
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 1/2023**

Precautionary Measure No. 42-23
Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia regarding Mexico¹
January 22, 2023
Original: Spanish

I. INTRODUCTION

1. On January 17, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission,” or “the IACHR”) received a request for precautionary measures presented by Diego Cadenas Gordillo of the Ku’untik Human Rights Center (“the applicant”), urging the Commission to request that the Republic of Mexico (“the State” or “Mexico”) adopt the necessary measures to guarantee the rights to life and personal integrity of Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia (“the proposed beneficiaries”). According to the applicant, the proposed beneficiaries are human rights defenders who disappeared on January 15, 2023, after attending an assembly in Aquila Michoacán. Their whereabouts are unknown to date.

2. In accordance with Article 25(5) of its Rules of Procedure, the IACHR requested information from the parties on January 18, 2023. The Commission received a response from both the applicant and the State on January 20, 2022.

3. Upon analyzing the submissions of fact and law offered by the parties, the Commission considers that Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia are *prima facie* in a serious and urgent situation, given that to date their whereabouts are unknown. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requests that the State of Mexico: a) redouble the efforts to determine the whereabouts or fate of Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia, in order to protect their rights to life and personal integrity, and b) report on the actions taken to investigate the facts that led to the adoption of this precautionary measure so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES

1. Information provided by the applicant

4. Regarding the proposed beneficiaries, it was indicated that Antonio Díaz Valencia is a professor, a community member of Aquila Michoacán, a candidate for the presidency of the ejidal commissariat of Aquila Michoacán, and an environmental defender. Ricardo Arturo Lagunes is the founder of Consulting and Legal Defense of the Southeast (*Asesoría y Defensa Legal del Sureste*) and has a national and international trajectory of over 15 years in the defense of collective rights and *ejido* [a piece of land farmed communally under a system supported by the state] and communal lands against megaprojects, dispossession, and human rights violations. His legal aid in several states, including Chiapas, Oaxaca, Yucatan, and Campeche, allegedly resulted in the protection of thousands of hectares of collective lands,

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

valuable ecosystems, and collective rights, especially those belonging to indigenous communities. His work has also achieved international protection for the communities he represents. Mr. Lagunes Gasca has provided legal aid in the indigenous community of Aquila, where there is a large mining activity that has caused a major impact on the area.

5. The applicant indicated that the proposed beneficiaries Ricardo Arturo Lagunes Gasca, lawyer and human rights defender, and Antonio Díaz Valencia, indigenous leader of Aquila, Michoacán, were victims of kidnapping and forced disappearance on January 15, 2023. Taking into account that the proposed beneficiaries' whereabouts are unknown, it requests that precautionary measures be granted in order to carry out an immediate and effective search for the disappeared persons and an exhaustive investigation of the facts.

6. The applicant also reported on the context in which the disappearance occurs. He noted that, in the last three years, over 50 people have been murdered, in addition to various reported incidents of aggressions such as intimidation, harassment, threats, and physical aggressions. The applicant recalled that being a human rights defender, and especially an environmental or land rights defender, is extremely dangerous in Mexico.

7. It was indicated that the proposed beneficiaries reportedly left an assembly in the communal auditorium of Aquila. They subsequently traveled towards the capital of Colima. Their last communication was at the Coahuayana bridge, in the state of Michoacán at 6:50 p.m. The proposed beneficiaries were traveling in a white Honda pickup truck, which was found on Sunday on the federal highway in the area of the Cerro de Ortega speed bump, in the municipality of Michoacan, Mexico. The vehicle had impacts caused by bullets. Lawyer Lagunes Gasca's cellphone was found inside. No one was found, so it is presumed that they were deprived of their freedom by unknown persons.

8. The National Search Commission (*Comisión Nacional de Búsqueda, CNB*) was informed of the facts and the Protection Mechanism for Human Rights Defenders and Journalists (*Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas*) was also notified, since Ricardo Lagunes had protection measures in place. Additionally, the National Human Rights Commission was notified in order to activate the corresponding protocols for his search.

9. On January 19, 2023, the proposed beneficiaries' relatives, along with activists and the general community, held a press conference in which they requested the authorities to search for and locate the defenders. In addition, they denounced that the Mexican State does not comply with informing the relatives about the route of the disappeared persons or other details of the investigation and search.² This results in the relatives having uncertainty about the actions it takes, in addition to not knowing that the same relatives are indirect victims of the proposed beneficiaries' disappearance. They requested that the Attorney General's Office of the Republic take over the case, as the Michoacán and Colima State Prosecutors' Offices are acting in a very limited manner. Mr. Lagunes Gasca's wife called on the local and national authorities to not only find the proposed beneficiaries alive, but also to address the structural causes that allow situations like this to occur.

² They emphasized the possible responsibility of a mining company as one of the most powerful actors in the region and the impacts that its operation has generated in the region, which affects both the environment and the social fabric.

2. Information provided by the State

10. The State reported that on January 16, 2023, Keivan Antonio Díaz Valencia, son of Antonio Díaz Valencia, went to the facilities of the Special Prosecutor's Office of Michoacán in order to file a complaint for the alleged disappearance of his father. For this reason, an investigation was initiated for the crime of disappearance committed by private individuals. Furthermore, Ms. María de Jesús Ramírez Magallón, Mr. Lagunés Gasca's wife, filed the corresponding complaint with the Prosecutor's Office of the State of Colima. This investigation is being carried out by the Public Prosecutor's Office of Cerro de Ortega, Tecomán, Colima.

11. On January 16, 2023, the National Search Commission communicated with Julián Vázquez Guzmán, who reported the disappearance of Mr. Ricardo Lagunés Gasca. The report to the National Registry of Missing and Unaccounted for Persons (*Registro Nacional de Personas Desaparecidas y No Localizadas*, RNPDNO) was initiated. In this sense, a search for Antonio Díaz Valencia's relatives was conducted to no avail, however, the report was generated through RNPDNO broadcast channel. Both reports were channeled through the RNPDNO digital platform to the local authorities in Michoacán, the Prosecutor's Office, and the Local Search Commission, to initiate coordination actions.

12. The State indicated that according to information provided by the Mechanism for the Protection of Human Rights Defenders and Journalists, the proposed beneficiaries are adhered, not due to individual issues, but for the representation of collective cases through files 053/2013/D/E along with J. V. H. and F. G. P. and MEC/CEN/075/D/O/2018 within the Fray Matías de Córdova Human Rights Center Collective.

13. In this regard, this mechanism indicates that they were reportedly aware that on January 15, 2023, of Ricardo Lagunes was going to travel from his home in Colima, due to a work meeting in a communal assembly with the candidate for Ejidal Commissioner of Aquila, Michoacán, named Antonio Díaz Valencia. Moreover, once the meeting was concluded, they left Aquila for Coahuayana at approximately 6:50 p.m. On that occasion, Ricardo reportedly sent a voice message to his wife indicating that they were leaving Guadalupe Magaña and that they were going to take the road back to Colima. He also said that they were both traveling in a 2014 ivory white Honda Ridgeline RTL van, registered to I. A. R. G. (previous owner).

14. The State emphasized that the context in which these events occurred was an agrarian-territorial conflict between the inhabitants of the community of Aquila, of which Mr. Díaz Valencia is one of the community leaders, and was seeking to have ejidal representation in the next election. In addition, Mr. Lagunés Gasca is the legal advisor for that section of the community. They emphasized that neither of them had allegedly suffered any incidents of risk or threats throughout their careers, neither Mr. Díaz Valencia as a community leader nor Ricardo Lagunés as a human rights defense lawyer and promoter.

15. Regarding the actions carried out in search of the missing persons and the investigation of the facts, the following was reported:

- i. On January 17, a virtual meeting was held with the participation of the state prosecutors of Michoacán and Colima, the local search commissions and personnel from the Unit for the Defense of Human Rights of the Ministry of the Interior, to coordinate a joint search operation in the vicinity of these states.
- ii. On the same date, the Attorney General's Office initiated the investigation file in the Special Prosecutor's Office for the Investigation of Forced Disappearance Crimes (*Fiscalía Especializada*

en Delitos de Desaparición Forzada, FEIDDF), and proceeded to carry out the RNPDDO; which is linked to the one carried out by the National Search Commission (CNB) for the coordination of search actions. This is within the framework of the collaborative model of institutional operation for the operation of the National System for the Search of Missing and Unaccounted for Persons.

- iii. On January 18, 2023, a search operation was coordinated in which several points of reference were taken, such as: the municipality of Coahuayana, Michoacán, where the vehicle was located and the geo-references obtained from the call sheets of Mr. Díaz Valencia's cell phone number; as well as in the municipality of Aquila where the meeting of *ejidatarios* was held, in which Mr. Díaz Valencia was present; in addition to Mr. Lagunés Gasca in his capacity as defense attorney for the community.
- iv. On the same day, personnel from the General Directorate of Search Actions and Information Processing (*Dirección General de Acciones de Búsqueda y Procesamiento de Información, DGAB*) of the CNB and the Mechanism for the Protection of Human Rights Defenders and Journalists met with two of Mr. Ricardo Lagunes Gasca's relatives,³ in order to inform them of the actions being undertaken and executed to search for Mr. Lagunés Gasca and Mr. Díaz Valencia.
- v. The local Michoacán Search Commission and its counterpart in Colima, jointly, continue to carry out operations in the vicinity of Aquila and Coalcomán Michoacán.
- vi. The state of Colima, through the local Commission, follows up on the search actions, which are analyzed at the state security table, continuing the execution of search operations to locate the missing persons.

16. The State emphasized that in terms of the investigation, investigative and search acts have been carried out at the last sighting site in addition to, inspections, interviews, a request for the preserved data of Antonio Díaz and the analysis of these data, and a sample of the genetic profile of Keivan Díaz.

17. It was indicated that search efforts will continue in coordination with the authorities of the states of Michoacán and Colima. In this sense, the local Michoacan Search Commission⁴ has maintained contact and coordination with its counterpart in the state of Colima and with the State and Federal Prosecutor's Office of the Republic. Contact was established with the relatives of Mr. Díaz Valencia in order to inform them of the actions taken in order to locate him, and to prevent them from possible extortion.

18. The Mexican State also affirmed that the actions taken to search for missing persons are forceful and articulated through the different levels of government and the diverse institutions for the pursuit of justice, the investigation of criminal conduct, and those created for the search and assistance in locating and searching for persons, for possible acts of disappearance committed by private individuals.⁵ The aforementioned has allowed greater coverage, achieving coordinated search actions that have allowed having clear lines of investigation that allow finding both persons.

³ Arturo Lagunés Gasca and Ana Lucía Lagunés Gasca.

⁴ This Commission is part of the inter-institutional group formed to follow up on the search and investigation actions, which comprises the Ministry of National Defense, the Navy, and the National Guard.

⁵ The State mentioned different local and federal government entities, such as the National Commission for the Search for Persons (CNB), its local counterpart in the state of Michoacán (CLB), the Attorney General's Office of the state of Michoacán (FGE Michoacán) and the Attorney General's Office of the Republic (FGR).

19. The State also indicated that it is coordinating, at the three levels of government, the actions for the search and immediate location of Mr. Díaz Valencia and Mr. Lagunes Gasca and requested the Commission to positively evaluate the actions it is taking to locate them and clarify the facts in which the alleged disappearance occurred.

III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY AND IRREPARABILITY

20. The mechanism of precautionary measures 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 Statute of the IACHR. The precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

21. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.⁶ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁷ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁸ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. 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

⁶ 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 [only in Spanish].

⁷ 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 [only in Spanish].

⁸ See in this regard: I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; 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, Resolution of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

22. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review.⁹ Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments. This is better suited for the Petition and Case system. The analysis performed herein relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.¹⁰

23. In this matter, in relation to the seriousness requirement, the Commission takes into account that the available information indicates that from January 15, 2023, to date there has been no information on the fate or whereabouts of Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia. Their last communication was via telephone with their relatives from the Coahuayana bridge in the state of Michoacán. Hours later the vehicle in which they were traveling was found abandoned and with signs of violence. The Commission takes into account that it was reported that, moments before, the proposed beneficiaries had participated in the communal auditorium of Aquila. In this regard, it is noted that Ricardo Lagunes Gasca was allegedly providing legal support to the community, while Antonio Díaz Valencia is a community leader in the same area.

24. According to publicly known information, after an assembly in the community of Aquila, Antonio Díaz offered to take the lawyer Ricardo Lagunes to the municipality of Tecomán. In addition, the last person to see the human rights defenders was an inhabitant of Aquila who was identified for his ties to the criminal cell of the Jalisco Cartel – *Nueva Generación* in that town. He had asked the proposed beneficiaries to drop him off at a convenience store in the neighboring municipality of Coahuayana. The proposed beneficiaries reportedly left the municipality after 7:00 p.m. and, minutes later, the van in which they were traveling was found in the town of Cerro de Ortega, in the municipality of Tecomán.¹¹

25. The disappearance of Ricardo Arturo Lagunes was reported on January 16 to the Prosecutor’s Office of the State of Colima, while that of Antonio Díaz Valencia was presented in the capital, to the Special Prosecutor’s Office for the Investigation and Prosecution of Crimes of Forced Disappearance and Disappearance Committed by Private Individuals (FEIDDF). The State highlights that, in accordance with the protocol, the respective search reports were activated and operations were carried out in the region to locate him immediately. They added that, within the framework of inter-institutional coordination and collaboration, the federal authorities, and the authorities of the state of Colima were conducting search operations in that state, while the Special Prosecutor’s Office of Michoacán was conducting investigations

⁹ In this regard, for example, referring to provisional measures, the Inter-American Court has considered that such a standard requires a minimum of detail and information that allows a *prima facie* appreciation of the situation of risk and urgency. I/A Court H.R., Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

¹⁰ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

¹¹ <https://www.eluniversal.com.mx/estados/lo-que-sabemos-de-la-desaparicion-de-ricardo-arturo-lagunes-y-lider-comunitario-indigena-de-aquila>

in the area of Aquila to identify other possible hypotheses of location and explore lines of investigation.¹²

26. On January 19, 2023, the Attorney General's Office of the State of Michoacán announced on its website that the search for the proposed beneficiaries had been intensified through aerial and ground operations. These actions are being carried out with the collaboration of the Ministry of National Defense, National Guard, Civil Guard, National Search Commission, and in permanent coordination with the authorities of Colima, with the support of the K-9 Canine Unit.¹³ Simultaneously, the personnel of the Special Prosecutor's Office for the Investigation and Prosecution of the Crimes of Forced Disappearance and Disappearance Committed by Private Individuals (FEIDDF), carried out actions in Aquila, municipality where Antonio Díaz Valencia and Ricardo Arturo Lagunes were present and participated in a communal assembly.¹⁴

27. The Commission acknowledges that the State has performed investigation and search efforts at the last place of sighting, inspections, interviews, request for preserved data of Antonio Díaz, and the analysis of this data by taking a sample of the genetic profile of Keivan Díaz. At the same time, the IACHR recalls that it is not appropriate to qualify the domestic investigations and processes in this proceeding, in the framework of the analysis of the requirement of seriousness. However, it is noted that the actions aimed at determining the whereabouts or fate of a disappeared person are directly related to the need to prevent the materialization of a harm to their rights and that, as long as their situation has not been clarified, the proposed beneficiaries would face a situation of serious risk.¹⁵ At the same time, the Commission observes that their relatives warned that they were not informed about the route of the disappeared persons or other details of the investigation and search, which causes the relatives uncertainty about their actions.

28. For its part, on January 19, 2023, the National Human Rights Commission (CNDH) called on the competent authorities of the states of Colima and Michoacán to carry out a diligent investigation to clarify the disappearance of the proposed beneficiaries, without omitting any line of investigation and considering their work in the defense of human rights.¹⁶ In this regard, they indicated that they requested the Attorney General of Michoacán; Attorney General of Colima; Secretary of Government of Michoacán; Secretary of Government of Colima; Secretary of Public Security in Michoacán, and Secretary of Public Security of the state of Colima to carry out search and location actions. In addition, the Commission collected data from the relatives of the missing persons in order to carry out the corresponding administrative process of incorporation into the National Information System of Unidentified Missing and Deceased Persons.¹⁷

29. On January 17, 2023, the Office of the United Nations High Commissioner for Human Rights (UN-OHCHR) condemned the disappearance of the human rights defenders and made an urgent call to the Mexican State institutions to urgently adopt all necessary measures to comply with their duty to search for Lagunes Gasca and Díaz Valencia, to ensure efficient coordination between federal and local institutions and to recognize their relatives' rights to participate in the search. That Office also pointed

¹² Ibidem

¹³ Available at <https://comunicacion.fiscaliamichoacan.gob.mx/articulos/20230119-1312023i-refuerza-fge-acciones-de-busqueda-del-profesor-antonio-diaz-valencia-y-del-abogado-ricardo-arturo-lagunes>

¹⁴ Ibidem

¹⁵ See: I/A Court H.R. [Order of the Inter-American Court of Human Rights of May 26, 2010, Provisional Measures Regarding the United Mexican States, Matter of Alvarado Reyes et al.](#) Para. 9. See also: IACHR. [Resolution 43/2020](#), Precautionary Measure No. 691-20 Facundo José Astudillo Castro regarding Argentina. August 1, 2020. Paragraph 25.

¹⁶ Available at <https://www.cndh.org.mx/documento/cndh-activa-alerta-6-y-solicita-acciones-de-busqueda-y-localizacion-del-defensor-ricardo>

¹⁷ Ibidem

out that it is fundamental to carry out a prompt, exhaustive, and efficient investigation that allows for the clarification of the facts and the sanctioning of all those responsible.¹⁸ It also noted the fact that at least one of the defenders had State protection measures, which failed to prevent his disappearance.

30. In addition, on January 18, 2023, the Commission “condemned the disappearance of human rights defenders Ricardo Lagunes and Antonio Díaz on January 15 in the municipality of Tecomán, Colima,” and called on the State to “promptly and diligently investigate these events in order to determine their whereabouts, guarantee their lives and personal integrity, and consider their defense work as a possible reason for their disappearance.”¹⁹

31. The Commission acknowledges the numerous search actions and the coordinated efforts between different local and Federal institutions informed by the State to determine the whereabouts or establish the situation of the proposed beneficiaries. It also acknowledges that a collaborative model of institutional operation has been activated for the operation of the National System for the Search for Missing and Unaccounted for Persons, with the support of the local Search Commissions of Michoacán and its counterpart in Colima. However, the Commission notes that to date the whereabouts of human rights defenders Ricardo Lagunes Gasca and Antonio Díaz Valencia remain unknown.

32. In view of the foregoing, taking into account the specific characteristics of this matter and in light of the *prima facie* standard, the Commission considers that the rights to life and personal integrity of Ricardo Lagunes Gasca and Antonio Díaz Valencia are at serious risk, inasmuch as their fate or whereabouts are unknown to date.

33. Regarding the requirement of urgency, the Commission considers that it has also been met, inasmuch as the passage of time without establishing their whereabouts is likely to generate greater harm to the rights to life and personal integrity of the proposed beneficiaries. In this sense, despite the fact that over five days have elapsed since the disappearance of the proposed beneficiaries and in spite the actions which have been taken, the Commission observes that there is no precise information on the fate or whereabouts of the proposed beneficiaries.

34. As it pertains to the requirement of irreparable harm, the Commission considers that it has been met, insofar as the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

IV. BENEFICIARIES

35. The Inter-American Commission declares that the beneficiaries of this precautionary measure are Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia.

V. DECISION

36. The Commission considers that this matter meets *prima facie* the requirements of seriousness,

¹⁸ In this regard, the UN-OHCHR representative in Mexico stated, “The disappearance of these two human rights defenders is a terrible and alarming fact. In Mexico, defending human rights is an absolutely essential task that must be protected. This crime not only undermines the human rights of both defenders, but also seeks to generate fear in those who defend the rights recognized by law. It is not acceptable that those who defend our rights have to do so at the cost of their freedom, their integrity or their lives.” Available at <https://hchr.org.mx/comunicados/onu-dh-condena-la-desaparicion-de-los-defensores-de-derechos-humanos-ricardo-lagunes-y-antonio-diaz-en-colima/>.

¹⁹ IACHR, Twitter, January 18, 2023. Available [in Spanish] at <https://twitter.com/CIDH/status/1615838994138370048?cxt=HHwWgMC8vaHAzuwsAAAA>

urgency, and irreparability set forth in Article 25 of its Rules of Procedure. Consequently, the Commission requests that Mexico:

- a) redouble the efforts to determine the whereabouts or fate of Ricardo Arturo Lagunes Gasca and Antonio Díaz Valencia, in order to protect their rights to life and personal integrity, and
- b) report on the actions taken to investigate the facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

37. The Commission also requests that the Government of Mexico report, within a period of 15 days as of the date of this communication, on the adoption of the requested precautionary measures that have been agreed upon and to update this information on a regular basis.

38. The Commission emphasizes that pursuant to Article 25(8) of the Commission's Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

39. The Commission instructs the Executive Secretariat of the IACHR to notify this resolution to the State of Mexico and the applicant.

40. Approved on January 22, 2023, by Julissa Mantilla Falcón, President; Stuardo Ralón, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Roberta Clarke, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary