
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 18/2023**

Precautionary Measure No. 937-22
Pedro de Jesús Pinto Cabrera and his family unit regarding Honduras
April 13, 2023
Original: Spanish

I. INTRODUCTION

1. On November 29, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by the Committee of Families of the Detained-Disappeared in Honduras (*Comité de Familiares de Detenidos Desaparecidos en Honduras*), (“the applicants”) urging the Commission to require that the State of Honduras (“the State” or “Honduras”) adopt the necessary measures to protect the rights to life and personal integrity of Pedro de Jesús Pinto Cabrera and his family unit.¹ According to the request, the proposed beneficiary is at risk due to acts of threats, harassment and violence against him within the framework of the work he carries out to protect the environment.

2. Under the terms of Article 25 of its Rules of Procedure, the IACHR requested information from the parties on December 7, 2022. The State submitted information on December 15, 2022. The applicant submitted information on December 28, 2022, and January 9, 2023. The IACHR requested information from both parties on February 6, 2023. The State sent information on February 15, 2022, and the applicant submitted information on February 16, 2023.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows, *prima facie*, that Pedro de Jesús Pinto Cabrera and his family unit are in a serious and urgent situation given that their rights to life and personal integrity are at risk of irreparable harm. Therefore, Honduras is requested to: a) adopt the necessary measures to protect the rights to life and personal integrity of Pedro de Jesús Pinto Cabrera and his family unit; b) adopt the necessary measures so that the beneficiary can carry out his activities without being subject to threats, harassment, and violence in the exercise of his duties as a Reserve Ranger of the Directorate of the Guisayote Reserve Institute (*Guarda Reserva de la Dirección del Instituto de Reserva Guisayote*) and President of the Water Board (*Junta de Agua*) of the La Mesa neighborhood, in La Labor, Department of Ocotepeque; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent such incidents from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

4. The proposed beneficiary, Pedro de Jesús Pinto Cabrera, 67-year-old forestry technician, was identified as an environmental rights defender in La Labor, Ocotepeque Department, Honduras. He is also a Reserve Ranger of the Directorate of the Guisayote Reserve Institute, and President of the Water Board of the

¹ The family unit of the proposed beneficiary is composed of his wife, Blanca Elena Mejía, his daughters Mirian Waleska, Claudia María, and his son José Alexander, all with the last name of Pinto Mejía.

La Mesa neighborhood, Municipality of La Labor, Department of Ocotepeque. The proposed beneficiary was reportedly the victim of repeated attacks in November 2022 in retaliation for his work.

5. The applicant claims that the proposed beneficiary's situation derives from the actions he has carried out, especially in his work of defending the Biological Reserves of the Cloud Forest of Guisayote (*Reservas Biológicas de Bosque Nublado de Guisayote*), which is on the border of the municipalities of Sinuapa, San Francisco and La Labor, and also shares the border with the Republic of El Salvador. Pedro Pinto carries out patrols in an area of 14,000 hectares of this reserve. The applicant alleges concern due to the current context of risk to human rights defenders in Honduras, considering recent disappearances, deaths, and attacks, being that at least seven environmental activists were killed during the early months of 2023.

6. On November 10, 2022, at 8:00 a.m., the proposed beneficiary's son, José Alexander Pinto Mejía, 18 years old, was hit by a red car in a location called Llano Largo, in the Municipality of Ocotepeque. This resulted in injuries to his knee, as well as the destruction of his motorcycle. On November 11, 2022, between 2:30 a.m. and 3:00 a.m., vehicles which belonged to the proposed beneficiary's family, which consisted of a van and a pickup truck, were sprayed with gasoline. The van burned to the ground as a result, but the pickup was saved from the fire. Members of the proposed beneficiary's family put out the fire, which prevented the gas tank from exploding and reaching his sister's house. It is alleged that the dogs at his sister's residence did not react to the fire and vomited during that same day. The applicants claim the dogs were allegedly given sleeping medication.

7. On November 22, 2022, the proposed beneficiary, along with defenders Bernardino Pérez and Jovany Mejía, denounced the harassment of which they are allegedly victims due to their work in the defense of environmental rights. They made these statements with the support of COFADEH at a press conference in the city of Tegucigalpa. On November 26, 2022, the proposed beneficiary's children were working on the family crops and had parked their vehicle, the pickup that was not damaged in the fire that occurred on November 11, one kilometer from the crops. On that day, at 11:00 a.m., they heard an explosion, and realized that the vehicle had exploded on the farm and was being consumed by fire. An individual was seen walking away from the scene. The request indicated that "their own investigation indicate that the perpetrator is an individual of Salvadoran nationality."

8. In his capacity as Reserve Ranger of the Directorate of the Guisayote Reserve Institute, the proposed beneficiary seized two trucks with timber from a former representative of the Municipality of San Marcos, in the Department of Ocotepeque. This case was forwarded to the Public Prosecutor's Office (*Ministerio Público*), and the truck drivers, who are the representative's children, were arrested. It was indicated that the lawyers of the people involved took photographs of Mr. Pinto. This situation led to legal proceedings against the sons of the former representative. In addition, in mid-October 2022, within the framework of his work, the proposed beneficiary put a stop to a road project which was reportedly affecting the environment. According to the request, the road construction reportedly had the objective of promoting crops, but would allegedly negatively affect 2,000 hectares of pine forest in the Lomas de San Juan colony, in the city of San Pedro Sula, which are for the community use of the indigenous communities of San Francisco. This project was organized by one of the proposed beneficiary's neighbors, who denounced him to the Governor's Office due to the impediment of carrying out the road project. However, the Municipality answered to the Governor's Office and clarified that the Forest Conservation Institute (*Instituto de Conservación Forestal*) is reportedly the body responsible for these actions.

9. The proposed beneficiary filed a complaint with the Police Directorate of Investigation (*Dirección Policial de Investigación*) regarding the events he had undergone. On November 22, 2022, he presented himself before the Special Prosecutor's Office for Human Rights Defenders, Journalists, Social Communicators, and Justice Operators in Tegucigalpa (*Fiscalía Especial de Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia en Tegucigalpa*) to denounce the events. However,

the Prosecutor's Office refused to receive the complaint because it had already been filed with the Police Directorate of Investigation (*Dirección Policial de Investigación*). He was also informed that, because the events were recent, they still did not have any information on the progress in the investigation. On that occasion, the applicant explained that the Police Directorate of Investigation was not in charge of the investigation, and that it was the responsibility of the Public Prosecutor's Office to direct this proceeding.

10. On November 23, 2022, protection was requested from the National Protection System for Defenders, Journalists, Social Communicators, and Justice Operators. On November 28, 2022, the General Directorate of the Protection System (*Dirección General del Sistema de Protección*) found the request inadmissible upon not finding a causal link between the attacks and the proposed beneficiary's work. According to the Directorate, it was considered that "the measures should be intended exclusively for people who are at high risk or who are linked by the advocacy activities they carry out". The request alleged the possibility of Article 5(4) of the Law on Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators might not being properly evaluated.²

11. According to the applicant, in December 2022, Alexander Pinto, Mr. Pedro Pinto's son, along with a 13-year-old boy, received death threats. It was indicated that two people arrived under the guise of customers at the garage where Alexander Pinto works, and they allegedly told him: "you're saying too much, we will kill you." Due to this incident, both individuals moved to another department division in the country to take shelter. Out of fear, on December 15, 2022, Mr. Alexander Pinto allegedly decided to travel to the United States. However, he subsequently returned home. Following the death threats against his son, and due to the lack of response from the Police of the Municipality of La Labor regarding his request for protection, Mr. Pedro Pinto has allegedly taken refuge for a week in El Salvador.

12. Furthermore, on December 20, 2022, the Office of the Inspector General of Honduras (*Procuraduría General de la República*) forwarded the official letter to the Department of Human Rights of the Secretariat of Security, which indicated the adoption of the following protection measures in agreement with the proposed beneficiary:

- i. Police liaison for Mr. Pedro de Jesús Pinto Cabrera and his family. The liaison will be implemented in their residence and in their place of work when the beneficiaries are in a situation which places their life or physical integrity at risk. An officer of the Police Department Unit No. 14, of the Municipality of La Labor, Department of Ocotepeque, Honduras, was designated as police liaison.
- ii. Police patrols will be carried out in the residences where Mr. Pedro Pinto de Jesús Cabrera and his family live, in the Municipality of La Labor, Department of Ocotepeque, Honduras.
- iii. Specific police accompaniments in favor of Mr. Pedro Pinto de Jesús Cabrera, which must be requested 24 hours in advance and coordinated with his police liaison.
- iv. Self-protection measure workshop given to Mr. Pedro de Jesús Pinto Cabrera by the Police Substation.

² Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators. Article 5.1 Human Rights Defender: Any person who exercises the right, individually or collectively, to promote and procure the protection and fulfillment of human rights and fundamental freedoms within the framework of national and international law; these include environmental defenders and natural resources conservationists. Article 5(4) Risk: The probability of occurrence of a hazard or aggression to which a person, a group or a community is exposed, as a direct consequence of the exercise of their activities or functions. Available [in Spanish] at: <https://www.sedh.gob.hn/documentos-recientes/263-ley-de-proteccion-para-las-y-los-defensores-de-derechos-humanos-periodistas-comunicadores-sociales-y-operadores-de-justicia/file>.

- v. Upon the request of the requesting organization, the Human Rights Department of the Secretariat of Security will send an official letter to the General Directorate of the National Protection System requesting that Mr. Pedro de Jesús Pinto Cabrera and his family members be admitted to the National Protection Mechanism, as they meet the requirements provided for in Decree 34/2015. Should the proposed beneficiaries not be covered by the National Protection Mechanism, a risk analysis will be carried out by the corresponding unit of the Secretariat of Security for the implementation of appropriate protective measures.

13. On January 7, 2023, at 4:00 a.m., an unidentified individual who was riding a motorcycle allegedly approached the proposed beneficiary's residence and kept watching the house for 30 minutes. When the night watchman was addressing the person, she allegedly got on the motorcycle to leave. The proposed beneficiary reported this situation to the police officer assigned to his protection. However, it allegedly took the police three hours to arrive. In the last week of January, a suspect that purportedly belongs to a criminal gang operating in the Municipality of San Marcos de Ocotepeque allegedly passed by his residence with an "intimidating attitude". This purportedly caused his son to panic, as he had witnessed the reported acts against the proposed beneficiary and is afraid to step outside his residence.

14. According to the applicant, the police liaison measure is allegedly deficient, taking into account that the proposed beneficiary travels to the Guisayote Reserve at 7:00 a.m. and, at that time, State agents are reportedly not available. On the other hand, police patrols allegedly consist of patrols standing at the family residence of the proposed beneficiary and taking a photograph. Furthermore, no rounds are reportedly conducted around the area as a deterrent to possible attacks. In addition, in the Municipality of La Labor, in the Department of Ocotepeque, only two police officers and a police patrol are allegedly assigned for their protection, despite the fact that the Municipality has 8,000 inhabitants and 16 villages. In that regard, it was indicated that if one of the police officers accompanied the proposed beneficiary, the other police officer might not be able to go to the villages, which reportedly generates discomfort among the population as it leaves the inhabitants unprotected. The applicant also stated that the police patrol of the Municipality of La Labor presented mechanical damages; therefore, support has been requested from the patrol of the Municipality of Las Mercedes, Lucerne, or San Francisco to protect the proposed beneficiary. In these municipalities, only two police officers are purportedly assigned, just like in the Municipality of La Labor. Thus, when an officer is assigned to protect the proposed beneficiary, the police cannot carry out their tasks of coordinating roadblocks operations or carrying out patrols in the aforementioned municipalities. Furthermore, the Police Directorate of Investigation has not informed the proposed beneficiary on the progress in the investigations of the reported events.

15. The proposed beneficiary was recently informed that a businessman from the Community of Portillo allegedly hired gunmen from the Municipality of Esquipular to assassinate him. This businessman was purportedly accused by the Water Board, chaired by Mr. Pedro Pinto, of diverting water from the micro-basin of the Municipality of La Labor, acquired by the community and located in the Guisayote Reserve. Therefore, the Water Board requested the Judiciary to review the judicial minute that authorizes the businessman to bottle water. Moreover, the Water Board, with the support of international cooperation, has installed a communal water purifier, which allegedly bothered the businessman. On the other hand, the proposed beneficiary indicated that his neighbor who, according to the applicant, is reportedly suspected of burning his vehicles in November 2022, may also be involved in this plan.

B. Information provided by the State

16. The General Directorate of the Protection System of the Secretariat of State in the office of Human Rights indicated that a request for protection measures in favor of Mr. Pedro de Jesús Pinto Cabrera was submitted. On November 23, 2022, the Unit of Case Reception and Immediate Response (*Unidad de Recepción de Casos y Reacción Inmediata*) interviewed the proposed beneficiary. However, after analyzing the

corresponding interview, it was identified that the incidents he has been experiencing are related to his work as a public official in the Forest Conservation Institute. The request was therefore deemed inadmissible, based on Article 43(3) of the Law on Protection for Human Rights Defenders, Journalists, Social Communicators, and Justice Operators,³ since the proposed beneficiary is not a person subject to that law. Therefore, the request was declared inadmissible on November 28, 2022. Furthermore, it was reported that, if precautionary measures are granted to the proposed beneficiary, their implementation should be carried out by the Special Protection Unit for Public Officials (*Unidad de Protección Especial a Funcionarios Públicos*, UEP), which is part of the Secretariat of Security. The Department of Human Rights of the Secretariat of State, in the Security Office (*Despacho de Seguridad*), indicated that a thorough search was carried out in its databases, but no record of a request for protection measures of a police nature was found.

17. Similarly, the General Directorate of the Protection System indicated that it forwarded the case to the Unit of Case Reception and Immediate Response. This Unit conducted a first contact interview on February 15, 2023, during which the proposed beneficiary “expressed the need to leave the country.”

18. On February 14, 2023, the Department of Human Rights, in the Security Office, reported that Mr. Pedro Pinto has an assigned police liaison and that, when faced with any risk, he could communicate with them. In that line, it was indicated that the events related to the presence of suspicious people around the proposed beneficiary’s residence were communicated to his police liaison on December 31, 2022, at 6:30 p.m., through a WhatsApp message. He said that, at 4:00 a.m., there was an individual with a motorcycle parked on the street in front of his residence. At 4:40 p.m. that same day, two police officers from the Municipality of La Labor carried out patrols at the residence of the proposed beneficiary, who reportedly told them what happened and that “he did not call the Police because the individual is his neighbor,” who was allegedly under the influence of alcohol. The Security Office reported that an investigation was not followed in this regard because the referred person may not represent a risk, as expressed by the proposed beneficiary himself.

19. Lastly, the Public Prosecutor’s Office reported that there are two complaints filed with the Local Prosecutor’s Office of Ocatepeque, Department of Ocatepeque, in which Mr. Pedro Pinto is recorded as the victim: (i) regarding the crime of home invasion and damages, which is under investigation; and (ii) for the crimes of damages, also under investigation.

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

20. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the Commission’s Rules of Procedure. 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.

21. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures

³ Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators. Article 43. Upon receipt of the request. Once the request for protective measures is received, the General Directorate of the Protection System must review the following elements to initiate the procedure: 1. That the applicant or the person on whose behalf the protection is requested, is within the beneficiary population of this Law; 2. That there is the consent of the proposed beneficiary, except for serious and/or exceptional cause; 3. That there is a causal link between the risk and their involvement in the defense of human rights or their work in the case of journalists, social communicators, and justice operators; and, 4. That there are indicators of risk. Available [in Spanish] at: <https://www.sedh.gob.hn/documentos-recientes/263-ley-de-proteccion-para-las-y-los-defensores-de-derechos-humanos-periodistas-comunicadores-sociales-y-operadores-de-justicia/file>.

have a dual nature, both protective and precautionary.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁵ 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 were not adopted.⁶ 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 request 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.⁷ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

22. In 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 to determine whether a serious and urgent situation exists.⁸ 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

⁴ 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 [Available only in Spanish].

⁵ 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. [Case of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5 [Available only in Spanish]; 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 [Available only in Spanish].

⁶ 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 [Available 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. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [Available 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 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 [Available only in Spanish]; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

⁸ See in this regard: I/A Court H.R. [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast](#) regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [Available only in Spanish]; 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.

violations of rights enshrined in the American Convention or other applicable instruments.⁹ This is better suited to be addressed by the Petition and Case System. The following analysis 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. Under the terms of Article 25 (6) of its Rules of Procedure, the Commission recalls the context in which the request is made. The aforementioned context relevant due to the fact that the proposed beneficiary works in a public institution in favor of the protection of the environment in the department of Ocotepeque, in Honduras. This is particularly relevant to the extent that the actions carried out by the proposed beneficiary are part of the fulfillment of international obligations to protect the environment of the State of Honduras.

24. At the contextual level, the IACHR has received information and expressed concern regarding the increase in murders and assaults against defenders in the Northern Triangle.¹¹ In its 2021 Annual Report, the Commission expressed concern about acts of violence against human rights defenders in Honduras, “in particular against those who defend the environment” and noted that these acts have continued during 2021.¹² In its 2022 Report on the situation of human rights in Honduras, the Office of the United Nations High Commissioner for Human Rights stressed that 60.7% of human rights defenders and journalists who were victims of aggression in 2022 were engaged in the defense of land, territory, and the environment, which shows the extreme risk they face.¹³ Recently, on February 14, 2023, the IACHR condemned the assassination of at least five defenders of land, territory, and/or the environment in Honduras in 2023, and expressed its concern regarding the historical context of violence that defenders are exposed to in the country.¹⁴

25. Based on the aforementioned context, the IACHR proceeds to analyze the procedural requirements in regard to the situation that Mr. Pedro de Jesús Pinto Cabrera and his family unit are currently facing.

26. In regard to the requirement of *seriousness*, the Commission considers that it has been met. The Commission initially notes that the proposed beneficiary is a public official of the Honduran Forest Conservation Institute and is involved in environmental advocacy activities in the municipality of La Labor, Department of Ocotepeque, in the Directorate of the Guisayote Reserve Institute. In addition, the proposed beneficiary is the president of the Water Board of La Mesa neighborhood, in the same municipality (see *supra* paras. 17, 18 and 29).

27. Moreover, the Commission observes that the proposed beneficiary suffered serious attacks in November 2022, and acts of threats and intimidation in December 2022, incidents that continued in 2023 against him and his son, who were reportedly forced to temporarily leave the country. The Commission emphasizes the risk events that reportedly occurred in the last few months:

⁹ IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

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 IACHR. Basic [Guidelines for the Investigation of Crimes against Human Rights Defenders in the Northern Triangle](#). June 1, 2021.

¹² IACHR. 2021 Annual Report. Chapter V. Follow-up on recommendations made by the IACHR in its country or thematic reports. Honduras. Para. 95.

¹³ Office of the United Nations High Commissioner for Human Rights. [Report on the human rights situation in Honduras](#). March 1, 2023

¹⁴ IACHR. Press Release No. 022/23. [IACHR Condemns Murders of Rights Defenders in Honduras](#). February 14, 2023.

- i. On November 10, 2022, the proposed beneficiary's son was hit by a car in Llano Largo, in the municipality of Ocoatepeque, causing injuries to his knee and the destruction of his motorcycle (see *supra* para. 19);
- ii. On November 11, 2022, at dawn, two cars of the proposed beneficiary were sprayed with gasoline, and one of them was completely burned. His relatives' quick response prevented the fire from reaching his sister's house (see *supra* para. 19);
- iii. On November 22, 2022, the proposed beneficiary and other environmental rights defenders publicly denounced that they were being harassed as a result of their activism (see *supra* para. 20);
- iv. On November 26, 2022, the proposed beneficiary's vehicle exploded while parked near the family's crops (see *supra* para. 20);
- v. In December 2022, the proposed beneficiary's son received a death threat at his workplace, as he was allegedly told: "you're saying too much, we will kill you." As a result, his son relocated temporarily, and the proposed beneficiary took refuge in El Salvador for a week (see *supra* para. 24);
- vi. According to the applicants, on January 7, 2023, at 4:00 a.m., an unidentified person on a motorcycle reportedly approached the proposed beneficiary's residence and remained there for some time. Regarding this incident, the State alleged that the proposed beneficiary had told police officers that the individual was a neighbor who was under the influence of alcohol, and therefore did not represent a threat (see *supra* para. 26);
- vii. In late January, a person who allegedly belonged to a criminal gang reportedly passed by the proposed beneficiary's residence with an "intimidating attitude" (see *supra* para. 26);
- viii. The proposed beneficiary was recently informed about a businessman's plan. He allegedly sought hired gunmen to assassinate him, as a result of his presidency of the "Junta de Agua" of La Labor municipality (see *supra* para. 28).

28. The Commission considers that the facts described are related to the proposed beneficiary's role in environmental defense. In this regard, the information indicates that the incidents are in retaliation for the proposed beneficiary's acts in recent months, such as a timber seizure and the obstruction of a road project in the region, in the context of his work as a public official. This is in addition to the complaint presented by the Water Board of the municipality, of which the proposed beneficiary is president, regarding a businessman's alleged water diversion (see *supra* paras. 21 and 28).

29. The Commission takes into consideration the seriousness of the risk that Mr. Pedro Pinto and his family face, and that these events have increased in recent months, from his vehicles exploding in November 2022 to reports of an alleged assassination plot against him in February 2023. In this regard, despite the disputed information regarding the presence of a suspicious person in the vicinity of the proposed beneficiary's residence on January 7, 2023, the Commission considers that there is sufficient information to show that Mr. Pedro Pinto is at risk.

30. Furthermore, the Commission considers that the attacks and threats have seriously affected the proposed beneficiary's family members. In this regard, the applicant stresses the incident during which vehicles were burned near his sister's residence and the family's crops in November 2022, as well as the death threat his son received in January 2023. Lastly, the Commission considers that the proposed beneficiary's vulnerability is accentuated by the fact that he is a senior citizen.

31. Regarding protective measures that were, on November 23, 2022, Mr. Pedro Pinto requested protective measures from the National Protection System for Defenders, Journalists, Social Communicators, and Justice Operators. However, on November 28, 2022, the General Directorate of the Protection System declared the request inadmissible (see *supra* para. 23). Subsequently, on December 20, 2022, the Secretariat of Security of the Department of Human Rights adopted the following protective measures: police liaison in favor of Mr. Pedro de Jesús Pinto Cabrera and his family; police patrols in his place of residence, in the Municipality

of La Labor, Department of Ocotepeque; and occasional police liaison in favor of Mr. Pedro Pinto; workshops on self-protection measures for Mr. Pedro Pinto (see *supra* para. 25).

32. The Committee records the State's response regarding the actions taken in favor of the proposed beneficiary. In this regard, the State informed that the General Directorate of the Protection System identified that the incidents are related to his work as a public official in the Forest Conservation Institute. The request was therefore dismissed, considering that he was not the target population of the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators¹⁵ (see *supra* para. 30). Moreover, the Directorate referred the case to the Unit of Case Reception and Immediate Response, and the proposed beneficiary was first interviewed on February 15, 2023 (see *supra* para. 31).

33. Mr. Pedro Pinto reported the events of 2022 to the Police Directorate of Investigation and to the Special Prosecutor's Office for Human Rights Defenders, Journalists, Social Communicators, and Justice Operators in Tegucigalpa. However, the Prosecutor's Office did not admit the complaint because it had already been filed before the Police (see *supra* para. 22). In addition, the State indicated that, on the one hand, the incidents of January 2023 had not been reported and, on the other hand, even though an incident has been reported to the Police or the assigned police liaison, it did not represent a risk, according to statements by the proposed beneficiary (see *supra* para. 31).

34. The Commission considers it important to recall that when an authority becomes aware of a situation that threatens a person's life, it is up to that authority "to identify or assess whether the person being threatened and harassed requires protection or to refer the matter to the competent authority to do so," who must "provide the person at risk with timely information on the measures available."¹⁶ The Inter-American Court has stated that: "[...] The assessment of whether a person requires protection measures and what those measures should be is the State's obligation, and this must not be limited to requiring the victim to apply to "the competent authorities," without knowing which authority can best address the situation, since it is the State's responsibility to establish measures of coordination between its institutions and officials for this purpose [...]."¹⁷ Thus, the Commission considers that States may internally manage it as they deem appropriate to ensure the protection of persons at risk. However, the authorities have a duty to properly assess the need for protection of a person at risk, and to take all necessary measures to ensure their protection.

35. In this regard, the Commission notes that it has not been challenged that the proposed beneficiary has reported most of the alleged facts to the Police and the Prosecutor's Office, as well as requested protection measures from the National Protection System for Defenders, Journalists, Social Communicators, and Justice Operators. Although the internal authorities had been aware of the facts since November 22, 2022, and of the seriousness of the attacks he experienced, towards the end of December, no protective measures had been adopted in his favor, considering the refusal of the National Protection System. Subsequently, protective measures consisting of police liaison, police patrols, and police escorts were adopted. In this regard, the Commission positively values the adoption of protective measures by the State authorities in favor of Mr. Pedro Pinto, nevertheless, it observes that they are not mitigating the threats.

36. According to information from the applicant, the protective measures adopted are deficient. It was claimed that the police escorts were not available for Mr. Pedro Pinto's travel schedules when carrying out his activities. In addition, it was alleged that the police patrols were not efficient, to the extent that the police only took photographs of his residence, and did not patrol as a deterrent to possible attacks. On the other hand,

¹⁵ See in this regard: Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators. Available [in Spanish] at: <https://www.sedh.gob.hn/documentos-recientes/263-ley-de-proteccion-para-las-y-los-defensores-de-derechos-humanos-periodistas-comunicadores-sociales-y-operadores-de-justicia/file>.

¹⁶ I/A Court H.R. *Matter of Luna Lopez v. Honduras*. Merits, Reparations, and Costs. Judgment of October 10, 2013. Series C. No. 269, para. 127. Available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_269_esp.pdf.

¹⁷ Ibidem.

it was alleged that the police liaison in the Municipality of La Labor, Department of Ocotepeque, where the proposed beneficiary operates, and in other nearby municipalities, resulted in a lack of police officers for the protection demands of the communities, as there are not enough officers in these localities, which generated discontent among the inhabitants. Lastly, they pointed out defects in the police patrol assigned to the proposed beneficiary, as well as the alleged police liaison delay in responding to the situation that placed him at risk communicated in January 2023 (see *supra* para. 27). Consequently, the measures were not sufficient to mitigate the risk.

37. The foregoing assessments are relevant given the continuity of the events of risk. In addition, the Commission notes that the State did not provide information regarding possible progress in the investigations of the facts denounced, nor on the follow-up of the risk assessment of the proposed beneficiary by the Protection System, following an interview conducted on February 15, 2023. The aforementioned is relevant for the identification of those responsible and the likelihoods of the alleged events reoccurring.

38. Considering the risk that the proposed beneficiary faces and the previous assessments, the Commission evaluates that the rights to life and personal integrity of Mr. Pedro de Jesús Pinto Cabrera are *prima facie* at risk. Furthermore, taking into account that the incidents of risk have also affected his family members, this assessment includes the identified members of Mr. Pedro Pinto's family unit.

39. Referring to the requirement of *urgency*, the Commission notes that since November 2022, there have been concrete attacks against the proposed beneficiary and his family members and, recently, the proposed beneficiary received information about an alleged assassination plot against him. The foregoing is concerning due to that fact that, despite the protective measures adopted in late December, these were deemed ineffective, considering the continuity of risk events. Therefore, the Commission considers that the risk is likely to persist over time, as long as the proposed beneficiary continues with his environmental protection work. It is therefore urgent that adequate measures be adopted to safeguard the life and personal integrity of the proposed beneficiary and his family members.

40. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to life, personal integrity, by their very nature, constitutes the maximum situation of irreparability.

IV. BENEFICIARIES

41. The Commission declares Pedro de Jesús Pinto Cabrera, who is duly identified in this proceeding, as well as his family unit, identified in the resolution at hand, to be the beneficiary of the precautionary measures.

V. DECISION

42. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Accordingly, Honduras is requested to:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Pedro de Jesús Pinto Cabrera and his family;
- b) adopt the necessary measures so that the beneficiary can continue his activities without being subjected to threats, harassment and violence in the exercise of his duties as Reserve Ranger of

the Guisayote Reserve Institute and President of the Water Board of the La Mesa neighborhood, La Labor, Department of Ocotepeque;

- c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

43. The Commission also requests that the State of Honduras report, within 15 days as from the day after this resolution, on the adoption of the required precautionary measures and to update that information periodically.

44. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected under the applicable instruments.

45. The Commission requests that the Secretariat of the IACHR notify the State of Honduras and the applicants of this Resolution.

46. Approved on April 13, 2023, by Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Joel Hernández García; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; and Carlos Bernal Pulido, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary