

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 66/22**

Precautionary Measures No. 197-10
135 inhabitants of San Juan Copala regarding Mexico¹
December 1, 2022
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of 135 inhabitants of San Juan Copala in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, the observations of the representatives, and the fact that the initial situation presenting a risk no longer exists. Following the requests made by the State to have the measures lifted and the information provided by the representatives, including the agreement of one party, the IACHR decided to lift these measures.

II. BACKGROUND INFORMATION

2. On October 7, 2010, the IACHR granted precautionary measures in favor of 135 inhabitants of San Juan Copala, Mexico. The request for precautionary measures alleges that 135 members of the Triqui indigenous people of San Juan Copala, in Oaxaca state, are displaced because of repeated violent attacks carried out against them by an armed group. The information received indicates that in the previous eleven months, 25 persons have been killed and 17 injured as a result of the acts of violence in San Juan Copala. After analyzing the allegations of fact and law offered by the parties, the Commission considered that there was *prima facie* a situation of risk that met the requirements of Article 25 of the Commission's Rules of Procedure; in this sense, the Commission requested that the State of Mexico: a) adopt the necessary measures to guarantee the life and personal integrity of the 135 inhabitants of San Juan Copala; b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and c) report on the actions taken to investigate the facts that led to the adoption of the precautionary measures².

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

A. Regarding the procedure and supervision

3. During the time the precautionary measures have been in force, the Commission has followed up on the situation that is the subject of these measures through reports from the parties, transfers and requests for information, and working meetings.

4. The Commission has received reports and comments from the various representations on the following dates:

¹ In accordance with Article 17(2)(a) of the Rules of Procedure of the IACHR, Commissioner Joel Hernández García, a Mexican national, did not participate in the debate and deliberation of this matter.

² IACHR. Precautionary Measures 2010. Available at: <https://www.oas.org/en/iachr/decisions/mc/precautionary.asp?Year=2010>

Year	Dates
2010	October 18, 23 and 28, November 6 and 8, and December 8.
2011	January 24, April 6, May 19 and 26, June 20 and 30, August 7, 9, 19 and 30, October 4 and 24, November 11 and 22.
2012	January 22 and 26, February 2 and 9, March 29, June 15 and 23, July 13, August 30, November 13 and 15, December 6, 22 and 23.
2013	January 18, 28 and 29, February 4 and 27, March 14, April 5 and 18, June 3, July 13, 18 and 31, August 6, 9, 17 and 21, September 8, 10 and 30, October 9, November 6, and December 26 and 18.
2014	February 22, March 6, April 1, and August 29.
2015	January 12, May 30, June 1, September 2 and 10, and October 16.
2016	January 27, March 9 and 11, April 5 and 30, August 14, and December 7.
2017	May 3, July 22, and September 12.
2018	July 13 and September 22.
2019	January 21, May 1, and August 31.
2020	December 10 and 23.
2021	August 16
2022	N/A

5. For its part, the State has submitted its respective reports and observations on the following dates:

Year	Dates
2010	October 28 and November 16.
2011	February 9, May 31, August 31, and October 24.
2012	February 13 and November 27.
2013	January 15, February 4, and March 15.
2014	January 8 and August 26.
2015	May 8.
2016	July 6, November 7 and 11.
2017	August 9.
2018	November 21
2019	N/A
2020	March 26, November 30, and December 10.
2021	N/A
2022	January 26.

6. All these reports have been diligently transferred between the two parties and the Commission has been constantly requesting additional and specific information. In turn, on January 4, 2011, the Commission requested the State to adopt the necessary measures to provide humanitarian assistance to beneficiaries who are in a situation of displacement and to guarantee their return to San Juan Copala in dignity and safety. Also, on July 31, 2013, the Commission decided to maintain the precautionary measures in effect. On August 30, 2013, the Commission decided not to grant the request for extension of

the precautionary measures. In addition, the Commission has convened the parties to working meetings on 26 March 2011, 27 September 2011, 3 November 2012, 1 March 2018 and 11 December 2020.

7. At present, Braulio Hernández and Maurilio Santiago – from the Center for Human Rights and Advice to Indigenous Peoples (CEDHAPI)- exercise the representation with respect to “19 identified heads of family”; as well as by Sergia Cepeda González, with respect to 38 identified beneficiaries. In addition, throughout the proceedings, the Bartolomé Carrasco Briseño Regional Human Rights Center and the Permanent Forum for the Truth Commission, among other beneficiaries, have also acted throughout the procedure.

B. Information provided by the State

8. On October 25, 2010, the State reported that it called the beneficiaries to a meeting on October 21; however, neither the representatives nor the beneficiaries were able to attend. On October 28, 2010, the State expressed that it is not clear about the entities that represent each of the beneficiaries and that the state police have taken measures to provide public security and protect the physical integrity of the inhabitants of San Juan Copala: a) permanently, the region has two state police departments, one with 37 officers and the other with 22 officers, and b) as an emergency, special operations are carried out that are designed and implemented in response to relevant circumstances that require the mobilization of a greater number of police elements. It was indicated that the Office of the Attorney General of the State (*Procuraduría General de Justicia del Estado*, PGJE) is conducting two investigations and two preliminary investigations into the facts that gave rise to the granting of the measures; regarding the events that occurred on October 16, 2010, an investigation is being carried out and information on the health of Jordán Ramírez was requested.

9. On November 16, 2010, the State stated that on November 5, 2010, a consultation meeting was held at which an agreement was reached on how to hold the next consultation meetings and the petitioners appointed a common representative; in addition, two emergency telephone numbers were communicated to the representatives and a liaison was designated from the Unit for the Promotion and Defense of Human Rights of the Ministry of the Interior.

10. On February 9, 2011, the State reported that: i) consultation meetings were held on December 15, 2010, and January 10 and 28, 2011; ii) emergency numbers were provided to the beneficiaries; iii) on December 22, 2010, a special working table was set up with the victims in the community and the representatives was requested to appoint two lawyers to assist in the investigation of the facts; iv) on January 24, 2011, a meeting was held between the beneficiaries’ lawyers and the PGJE, at which it was reported that there are nine investigation files and two open criminal cases concerning the events; v) in public security matters it was proposed to build jointly a scheme with the Secretariat of Public Security of the State (*Secretaría de Seguridad Pública del Estado*, SSPE), after training of its personnel; vi) in health matters, the Delegation of the Mexican Institute of Social Security (*Delegación del Instituto Mexicano del Seguro Social*, IMSS) in the state of Oaxaca offered the beneficiaries that, in case of requiring medical attention, they can go to the Hospital of the IMSS in Santiago Juchitahuaca or in the Family Unit number 65; as well as other health centers; vii) the Secretariat of Health Services in the state of Oaxaca and the Delegation of the IMSS in the said federal entity will design a Protocol of Care and Follow-up of the people affected by the conflict of the self-styled “Autonomous Municipality of San Juan Copala” (MAJSC); the beneficiaries will designate a representative, who will be the liaison with those authorities and will

provide a list of persons requiring medical care so that a diagnosis can be made and the necessary care determined; viii) on January 28, 2011, the representative of the Ministry of Health Services of Oaxaca provided information on home medical care that was granted to 15 beneficiaries of precautionary measures; ix) on the subject of education, the State Institute of Public Education (*Instituto Estatal de Educación Pública*, IEEPO) proposed to the beneficiaries to attend to children who are outside the community to incorporate them into a school or, where appropriate, create special groups, as long as they are within the state of Oaxaca; in the case of children who are in the community and do not have classes, the possibility of hiring teachers from the same community was offered on the condition that they have the profile to give preschool, primary and secondary classes; x) the beneficiaries will designate a representative who will collaborate with the National Commission for the Development of Indigenous Peoples (CDI) to determine which beneficiaries can be served by the existing social programs; and xi) the CDI offered the beneficiaries the payment of the transfer by land and food, to attend the follow-up meetings to the implementation of the precautionary measures.

11. On May 31, 2011, the State reported that: i) the Assistant Secretary for Legal Affairs and Human Rights of the General Secretariat of Government of Oaxaca (*Secretaría General de Gobierno de Oaxaca*, SJDH-Oaxaca) reported that the police elements that provide security for the entry of the beneficiaries to San Juan Copala cannot remain indefinitely in that community, to ensure the safe return of the beneficiaries; ii) considering the justice actions that are being carried out in favor of the beneficiaries, this is not the right time for them to return to their homes; iii) the Government of the State of Oaxaca does not consider it appropriate that the meeting for the implementation of the precautionary measures be scheduled for June 2, 2011 in San Juan Copala, since it may generate disagreement from the other groups not beneficiaries of the precautionary measures, which reportedly puts the physical integrity of the beneficiaries at risk; iv) on the progress of the Triqui indigenous to the corresponding entities, the implementation of security measures was requested in order to guarantee the safety of the inhabitants of San Juan Copala during the march of May 22, with follow-up at all times; and (v) the information that a commission of members of the MULTI met with the Governor of Oaxaca, Gabino Cué, where they determined that for the moment the beneficiaries of the precautionary measures will not return to San Juan Copala.

12. On August 31, 2011, the State stated that: i) on August 19, 2011, the State of Oaxaca reported that security and surveillance tours are being carried out in the conflict zone, to guarantee the physical integrity of the inhabitants and prevent crimes, security was also increased in favor of the beneficiaries currently installed in the Zócalo of the City of Oaxaca; ii) an investigation was initiated for the crime of homicide for the events that occurred on August 5, 2011, the State reports that there was no confrontation between armed groups, but it was an isolated event caused by a single person and it is claimed that the persons who lost their lives were not beneficiaries of precautionary measures; iii) the State has carried out ten working meetings, on the following dates: November 5 and December 15, 2010, January 10 and 28, February 11 and 26, April 8, May 11, and June 2 and 17, 2011; the following meeting has been convened for September 2, 2011; iv) in response to the facts that resulted in the implementation of the precautionary measures, the Office of the Attorney General of the State of Oaxaca (PGJEO) has initiated 8 investigations into the crimes of homicide and injury, one with an arrest warrant and one with a defendant; v) the SSPE, through the State Police, currently has two Sector commanders whose area of operations includes the Triqui area; vi) the strategy has been rethought and new actions have been developed to safeguard the integrity of the people who remain in the Oaxaca City sit-in, due to the fact that they have manifested the existence of people prowling the sit-in in an intimidating attitude and

carrying firearms; vii) the SSPE requested the Commissioner of the State Police to implement a special operation that includes the reinforcement of the police deployment throughout the Triqui area; viii) during the working meeting of February 26, 2011, it was agreed to create a working group in which only the issue related to the strategies that allow a safe return to San Juan Copala and the visit of the Verification Commission will be addressed; ix) a visit to the Autonomous Municipality of San Juan Copala (MASJC) was made on June 9, 2011; the Governmental Technical Commission considered that there are certain favorable conditions for the return of the beneficiaries, although some elements in the social fabric still have to be restored, and it was recommended that the return of the beneficiaries be agreed by the parties to the conflict through an agreement with the state and federal governments; x) in an inter-institutional meeting on July 26, 2011, the “Security Round Table” was set up as a strategic action of the State to ensure the safe return of the beneficiaries of the precautionary measures; xi) to date, a special office continues to operate for medical care and provision of medicines to the group of displaced persons, in the Family Medicine Unit number 65; additionally, there are four rural medical units; xii) at the follow-up meeting of the precautionary measures of June 17, 2011, the Ministry of Health of Oaxaca undertook to attend to the beneficiary Margarito Cruz Aguilar, who requires a high-level surgery; (xiii) the Ministry of Health Services of Oaxaca has provided medical care at home to 15 beneficiaries of the precautionary measures, as well as at the Hospital of Huajuapán and the Health Unit number 4; xiv) on April 4, 2011, the activities of the Health Center located in the community of San Juan Copala were resumed; xv) on May 2, 2011, the “Renovación” indigenous school shelter was inaugurated in San Juan Copala, benefiting 60 girls and boys from that community; the shelter also provides lodging and food; xvi) the beneficiaries were informed that through the Temporary Employment Program (*Programa de Empleo Temporal*, PET) the rehabilitation of the homes affected by the conflict in San Juan Copala can be carried out; xvii) an inter-institutional meeting was held on July 18, 2011, with the aim of participating in the construction of a comprehensive strategy of the Mexican State, to guarantee a safe return of beneficiaries of the precautionary measures through the implementation of actions or programs of human development, productive, health, education, infrastructure, among others; and (xviii) a list of all the feasible programs to apply in San Juan Copala, for the design of a permanent comprehensive program to be launched in the short term.

13. On October 24, 2011, the State reported that: i) in the MASJC the Triqui Community lives in a permanent social and political conflict and there are three groups: the Movement for Triqui Unification and Struggle (*Movimiento de Unificación y Lucha Triqui*, MULT) headed by Mr. R. M., the Social Welfare Unit of the Triqui Region (*Unidad de Bienestar Social de la Región Triqui*, UBISORT) headed by Mr. R. J. H., and the Independent Movement for Triqui Unification and Struggle Triqui Struggle (*Movimiento de Unificación y Lucha Triqui Independiente*, MULTI) headed by Jorge Albino Ortiz. One of the main conflicts is the control of the municipal head of the MASJC, which gave rise to the precautionary measures; ii) there are 5 criminal cases related to the facts that led to the implementation of the precautionary measures; within the framework of the cases there are two detained persons linked to the process and 10 arrest warrants have been issued; in addition, several working meetings have been held to inform the beneficiaries of the progress in the investigations; iii) since December 2010, security and surveillance patrols have been increased on Federal Highway 182, passing through various towns near San Juan Copala, as well as security and surveillance patrols on Federal Highway 182, passing through various towns near San Juan Copala; (iii) since December 2010, there have been increased security and vigilance patrols on Federal Highway 182, passing through various towns near San Juan Copala, as well as security and vigilance patrols for people in the Zócalo; emergency numbers have also been provided to beneficiaries; iv) the IMSS Oportunidades Oaxaca program, through the hospital of Juxtlahuaca, has

carried out a medical diagnosis and provided medical care to the beneficiaries; v) the Oaxaca Health Services have arranged a health brigade for *on-site* care, where actions have been carried out to prevent diseases, provide first level medical and psychological care, as well as deliver medicines for people in Oaxaca City; vi) the General Secretariat of Government provides financial resources for the acquisition of food for people who are in the City of Oaxaca; from September 14 to October 4, 2011, support has been provided to beneficiaries who were in the Zócalo for accommodation, food, renting a building, and transportation to Mexico City; vii) the government requested a list of beneficiaries to meet their specific needs; viii) the Secretariat of Public Security of Oaxaca has designed a special operational plan of care to guarantee the safety of the beneficiaries and the inhabitants of the Triqui area; as an initial part of this project, a special operation was ordered to be implemented, including the strengthening of police deployment throughout the Triqui area; ix) a working group was set up to provide support for orphaned children and widows; and x) the Oaxaca Comprehensive System for the Development of the Family (DIF Oaxaca) has proposed to the beneficiaries of the precautionary measures the installation of three community kitchens that could be set up in the Triqui area.

14. On February 13, 2012, the State stated that: i) on January 25, 2012, a peace agreement was reached between government authorities and the Triqui communities, in which it was agreed that the necessary actions would be carried out to guarantee the lasting, peaceful and safe return of the displaced persons, with integrated work tables with the representatives of the communities; ii) it was agreed that the return would begin after March 23, 2012 and that it would be gradual, therefore the Governor of Oaxaca was surprised when the beneficiaries made the unilateral decision to return to San Juan Copala; the decision to block the road was made because the Government of Oaxaca considered that the necessary conditions for the return of the displaced persons did not exist; (iii) on February 1, 2012, a working meeting was held in the City of Oaxaca, at which it was agreed: a) the management of the transfer of 10 members of the displaced persons to San Juan Copala; and b) the formation of a Comprehensive Verification Commission whose main function would be to verify that the return of the displaced persons takes place in a framework of respect for their life and integrity; at that meeting, the CDI stated that it will provide financial support for transportation and food expenses; iv) on February 2, 2012, another working meeting was held in which the parties undertook to continue the dialogue on February 4, in which it would be submitted for consideration that initially 25 families would return to their homes and subsequently the entry of the other beneficiaries would be agreed upon; v) on February 4, 2012, an assembly was held in the municipal agency of San Juan Copala, in which the following agreements were reached: a) the displaced persons may return gradually, with 5 families being able to return every Saturday thereafter until the total number of displaced families return; b) the security of the returnees will be provided by the municipal agency authorities; and c) the assembly requested full amnesty for all Triquis without distinction of groups; and vi) on December 17, 2011, the Government undertook to hand over 150,000 pesos for the 110 families who were displaced as compensation for the damage caused; this agreement was fully implemented on January 22, 2012.

15. By means of a report dated November 27, 2012, the State reported on two meetings that took place on November 16, 2012, and November 22, 2012, where they agreed to carry out a census of the people who are in the camp for displaced persons in central Oaxaca to verify whether they are included in the list of beneficiaries of the precautionary measures. In turn, on January 15, 2013, the State reported on a meeting of December 22, 2012, with Ms. Lorena Merino Martínez and Ms. Mariana Flores López and indicated that, on December 22, 2012, the representatives of the group of beneficiaries went to the Government Palace to state that, if a return to the MASJC was not implemented immediately, they would

not withdraw the demonstration. Consequently, the Government of Oaxaca asked them to withdraw because of adverse weather conditions, sent a brigade of doctors from the Ministry of Health to provide medical services and medicines, and offered the beneficiaries a shelter so that they could live in better conditions. It was indicated that the cell phone numbers of the SJDH-Oaxaca and the Coordinator for the Attention on Human Rights were provided so that they can communicate in case of emergency, adding that none of the beneficiaries have been detained, the people are not being held, they are there of their own free will, and the state authorities have not stolen the belongings of the beneficiaries; what they did was to collect the belongings that were found on the public road, belongings that are at the disposal of their owners.

16. On February 4, 2013, the State reported that in Oaxaca there are no paramilitary groups as the applicants state, they use this concept to include armed civilians belonging to civil society organizations. In addition, the State requested the verification of authorizations of representatives of some representatives of the beneficiaries. In relation to the foregoing, on February 26, 2013, officials of the Government of Oaxaca went to the displaced persons' camp to carry out the census agreed upon on November 22, 2012, but the procedure could not be carried out because the representatives Lorena Merino and Mariana Flores refused, as they had not been previously informed of the procedure.

17. On January 8, 2014, the State reported that: i) some of the beneficiaries were enrolled in the Opportunities Human Development Program and the Universal Pension Program for Older Adults; (ii) meetings have been attempted with the different groups of beneficiaries and on August 20, 2013, and September 12, 2013, two agreements were signed with the different groups of beneficiaries, and the State has committed to provide temporary housing for the beneficiaries. Other commitments include: a) providing necessary medical services to all beneficiaries, with psychological care for children and young victims of the conflict; b) regularizing the academic situation and granting educational scholarships for displaced children; c) managing the inclusion of beneficiaries in social programs; d) providing support for the management and operation of productive projects, providing spaces for the sale of their handicrafts and installing a working group on justice in order to generate processes to punish those responsible for crimes related to the conflict; and iii) on October 1, 2013, a working meeting was held in which the Undersecretary of Legal and Religious Affairs of Oaxaca (SJAR-OAXACA) stated that a draft agreement was not accepted by the government, due to the divisions that exist among the beneficiaries. Finally, the State highlighted the difficulty of having different groups of beneficiaries with different representatives.

18. On August 26, 2014, the State stated that: i) since January 28, 2014, self-employment projects have been implemented in favor of the two groups of beneficiaries, consisting of sewing and carpentry workshops; ii) they have been given medical care through the Ministry of Health of Oaxaca in the shelter; iii) the SSPE has implemented security actions that include tours and surveillance in the vicinity of the shelter in; and iv) with respect to the Triqui community in the Federal District (DF), it was reported that medical personnel carried out certification of 9 people who reported that they had been injured by members of the DF public security forces; six of the people did not present injuries or traces related to the events; and on December 17, 2013, they were given financial support for their transfer to Oaxaca.

19. On May 8, 2015, the State reported that four different groups of alleged beneficiaries have been formed that are opposed to each other, represented by different people, claiming that the groups are composed of the beneficiaries, as well as various people who have joined their claims in order to obtain some benefit. Between April and August 2014, they were able to determine who the beneficiaries of the

precautionary measures were, which served to issue birth certificates, the Single Population Registry Code and voter credentials from the National Electoral Institute, for people who did not have them. It was also determined that: a) not all the beneficiaries were inhabitants of San Juan Copala; b) the original request contained some fictitious or non-existent names, so that the real number of beneficiaries was reduced to 109, instead of 135; and c) the request for precautionary measures did not include all of the beneficiaries' families, but only one or some of their members. The State indicated how the four groups of beneficiaries and their representative were reportedly divided, as well as the actions taken on behalf of each group:

- (i) Regarding the group of 60 people headed by Braulio Hernández: i) temporary housing for the members of 13 families of displaced persons in charge of the General Secretariat of Government of the State of Oaxaca (*Gobierno del estado de Oaxaca*, SGG); ii) delivery of food supplies in favor of the beneficiaries; iii) 115 underage persons were incorporated into basic and middle school education; school supplies, uniforms, and footwear were provided and school scholarships were granted to basic education students who provided the requested documents in due time and form; (iv) procedures for affiliation to the popular insurance scheme were expedited for the beneficiaries; (v) medical care has been provided to beneficiaries who have requested it, including care for four pregnant women, wheelchairs, among others; (vi) the Secretariat of Public Security (*Secretaría de Seguridad Pública*, SSP) carries out patrols and inspections in the vicinity of the houses where the displaced persons are located; (vii) training has been provided to enable them to become productive life; (viii) in January 2013, a shop was set up in the historic center of the city of Oaxaca so that the Triqui indigenous people could sell their handicrafts; (ix) the beneficiaries were given a vehicle so that they could move around easily, with support for vehicle maintenance and fuel; (x) economic support has been provided so that the beneficiaries can purchase telephone cards and thus communicate easily with the officials in charge of implementing the precautionary measures; xi) on April 8, 2015, the government of Oaxaca signed an agreement with the beneficiaries in which it committed to provide a subsidy for the acquisition of 50 plots of 200 square meters, a subsidy that plans to be delivered on May 12.
- (ii) Regarding the group of 28 people represented by Reyna Martínez Flores, the measures are similar to the previous ones, adding the following: i) in 2014, 2 houses were enabled to be inhabited by the beneficiaries as temporary shelters; ii) delivery of food endowments; iii) 17 minors were incorporated into the educational system; iv) on April 20, 2014, the government committed to grant a subsidy for the acquisition of 50 plots of 200 square meters, delivered on March 19, 2015; in addition, a subsidy was granted for the acquisition of a 1000 square meter plot for the construction of a greenhouse for the self-feeding project, a 600 square meter plot for the conservation of traditional Triqui medicine and a 400 meter plot for a green area for common use; (v) health caravans will be scheduled to provide medical attention to the beneficiaries; and (vi) the community was incorporated into the federal program "Strategic Food Security Project" which benefits any agricultural producer who requests assistance from the program.
- (iii) With regard to the group of 10 persons represented by Lorena Merino Martínez, they also have similarities with those indicated in point a, including the following: (i) temporary housing was granted to the group represented by Mrs. Merino, however, it was verified that beneficiaries of the precautionary measures no longer live in the shelter; (ii) steps were taken to expedite the affiliation of the persons in the group to Seguro Popular, but the beneficiaries would have refused; (iii) the group is trying to acquire a 40,000 square meter plot of land for the benefit of 36 families, which is outside

the standards of the agreements with the other beneficiaries; and (iv) the government would take the necessary steps for the construction of an *ejido* house and the scheduling of health caravans.

- (iv) With regard to the group of 11 persons represented by Jesús Martínez Flores, the measures are also similar, and the following stand out: (i) the persons in the group reportedly refused to participate in the process for affiliation to Seguro Popular; and (ii) three of the four families that make up the group of beneficiaries acquired their land with economic support granted by the State, but have refused to carry out actions to improve their housing.

20. In addition, the State referred to the actions taken in the area of justice: (i) eight criminal cases have been initiated to investigate the violent events that occurred at the MASJC, with three persons convicted of various crimes, and eight arrest warrants are in the process of being executed; and (ii) 10 investigation files are being processed: five for the crime of homicide, one for the crime of attempted homicide, and four for assault and battery. Finally, they request the lifting of the precautionary measures, as they consider that they have been fully implemented and highlight the existence of various groups of people who have tried to take advantage of them to obtain economic benefits.

21. On July 6, 2016, the State stated that: (i) the beneficiaries change their affiliations among the four groups of beneficiaries constantly; (ii) the government of Oaxaca conducted field sweeps in San Juan Copala, finding that 3 houses were inhabited by beneficiaries who returned to the MASJC voluntarily and unaccompanied; (iii) the government of Oaxaca allocated economic resources for humanitarian aid; (iv) the members of Reyna Martínez Flores' group have received 150,000 pesos in humanitarian aid, which has allowed them to move into private homes; (v) the greenhouse that had been agreed upon with the group led by Reyna Martínez has already been built; (vi) the state police carried out security and surveillance patrols in the towns that make up the Triqui region, operating permanently day and night, to prevent the commission of crimes and guarantee public safety; (vii) an operational deployment has been implemented in the area of San Juan Copala and in the Oaxaca Zócalo, in order to guarantee the physical integrity of the beneficiaries, and an emergency number has been provided to the beneficiaries in order to respond immediately to any eventuality that might arise; (viii) one of the criminal cases initiated to investigate the facts concluded with a conviction on June 4, 2013; and (ix) three arrest warrants have been served against two persons; five persons remain to be apprehended. The State reiterated the request for lifting, indicating that the procedural requirements were not met.

22. On November 7, 2016, the State reported that, according to the information available, Ms. H.R.G. is not a beneficiary of the precautionary measures; but it undertook to take the necessary steps to ensure that justice is done; it reiterated its request for the measures to be lifted. On November 11, 2016, the State stated that it had opened an investigation into the crime of aggravated homicide against those responsible for the events that occurred on August 13, 2016, and reiterated its request for the measures to be lifted. On August 9, 2017, the State reported that: (i) an investigation was opened into the crime of homicide of Mr. Santiago Hernández Cruz; (ii) security and surveillance patrols were carried out at the home where Mr. Hernández Cruz lived, as well as crime deterrence and prevention in different towns in Oaxaca, but without entering the Triqui ethnic populations, due to the control maintained by the social leaders in the area, who have prevented the security forces from entering the communities; (iii) Mr. Santiago Hernández Cruz did not have protection measures, as the Mexican State did not receive information from which it could be inferred that the beneficiary was in danger; and (iv) the State developed a security policy to begin to deal with the conflict between different armed civilian groups; the policy was implemented both to

attend to each group of beneficiaries with patrols in their areas of refuge, and to secure the region of San Juan Copala in general.

23. On November 21, 2018, the State reported that the 2014 census that identified 109 beneficiaries was updated, yielding in 2018, 60 beneficiaries organized in 41 families and four groups of beneficiaries; of the 60 beneficiaries it is known that 3 persons died, 3 live in the United States of America, 9 live in other states of the Mexican Republic, 6 did not attend the call made and the whereabouts of 2 beneficiaries are unknown. It was indicated that the group represented by Ms. Reyna Martínez was divided, they are now represented by Reyna Martínez and Sergia Cepeda González; the persons represented by Lorena Merino Martínez who are now represented by Mrs. María Juana Santiago, adding that Lorena Merino did not attend the call for participation in the 2018 census. The State proposed the creation of a set of 65 houses in Santa Cruz, Xoxocotlán, Oaxaca, which will have all the basic services; in addition, the State will provide seven public spaces to be used by the beneficiaries for the sale of their handicrafts.

24. On March 26, 2020, the State reported that 10 beneficiaries are trading in the corridors of the main façade of the Palace of Government of Oaxaca, who will be removed as a preventive measure due to the increase in cases of COVID-19; consequently, they will be granted humanitarian support for the purchase of food and for the payment of monthly rent. On November 30, 2020, the State stated that: (i) it was agreed as a lasting and definitive solution to the situation to grant housing or housing support to the beneficiaries; in this regard, the beneficiaries allegedly committed to request in writing the lifting of the measure upon receiving the support; (ii) 67 beneficiaries from four groups of beneficiaries took part in the 2018 census, making a total of 42 families; (iii) the housing construction process began with the clearing and flattening of the land, as well as the introduction of basic services and the legal procedures for the plots; (iv) to ensure the surveillance and security of the land on which the houses were to be built, a security system was installed consisting of video surveillance cameras, hard drives, etc.; (v) Attempts to obtain building permits failed, as the neighbors of the land objected, claiming that the Triqui indigenous people are violent and conflictive; (vi) the beneficiaries expressed their concern, since the organizations fighting for political power in the Triqui area threatened to divide up their property in San Juan Copala, since with the new housing, the displaced would not return to the MASJC; (vii) the beneficiaries living in the Mixteca region would have regretted accepting a house in Oaxaca, so it was proposed that they pay 240,000 pesos for the construction of a house: the state government would pay 50 per cent and the federal government the other 50 per cent; on August 14, 2020, the payment of 50% was approved; (viii) in terms of security, it is noted that security, presence and surveillance rounds are conducted every day in the Triqui area; (ix) the beneficiaries are staying in three temporary shelters in the city of Oaxaca, the costs are borne by the State, and it also provides support for the rental of two commercial premises; the beneficiaries who are installed in the corridor of the Palace of Government of Oaxaca do so voluntarily, as they have refused to go to the shelters; (x) the beneficiaries represented by Reyna Martínez who denounce the failure to comply with the precautionary measures make false claims, as they were the ones who refused to be part of the 2018 census to access the housing support; and (xi) due to the economic effects of the pandemic, the State would not be able to continue granting support to the beneficiaries of the precautionary measures. On December 10, 2020, the State reiterated information previously submitted and stated that it is considered that the payment of the 240 thousand pesos promised to 31 beneficiary families could be made in January 2021.

25. The State presented its last report on January 25, 2022, presenting as background an explanation of the territorial conflict in San Juan Copala. The problems of identification and representativeness that

led to the 2014 census were reiterated, specifying the integration of the four groups and the specific measures received by each of them in terms of food support, health, security, education, support for housing, support for work or trade, vehicles, compensation for deaths, among others; in the report, the State breaks down each of the supports given to the beneficiaries, especially to their representatives, during the different years of support, as well as the economic expenses incurred.

26. In this way, the State recalled that, as an agreement to meet with the IACHR, the delivery of housing or housing support was committed as a lasting solution to the problem of displaced persons, and the 2018 census was conducted for those purposes. The State reported that, of the 108 persons, 5 died, leaving 103. Of the 103 persons, 67 agreed to participate in the process and the census, listing the rest of the persons according to their groups and their location and/or reason for not being willing to be registered or accept any agreement. Thus, the report relates the reasons why it was not possible to build a subdivision for the beneficiaries, so it was agreed with them the delivery of support for each of the families, consisting of \$240,000, to be delivered \$120,000 pesos by the state government and the remaining \$120,000 pesos by the federal government for each of the 42 families³.

27. The State reported that on December 22, 2020, full housing support was delivered to 19 families. On January 19, 2021, support was provided to 10 additional families. The State indicated that the payment of support was made available to the rest of the persons registered in the census, but that some could not be located, and others did not come to collect it, specifying the situation of each of them, including some who stated that they were told that if they did not participate in the process, they could obtain more benefits. Access to resources was available for one year.

28. The State considers that there have been no risk events since 2013 and that the events that gave rise to the precautionary measures have already been investigated and prosecuted, and that the agreements to provide economic support for housing have been complied with. The State indicates that, although there is a group that disagrees with the manner of implementation, they are seeking issues that go beyond the precautionary measures. According to the State, more than 50 million pesos have been spent on implementation. It is also considered that the situation of vulnerability caused by forced displacement has been ended, having generated mechanisms for their resettlement through the provision of land and economic support so that they can develop their productive activities and take ownership of their life project.

C. Information provided by the representatives

29. The representatives provided a report on 18 October 2010. It was reported that on 16 October 2010, when five indigenous Triqui were on their way to Yosoyuxi Copala in a Toyota pick-up truck, Teresa Ramírez Sánchez - who was four months pregnant - and Serafín Ubaldo Zurita were killed, and Jordán Ramírez González and Domingo Ramírez were wounded; Jordán Ramírez could not have been treated at the Juxtlahuaca Hospital because he was being watched by an armed group that was outside the hospital; they also saw armed men looking for Jordán; and, with respect to Domingo, he was wounded in a ravine and was rescued on the morning of October 17. It was stated that some indigenous Triqui members of the

³ In addition, it was reported that, as support for house construction, 7 families received additional support of \$240,000 pesos from the National Housing Commission, but this was cancelled because the beneficiaries did not comply with the rules of the program.

MASJC were displaced, however, certain members of the community remained and were attacked when they went out to carry out their daily activities in the city of Oaxaca or Juchitán. It was indicated that a meeting to implement the precautionary measures had been requested on October 13, 2010, but no reply had been received. On October 23, 2010, the representatives stated that on the same day, according to media reports, the leader of the MULT, Heriberto Pasos, was murdered, as well as that members of the movement had received death threats and it was even said that a massacre might occur against some of the beneficiaries. Therefore, they requested assistance from the federal police to transfer Jordán Ramírez from a hospital in Oaxaca to a hospital of the Federal District, due to his critical state of health.

30. On November 6, 2010, the representatives reported that on November 5, 2010, a consultation meeting was held at which they presented the State with proposals for implementation actions to be taken. The State told them that it would analyze the proposals and inform them of the decisions taken. In addition, since the meeting, a mechanism for immediate reaction in emergency situations was set up to intervene in the event of an aggression against the inhabitants of the MASJC. On November 8, 2010, the representatives stated that that same day at 12:30 p.m., members of the Mexican Army entered communities belonging to the MASJC, causing fear in the community; the representatives added that at the November 5 meeting they expressed their disagreement with the militarization of the MASJC.

31. On December 8, 2010, the representatives stated that two months have passed since the precautionary measures were granted and the State has not taken any action to implement them; nor have they been summoned to a new consultation meeting, as the meeting scheduled for November 18, 2010, was suspended by the State. On November 29, 2010, a meeting was held with the Undersecretary for Legal Affairs and Human Rights, where the implementation of the precautionary measures was urged. In a letter dated January 24, 2011, the representatives indicated that they held consultation meetings on November 5 and December 15, 2010, and on January 10, 2011, but that the State has not taken concrete actions to protect the life and integrity of the beneficiaries. Additionally, it was reported that: (i) the first week of December, members of the Triqui community tried to make use of the emergency numbers provided by the State, as members of the Oaxaca State Police were trying to evict them, without obtaining any response; (ii) Mrs. Reyna tried to use the emergency number, as she would be under surveillance day and night; Mr. Jesús Martínez Flores tried to use the numbers for the same situation, without obtaining a response; (iii) the members of the community who were displaced live in deplorable conditions, without access to drinking water, without a place to live; many of them have become ill due to the conditions in which they live; and (iv) impunity continues with respect to the members of the “paramilitary groups” who allegedly acted against the beneficiaries, which allows the aggressions and murders against the members of the MASJC to continue.

32. On May 19, 2011, the representatives requested the extension of precautionary measures in favor of 1956 beneficiaries, due to the following: i) the measures were granted to specific persons as they were the indigenous Triquis who could be located and who resided in the Community of San Juan Copala, but there are hundreds of Triquis residing in other communities, who have had to move because they have been subjected to threats, murders and all kinds of illegal acts by the “paramilitary groups MULT and UBISORT”; (ii) the persons would be in the same situation of risk of being murdered, raped or disappeared, because they are part of the same community, because they recognize the MASJC and give shelter to the displaced persons from the municipal capital of San Juan Copala; (iii) given the inaction of the Mexican State to generate a return plan for the displaced, the beneficiaries of the measures and the proposed beneficiaries of the request planned to march on May 22 that would have the purpose of

returning to the MASJC on May 27 to retake their territory, which could imply a risk to their lives and personal integrity; and (iv) they fear that the “paramilitary groups” want to take over the other neighborhoods of the Triqui community, just as they took over the municipal seat of the MASJC. On May 26, 2011, the representatives stated that: (i) the “paramilitary forces” took the municipal seat of the MASJC where the ceremonial, political and economic Center of the Triqui Community is located, so that said takeover not only affects the 135 beneficiaries, but also the 9155 members of the Triqui Community; (ii) on October 26, 2010, an armed group arrived in the Guadalupe Tilapa neighborhood and opened fire indiscriminately against the inhabitants of the town; and (iii) the beneficiaries consider that the Mexican State supports the paramilitaries, as the Governor of Oaxaca appeared in the press with leaders of the MULT, who are considered to be the paramilitaries responsible for the displacement.

33. On June 20, 2011, the representatives reported that: i) they congratulate the new state government for the arrest of Mr. R. J. leader of the paramilitary group UBISORT and request that the necessary actions be taken to arrest the others involved and to prevent violations of the right to life, security and liberty of the displaced victims; (ii) they require immediate action due to the omission on the part of the government of Oaxaca; (iii) the beneficiaries continue to be displaced and in a situation of helplessness as a result of the violence against them; (iv) ministerial agents went to San Juan Copala to investigate the crimes committed against the beneficiaries, but were unable to enter, as they were threatened by a group of people who were on the road leading to the community; the access roads to the community were closed by an armed group, whose members are members of the MULT and UBISORT organizations; (v) they allege that the situation places the beneficiaries in a double situation of vulnerability, since they suffer the consequences of the criminal act and of the omission of the authorities to resolve the criminal investigations (vi) the government of Oaxaca has given the impression that there is no longer a threat in the area; however, this is false, since the government had tried to ensure the conditions for the return of the displaced persons, but even with its more than 200 police officers, the state police were unable to enter the municipality; (vii) the representative of UBISORT threatens the government, stating that if the government tries to ensure the return of the displaced, such action would unleash a massacre against the members of MULTI; and (viii) “just over a year ago” Jyri Jaakkola was murdered at the hands of the same groups that now keep San Juan Copala under siege; during the period from November 28, 2009 to December 31, 2010, 39 people were killed in the towns of San Juan Copala.

34. On June 30, 2011, the representatives stated that on June 29, at approximately 2:00 a.m., a group of three members of MULT entered the home of Mr. Casimiro Martínez Aguilar,⁴ spokesperson in the Federal District of the MASJC, with the purpose of murdering him; the three members of MULT were N.M.M., A.M.G. and L.M.G., who during the last months allegedly threatened to kill Casimiro. On August 7, 2011, the representatives reported that on August 5, 2011, three members of MASJC were killed by paramilitaries. The persons killed were Francisco Ramírez Merino, José Luis Ramírez Hernández and Álvaro Jacinto Cruz⁵; they also reported the detention of a group of approximately 8 “MULT paramilitaries”, who were captured at a checkpoint by federal forces on August 4, 2011. Additionally, they reported that on August 7, 2011, state agents beat indigenous women in an attempt to evict the Displaced Persons Camp; the police attempted to detain the MASJC representatives “Reyna Martínez Flores, Marco Albino and Ramiro”, threatening them with arrest if they continued to try to watch over the indigenous people killed by the MULT in the displaced persons camp.

⁴ He is not on the list of beneficiaries on which the granting of precautionary measures was based.

⁵ They are not on the list of beneficiaries on which the granting of precautionary measures was based.

35. On August 9, 2011, the representatives stated that: i) the Government of Oaxaca donated the amount of 110 million pesos to the MULT, for which they consider that the State has financed those responsible for the murders against the Triqui indigenous people; ii) there are death threats against all members of the MASJC, both in the camps for displaced persons in DF and in Oaxaca, giving as an example that the three members of MASJC murdered on August 5, 2011 received death threats before their murder; (iii) one of the women beaten on August 7, 2011, was a 4-year-old girl, who has injuries to both ears; (iv) Casimiro's wife, Nicolasa Merino Martínez, denounced the break-in at her home on June 29, 2011, for which the three attackers sent threats telling her that they "were going to beat her to death and that they would kill her if they arrested any of the accused"; (v) they denounce the lack of investigations to elucidate the crimes against Casimiro Martínez Aguilar; (vi) "about a week ago", N. M. M. threatened Constantino Martínez Aguilar with death. M. M. threatened Constantino Martínez Guzmán in his home; (vii) the emergency numbers provided by the State have not worked, since the presence of State agents was requested when the "paramilitaries" harassed the indigenous Triqui at the encampment in Oaxaca and no one responded to the call; (viii) there has been no judicial action against the paramilitaries, except for the detention of R. J.; (ix) the state of Oaxaca has not only not allowed or facilitated the return of the displaced to San Juan Copala, but has obstructed this return with threats and harassment against its main leaders; (x) the government liaison, Lic. Arturo Peimbert, has threatened the leaders of the beneficiaries - Marcos Albino, Jorge Albino and Reyna Martínez Flores - saying that arrest warrants will be executed against them for refusing to conciliate with members of MULT; (xi) on May 26, 2011, Governor Gabino Cue had a meeting with the beneficiaries, indicating to them that if the displaced insisted on their intention to enter San Juan Copala, they would be arrested for any act of violence, which they interpret as a threat; (xii) the places that the State has offered for medical attention such as the Juxtlahuaca Hospital are permanently besieged by the paramilitary groups and political caciques that have exploited the Triqui communities; (xiii) there has been no attention to those injured by the aggressions of the MULT; and (xiv) the displaced children and women in the camps in Oaxaca, Mexico City and in the barrios of San Juan Copala have become constantly ill because they are living in conditions of extreme poverty and vulnerability, sleeping on the ground, in the open air and without drinking water.

36. On August 19, 2011, the representatives requested a public hearing and, on August 30, 2011, requested the extension in favor of residents of the Cold-Water District, a community belonging to the MASJC. This community had recently been attacked by the MULT, killing Francisco Ramírez Merino, José Luis Ramírez Hernández and Álvaro Jacinto Cruz. In addition, they request medical attention for Mr. Adalberto Hernández Álvarez, who suffers from diabetes and requires pancreatic surgery, and to pay for it due to his condition of forced displacement. On October 4, 2011, the representatives requested urgent medical attention for the beneficiary Jordán González Ramírez due to his critical situation; he has had a bullet lodged in his skull since October 2010, for which he requires constant medical attention and expensive medication that he cannot continue to pay for due to his precarious situation; he is currently living on the street, in the *Zócalo* of Mexico City, and is unable to work.

37. On November 11, 2011, the representatives reported that the same day at 11:30 a.m., María Agustina Flores, Emilia López Martínez, and Margarita Martínez Ramírez were beaten by a commando of approximately 10 people in civilian clothes under the command of government agent Saturnino Sánchez Flores, and Mr. David Cilia Olmos was also assaulted when he tried to stop the aggression. This happened half an hour before the beginning of the meeting between the State and the beneficiaries, which they consider to be part of the Mexican State's strategy of intimidation against MASJC. On November 20, 2011, the representatives reported that on the same day, the governor of Oaxaca ordered the violent eviction of

the displaced persons' camp of San Juan Copala located in the Zócalo of Oaxaca City; starting at midnight, groups of police, *porros*, and "paramilitaries dressed in civilian clothes" have begun to gather around the displaced persons' camp to evict the 30 adults and 15 children residing there.

38. On January 22, 2012, the representatives stated that: (i) on January 23, the beneficiaries of the present measures in the company of the other displaced persons will attempt to enter the community of San Juan Copala; (ii) there is discontent over impunity, due to the freedom of some of those responsible; (iii) the State has preferred to do things unilaterally, an example of this is that the diagnostic document of the visit carried out to the MASJC has not been made known to the representatives or beneficiaries; (iv) on December 15, 2010, the State had committed to provide a lawyer from the Ombudsperson's Office, a commitment that has not been fulfilled, leaving the beneficiary population defenseless; and (v) they consider that the educational measures are not adequate, since the "Renovación" institute is located in San Juan Copala, benefiting rather the groups that evicted them from the territory. On the other hand, it was indicated that the security measures have not worked either, as the acts of violence continue. On January 26, 2012, the representatives informed that the caravan of displaced people from San Juan Copala were departing from Oaxaca's main square to return to their homes, however, they request security conditions for the displacement, as the governor of Oaxaca has threatened to impede the free movement of the displaced persons to their homes by means of public force.

39. On January 27, 2012, the representatives stated that more than 200 police officers forcibly detained the return caravan of displaced persons from San Juan Copala, despite the fact that on December 19, 2011, an agreement was signed in which the governor promised that by January 20, 2012, at the latest, the process of return of the displaced Triqui families should be completed. Subsequently, the Secretary of Government informed them that they would not be able to return to the MASJC until the authority of San Juan Copala so decided, an authority that the beneficiaries do not recognize, as they consider that it was "imposed by the paramilitaries". On January 30, 2012, the representatives reported that: (i) David Venegas, one of the solidarity members accompanying the caravan, was detained; in addition to this, several of the beneficiaries have been harassed and threatened by members of the state police; (ii) the Federal Government has had no involvement in guaranteeing the security conditions of the displaced persons returning to their homes; (iii) the beneficiaries, in a commission of 10 persons, plan to sit down to dialogue with the inhabitants of San Juan Copala on January 31, 2012; and (iv) on February 2, 2012, all of the displaced persons will enter San Juan Copala and hold the Mexican State responsible for the deaths and damages that may occur. On February 2, 2012, a meeting began between the persons that the Governor of Oaxaca recognizes as authorities of San Juan Copala and the MASJC commission of displaced persons to discuss the return of the displaced persons; however, they alleged that the MASJC "authorities" are part of the "paramilitary groups" responsible for the murders in San Juan Copala. On February 9, 2012, the representatives reported that on February 8, four members of the MULT were sent to the Ixcotel prison, members of the terrorist group that keeps the Triqui zone under terror, requesting that they be investigated and not released. Likewise, following a meeting held on February 4, 2012, they expressed their discontent, as people they consider responsible for the violence in San Juan Copala were included.

40. On March 29, 2012, the representatives insisted on the assessment of impunity and "failure to provide security guarantees for the return of the displaced persons," alleging that the government of Oaxaca was negotiating with those responsible; the beneficiaries consider that the State is obliged to ensure the security of the displaced persons and their return only with the beneficiaries and their representatives. They referred to an agreement of January 25, 2012, which was not signed by the MASJC

representatives, considering that it is an agreement between the Government and “the paramilitaries” to control the Triqui zone. They indicated that the progressive return was likely to leave the returned families in the hands of the paramilitaries; they reported that in the assembly, the representatives were subjected to verbal threats, harassment and intimidation. For their part, the displaced people who were in the Oaxaca camp decided not to return because of the conditions in which they lived: their food is minimal, their children are not in school and have no documents, and their economic activity is annihilated, as they have no access to their territory or to the women’s looms. It was indicated that “for a few weeks after” the signing of the agreement, the displaced persons were staying in a hotel paid for by the State, albeit in overcrowded conditions. They also recognize that the State gave 150,000 pesos to 110 displaced families, but they consider that this does not solve the problem.

41. On June 15, 2012, the representatives stated that R. M. Z., leader of MULT, whom they consider to be one of the main perpetrators of the murders in the MASJC, would be a candidate for Congress for the MORENA party. They fear that this victory might put them in danger. Furthermore, they request the reestablishment of implementation meetings with the Mexican government, as they have not met again since February 2012. On June 23, 2012, the representatives reported that on June 22 shots were fired at the Agua Fría community, where some of the beneficiaries have taken refuge; the shots came from the community of Ojo de Agua, a MULT community that the beneficiaries consider to be responsible for the violence. On July 13, 2012, the representatives stated that the State cancelled the implementation meeting scheduled for July 11, 2012. On August 30, 2012, the beneficiaries’ representatives requested a public hearing.

42. On November 13, 2012, the representatives indicated that the State complied with the implementation of an assistance program for widows and orphans, as well as the payment of 150 thousand pesos as reparations. They reported that on June 17, 2012, an agreement was signed with the General Secretariat and the Secretariat of Indigenous Affairs, in which the state government committed to purchase a piece of land with adequate measures to house the 110 MASJC displaced families and to safeguard the houses of the displaced and what may have been left after the looting. On November 15, 2012, the representatives stated that on November 14 there was a police siege around the displaced camp in the center of Oaxaca, in which State officials threatened to evict them.

43. On December 6, 2012, the representatives reported about the divisions in the representatives, indicating that the 108 beneficiaries identified at the time decided to be represented by the beneficiary Lorena Merino Martínez and the MASJC representative Manuel de Jesús Ramírez⁶. They also state that: (i) the beneficiary Víctor Manuel Aguilar Flores withdrew and the beneficiary Severo Sánchez González died; (ii) that the agreements with the State on economic reparation were signed by two beneficiaries - Reyna Martínez Flores and Marcos Albino-, without informing the rest of the beneficiaries, due to this, not all the beneficiaries received the agreed money and those who did receive it were intimidated by Mrs. Reyna to hand over part of the money as “fines” or “cooperations”; (iii) the beneficiaries are against the temporary relocation of the displaced persons, as they consider that this would consolidate “the paramilitaries’ dominion over the ancestral territory of the Triqui community”; (iv) due to the State’s non-compliance, the displaced live in conditions of extreme poverty, have no medical attention, suffer harassment from the authorities and inspectors who prevent them from earning a living by selling handicrafts; the Triqui communities near the MASJC are in danger because the “paramilitaries” continue

⁶ He is not on the list of beneficiaries on which the granting of precautionary measures was based.

to gain ground; (v) the week before the report, Oaxaca government officials and doctors visited the beneficiaries' camp and provided medical attention to some of the women; and (vi) the State has not investigated those allegedly responsible for the violence. Finally, they reiterate that the governor of Oaxaca recognizes the perpetrators of the MASJC displacement as authorities and wants the beneficiaries to recognize them so that he can agree with them on the conditions for the return of the displaced.

44. On December 22, 2012, the representatives stated that the displaced persons from MASJC who are in the Oaxaca encampment have been subjected to threatening events, such as the attempted kidnapping of Mariana Flores on December 6; the attempted kidnapping or murder of César Álvarez Martínez, who was pursued by two armed individuals as he was leaving the encampment; as well as telephone death threats against the representatives of the sit-in. On December 23, 2012, the representatives reported that on the same day, the displaced persons were violently evicted from the Oaxaca encampment, the evicted indigenous people were without any kind of protection and unable to prepare their food, as all their blankets, jackets, papers, food and kitchen utensils were stolen or destroyed by the police; later they reported that the government keeps the displaced people held in a space of 12 meters long by 6 meters wide, 150 people are in a situation of overcrowding and there is no place where they can carry out their physiological needs.

45. On January 18, 2013, the representatives stated that: (i) on January 17, 2013, three people were reportedly stalking the displaced persons' camp, following the people leaving the camp and chasing two Triqui women as they went to the bathroom, and (ii) on January 18, three men reportedly went to the home of Ms. Maribel Hernández, a displaced person from MASJC, saying that on the orders of Deputy R. M. Z. would "hold the nose" of all the people from San Miguel Copala who are in the displaced persons' camp; two of the men were identified as members of MULT. On January 28, 2013, the representatives requested a working meeting and reported that they have not been given any emergency numbers to contact. On January 29, 2013, the representatives presented a draft agreement to be signed between the State and the beneficiaries' representatives, Lorena Merino Martínez and Mariana Flores López, in which it was agreed: a) that joint working groups would be set up on issues of justice, social development, health, and education; b) the State would acquire a property for the displaced persons to guarantee them a decent place to live; and c) the Government of Oaxaca would take the necessary steps to ensure their safe and peaceful return.

46. On February 27, 2013, the representatives reported that state authorities went to the displaced persons' camp to conduct a census, as agreed at the meeting of November 22, 2012; however, this could not be carried out because the beneficiaries had no prior knowledge of the process. On March 14, 2014, they reported changes in the representation before the IACHR⁷ and indicated that on August 25, 2012, in the Assembly of Displaced Persons of San Juan Copala, a common representatives commission was appointed consisting of Lorena Merino Martínez, Manuel de Jesús Ramírez, and Mariana Flores. On March 22, 2013, the representatives informed that: (i) the grandfather of the representative Lorena Merino, Gonzalo Merino, died in San Juan Copala and they request assistance to be able to bury him in the MASJC in accordance with Triqui traditions and to verify the state of health of his widow; and (ii) they requested that they resume meetings with Lia Limón, Undersecretary of Legal Affairs and Human Rights.

⁷Exercised by MASJC, the Permanent Forum for the Truth Commission (*Foro Permanente por la Comisión de la Verdad*), and SAKBE, Communication and Advocacy for Change AC.

47. On April 5, 2013, the representatives stated that on February 18, 2013, the decision to appoint Ms. Lorena Merino Martínez and Mr. Manuel de Jesús Martínez as representatives was ratified, as well as to revoke the representation of Reyna Martínez Flores and Marcos Albino Ortiz. They indicated that the MASJC does not have a president, since Mr. Jesús Martínez Flores was removed from his position for misusing it. On April 18, 2013, the representatives reported that the MASJC displaced persons are in a camp in the State of Oaxaca Government Palace corridor, living in unfavorable conditions; they request that the State allow them to sell their handicrafts there in order to obtain money for their subsistence and to satisfy their needs. On May 10, 2013, the beneficiaries' representatives headed by Reyna Martínez Flores reported that they were aware that on May 7 a working table was held between the State and the representatives headed by Lorena Merino Martínez, a situation that seems delicate to them since they were not contacted even though they are both beneficiaries and representatives of certain beneficiaries of the precautionary measures.

48. On June 3, 2013, the representation requested the temporary and permanent relocation of some displaced persons, including beneficiaries⁸; it also requested that an *on-site* visit be made to the displaced persons' camp and that the relevant investigations be initiated to find those responsible for the acts of violence. On July 13, 2013, the representation reported that on July 10, MULT hired killers ambushed a car on the highway that connects San Juan Copala with the Juxtlahuaca Putla highway; in this episode, Mrs. Virginia Hernández Bautista and her 3-year-old son were wounded; the boy died from a bullet to the head. The representation considers that the attack was an attempt to entrench electoral fraud in San Juan Copala and to maintain terror among the Triqui population. On July 18, 2013, it was reported that MULT hit men have threatened to kill two witnesses to the ambush carried out on July 10. On July 31, 2013, there was an attempt to evict the displaced people's camp in San Juan Copala; approximately 100 police and inspectors arrived at the camp with the intention of evicting them.

49. On August 6, 2013, the representation stated that on June 27, 2012, an agreement was reached in which the Government of Oaxaca undertook to purchase a plot of land to temporarily relocate the displaced persons; however, this land has not been delivered to them. On August 9, 2013, it was reported that on August 7, 2013, at 9:00 a.m., the "paramilitaries" responsible for the forced displacement entered the displaced persons' camp; this event was denounced on August 8 to the Ministry of the Interior. On August 17, 2013, the representation stated that: (i) the Government of Oaxaca was asked to provide a plot of land large enough to house the 110 displaced families of the MASJC, with minimum services such as public lighting, drinking water, a health center, space to build an educational center; likewise, the installation of a working table with state authorities was requested; and (ii) on August 1, 2013, a complaint was made to the Human Rights Ombudsman of the People of Oaxaca (DDHPO); Fidelfia González Martínez filed a formal complaint against members of the state police, because that same day 8 police officers came to the IDP camp and began to make obscene signs and speak obscene words against her and other women present in the camp; Fidelfia was subsequently assaulted by a policeman who tried to snatch a blanket she was holding, twisting her hand, after which she was pushed, one policeman took advantage of the moment to touch her buttocks and another hit her on the back with his elbow. A new change in the representation was also reported⁹. On August 21, 2013, the representatives reported on the assemblies with the displaced and the DDHPO held between August 6 and 11, 2013, reporting various

⁸ 171 displaced persons request temporary relocation, and 80 displaced persons request permanent relocation; it is specified that the MASJC displaced persons request temporary relocation.

⁹ It was indicated that it was agreed that Braulio Hernández, Carmen de Jesús López, Enrique González Martínez, Mariana Flores López, Manuel de Jesús Ramírez, Fidel Santillán Flores, and Marcelina de Jesús Flores would now be representatives.

agreements: (i) temporary relocation of the displaced to improve their living conditions; (ii) government support through productive projects so that the displaced can find a sustainable way of life; and (iii) the appointment of a new representation. Also, within the framework of the assemblies, a census of the displaced was carried out and it was determined that there were 82 displaced families, a total of 110 people.

50. On September 10, 2013, Lorena Merino Martínez, as representative of a group of beneficiaries, indicated that she presented a proposal to the government of Oaxaca¹⁰. On September 30, 2013, the representation headed by Reyna Martínez denounced the State's failure to comply with its obligations in relation to the delivery of scholarships and food supplies for the beneficiaries; she also denounced the cancellation of various scheduled working meetings and the differentiation made by the government between the different groups of beneficiaries, indicating that there are proposals and agreements depending on which group the State meets with. On October 9, 2013, it was reported that (i) the beneficiaries continue to be displaced and in a situation of homelessness, in addition to being unemployed; (ii) the government of Oaxaca has twice cancelled work meetings; (iii) on August 12, 2013, an agreement was signed with the sub-director of the Secretary of the Interior to convene a work table; and (iv) those responsible for the displacement have not been investigated or punished, nor has a critical route for the return of the displaced been provided.

51. On November 6, 2013, a complaint was filed against 7 members of the MULT¹¹, indicating that they are posing as displaced persons in order to obtain benefits or money from the government and that these persons have created false crimes against other displaced persons, such as Reyna Martínez Flores or Fidel Santillán Flores; they accuse them of carrying high caliber weapons and stealing money for compensation for damages that the government of the State of Oaxaca had given them in 2011; due to this, they named new representatives.¹² On November 26, 2013, the representatives reported that: (i) on November 14, 2013, a meeting was held with an official of the State Institute of Public Education of Oaxaca (IEEPO) in which they were informed that the State is not available to grant scholarships to displaced children and adolescents; and (ii) on November 19, 2013, a working meeting was held in which they were informed that there are productive projects that could benefit the beneficiaries, but they are short-term projects of 3 to 4 months. On December 18, 2013, it was reported that two pickup trucks had entered two communities of the MASJC and that members of the MULT were blocking the road, which is why they fear for the safety of the inhabitants. On February 22, 2014, it was reported that they learned that Mr. C. R. J. would be released from the Ixcotel prison, which would put the beneficiaries in danger, since he would be the material actor in several crimes ordered by Mr. R. M. Z. against the indigenous Triquis. On March 6, 2014, it was indicated that since Lorena Merino and others are representatives of one of the groups of

¹⁰ This proposal consisted of (i) paying the beneficiaries sufficient money as compensation for damages; (ii) providing economic support to displaced children and adolescents so that they can complete their studies; (iii) providing psychological support for children and adolescents who have lost family members as a result of the armed conflict in San Juan Copala; (iv) initiating a program to improve and build housing in their homes and plots in San Juan Copala for the displaced persons; and ensuring the protection of the property of displaced persons in San Juan Copala; (v) provide each of the beneficiaries and displaced persons of San Juan Copala with a place to sell their handicrafts; (vi) acquire land to house the 110 displaced families of the MASJC; (vii) carry out a general consultation in the Triqui Zone to generate a Regional Development Plan for the Lower Triqui Zone and the allocation of the corresponding economic resources for its implementation; (ix) follow up on the investigations into the facts at the origin of the precautionary measures; among others

¹¹ The Commission received a communication from one of these persons, with the initials B.S.R., who indicated that he would not be allowed to participate in the MASJC negotiations with the State and with the DDHPO and that DDHPO personnel were harassing him, including its head officer. The person is not on the list of beneficiaries.

¹² Naming Braulio Hernández Hernández, Manuel de Jesús Ramírez, Carmen de Jesús López, Fidel Santillán Flores, Enrique González Martínez, Marcelina de Jesús López and Mariana Flores López.

displaced persons, they have been receiving death threats and are the object of a smear campaign by anonymous persons through social networks.

52. On April 1, 2014, it was reported that in 2013 the daughter of a beneficiary was “sold”¹³ by her family, which caused conflicts between groups: some allege that the girl was kidnapped and others that she is in danger with her parents. A family judge has reportedly decided to give custody of the child to her parents, but members of another group of beneficiaries and presumably the head of the DDHPO oppose the handover. It was also indicated that on September 12, 2013, the displaced persons in the group of the Lorena Merino Martínez who had not accepted the DDHPO compensation proposals were allegedly threatened in order to sign the state government’s agreement and lift the sit-in.

53. On August 29, 2014, the representatives stated that: (i) the group of 135 beneficiaries was divided into four groups and the majority group has had private meetings with the Government of Oaxaca; (ii) on August 9, 2013, a general assembly of beneficiaries was held in which new representatives were elected¹⁴; (iii) on August 21, 2013, a general assembly of beneficiaries was held, where it was discussed that the head of the DDHPO had not provided support to achieve the relocation. Likewise, an agreement between the parties dated September 10, 2013 indicates that: (a) the government will provide food support on a weekly basis to the beneficiaries until the land for 110 families is handed over; (b) the state government will temporarily provide one or more houses with all the necessary services for 29 beneficiaries to live; c) within 70 days of the agreement, conditions will be created to acquire a plot of land and generate housing support actions for the beneficiaries; d) medical attention will be provided through the Health Services of Oaxaca and the necessary mechanisms will be created for the special attention of the beneficiaries in the IMSS; e) they will guarantee the accompaniment of the victims of the conflict, including the psychological aspect; (f) regularize the academic situation of the children and adolescents of displaced families and provide scholarships for basic and university education during their studies; (g) provide support for the management and operation of productive projects and inclusion in federal programs; h) installation of a working group on justice to punish those responsible for the crimes related to the conflict in San Juan Copala; and i) the representatives commit themselves to carry out the petitions through legal channels and the beneficiaries commit themselves not to trade in the public streets, as long as the state allows the sale of handicrafts made by the displaced.

54. On January 12, 2015, the representatives reported the murder of Triqui member Julián Gonzales Domínguez,¹⁵ who had actively participated in peace and reconciliation in the Triqui area; he was violently removed from his home by a group of hooded and armed persons. On May 30, 2015, the representatives headed by Reyna Martínez reported that they would be requesting moral reparation for the damages suffered from 2007 until the forced displacement in 2010; they report that they reportedly sleep on the street, in a sit-in of the Center for Attention to Victims (CEAV) to call the attention of the Mexican state, considering a breach of the precautionary measures and that, when the working tables are held, they always dialogue with officials without decision-making power. They report that on June 1, 2015, a police commissioner reportedly showed up at the beneficiaries’ encampment, ignoring their status as victims and threatening them to violently break up the sit-in. On September 2, 2015, it was reported that

¹³ Referring to the payment of an amount of money to their parents to agree to a marriage, as indigenous traditions that would continue in force.

¹⁴ Appointing Braulio Hernández, Manuel de Jesús Ramírez, Fidel Santillán Flores, Enrique Gonzáles Martínez, Carmen de Jesús López and Marcelina de Jesús López; nullifying the representation of Lorena Merino Martínez.

¹⁵ He is not on the list of beneficiaries on which the granting of precautionary measures was based.

the beneficiaries have been in an encampment at the Oaxaca government palace since August 13, protesting the non-compliance with the precautionary measures, they indicated that they have received threats from the “paramilitaries” responsible for the displacement and when they request help from the State, what the State does is watch them and harass them.

55. On September 10, 2015, the representatives stated that: (i) the state of Oaxaca allegedly send police to the homes where the refugees are located under the pretext of guaranteeing their safety, but that it is the police who harass them and, when they try to report, they do not receive complaints; (ii) on September 9, 2015, at approximately 10:15 p.m., two men of suspicious look chased Marcos Albino Ortíz and threatened to kill him; (iii) they have not received support from the State to pay the rent for the place where they are staying; they would be living 6 families in a 4x4 room lent by an acquaintance; (iv) they were given 200 square meters of land to each head of family, however, they were not given the necessary materials to build a house and the land was in the middle of nowhere without basic services, as there is no electricity, drainage, or drinking water; (v) they have been offered money to the representatives so that they stop demonstrating for their rights and give in to the State’s demands; and (vi) the officials of the State of Oaxaca discriminate against them for being indigenous Triquis. On October 16, 2015, the representatives indicated that no progress has been made with the investigation into the murder of Julián González Domínguez. On October 28, 2015, the representatives stated that: (i) on October 5, the displaced relocated their camp in the corridors of the government palace in Oaxaca due to the indifferent and null response received; (ii) the government of Oaxaca proposed the relocation, since they state that the conditions for the beneficiaries return do not exist, which is true because in the MASJC live those responsible for their forced displacement; in this sense, the government intends to provide them with certificates of possession of 200 square meters lots, a situation that does not convince the beneficiaries, since 200 square meters does not approach what they ancestrally counted and the certificates of possession transmit possession and not ownership; and (iii) the beneficiaries were forced to sign the certificates of possession, because the Government of Oaxaca threatened them saying that if they did not accept these lots, they would not buy them another lot; but the lots have not been handed over to them.

56. On January 27, 2016, the representatives reported that: (i) after the murder of Julián González Domínguez, the State undertook to cover the Triqui community’s own funeral expenses, but has not complied; (ii) due to the above, his relatives blocked a highway on January 24, 2016; and (iii) on December 22, 2015, they asked to enter a public hearing that was taking place in the Government Palace with Governor Gabino Cué, but were denied entry; due to this, the displaced persons decided to block the door, and the Governor ordered his bodyguards to attack them, injuring someone’s arm. On March 9, 2016, it was indicated that they were summoned that day by the Secretary General of Government, but then the meeting was postponed by telephone; they consider that the State does not take them seriously. On March 11, 2016, it was reported that: (i) on September 13, 2013, through threats and pressure, the state government imposed an agreement in which it committed to acquire a property in Santiago Juxtlahuaca for the relocation and construction of housing in favor of the beneficiaries, establishing a deadline of 90 days, expired on December 13, 2013; (ii) on December 23, 2015, a private purchase agreement was signed for the purchase of two and a half hectares of land in the municipality of San Lorenzo Cacaotepec; and (iii) to date there has been no compliance and the head of the State Housing Commission of Oaxaca (CEVI) refused to sign the notarized agreement for the purchase of the land.

57. On April 5, 2016, it was stated that: (i) the displaced families of the MASJC continue to live on the streets, without social or legal security; (ii) the Mexican State claims to send monthly food supplies, but

on some occasions they send expired food that does not conform to the customary food of the Triqui indigenous people; and (iii) the land granted by the State is rustic, far from the population, without services or materials for the construction of their homes. On April 30, 2016, the representation reported that for the past 15 days the government has stopped providing the agreed weekly supplies to the Triqui indigenous people under the pretext that they are criticizing the Governor of Oaxaca, Gabino Cué, on social networks. On August 14, 2016, the representation reported that on August 13 at 22:00 hours, a group of MULT hitmen fired shots in the vicinity of the home of Herminia Ramírez González¹⁶, belonging to the Triqui people; Mrs. Herminia was wounded with two bullet wounds and is being treated in the regional hospital of Juxtlahuaca, but her husband died in the attack. On December 7, 2016, it was reported that (i) 11 weeks ago the government of Oaxaca stopped providing weekly supplies, gas, coal, and water bottles to 40 displaced families; and (ii) they requested a meeting to address the issue of the lack of release of economic resources by the Ministry of Finance for the purchase and sale of the land located in “Las Ánimas”, in the municipality of Xoxotlán, for the construction of housing for 40 displaced Triqui families.

58. On May 3, 2017, the representation stated that: (i) the beneficiaries already have possession of the promised land but have not been able to be inhabited, as there is water, no electricity and no housing; therefore, they would continue to live in a six-room shelter, where 17 families live; (ii) the acts of violence that gave rise to the precautionary measures have not been investigated and those responsible have not been punished, they currently hold political posts and are representatives of social organizations; (iii) on February 28, 2016, the beneficiaries decided to participate in a peaceful march for compliance with the precautionary measures; upon arriving at the Government Palace, they were attacked by the state police and riot police with tear gas and beatings; Furthermore, Mr. Eustacio Santos Cruz was detained and tortured, and released two days later; (iv) the beneficiaries have received several text messages informing them to stop bothering about the precautionary measures or they will be killed; (v) the beneficiaries are in a subhuman situation because they lack health services, food and housing, despite the commitments made by the State; and (vi) new representatives were appointed¹⁷. On July 22, 2017, the representation reported that on July 20, at approximately 10:00 p.m., beneficiary Santiago Hernández Cruz was murdered.

59. On September 12, 2017, the representation reported that: (i) the hitman A. S. L. was captured. who allegedly participated in the acts of displacement and harassment against the MASJC population in 2010, but they fear that he will be released without being tried; and (ii) the government of Oaxaca provided food support to the displaced population, but the new administration of Oaxaca cancelled the service and intends to collect the food support that began to be provided in 2012. On July 13, 2018, the representation stated that at the working meeting of March 1, 2018, the Government undertook to conduct a census of the beneficiaries in order to proceed with the payment of housing support; they state that the census was carried out, so they seek to establish with the Mexican Government the fulfillment of the second commitment: the construction of housing for the beneficiaries. On September 22, 2018, the representation reported that after the census, several meetings would have been held with the Government of Oaxaca, in which a proposal for the construction of housing was made.

60. On May 1, 2019, the representation stated that agreements were indeed reached with the State and the commitment was to deliver the houses in the first days of January 2019, but they have not been

¹⁶ He is not on the list of beneficiaries on which the granting of precautionary measures was based.

¹⁷ Designating the representation of Maurilio Santiago Reyes -from CEDHAPI-, Minerva Nora Martínez Lázaro -from the Bartolomé Carrasco Briseño Human Rights Center- and Braulio Hernández.

built. On August 31, 2020, the beneficiaries pointed out that there is no justice and that the houses have not been delivered, as well as that since 2015 no meetings with the government have been rescheduled. On September 23, 2020, the representation informed that they are aware that the resources for housing support for the beneficiaries have already been approved. On December 10, 2020, the representation again stated the lack of compliance with the granting of housing.

61. On December 23, 2020, the beneficiaries headed by Sergia Cepeda González¹⁸ denounced discrimination against the Triqui and impunity with respect to those responsible for the events in the Triqui zone in 2010. They affirm that the agreements of the State benefit some people more than others and that the economic support is not distributed to all the beneficiaries, but remains in the hands of a few people.

62. On August 16, 2021, the majority representation headed by Braulio Hernandez and the CEDHAPI, reported that on December 22, 2020, the housing support of 240 thousand pesos was delivered, in the form of two checks of 120 thousand pesos each, in accordance with the agreement with the State, so they express their agreement to the lifting.

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

63. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

64. 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.¹⁹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.²⁰ 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

¹⁸ With the accompaniment of 38 beneficiaries signing the communication.

¹⁹ 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.

²⁰ 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.

not adopted.²¹ 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.

65. 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) establishes that “[t]he Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force.” In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider if new situations have arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

66. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.²² In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.²³ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, in addition to the lack of imminent risk, may lead to the international protection measures being lifted.²⁴

67. As a preliminary point, the Commission considers it pertinent to recall that it is not incumbent upon it to pronounce itself on possible criminal or other responsibilities of the persons identified as aggressors, authorities or beneficiaries, a determination that it is incumbent upon the State authorities in the exercise of their respective powers. As a second point, in the framework of the mechanism of

²¹In this regard, see: 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.

²²I/A Court H.R., Provisional Measures regarding Mexico, Order of the Court of February 7, 2017, paras. 16 and 17. Available [in Spanish] at http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf

²³*Ibid.*

²⁴*Ibid.*

precautionary measures, it is also not appropriate to pronounce on alleged violations of rights contained in the American Convention or other applicable instruments, which is the subject of a substantive analysis in the framework of the System of Petitions and Cases, after the procedural assumptions for this are given.

68. As a third point, the Commission stresses that throughout the procedure it has been analyzing the different requests for extensions, working meetings, hearings or others, which have been resolved at the corresponding procedural moments and, where appropriate, the decisions have been notified to the parties.

69. Finally, the Commission regrets the death of the various people of the Triqui community who have been informed throughout this procedure, both beneficiaries and non-beneficiaries, and expresses its condolences to the Triqui communities of Oaxaca for the loss of their loved ones.

70. However, the Commission is aware that, in terms of Article 25.9 of the Rules of Procedure, the State requested the lifting of these precautionary measures on different occasions: May 8, 2015, July 6, November 7 and 11, 2016, and January 25, 2022. In this regard, the Commission notes that a part of the beneficiaries²⁵ expressed their agreement with the lifting of the precautionary measures on August 16, 2021, while, by communication of December 23, 2021, another group of beneficiaries²⁶ has expressed their disagreement with the lifting of the precautionary measures. Consequently, it is for the Commission to analyze whether a risk situation of risk persists in light of the regulatory requirements that justify keeping the precautionary measures in force.

71. Thus, the Commission recalls that initially, the granting of the precautionary measures took into consideration the forced displacement of the beneficiaries due to repeated violent attacks against them by an armed group, with 25 people killed and 17 wounded as a result of the violence in San Juan Copala in the previous eleven months (see *supra para. 2*). Subsequently, the Commission assessed the conditions of the beneficiary population and, therefore, on January 4, 2011, it requested the State to “adopt the necessary measures to provide humanitarian assistance to the beneficiaries who are in a situation of displacement and to guarantee their return to San Juan Copala in conditions of dignity and security” (see *supra para. 6*). On the other hand, the Commission notes that both parties have reported problems in the representations and identification of beneficiaries, presenting information on beneficiaries and non-beneficiaries. Consequently, and as a matter of order, the Commission will analyze this matter in the following manner: (i) identification of the beneficiaries and coordination efforts; (ii) the ongoing situation of violence against the beneficiaries; and (iii) the situation of humanitarian need following displacement.

i) Identification of beneficiaries and consultation work.

72. At the time the precautionary measures were granted, the Commission had a list of 135 persons on behalf of the petitioners, who are the beneficiaries. The Commission notes that this group of persons, as is natural after their forced displacement, has been divided into different groups throughout the proceedings and set up in different places, such as displaced persons camps in San Juan Copala and in the

²⁵Represented by CEDHAPI and Braulio Hernández, see *supra para. 62*.

²⁶Represented by Sergia Cepeda González and signed by 38 beneficiaries, see *supra para. 61*.

city of Oaxaca, the Zócalo in Oaxaca City, the Oaxaca Government Palace, and even some people in Mexico City (formerly DF). Without prejudice to the State's obligation to guarantee and protect the human rights of all persons under its jurisdiction, this represented a challenge in the due identification of the persons who - within these groups - were part of the list of beneficiaries, and those who were not, for the purposes of the implementation of the precautionary measures.

73. In this regard, the Commission notes that the State, upon identifying these challenges, in its consultation efforts, undertook to conduct a census of the displaced populations in order to have certainty about the beneficiaries and their representatives. The first of these censuses was attempted on November 22, 2012, but was not permitted by the displaced persons due to lack of prior notice (see *supra* paras. 15, 16 and 46). However, in 2014, the State managed to carry out a first census that allowed it to identify that the real list of beneficiaries corresponded to 108 persons in four groups with different representations (see *supra* para. 19). Although this number is lower than that on which the precautionary measures were granted, the Commission understands that the number responds to the field work carried out by the State authorities to duly identify the beneficiaries, which was corroborated by the representatives, who acknowledged the number reported by the State and the coordination to arrive at it (see *supra* paras. 43, 49, 53, *et al*). Subsequently, following an agreement with the representatives, a new census was conducted in 2018 that gave a total of 60 beneficiaries, corresponding to 41 families in 4 groups (see *supra* para. 26).

74. In this regard, the Commission considers that the conduct of the censuses in coordination between the State and the representatives has allowed for positive and orderly progress in the implementation of the precautionary measures, without which the progress observed would not have been possible. Thus, although both parties report constant changes in the representatives of the beneficiaries groups, these censuses made it possible to identify particular representatives that allowed an orderly dialogue for due consultation.

75. In relation to the foregoing, the IACHR takes note of the abundant efforts at dialogue between the parties. In this regard, it notes that both parties have sought constant dialogue and, although challenges have been reported in the materialization of meetings attempted by representatives and authorities, the Commission notes that, since November 5, 2010, numerous meetings have been held between the various representatives and both federal and state authorities.

76. Thus, for the Commission, the constant dialogue between the parties to identify needs and challenges in implementation is positive, for which the identification and location of the beneficiaries has been effective. The Commission also recognizes that it is not possible to address immediately a problem of the magnitude of the present case, for which the foregoing has been appropriate given the particularities of the present case.

ii) *On whether the situation of violence against the beneficiaries persists*

77. According to the information provided, the situation of violence originated in a territorial conflict between three social groups of indigenous Triqui in the region of San Juan Copala, for which the Autonomous Municipality of San Juan Copala, which would belong to the "MULTI", particularly in 2010

was subjected to strong acts of violence that led to their displacement. However, it is noted that the situation of violence continued after the displacement, with the beneficiaries being subjected to threatening events in the different places where they settled.

78. The Commission notes that the situation of risk has had different points of intensity. Thus, according to the communications received, there were, *inter alia*, strong risk events in 2012 and between the beginning and July 2013, threats and harassment in 2015, shootings that resulted in injuries and the death of one person in August 2016, and in July 2017, the murder of a person.

79. In light of the above, throughout its reports, the State reported the implementation of different protection measures consisting, among others: i. permanent state police; ii. security and surveillance tours in the area; iii. emergency numbers for beneficiaries; iv. security at the encampments; v. installation of working groups on security to analyze the return; vi. the search for the signing of peace agreements.

80. In this regard, the information provided by the representatives indicates that, despite the availability of the state police, the patrols in the area, and the installation of the security tables, it was not possible for the state authorities to regain access and control of San Juan Copala for years after 2010, which has been acknowledged by both parties (see *supra* paras. 33, 40, 43, and 48, *et al.*). On the other hand, regarding the security numbers, the available information indicates that no effective response has been received from them in situations where the beneficiaries have used them in the face of risk.

81. With regard to security at the encampments, the Commission notes that the representatives have reported on various occasions that they have been subjected to aggression, harassment, and mistreatment by State agents at the encampments. In this regard, the IACHR notes that in January 2011, the State reported its commitment to train members of the state police to build a security detail (see *supra* para. 10), on which no subsequent information was received. Such training could have been effective in providing better protection and humane treatment to the beneficiaries.

82. In relation to these points, the Commission considers that due attention to the challenges pointed out in the protection of beneficiaries could have helped prevent the materialization of various risk events consisting of continuous threats, harassment, and acts of violence, which included the death of various persons, including some beneficiaries.

83. It should also be noted that, although some challenges are reported in terms of representation, the State has made medical care available to beneficiaries in hospitals, special clinics, four rural units and home care in some cases for beneficiaries, in addition to brigades in the various camps.

84. The Commission recognizes the progress made by the State in the administration of justice, which is reflected in the arrest warrants that have been executed and the detention of various individuals. These actions include the arrest of the leaders of the two alleged aggressor groups, as well as other persons accused of being responsible for the acts of violence. The Commission considers that the actions of justice contribute positively to the non-repetition of acts of violence.

85. Without prejudice to the previous assessments, the Commission emphasizes that, after July 2017, no specific situation of risk has been reported that would allow it to consider that a situation of violence persists, such as the one reported in 2010 and maintained over the years. Even the part of the representation opposing the lifting of the measures did not provide information on any event of violence or any event that could be qualified as a risk in the terms of Article 25 of the Rules of Procedure. Thus, after at least five years without any reports of violence against the beneficiary population, the Commission notes that, although there have been strong acts of violence, at the present time the situation of risk due to acts of violence that was considered in 2010 when the precautionary measures were granted does not persist.

iii) In relation to the situation of humanitarian need following displacement

86. The Commission notes that the relocation to different places after the displacement of the beneficiaries placed them in a situation of humanitarian need, especially the lack of housing, food, drinking water, and other basic services.

87. The Commission notes positively the significant efforts made by the State in this area. The collaborative and cooperative involvement of the various federal and state institutions, including the DDHPO, has been fundamental to achieving comprehensive care for the beneficiary population. In this regard, the constant support for food, education, health, transport, employment and permits for the sale of handicrafts, economic support for subsistence, among others, reported by the State, which represented a high economic investment for the protection of the displaced population, should be acknowledged.

88. On the other hand, it is noted that one of the reasons why this situation extended over time was the complexity of the negotiations between the State and the various representatives, some of whom were seeking to return to their territory. In this regard, the Commission understands that, at the time, it was reasonable not to evaluate the return given the lack of security guarantees in the territory of San Juan Copala, which was eventually recognized by both parties, given that the aggressors were there. Thus, for the Commission, it is fundamental that the State's priority, in relation to its duty to protect, was to protect the life and integrity of the beneficiary population in the face of the imminent danger in the event of their return to the territory.

89. This lack of conditions for return was even acknowledged by the representatives on different occasions (see *supra* 40, 43, and 48), which led to the acceptance of relocation at various times, leading in 2018 to the agreement with the State for the delivery of housing, which in 2020 was modified by the delivery of economic support as an alternative solution to the problem. According to the information submitted by the State, these resources were made available to all persons who agreed to participate in the 2018 census and, subsequently, during December 2021 and January 2022, delivered to 29 families who came to claim the support of \$240,000.00 Mexican pesos. In addition, the resources remained available for the rest of the people for a certain period of time.

90. In view of the foregoing, the Commission notes that the State has made its institutions available to the beneficiaries to address their humanitarian needs throughout the more than 12 years that these precautionary measures have been in effect, even making considerable economic resources available to the beneficiaries to help them resume their life plans.

91. In this regard, although the return to their territory after their displacement in 2010 could not materialize due to the lack of security conditions, the Commission appreciates the numerous actions of the State that have effectively allowed for the resettlement and independence of the beneficiaries after the risky events of 2010 and that have continued for several years.

92. In view of the foregoing, the Commission recognizes the value of identifying the groups of beneficiaries through its censuses and constant dialogue, and does not observe that at the present time a situation of violence or humanitarian need persists, such as that observed at the time of the granting of the measures and at various times during their validity. In this regard, the Commission has no evidence to indicate that a situation of risk in the terms of Article 25 of the Rules of Procedure continues to exist, which would justify the keeping these measures in force.²⁷

93. Consequently, taking into account that the precautionary measures are of a temporary and exceptional nature, the Commission considers that it is appropriate to lift them.

V. DECISION

94. The Commission decides to lift the precautionary measures granted in favor of 135 inhabitants of San Juan Copala, in Mexico.

95. 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 beneficiaries. The foregoing includes continuing with the pertinent investigations to determine the corresponding liabilities in the terms established by the American Convention and the applicable standards.

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

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

98. Approved on December 1, 2022, by Julissa Mantilla Falcón, President; Esmeralda Arosemena de Troitiño; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary

²⁷ IACHR. Resolution to lift precautionary measures 33/2020. Precautionary Measure No. 60-12. Members of the Triqui indigenous community of Valle del Río San Pedro with respect to Mexico. June 29, 2020.