INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 21/2023

Precautionary Measure No. 451-14
Norma Madero Jiménez et al. regarding Mexico
April 13, 2023
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Norma Madero Jiménez et al., 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 detailed information on recent particular threatening events. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

II. BACKGROUND INFORMATION

2. On April 7, 2016, the IACHR decided to request the adoption of precautionary measures in favor of Norma Madero and other journalists, who purportedly worked in the magazine "Luces del Siglo," in Mexico. The request alleged that these individuals were being subjected to death threats, acts of intimidation and harassment, due to the exercise of their right to freedom of expression. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requested that Mexico:

   a. Take the necessary measures to preserve the life and personal integrity of Norma Madero Jiménez and the individualized members of her team;
   b. Consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
   c. Report on the actions taken to investigate the facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring, including the investigation of the alleged cyber-attacks on their websites and the alleged cloning of their digital and printed editions.3

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

a. Procedure throughout the time the measures were in force

3. 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. In this regard, after the granting, in the absence of information by the parties, the Commission requested information...

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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.
from both parties on October 5, 2021, to know the measures implemented by the State and the current situation of the beneficiaries. The State submitted its report on October 13, 2021, and the representation submitted its report on November 30, 2021. The said reports were forwarded between the parties on December 13, 2021. After two time extensions requested by the State to submit observations, granted on April 29 and May 19, 2022, the State sent an additional report on June 6, 2022, requesting the lifting of the precautionary measures.

4. The Commission transferred the request for lifting to the representation on August 23, 2022, requesting updated information on the situation placing the beneficiaries at risk, to “evaluate whether these precautionary measures should remain in force.” The representation submitted its report on October 25, 2022.

5. Representation is exercised by Leopoldo Maldonado and Darío Manuel Ramírez Salazar of the office for Mexico and Central America of the organization “ARTICLE 19.”

b. Information provided by the State

6. In its report of October 13, 2021, the State indicated that the Mechanism for the Protection of Human Rights Defenders and Journalists (the Mechanism) implemented a protection plan in favor of the beneficiaries. It was indicated that on September 29, 2020, the Mechanism carried out a review of the case, which was notified to Ms. Norma Madero on October 5, 2020, determining the following:

a. Send official letter to the liaison of the state of Quintana Roo and to the municipalities Bacalar, Benito Juárez, Puerto Morelos, Cozumel, Felipe Carrillo Puerto, Isla Mujeres, José María Morelos, Lázaro Cárdenas, Othón P. Blanco, Solidaridad, and Tulum to inform them that the beneficiary is incorporated into the Mechanism;
b. Request the Secretariat of Security and Citizen Protection (SSPC) to provide the beneficiary with emergency numbers of the detachment closest to the beneficiary;
c. Request the company the provision of security services to continue the assistance button with location application for immediate reaction for the beneficiary, addressed to the SSPC.

7. In turn, the beneficiary was informed that the measures are temporary and can be extended or decreased, subject to periodic review and evaluation of the mechanism and remaining in force until a new protection plan is determined.

8. The State sent a new report on June 6, 2022, indicating that the Special Prosecutor's Office for the Treatment of Crimes Committed against Freedom of Expression (FEADLE) of the Attorney General's Office (FGR) had made “relevant progress” in the investigation folders related to the beneficiaries, which would be provided in a scope report. On the other hand, it was reported that the Protection Mechanism was in the process of re-evaluating the current protection plan in favor of Norma Madero as soon as possible. In turn, it was reported that “the beneficiary has maintained a cessation of aggressions and her level of risk has decreased considerably, she has not had any obstacle in exercising her journalistic work, having no risk event during 2021 to date.”

4 This report was not received.
9. The State reiterated that the complaint before the National Human Rights Commission opened for alleged violations of freedom of expression to the detriment of Norma Madero and Agustín Jiménez, was closed on December 3, 2014 “for lack of interest of the proposed beneficiaries.”

10. On the other hand, it was indicated that the Protection Mechanism currently has the necessary powers and infrastructure to comply with its protection functions, as well as agreements with federal entities, including Quintana Roo, to be able to react to threats against journalists or defenders. In this regard, it was indicated that, although the risk of beneficiaries “has ceased,” legal mechanisms are available to protect and defend their rights, such as journalistic work. Consequently, they request that the lifting of the precautionary measures be determined.

c. Information provided by the representation

11. By communication dated November 30, 2021, Article 19 reported that it was only able to contact eight of the total beneficiaries, specifying that it was not possible to contact the beneficiary lawyers, who have changed jobs or offices, making communication with them difficult. In this regard, it was pointed out that the people contacted agreed that since former Governor Roberto Borge Angulo left power, violence has decreased and is less tense, since the current government is no longer as confrontational as the previous one. It was highlighted that the presence of organized crime groups has increased violence in the entity, who attack journalists demanding that they publish their notes.

12. More particularly, they reported that the beneficiary journalists Vicente Carrera and Javier Vite Orozco have reported that they have only had digital aggressions and harassment on social networks. On the other hand, Mr. Pedro Celestino Canché Herrera reported that on October 4, 2021, he received a WhatsApp message from the “Cartel of the Quintero,” from someone who calls himself “Raven Commander,” who told him “I occupy some notes.” They reported as a context that organized crime usually threatens journalists to publish their notes and that if it is not published they kill the persons.

13. On the other hand, it was reported that the following protection measures have been implemented: i) Norma Madero Jiménez was granted an assistance button since 2016 and, since 2020, the National Guard contacts her monthly and when she goes to the road in Cancun or Chetumal; ii) Agustín Ambriz Hernández was given an assistance button and they put locks and cameras in the office, but currently only has the security button; iii) Sergio Caballero was granted a patrolling at his home; iv) Pedro Celestino Canché Herrera, who is in prison, had his transfer to the physician and was allowed to pass his medicines into prison, but since 2015 he is reportedly not receiving attention; v) Vicente Carrera was his own self-care measures, having not received any measure; vi) Javier Vitezco Orozco, Varillas José, and Antonio Ortiza Rivera who did not point out that they were not granted measures, after the government follow-up in 2018.

14. The representation added that they had a conciliation meeting with the Ministry of the Interior (SEGOB) on June 2, 2016, where they reached different agreements. In turn, in 2018 the beneficiary

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5 Norma Madero Jiménez, Agustín Ambriz Hernández, Javier Vite Orozco, Sergio Caballero, Adriana Varillas, Vicente Carrera, José Antonio Ortiza Rivera, and Pedro Celestino Canché Herrera

6 The following was reported: a) noted home rounds and police reaction contact both locally and federally; b) the Human Rights Commission of the State of Quintana Roo, informally initiated a complaint on September 26, 2014; c) the [then] Attorney General’s Office of Quintana Roo (PGJQR) presented the will to attend the case fully and give access to all inquiries where the beneficiaries are related; d) provide a telephone, security cameras, locks and security door; e) the Human Rights Unit (UDDH)
Norma Madero and the beneficiary Agustín Ambriz met with FEADLE, the State Prosecutor’s Office of Quintana Roo and the National Human Rights Commission, where they were updated on progress in their case, but there were no commitments to grant them protection measures. They pointed out that, in view of the above, the authorities have not taken effective action to reduce the risk, and that there is no coordination between authorities.

15. On the other hand, Article 19 indicated, by way of context, that Quintana Roo is one of the most violent states to practice journalism in Mexico, indicating that from 2015 to the first half of 2021 they documented 205 attacks against journalists (providing the breakdown per year), in addition to the murder of three people with a possible link to their journalistic work. It was noted that in the last three years there has been an increase in violence, with 24 attacks committed by organized crime. Consequently, they request that compliance with the measures be required from the Government of Quintana Roo and the Federal Government.

16. In its latest report of October 25, 2022, the representation reported that journalist Norma Madero Jiménez died on July 20, 2022, from causes unrelated to her work as a journalist. They added that “there has been no progress or new information to place” since their November 29, 2021, report. They indicated that Agustín Ambriz retains the attendance button, being the only measure in force.

17. On the other hand, by way of context, they report that, in the first half of 2022, Article 19 documented 331 assaults against journalists and media in Mexico, as well as that “at least 16 journalists, 3 non-editorial media workers and a relative of journalists have been killed.” They also added that Quintana Roo is one of the 10 most violent states in the country, with 14 assaults, highlighting that the perpetrators mainly public officials and security forces, with 5 cases with a possible link to organized crime; in addition, they updated the breakdown of numbers of assaults per year in the state, until the first half of 2022, and reiterated the list with the three people killed in 2018 and 2019 in the state. Therefore, they request that compliance with the precautionary measures be requested from the state government of Quintana Roo and the Federal Government.

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

18. 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.

undertakes to convene the authorities of the City of Benito Juárez; f) the PGR-FEADLE will develop a work plan for attention to the inquiries in coordination with the report of Norma or her representatives; g) the PJQR will develop a work plan for attention to the inquiries in coordination with the beneficiaries by the State Attorney’s Office, part of the Government, provide direct contact data to the beneficiaries...”.

7 On June 29, 2018, José Guadalupe Chan Dzib, of the Playa News Weekly magazine; on July 24, 2018, Rubén Pat Cahuich of the Playa News Weekly magazine; and, on May 16, 2019, Francisco Romero of the media outlet “Ocurrió aquí.”
19. 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.8 Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.9 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.10 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.

20. 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 whether the serious and urgent situation and 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.

21. 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.11 In this sense, when no imminent risk is identified, the burden of proof and argument

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11 I/A Court H.R. Matter of Fernández Ortega et al., Provisional measures regarding Mexico, Order of February 7, 2017, Considerandum 16 and 17.
increases over time. 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 lifting of international protection measures.

22. Going into the analysis of whether the procedural requirements are currently in force, the Commission recalls that the measures granted in 2016 were intended to protect Ms. Norma Madero Jiménez and her journalistic team. On that occasion, the Commission assessed that the acts against the beneficiaries referred to "i) threats of death and possible disappearances; ii) persecution and harassment; iii) alleged arbitrary detentions; iv) stigmatizing and continuous disqualifying speeches - which would include speeches on the sexual orientation of one of these persons -, which could constitute situations of animosity against them and sources of risk." The above, in order to hinder the journalistic exercise that the beneficiaries carried out in the magazine "Luces del Siglo" on the public function of state authorities in Quintana Roo, in Mexico, where cyber-attacks were also alleged to limit access to its portal and block it, as well as the cloning of its digital and printed editions. In turn, the Commission took into consideration that the above is consistent with contextual information that the IACHR received from the situation of journalists and social communicators in Mexico. At the same time, the IACHR assessed that, although there were various actions implemented by the State, there were no specific protection measures, measures to avoid or prevent risk situations, or concrete results of the complaints filed that could prevent the facts from reoccurring. Considering this background information, the Commission then proceeds to analyze the implementation and justification of the precautionary measures.

23. In this regard, the Commission highlights the lack of update from the parties on the measures taken or the existence of threatening events on the beneficiaries from the granting in 2016 until the end of 2021, following the request for information made. This is not sufficient to evaluate the implementation of protection and livelihood measures of the threatening situation during this period of time.

24. Notwithstanding, from the information provided by both parties, it is noted that, regarding Norma Madero, in accordance with the evaluation of the Mechanism of September 29, 2020, the following measures were adopted: sending official letters to state and municipal authorities; the SSPC was requested to provide emergency numbers and the granting of a security button (see supra para. 6). In addition, the representation reported that the National Guard maintained monthly contact with Norma Madero, in addition to contact when she was going to go to roads in Cancun and Chetumal since 2020 (see supra para. 13). Similarly, it was indicated that Agustín Ambriz was granted a security button and, previously, he also had locks and cameras in the office; Sergio Caballero was granted police patrolling at his home as a measure; and Pedro Celestino was supported with medical procedures in prison (see supra para. 13). In its October 2022 report, it was updated that only the security button in favor of Agustín Ambriz remained in force (see supra para. 16). Regarding the remaining beneficiaries, it was reported that they did not receive any type of measure.

25. In relation to the ongoing existence of the risk, the Commission takes note of the following:
a. Ms. Norma Madero Jiménez died on July 20, 2022 (see *supra* para. 16);
b. The representation has reported in its communication of November 30, 2021, that, after the change of state government, violence decreased due to less confrontation on the part of the government of risk coming from the government, but that it has increased violence due to the presence of organized crime (see *supra* para. 11);
c. Vicente Carrera and Javier Vite Orozco “have had digital aggressions and harassment on social networks” (see *supra* para. 16); and
d. On October 4, 2021, journalist Pedro Celestino Canché received a message from an alleged member of organized crime indicating that he wanted the publication of notes, in light of what they indicated would be a context of threats to journalists by organized crime for the publication of notes.

26. In this regard, the Commission observes, initially, that the objective of protecting the mechanism against his death has been lost with respect to Norma Madero Jiménez. On the other hand, the Commission notes that the “digital aggressions” and harassment in social networks of Vicente Carrera and Javier Vite Orozco lack details to analyze their seriousness. In that sense, there are no chronological elements or details that develop the said allegation. Furthermore, in relation to the message to Pedro Celestino Canché, the Commission notes that, although this is serious in the context of organized crime violence against journalists, it is an October 2021 event. Subsequently, there is no further information on the monitoring of the subject or presence of threats around the request, which is relevant to analyze their current situation.

27. In this sense, although the representation has indicated that the measures have not been properly implemented, the Commission does not have updated information on the existence of events that give an account of an existing risk against the beneficiaries. Thus, in its last letter of October 25, 2022, the representation specifically indicated that “there has been no progress or new information to note.”

28. The Commission observes that the allegations of violence by the State Government made prior to the granting of the precautionary measures decreased in the face of the change of government, without particular information being received in this regard during the time the precautionary measures have been in force. Moreover, it is noted that contextual information has been presented by the representation regarding the context of lethal violence against journalists both in Mexico in general, and in the state of Quintana Roo in particular. In relation to these points, the Commission has closely monitored the situation of freedom of expression in Mexico, in the hands of its Special Rapporteurship for Freedom of Expression,¹⁸ where it “has made recommendations to the State focused on taking urgent institutional actions to respond to this phenomenon, and to prevent

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violence against journalists by avoiding stigmatizing speeches and sending messages of support to their work.”

29. In this regard, the Commission recalls that the context is important in the assessment of the risk, in accordance with Article 25(6) of the IACHR Rules of Procedure. However, for the analysis of specific situations presenting a risk, it is necessary to have particular information of the events that justify compliance or subsistence of the procedural requirements. In this regard, in relation to the importance of specific information on the risk, the Inter-American Court has understood that “the passage of a reasonable period of time without threats or intimidation, added to the lack of an imminent risk, may lead to the lifting of provisional measures.”

30. Considering the analysis previously carried out, and in response to the request to lift made by 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, the Commission deems it appropriate to lift these measures.

31. 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, in relation to the exercise of their freedom of expression.

32. In this regard, the Commission takes note of what the State has indicated regarding the availability of legal mechanisms at the internal level to offer protection to the beneficiaries, in the event of possible threatening events against them, being in charge of protection as the primary responsible.

V. DECISION

33. The Commission decides to lift the precautionary measures granted in favor of Norma Madero and her journalistic team of the magazine “Luces del Siglo,” in Mexico.

34. 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.

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

36. Approved on April 13, 2023, by Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; and Carlos Bernal Pulido, members of the IACHR.

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19 SRFoE-IACHR, Mexican authorities must stop violence against journalists and guarantee their right to exercise their profession freely and safely, Press release R157/22 of July 12, 2022.
22 Ibidem, considerandum 18.
Tania Reneaum Panszi
Executive Secretary