

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION OF PRECAUTIONARY MEASURES 83/2023**

Precautionary Measure No. 416-13

Tolupan indigenous members of the *Movimiento Amplio por la Justicia y la Dignidad* (Broad Movement for Justice and Dignity in Honduras)

(Follow-up, Extension, and Partial Lift)

December 27, 2023

Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to issue this resolution of follow-up, extension, and partial lifting of the precautionary measures under the terms of Article 25 of its Rules of Procedure. In this regard, the IACHR has assessed keeping the precautionary measures in force and has decided to extend them in favor of 61 identified members of the *Movimiento Amplio por la Justicia y la Dignidad* (*Broad Movement for Justice and Dignity in Honduras*, MADJ) that inhabit the San Francisco Locomapa Tribe, upon considering that they are in a serious and urgent situation to their rights to life and personal integrity, due to acts of violence and threats in the context of their work in defense of human rights. In addition, the IACHR has decided to lift the precautionary measures in favor of the beneficiaries Santos Matute and José Salomón Matute, who died in 2016 and 2019, respectively.

II. BACKGROUND

2. On December 19, 2013, the Commission issued [Resolution 12/2013](#), by which it decided to grant precautionary measures in favor of 18 members of the Broad Movement for Dignity and Justice (MADJ) and their duly identified family members¹ in Honduras.² The request for precautionary measures alleged that the members of MADJ were receiving a series of threats, harassment, and acts of violence, due to their work in defense of the natural resources of the indigenous peoples in the Locomapa sector, department of Yoro, Honduras. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requested the State of Honduras to adopt the necessary measures to protect the lives and personal integrity of the 18 members of the MADJ and their families; to consult and agree upon with the beneficiaries and their representation on the measures to be adopted; and to report on the actions taken to investigate the facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

3. The Commission has followed up on the precautionary measure through requests for information from the parties regarding these measures over the years.

4. The State submitted information on the following dates:

2014	February 21, March 28, and May 9
2015	June 2, July 17, August 28 and 31, October 21, and December 18

¹ Elda Luz López Cáceres (spouse); 3. Valentina Pineda (mother); 4. Kentón Pineda López (son); 5. Yessenia Pineda López (daughter); 6. Wendy Yadira López Cáceres (daughter); 7. José María López Cáceres (son); 8. Alison Lourdes López Cáceres (daughter); 9. Eliana López Gonzales (daughter); 10. Allan Josué Pineda López (son); 11. Dilma Consuelo Soto and relatives; 12. Yeisson Noé Isaula (grandson in her care); 13. Santiago Soto (brother); 14. Luis Samuel Soto (brother); 15. Ramón Santiago Matute and relatives; 16. María Cristina Ávila (mother); 17. José Salomón Matute (father); 18. Celso Adalid Matute (brother); 19. Celso Cabrera Matute and relatives; 20. Oscar Amado Cabrera Matute (brother); 21. Ever Alexander Matute (brother); 22. Ojer Neftalí Ávila Romero and relatives; 23. Sérgio Ávila (father); 24. Delvin Omar Ávila Soto (brother); 25. José Firmo Matute Fúnez and spouse; 26. Blanca Fúnez (spouse); 27. Wilibrán Chirinos; 28. Olvin Javier Enamorado Castellanos; 29. Santos Matute; 30. José Augusto Fúnez; 31. Elda Merari Soto; 32. Santos Antonio Córdova; 33. Juan Fúnez; 34. Blanca Edelmira Soto; 35. Enner Joel Vieda; 36. Erlin Lenin Avila Romero; 37. Oscar Armando Vieda Romero; 38. Víctor Antonio Fernández Guzmán.

² IACHR. [Resolution 12/2013](#). Matter of the 18 members of the Broad Movement for Dignity and Justice and their families. December 19, 2013.

2016	May 3 and 24; and August 23
2017	March 28, June 29, and October 24
2018	February 21, March 1, and September 4
2019	March 1, May 16, August 22, September 6, October 25, November 7, March 1, May 16, August 22, September 6, October 25, November 7
2020	June 19
2021	January 18, June 3, and August 23
2022	June 28 and November 2
2023	January 11, May 15, June 27, and October 2

5. The representation submitted information on the following dates:

2014	May 7 and May 15
2015	February 23, April 8, May 27, June 23, June 23, July 28, October 2
2016	February 3, February 24, March 7, May 9, July 7, July 15, September 28, and October 27
2017	May 22, July 19, and October 19
2018	July 11, October 4, December 10, and December 19
2019	March 29, May 2, September 26, October 7, and October 25
2020	May 25, July 16, and November 17
2021	April 16, May 14, June 22, and August 23
2022	June 30 and October 24
2023	February 13, June 5, and October 3

6. In addition, seven working meetings were held to follow up on the implementation of the precautionary measures: August 24, 2015, in the framework of the Country Rapporteur's visit to Honduras; October 21, 2015, at the 156th Session of the IACHR; February 26, 2018, at the 167th Session of the IACHR; on October 2, 2018 at the 169th Session of the IACHR; on May 8, 2019 at the 172nd Session of the IACHR; on July 8, 2020 at the 176th Session of the IACHR; and the last virtual working meeting was held on December 12, 2022.

7. The Commission issued press releases in relation to the precautionary measures at hand. On March 7, 2016, the IACHR condemned the murder of five members of the Tolupán indigenous people of the community of San Francisco de Locomapa, one of them Santos Matute, a member of MADJ and beneficiary of this precautionary measures, and urged the State to investigate these murders without delay and with due diligence, and to promptly prosecute and punish the persons responsible.³ On March 1, 2019, the IACHR repudiated the murder of Salomón Matute, an indigenous Tolupán beneficiary of these precautionary measures, and his son Juan Samael Matute, as a result of gunshot wounds. In this regard, it called on the State to investigate the death of the indigenous leaders in a diligent manner, and to include lines of investigation where it is analyzed as a hypothesis that the motive for the crime was their activities as human rights defenders.⁴

8. The MADJ and the Center for Justice and International Law (CEJIL) are the representation of these precautionary measures.

³ IACHR. [IACHR condemns the murder of members of the Tolupán indigenous people in Honduras](#). Press Release no. 028/16. March 7, 2016.

⁴ IACHR. [IACHR repudiates murder of indigenous Tolupán, beneficiary of precautionary measures, and his son, in Honduras](#). Press Release no. 053/19. March 1, 2019.

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

Post-grant information provided by the parties (2013-2020)

- 2014

9. The **representation** considered that the police force has not provided security at the public assemblies of the San Francisco Locomapa Tribe and have not carried out patrols. On March 1, 2014, during the Tribe's assembly, beneficiaries were allegedly threatened by members of the Tribe's Board of Directors. On March 2, 3 and 23, 2014, shootings occurred near the community of El Palmar, near the site of the 2013 murders of indigenous leaders, and between the Piedra Gorda and San Francisco Campo communities. On March 24, 2023, an assembly of the Tribe was held, and the beneficiaries reportedly received threats and aggressions. In addition, it was reported that during April 2014, beneficiary Consuelo Soto was threatened that "their tongues would be cut off" and beneficiary Santos Antonio Córdoba was threatened that they were going to "set him on fire". The **State** reported that on February 22, 2014, a meeting was held with the beneficiaries and their representation. On that occasion, security measures were agreed upon when the beneficiaries hold protests, assemblies, and any other public gathering, as well as periodic police patrols in the community of San Francisco de Locomapa. In addition, police liaison for emergencies was provided to the beneficiary and lawyer Víctor Fernández, and it was also agreed to give priority for arrest warrants for those accused of the murders of three indigenous leaders (María Enriqueta Matute, Ricardo Soto Fúnez, and Armando Fúnez Medina) in 2013. In that line, it was indicated that criminal action has been initiated for the referred murdered on August 29, 2013, and arrest warrants were issued against two people on August 30, 2013. However, they had not been detained.

- 2015

10. The **representation** indicated that on April 4, 2015, Luis Reyes Marcía, who was a member of MADJ and husband of beneficiary Consuelo Soto, was abducted from his residence and found dead the following day. On May 22, 2015, J.M. reportedly entered Mrs. Soto's residence without authorization and fired three shots at her and her grandchildren, aged 8 and 10. The beneficiary managed to take refuge in her parents' house. On June 18, 2015, Mr. Erasio Vieda Ponce was shot and killed after receiving death threats from a hired assassin for having filed a complaint for illegal logging and burning of the forest in the indigenous territory on May 20, 2015. On July 8, 2015, Mr. Sergio Avila and his son Luis Avila were allegedly threatened, beaten, and had their horse killed. In addition, it was alleged that police patrols were reportedly inconsistent, and police liaisons allegedly do not answer the beneficiaries' calls. The **State** claimed that it carried out operations to detain those accused of the death of the three indigenous people in 2013. In addition, the deaths of Luis Reyes Marcía and Erasio Vieda Ponce were under investigation. Regarding the events of May 22, 2015 in relation to the beneficiary Consuelo Soto, it was indicated that the authorities escorted her to her community. The State also indicated that it is taking measures of routine patrolling, police liaison, and strengthening of police post in the region, as well as delivered a police patrol to act in the region in order to strengthen security on October 17, 2015.

- 2016

11. The **representation** indicated that on January 25, 2016, the beneficiaries Santos Matute and Celso Cabrera were persecuted. In addition, on February 21, 2016, in the community of Cabeza de Vaca 2, four members of the Palencia Fuente family,⁵ were executed by gunfire at point-blank range. In addition, the beneficiary Santos Filander Matute, while attempting to flee, was shot and taken to Mario Catarino Rivas Hospital in San Pedro Sula, where he died on February 22, 2016. On May 14, 2016, four people reportedly fired shots in the air and in the direction of the home of the family of beneficiary José Fuñez, in the Cabeza de Vaca 1

⁵ Nahún Alberto Morazán, Roberto Carlos Palencia, José Alvarenga, and Elvin Joel Alvarenga.

community. On June 4, 2016, the Tolupan indigenous man Rufino Alexis Bulnes Mejía was killed. On July 13, 2016, the MADJ office in the city of San Pedro Sula was robbed. In addition, it was indicated that the police post operates in the vicinity of the village of El Ocotol, and not in the town of Locomapa and to date there are allegedly only two police officers at this police post. As for the Tribe's Citizen Security Committee, it is reportedly not functioning. The **State** reported that it has agreed to the following protection measures: security at protests, assemblies, and any other public gathering; periodic patrols of the Tribe; formation of a committee to collaborate with the National Police in providing community security; police presence on Saturdays within the framework of the Preventive Council; and strengthening of the police substation in the area. To corroborate patrols, a control book with a signature was implemented. The proceedings related to the murders of Luis de Reyes Marcía and Erasio Vieda Ponce continued. The State also indicated that Mr. Víctor Fernández did not accept police escort measures.

- **2017**

12. The **representation** argued that no detailed information was provided on the investigations, particularly of the murders, and that no information was provided to family members. It also indicated that police patrols were suspended, and no new agents have been assigned to the Ocotol police post. On January 12, 2017, information was received that F.A. intended to assassinate four members of the Tribe. In February 2017, the president of the Board of Directors of the Tribe reportedly threatened the partner of beneficiary Celso Cabrera, and his sister, by stating that: "he was going to kill [them] and that after they were dead [he] was going to strip them naked"; and O.R. reportedly threatened beneficiary Santos Matute that "he was going to appear worm-eaten along with José María Pineda". The **State** indicated that it held a meeting to monitor the precautionary measures on May 22, 2017, and the following was agreed upon: reactivate police patrols in the Tribe; manage the assignment of two police officers to the Ocotol police post; appoint a new police liaison; and regularize the record of police patrols in the MADJ office. The Special Prosecutor's Office for Ethnic Groups and Cultural Heritage reported that, regarding the murder of indigenous people in 2013, criminal proceedings were being processed against S.E.F.B. and C.R.L.V, and that C.R.L.V. had been detained. On February 24, 2017, a formal indictment was issued. On March 1, 2017, the Public Prosecutor's Office filed an appeal for not sharing the resolution regarding the participation of the accused as an accomplice. Regarding the murder of Luis de los Reyes Marcía, a complaint was pending against Mr. S.A. Regarding the murder of Erasio Vieda Ponce, possible perpetrators had not been identified. Regarding the murder of the beneficiary Santos Matute, it was alleged that they were not related to the precautionary measures because it was "the product of a land purchase between private individuals".

- **2018**

13. The **representation** indicated that indigenous Tolupan people decided to carry out an "act of permanent indigenous territorial control" which they called the "Dignified Camp of the Tolupan People" (*Campamento Digno*), in the community of San Francisco Campo, to oppose illegal logging. As a result, they have received death threats by members of the Tribe's Board of Directors. On April 17, 2018, the beneficiaries were reportedly threatened by the Board of Directors and the Federation of Xicaques Tribe of Yoro (FETRIXY) at a meeting. On May 25, 2018, dredgers from Industria Maderera Rene Eleazar (INMARE) arrived at "Campamento Digno" in order to take cut timber. On that occasion, an operation of 40 hooded police officers reportedly arrived at the site, and threatened people with the use of tear gas bombs. On December 18, 2018, when the beneficiaries were holding a sit-in, people with stones and weapons allegedly attacked them, resulting in Porfirio Córdoba and Sérgio Ávila being injured. In addition, it was indicated that despite detaining C.R.L.V. for the murder of indigenous people, he escaped from prison and was once again residing in the Tribe. In addition, it was indicated that patrols were allegedly being conducted exclusively in the community of San Francisco Campo, and that police liaisons do not answer calls. On November 22, 2018, a monitoring meeting was held, in which the parties agreed to form the Inter-Institutional Roundtable to discuss the structural conflicts. The representation also reportedly requested access to a copy of the Management Plan and Annual Operating Plan, in order to request a technical opinion from the Special Prosecutor's Office for Ethnic Groups and Cultural

Heritage on the representativeness of the Tribe's directors. The **State** informed that, regarding the murder of the indigenous people in 2013, on February 12, 2018, a sentence of conviction was issued against C.R.L.V. As for S.E.F.B., it has not been possible to carry out the arrest warrant. Regarding the escape of C.R.L.V., instructions were issued for his arrest. It was noted that allegations of threats were in the investigation stage. Furthermore, police patrolling measures were being complied with, and there were four police officers assigned to the Ocotal police post. In March 2018, the precautionary measures were transferred to the National Protection Mechanism.

- **2019**

14. The **representation**⁶ reported that on February 25, 2019, Celso Matute, Juan Samael Matute, José Salomón Matute, and Elvin Cabrera were on their way to their land in the community of El Palmar. Upon arriving at the location, R.C. and M.C. killed the beneficiary José Salomón Matute and his son Juan Samael Matute, relatives of Ramón Matute. It was indicated that R.C. and M.C. were still residing in the Tribe. The following week, they reportedly set fire to Ramón Matute's plot and settlement. Due to the above, the beneficiary and his family were forced to move. On May 17, 2019, Ramón Matute's sister reportedly received a threatening call. On April 25, 2019, they painted the walls of the house of the proposed beneficiary Jenny Ávila, daughter of the beneficiary Sergio Ávila: "Jenny make sure to not wag your tongue or you'll see". Subsequently, armed, hooded individuals wearing military clothing entered her daughter's room, saying that "this is the girl that R.C. wants [...]". As a result, she left her home. On September 28, 2019, the corpse of Miguel Idan Soto Ávila, son of beneficiary Oscar Armando Viedo Romero, was found. On September 9 and 10, 2019, about 200 indigenous people, including the Tribe's Preventive Council, held protests. In response, the Tribe's Board of Directors reportedly summoned individuals to threaten and assault the protesters. The **State** indicated that the authorities sent police patrol and emergency service to the scene of the events of February 25, 2019. In addition, the Public Prosecutor's Office reported that one of the suspects was arrested on the same day, and they have identified two suspects, who are reportedly fugitives. On April 12, 2019, a meeting of the Technical Committee of the Protection Mechanism was held *in loco*, when the suspension of police measures was ordered, because the beneficiaries have stated that the police is reportedly responsible for assaulting indigenous people. The parties agreed on a series of protection measures, such as the installation of four sound alarms in the Tribe, psychological care for the family members of Salomón Matute and Samael Matute, and the granting of a vehicle for six months with a stipend for fuel expenses. It was indicated that the beneficiaries filed an appeal for reconsideration on June 24, 2019 against the resolution of the Protection Mechanism. On August 7, 2019, a resolution was issued ratifying the agreements.

- **2020**

15. The **representation** stated that, due to the health emergency caused by COVID-19, the members of the Tolupán People were facing a situation of "extreme hunger". On April 27, 2020, the Preventive Council of the Tribe filed an appeal for protection of constitutional rights (*amparo*) requesting guarantees of access to food and health for the indigenous families. On April 28, 2020, the Administrative Court of Appeals of San Pedro Sula ordered the Municipality of Yoro, within 24 hours, to provide all members of the San Francisco de Locomapa Tribe with sufficient and quality food without discrimination, as well as comprehensive and culturally appropriate medical care. However, the authorities had not complied with this determination.⁷ The representation also indicated that they do not oppose a risk assessment, however, they allege that "we do not trust a study carried out only by State technicians". The Interinstitutional Roundtable met on March 10, 2020, after two years, despite the commitment that it would meet every three months. During the meeting, the parties have managed to sign 12 agreements, most of them aimed at readjusting agreements from the first meeting,

⁶ On September 26, 2019, the representation requested that the IACHR request that the IACHR Court adopt provisional measures in favor of the members of the Preventive Council of the San Francisco Locomapa Tribe.

⁷ In view of the above-mentioned context, the representation requested the extension of the object of these precautionary measures, in order to guarantee the food and health of the beneficiaries.

since, of the 11 agreements signed in 2018, six were not complied with, two were partially complied with, and three were fully complied with. Concern was reiterated regarding the lack of progress in the investigations of murders. In particular, regarding the murder of three indigenous leaders in 2013, the capture of S.E.F.B. took more than six years, and in 2020 an acquittal was issued in his favor. Regarding timber exploitation, the representation alleged that it filed an absolute nullity action on September 19, 2019 before the National Institute of Forest Conservation and Development, Protected Areas and Wildlife (ICF) regarding the Annual Operating Plan. This petition was not admitted for processing, so on November 8, 2019, an injunction was filed before the Administrative Court of Appeals of San Pedro Sula. The *State* indicated that the protection measures had been complied with, with the exception of the granting of a vehicle. On March 10, 2020, an Inter-Institutional Roundtable was held, made up of the beneficiaries, their representation, various State institutions, and the office of the United Nations High Commissioner for Human Rights in Honduras (OHCHR). The State expressed difficulties in the implementation of the measures due to the lack of voluntariness of the beneficiaries to carry out the risk assessment.

Recent information provided by the parties (2021 - 2023)

A. Information provided by the representative

16. On September 26, 2019, the representation requested that provisional measures be requested from the IACHR Court in favor of the members of the Preventive Council of the San Francisco de Locomapa Tribe⁸ and their families. This request was reiterated in subsequent briefs during 2022. On May 14, 2021, the representation requested the extension of the precautionary measures in favor of “the indigenous Tolupan people who make up the MADJ and live in the San Francisco Locomapa Tribe”. On February 13, 2023, the representation presented a list of 61 persons proposed as beneficiaries, who are members of the MADJ and the San Francisco Locomapa Tribe.⁹ In June and October 2023, the representation reiterated its extension request.

i. Context of timber harvesting in the San Francisco de Locomapa Tribe

17. The representation indicated that, since January 2021, illegal logging activities have resumed intensively in the San Francisco de Locomapa Tribe. In this regard, the representation questioned the legality of timber harvesting activities in the region, indicating, for example, that the process of prior, free, informed and in good faith consultation with the entire Tribe has not been carried out. The legal actions initiated between 2019 and 2022 in this regard were reported. In this regard, the situation that places the beneficiaries and proposed beneficiaries at risk is reportedly related to the alleged illegal logging in the San Francisco Locomapa Tribe, which causes acts of violence and threats by members of the Board of Directors of the Tribe and

⁸ The members of the Preventive Council of the San Francisco de Locomapa Tribe identified as of that date were: 1. José María Pineda; 2. Ramón Matute; 3. Celso Cabrera; 4. Ángela Murillo; 5. Rosa Adilia; 6. Oscar Villeda; 7. Yuma Gutiérrez; and 8. Ruffino Soto.

⁹ The proposed beneficiaries are the following: 1. Marbella Esperanza Ramírez, Piedra Gorda community; 2. María Benita Matute, Piedra Gorda community; 3. Ángela Murillo, San Francisco Campo community; 4. Nicolle Martínez Murillo, San Francisco Campo community; 5. Alejandrina Antonia Cabrera, San Francisco Campo community; 6. Melvin Castro, San Francisco Campo community; 7. Oquely Chirinos Alvarado, San Francisco Campo community; 8. Porfirio Córdova, Ojo de Agua community; 9. Orbin Joel Fúnez, Ojo de Agua community; 10. Rixi Mabel Romero, Ojo de Agua community; 11. Maritza Ávila Romero, Ojo de Agua community; 12. Nery Odilver Romero Córdova, Ojo de Agua community; 13. Román Fúnez, Ojo de Agua community; 14. Jenny Ávila Romero, Cabeza de Vaca 2 community; 15. Reyna Suyapa Matute, Cabeza de Vaca 2 community; 16. Delvin Omar Ávila, Cabeza de Vaca 2 community; 17. Amanda Edith Ávila Soto, Cabeza de Vaca 2 community; 18. Rosa Edilmira Fúnez Romero, Cabeza de Vaca 2 community; 19. Hernán Rivera, Cabeza de Vaca 2 community; 20. Oneida Ávila, Cabeza de Vaca 2 community; 21. Alejandro Medina, El Tigre community; 22. Lastenia Romero Ávila, El Tigre community; 23. Dilcia Antonia Vieda, Agua Fría community; 24. Heliodoro Romero, Agua Fría community; 25. Lidia Fúnez, Agua Fría community; 26. Heliodoro Quintanilla, Agua Fría community; 27. Franklin Fúnez, Las Brisas community; 28. Hermógenes Fúnez, Las Brisas community; 29. Luis Villeda, Las Brisas community; 30. Luis Mario Villeda, Las Brisas community; 31. Manuel Medina, Las Brisas community; 32. Rosa Adilia Martínez, Las Brisas community; 33. Norma Jackeline Ávila Matute, Las Brisas community; 34. Gabriela Funez Ávila, Las Brisas community; 35. Eder Fúnez, Las Brisas community; 36. Linda Lee Fúnez, Las Brisas community; 37. José Tulio Ramos, Las Brisas community; 38. Walter Romero, Las Brisas community; 39. Francisco Ávila, Las Brisas community; 40. Virgilio Fúnez Soto, Las Brisas community; 41. Flor Idalia Romero, Las Brisas community; 42. Elvin Vieda, Las Brisas community; 43. María Gisela Fúnez, Las Brisas community; 44. Yolanda Ponce, Las Brisas community; 45. Elvia Karina, Las Brisas community; 46. Irma Consuelo Matute, Las Brisas community; 47. Ana Delia Romero, El Firay community; 48. Juan Gutiérrez, El Firay community; 49. Rufino Soto, El Firay community; 50. María de Jesús Fúnez, El Firay community; 51. Olvin Córdova, El Firay community; 52. Yuma Gutiérrez, El Firay community; 53. Darwin Rolando Vieda, El Firay community; 54. Dilcia Dinora, El Firay community; 55. Isabel Fúnez, El Firay community; 56. María Lidia Matute, El Firay community; 57. Rolando Matute, El Palmar community; 58. Karen Soto, El Palmar community; 59. Yensy Karolina Vieda Ponce, El Palmar community; 60. Noel Francisco Matute, El Palmar community; 61. Sergio Edil Ávila Romero, Cabeza de Vaca community.

companies operating in the region against the Preventive Council of the Tribe, which carry out protests with the aim of preventing such exploitation.

ii. Alleged facts

18. During the years that the precautionary measures have been in effect, the representation has indicated the continuity of threats, harassment, and violence against the beneficiaries and other members of MADJ and members of the San Francisco de Locomapa Tribe.

19. On January 11, 2021, an INMARE company worker threatened Juan Matute, a member of the Tribe, that “if they don’t let them pass the machinery, there will be more deaths in the tribe”. On March 5, 2021, beneficiary Ramón Matute and his cousin were on their way to the community of El Palmar on a motorcycle along the road, when a truck driven by R.P. intercepted them. He reportedly threw his vehicle towards the motorcycle, with the objective of pushing them into the ravine on the side of the road. However, the beneficiary had managed to brake in time. On March 8, 2021, the mare that belonged to the beneficiary’s sister Ramon Matute died. A veterinarian checked the mare and told her that she had been poisoned. On March 16, 2021, Tribal Preventive Council members José María Pineda, Celso Cabrera, Amado Cabrera, and Ramón Matute were on their way to Yoro. While they were in the community of San Francisco Campo, one of the vehicle’s tires was ruined and two people offered to repair it. The beneficiaries indicated that these people acted suspiciously. Upon resuming the trip, the driver realized that he could not brake and lost control of the vehicle. As a result, Ramón Matute, Amado Cabrera, and José María Pineda were injured. When they were able to check the vehicle, they realized that the people who had assisted them had not put a part on the wheel. The beneficiaries reported that they feared that this had been intentional. On April 13, 2021, E.J.B. allegedly threatened the proposed beneficiary Nery Odilver Romero Córdoba, nephew of the beneficiary Santos Antonio Córdoba, telling him that “it was very easy for him to bring a police detachment to the area and even a helicopter to transport people”.¹⁰

20. On May 1, 2021, the beneficiaries informed the Protection Mechanism that they would hold protests and that it was foreseeable that the situation that places them at risk would worsen. On May 2, 2021, verbal confrontations occurred between the Board of Directors and the beneficiaries. On May 8, 2021, about 60 members of the community, including five beneficiaries, were gathered in an assembly at the “Campamento Digno”. Vehicles with members of the Board of Directors and workers from the logging company INMARE appeared on the scene and attacked those present with sticks and stones for approximately 20 minutes. They also allegedly made threats, saying that “they were going to hit them where it hurt the most” and that “blood was going to flow again”. The beneficiaries tried to take shelter, while they notified the representation and the Protection Mechanism, however, the police were not present at the scene.

21. On May 10, 2021, about 90 people, including some beneficiaries and their families, were gathered in assembly in the “Camp Digno”, due to the resumption of extractive activities. At approximately 7:30 a.m., approximately 60 people armed with machetes and firearms, identified as members of the Board of Directors and workers of INMARE, showed up. These people allegedly destroyed the perimeter fence of the community radio station, Radio Dignidad, in the “Campamento Digno”. J.M. also fired multiple shots, aimed at the ground, in order to intimidate them. They also allegedly destroyed the facilities and burned a Honduran flag and banners with the MADJ logo and with the faces of murdered Tolupan indigenous people. They reportedly communicated death threats to MADJ members, in particular to the beneficiary José María Pineda: “everyone in this organization, we are going to burn your houses and we are going to hit you where it hurts the most”; “here blood is going to flow again”; or “we are going to kill those who are being prosecuted so that they stop fucking around”. C.M., member of the Board of Directors, allegedly threatened Angela Murillo that “today at 12:00 p.m. we are going to take you out of your house and we are going to burn it down”, and also threatened

¹⁰ This threat was identified as a threat of forced disappearance of persons, and had generated fear, considering also that E.J.B. has military training and has contacts to coordinate aggressions against MADJ.

the mother of beneficiary Ramón Matute, telling her to be careful with her son because “they were going to hit him again where it hurts the most”.¹¹

22. Around 8:00 a.m., the representation proceeded to inform the Protection Mechanism liaison, but did not receive a response. Subsequently, they were able to communicate with the emergency number of the Protection Mechanism. However, the police officers took more than seven hours. Thus, around 3:00 p.m., a police patrol with six officers showed up at “Camp Digno”. After talking with the beneficiaries, the officers went to the top of the mountain to talk with the Board of Directors and members of INMARE. According to the report, 30 minutes later, the officers went back to the area accompanied by company workers and escorted them to the trucks with the alleged illegally extracted timber. In addition, the officers and their companions allegedly fired shots and threw stones at the beneficiaries. As a result, the cousin of beneficiary Sergio Avila and member of MADJ, Norma Jackelin Avila, was shot in the leg and was immediately taken to the hospital, where she required surgery. Ms. Avila’s daughter, an underaged girl, was also seriously wounded in the head as a result of the stones. The beneficiary Joel Fúnez was injured in the neck and head by stone impacts, and the member of the Tribal Preventive Council, Rosa Adilia, presented severe cuts in her body, due to aggression with a machete. Another group of people reportedly set fire to the house of beneficiary Celso Cabrera. At the time of the incident, he and his family were inside the house, but managed to escape. The house burned to the ground and the beneficiary was forced to move. Although his house had a sound alarm installed by the Protection Mechanism, it was not activated to prevent the attack. On May 11, 2021, around 1:00 p.m., the same police patrol that had carried out the repression the day before arrived again at “Camp Digno”, with four hooded soldiers on board.

23. On May 14, 2021, around 7:30 p.m., one of the beneficiaries¹² received threats from C.M. through the social network Facebook, indicating that they were “planning to evict Chepe next week”, referring to beneficiary José María Pineda, president of the Tribe’s Preventive Council. On September 29, 2021, beneficiary Sergio Ávila was informed about death threats from INMARE company workers to MADJ members.¹³ On November 14, 2021, C.M. reportedly stopped the daughter of proposed beneficiary Angela Murillo, Nicolle Martínez, while she was walking on the street, and told her that he wanted to talk to her about “things that only she could know and that she should not tell anyone else”. On November 20, 2021, C.M. allegedly threatened Angela Murillo that “it was useless for them to be happy because the community radio was approved, because they would not be able to enjoy it”.

24. At the beginning of the year 2022, the representation indicated that MADJ members residing in San Francisco de Locomapa had been victims of attacks, following the illegal installation of the mining company LACHANSA CO S.A. in the Tribe. This company has reportedly hired members to form an armed group, which has installed itself on the road near the community of “El Portillo”, where the mine is located. The purpose of the group is to prevent authorities and residents of the communities from approaching the mine or entering and leaving the communities. It was reported that these people entered the communities at night and shouted threats to people who are against the company, indicating that they should not leave their homes because “blood will flow”. As a result, these people were reportedly unable to leave their homes for weeks or months, as the armed group reportedly prevented them from moving between communities. In addition, members of the LACHANSA company reportedly met with leaders of the Tribe to “offer them money in exchange for keeping quiet” and, if they rejected this blackmail, they were threatened with death and even with rape of MADJ women.

25. In June 2022, the vice-president of the Board of Directors of the company LACHANSA, entered the house of Ms. Angela Murillo, accompanied by three armed persons, and allegedly told her to “lend him her

¹¹ According to beneficiary Ramón Matute, with that phrase they were alluding to the murder of his father and brother that occurred in 2019, given that it is the same phrase that was said to him the day before those events.

¹² According to the representation, the beneficiary requested that his name be withheld for fear of reprisals.

¹³ According to what was reported, it was said that “only by killing Sergio Ávila, Ángela Murillo, Ramón Matute and José María Pineda will we be able to get the wood out of the Tribe”.

daughter”. Two days later, he again showed up at her house and reportedly went directly to her daughter and told her that she had to go with him. On July 23, 2022, a person intercepted the proposed beneficiary Rosa Adilia Vieda, and allegedly told her that “they were going to pay for opposing the mining company LACHANSA”. On August 29, 2022, proposed beneficiary Irma Consuelo Matute, while with her 10-year-old son, was intercepted in the street by a group of 10 people who reportedly shouted rape threats at her.

26. On December 1, 2022, members of MADJ, among them the proposed beneficiaries Angela Murillo, Hermógenes Funez, and Oquely Chirinos, were carrying out a peaceful public protest in front of the Ocotol police post, when trucks from the INMARE company reportedly came down from the mountain with 70 people armed with machetes and sticks, who allegedly attacked the group of MADJ members. These aggressions allegedly occurred in front of members of the police, who did not act to stop the aggressors. On that occasion, they allegedly grabbed Angela Murillo by the neck and placed her in front of one of the trucks, while the other people shouted for the truck to run her over. Mr. Hermógenes Funes was also injured by a blow to his face.

27. On May 9, 2023, two people were killed within the San Francisco de Locomapa Tribe, identified as Amilcar Vieda, belonging to the MADJ community nucleus, and Naún Chacón. In the afternoon, Naún Chacón went to pick up Amilcar Vieda, who was in the community of “Las Minas”, and when they were on their way back to Mr. Vieda’s house, they were shot and subsequently set on fire until their bodies were unrecognizable. On May 16, 2023, beneficiary Ramón Matute was outside his residence, as part of an inspection carried out by the Public Prosecutor’s Office, when his relatives received threats at the entrance of his house, which warned him that “the same thing would happen to him as happened to his father and brother” due to his land claim actions. On June 7, 2023, a police patrol and a private vehicle were at the home of the proposed beneficiary Ángela Murillo, without presenting a court order or justification for the visit. On that occasion, they began to ask her daughter, a child, about the whereabouts of Ángela Murillo. These facts were reported to the authorities.

iii. Protection and coordination measures

28. According to the representation, in March 2019, the beneficiaries decided to renounce police measures because the authorities had exposed them to greater risk, considering, for example, that the agents in charge of their protection had violently repressed peaceful protests that they had carried out. However, when faced with situations of risk, the representation requested the Protection Mechanism for police intervention at specific times, but their requests were not granted, particularly in relation to the events of May 2021.

29. After a year and six months of its conformation in November 2018, on March 10, 2020, a follow-up meeting of the Inter-Institutional Roundtable was held, when the parties reached 12 agreements.¹⁴ The representation argued that the agreements had not been complied with.¹⁵

30. After the attacks on the beneficiaries and proposed beneficiaries in May 2021, on May 12, 2021, members of civil society of the Coordination of the National Protection Council called the Board of Directors to an extraordinary meeting in order to learn about the situation of the San Francisco de Locomapa Tribe. The meeting was held on May 13, 2021 and failed to reach the minimum quorum of participation required, which was valued as “a sign of the lack of real will of the State to address (...) the situation the Tribe is facing”. During this meeting, it was stated that the origin of the problem lies in the illegal logging activities in the territory, and concern was expressed about the lack of effectiveness of the protection measures. On June 22, 2021, the representation regretted that the State alleged that the lack of implementation of the measures was due to the reported lack of willingness of the beneficiaries. In this regard, it was indicated that they are not opposed to a risk study, but that they propose that “it be carried out by a body external to the protection mechanism”, to ensure the beneficiaries’ trust, and to guarantee its independence and impartiality, based on a comprehensive view of the risk situation.

31. On October 24, 2022, the representation stated that MADJ has promoted the holding of consultation meetings with state authorities, and on September 19, 2022, a meeting was held with the National Protection Mechanism. The Protection System adopted seven agreements on the measures presented by MADJ.¹⁶ On September 27, 2022, a commission formed by the Special Prosecutor’s Office for the Protection of

¹⁴ The agreements adopted were as follows: i. The ICF will deliver to this representation all background information related to the Forest Management Plan BY-Y01811-0221-199; ii. The General Directorate of the National Protection Mechanism will submit a report on compliance with agreement number 2 of the meeting of the roundtable held on November 22, 2018¹⁴; iii. The MADJ shall submit to the INA a formal request for a process of expansion and sanitation, as well as demarcation of boundaries in the geographic area where the San Francisco de Locomapa Tribe is located; iv. The Special Prosecutor’s Office for the Environment (FEMA) shall forward to the MADJ the information gathered around Agreements 5 and 10 of the 2018 meeting¹⁴; v. The General Directorate of the Protection System shall request the ICF a report on the actions taken to resolve the request for nullity filed by the MADJ on September 19, 2019; vi. The General Directorate of the Protection System will request a report on investigative progress regarding the complaints of the beneficiaries every three months through the Public Prosecutor’s Office of the Public Prosecutor’s Office. In order to comply with this measure, the MADJ shall send an updated list of the complaints filed and the Prosecutor’s Office where each one is located; vii. The General Directorate of the Protection Mechanism shall ensure that the Prosecutor’s Office of Yoro is present in the next meetings; viii. The General Directorate of the Protection Mechanism shall coordinate with the MADJ a meeting of the Technical Committee in order to reach a consensus with the beneficiary Víctor Fernández on the appropriate protection and/or preventive measures; ix. The General Directorate of the Protection Mechanism shall coordinate the installation of the table with a periodicity of THREE months, with the headquarters of such meetings being the Dignified Camp in Defense of the Tribe’s Forest; x. The General Directorate of the Protection Mechanism will request information from the Secretariat of Security requesting information regarding the persons denounced for aggressions by the beneficiaries, in particular, if they have a permit to carry weapons; xi. The Special Prosecutor’s Office for Ethnicities and Heritage will issue a legal opinion regarding the request submitted by the MADJ on September 13, 2019 on the right to protest regarding violations of ancestral and heritage rights and prior, free and informed consultation; xi. MADJ will submit a request for a review of protection measures to the Mechanism, to be held at the Tribe’s Dignity Camp.

¹⁵ The representation indicated, in relation to the agreed points, that: i. As of that date, although the State reported that it had provided MADJ with a complete copy of the ICF Forest Management Plan, such statement “lacks veracity”. This document is reportedly important because it contains relevant information to promote legal actions in defense of their territory; ii. The representation has reportedly not been informed of any progress in complying with the measure; iii. It is alleged that there are no conditions to move forward with this project, considering that “the conflict of interest” generated by timber harvesting “remains. Along these lines, it is argued that the process of socialization and consensus building should not be the sole responsibility of the beneficiaries; iv. The representation had not been informed about the status of the investigative processes of the complaints that FEMA is in charge of; v. The representation has not been informed of actions taken before the ICF. On March 19, 2021, the representation went to the Prosecutor’s Office of Yoro with the objective of reviewing the file. However, the director of the ICF indicated that it would be a private file; vi. On August 25, 2020, the MADJ sent to the National Protection Mechanism a list of 35 complaints filed; vii. In the mail for the last convocation of the Inter-Institutional Roundtable, no copy was given to the Local Prosecutor’s Office of Yoro, which was not present at the roundtable; viii. There has been no meeting with the beneficiary Víctor Fernández to agree on protection measures in his favor. The ombudsman is personally redoubling his efforts to continue his work in defense of the Tolupeño people; ix. In the three years constituted, the Inter-Institutional Roundtable has only held sessions on two occasions, in 2018 and 2020. In addition, in the 2020 session, authorities reportedly manifested themselves in an offensive and revictimizing manner towards the beneficiaries; x. The representation has not been informed of progress in complying with the measure; xi. The representation has not been informed of progress in complying with this agreement; xii. The parties did not find agreements for a methodology that would allow progress in the adequate implementation of the present precautionary measures.

¹⁶ The agreements adopted were as follows: i. The protection measures granted to MADJ and BED will be handled in the same block and will have a designated person for their diligent follow-up; ii. The Protection Mechanism will make a schedule for visits to the territories, which will be agreed upon with the applicants. The San Francisco Locomapa Tribe will be given priority and urgency. For these visits, the participation of other related agencies will be sought, such as the Secretariat of Security, Secretariat of Human Rights, OHCHR, Attorney General’s Office and others; iii. During the visits to the territories, the Protection Mechanism will meet with local institutions such as CONADEH, Public Prosecutor’s Office, Mayor’s Office, Local Police in order to develop a joint work plan to counteract the origin of the risk of the beneficiaries; iv. During the visits, the Protection Mechanism will evaluate, through interviews with the beneficiaries, the level of compliance so far with the implementation of the measures granted; v. The Protection Mechanism will define a prevention plan and an action

Ethnic Groups and Cultural Heritage, the MIAMBIENTE, the National Police, as well as people from the UNHCHR, tried to visit the territory but access was not possible due to the armed group that remained blocking the way to the communities.

32. On February 27, 2023, the Interinstitutional Roundtable was held, when it was agreed that a follow-up meeting would be held every three months and a new roundtable would be convened every six months with the presence of authorities with decision-making power. In addition, the parties agreed that:

- i. "The National Institute for Forest Conservation and Development, Protected Areas and Wildlife (ICF), the Secretariat of Human Rights (SEDH), the Secretariat of Natural Resources and Environment (SERNA), together with OHCHR, committed to promote a process of capacity building around free, prior and informed consultation, in accordance with international standards on the rights of indigenous peoples to various groups of the Tolupan people, including the FETRIX and tribal councils.
- ii. The Vice Mayor of Yoro, (...) in the framework of the sentence of the Constitutional Chamber, committed to the construction of a health center in the community of Cabeza de Vaca in March. In addition, he committed to the creation of an agro-food development plan for the San Francisco Locomapa Tribe (...).
- iii. The Vice Minister of the Human Rights Secretariat (...) committed to develop a legal report with a human rights approach so that the ICF is clear on why the situation of La Tribu de San Francisco should be treated differently in order to respect the right to consultation and free, prior and informed consent.
- iv. The Protection Mechanism undertook to carry out the Technical Committee of the precautionary measure as soon as possible.
- v. The Deputy Attorney General of the Republic (...) committed at the institutional level to permanently accompany all actions to vindicate the rights of the San Francisco Locomapa Tribe and to permanently monitor all reports that the MADJ may send them and find solutions to reverse this situation. Likewise, the MADJ committed to forward to the General Directorate of the Environment of the PGR the complaints about environmental damages in the Tribe.
- vi. SERNA, (...) in conjunction with the PGR and FEMA and accompanied by OHCHR, undertook to conduct a new inspection in the area of the mine where LACHANSA worked, in order to take water samples and make various technical reports for the application of justice if appropriate. In addition, the company committed to promote the environmental administrative complaints filed with SERNA regarding the San Francisco Locomapa Tribe.
- vii. The Environmental Prosecutor's Office undertook to receive the complaints filed around San Francisco de Locomapa and refer them to the special prosecutor's offices according to their competencies.
- viii. The Ministry of Health promised to provide medicines and medical personnel as soon as possible once the health center is built. In addition, it assigned a doctor to provide consultations at least two days a month in the Tribe while the health center is being built in the community of Cabeza de Vaca 2, and promised to provide basic health packages to the most underprivileged communities while the health center is being built.
- ix. The ICF committed to resolve all administrative actions presented by the Preventive Council and FETRIX regarding the San Francisco Locomapa Tribe before the ICF, from 2019 to date, with a human rights perspective and respecting ILO Convention 169. Moreover, he committed to conduct a field inspection (...) to verify the environmental damages in the area, and to conduct a technical audit of the management plans that have been approved in the last ten years."

33. On June 5 and October 3, 2023, the representation noted that, regarding the Technical Committee sessions of the Protection Mechanism, on February 3, 2023, the MADJ reiterated its request for swiftness in the convening process. On February 13, 2023, the authorities responded that they were waiting for the 2023 budget allocation for the Protection Mechanism. Only on March 15, 2023 was the result of the October 2022 risk assessment sent to the representation, placing the risk level at 86.28 points. The Technical Committee has not yet been held in order to grant the protection measures, despite the fact that more than a year has passed since the risk assessment, and even more so considering the level of risk identified and the subsequent risk events. On August 24, 2023, due to the lack of convening of the Inter-Institutional Roundtable, the representation sent a communication to the authorities reminding them of the commitments made, without receiving a response.

34. On September 18, 2023, MADJ found it necessary to request the State to reestablish the allocation of a vehicle for the transfer of beneficiaries, a measure that was agreed by the Protection Mechanism

plan for each precautionary measure, which will be previously agreed upon and approved by the beneficiaries; vi. The Protection Mechanism will promote the reactivation of the inter-institutional roundtables, and; vii. The Protection Mechanism will notify the Secretariat of Security of the urgent risk situation that the beneficiaries are experiencing.

on April 12, 2019, and that has been partially implemented in December 2022, pending the allocation of a monthly stipend to cover fuel expenses. The vehicle was returned to the authorities for repair after the accident dated April 12, 2023. However, it was not made available again to the beneficiaries or replaced by another one, so the measure is currently suspended. Therefore, the reinstatement of the measure was requested. To date, the representation has not received a response. Additionally, it was indicated that the information provided on the police patrols carried out in the Tribe was not detailed, which hinders an assessment of their effectiveness. Furthermore, most of the actions indicated by the State to comply with the agreements were limited to the sending of official letters, which reflects significant progress in compliance with the agreements.

iv. Complaints or actions before state authorities

35. The representation informed that they had presented a list of complaints filed in relation to the precautionary measures at the follow-up meetings. In its written submission of June 22, 2021, the

representation presented a list of 41 complaints filed up to that date.¹⁷ Subsequently, in its submissions in the years 2022 and 2023, the representation indicated a further 11 complaints filed.¹⁸

¹⁷ Complaint no. 1479311859-2016, before the Special Prosecutor's Office for Ethnic Groups and Cultural Heritage, against S.A.N., for the crime of violation of free and informed prior consultation and in good faith; 2. Complaint no. 307-2016, before the National Police of Yoro, against A.F., for the crimes of theft, threats and damages; 3. Complaint no. 296-2014, before the Environmental Prosecutor's Office in San Pedro Sula, against M. C. M. and K. G. L. U., for the crime of illegal extraction of antimony mineral product and environmental damages; 4. Complaint no. MPY 825-2019, before the Public Prosecutor's Office of Yoro, against G.O.P., for the crime of abuse of authority and violation of the duties of public officials; 5. Complaint no. 254-2015, regarding the murder of Luis Reyes Mencía, filed on July 19, 2019; 6. Complaint filed on April 8, 2015 before the Local Prosecutor's Office of Yoro against F.A.U. for the crime of threats; 7. Complaint filed on July 24, 2015 by Sergio Edil Ávila for the crime of homicide in its degree of attempted execution and damages, which is before the Special Prosecutor's Office for Ethnic Groups; 8. Complaint no. 14349924777-2015, regarding the murder of Erasio Vieda Ponce, which is in the known at the Prosecutor's Office for Crimes against Life; 9. Complaint no. 268-2015, before the Local Prosecutor's Office of Yoro, against F.A.U. for the crime of threats; 10. Complaint no. 642-2017, before the UDEP-18 of the National Police of Yoro, against J.R., for the crime of threats; 11. Complaint no. 036-2016, before the National Police of Yoro, against K.D.M. for the crime of threats; 12. Complaint filed before the Public Prosecutor's Office on June 21, 2016 for the murders of 5 people in the community of Cabeza de Vaca 2; 13. Complaint filed on July 29, 2016 before the Local Prosecutor's Office of Yoro and the Yoro Police against F.A.U. for the crime of illegal cutting and exploitation of forest products and by-products. On May 11, 2017, the Local Prosecutor's Office of Yoro reported that the corresponding file had been lost; 14. Complaint no. 4167-2017, before the Environmental Prosecutor's Office of San Pedro Sula, for the crime of illegal cutting and harvesting of forest products or byproducts, against J.I.I. The complaint was also filed before the Special Prosecutor's Office of Ethnic Groups, on March 10, 2017; 15. Complaint filed on February 17, 2017, before the Local Prosecutor's Office of Yoro, against J.S.S. for the crime of threats and injuries in its degree of execution of attempt, to the detriment of Sergio Edil Ávila and Oger Neptalí Ávila; 16. Complaint no. 541-2016, before the Local Prosecutor's Office of Yoro, against F.A.U. for the crime of illegal harvesting of forest products and by-products; 17. Complaint no. 779-2016, before the Local Prosecutor's Office of Yoro, against R.H. and A.Z. for the crime of illegal harvesting of forest product; 18. Complaint no. MPY 259-2017, before the Local Public Prosecutor's Office of Yoro, against F.A.U., for the crime of usurpation; 19. Complaint no. 641-2017, against A.A. V. for the crime of threats; 20. Complaint no. 565-2017, before the Local Police of Yoro, against S. E. F. and C. L. V. for the crime of threats; 21. Complaint no. 1529676130-2018, before the Special Prosecutor's Office for Ethnic Groups and Cultural Heritage, against S. A. N., director of the ICF in the town of Yoro, for the crime of abuse of authority and violation of the duties of public officials; 22. Complaint no. 1554405655-2019, before the Special Prosecutor's Office for Ethnic Groups, against police officers assigned to El Ocotol and in the municipal headquarters of Yoro, for the crime of abuse of authority and violation of the duties of public officials; 23. Complaint no. 533-2019, filed on July 15, 2019 before UDEP-18, for the crime of threats to the detriment of Ramon Matute; 24. Complaint no. 380-2018, before UDEP-18 against W.R.R. for the crime of threats to the detriment of Consuelo Soto; 25. Complaint no. 695-2018, filed on September 11, 2018 before the UDEP-18 against F.M. for the crime of threats to the detriment of Mary Ramona Martínez; 26. Complaint no. 696-2018, filed on September 18, 2018 before the UDEP-18 against F.M. for the crime of misdemeanor against persons to the detriment of Maria Angela Murillo; 27. Complaint no. 697-2018 filed on September 18, 2018 before the UDEP-18 of Yoro, for the crime of damages to the detriment of Oscar Amado Cabrera Matute; 28. Complaint no. 103-2018 filed on February 17, 2018 before the UDEP-18 of Yoro, against A.A.V., Y.A.C. and C.D.M. for the crime of threats to the detriment of Ramón Santiago Matute; 29. Complaint filed before the Special Prosecutor's Office for Ethnic Groups and Cultural Heritage, on September 28, 2018, against F.M. for the crime of arson in its degree of attempt, to the detriment of Oscar Amado Cabrera Matute and María Ramona Martínez; 30. Complaint no. 716-2018 filed on November 1, 2018 before UDEP-18 against J.A.A.V. and C.M. for the crime of usurpation to the detriment of Salomon Matute and his family; 31. Complaint no. 929-2018 filed on December 08, 2018 before UDEP-18 against W.O.D. and others for the crime of death threats and cutting of forest product; 32. Complaint no. 956-2018 filed by Sergio Avila on December 19, 2018 before the UDEP-18 of Yoro against the directive members of the Tribal Board of Directors for the crime of injury and death threats; 33. Complaint no. 957-2018 on December 19, 2019 before the UDEP-18 of Yoro against C.D.M, Y.A.C. and others for the crime of death threats against members of the San Francisco Locomapa Tribe; 34. Complaint no. 977-2018, filed on December 27, 2018 before the UDEP-18 against members of the Tribal Board of Directors and Mr. W.O.D. for the crime of threats against Sergio Avila; 35. Complaint no. 559-2019 filed on July 17, 2019, before the UDEP-18, against C.M., R.P. and J.C.S. for the crime of damages to the detriment of Ramón Santiago Matute; 36. Complaint filed on June 06, 2019, before the Local Prosecutor's Office of Yoro for the crime of threats to the detriment of Jenny Joseph Ávila; 37. Complaint filed on December 19, 2020, before the Police Directorate of Investigations of Yoro, by Sandra Barahona, against citizen A.C., 38. Complaint no. 314-2021 filed before the Police Directorate of Yoro on April 15, 2021 against I.F.S. for the crime of threats against Rolando Matute; 38. Complaint no. 1621372278-2021, filed by members of the Preventive Council of the San Francisco de Locomapa Tribe, before the Prosecutor's Office of Common Crimes of San Pedro Sula, which was forwarded to the Local Prosecutor's Office of Yoro; 39. Complaint filed with the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators of Tegucigalpa for the crimes of attempted homicide, arson, damages, threats, against members of the Board of Directors of the San Francisco de Locomapa Tribe, members of the INMARE company, members of the National Police of Yoro and W.O.D., as owner of the lumber company INMARE, which was sent to the Special Prosecutor's Office for Ethnic Groups and Cultural Heritage, under investigation file no. 1621437710-2021; 40. Complaint no. 404-2021, filed on May 10, 2021, before the UDEP-18 of Yoro, against J.M., K.M., J.A.V, C.V., 41. Complaint no. 338-2021, filed by Nery Odylver Romero before Dirección Policial de Investigaciones de Yoro on April 23, 2021 against E. J.B. for the crimes of arson, damages, threats and injuries, to the detriment of members of Consejo Preventivo de Tribu; 41.J.B. for the crime of threats; 41. Complaint filed before the Peace Court of Yoro, under file no. 1801-2021-070, filed against I.F.S. for the crime of misdemeanor against persons.

¹⁸ Complaint filed on May 13, 2021 before the Special Prosecutor's Office of Common Crimes of San Pedro de Sula, by members of the Preventive Council and MADJ, for the crimes of attempted murder, arson and aggravated damages against directors of the Board of Directors of Tribus and the businessman W.O.D. Said complaint was filed under the file number 1621372278-2021 and subsequently forwarded to the Local Prosecutor's Office of Yoro; 2. Complaint filed by the Preventive Council of the Tribe on March 17, 2022 before the Local Prosecutor's Office of Yoro, for illegal harvesting of forest products and by-products; 3. Complaint no. 668-2022, filed on August 18, 2022, before the Yoro Police Directorate of Investigations by Oscar Vieda and Rosa Adilia Vieda against A.M., 4. Complaint filed on August 18, 2022 before the Police Directorate of Investigations of Yoro, for the crime of death threats against Rosa Adilia Vieda, registered under file number 955-2022; 5. Complaint no. 724-2022, filed on August 29, 2022 before the Police Directorate of Investigations of Yoro, by Irma Consuelo Matute against S.A., for the crime of threats. 6. Complaint filed on September 7, 2022, before the Yoro Police Directorate of Investigations, for the crime of threats against Irma Consuelo Matute, registered under file number 724-2022; 7. Complaint 725-2022, filed on September 7, 2022 before the Yoro Police Directorate of Investigations, by Santos Matute against J.A.A.V., 8. Complaint filed on August 30, 2022 before the Special Prosecutor's Office of Ethnic Groups and Cultural Protection by a member of the Preventive Council of the Tribe, against J.M. and officials of the Municipal Corporation of Yoro, for the crime of illegal exploitation of natural resources; 9. Complaint filed on September 23, 2022 for the crimes of sexual harassment, degrading treatment and human trafficking in its degree of attempted execution against S.E.L.; 10. Complaint filed on September 30, 2022 before the Special Prosecutor's Office against Organized Crime, against A.H.L. and others for the crimes of delinquency, money laundering and illegal possession or carrying of weapons; 11. Complaint filed by MADJ on September 30, 2022 before the Special Prosecutor's Office against Organized Crime against the partners and directors of the company LACHANSA CO S.A. for the crimes of illicit association and money laundering.

36. The representation alleged that the information provided by the State regarding the investigations is not detailed, and no substantial progress has been made. In addition to the above, it was stated that all the facts have been reported to the State authorities.

37. Lastly, it was reported that, in the context of the COVID-19 pandemic, on April 27, 2020, the Preventive Council of the San Francisco de Locomapa Tribe, the MADJ and the *Bufete Estudios para la Dignidad* (BED) filed a constitutional action for the protection of 64 families of the Tribe, in order to guarantee their right to food, health, personal integrity, and human dignity. On May 10, 2022, the Supreme Court of Justice issued a decision granting the appeal for protection of constitutional rights (*amparo*) in favor of the communities of the San Francisco de Locomapa Tribe, including the beneficiaries belonging to the Tribe, and ordered the municipality of Yoro to guarantee their economic, social, and cultural rights, particularly their right to health and food in an equal manner. In accordance with this sentence and among the agreements of the Inter-Institutional Roundtable of February 2023, the State committed to the creation of an agro-food plan for the San Francisco Locomapa Tribe, as well as the construction of two medical clinics in the San Francisco de Locomapa Tribe for the health care of the indigenous people.¹⁹

B. Information provided by the State

i. Context of timber harvesting in the San Francisco de Locomapa Tribe

38. Regarding timber harvesting in the San Francisco de Locomapa Tribe, ICF reported on approved forest management plans and timber harvesting permits granted. It was indicated that, during the years 2020 and 2021, harvesting permits for forest products and byproducts have been approved in favor of the presidents of the Tribal Board of Directors and FETRIX, and that the Tribal Board of Directors reportedly consulted the plans in a general assembly of the community of San Francisco de Locomapa. The company INMARE is registered with ICF, and there is no record of complaints or evidence of illegal logging. ICF highlights that there are problems in the San Francisco de Locomapa Tribe's organization, due to the "evident conflict" between the Preventive Council and the Tribe's Board of Directors and FETRIX, which is reportedly caused by timber harvesting. It was indicated that the Preventive Council filed a complaint about irregularities in the Annual Operating Plan, which have been refuted by the ICF and the Special Environmental Prosecutor's Office. ICF indicated that there are two boards of directors in the Tribe, and is awaiting verification as to which board "is duly registered".

ii. Protection and consultation measures

39. The beneficiaries are currently under the National Protection Mechanism, and had waived the police measures in March 2019. On March 10, 2020, a follow-up meeting of the Inter-Institutional Roundtable was held with the beneficiaries, their representation, and state authorities - the Protection System of the Human Rights Secretariat, the Special Prosecutor's Office for Ethnic Groups and Cultural Heritage, the Special Prosecutor's Office for the Environment, the Office of the Attorney General, the National Agrarian Institute, the Forest Conservation Institute, the Security Secretariat, the National Commissioner for Human Rights, as well as the Honduran OHCHR. On that occasion, the parties reached a series of agreements.²⁰ The State indicated that the ICF provided the representation with the background of the Forest Management Plan in February 2021.

¹⁹ The representation informed that the medical clinic that had been installed on March 30, 2021 in the community of San Francisco Campo was closed in 2022 because, after the change of municipal authorities, the contract of the assigned doctor was not renewed, who finished his work in January 2022. In addition, on September 20, 2023, the MADJ made the nursing and health promoter profiles available to the State as requested, but no progress has been made in this regard. More than seven months after the execution of the agreements on the construction of the health centers, the State has not started the corresponding works. Regarding the agri-food development plan, concern was expressed about the State's information that the delivery of food was suspended by consensus with the beneficiaries, indicating that the representation considered the insufficiency of the measures to address the structural problems of food, and the need to implement a comprehensive sustainable development plan so that the communities can meet their food needs.

²⁰ These agreements were mentioned in detail in paragraph 13.

Furthermore, it was stated that the beneficiaries “did not volunteer to carry out the respective risk analyses in order to determine the appropriate protection measures”.

40. Regarding the events of May 10, 2021, the Departmental Police Unit 18 (UDEP-18) reported that it received a phone call at 12:25 p.m. from the Preventive Council of the San Francisco de Locomapa Tribe about the need for police presence in the Tribe. Thus, a radio patrol was requested, arriving at the site at 3:00 p.m. After talking with the Preventive Council, the police verified that there was a conflict due to the timber trade. Subsequently, the officers went to where the members of the Board of Directors were located. Upon returning to the Preventive Council’s location, the passage was obstructed with stones. Upon seeing a vehicle loaded with wood, members of the Preventive Council reportedly tried to block the way, and one person threw stones at the rear tires of the vehicle, which lost control and hit the radio patrol. At that moment, it was indicated that “both groups confronted each other, firing several shots with firearms, carrying sharp weapons, blunt objects (stones/sticks), attacking each other”. Therefore, the police provided security to the driver of the vehicle to avoid any other eventuality.

41. On the other hand, the Protection System indicated that on May 10, 2021, at 7:50 a.m., it received telephone calls from Mr. Walter Díaz, stating that he had received a report that there was a group of approximately 70 people attacking members of the Tribe and beneficiaries. As a result, the Protection System called the police station in the region on several occasions, but was unsuccessful. Support was requested from the Human Rights Department in Tegucigalpa, which informed that, considering that the people do not have police measures, it was suggested to activate the emergency number. Considering the lack of response to calls, the National Commissioner for Human Rights in Honduras (CONADEH) personally went to UDEP-18, requesting police intervention. At 3:52 p.m., Mr. Walter Díaz indicated that a police patrol was present, with agents who allegedly went in favor of the members of the Board of Directors of the Tribe.

42. In August 2021, the Protection System indicated that “it will not continue to convene follow-up meetings of the Inter-Institutional Roundtable, because this space has not had the expected results [...] It has become a space for arguments and sterile agreements”. It was reported that the Secretariat of State has designed a process aimed at developing a “prevention plan and context diagnosis”, focusing on the structural causes of the conflict. In this regard, the conceptual and methodological proposal of the plan was prepared and presented to the MADJ in May 2021, requesting its comments. Agreement on the critical path for the plan was obtained from the Municipal Mayor’s Office of Yoro, the Departmental Government of Yoro, CONADEH, the Tribal Board of Directors and FETRIX. On June 29, 2021, the Protection System visited several beneficiaries, informing them about the process. On August 2, 2021, Mr. José María Pineda informed that they would answer on August 10 regarding this process, which did not occur. On August 12, 2021, the prevention plan proposal was approved by the Board of Directors of the Tribe and FETRIX.

43. In September 2022, the National Police reported that they conducted raids in search of illegal firearms and prohibited firearms, and arrest warrants have been executed. In May 2023, the Police also reported that, in addition to patrols in the communities Piedra Gorda, El Palmar, and in the “Campamento Digno”, they are carrying out punctual accompaniments to the beneficiaries and have also provided police liaison for emergencies. On September 19, 2022, the Protection System held a meeting with MADJ, in which it was agreed to make an *on-site* visit to the Tribe to resume the Inter-Institutional Roundtable. On October 21, 2022, the Risk assessment Unit of the Protection Mechanism conducted a data collection and input workshop in the community, with the purpose of elaborating a risk assessment to verify the level of community and/or individualized risk to indigenous leaders. In June 2023, the case was in the Risk assessment Unit, pending to be presented to the Technical Committee of the National Protection Mechanism.

44. On February 27, 2023, a follow-up meeting of the Inter-Institutional Roundtable was held.²¹ The State indicated that between the months of February and April 2023, the Protection System sent briefs to

²¹ These agreements were mentioned in detail in paragraph 32.

the Public Prosecutor's Office to request that investigations into reported incidents continue, to the Secretariat of Security to continue providing police patrols, and to the ICF requesting follow-up on the agreements of the Inter-Institutional Roundtable of March 2020. On June 7, 2022, monitoring was conducted by contacting the representative, who reportedly indicated that there were no recent risk events.

45. On October 2, 2023, the State indicated that police liaison measures are in place, as well as occasional police accompaniment and police patrols. It was reiterated that the risk assessment of the beneficiaries was carried out, which determined that the collective risk level would be 86.28 points. The State indicated that the corresponding Technical Committee has yet to be held, which is scheduled for October 2023. It was stated that there is a protection measures plan, which must be submitted to the Technical Committee for approval, which would recommend: i) that persons who are not beneficiaries of precautionary measures, but have suffered consequences due to their human rights defense work, be evaluated by the Case Reception and Immediate Reaction Unit; ii) request police accompaniment or police support to the referred persons; iii) request to maintain police patrols at the residences of the beneficiaries Ramón Matute and José María Pineda, as well as to extend the measure to the residence of Ms. Angela Murillo; iv) request the granting of psychosocial accompaniment to Ms. Angela Murillo and her daughters who are victims of sexual harassment; v) request the granting of sensor lamps to the beneficiaries and their daughters, who are victims of sexual harassment; vi) grant motion sensor lamps for the headquarters of the "Campamento Digno"; vii) provide a self-protection course to the members of MADJ; viii) send a brief to the Ministry of Health requesting that medical attention brigades be sent to the Community of San Francisco de Locomapa; ix) send a brief to the Electric Energy Company requesting that a study be conducted in the Community of San Francisco de Locomapa to evaluate the possibility of extending the power line; x) follow up on the fulfillment of the commitments, convening the Interinstitutional Roundtable.

iii. *Status of investigations* and appeal for protection of constitutional rights (amparo)

46. On November 2, 2022, the State submitted a report from the Public Prosecutor's Office dated September 1, 2022 on investigations into the facts denounced. The Special Prosecutor's Office for the Protection of Ethnic Groups and Cultural Heritage submitted information on 11 files.²² On January 11, 2023, the State submitted a report from the Public Prosecutor's Office dated December 6, 2022 on investigations of reported facts, and the Regional Coordination of the Public Prosecutor's Office submitted information on two

²² File no. 1434992777-2015: complaint on the crime of murder of Erasio Vieda Ponce, filed on June 22, 2022. It is in the investigation stage by the Technical Agency of Criminal Investigation (ATIC), and in charge of the Prosecutor's Office for Crimes Against Life of San Pedro de Sula. A request for investigation was sent to ATIC to conduct proceedings and is waiting for them to submit a report; 2. File no. 1428609470-2015: complaint on the crime of murder of Luis Reyes Marcía, filed on April 9, 2015. It is in the investigation stage by ATIC, and in charge of the Prosecutor's Office for Crimes against Life of San Pedro Sula. Prosecutorial requirement was filed on October 17, 2019, against J.H.M., F.A.M.S., G.J.A.A.S. and J.A.M.M. Mr. F.A.M. was captured, and the initial hearing was held on February 17, 2020. Said file was forwarded to the Sentencing Court with National Jurisdiction in Tegucigalpa, Department of Francisco Morazán. On October 4, 2020, an oral trial hearing was held, and the Court issued a judgment of acquittal due to "significant contradictions incurred by the witnesses who were supposedly eyewitnesses". To date, no sentence had been issued. It was indicated that arrest warrants are still in force with respect to the other defendants; 3. Case no. 1428611369-2015: complaint of abuse of authority and damages, filed on April 9, 2015. This complaint presents the same facts as complaint no. 4867-2014, in which a prosecutorial injunction for threats and damages was filed against O.F.A.U. on September 5, 2014, and the Criminal Court of Yoro issued a sentence of conviction; 4. File no. 4368-2013: complaint of murder of Ricardo Soto, Armando Fúnez and María Enriqueta Matute. Prosecutor's indictment was filed on August 29, 2013 against C.V.L. and S.F. The Criminal Court issued a conviction on February 9, 2018 against C.V.L., and acquittal regarding S.F., with cassation appeal pending; 5. Case no. 1473450015-2016: complaint of abuse of authority to the detriment of the indigenous community of San Francisco de Locomapa, with investigation in final stage; 6. Case no. 1473450015-2016: complaint of abuse of authority to the detriment of the indigenous community of San Francisco de Locomapa. A conviction was issued against the head of the Municipal Environmental Unit of Yoro; 7. Case no. 1428527997-2015: complaint of usurpation against Mr. F.A.U., filed on April 9, 2015. It is under investigation, in charge of the Special Prosecutor's Office for the Protection of Ethnic Groups and Cultural Heritage; 8. File no. 1509740067-2017: complaint of attempted homicide to the detriment of Dilma Consuelo Soto Matute, filed on March 3, 2017. Prosecutor's request was filed on November 1, 2017 against J.H.M.S. An arrest warrant is currently pending; 9. Case no. 1526069930-2018: complaint of abuse of authority, against members of the Tolupan tribe of San Francisco de Locomapa, filed on May 9, 2018. It is under investigation in charge of the Special Prosecutor's Office for the Protection of Ethnic Groups and Cultural Heritage; 10. File no. 1529676130-2018: complaint of abuse of authority and violation of the duties of officials against ICF officials, police chiefs of Yoro, and coordination of the Public Prosecutor's Office of Yoro, filed on May 9, 2018. It is in the investigation stage, in charge of the Special Prosecutor's Office for the Protection of Ethnic Groups and Cultural Heritage; 11. File no. 1621437710-2021: complaint of abuse of authority and serious injuries, against the Preventive Police of Yoro, to the detriment of members of the Tolupán tribe of San Francisco de Locomapa, filed on May 19, 2021. The case is under investigation by the Special Prosecutor's Office for the Protection of Ethnic Groups and Cultural Heritage. It was noted that it was verified through the statement of the victim that the person who had injured her was a member of the Board of Directors of the Tribe.

complaints.²³ The Local Prosecutor's Office of Yoro submitted information on three complaints.²⁴ The Special Prosecutor's Office for the Protection of Ethnic Groups and Cultural Heritage submitted information on two complaints.²⁵ On October 2, 2023, the State submitted a report from the Public Prosecutor's Office dated September 28, 2023 on six investigations of reported facts.²⁶

47. Lastly, following the court decision in the *amparo* process, it was reported that a meeting was held with the MADJ on July 13, 2022, in the city of San Pedro de Sula, and they showed their willingness to comply with the ruling. In the meetings held with the MADJ, the following agreements were reached: a) prepare a prevention plan, with a focus on human rights, comprehensive approach, of the situation of the Tolupan indigenous communities of the San Francisco de Locomapa Tribe; b) build two clinics that have everything necessary for the health care of the indigenous families referred to, the first in the Cabeza de Vaca Community number 2, and the second in a community to be defined; and c) implement a sustainable development plan to ensure access to sufficient food for the indigenous families referred to. In this regard, the construction of a medical clinic in the community of San Francisco de Locomapa is beginning, and the Municipality of Yoro has delivered food to the families.²⁷

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

48. 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

²³ Complaint against A.H.L. and others, dated September 30, 2022, for criminal association, money laundering and illegal possession or carrying of weapons: no record of complaint was found in the Special Prosecutor's Office against Organized Crime; 2. Complaint against A.H.L. and others, for illegal exploitation of resources for criminal purposes and others, dated November 22, 2022: it was referred to the Special Prosecutor's Office against Organized Crime, and subsequently also referred to the Special Prosecutor's Office for Transparency and Fight against Public Corruption, Special Prosecutor's Office for the Environment, and the Special Prosecutor's Office for Human Rights. However, up to that moment no proceedings were reported.

²⁴ Complaint no. 668-2022, for threats against Armando Vieda Romero and Rosa Adilia Vieda Vieda Vieda: was sent to the Peace Court of Yoro on August 19, 2022, as it was considered not to be within the competence of the Public Prosecutor's Office; 2. Complaint no. 724-2022, for threats against Irma Consuelo Matute: was sent to the prosecutor's office of the Public Prosecutor's Office of Yoro on September 8, 2022. It was indicated that a request for investigation was issued to the Police Investigation Department on September 13, 2022. No investigative report has been received to date; 3. Complaint no. 725-2022, for threats against Santos Matute: was sent to the Prosecutor's Office of Yoro on September 8, 2022. It was indicated that a request for investigation was issued to the Police Investigation Department on September 13, 2022.

²⁵ Complaint for crimes of sexual harassment, degrading treatment and human trafficking against S.E.L., to the detriment of the girl R. N. M. M. M.: an investigation team was formed with the Special Prosecutor's Office for the Protection of Children and is being investigated by the Special Prosecutor's Office for the Protection of Ethnic Groups and Cultural Heritage; 2. Complaint for the crime of illegal exploitation of natural resources against a mining company and officials of the municipal corporation of Yoro, filed by the Preventive Council of the San Francisco de Locomapa Tribe organized in MADJ: the Special Prosecutor's Office for the Protection of Ethnic Groups and Cultural Heritage conducted an inspection on September 27, 2022, however, the inspection could not be carried out because they did not allow access to the area. A fiscal team was formed to carry out a new inspection, which was carried out on November 3, 2022, when the team "also had problems related to the presence of members of the Tribe and the company's legal representative inside the property". We are awaiting the corresponding technical reports.

²⁶ Complaint no. 1664225474-2022, for crimes of sexual harassment and degrading treatment against S.E.L., to the detriment of R.N.M.M. It was indicated that proceedings have been carried out and are currently under investigation; 2. Complaint no. 1661959047-2022, for crimes of illegal exploitation of natural resources, against J.M., administrator of the LACHANSA company and the Municipal Mayor's Office. It was indicated that proceedings have been carried out and an ICF inspection is currently pending in the area intervened by the LACHANSA company; 3. Complaint for the crime of threats filed by Oscar and Rosa Vieda, against A.M., which was referred to the Criminal Court of Peace. On August 19, 2022, it was decided to continue the process for misdemeanors against persons; 4. Complaint for the crime of threats filed by Mrs. Irma Matute: it was prosecuted under file no. 105-2023, with prosecutor's request filed on May 8, 2023, and an arrest warrant was issued; 5. Complaint for the crime of threats filed by Mrs. Santos Matute: it was prosecuted under file no. 106-2023, with prosecutor's request dated May 8, 2023, and an arrest warrant was issued; 6. Regarding the death of Mr. Amílcar Javier Vieda Gómez and Nahún Ismael Barrera, on May 9, 2023, it was reported that on May 10, 2023, the bodies were removed. Considering that the bodies were burned, they could not be identified at the scene. The bodies were taken to the Forensic Medicine Department in San Pedro de Sula, Cortés, for full identification and autopsy, and the results are currently awaited.

²⁷ The State reported that on March 30, 2021, a medical clinic was installed in the San Francisco Campo community to serve approximately 3,326 people, providing primary care services. However, the clinic had been closed in January 2022. On February 2, 2023, the municipality of Yoro went to the community Cabeza de Vaca 2 to inspect the construction site of the medical clinic. On September 9, 2022, the municipality of Yoro called the MADJ to deliver bean seeds to the indigenous families, but has not received a response. Likewise, the delivery of corn and bean seeds and supplies to indigenous families is planned for the second quarter of 2023. In this regard, the Mayor's Office of Yoro reported compliance with the *amparo* ruling, arguing that actions have been taken to ensure food and health to indigenous families.

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.

49. 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.²⁸ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.²⁹ 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.³⁰ 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.

50. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided, in order to identify a serious and urgent situation, must be appreciated from a *prima facie standard*³¹. Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.³² This is better suited to be addressed by the Petition and Case system. The following analysis relates exclusively to the

²⁸ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Order of July 6, 2009, considerandum 16.

²⁹ 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.

³⁰ 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.

³¹ See in this regard: I/A Court H.R. [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. [Issue of children and adolescents deprived of liberty in the "Complexo do Tatuapé" of Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

³² IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. [Matter of Nestora Salgado with respect to Mexico](#). January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. [Gustavo Adolfo Mendoza Beteta and his family unit regarding Nicaragua](#). April 30, 2021, para. 33.

requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.³³

51. 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."

52. As *preliminary issues*, the Commission considers it relevant to rule on the nature of the precautionary measures mechanism and the various arguments presented by the parties. First, the Commission recalls that, in these proceedings, it is not appropriate to determine violations of the rights recognized in the American Convention. The Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. The analysis performed hereinbelow by the Commission is exclusively related with the requirements of seriousness, urgency and risk of irreparable harm set forth in Article 25 of its Rules of Procedure, which can be resolved without addressing determinations on the merits relevant to a petition or case.

53. Secondly, the Commission notes that, in light of the available information, there is a controversy of positions and conflict of representation within the San Francisco de Locomapa Tribe between, on the one hand, the Tribe's Board of Directors and FETRIXY, and, on the other hand, the Tribe's Preventive Council and MADJ. Given this situation, the Commission recalls that it is not for the Commission to determine who actually represents the aforementioned Tribe. The Commission understands that the issue of the Tribe's representativeness must be resolved by the Tribe itself in accordance with its own procedures and applicable procedure. However, the Commission is aware that this situation has an impact on the risk events to which the beneficiaries and proposed beneficiaries have been subjected. In view of the foregoing, the Commission calls upon the parties to dialogue, in accordance with their customary law and internal norms, the communities of the Tribe and the Inter-American standards on the subject.

54. Third, the Commission verifies that there are questions regarding the legality of the natural resource exploitation permits that were allegedly granted in the territory of the San Francisco Locomapa Tribe. Particularly, allegations related to the issue of free, prior, and informed consultation. In this regard, the Commission recalls that in the *Matter of Berta Isabel Cáceres, her family unit, members of COPINH and others with regarding Honduras*, it found that, in the precautionary measures mechanism, it is not its responsibility to analyze violations of rights that could have been caused by authorizations or concessions for the exploitation of natural resources.³⁴ Notwithstanding the foregoing, the Commission recalls what was indicated by the Inter-American Court in the *Matter of the Saramaka People v. Suriname*. On that occasion, the Inter-American Court, after having identified the violation of human rights established in the American Convention, ordered that "[...] [r]egarding the concessions already granted within the traditional Saramaka territory, the State must review them, in light of the [...] Judgment and the jurisprudence of this Court, in order to evaluate whether a modification to the rights of the concessionaires is necessary to preserve the survival of the Saramaka people [...]"³⁵ In any case, the Commission acknowledges that the parties are addressing the issue within the framework of the Interinstitutional Roundtable that has been set up for this purpose. The Commission calls for the continuation of the dialogues in this regard.

³³ In this regard, the Court has indicated that "[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons." See in this regard: I/A Court H.R. [Matter of James et al. regarding Trinidad and Tobago](#). Provisional Measures. Resolution of the Inter-American Court of Human Rights of August 29, 1998, Considerandum 6; I/A Court H.R., Case of the Barrios Family v. Venezuela. [Matter of Barrios Family v. Venezuela](#). Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

³⁴ IACHR. [Matter of of Berta Isabel Cáceres, her family unit, members of COPINH and others regarding Honduras](#). Resolution 88/2021. Precautionary Measures no. 405-09 and 112-16. 405-09 y 112-16. November 15, 2021. Para. 80.

³⁵ I/A Court H.R., Case of the Saramaka People v. Suriname. [Matter of of the Saramaka People v. Suriname](#). Judgment on Preliminary Objections, Merits, Reparations and Costs. November 28, 2007. Resolutive point 5.

55. Lastly, the Commission observes that there is a judicial decision in the framework of an appeal for protection of constitutional rights (*amparo*) proceeding in favor of the San Francisco Locomapa Tribe that is being implemented by the competent authorities. The Commission understands that it refers to a judicial process that protected various rights of the Tribe. Although certain rights addressed in this judicial decision were not the subject of the precautionary measures initially granted, which were focused on the security of the persons, the Commission considers it positive that, at the internal level, the different problems faced by the Tribe are being addressed.

56. Having specified the foregoing, the Commission proceeds to analyze keeping these precautionary measures in force, together with the request for extension presented and reiterated by the representation. At the time, the representation requested that provisional measures be requested before the Inter-American Court. However, the Commission understands that, in recent communications, the petition of the representation has focused on the request for the extension of these precautionary measures. Given the nature of the information presented, the events alleged and the last petitions of the representation, the Commission has decided to address the request of the representation as a request for the extension of precautionary measures. Without prejudice to the foregoing, the Commission recalls that, depending on the information subsequently submitted, it may evaluate various conventional and regulatory mechanisms with a view to better protecting the beneficiary persons, including the possibility of requesting provisional measures before the Inter-American Court.

57. As previously indicated by the Commission, given that this is a request for extension, it is appropriate to analyze the requirement of “factual connection” with the events that justified the initial adoption of the precautionary measures.³⁶ On February 13, 2023, the representation submitted a list of 61 persons proposed as beneficiaries, who are members of the MADJ and the San Francisco de Locomapa Tribe. The Commission notes that the beneficiaries, as well as the proposed beneficiaries, are indigenous Tolupan people and members of the MADJ, who act in defense of their ancestral territory and the environment. In addition, the Commission verifies that the matter at hand is framed in a context of intense conflicts regarding the exploitation of natural resources in the San Francisco de Locomapa Tribe. In this regard, the Commission observes that the proposed beneficiaries share risk factors in common with the beneficiaries, in the context of their activities as members of the MADJ, taking into account that its members have been the target of events reported in the context of human rights defense activities, which has increased in recent years. Due to the foregoing, the Commission considers that this requirement has been met. In this sense, the Commission decides to analyze the situation of the proposed beneficiaries as members of the MADJ and the San Francisco de Locomapa Tribe.

58. At the time of analyzing compliance with the procedural requirements of a request for precautionary measures, Article 25(6) of its Rules of Procedure establishes that the Commission shall take into account the *context* of the request. In this sense, the Commission proceeds to analyze the elements reported by the parties in light of the context in which they are inserted. The foregoing is relevant, considering that the matter is related to Tolupan indigenous peoples, who are defending the right to territory and the environment in the San Francisco de Locomapa Tribe in Honduras.

59. With regard to human rights defenders in Honduras, the Commission found that defenders of the environment, land and territory are those who face the greatest risk of violence in the country.³⁷ In its 2021 Annual Report, the Commission expressed its concern regarding acts of violence against human rights defenders in Honduras, “particularly against those who defend the environment,” and noted that such acts have

³⁶ In this regard, see: IACHR. Resolution 64/2023 (Follow-up and Expansion). Precautionary Measures No. 576-21. [José Domingo Pérez and his family unit in Peru](#), November 8, 2023, para. 82; IACHR. Resolution 59/2022 (Expansion and Follow-up). Precautionary Measures No. 449-22. [Identified members of the "União dos Povos Indígenas do Vale de Javari"](#), October 27, 2022, para. 44; IACHR. Resolution 10/17. Precautionary Measure No. 393-15. [Detainees in "Punta Coco" regarding Panama](#), March 22, 2017, para. 28; IACHR. [Case of Fernández Ortega et al. v. Mexico](#), Provisional Measures. Judgment of the Inter-American Court of November 23, 2010, considering the eleventh recital.

³⁷ IACHR. [Report Situation of human rights in Honduras](#), August 27, 2019. Para. 150.

continued during the year 2021.³⁸ In its 2022 Annual Report, the Commission warned of the persistence of acts of violence and threats against human rights defenders due to their work. Between January and August 2022, the Commission was aware of at least 10 murders of human rights defenders.³⁹ On the other hand, in its 2022 Report on the situation of human rights in Honduras, the Office of the United Nations High Commissioner for Human Rights highlighted that, with respect to human rights defenders and journalists who were victims of aggressions in 2022, 60.7% were dedicated to the defense of land, territory and the environment, which shows their extreme situation of risk.⁴⁰ In addition, on May 25, 2022, the IACHR expressed its concern about the violence, intimidation and criminalization of human rights defenders in the region.⁴¹ In 2023, the IACHR condemned the murders of at least five human rights defenders in Honduras that occurred between January and February 2023 and called on the State to diligently and effectively investigate these events, and to protect those who defend human rights in the country. According to public information, the IACHR identified that the five human rights defenders killed were engaged in activities in defense of land, territory and/or the environment.⁴² Recently, the Commission recalled its concern about the situation of the Tolupán indigenous people in the context of the implementation of mining and hydroelectric dam projects without an adequate process of free, prior and informed consultation.⁴³ Thus, in its *on-site* visit of the IACHR to Honduras in April 2023, the Commission received information on conflict situations related to ancestral lands and territories of indigenous peoples, such as the case of the San Francisco de Locomapa Tribe, of the Tolupán Indigenous People.⁴⁴

60. The IACHR learned about the challenges in the operation of the National Protection System for Human Rights Defenders, Journalists, Social Communicators and Justice Operators. In 2022, civil society organizations expressed their disagreement with the new functioning of the National Protection Mechanism and since July of that year, the National Protection Council (composed of journalists, social communicators, justice operators, and representatives of civil society), determined a temporary withdrawal from the National Protection System.⁴⁵ Following its recent *on-site visit* to Honduras in April 2023, the IACHR received concerning information about the deepening technical, administrative, and financial problems of the Protection Mechanism for Human Rights Defenders, Journalists, Communicators and Justice Operators that undermine its ability to respond promptly and effectively to applicants and beneficiaries.⁴⁶ Regarding the implementation of protection measures, the Commission observed deficiencies in the analysis and evaluation of risks and the disarticulation of the state response, and called on the responsible entities to work in a coordinated and articulated manner.⁴⁷

61. Based on the aforementioned context, the IACHR will proceed to analyze the procedural requirements of Article 25 in relation to the situation of the beneficiaries and proposed beneficiaries.

62. With respect to the *seriousness* requirement, the Commission considers that it has been met. In this regard, it is noted that the beneficiaries and proposed beneficiaries are indigenous Tolupán members of MADJ who are active in the defense of human rights in Honduras.

63. The Commission verifies that the beneficiaries and proposed beneficiaries have suffered acts of murder, violence, threats, intimidation, destruction of homes, and attacks on crops over the years. This situation that places them at risk continues to this day, despite the granting of these precautionary measures

³⁸ IACHR. [Annual Report 2021. Chapter V. Follow-up on recommendations made by the IACHR in its country or thematic reports. Honduras](#). Para. 95.

³⁹ IACHR. [Annual Report 2022. Chapter IV. A. Development of human rights in the region](#). April 1, 2023. Para. 507.

⁴⁰ Office of the United Nations High Commissioner for Human Rights. [Report on the human rights situation in Honduras](#). March 1, 2023.

⁴¹ IACHR. Press Release No 114/22. [IACHR: high level of violence against human rights defenders in the first four months of 2022 urges States to protect their lives and work](#). May 25, 2022.

⁴² IACHR. Press Release no. 022/23. [IACHR condemns murders of human rights defenders in Honduras](#). February 14, 2023.

⁴³ IACHR. [Report. North Central America: Environmental defenders](#), December 16, 2022. Para. 64.

⁴⁴ IACHR. [Preliminary Observations: On-site visit to Honduras](#). April 24 to 28, 2023. Para. 19.

⁴⁵ IACHR. [Annual Report 2022. Chapter IV. A. Human rights development in the region](#). April 1, 2023. Para. 510.

⁴⁶ *Ibid.*

⁴⁷ IACHR. [Preliminary Observations: On-site visit to Honduras](#). April 24-28, 2023. Paras. 45-46

in 2013. Below, the Commission highlights some of the risk events that have taken place against beneficiaries and proposed beneficiaries:

- April 4, 2015: Mr. Luis Reyes Marcía, MADJ member and husband of beneficiary Dilma Consuelo Soto, was kidnapped and murdered;
- May 22, 2015: beneficiary Dilma Consuelo Soto and her grandchildren reportedly suffered an attack;
- June 18, 2015: Mr. Erasio Vieda Ponce, member of MADJ, was shot and killed;
- February 21 and 22, 2016: beneficiary Santos Filander Matute and four other people were killed in the Cabeza de Vaca 2 Community;
- May 14, 2016: people reportedly fired shots at the home of the family of beneficiary José Fúnez;
- April 17, 2018: the Direct Council and FETRIXY reportedly threatened members of the Preventive Council and MADJ at a meeting in the San Francisco de Locomapa Tribe;
- February 25, 2019: beneficiary José Salomón Matute and his son Juan Samael Matute were murdered;
- March 5, 2019: beneficiary Ramon Matute and his family were forced to move after fire on their plot of land and their place of settlement;
- April 25, 2019: they wrote on the house of Jenny Ávila, daughter of the beneficiary Sérgio Ávila, with the following: “make sure to not wag your tongue or you’ll see”. Then, they allegedly entered her residence, in her daughter’s room, and said that “this is the girl that Rene Córdoba wants [...]”. As a result, she left her home;
- September 28, 2019: the body of Miguel Idan Soto Ávila, son of beneficiary Oscar Armando Viedo Romero, was found;
- January 11, 2021: INMARE timber company official reportedly threatened Juan Matute with death;
- March 5, 2021: a vehicle allegedly drove maliciously towards the vehicle of beneficiary Ramon Matute, with the alleged aim of pushing him into a ravine;
- April 13, 2021: Mr. Nery Odilver Romero Cordova, nephew of beneficiary Santos Antonio Cordova, was reportedly threatened;
- May 8, 2021: when 60 members of the community were meeting in the “Campamento Digno”, members of the Board of Directors and workers from the INAMRE logging company showed up and attacked the people with sticks and stones, and allegedly made death threats;
- May 10, 2021: about 90 people were gathered in an assembly in the Dignity Camp when 60 members of the Board of Directors and workers of the INMARE company, with machetes and firearms, allegedly destroyed the community radio station and carried out aggressions, shots and threats against those present. As a result, Ms. Norma Jackelin Ávila was shot in the leg, Ms. Ávila’s daughter, a girl, was wounded in the head by stones, the beneficiary Joel Fúnez was wounded in the neck and head, and the proposed beneficiary Rosa Adilia was cut on her body by aggression with a machete. In addition, the beneficiary Celso Cabrebra’s house was reportedly burned down;
- September 29, 2021: beneficiary Sergio Avila was informed about death threats to MADJ members;
- November 14, 2021: C.M. reportedly detained the daughter of proposed grantee Angela Murillo, Nicolle Martinez, telling her that he wanted to talk to her about “things that only she could know and that she should not tell anyone else”;
- November 20, 2021: C.M. allegedly threatened the proposed beneficiary Angela Murillo, telling her that “it was useless for them to be happy because the community radio was approved, because they would not be able to enjoy it”;
- At the beginning of the year 2022: an armed group of members of the Board of Directors, with the support of the mining company LACHANSA CO S.A., has been installed on the road near the community of “El Portillo”, to prevent authorities and inhabitants of the communities from approaching the mine or entering and leaving the communities. It was reported that these people would enter the communities at night shouting threats. As a result, people were reportedly unable to leave their homes for weeks or months;

- June 2022: the vice-president of the Board of Directors of the company LACHANSA entered the house of Ms. Angela Murillo with armed persons, and allegedly told her to “lend him her daughter”.
- July 23, 2022: Proposed beneficiary Rosa Adilia Vieda reportedly received threats that “they were going to pay for opposing the mining company LACHANSA”;
- August 29, 2022: a group of people reportedly shouted rape threats to proposed grantee Irma Consuelo Matute in the street;
- December 1, 2022: MADJ was holding a protest in front of the Ocotal police station, when trucks from the INMARE company reportedly arrived with 70 people armed with machetes and sticks, who allegedly assaulted the MADJ members. These people allegedly grabbed the proposed beneficiary Angela Murillo by the neck and placed her in front of one of the trucks, while the other people shouted for the truck to pass over her. The proposed beneficiary Hermógenes Funes was injured;
- May 9, 2023: two people were murdered and burned within the San Francisco de Locomapa Tribe, identified as Amílcar Vieda, member of MADJ, and Naún Chacón;
- May 16, 2023: Beneficiary Ramón Matute received a death threat note at his residence.

64. In this regard, the Commission expresses its concern about the seriousness of the events that have affected the lives and personal integrity of members of the MADJ who live in the San Francisco de Locomapa Tribe, and which have intensified since 2021. In this regard, 11 members of the MADJ⁴⁸ have been killed after the granting of precautionary measures in 2013, with two beneficiaries (Santos Matute and José Salomón Matute) in 2016 and 2019, respectively, as well as family members of beneficiaries (see *supra* paras. 9 to 14). Most recently, in May 2023, two people have been killed, one of them a MADJ member and resident of the San Francisco de Locomapa Tribe, and his son (see *supra* paras. 27). The OHCHR condemned these murders that occurred on May 9, 2019, and called on the State to take the necessary measures so that the leaders of the Tolupán tribe can carry out their work.⁴⁹

65. In addition, the Commission notes that a series of death threats have been reported, most of which are related to the environmental and ancestral territory defense work of the beneficiaries and proposed beneficiaries. It is also possible to observe that some of the threats have been carried out, to the extent that several of the reported murders were preceded by death threats (see *supra* paras. 9 to 14, 19, 20 to 25 and 27). From the information provided, the Commission verifies the seriousness of the incidents of risk, taking into account that there have been reports of house or settlement burnings of MADJ members and their family members, as well as that the risk situation of the beneficiaries and proposed beneficiaries has generated forced displacements of people from the Tribe due to fear (see *supra* paras. 14 and 22). These incidents have also affected family members of the beneficiaries, including girls and/or children, and that indigenous women members of the MADJ have reportedly been harassed and threatened with rape (see *supra* paras. 14, 22, 25, and 27).

66. The Commission expresses its particular concern regarding the serious incidents of risk against proposed beneficiaries based on their gender. In this regard, it is verified that Ms. Irma Consuelo Matute has been threatened with rape, as well as Ms. Angela Murillo and Ms. Jenny Ávila, and their respective daughters, underaged girls, have faced harassment (see *supra* paras. 14 and 23 to 25). The Commission recalls that women defenders face multiple vulnerabilities due to their gender and other intersectional factors, and are therefore exposed to differentiated and disproportionate risks,⁵⁰ as is the case of the proposed beneficiaries, indigenous women and women human rights defenders.

⁴⁸ Luis Reyes Marcía (2015), Erasio Vieda Ponce (2015), Nahún Alberto Morazán (2016), Roberto Carlos Palencia (2016), José Alvarenga (2016), Elvin Joel Alvarenga (2016), Santos Matute (2016), Salomón Matute (2019), Juan Samael Matute (2019), Milgen Idán Soto Ávila (2019), and Amílcar Vieda (2023).

⁴⁹ OHCHR. Press Release. May 12, 2023. See in this regard: <https://oacnudh.hn/oacnudh-condena-el-asesinato-del-defensor-tolupan-de-la-tierra-y-el-territorio-amilcar-vieda-y-de-naun-ismael-chacon/>.

⁵⁰ IACHR. *Preliminary Observations: On-site visit to Honduras*. April 24-28, 2023. Para. 41; IACHR. *Report. Northern Central America: Environmental Defenders*. December 16, 2022. Para. 69; IACHR. *Second Report on the Situation of Human Rights Defenders in the Americas*, December 31, 2011. Paras. 521 a 524.

67. At the time of evaluating the facts, the Commission considers that part of the risk events have occurred in situations of MADJ members meeting in the “Camp Digno” or in public protests carried out in the Tribe (see *supra* paras. 20 to 22, 24 and 26). In addition, several of the threats against beneficiaries and proposed beneficiaries were due to their participation in the MADJ and as a result of their activities denouncing the alleged illegal exploitation of natural resources in the region. In this sense, several of the incidents have generated acts of violence and collective threats against members of the MADJ, in addition to acts of risk only against the beneficiaries of the precautionary measures.

68. In particular, situations of attacks by groups of people against MADJ members have been observed. In addition, specifically, the representation indicated that as a consequence of the attack on MADJ members in the “Camp Digno” on May 10, 2021 (see *supra* paras. 20 to 22), the proposed beneficiary Norma Jackeline Ávila was reportedly wounded with a bullet in her leg, requiring surgery; on July 23, 2022, the proposed beneficiary Rosa Adilia Vieda⁵¹ was allegedly threatened that all those who opposed the mining company LACHANSA “were going to pay”; and on December 1, 2022, a group of workers from the logging company INMARE reportedly attacked MADJ members, assaulting and threatening the proposed beneficiaries Angela Murillo⁵² and Hermógenes Fúnez (see *supra* paras. 22, 25 y 26).

69. The Commission takes note of the communications sent by the State. Initially, it observes that the situation that placed the beneficiaries and proposed beneficiaries at risk has not been disputed by the State. The Commission appreciates the coordination measures adopted between the parties in order to seek the implementation of the precautionary measures, through the holding of internal monitoring meetings and working meetings of the IACHR. In particular, the installation of the Inter-Institutional Roundtable, with the participation of different State institutions, the beneficiaries and their representation (see *supra* paras. 6, 13, 15, 29, 32, 39, 42, 44 and 45). The Commission encourages the parties to continue the dialogue in order to implement measures for the protection of the beneficiaries and to address the root causes of the conflict, and that the representation and the beneficiaries can present their contributions to these initiatives. However, the Commission verifies that, despite the agreements signed at the Inter-Institutional Roundtable held in March 2020, these had not been effectively and integrally complied with. Along these lines, the Inter-Institutional Roundtable was retaken only in February 2023, three years later, when several previous agreements between the parties were reiterated (see *supra* paras. 33 and 44). The Commission urges the parties to continue their concerted efforts to implement effective measures for compliance with the precautionary measures, and to keep working towards solutions for the origin of the risk.

70. With regard to the protection measures adopted in favor of the beneficiaries and proposed beneficiaries, the Commission notes that the representation has reiterated deficiencies, failures, and obstacles to the implementation of the protection measures. In this regard, it was alleged that the police post responsible for the Tribe’s security is reportedly not located in nearby premises and reportedly do not have the number of police officers claimed by the authorities; that police patrols is reported to be inconsistent, insufficient, and had been suspended for a period of time; that the police liaisons offered have not responded effectively and immediately in emergency situations; and significant delays in conducting risk analyses and determining protection measures, despite the forwarding of the measures for the National Protection Mechanism in 2018 (see *supra* paras. 10 to 13, 20 to 22 and 33). Moreover, the representation expressed the beneficiaries’ distrust of police agents designated for their safety, considering that they are the same group who would have acted violently against them in incidents of risk reported to the competent authorities (see *supra* paras. 14, 15 and 30). For its part, the State has reported difficulties in implementing protection measures with respect to the beneficiaries due to a lack of willingness on the part of the beneficiaries and their representation (see *supra* paras. 15 and 39).

71. In this regard, the Commission verifies that, to date, police patrolling measures are in force in the Tribe, as well as police liaison in favor of the beneficiaries (see *supra* para. 45). Based on the information

⁵¹ Proposed beneficiary Rosa Adilia Vieda is a member of the Preventive Council of the San Francisco de Locomapa Tribe.

⁵² Proposed beneficiary Angela Murillo is a member of the Preventive Council of the San Francisco de Locomapa Tribe.

from both parties, the Commission identifies that an *on-site* risk assessment of MADJ members was carried out on October 21, 2022 by the National Protection Mechanism, with the result of a collective risk level of 86.28 points. Currently, the beneficiaries and proposed beneficiaries are still waiting for the Technical Committee of this Mechanism to be held, more than a year after the risk assessment was conducted (see *supra* paras. 33, 43 and 45). According to the representation, they have requested that the process be expedited, however, the State authorities are still waiting for the Mechanism's budget to be allocated (see *supra* para. 33). The foregoing reflects a significant delay in the adoption of adequate and effective measures to guarantee the life and personal integrity of the beneficiaries and proposed beneficiaries, and is in accordance with the information received by the Commission regarding various obstacles to the functioning of the National Protection Mechanism in Honduras (see *supra* para. 61).

72. Regarding the investigations of acts that place the beneficiaries and proposed beneficiaries at risk, the representation indicated a significant number of complaints filed with the competent authorities (see *supra* para. 35). The State has not presented detailed information on several of these complaints, which hinders an assessment of substantive progress (see *supra* para. 46). While it is possible to identify that the murder of three indigenous Tolupan people in 2013 has been investigated, judging the accused and resulting in a conviction and acquittal in 2018 and 2020, respectively, it is possible to verify that the other murders are allegedly still be in impunity to date, despite the time elapsed of the facts (see *supra* paras. 13, 15, 35 and 46). In addition, the Commission observes that, despite the existence of arrest warrants for persons accused of acts of risk against MADJ members, these persons continued to frequent the San Francisco de Locomapa Tribe and to be responsible for new incidents of risk reported, and it has taken more than six years to capture a fugitive for murders of MADJ members (see *supra* para. 15). Regarding the above, the Commission recalls the importance of conducting the relevant investigations with due diligence to prevent their repetition and not to generate a situation of impunity, placing the proposed beneficiaries in a situation of greater vulnerability.

73. In this regard, the Commission considers that the information presented allows for the identification of a situation of serious and urgent risk faced by the beneficiaries and proposed beneficiaries, as a result of their activities in the MADJ in opposition to the exploitation of natural resources in the San Francisco Locomapa Tribe. The Commission expresses its concern about the seriousness of the alleged incidents, such as acts of violence, intimidation, and death and rape threats against them. In addition, the Commission notes that the measures adopted by the authorities have not been effective in mitigating the risk, several agreements of the parties have not been fully complied with to date, as well as a delay in addressing the emergency situations notified, and a significant delay in implementing protection measures in favor of the proposed beneficiaries. Lastly, the Commission notes the lack of sufficient information on substantive progress in the investigations of incidents of risk against the proposed beneficiaries.

74. Considering the above assessments, the Commission evaluates that the risk initially identified continues to exist and also includes the proposed beneficiaries, members of the MADJ and who inhabit the San Francisco de Locomapa Tribe. These persons are *prima facie* at risk to their rights to life and personal integrity.

75. With regard to the *urgency* requirement, the Commission considers that, despite the granting of precautionary measures in 2013, the situation of risk has continued to date and has intensified since 2021, generating the murder of 11 indigenous Tolupan members of the MADJ over the years, as well as a series of serious violations of the personal integrity of proposed beneficiaries. Thus, to the extent that the beneficiaries and proposed beneficiaries continue with their activities in defense of natural resources, the situation that places the proposed beneficiaries at risk is likely to continue and exacerbate over time. In view of the above, and taking into account the lack of implementation of effective and adequate protection measures to mitigate the risk situation, the Commission considers that it is urgent to adopt immediate measures to safeguard the life and personal integrity of the proposed beneficiaries.

76. Regarding the requirement of *irreparable harm* the Commission considers that this requirement has been met, insofar as the potential affectation of the rights to life and personal integrity constitutes, by its very nature, the maximum situation of irreparability.

77. Lastly, according to information provided by both parties, the beneficiaries Santos Matute and José Salomón Matute were murdered in 2016 and 2019, respectively. The Commission regrets and recalls the condemnation for their murder.⁵³ In addition, the Commission expresses its concern over the information received regarding the lack of due diligence in the investigation of the facts that resulted in these murders. Notwithstanding the foregoing, the IACHR notes that the circumstances that led to the granting of the present precautionary measures in favor of Mr. Santos Matute and Mr. José Salomón Matute have changed, considering that the beneficiaries are deceased. The Commission considers that the requirements established in Article 25 of its Rules of Procedure have not been met as a result of the death of the beneficiaries. Therefore, and considering that exceptionality and temporality is a characteristic of the precautionary measures,⁵⁴ the Commission considers that it is appropriate to partially lift the precautionary measures regarding Santos Matute and José Salomón Matute.

V. BENEFICIARIES

78. The Commission decides to continue monitoring the precautionary measures granted in favor of the following beneficiaries: José María Pineda and his family unit: 2. Elda Luz López Cáceres (spouse); 3. Valentina Pineda (mother); 4. Kentón Pineda López (son); 5. Yessenia Pineda López (daughter); 6. José María López Cáceres (son); 8. Alison Lourdes López Cáceres (daughter); 9. Eliana López Gonzales (daughter); 10. Allan Josué Pineda López (son); 11. Dilma Consuelo Soto and relatives: 12. Yeisson Noé Isaula (grandson in her care); 13. Santiago Soto (brother); 14. Luis Samuel Soto (brother); 15. Ramón Santiago Matute and relatives: 16. Celso Adalid Matute (brother); 18. Celso Cabrera Matute and relatives: 19. Oscar Amado Cabrera Matute (brother); 20. Ever Alexander Matute (brother); 21. Ojer Neftalí Ávila Romero and relatives: 22. Sérgio Ávila (father); 23. Delvin Omar Ávila Soto (brother); 24. José Firmo Matute Fúnez and spouse: 25. Blanca Funez (spouse); 26. Wilibrán Chirinos; 27. Olvin Javier Enamorado Castellanos; 28. Jose Augusto Funez; 29. Elda Merari Soto; 30. Santos Antonio Cordova; 31. Juan Funez; 32. Blanca Edelmira Soto; 33. Enner Joel Vieda; 34. Erlin Lenin Avila Romero; 35. Oscar Armando Vieda Romero; 36.

79. In addition, the Commission considers that it is appropriate to extend the precautionary measures granted to the following persons identified as members of the MADJ and who inhabit the San Francisco Locomapa Tribe: 1. Marbella Esperanza Ramírez; 2. María Benita Matute; 3. Ángela Murillo; 4. Orbin Joel Fúnez; 10. Rixi Mabel Romero; 11. Maritza Ávila Romero; 12. Nery Odiliver Romero Córdova; 13. Román Fúnez; 14. Jenny Ávila Romero; 15. Reyna Suyapa Matute; 16. Delvin Omar Ávila; 17. Amanda Edith Avila Soto; 18. Rosa Edilmira Funez Romero; 19. Hernan Rivera; 20. Oneida Avila; 21. Alejandro Medina; 22. Lastenia Romero Avila; 23. Dilcia Antonia Vieda; 24. Heliodoro Romero; 25. Lidia Funez; 26. Heliodoro Quintanilla; 27. Franklin Fúnez; 28. Hermógenes Fúnez; 29. Luis Villeda; 30. Luis Mario Villeda; 31. Manuel Medina; 32. Rosa Adilia Martínez; 33. Norma Jackeline Ávila Matute; 34. Gabriela Funez Ávila; 35. Eder Funez; 36. Linda Lee Funez; 37. Jose Tulio Ramos; 38. Walter Romero; 39. Francisco Avila; 40. Virgilio Funez Soto; 41. Flor Idalia Romero; 42. Elvin Vieda; 43. Maria Gisela Funez; 44. Yolanda Ponce; 45. Elvia Karina; 46. Irma Consuelo Matute; 47. Ana Delia Romero; 48. Juan Gutiérrez; 49. Rufino Soto; 50. María de Jesús Fúnez; 51. Olvin Córdova; 52. Yuma Gutiérrez; 53. Darwin Rolando Vieda; 54. Dilcia Dinora; 55. Isabel Fúnez; 56. María Lidia Matute; 57. Rolando Matute; 58. Karen Soto; 59. Yensy Karolina Vieda Ponce; 60. Noel Francisco Matute; 61. Sergio Edil Ávila Romero.

VI. DECISION

⁵³ IACHR. [IACHR condemns the murder of members of the Tolupán indigenous people in Honduras](#). Press Release no. 028/16. March 7, 2016; [IACHR repudiates murder of indigenous Tolupán beneficiary of precautionary measures, and his son, in Honduras](#). Press Release no. 053/19. March 1, 2019.

⁵⁴ IACHR Court. [Matter of Adrián Meléndez Quijano et al.](#) Provisional Measures regarding El Salvador. Resolution of the Inter-American Court of August 21, 2013, para. 22; [Case of Galdámez Álvarez et al.](#) Provisional Measures with respect to Honduras. Resolution of the Inter-American Court of Human Rights of November 23, 2016, para. 24.

80. Considering the factual and legal arguments presented by both parties, the Commission has decided to:

- a. Continue to follow up on these precautionary measures in accordance with the terms established in Article 25 of the IACHR Rules of Procedure;
- b. Lift the precautionary measures granted in favor of Santos Matute and José Salomón Matute; and
- c. Extend the precautionary measures granted in favor of 61 members of the MADJ that inhabit the San Francisco Locomapa Tribe, requesting their protection under the terms of Resolution 12/2013.
- d. Implement these precautionary measures considering the applicable ethnic and gender approach, as appropriate.

81. The Commission expresses its interest and willingness to conduct an on-site visit to the area in order to obtain detailed information and meet with the various actors involved in this matter, including beneficiaries and domestic authorities responsible for the implementation of these precautionary measures.

82. The Commission requests the parties to submit the required information to the Commission within 30 days from the date of this Resolution.

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

84. Approved on December 27, 2023, by Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; Carlos Bernal Pulido; and José Luis Caballero Ochoa, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary