I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) has decided to issue this resolution to follow up and partially lift precautionary measures pursuant to the terms of Article 25 of its Rules of Procedure.

2. In that sense, the IACHR decided to keep in force the precautionary measures in favor of (1) Semma Julissa Villanueva Barahona; (2) Gregoria América Gomez Ramírez; and (3) Karla Vanessa Beltrán Cruz, as well as their respective family units. At the time of taking the decision, the Commission considered the protection measures that State authorities have taken in favor of beneficiaries. However, the Commission also considered the ongoing risk factors and a number of challenges in the implementation of protective measures currently in force. Consequently, with a view to having additional elements to continue assessing whether to keep these precautionary measures in force, the Commission requested a) that the representation present updated and individualized information on situation that places the beneficiaries at risk; b) that the State carry out an updated risk assessment and adopt appropriate and effective protection measures in a timely manner; c) that the State present updated and detailed information regarding the investigations into the reported facts; and d) that both parties collaborate in the concertation actions that are required for the implementation of the precautionary measures.

3. On the other hand, the IACHR has decided to lift the precautionary measures in favor of Dicciana Noreyda Ferrufino and her family unit in Honduras. At the time of making its decision, the Commission took into account the lack of reported risk events against the beneficiary Dicciana Noreyda Ferrufino in recent years, in addition to the willingness and actions taken by the State during the time these precautionary measures were in force. Upon not identifying compliance with the procedural requirements set forth in Article 25 of the Rules of Procedure, the IACHR has decided to partially lift these precautionary measures.

II. BACKGROUND INFORMATION

4. On August 12, 2018, the IACHR granted precautionary measures in favor of Semma Julissa Villanueva Barahona, Gregoria América Gomez Ramírez, Dicciana Noreyda Ferrufino, and Karla Vanessa Beltrán Cruz, as well as their family units, in Honduras. The request for precautionary measures indicated that the beneficiaries were part of the Forensic Medicine Department team of the Public Ministry of Honduras and alleged that they were subjected to acts of harassment and threats as a result of their work. Upon analyzing the submissions of fact and law, the Commission considered that the information, in principle, showed that the beneficiaries were in a serious and urgent situation given that their rights to life and personal integrity were at risk.

5. Consequently, in the terms of Article 25 of the Rules of Procedure, the Commission requested that the State of Honduras: a) adopt the necessary measures to safeguard the life and personal integrity of Semma Julissa Villanueva Barahona, Gregoria América Gomez Ramírez, Dicciana
Noreyda Ferrufino, and Karla Vanessa Beltrán Cruz; b) adopt the necessary measures so that the beneficiaries can carry out their activities without being subjected to acts of intimidation, threats, or other acts of violence; and c) report on the actions taken in order to investigate the alleged facts that led to the adoption of this precautionary measure.²

III. INFORMATION PROVIDED DURING THE TIME THESE MEASURES HAVE BEEN IN FORCE

3. During the time these precautionary measures have been in force, the Commission has followed up on the situation that is the subject of these measures by requesting information from the parties, as well as by holding a working meeting with the parties.

4. The representation submitted information on the following dates:

<table>
<thead>
<tr>
<th>Year</th>
<th>Date</th>
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<tbody>
<tr>
<td>2019</td>
<td>September 17, 2019</td>
</tr>
<tr>
<td>2020</td>
<td>May 7 and December 7, 2020</td>
</tr>
<tr>
<td>2021</td>
<td>April 30, 2021</td>
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<tr>
<td>2022</td>
<td>October 14, 2022</td>
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5. The State submitted observations on the following dates:

<table>
<thead>
<tr>
<th>Year</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>September 25, 2018</td>
</tr>
<tr>
<td>2019</td>
<td>October 28, 2019</td>
</tr>
<tr>
<td>2021</td>
<td>January 7, April 6, May 15, July 21, September 29, and December 20, 2021</td>
</tr>
<tr>
<td>2022</td>
<td>April 4 and 7, June 29, September 28, and December 15, 2022</td>
</tr>
<tr>
<td>2023</td>
<td>March 29, 2023</td>
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6. The Commission forwarded the reports between the parties and requested relevant information on August 15 and October 4, 2019; May 19; October 7; and December 9, 2020. As well as on August 8 and December 22, 2021; July 15, 2022; and August 5 and 23, 2022. On August 14, 2022, a working meeting was held regarding these precautionary measures. In particular, by means of the request for information of September 29, 2022, the Commission forwarded the State’s request to have the measures lifted, in relation to the beneficiary Dicciana Noreyda Ferruño, to the representation for the purpose of requesting its comments. In this regard, the representation submitted its observations on October 14, 2022.

7. The representation is exercised by the Center for Research and Promotion of Human Rights in Honduras (Centro de Investigación y Promoción de los Derechos Humanos en Honduras, CIPRODEH); the Committee of Relatives of Detainees and Missing Persons in Honduras (Comité de Familiares de Detenidos y Desaparecidos en Honduras, COFADEH); and by the beneficiary Semma Julissa Villanueva Barahona.

A. Information provided by the State

8. In its report of September 25, 2018, the State indicated that the complaint filed by Julissa Villanueva before the National Commissioner of Human Rights (CONADEH) on June 29, 2018, for the crime of threats was being addressed by the Special Prosecutor’s Office of Human Rights of the Public Ministry. In this regard, authorization was obtained from the victims in order for the Public Ministry to initiate the investigative proceedings, in accordance with the Law on Human Rights Defenders, Journalists, Social Communicators and Justice Operators (Ley de Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia). However, the beneficiary Julissa Villanueva did not authorize the initiation of investigations by the Office of the Attorney

General. Regarding the investigations into the death of an agent from the Public Ministry, Sherill Hernández, it was reported that the investigation was still ongoing. It was indicated that on July 1, 2018, the Attorney General of the Republic issued instructions to forward the administrative file, and for a team to be formed in Tegucigalpa. This team would be composed of the Directorate General of the Prosecutor’s Office, the Special Prosecutor’s Office for Crimes against Life, the Regional Prosecutor’s Office of Santa Rosa de Copán, the National Directorate of Investigation and Intelligence (DNI), the Directorate of Forensic Medicine, and the Technical Investigation Agency (ATIC).

9. On September 14, 2018, the General Directorate of the Protection System (Dirección General del Sistema de Protección) summoned the beneficiaries to hold a session of the Technical Committee of the Protection Mechanism (Comité Técnico del Mecanismo de Protección) with the aim of achieving consensus to implement the protection measures. In this regard, the following measures were agreed: (i) in favor of Julissa Villanueva, permanent police escorts in the city of Tegucigalpa, and assignment of an armored police vehicle; (ii) in favor of Karla Beltrán, two police liaisons by the Metropolitan Police Unit No. 12 of Villanueva, department of Cortés, daily patrols at her residence, previously agreed police escorts for her workplace in the Directorate of Forensic Medicine, provided by the Metropolitan Police Unit No. 6, of the Chamelecón sector, of the city of San Pedro Sula, department of Cortés, and proceedings before the National Electric Power Company in order to repair the street light near the beneficiary’s residence; (iii) in favor of Dicciana Noreyda Ferrufino, daily police patrols in her residence, previously agreed police escorts under prior notification, police liaison by the Metropolitan Police Unit No. 5, of the city of San Pedro Sula, department of Cortés; and (iv) in favor of América Gomez, police liaison by the Metropolitan Police Unit No. 7, in the Satellite Colony, of the city of San Pedro Sula, department of Cortés, and occasional police accompaniments under prior notice. In addition, the installation of security cameras with closed-circuit television in the residence of all the beneficiaries was determined.

10. On October 28, 2019, the State reported that the General Directorate of the Protection System carried out a new risk assessment for the beneficiaries, and that the Technical Committee session was pending. Regarding investigations by the Special Prosecutor for Human Rights into the crime of threats, it was indicated that Karla Beltrán and América Gomez have not made statements. They alleged distrust and fear as reasons for not making a statement. It was not possible to continue with the investigation, as it did not have the victims’ authorization.

11. The State reported that, on October 15, 2018, Julissa Villanueva requested paid leave to participate as a visiting pathologist at the specialized center of Legal and Forensic Medicine in El Paso, Texas, United States (USA), in 2019. On December 10, 2018, the Public Ministry approved the request. It was taken into account that Julissa Villanueva was appointed to the position of medical pathologist in 2003. She was excluded from the career system of the Public Ministry in 2013 when she was appointed as Director of the Department of Forensic Medicine, a management position. Considering that the right to paid leave for scholarships and training programs abroad is a benefit given to employees of the career system, it was determined that she should return to her position as a medical pathologist, in accordance with the General Regulations of the Statute of the Public Ministry. On December 12, 2018, Julissa Villanueva and the Deputy Attorney General of the Republic signed the Scholarship Agreement. She was subsequently granted paid leave. However, on April 25, 2019, Julissa Villanueva applied for reinstatement. On June 14, 2019, the Public Ministry partially admitted the request, determined the non-compliance with the Scholarship Agreement by the employee, and ordered her provisional reinstatement to the position of medical pathologist, once the approval of the tests of confidence [an instrument applied to certify the reliability of the public servant in the position they hold] was certified. After Julissa Villanueva filed appeals, the Public Ministry dismissed both appeals, the last one on August 23, 2019.

12. On January 7, April 6, May 13 and June 28, 2021, the State reported that, on November 20, 2020, an ordinary session of the Technical Committee of the Protection Mechanism was held with the participation of the Secretariat of Security. In this session, the following protection measures were determined for the beneficiaries: (i) in favor of Julissa Villanueva, to maintain a police escort for her and her daughter, assignment of an armored vehicle, security cameras in her residence,
and monthly stipend consisting of a salary to pay the driver of the vehicle, a stipend of five thousand lempiras for a period of six months for fuel expenses, and a beneficiary card of precautionary measures for the period of six months, as well as follow up on the procedures for the self-protection course; (ii) in favor of Karla Beltrán, maintain police escort, police liaison for her and her daughter, police patrols in her residence and security cameras in her residence, the beneficiary and her relatives were granted psychological assistance for six months and card of beneficiary of precautionary measures for the period of six months, as well as and follow up on efforts to assign a vehicle and a self-protection course, and (iii) in favor of América Gomez, maintain police liaison for her and her son, police patrols in her residence, previously agreed police escorts and security cameras at her residence, be granted a card as a beneficiary of precautionary measures for the period of six months, and follow up on self-protection course procedures.

13. The State also submitted information on the situation that reportedly placed the beneficiary Karla Beltrán at risk on December 6, 2020. In that sense, it was reported that Ms. Karla Beltrán had suffered an attack in which two unidentified persons shot at her house. The beneficiary’s [police] escort reportedly managed to safely remove the beneficiary from the danger zone to a safe location in the city of San Pedro Sula. The Police Director of Investigations reported that, on December 6, 2020, the reaction team moved under the command of the police officer assigned as the beneficiary’s escort. In the early morning of December 7, 2020, a search was conducted at the place of the facts, the beneficiary’s home. However, no findings or evidence related to the aforementioned events were found, and only four beer cans and a photographic album were found. In this regard, alcohol tests were requested from the escorts assigned to Karla Beltrán. Consequently, one of the agents tested positive, and the other agent refused to perform the test. It was indicated that appropriate administrative procedures are allegedly in place, in accordance with the responsibilities of the police officers on the case. Due to the above, it was alleged that there is no clarity regarding the causal link between the attack against the beneficiary and her work, and that there is “no evidence to determine the reality of the occurrence of the reported event”. However, based on the principle of pro persona and good faith, the State indicated that a temporary relocation measure was determined for the beneficiary Karla Beltrán, along with her family unit, for a period of six months. This reportedly took place between December 6, 2020 and June 7, 2021 and included the lease of the property where she was residing, as well as the assignment of a food stipend in the amount of five thousand lempiras [200 USD]. Following the information that the beneficiary was hospitalized, the temporary relocation measure, in force until July 16, 2021, was extended for one month.

14. On July 21, 2021, the State reiterated the protection measures in favor of the beneficiaries Julissa Villanueva, Karla Beltrán, and América Gomez. In addition, it informed that on September 14, 2019, the Protection Mechanism suspended the protection measures granted to Dicciana Ferrufino after taking into account that she decided to join the Protection Mechanism for Officials, Servants and Employees of the Public Ministry (Mecanismo de Protección de los Funcionarios, Servidores y Empleados adscritos al Ministerio Público). However, it also reported that, on November 29, 2019, the Risk Assessment Unit of the Protection System (Unidad de Análisis de Riesgo del Sistema de Protección) of the Public Ministry stated that it has tried to coordinate with the beneficiary Dicciana Ferrufino with the aim of carrying out her risk assessment, but has not obtained a response. This has therefore made it impossible to follow up on the process.

15. The State submitted reports on September 29 and December 20, 2021. It was indicated that, on September 30, 2021, the Technical Committee of the Protection Mechanism considered that the beneficiaries Julissa Villanueva, Karla Beltrán, and América Gomez were at moderate risk and decided to keep the measures in favor of the beneficiaries in force. In this regard, the following measures were agreed: (i) in favor of Julissa Villanueva, maintain police escorts for her and her daughter, and maintain an armored vehicle with a monthly stipend for fuel; (ii) in favor of Karla Beltrán, maintain police escort and police liaison to her and her daughter, as well as provide psychological assistance for the period of six months to the beneficiary and her family unit, follow-up of the efforts to assign a conventional vehicle to the beneficiary, and assign a relocation measure for the beneficiary for the period of six months in a location that does not present a risk due to social context, as well as a monthly stipend of eight thousand lempiras to rent a property; and (iii) in favor
of América Gomez, maintain police liaison and previously agreed police escort. On that occasion, it was also decided to suspend daily police patrols at the residence of beneficiaries Karla Beltrán and América Gomez, and to suspend police liaison in favor of América Gomez’s son.

16. On April 4 and 7, 2022, the State reported that the beneficiary Dicciana Ferrufino is not currently attached to the Protection Mechanism of the Secretariat of Human Rights, nor to the Protection Mechanism of the Public Ministry. In view of the above, it was indicated that it is necessary to have the beneficiary’s availability and willingness in order for the State to adopt the appropriate measures. Subsequently, on June 29, 2022, the State submitted a communication requesting that the precautionary measures in relation to the beneficiary Dicciana Ferrufino be lifted, considering that the circumstances have reportedly made it impossible to implement protective measures in favor of the beneficiary. This is due to fact that they are unable to contact her or obtain information on her current situation.

17. In its report of September 28, 2022, the State indicated that it made efforts to approach the beneficiary Dicciana Ferrufino with a view to agree on protective measures in her favor. On September 1, 2022, the Implementation and Monitoring Unit of the Protection Mechanism attempted to establish communication with Dicciana Ferrufino via email, but did not receive a response. Subsequently, on September 2, 2022, another approach was attempted via WhatsApp in order to consult if the beneficiary required protective measure and if she had experienced any type of safety concern. In this regard, the beneficiary replied via WhatsApp messages stating that “she does not need protection measures and that she has not suffered incidents”, as well as that “she considers that her work is delicate, but that circumstances have changed”, and lastly that “[...] she wishes to close that chapter of her life [...]”. On the other hand, the State indicated keeping the protection measures in favor of the other beneficiaries in force.

18. On December 15, 2022 and March 29, 2023, the State submitted observations indicating that the security plan in favor of the beneficiaries Julissa Villanueva, Karla Beltrán, and América Gomez remain in force. It also stated that it is being monitored regularly by the General Directorate of the Protection System. It also indicated that a new risk assessment would be carried out, after an interview with the beneficiaries, and that there have been no incidents reported in recent months. Specifically regarding América Gomez’s police liaison, on August 9, 2022 the Deputy Inspector of Police of Metropolitan Unit No. 5 of the National Police notified that it contacted the beneficiary to inform her of the change of police liaison. After talking to her son, who reportedly told her that América Gomez changed her phone number, they requested that she contact the Police Unit. To date, the beneficiary has not contacted him.

B. Information provided by the representation

19. On September 17, 2019, the representation reported that the beneficiaries were part of the Protection System for Human Rights Defenders, Journalists and Justice Operators (Defensores de Derechos Humanos, Periodistas y Operadores de Justicia) and were being provided security measures by the Protection Mechanism. In July 2019, the Protection Mechanism prepared a new risk assessment of the beneficiaries. This assessment identified the risk as serious. The beneficiaries criticized the lack of follow-up mechanisms insofar as, since 2018, they had no contact with the Protection Mechanism with the exception of telephone calls and emails. They also mention meetings being suspended on several occasions due to “lack of logistics” and “administrative processes”. In addition, it was indicated that most of the individuals who have been tasked with protecting the beneficiaries do not have the necessary training.

20. Furthermore, the representation indicated that the beneficiaries are concerned about the lack of progress in the investigation after a year of the facts that led to the adoption of the precautionary measures, in relation to the death of an agent of the Public Ministry, Sherill Hernández. It was alleged that the tax authorities reportedly do not show “goodwill” and act in a disregardful manner in the investigation. The representation suspects that some of those who participated in the
crime were infiltrated in the ATIC by criminal gangs who allegedly aim to cover up the crime. In this regard, the participation of ATIC in the investigations of this crime was noted with concern, as it could imply the contamination and obstruction of evidence due to conflicts of interest, considering the strong indications of complicity of ATIC members in the crime.

21. In 2019, beneficiaries Karla Beltrán and América Gomez were reportedly followed by unknown vehicles. In particular, Karla Beltrán was followed by a vehicle twice in July 2019. Furthermore, in August 2019, two unidentified men arrived at her house to ask the reason for her police custody. That same month, two unidentified individuals were staked out at in the corner of her house for at least a week. The representation alleged that the beneficiaries experienced acts of harassment as a form of pressure to resign their positions. América Gomez and Karla Beltrán were allegedly subjected to workplace harassment at the regional forensic headquarters of San Pedro Sula, department of Cortés. The Public Ministry authorities reportedly told the beneficiaries that “all those who have Julissa Villanueva’s scent on them are not welcome in the institution.” On July 21, 2019, a man approached reportedly Julissa Villanueva’s workplace and took photographs of her vehicle. That same day, the guard at the entrance of the workplace consulted the person about the photographs. They reportedly replied that they were “orders from the Director of Forensic Medicine.” These events were reported to CONADEH. However, there is allegedly no investigations into these incidents.

22. The representation alleged that beneficiary Julissa Villanueva was irregularly removed from her job as National Director of Forensic Medicine in December 2018. Out of fear for her life, beneficiary Julissa Villanueva said she was forced to apply for paid work permit abroad for one year in October 2018 in order to pursue studies in the United States. However, despite granting the paid leave, the Public Ministry reportedly fired her from her position, and she was allegedly reinstated to her original position as a pathologist. In 2019, the beneficiary Julissa Villanueva submitted a request for reinstatement. However, it has been decided to temporarily reinstate her to the position of pathologist upon complying with the conditions that she be transferred to the Protection Mechanism of the Public Ministry, and that she be subject to tests of confidence.

23. The representation presented a report on May 7, 2020. On that occasion, it was reported that on September 24, 2019, the Public Prosecutor’s Special Office for Crimes Against the Life ordered the conclusion of the investigation and the administrative file of the case of the death of Sherill Hernández, arguing that there is no crime to pursue. According to the representation, the scientific evidence indicating the cause and manner of death was disregarded, as well as the medical, legal and psychological autopsy and criminalistic studies, which indicated that it was a homicide. In February 2020, CIPRODEH submitted a request for review to the Attorney General of the Republic with the objective of reopening the investigations. On February 13, 2020, people with long and heavy caliber weapons allegedly entered a court in the municipality of El Progreso, department of Yoro, to release a prisoner and member of the “Mara Salvatrucha MS-13” gang. This information reportedly causes great concern, taking into account that the beneficiaries had received information of reported illicit connections between members of this gang and agents of the ATIC of the Public Ministry. In April 2020, the beneficiaries continued to be subject to monitoring and surveillance.

24. Furthermore, the representation reported that, on December 4, 2019, the Technical Committee of the National Protection Mechanism met when the beneficiaries’ risk assessment was completed. In this sense, it was determined that there was a high risk, and it was decided to keep the measures adopted in favor of Julissa Villanueva and América Gomez in force, in addition to increasing the measures adopted in favor of Karla Beltrán, who would allegedly be provided a police escort. The representation indicated that the protection measures are reportedly being adopted. However, Karla Beltrán claimed to bear the costs of the food expenses for the agents assigned to her escort, and América Gomez indicated that she never received communication from her police liaison. In addition to the above, both beneficiaries requested that an armored vehicle be granted along with respective fuel costs. The representation claimed that the adopted measures are reportedly not suitable because they have not adequately protected the beneficiaries without restricting their work. Moreover, the risk assessment is reportedly too slow, which prevents the timely modification of these measures. There is also a reported shortage of personnel with the necessary training. Along these lines, it was
noted that as of May 2020, not all the measures resolved by the Protection System in December 2019 had been adopted.

25. On the other hand, the representation reported that on January 9, 2020, the Mechanism for the Protection of Officials, Servants and Employees Attached to the Public Ministry (Mecanismo de Protección de Funcionarios, Servidores y Empleados Adscritos al Ministerio Público) notified the beneficiaries regarding their eventual interest in joining this protection plan. The beneficiaries indicated that they had no interest in doing so, taking into account that the investigations of this mechanism are directed by ATIC. This therefore constitutes a serious conflict of interest because the situation that places the beneficiaries are risk is related to investigations being conducted by ATIC. In relation to Julissa Villanueva, it was stated that she is allegedly under pressure to undergo risk assessment by the Public Prosecutor’s Protection Mechanism. In addition, it was alleged that Julissa Villanueva has been cited on several occasions by the National Supervision Office (Supervisión Nacional) of the Public Ministry following statements to the media on matters of public interest, such as cases of human rights violations and on judicial independence. As a result, the Disciplinary Tribunal of the body sanctioned the beneficiary with 38 days of suspension without pay. On October 8, 2019, the CIPRODEH filed a complaint with CONADEH for the alleged arbitrary limitations on Julissa Villanueva’s freedom of expression. On October 9, 2019, it filed a complaint with CONADEH for labor harassment in the Public Ministry. On November 20, 2019, the beneficiary Julissa Villanueva was dismissed from the Public Ministry, despite being on vacation at the time, on the grounds that she had violated the internal regulations of the Public Ministry by “revealing secrets” of the body.

26. On December 7, 2020, the representation reported that, following hurricanes Eta and Iota in Honduras in November 2020, the living environment vulnerabilities of Karla Beltrán’s residence have worsened as she is located in the area where the “Mara Salvatrucha MS-13” gang is present. On November 12, 2020, the CIPRODEH requested that the Directorate General of the National Protection System provide temporary relocation measures for the beneficiary on an urgent basis. This request was reiterated on November 20, 2020. However, the Protection Mechanism declared the request inadmissible, arguing that situations arising from natural disasters does not fall within the competence of that mechanism. Furthermore, on December 6, 2020, the beneficiary Karla Beltrán suffered an attack on her life. At 8:30 p.m., unidentified heavily armed people reportedly arrived at her home and opened fire on the property, firing at least 20 times. The attack was repelled by his police escort, who managed to remove the beneficiary from the place of risk by evacuating her with her bodyguard’s private vehicle. These events were reported to the competent authorities.

27. On April 30, 2021, the representation presented information expressing its dismay regarding the attack suffered by the beneficiary Karla Beltrán. In this regard, it was reported that the beneficiary was temporarily relocated within national territory, following a request made by the Protection Mechanism. The representation argued that a police investigation was conducted into the facts, which culminated in an administrative disciplinary investigation against the bodyguards assigned to Karla Beltrán. This investigation included the performance of alcohol tests as her bodyguards are suspected of committing a serious offense. However, the representation shows concern about the improper disciplinary investigation, considering that they allege that the police escort has fulfilled his duty of protecting the beneficiary. Due to the above, the CIPRODEH organization assumed the legal representation of both police officers and requested the review of investigative proceedings.

28. The representation reported that, in August 2020, Karla Beltrán received a reported visit from a member of the “Mara Salvatrucha MS-13” gang. The gang member allegedly told her that “they knew who she was, as well as the other workers who participated in the Sherill Hernández’s case”. They reportedly warned her that “she better not mess with them, try to catch them, because otherwise there would be consequences”. A few days later, her daughter received a phone call from another member of the gang. This member reportedly told her that she needed to meet Karla Beltrán again, and also mentioned that one of the main objectives of the group was to allegedly kill Julissa Villanueva. In September 2020, the beneficiary’s mother stated that she has repeatedly perceived...
that her residence and her activities are being watched. On March 3, 2021, Karla Beltrán reported that the doors of her residence were found opened with evident use of force, and found that unidentified persons searched her residence. They had reportedly left personal documentation on the bed, to send “a message to intimidate” the beneficiary, according to the representation. These facts were reported to the authorities in April 2021. Moreover, the beneficiaries have denounced that local authorities of the Public Ministry have adopted a stigmatizing discourse. They have reportedly experienced workplace harassment by their superiors with the alleged intention of silencing them regarding the death of Sherill Hernández.

29. Regarding the protection measures in favor of the beneficiaries, on November 20, 2020, the Technical Committee of the Protection Mechanism met to reassess the protection measures in favor of the beneficiaries. On that occasion, it was determined: (i) in favor of Julissa Villanueva, police escorts for her and her daughter, armored vehicle assigned with monthly stipend for fuel expenses for the period of six months, security cameras in her residence, as well as follow up on self-protection course procedures and the card of beneficiary of precautionary measures for the period of six months; (ii) in favor of Karla Beltrán, police liaison to her and her daughter, police escort, police patrols in her residence three times a week, security cameras in her residence, psychological assistance for the beneficiary and her family unit, as well as following up on self-protection course procedures, the card of beneficiary of precautionary measures for the period of six months and the assignment of a conventional vehicle for the beneficiary; (iii) in favor of América Gomez, police liaison for her and her son, previously agreed police escorts, police patrols in her residence three times a week, security cameras, as well as following up on self-protection course procedures and the card of beneficiary of precautionary measures for the period of six months. The representation stated that beneficiaries Karla Beltrán and América Gomez have requested a vehicle and stipend for fuel expenses, but that no progress had been made in this regard. Furthermore, América Gomez has also reported that she was reportedly provided the wrong number from her police liaison, and that requests for prior police escorts were not met.

30. By communication dated October 14, 2022, the representation stated that it lacks information on the current situation of the beneficiary Dicciana Ferrufino, as well as on her willingness to continue having precautionary measures in her favor, as they are not able to communicate with her. Due to the above, it cannot rule on the request to lift the precautionary measures in relation to Dicciana Ferrufino.

31. On that occasion, the representation reported that on September 30, 2021, the Technical Committee of the Protection Mechanism decided to keep the protection measures in favor of the other beneficiaries in force for a period of six months, until March 2022, when these measures were suspended. At that time, no new risk assessment was carried out to evaluate the measures, and only the police links to Karla Beltrán and América Gomez are maintained. For her part, Julissa Villanueva has a police escort because she has been appointed Undersecretary of Security. Additionally, she reported two new incidents against Julissa Villanueva and her relatives: in February 2022, her son-in-law was chased and beaten when he was block and a half away from the beneficiary’s residence, and, on August 11, 2022, her police escorts observed grey car making rounds to her residence.

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

32. 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.

33. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter “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.\(^3\) Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.\(^4\) To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.\(^5\) Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the Inter-American system. 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.

34. With respect 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) establishes 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 should assess if the serious and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider if new situations have arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure. Similarly, Article 25.10 establishes that the Commission shall take appropriate follow-up measures, such as requesting relevant information from the interested parties on any matter related to the granting, observance and maintenance of precautionary measures. These measures may include, as appropriate, timetables for implementation, hearings, working meetings, and visits for follow-up and review. Through Resolution 2/2020 of April 15, 2020, the IACHR ruled on the possibility of issuing Follow-up Resolutions.

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


35. 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. By the same token, the representatives of the beneficiaries that want the measures to continue must present evidence of any reasons why. 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. 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. In this sense, the burden of proof and argument increases as time goes by and there is no imminent risk. The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.

36. On this occasion, the Commission decides to issue a resolution to follow up and partially lift these precautionary measures. The analysis in this case will be divided into five parts: (i) Situation of Semma Julissa Villanueva Barahona; (ii) Situation of Gregoria América Gomez Ramírez; (iii) Situation of Karla Vanessa Beltrán Cruz; (iv) Situation of Dicciana Noreyda Ferrufino; and (v) Considerations of the Inter-American Commission in these precautionary measures.

37. When analyzing the situation of the beneficiaries, the Commission recalls that, in its 2019 Report on the Human Rights Situation in Honduras, it noted with concern that acts of violence, threats, harassment and interference with the independence and personal integrity of justice operators in the country persisted, making it difficult for them to carry out their functions in an independent and impartial manner.

38. Regarding the internal protection mechanisms of Honduras, the Commission has assessed that "a certain degree of ignorance of the National Protection Mechanism by the authorities and/or distrust on the part of the population persists, especially with regard to police protection measures". Therefore, the Commission urged the State to strengthen the implementation of measures complementary to police protection, as well as the promotion of the investigation of the facts and the reduction of risk factors. In its 2021 Annual Report, the Commission noted with concern the lack of sufficient budget allocation to the Protection Mechanism for Human Rights Defenders and Journalists, which constitutes a relevant obstacle to its operation. In addition to the above, during its visit to the country in 2022, the IACHR received information on the persistence of structural challenges related to the performance of the National Protection Mechanism.

39. As a background, the Commission recalls that, through Resolution 61/2018, it decided to grant precautionary measures in favor of Semma Julissa Villanueva Barahona et al. in Honduras. At the time of granting, the Commission assessed that the beneficiary Julissa Villanueva, as a result of her work as Director of Forensic Medicine of the Public Ministry, had been informed of a possible attack for her assassination on several occasions. This situation is allegedly related to her

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6 Ibid.  
7 Ibid.  
9 Ibid.  
10 Ibid.  
12 Ibid. para. 27, 188.  
13 IACHR. 2021 Annual Report. Chapter V. Follow-up on recommendations made by the IACHR in its country or thematic reports. May 26, 2022, para. 108.  
work in the forensic investigation of a case related to the death of Sherill Hernández, Agent of the Technical Agency of Criminal Investigation, in which agents of the ATIC may be involved. These threats were also reportedly confirmed by the Police Intelligence Directorate, which indicated that they were serious. In this regard, the Commission noted that it had the opportunity to interview the beneficiary directly during her visit to Honduras in July and August 2018, highlighting the importance of the work of the General Directorate of Forensic Medicine of Honduras. The Commission also considered that, given the nature of the threats and the causal link they have with her line of work, the situation also affected her forensic team and family unit.¹⁶

i. Situation of Semma Julissa Villanueva Barahona

40. The Commission observes that the representation indicated acts of harassment and follow-up against the beneficiary Julissa Villanueva (see paras. 21, 22, 23, 25, and 31). Workplace harassment was also alleged in the Public Ministry (see supra para. X). In February 2020, members of the gang “Mara Salvatrucha MS-13” allegedly released a leader of the gang who was previously deprived of his liberty. This caused concern for the beneficiary, considering information regarding the links between this gang with members of the Public Ministry who are allegedly related to the death of Sherill Hernández (see supra para. 23). In August 2020, the daughter of beneficiary Karla Beltrán received a call in which a member of the “Mara Salvatrucha MS-13” gang allegedly told her that their main objective was to kill Julissa Villanueva (see supra para. 28). In 2022, the beneficiary’s son-in-law was beaten near the beneficiary’s residence, and her bodyguards observed a car making rounds to her residence (see supra para. 31).

41. On the other hand, the Commission notes that the State reports that it has adopted protection measures in favor of the beneficiary through the Protection Mechanism since 2018. In September 2021, risk assessment was conducted and it was decided to maintain the police escort measures for her and her daughter, armored vehicle assignment, and monthly stipend for driver and fuel (see supra para. 31). Since March 2022, another risk assessment is reportedly pending and, according to the representation, the measures have been suspended while the State alleges that the measures are still in force to date. The beneficiary claims that she still has a police escort because she has been appointed as Undersecretariat of Security (see para. 31). However, the representation filed several complaints regarding the implementation of the protection measures. These mention the delays of the risk analyses, and the lack of adequate training of the police officers who were assigned for the safety of the beneficiary (see supra paras. 19 and 24).

42. In addition to the above, the representation showed concern for the request of the Public Ministry to administratively archive the investigation of the death of Sherill Hernández, which relates to the situation that places the beneficiaries of this request at risk. In this regard, the representation alleged an omission on the part of the competent authorities, due to the alleged complicity of public agents, taking into account the participation of ATIC agents in the investigations and the decision to file the case, despite the indications and evidence of homicide (see supra paras. 21 and 23). For its part, the State indicated that it was investigating the death of Sherill Hernández but did not provide further details or updated information on the matter. The State also reported that it was not possible to progress in the investigation of threats to the beneficiary due to her refusal to authorize the follow-up of the investigations (see supra para. 8). In this regard, the Commission encourages the beneficiary to file complaints regarding threats against her. It also calls for the continuation of investigations into these situations that have placed them at risk, in the light of international standards.

43. In relation to Julissa Villanueva, the Commission identifies the continuity of risk incidents against her over the years, which are related to her work regarding the death of Sherill Hernández, despite the fact that the beneficiary ceased to work in the Public Ministry in 2019. The Commission acknowledges the security measures taken by the State. However, the Commission takes

note of the new position held by the beneficiary and expresses its concern at the lack of timely risk assessment, as well as certain aspects of the implementation of these measures. The Commission also observes the representation’s claims concerning the State’s failure to investigate the facts, and of the lack of State information in this regard. Therefore, the Commission requests the State to provide updated information in relation to the investigations into the case of Sherill Hernández.

44. Following the beneficiary’s new position, the Commission notes that it does not have detailed and updated information on recent events that may have put her at risk, and therefore requests the representation to submit the relevant information.

ii. Situation of Gregoria América Gomez Ramírez

45. The Commission observes that, according to the representation, unknown vehicles followed the beneficiary in 2019, and she continued to be followed in 2020. It was also indicated that the beneficiary was the victim of harassment and labor harassment at the regional forensic headquarters of San Pedro Sula. This harassment had the alleged objective of making her resign from her job, as well as to keep silent about the death of Sherill Hernández (see supra paras. 21 and 23).

46. On the other hand, the Commission notes that the State reports that it has adopted protection measures in favor of the beneficiary through the Protection Mechanism since 2018. In September 2021, risk assessments were conducted. It was decided to maintain the police liaison and escort measures, and to suspend the police liaison in favor of her son and the police patrols to her residence (see supra para. 15). The beneficiary is allegedly awaiting additional risk assessment since March 2022 (see supra para. 31). However, the representation filed several complaints regarding the implementation of the protective measures. In particular, in November 2020 the beneficiary requested a vehicle, but there has been no progress in this regard. In addition, she reported that she was provided the wrong phone number from her police liaison, and that requests for police escorts were allegedly not met (see supra para. 24 and 31). In this regard, the State reported that the police liaison contacted the beneficiary’s son to establish contact (see supra para. 18).

47. The Commission acknowledges the security measures taken by the State. However, the Commission expresses its concern at the lack of timely risk assessment, as well as certain aspects of the implementation of these measures. Regarding América Gomez, the Commission notes that it does not have detailed and updated information on recent events that may have put her at risk, and therefore requests the representation to submit the relevant information.

iii. Situation of Karla Vanessa Beltrán Cruz

48. The Commission observes that the representation emphasized that, in August 2020, the beneficiary received threats in person at her residence and her daughter received threats via phone calls from members of the “Mara Salvatrucha MS-13” gang. These threats were received due to her work in Sherill Hernández’s case (see supra para. 28). Moreover, the beneficiary allegedly suffered an attack on her life in her home on December 6, 2020 (see supra para. 26). It was also indicated that the beneficiary was the victim of harassment and labor harassment at the regional forensic headquarters of San Pedro Sula. This harassment had the alleged objective of making her resign from her job, as well as to keep her silent about the death of Sherill Hernández (see supra paras. 28). For its part, the State reported, in relation to the attack against the beneficiary, after the proceedings carried out by the National Police, no evidence was found “to determine the reality of the occurrence of the reported event” and that, in accordance with the principle of good faith, it granted her temporary relocation (see supra para. 13).

49. On the other hand, the Commission assesses State information on the protection measures adopted in favor of the beneficiary through the Protection Mechanism since 2018. In September 2021, risk assessments were carried out. It was decided to maintain the police liaison measures to her and her daughter, police escort, payment of rent for a house, and psychological care for six months, as well as the repair of her car (see supra para. 15). The beneficiary is allegedly
awaiting further risk assessment since March 2022 (see supra para. 31). However, the representation filed several complaints regarding the implementation of the protective measures. In particular, in November 2020 it was indicated that the beneficiary has requested vehicle assignment, but there was no progress in this regard, and she allegedly has to bear the cost of food expenses for her police escort (see supra paras. 24 and 31).

50. Regarding Karla Beltrán, the Commission verifies that she and her relatives have faced serious risk incidents, such as being followed, receiving death threats by gang members, as well as an alleged attack against her towards the end of 2020, due to her work regarding the death of Sherill Hernández. This is even more relevant considering that the beneficiary continues to work in the Public Ministry. The Commission acknowledges the security measures taken by the State, including the temporary relocation measure. However, the Commission expresses its concern at the lack of timely risk assessment, as well as certain aspects of the implementation of these measures. The Commission also observes the representation’s claims concerning the State’s failure to investigate the facts, and of the lack of State information in this regard.

iv. Situation of Dicciana Noreyda Ferrufino

51. The Commission observes that the State requested that these precautionary measures be lifted only in relation to the beneficiary Dicciana Noreyda Ferrufino on June 29, 2022. In the terms of Article 25.9 of the Rules of Procedure, the request to lift was forwarded to the representation on July 15, 2022, and it was requested updated information on the situation of the beneficiary Dicciana Ferrufino and their comments on the request to lift. On October 14, 2022, the representation presented its observations indicating that they have no information on the current situation of Dicciana Ferrufino, or on her willingness to continue having these precautionary measures in her favor as they could not contact the beneficiary.

52. Following efforts made to contact the beneficiary by the State authorities of the Protection System, in September 2022 the beneficiary reported that she did not wish to receive protection measures from the State and that she has not experienced any incidents of risk in recent years (see supra para. 17). Regarding the beneficiary Dicciana Ferrufino, the Commission notes that since 2019 there has been no information regarding her updated situation, considering that the last events reported in her regard were prior to the granting of these precautionary measures, in 2018.

53. Based on the information provided by both parties, the IACHR observes that it is not possible to conclude that the beneficiary Dicciana Ferrufino is currently in a situation of serious and urgent risk, in the terms of Article 25 of the Rules of Procedure.

v. Considerations of the Inter-American Commission

54. When analyzing keeping these precautionary measures in force, the Commission observes that there has been no information regarding the updated situation of the beneficiary Dicciana Ferrufino since 2019. In that sense, the representation indicated that it does not have any information on her current situation, to the extent that they are unable to contact the beneficiary. In addition to the above, when contacted by state authorities in September 2022, the beneficiary expressed that she has no interest in continuing to have these precautionary measures in her favor and did not mention new situations that have placed her at risk.

55. Therefore, considering the previously presented analysis and taking into account the State’s request to lift regarding the beneficiary Dicciana Ferrufino, as well as the beneficiary’s wishes and the information provided by the representation, the Commission decides that it does not have elements of assessment to identify that the requirements of Article 25 of the Rules of Procedure have been met. Consequently, the Commission considers that it is appropriate to partially lift these precautionary measures in favor of the beneficiary Dicciana Noreyda Ferrufino and her family unit.
56. With regard to the beneficiaries Semma Julissa Villanueva Barahona, Gregoria América Gomez Ramírez, and Karla Vanessa Beltrán Cruz, and their respective families, the Commission observes that there are elements to indicate that the risk situation has not been mitigated to date. Along these lines, the Commission notes that acts of threats, monitoring, surveillance, and violence have been reported since these precautionary measures were granted. These acts are allegedly related to their work as a team of the Forensic Medicine Directorate of the Public Ministry.

57. As mentioned above, the Commission acknowledges the information received that the State has implemented protection measures in favor of the beneficiaries. However, the Commission takes note of the questions raised by the beneficiaries in this regard, especially regarding the delay in risk assessments and the lack of training of the State agents assigned for their protection. The Commission verifies that, according to information from both parties, an updated risk assessment has been pending since March 2022. Despite the protective measures, there are alleged difficulties in ensuring their implementation in a timely and effective manner. In addition to the above, the Commission observes that the State did not provide updated and detailed information on investigations of the facts that gave rise to these precautionary measures.

58. In view of the foregoing, the Commission decides to keep in force and restate these precautionary measures in favor of Semma Julissa Villanueva Barahona, Gregoria América Gomez Ramírez, and Karla Vanessa Beltrán Cruz, considering that the matter continues to meet *prima facie* the requirements of seriousness, urgency and irreparable harm set forth in Article 25 of the Rules of Procedure, in relation to the aforementioned beneficiaries. The Commission therefore considers that it is important for the representation to provide up-to-date information on the individual situation of each of the beneficiaries. The Commission also considers it important that the State carry out risk assessments and implement protection measures in a timely and effective manner, in order to guarantee adequate protection for the beneficiaries, as well as to make progress in the investigations of the risk events reported by the beneficiaries, and of the facts that gave rise to these precautionary measures.

59. In view of the above, the Commission requests that the parties submit updated information on the beneficiaries’ situation in order to assess keeping these precautionary measures in force pursuant to Article 25 of the Rules of Procedure.

V. DECISION

60. In view of the legal and factual arguments put forward by both parties, the Commission has decided the following:

a. Lift the precautionary measures granted in favor of Dicciana Noreyda Ferrufino and her family unit;

b. Keep the precautionary measures in favor of Semma Julissa Villanueva Barahona; Gregoria América Gomez Ramírez; and Karla Vanessa Beltrán Cruz, as well as their family units, in force. Consequently, the Commission requested a) that the representation present updated and individualized information on situation that places the beneficiaries at risk; b) that the State carry out an updated risk assessment and adopt appropriate and effective protection measures in a timely manner; c) that the State present updated and detailed information regarding the investigations into the reported facts; and d) that both parties collaborate in the concertation actions that are required for the implementation of the precautionary measures.

61. The Commission emphasizes that regardless of the partial lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State
of Honduras to respect and guarantee the rights recognized therein, including their right to life and integrity.

62. The Commission recalls that partially lifting these measures does not prevent the representatives from filing a new request for precautionary measures in favor of the persons for whom the lift has been decided, should they consider that there is a situation that meets the requirements established in Article 25 of the Rules of Procedure.

63. The Commission requests that the parties submit the requested information to the Commission within 60 days from the date of this resolution.

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

65. Approved on June 12, 2023, by Margarette May Macaulay, President; Roberta Clarke, Second Vice-President; Joel Hernández García; Julissa Mantilla Falcón; Edgar Stuardo Raúl Orellana; and Carlos Bernal Pulido, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary