

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION No. 3/2014**

PRECAUTIONARY MEASURE No. 453-13<sup>1</sup>  
Matter of Daniel Ramos Alfaro regarding México  
February 20, 2014

**I. INTRODUCTION**

1. On December 6, 2013, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by Ixtlahuac Ramos Alfaro (hereinafter “the applicant”) in favor of Daniel Ramos Alfaro (hereinafter “the proposed beneficiary”), aged 21, whose life and personal integrity are allegedly at high risk due to the fact that his whereabouts and fate are unknown since October 2, 2013. According to the request, Daniel Ramos Alfaro was held by alleged members of the Mexican armed forces, while he was on his way to the San Martín community, after teaching in the school of the Betania community.

2. Given the nature of the alleged situation, the Inter-American Commission requested information from the State in accordance with the provisions set forth in Article XIV of the “Inter-American Convention on Forced Disappearance of Persons.” The State replied by means of a report dated on January 22, 2014. The applicant submitted further information on February 1, 2014.

3. After analyzing the factual and legal arguments submitted by the applicant as well as the information provided by the State, in the framework of the confidential report of article XIV of the “Inter-American Convention on Forced Disappearance of Persons<sup>2</sup>,” the Commission considers that it has been proven *prima facie* that Daniel Ramos Alfaro is in a situation of seriousness and urgency, as his rights to life and personal integrity are at high risk due to the fact that, to date, his whereabouts and fate are unknown. Consequently, pursuant to Article 25 of the Rules of Procedure of the IACHR, the Commission requires the State of Mexico to: a) adopt the necessary measures to clarify the situation and whereabouts of Daniel Ramos Alfaro in order to protect his rights to life and personal integrity; and b) provide information about the actions taken so as to investigate the facts that gave place to the adoption of this precautionary measure.

**II. SUMMARY OF THE FACTS AND ALLEGATIONS PROVIDED BY THE APPLICANT**

4. According to the applicant, Daniel Ramos Alfaro is a teacher at the “Consejo Nacional de Fomento Educativo” (“National Council for Educational Development”), CONAFE for its Spanish acronym, who was in the Betania community since Monday, September 30, 2013. On October 2, 2013, Daniel Ramos Alfaro decided to travel on his own from the “Betania” community to the “Nuevo San Martín” community (“Rancho Nuevo.”) Daniel Ramos Alfaro allegedly never arrived

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<sup>1</sup> Pursuant to the provisions of article 17.2.a of the Rules of Procedure of the Commission, Commissioner José de Jesús Orozco Henríquez, Mexican, did not participate in the debate or decision of this precautionary measure.

<sup>2</sup> Article XIV of the “Inter-American Convention on Forced Disappearance of Persons” indicates that: “when the Inter-American Commission [...] receives a petition or statement regarding an alleged forced disappearance, its Executive Secretariat shall urgently and confidentially address the respective government and shall request that government to provide, as soon as possible, information as to the whereabouts of the allegedly disappeared person together with any other information it considers pertinent, and such request shall be without prejudice as to the admissibility of the petition.”

at his destination and, to date, his whereabouts are unknown. In the statement provided, the applicant alleges the following facts:

a) On October 6, 2013, the Michoacán Attorney General's Office allegedly received a notice by the CONAFE on the alleged disappearance of Daniel Ramos Alfaro. In this sense, it is indicated that the family had allegedly decided to file a complaint with the municipal Office of the Attorney General. However, in view of the "exasperating bureaucratic process," the family allegedly attempted to go to the Betania community by their own means. On October 7, 2013, Daniel Ramos Alfaro's family allegedly arrived in the community and began a search "on his own, with the support of community members." On October 8, 2013, Daniel Ramos's mother filed a complaint before the "Urapan's" Office of the Attorney General. On October 9, 2013, Daniel Ramos's family allegedly went to the "Jucutacato" village to spread the news through flyers and ask locals to help spread the information about the case.

b) According to the applicant, on October 10, 2013, Ramos Alfaro's family went to the "Paracuaro" municipality to try to get in contact with "the regiment's captain" to confirm the Betania community members' comments who stated that, on the day of the alleged disappearance, there were soldiers in town. Said authorities denied the possibility of Daniel Ramos being held by soldiers. The applicant states that "in the facilities of the battalion, the only people who could get in contact [with them] were soldiers, who also denied having any information on Daniel Ramos's whereabouts and confirmed that they were indeed paying visits in the community area."

c) On October 11, 2013, Daniel Ramos Alfaro's family allegedly went to the "Cherangeran" town together with some of Daniel's colleagues in order to promote a demonstration to spread the news in the communities. The demonstration allegedly took place on Saturday, October 12, 2013. According to the request, on October 13, 2013, Daniel Ramos's relatives visited the Betania community, once again, in order to follow-up the complaint filed, since several days had passed and they had not received any report from the relevant authorities. The applicant states that some community members informed him that, before his alleged disappearance, "some army members had [allegedly] asked Daniel for permission to set a camp and sleep at the school but Daniel [allegedly] replied he could not allow that because he did not have the authority to grant permission to use the facilities."

d) The following days, Betania community members allegedly told Daniel Ramos's family that it was possible that the Mexican army was "behind Daniel's disappearance." The applicant specifically states that, on the day of the alleged disappearance, someone supposedly heard the proposed beneficiary yelling: "don't take me, I'm a teacher, I work at the CONAFE." In this sense, it is stated that the person who allegedly saw the proposed beneficiary in the Mexican army's power supposedly told the family: "Stop looking for Daniel, he was taken by the soldiers."

e) In view of the lack of response from the authorities, Daniel Ramos's mother allegedly went to the capital city of the country and requested support from the Ministry of the Interior in the search of her son.

5. On January 14, 2014, compliance with article XIV of the "Inter-American Convention of Forced Disappearance of Persons," the Commission informed the State of the information provided and

requested the confidential report referred to in said article. The State replied by submitting a report on January 22, 2014.

6. On February 1, 2014, the applicant provided further information claiming that: i) they were suspicious that Daniel Ramos Alfaro was in the Mexican army's custody, yet they did not have evidence to support such statement; and ii) the State did not conduct any subsequent investigation and did not show any progress in the 3 months after the alleged disappearance of Daniel Ramos. The applicant emphasizes that the Ministry of Defense was not investigated for the alleged facts, and that said institution did not provide any information regarding the military squad watching the area.

### **III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY AND IRREPARABLE HARM**

7. The mechanism of precautionary measures is part of the Commission's function to monitor compliance with the human rights obligations set forth in article 106 of the Charter of the Organization of American States. These general monitoring functions are provided by article 41 (b) of the American Convention on Human Rights, enshrined in article 18 (b) of the IACHR's Statute and the mechanism of precautionary measures is described in article 25 of the Rules of Procedure of the Commission. Pursuant to this Article, the Commission grants precautionary measures in situations of seriousness and urgency in which said measures are necessary to prevent irreparable harm to the person.

8. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "IAHR Court") have repeatedly determined that precautionary and provisional measures have a dual nature: precautionary and protective. Regarding the protective nature, the measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding the precautionary nature, the measures have the purpose of preserving a legal situation being considered by the IACHR. The precautionary nature aims at preserving those rights at risk until the petition in the inter-American system is resolved. Its object and purpose are to ensure the integrity and effectiveness of the decision on the merits and, thus, avoid infringement of the rights at issue, a situation that may adversely affect the useful purpose (*effet utile*) of the final decision. In this regard, precautionary measures of provisional measures thus enable the State concerned to fulfill the final decision and, if necessary, to comply with the reparations ordered. For the purpose of making a decision, and in accordance with article 25.2 of its Rules and Procedures, 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 a 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.

9. In the present situation, the Commission deems that the seriousness requirement is met, since the information provided suggests there are signs that Daniel Ramos Alfaro is currently disappeared and, according to several testimonies, he may have been deprived of liberty by members of the Mexican army. According to the information, several community members

provided testimony indicating that members of the Mexican army were conducting surveillance operations in the area. In this sense, the Commission takes note of the decision by the United Nations Committee on Enforced Disappearances, dated on December 2, 2013. In this decision, the Committee requested the Mexican State to “immediately adopt all the necessary measures to clarify the enforced disappearance of Daniel Ramos Alfaro and to investigate, prosecute and impose suitable sanctions on any person responsible for the alleged violations.”

10. Taking into consideration the specific characteristics of this situation, the context in which it takes place and in light of the *prima facie* criterion characteristic of the mechanism of precautionary measures, the Commission deems that the rights to life and personal integrity of Daniel Ramos Alfaro are at great risk, since to date, his whereabouts or fate are unknown.

11. Concerning the urgency requirement, the IACHR deems it is met, in light of the immediate need for protection, characteristic of the nature of the mechanism of precautionary measures. The information provided suggests that the lack of knowledge on the whereabouts or fate of Daniel Ramos Alfaro has continued for over 141 days, and there is no substantial information on any significant actions taken by the local authorities to discover his whereabouts or fate, regardless of the complaints filed. In these circumstances, the Commission considers that the present case requires immediate protection actions by the state authorities so that the passing of time does not cause any damage to Daniel Ramos Alfaro’s rights.

12. As for the irreparability requirement, the Commission deems it is met, since the possible violation of the right to life and personal integrity constitutes the most extreme case of irreparability.

#### **IV. BENEFICIARIES**

13. The request has been filed in favor of Daniel Ramos Alfaro, who has been fully identified in the documents provided in the present procedure.

#### **V. DECISION**

14. In view of the above-mentioned background, the IACHR deems that the present case meets *prima facie* the requirements of seriousness, urgency and irreparable harm set out in article 25 of its Rules of Procedure. Consequently, the Commission requests the Mexican Government to:

- a) adopt the necessary measures to establish the situation and whereabouts of Daniel Ramos Alfaro, in order to protect his rights to life and personal integrity; and
- b) inform on the actions taken to investigate the facts leading to the adoption of this precautionary measure.

15. The Commission also requests the Mexican Government to inform, within 10 days from the date of the issuance of this resolution, on the adoption of the required precautionary measures and to update said information on an ongoing basis.

16. The Commission emphasizes that, according to article 25 (8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State shall not constitute a pre-judgment on any possible violation of the rights protected in the American Declaration and other applicable instruments.

17. The Commission orders the Secretariat of the Inter-American Commission to notify the Government of the United States and the applicants of this resolution.

18. Approved on February 20, 2014, by: Tracy Robinson, First Vice President; Rosa María Ortiz, Second Vice President; Commissioners Felipe González, Rose-Marie Belle Antoine, James Cavallaro.