to clarify the reason. The above, despite having expressly requested the confidentiality of the beneficiaries' personal data.

22. The representation indicated that, for the June 9, 2010 meeting, both beneficiaries and their family units were outside of Tijuana since, despite the requests submitted, they were not provided with protection in that city. They added that at this meeting they had to leave the working table, as the authorities were not committed. As of the date of the report, there was still no response from the security detail and the responsible authority. In addition, the representation made observations on the patrol log submitted by the State, pointing out alleged irregularities such as the fact that no one was found when there were people watching the patrols, that the signature does not correspond to the person referred to, that signatures of alleged neighbors were added irresponsibly, among other things. Regarding the PF patrols, it was noted that they do not have a signed log to support them.

23. In the communication of August 24, 2010, it was reported that the Standing Committee of the Congress of the Union (*Comisión Permanente del Congreso de la Unión*) approved an agreement on August 18, 2010, calling for the protection of the beneficiaries and for compliance with these precautionary measures.

Furthermore, on August 30, 2010, a working meeting was requested, “to know if the Mexican State already has a comprehensive protection detail” in order for the beneficiaries to be able to return to Tijuana.

24. In the communication of October 27, 2010, the representation indicated that the beneficiaries have participated in cases of human rights violations against civilians and municipal police officers of Tijuana, B. C. Silvia Vázquez participated with the CCDH and CMDPDH organizations to provide documentation and accompaniment to victims, which is why “she has received a number of death threats by telephone; a Molotov cocktail was thrown at her parents’ house, and on several occasions she has been harassed by municipal patrols and private cars while driving her car.”

25. For her part, Blanca Mesina, the daughter of one of the 25 officers subjected to arbitrary arrest and torture by the military and who currently represents them, has received constant phone calls telling her “Son of a bitch, you leave the matter of the police or something bad will happen”, follow-ups of police officers and private cars. She was pointed at with gun, on May 18, 2009, by a hooded person who forced her to stop and approached her window and said: “This is the last time I warn you to stop reporting here in Tijuana, we have many contacts and I think you do not want to lose a family member. If I don’t kill you right now, it is not to cause a scandal because of the election and because your case is already internationally known.”

26. Moreover, she indicated that a complaint was filed with the CNDH, accompanied by a report on the actions she has carried out in the protection of the beneficiaries, within the framework of the file in that institution. In turn, considerations of non-compliance with the precautionary measures were reiterated.

27. On the other hand, they submitted observations to the proposal for a security detail presented by the State on October 15, 2010, indicating that: i) there is a contradiction on the authority that will cover fuel; ii) they propose having two vehicles, one with two police officers where the protected persons will travel and another that will travel in front of the first vehicle; iii) the protection cannot be suspended or canceled; iv) they should be provided with the *curriculum vitae* of the security escorts and be able to interview them; v) the patrols reactivation measure cannot be suspended or canceled and the change of personnel should be notified immediately; vi) on the information of the Inspector General’s Office (*Procuraduría*), they should be provided with certified copies of the files; vii) they request CCTV installation and cell phones.

28. In the communication of November 9, 2010, it was reported that the authorities had not yet responded regarding the implementation. On December 16, 2010, they sent a new communication stating that a Lieutenant and Captain, newly appointed as Secretary and Assistant Secretary of Public Security of the State, are alleged to be responsible for the acts of torture that they denounced in their cases, without any significant progress being made in the previous investigations. Due to the aforementioned, they indicated that they do not consider it appropriate to return to Baja California.

29. Through its letter of January 3, 2011, the representation indicated that there is still no significant progress in the investigations of the events that led to the measures. They reported that on December 15, 2010, Blanca Mesina was summoned to a meeting with authorities, where they presented the resume of the security escorts and clarified that they will begin working on December 17, 2010; regarding Silvia Vázquez, a meeting was requested for January 2011. On December 17, they received a communication that the security escort appointment meeting was canceled and that Blanca Mesina should wait until January 2011 to be able to return to Tijuana. The representation responded that they needed to know 72 hours in advance of any change and that Blanca Mesina would return to Tijuana on January 4, 2011.

30. In the communication of August 7, 2011, the representation informed that the personalized protection measures of Blanca Mesina remain in force, with four police officers of the PF, CCTV at home, two vehicles, protection by the State Government, and a Nextel telephone. Furthermore, the CCDH and the CMDPDH reported that they were withdrawing their representation on the beneficiary Blanca Mesina.

31. On July 9, 2013, the beneficiary Blanca Mesina indicated that, after the risk analysis of May 2012, the agents reported having detected follow-ups on the beneficiary and the officer in charge of the analysis requested support from superiors, without response. In 2012, there was also a change of the person in charge of the security escort, who also reported detecting follow-ups during the three months of service. On July 6, 2013, there was another change of security escort, a lieutenant colonel of the army was assigned, which causes distrust in her. In a new communication dated July 31, 2013, the beneficiary Mesina Nevárez provided a “logbook of incidents” from February to July 2013: i) on February 1, she detected five vehicles with hooded and armed passengers parked in front of her home in police corporation clothes for about two hours, her security escorts indicated that an incident had been report nearby; ii) on February 4, at the end of a press conference a person took photographs of them; the person left when asked for their identification; iii) On February 25, she received a Facebook message saying “stop reporting or something bad will happen to you”; iv) on March 15, a man arrived at a meeting, took two pictures of them with his cell phone and left; v) on April 1, a Ford 150 vehicle parked in front of her residence and a person got off and did a brief inspection before leaving; vi) on April 3, a vehicle parked outside a meeting of the beneficiary and at the end they followed them for three minutes; vii) on April 23, a Ford 150 vehicle was patrolling in an event she attended; viii) on May 3, she was in the local stadium when a fight broke out, she observed the Ford 150 vehicle she had seen before; her security escorts evacuated her from the place; ix) on May 22, she was followed for five minutes by a vehicle with polarized glasses, which her security escorts managed to lose; x) on June 1, when leaving from an event, a passenger of a vehicle took photographs of her and drove off; xi) on June 6, when leaving a meeting, political supporters quarreled and tried to beat her, so her security escorts interceded and three were injured; vii) on June 13, she was advising a person who was in prison, when she received a “private number” call in which she was told “we’re watching you”; later she observed a vehicle parked at her home; xiii) on July 17, at dawn while she was returning from Mexicali, the beneficiary informed her security escorts that she detected that armed people were following them, they followed them for about 20 minutes until her security escorts carried out maneuvers to lose them; xiv) on July 26, a vehicle remained outside her home five minutes; xv) on July 27, she observed again the same vehicle outside her home for five minutes.

32. On August 2, 2013, a new communication was received from the beneficiary Blanca Mesina, indicating that she was notified that her security escort would be withdrawn on August 5, since the technical evaluation indicated that, but she had not been notified of any evaluation. On August 6, 2013, she reported that on the same day she detected a suspicious vehicle observing a meeting she was holding, from which she fled when she observed that a patrol had been called. Finally, on August 9, 2013, it was reported that her security detail was effectively withdrawn on August 5 and that the agreed patrols were not being carried out; in turn, she indicated that on August 8 she detected a vehicle following her, which withdrew when observing that her father and two security guards from a square were approaching them.

33. The representative of the beneficiary Silvia Vázquez sent a communication on March 19, 2014, where she indicated that they held a consultation meeting on September 2, 2013, agreeing to i) follow up on the progress of the investigations; ii) request security escorts from the Federal Police for when Silvia Vázquez travels to Tijuana; iii) request an emergency number from the local authorities for immediate reaction. It was also reported that on September 2, 2013, she received an email that allegedly corresponds to the PGJBC, giving her a telephone number. When the beneficiary called the number, the person indicated that they had orders from superiors to locate her, even if she had to travel and they asked for her address and residence, the person added that “there were instructions from superiors to consign her aggressors, as well as those of her representatives”. After that call, Ms. Vázquez began receiving calls from unidentified people asking “if she was Silvia Vázquez”, “if she lived in the Federal District (now Mexico City)”, “in London” or “where she was”. The beneficiary did not provide any data and indicated that the calls were continued to be received by her at her home and cell phone, and by her relatives, and that they no longer told her anything, only a breath was heard in the phone. The numbers were private or unknown and when the call was returned, the number did not exist or no contact could be made. The beneficiary changed her phone number in light of these events, however, after

four months with the new number she began to receive these calls from a new line, the last one being on March 7, 2014.

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

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

35. 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 were 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.

36. With regard 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 the possible 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.

37. 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

38. Going into the analysis of whether the procedural requirements are still in force, the Commission recalls that the measures granted in 2010 were intended to protect Ms. Blanca Mesina and Ms. Silvia Vázquez, due to the risk events that took place against them, in relation to their work of reporting abuses of authority committed by agents of the public forces of Baja California. In this regard, the Commission proceeds to analyze below the implementation of the precautionary measures and whether they should remain in force.

39. The Commission notes that although the State indicated that it sought to implement patrols of the State Police and the Federal Police, and grant them emergency numbers since its report of June 28, 2010 (see *supra* para. 8), the representation reported that the patrols are not carried out properly and that the numbers of patrols granted were not effective, since they did not respond to them or they indicated that they were not for that purpose (see *supra* para. 20), in addition to the fact that both parties agreed that there were no tools to carry out an adequate risk assessment. In this sense, after multiple challenges in implementation, the Commission regrets that the beneficiaries had to resort to move to Mexico City as from June 2010 for their protection, in the absence of an adequate protection detail and indicating that people whom they denounced took on high positions in State Public Security (see *supra* paras. 22 and 28).

40. Subsequently, the Commission notes positively that, after several consultation meetings and in the face of the return of the beneficiary Blanca Mesina to Tijuana, Baja California, on January 4, 2011, the State provided her with a security detail consisting of:

- a. Personalized security escort with four federal police officers;
- b. Two vehicles with petrol supply;
- c. A Nextel cell phone;
- d. Closed-circuit cameras recording at home.

41. This security detail was mostly granted upon the arrival of Blanca Mesina in the state of Baja California, with points c) and d) subsequently provided. The implementation of the detail in its entirety was confirmed by the representation (see *supra* paras. 14, 29 and 30). While Silvia Vázquez remained in Mexico City, the State indicated that they were waiting for her to return to Tijuana to implement a detail similar to that of Blanca Mesina.

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

⁹ *Ibid.*

¹⁰ *Ibid.*

42. The IACHR stresses that Blanca Mesina's protection detail was withdrawn in 2013, despite the fact that the beneficiary reported constant events placing her at risk in 2013 (see *supra* para. 31), since a new risk assessment showed an "ordinary" risk as it did not have elements to consider the existence of an imminent risk (see *supra* para. 17). In this regard, the Commission stresses the importance of lodging complaints with the competent authorities so that investigations into events that put the beneficiary at risk can be carried out. On the other hand, the Commission observes that, as State authorities, the Federal Police security escorts had the obligation to inform their superiors and the competent authorities of the risk events that took place.

43. Notwithstanding the foregoing, the Commission emphasizes that the aforementioned took place after a comprehensive risk assessment carried out by the Protection Mechanism and, although the security escorts and vehicles were removed, the Protection Mechanism decided to keep the Nextel cell phone, the installed infrastructure measures, the police patrols, and an emergency number, the beneficiary, therefore, was not left unprotected after the modification of her protection measures.

44. On the other hand, with regard to Silvia Vázquez, the Commission stresses that she remained in Mexico City and no risk information was received in relation to her for much of the duration of these measures. In this sense, in 2014, a communication was received indicating that, after a meeting with authorities, Ms. Silvia Vázquez reported harassment by telephone during 2013 and 2014 asking about her and her location (see *supra* para. 32). In this regard, the State indicated that it granted an emergency number and made available personalized protection to travel to Tijuana, and, having worked in the Protection Mechanism, it had access to the accompaniment of the Federal Police (see *supra* para. 18) and, on the other hand, the beneficiary informed that these calls ceased on March 7, 2014.

45. Moreover, the Commission stresses that no communication was received from the beneficiaries or their representatives following their communications in 2013 and 2014. In this regard, the Commission appreciates the State's willingness to meet in May and June 2022 with the beneficiaries to verify their current situation (see *supra* para. 19). In this regard, although Blanca Mesina indicated that she had detected she had been followed and Silvia Vázquez reported that her family in Tijuana has seen unknown people outside her home, the State said that both committed to send detailed information in order to implement the relevant measures, but such information was not received. Furthermore, the Commission has not received any information on their situation under the terms of Article 25 of the Rules of Procedure.

46. According to the above, the Commission emphasizes that, after its communications of 2013 and 2014, the Commission has requested information from the beneficiaries and their representation on May 9, 2017, and on April 20 and August 18, 2022, requesting updated information on the existence of the risk situation and their observations on the State reports, without receiving a response to date. In this sense, since the last information received about each beneficiary, about 10 and 9 years have passed without information on their part. In that sense, 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.

47. Considering the analysis previously carried out, and in response to the request to lift of the State, the Commission considers that, at the moment, a situation that allows to support compliance with the requirements of Article 25 of the Rules of Procedure cannot be identified. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,¹¹ the Commission deems it appropriate to lift these measures.

¹¹ 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

48. 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

49. The Commission decides to lift the precautionary measures granted in favor of Blanca Mesina Nevárez, Silvia Vázquez Camacho, and their families, in Mexico.

50. 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.

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

52. Approved on April 3, 2023, by Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary