
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 25/2024**

Precautionary Measure No. 264-10
Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel
regarding Mexico¹
April 27, 2024
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, as well as the lack of information from the representation since 2017. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

II. BACKGROUND INFORMATION

2. On September 23, 2010, the IACHR granted precautionary measures to Gerardo Vera Orcino, Javier Martínez Robles, and Francisco de Asís Manuel, community members of Santa María de Ostula, in Michoacán, Mexico. The request indicated that on February 24, 2010, an armed commando abducted community activists Gerardo Vera Orcino and Javier Martínez Robles and, on April 20, 2010, an armed commando of around 20 people abducted the *comisariado* (Commissioner) of Communal Property, Francisco de Asís Manuel. The Inter-American Commission considered that, given that the situation and whereabouts of the persons were unknown, the requirements of seriousness, urgency and irreparable harm were *prima facie* met, in the terms of Article 25 of the IACHR Rules of Procedure. Consequently, in accordance with the provisions of Article 25 of its Rules of Procedure, in order to guarantee the life and personal integrity of Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel, the Commission requested that the Government of Mexico:

- a. report on the whereabouts of Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel, their state of health and the security situation in which they find themselves;
- b. adopt the necessary measures to guarantee the life and physical integrity of Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel; and
- c. report on the actions taken to investigate the facts that led to the adoption of precautionary measures.²

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

a. Processing throughout the time the measures were in force

3. During the time the precautionary measures were in force, the Commission followed up on the subject matter of these precautionary measures by requesting information from the parties. In this regard, communications from the parties and from the IACHR have been registered on the following dates:

¹ In accordance with Article 17.2.a of the IACHR Rules of Procedure, Commissioner José Luis Caballero Ochoa, a Mexican national, did not participate in the debate and deliberation of this matter.

² IACHR. Communication of the IACHR of September 21, 2010, addressed to the Permanent Representative of Mexico to the Organization of American States (OAS). Formally notified on September 23, 2010.

	State	Representation	IACHR
2010	October 8	November 26	October 27
2011	September 1, October 19 and 24, and December 16	July 23, October 7 and 14, and December 12	August 19, September 6, September 8, October 13, October 21, December 7 and 23
2012	February 1	No communications	January 19 and February 21
2013	September 24	No communications	April 27 and October 21
2014	No communications	No communications	No communications
2015	No communications	August 3, September 28, October 21 and December 8	October 15 and November 17
2016	July 14 and December 23	April 24	November 22
2017	April 6 and June 2	January 21 and March 23	February 21, April 12, and September 6
2018	No communications	No communications	No communications
2019	No communications	No communications	No communications
2020	No communications	No communications	No communications
2021	No communications	No communications	October 5
2022	No communications	No communications	December 22
2023	November 10	No communications	August 8 and December 29

4. On September 27, 2011, a working meeting was held with the parties as part of a working visit to Mexico City. On August 16 and December 22, 2011, and October 13, 2015, the Commission decided not to extend the precautionary measures in favor of members of the community³ and requested additional information on the situation of the beneficiaries. In 2013, the State requested that these precautionary measures be lifted. The Commission forwarded to the representation a report from the State on September 6, 2017, on which no comments were received. The request was reiterated on October 5, 2021 and December 22, 2022, requesting updated information in order to “evaluate whether these precautionary measures should remain in force,” without receiving a response. On August 8, 2023, information was requested from both parties, receiving the State’s report on November 10, 2023, where it requested the evaluation of the current risk in light of the procedural requirements. The State’s request was forwarded to the representation on December 29, 2023. The representation has not responded to the requests for information, having sent its last report on March 23, 2017. All deadlines have expired.

5. The representation was the “*Asociación Jalisciense de Apoyo a los Grupos Indígenas*” (Jalisco Association of Support to Indigenous Groups).

b. Information provided by the State

6. On October 8, 2010, the State informed of a meeting of authorities on October 6, 2010, in relation to investigations carried out by the Michoacán State Attorney General’s Office (*Procuraduría General de Justicia del Estado de Michoacán*, PGJM) to locate and, if necessary, rescue the beneficiaries. They also adopted measures to guarantee the protection of the leaders of the Santa María de Ostula Community (CSMO), in

³ The extension of the precautionary measures was requested in favor of 49 different settlements, according to the census carried out by the community itself in 2009, amounting to a total of 5,490 inhabitants. The IACHR decided not to extend the precautionary measures on different occasions.

Michoacán and reported that there are no previous investigations (*averiguaciones previas*, AP) or complaints from the community members.

7. On September 1, 2011, it was reported the implementation of security protocols in the CSMO, reinforced with the Secretariat of the Navy (SEMAR) on federal highway 200 and in La Placita, Michoacán; recognition and granting of the community police; and military deployment of the Secretariat of National Defense (SEDENA) in the state of Michoacán. In turn, the Secretariat of Public Security of Michoacán (SSPM) assisted in the investigation of the facts of risk regarding community leaders. As well as maintaining security and surveillance operations in the communities belonging to the municipalities of Aquila and Coahuayana, Michoacán, with filters on the roads of the conflict zone and daily surveillance tours, with 28 officers from the ministerial police. Regarding the disappearance of the beneficiaries, investigations 081/2010/I-DAE and 155/2010-III-FEADSE were opened and a police operation was initiated in response to the complaint, with search and tracing in Coahuayana.

8. On October 19, 2011, the State sent details of the actions after the murder of Mr. Pedro Leyva Domínguez and, in addition, reported that on October 14, 2011, the President of Mexico held a dialogue with civil society groups within the framework of the Movement for Peace, on issues of security and justice, where the situation in Santa María de Ostula was discussed. On October 24, 2011, it was noted that a working meeting was held with the community members of Santa María de Ostula and authorities on September 27, 2011. The State added that in the area of the agrarian conflict that affects the community of Santa María Ostula, in the municipality of Aquila, a military base is currently being built to strengthen the security and surveillance of the coastal area of Michoacán. A Citizen Protection Center, composed of 10 elements of the State Preventive Police and 2 patrol units, was reported in the town of Coahuayana, near the CSMO. In addition, SEMAR had a fixed road station in La Placita, Michoacán and SEDENA was also present in the area. On October 20, 2011, a meeting was held between beneficiaries and state authorities, in which it was agreed: a) the PGJM will send a technical sheet on the status of the investigations into the disappearance of the beneficiaries; and b) there is provision to implement protection measures in favor of Pedro Leyva's wife. The SSPM and PGJM will increase the number of troops and patrols in the areas of La Placita, El Faro, Aquila, Palma Sola and La Ticla.

9. On December 16, 2011, it was reported a consultation meeting from November 28, 2011: a) they installed a working group to analyze requests from the CSMO; b) implementation of rounds was requested in the areas of Chayacalán, Rancho Los Mendoza and the Playa area; c) actions were required to guarantee the safety and tranquility of the population; d) they ask to keep the place where Pedro Leyva's wife is located confidential; e) the PGJM sent the information card on the investigations into the disappearances of Gerardo Vera Orcino and Javier Martínez Robles and offered the possibility of sending an agent of the Public Ministry (MP) to collect testimonies about the disappearance of the beneficiaries; f) about the murder of Pedro Leyva, there is a discrepancy in the statements of his wife, so they request help to interview a MP [agent]; g) they increased rounds in the conflict zone. Other work meetings were held on October 20 and November 15, 2011.

10. On February 1, 2012, the State detailed the activities of the SEMAR position in La Placita and reported that, on December 6, 2011, the representation informed the SEGOB about the presence of armed people outside the community in different locations: they asked the state's federal security agencies to guarantee the safety of the community members. They pointed out that public safety has been guaranteed to the inhabitants of Santa María de Ostula through authorities of the state of Michoacán, and that SEDENA carries out continuous reconnaissance. They submitted questions related to the preliminary investigations into the death of Mr. Pedro Leyva, as well as that of Mr. Trinidad de la Cruz.

11. On September 24, 2013, security measures in favor of the community were reported and it was argued that there is no longer any urgency in the situation, since a new risk situation has not been reported since December 2011, requiring the lifting of the precautionary measures.

12. On July 14, 2016, the State informed about the proceedings reported for the acts of violence against the community that occurred on July 19, 2015, that Mr. Cermeí Verdía Zepeda regained his freedom by order of a Judge and that the agrarian authorities have addressed the agrarian problem. It was complemented with information on health care and economic support procedures, as well as on actions taken by the Executive Commission for Attention to Victims (CEAV), in favor of the victims of the events that occurred on July 19, 2015. The State indicated that it has taken the pertinent actions to comply with the precautionary measures, and requests that they not be extended.

13. On December 23, 2016, the attention given by the CEAV to the CSMO was received and it was reported that the investigation into the whereabouts of the beneficiaries was continuing. On April 6, 2017, measures to protect community members were recalled. On the other hand, with respect to AP 81/2010/I-DAE regarding Gerardo Vera Orcino and Javier Martínez Robles, on December 6, 2016, the MP agent of Lázaro Cárdenas reported that the actions taken to locate the beneficiaries (unspecified) did not have positive results, as well as that on March 28, 2017, the ministerial appearances of 3 people were carried out, samples were collected for genetic profiling of relatives, a psychological profile was made and psychological support was requested from relatives. For their part, in relation to PA 155/2010/II/DAE on Francisco de Asís Manuel, they added that: on March 9, 2017, there was a DNA sample taken from a family member and a genetic expert was requested; on March 10, an information consultation on a website was certified; on March 13, information was requested from various institutions (without further detail). An additional list was provided with the AP on missing and deceased persons of the CSMO and information on the agrarian conflict of the community of Santa María de Ostula was sent, indicating that it resurfaced in 2009 and despite the holding of working tables, an agreement could not be reached.

14. On November 10, 2023, the State shared that in the Attorney General's Office of the State of Michoacán (FGEM), AP 155/2010/III/DAE and 81/2010/I-DAE are still in the investigation stage and have current proceedings to expand the complaint by direct relatives, sample and obtain a genetic profile of relatives, fill out a questionnaire to relatives, search protocol and location of the beneficiaries in Michoacán and search collaboration in all states of the Republic. On the other hand, the Commission for the Search of Persons of Michoacán (CBPM) reported that no record or report was found for the disappearance of the beneficiaries Gerardo Vera Orcino and Javier Martínez Robles. Regarding the beneficiary Francisco de Asís Manuel, it was identified that on March 11, 2023, the registration was carried out before the National Commission for the Search of Persons (CNB), assigning him a folio number and channeling it to the CBPM. It was added that: (i) they requested reports from the FGEM; (ii) they carried out a working table between the CNB, FGEM, CEAV and CBPM to establish coordination; (iii) on May 11, 2023, they generated agreements to carry out search, investigation and sampling activities or genetic profiles for the cases of disappearance from the area of Ostula, Aquila; (iv) on August 31, 2023, the CNB convened a virtual working meeting to monitor the search efforts in the area. The State referred to having maintained diligence in the attention of the matter and requested that the "current risk situation be evaluated" in accordance with the requirements of seriousness, urgency, and irreparability.

c. Information provided by the representation

15. On November 26, 2010, the representation reported that the measures taken by the investigating authority have been insufficient, nine months after the disappearance of the beneficiaries, without indications of their whereabouts or physical condition. On October 27, 2010, community authorities attended a work meeting. It was agreed that the community will make proposals for the implementation of the precautionary measures; they will transmit to the Deputy Director of the UDDH of the SEGOB the actions aimed at resolving the agrarian issue; propose a mechanism to collect the declarations on the investigations; and the SEMAR will provide security in case of emergency.

16. In 2010, three consultation meetings were held: October 6, 2010, October 27, 2010 and November 30, 2010. In 2011, they referred to protection measures: on the 28 elements of the ministerial police of the State

of Michoacán for the search and surveillance tours in the conflict zone, as well as three patrols; but the community did not notice the realization of the tours; and emergency telephone numbers of the SSPM have been granted. It was alleged that the acts of violence in the community continued, with the murder of Mr. Pedro Leiva Domínguez and the armed interception of Trinidad de la Cruz Crisóforo being reported. It was indicated that the State did not provide security guarantees to file complaints. On October 14, 2011, the representation presented allegations on the effectiveness of surveillance and security operations in the Santa María de Ostula area, as well as emergency numbers, and questioned that there are no investigations and it is difficult to file complaints. They added that the agrarian conflict continues. On November 28, 2011, a working meeting was held, where they agreed to establish a working group to respond to the Community's security requests.

17. On August 3, 2015, the representation indicated that the change of agrarian and civil authorities in the CSMO took place on August 4, 2014. The representation reported situations of violence against people in the community. On May 25, 2015, at approximately 8 a.m., members of the organized crime group "Los Caballeros Templarios" (The Knights Templar) ambushed Commander Cermeí Verdía Zepeda, injuring the community policeman of Aquila, Juan Manuel Sapién Cándido. Subsequently, a confrontation between the said group and the community took place, leaving four hitmen and two members of the community police dead. On September 28, 2015, it was indicated that dialogue tables have been held with the SEGOB, which promised to stop the aggressions by the federal forces, not to criminalize the exercise of security and community justice, to solve the problem of looting of wood and to adopt measures to solve the agrarian conflict. They added that the region has been militarized, mainly in the municipal seat of Aquila. The representatives considered that security in the area was improved by the community police.

18. On April 24, 2016, the representation stated that, until the responsibility of state agents for acts of violence that occurred in 2015 is clarified, the community agreed not to allow the circulation of the armed forces within the communal lands. It was reported that, on April 10, 2016, members of the Francisco Grajeda community police were killed and Abraham Girón was injured.

19. On January 21, 2017, the representation reported that on December 22, 2016, the CNDH issued a recommendation that corroborated that the Mexican army illegally used force against 50 residents of Santa María de Ostula and that the military opened fire on the unarmed civilian population. They recalled situations of violence that occurred in 2016 in the area and various communities.⁴ On March 23, 2017, the representatives reiterated previously presented information and denounced the lack of progress in the investigations to find those responsible for the events at risk.

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

20. 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 outlined in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

⁴ They indicated that on April 19, 2016, community police officers and the municipal president of Aquila were ambushed in the community of Cachán de Echeverría, leaving 7 community police officers seriously injured; on September 17, 2016, community police officers were attacked, killing community police officer Lorenzo Mendoza Castañeda; on October 23, 2016, community police officers Luis Olascón Mendoza and Juan Cruz Montejano were kidnapped, tortured and killed; on November 22, 2016, the security filter of the community of Tizupa, Aquila, was attacked by 5 hooded people.

21. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.⁵ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁶ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁷ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

22. In this sense, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions “granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25 (9) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may comply with the requirements outlined in Article 25 of its Rules of Procedure.

23. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping such measures in force requires a more rigorous evaluation.⁸ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁹ The Inter-American Court has indicated that the passage of a reasonable time without any threats or intimidation, in addition to the lack of imminent risk, may lead to lifting international protection measures.¹⁰

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

⁶ See: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of November 23, 2017, considerandum 5.

⁷ See: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Resolution 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 February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures concerning Brazil, Resolution of February 13, 2017, considerandum 6.

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

⁹ I/A Court H.R. [Matter of Fernandez Ortega et al.](#) Resolution of February 7, 2017, considerandums 16 and 17.

¹⁰ I/A Court H.R. [Matter of Fernandez Ortega et al.](#) Resolution of February 7, 2017, considerandums 16 and 17.

24. In this matter, the precautionary measures were granted on September 23, 2010 to Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel, members of the Community of Santa María Ostula, after their disappearance. Although, during the processing of this matter, the representation referred to other situations of violence that allegedly occurred and the State addressed the security measures implemented and strengthened in the area, the Commission recalls that it decided on three occasions (two in 2011 and one in 2015) not to extend these precautionary measures to other beneficiaries. Consequently, the matter of these precautionary measures focuses on the disappearance of Messrs. Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel, so that, in this resolution, the Commission will focus on their situation.

25. Notwithstanding, the Commission continues its monitoring work on the situation of indigenous communities in the country, through its thematic and country rapporteurships. In this regard, the Commission recalls the obligation of the State to adopt measures, with due diligence, to protect the members of the Community of Santa María de Ostula and other communities in the area, regardless of the granting of precautionary measures.

26. Having established the foregoing, the Commission notes that the representation has not provided updated information or observations in these proceedings since March 23, 2017, despite the fact that the State's reports have been transferred and information has been requested on six occasions since then. In particular, since its last report, the Commission has sent communications to the representation on 6 occasions: on April 12 and September 7, 2017, as well as on October 5, 2021, December 22, 2022 and August 8 and December 29, 2023, with more than seven years having elapsed without receiving information. The foregoing makes it difficult for this Commission to adequately carry out its mandate through the effective follow-up of these precautionary measures, and taking into account their useful effect in this type of matter.

27. In the analysis of the validity of the procedural requirements, as referred, in September 2010 the Commission considered that the procedural requirements were met with respect to Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel, who have been missing since 2010, so it requested that the Mexican State adopt the necessary measures to find out their whereabouts and know their state of health and security situation. From the reports received, the Commission notes that:

a. The PGJM initiated investigations for the location of the beneficiaries and through the previous investigations 081/2010/I-DAE (regarding Gerardo Vera Orcino and Javier Martínez Robles) and 155/2010-III-FEADSE (regarding Francisco de Asís Manuel) and a police operation took place with search and tracing tours. The Commission takes note of the representation's allegation of lack of progress in these investigations and notes that no substantial updates on search and investigation were received for a long period of time.

b. Multiple consultation meetings have been held throughout the time the measures have been in force.

c. On April 6, 2017, it was reported that, in AP 81/2010/I-DAE, in 2016 an MP (Public Ministry) agent carried out diligence (no details) and, that in March 2017, appearances, genetic profiles and psychological profiles of relatives were carried out. Regarding PA 155/2010/II/DAE, also in March 2017 progress was made with genetic profiles and other procedures were carried out.

d. In the last communication from the State, in November 2023, they updated that the search commissions -CBPM and CNB- made records of the disappearances and began coordination work with other authorities to get involved in the search for the beneficiaries. Without prejudice to the passage of time, the Commission recognizes the importance of the involvement of the specialized mechanisms of the State, while emphasizing that steps continue to be taken to search for the beneficiaries.

28. In the analysis of compliance with the procedural requirements in cases of disappearances, each specific case must be evaluated, assessing the time elapsed, the actions of the competent authorities, as well as the allegations of the representation. In this matter, although the Commission has not had sufficient information on the actions taken by the State institutions to search for and locate the beneficiaries and on the investigations to clarify the facts, the IACHR takes into consideration the opening of PAs 081/2010/I-DAE and 155/2010-III-FEADSE concerning the three beneficiaries, where proceedings were allegedly carried out in 2010 and 2011, which were resumed in 2017 and, more recently, in 2023, involving institutions specializing in the search for persons. Likewise, the Commission highlights the passage of time, approximately 14 years after the disappearances, coupled with the lack of procedural momentum on the part of the representation, without providing information or responding to the requests of the IACHR since March 2017. The lack of information by the representation during the term of the precautionary measures does not allow identifying challenges or specific actions to be implemented in the search and/or investigation plans for the disappearance of the beneficiary, which allow noticing the continuity of a useful effect of the precautionary measures.

29. In this regard, the Commission is aware that precautionary measures in recent disappearances seek, within a specific temporary situation, that “the competent authorities adopt an expeditious action to find the whereabouts of the person and avoid irreparable damage,”¹¹ considering that “[t]he passage of time [...] and the lack of progress in the investigations directly affect the useful effect of the provisional [or precautionary] measures”¹² which implies the requirement of expeditious action by the national authorities after the disappearance. In this regard, in specific situations, the Commission has lifted precautionary measures regarding situations of disappearance, assessing the passage of time and the actions implemented by the State,¹³ understanding that the allegations and the situation would correspond to be analyzed within the framework of a petition or case.

30. The Commission emphasizes, following the Inter-American Court on the issue of missing persons, and given the passage of time, that the analysis of the actions carried out by the State within the framework of the investigations and actions performed corresponds to a merits analysis, which is better suited to the framework of the Petition and Case System, if an individual petition is presented and the applicable procedural requirements are met.¹⁴

31. Considering the nature of the precautionary measures mechanism, the information available, and the analysis carried out, the Commission knows that it currently has no elements to support compliance with the requirements of Article 25 of the Rules of Procedure. Given the above, and taking into account the exceptional and temporary nature of precautionary measures,¹⁵ the Commission considers that it is appropriate to lift these measures.

32. In line with what was indicated by the Inter-American Court in various matters,¹⁶ a decision to lift cannot imply that the State is relieved from its general obligations of protection, contained in Article 1.1 of the Convention, within the framework of which the State is especially obliged to guarantee the rights of persons at

¹¹ IACHR. [Luis Alberto Sabando Veliz regarding Ecuador. \(PM-1002-04\)](#). Resolution to Lift 2/2021 of January 4, 2021, para. 16.

¹² I/A Court H.R. [Matter of Juan Almonte Herrera et al. regarding the Dominican Republic](#). Provisional Measures. Order of November 13, 2015. Considerandum 14

¹³ See, *inter alia*: IACHR. See, [among other things: IACHR, José Fernando Choto Choto and others regarding El Salvador \(PM-240-15\)](#); [Luis Alberto Sabando Veliz regarding Ecuador \(PM-1002-04\)](#); [Óscar Álvarez Rubio regarding El Salvador \(PM-170-18\)](#). Resolution 31/2023 of May 29, 2023; [Carla Valpeoz regarding Peru \(PM-265-23\)](#). Resolution 61/2023 of October 20, 2023; [Raffaele Russo, Antonio Russo, and Vincenzo Cimmino regarding Mexico \(PM-201-18\)](#). Resolution 84/2023 of December 27, 2023; [Dubán Celiano Días Cristancho regarding Colombia \(PM-455-14\)](#). Resolution 85/2023 of December 27, 2023; [Donatilo Jiménez Euceda and his family nucleus regarding Honduras \(PM-147-15\)](#). Resolution 86-2023 of December 27, 2023.

¹⁴ *Ibidem*.

¹⁵ I/A Court H.R.. [Matter of Adrián Meléndez Quijano et al.](#) Provisional Measures regarding El Salvador. Order of August 21, 2013, para. 22; [Matter of Galdámez Álvarez et al.](#) Provisional Measures regarding Honduras. Resolution of November 23, 2016, para. 24.

¹⁶ I/A Court H.R.. [Matter of Velásquez Rodríguez](#). Provisional Measures regarding Honduras. of January 15, 1988, considerandum 3; I/A Court H.R. [Matter of Giraldo Cardona and et al.](#) Provisional measures regarding Colombia. Resolution of January 28, 2015, Considerandum 40; and I/A Court H.R. [Case of Vélez Lloor v. Panama. Provisional Measures](#). Order of May 25, 2022, considerandum 62.

risk and must promote the necessary investigations to clarify the facts, followed by the consequences that may be established. Furthermore, also based on the assessment of the Inter-American Court, the lifting of the precautionary measures does not imply a possible decision on the merits of the dispute.¹⁷

33. Lastly, the Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1 (1) of the American Convention, it is the obligation of the State of Mexico to respect and guarantee the rights recognized therein, including the life and personal integrity of the persons identified in the matter at hand. In this sense, it is up to the State of Mexico to continue with the corresponding investigations and the search actions to clarify the facts and circumstances surrounding the disappearance of Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel.

V. DECISION

34. The Commission decides to lift the precautionary measures granted in favor of Gerardo Vera Orcino, Javier Martínez Robles and Francisco de Asís Manuel, in Mexico.

35. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures should they consider that there is a situation that meets the requirements established in Article 25 of its Rules of Procedure.

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

37. Approved on April 27, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; Arif Bulkan; and Andrea Pochak, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary

¹⁷ I/A Court H.R. Matter of Guerrero Larez. Provisional Measures regarding Venezuela. Order of August 19, 2013, Considerandum 16; I/A Court H.R. Matter of Natera Balboa. Provisional Measures regarding Venezuela. Resolution of August 19, 2013, Considerandum 16.