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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 44/2023**

Precautionary Measure No. 99-23

A. A. Q. O. and family members<sup>1</sup> regarding Mexico

August 12, 2023

Original: Spanish

**I. INTRODUCTION**

1. On February 8, 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 M. W. C. R., D. A. A. C., and A. A. Q. O.,<sup>2</sup> (“the applicants”), urging that the Commission require the United Mexican States (“Mexico” or “the State”) to adopt the necessary measures to guarantee the rights to life and personal integrity of 1) A. A. Q. O.; 2) O. E. Q. O.; 3) A. L. Q. O.; 4) O. E. Q. M.; 5) A. M. O. C.; 6) A. M. R.; 7) E. A. M. J.; and 8) M. C. Q., as well as the children 9) O. S. Q. M., nine years old; 10) L. E. Q. M., six years old; 11) A. C. Q., fifteen years old; and 12) V. C. Q., ten years old<sup>3</sup> (“the proposed beneficiaries”). According to the information provided, the family proposed as beneficiary is allegedly being subjected to harassment and threats, related to a beneficiary’s work in human rights defense and her sister’s status as a human trafficking survivor.

2. Following requests for information made by the IACHR, the applicants submitted additional information on April 11, May 31, and June 6, 2023. Pursuant to Article 25(5) of its Rules of Procedure, the IACHR requested information from the State on June 9, 2023. The State submitted its report on June 16, 2023.

3. After analyzing the allegations of fact and law, the Commission considers that 1) A. A. Q. O.; 2) O. E. Q. O.; 3) A. L. Q. O.; 4) O. E. Q. M.; 5) A. M. O. C.; 6) A. M. R.; 7) E. A. M. J.; and 8) M. C. Q., as well as the children 9) O. S. Q. M., nine years old; 10) L. E. Q. M., six years old; 11) A. C. Q., fifteen years old; and 12) V. C. Q., ten years old, are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the IACHR requests that Mexico: a) adopt the necessary measures to protect the rights to life and personal integrity of A. A. Q. O., A. L. Q. O., and their relatives. In this regard, the State should adopt protection measures with a gender perspective and other differentiated approaches that are relevant, taking into account the work in human rights defense and the status as a human trafficking survivor as a form of gender violence, in relation to the duty of reinforced due diligence; b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives, maintaining the confidentiality of individuals’ identities at the discretion; and, c) report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicants**

4. In the background context of this request is the kidnapping and subsequent submission of A. L. Q. O. to human trafficking in 2004, the context in which her three children, M. C. Q., A. C. Q., and V. C. Q., were born. For fifteen years, she was allegedly a victim of forced labor; physical, psychological and sexual violence;

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<sup>1</sup> By means of their initial request of February 8, 2023, as well as their communication of April 11, 2023, the applicants requested to keep the beneficiaries’ identities confidential for public purposes. As a result, the IACHR will refer to them by their initials.

<sup>2</sup> The representation has also requested to keep the applicants’ identity confidential in public documents.

<sup>3</sup> The version sent to the State contains the complete identification of the names, while this public version omits them.

forced marriage at the age of fifteen and witnessed a series of illegal acts.<sup>4</sup> When A. L. Q. O. and her children were rescued in 2019, the family nucleus reportedly began to receive threats by State officials and members of organized crime.<sup>5</sup>

5. The applicants stated that those responsible for the kidnapping of A. L. Q. O. remain at large. Additionally, they reported violations of the family's judicial guarantees due to a conflict of jurisdictions between judicial authorities. According to the applicants, this has expanded the family's afflictions, as the security incidents have not stopped.

6. For her part, A. A. Q. O., sister of A. L. Q. O., indicated that she is a human rights activist and defender. Therefore, she is included in the Protection Mechanism for Human Rights Defenders and Journalists (Mechanism or Protection Mechanism), as a result of the threats she allegedly received from public officials and members of organized crime. Thereon, the proposed beneficiaries were informed about allegedly being relocated to a secure location and provided police patrols and an emergency number as protection measures, which, according to the applicants, are not enough considering their level of risk. It was reported that local authorities have refused to carry out the patrols and assist the family with reports of incidents where they are at risk. In addition, safety incidents have been reported in their secure locations, as well as threats against her family. It was indicated that complaints have been filed at both the State and federal levels regarding the alleged events.

7. Regarding the events posing a risk, on January 21, 2022, the Instagram account of A. A. Q. O. reportedly recorded "unauthorized access" from a device, which caused her location to be breached; she added that those who kidnapped them manufactured devices to block and intercept communication. From that day on, her cell phone reportedly began to malfunction. Furthermore, A. A. Q. O. stated that she was contacted by an individual who sent her sister's location and was also contacted by her sister to be rescued (no further details).

8. On February 16, 2022, A. A. Q. O. received a call through Facebook from an account with the name "Javier Elidrum." This individual had a profile photo with long firearms and a cover photo of a wall with the letters "CJNG" on it. In the absence of a response, this individual sent a threatening message to Ms. A. A. Q. O., that said the following: "Look here mijita the BOSS already gave you a lot of chances and you won't back off, stop looking for trouble and adding fuel to the fire or there will be consequences this is the first WARNING or you stop or you stop because here we find out everything if you think you're so badass you don't know who you're messing with, the guard, the office of the attorney general and all of those pigs are on our side so start considering how you value your life we already know what you're up to so cut it out because your bodyguards can suck it." Later she shared a news story titled: "A woman is found dead in the fields on the corner of the 57," to which the same person commented on her post with the message "better watch out or else this is how you'll end up one of these days for running your mouth."

9. A. A. Q. O. also reported having received messages with the only content being a Google Maps link with the location of her parents' house, O. E. Q. M. and A. M. O. C., where they live together with A. L. Q. O. and her three children.

10. During the following months, A. A. Q. O. was also allegedly victim of several cyberattacks. On June 21, 2022, she found that her Facebook account was opened in Wyoming, United States. Her WhatsApp application closed due to "suspicious activity" on August 2, 2022; when she was able to access the application,

<sup>4</sup> Her son M. C. Q. was also allegedly a victim of forced labor from the age of six, as well as a witness to multiple illegal acts.

<sup>5</sup> The Commission received a precautionary request for precautionary measures related to these facts (PM-359-19), whose processing was closed in October 2019 after assessing both parties' information.

she noticed that her information and personal conversations had been lost. Finally, A. A. Q. O. reported phone call interferences, as well as irregularities in messages and audios.

11. Furthermore, on March 3, 2022, an unidentified woman went to the residence of a cousin of A. A. Q. O. to ask about her whereabouts; when her uncle came out, the woman got on a white truck and left.

12. A. A. Q. O. also reported criminalization and investigative actions by the Office of the Attorney General in the State of Querétaro. On April 20, 2022, the relatives of a missing young man, who A. A. Q. O. was advising, told her that both the Office of the Attorney General and staff of the Special Prosecutor's Office for Missing Persons, recommended them to not take her counsel. In addition, they told them that they would carry out investigations into the communications of A. A. Q. O., as well as other people, to determine if she maintained contact with the young man or with people involved.

13. Additionally, it was reported that on May 17, 2022, the National Human Rights Commission (CNDH) issued Recommendation 99/2022, where they found violations of the family's human rights, in particular, those suffered by A. L. Q. O., due to the crime of human trafficking and the lack of action from justice authorities. A. A. Q. O. indicated that the Recommendation emphasized that the authorities of Tlaxcala's Office of the Attorney General, when notifying the offender about the protective measures issued for her sister, and knowing the previous history, decided to make the address where A. L. Q. O. lived with her parents visible.

14. During June 2022, A. A. Q. O. and her partner, Mr. A. M. R., reported security incidents at the secure location they were relocated to by the Mechanism. First, on June 9, 2022, a neighbor reported an individual who entered the building through the parking lot, however, they were removed before arriving further inside to where the secure location was.

15. Then, an individual allegedly buzzed into the intercom system on June 10, 2022. In response, A. M. R. heard a man who was threateningly demanding his entry (no further details). A few moments later, the individual rang again and mentioned that there was a dead person in an apartment. At his insistence and aggressiveness, A. A. Q. O. dialed emergency and activated the panic button. Officials from the State Police arrived later and confirmed the individual's absence, as well as the absence of deceased persons. When the officers arrived, they entered a business and asked about this individual. A young woman described a man, approximately thirty years old and who was acting suspiciously, who entered the establishment to ask her if she lived in the building and if she could let him in. The next day, A. A. Q. O. spoke with the young woman in question, who told her that the man was talking on his cell phone and had reached inside to take photographs or videos of the door from the inside. Then, he called someone and told him that he couldn't open it.

16. Furthermore, on June 12, 2022, while the proposed beneficiaries slept, they noticed a man's presence on the second floor of a store's parking lot, next to the building where the secure location is located; a site which has been reported to the Mechanism as vulnerable. They noted that the man was carrying a radio and had a blanket on to hide himself. Consequently, A. A. Q. O. activated the panic button on four occasions, allegedly without any response. Thereupon, she reported to the Mechanism what had happened, and the Mechanism officials then requested support from the municipal police. An hour and a half later, two officers in a State Police vehicle, without license plates or a unit number, arrived and explained that they could not do anything because this individual was on private property. Due to the proposed beneficiaries' persistence, one of the officers requested the authorization of the business and proceeded to investigate. According to A. A. Q. O., even though this individual was completely visible with the light from the flashlight, the officer said no one was there. Finally, the officers informed the proposed beneficiaries that they could not do anything else, and that this individual was probably a "beggar," the proposed beneficiaries protested and mentioned that he had a radio. They also mentioned security incidents that had happened days before. Before leaving, A. A. Q. O. asked the officers for their names, however, they refused to identify themselves. It was indicated that the person who was monitoring from RCU (security company), told A. A. Q. O. "tell them not to leave, they cannot leave because

you are at risk.” In response to the behavior of the officers, the proposed beneficiaries asked for help from the National Guard, who arrived later and withdrew the individual.

17. On August 3, 2022, a photo of A. A. Q. O. was published on a website along with information from her social media and a message requesting information in exchange for money. Due to this, A. A. Q. O. and A. M. R. began to receive friend requests from suspicious profiles, causing her to delete her Facebook account. According to the applicants, among the responses to the original post are messages from strangers, suggesting that they pay money to a group of captors to give away her personal information, as well as messages that indicate “that for 35 thousand pesos they would kill her or it would be cheaper to attack her with acid”; “KILL HER”; “I support that you KILL HER,” etc.

18. On August 4, 2022, Mr. O. E. Q. O., brother of Ms. A. A. Q. O. and Ms. A. L. Q. O., noticed a suspicious truck in front of his parents’ home. As a result, he activated the panic button and dialed emergency services. Upon leaving, he noticed that the vehicle began to follow him, until he finally managed to lose them. He pointed out that this type of truck is similar to the vehicle used by the criminal group from which A. L. Q. O. was rescued.

19. On October 17, 2022, while O. E. Q. O. was returning home with his wife, Ms. E. A. M. J., and their two children, O. S. Q. M. and L. E. Q. M., they noticed two suspicious individuals. Upon arrival home, O. E. Q. O. noticed that one of the cameras was damaged, later confirming that two people had attacked the camera hours before. This was reported using the panic button, with no response. On December 10, 2022, due to this incident, as well as the failure of authorities to provide assistance, O. E. Q. O. and his family moved. On December 28, 2022, a neighbor told him that she had left her vehicle in front of his old house, later discovering that it was unlocked. Despite having valuable belongings, only documents and a cell phone were stolen.

20. The request indicates that the family unit has been the victim of various threats to this day, including situations of harassment, surveillance, and violation of their spaces, such as their homes and schools where the youngest study. Additionally, the family maintains that A. L. Q. O. has not been able to rebuild her life, finding herself confined in her parents’ house, in fear of being identified by her captors. They added that the aggressor requested parental authority of her daughters (no further details were given), an action frequently used by traffickers in Tlaxcala. For her part, A. A. Q. O. has been forced to reduce her work as a human rights activist and defender, as well as keep a low profile. Thereupon, they request the adoption of the necessary precautionary measures to guarantee the life and personal integrity of the family.

21. On March 7, 2023, the applicants submitted information, indicating that a man with his face covered allegedly tried to enter the building of the secure location of A. A. Q. O. and A. M. C. on February 24, 2023, at 4:35 am, ultimately forcing the lock. On February 27, 2023, an unidentified man allegedly entered the building, kicking in the door of an apartment on another floor. Together with the neighbors, A. A. Q. O. called the police, when a security guard “entered the building, removing the man from the site, and letting him go without any investigation.” Outside the building, the man reportedly stated that one of the parked cars nearby was his, however, this car did not have license plates and he left running. This was allegedly reported to the Protection Mechanism and 911.

22. With regard to the investigation for the crime of trafficking, the applicants stated that “the authorities have carried out a bureaucratic process that prevents them from following up,” since any procedure must be done through the Querétaro State Commission for Victim Assistance, which in turn must make the request to Querétaro’s Trafficking Prosecutor, and the latter must send the request to Tlaxcala’s Office of the Attorney General, “where any procedure takes months or is discontinued.” After four years, the applicants allegedly had access to the investigation folder for the first time and identified “omissions by Tlaxcala’s Office of the Attorney General, including a misspelling of one of the defendant’s names, therefore, the entire four-year investigation has made no progress.”

23. The applicants submitted additional information on April 11, 2023. The applicants pointed out that on March 13, 2023, the Protection Mechanism carried out a risk analysis, proposing the withdrawal of the relocation measure and their return to Querétaro, “despite the level of risk.” In this regard, an image of a text that allegedly corresponds to the analysis of the Protection Mechanism was attached, in which it was proposed to withdraw the relocation measure for A. A. Q. O. and A. M. C. because their risk had decreased and noting that “although events that posed a risk occurred, these events occurred through social media and not directly. It should be noted that the events presented at the secure location are not related to the beneficiary’s work, but rather to the context of the area, since, as mentioned by the beneficiary, a neighbor in the area is allegedly involved in the sale of psychotropic substances. Events that as of today do not affect the beneficiary [...]”<sup>6</sup>

24. Regarding security measures, it was reported that there are 6 assistance buttons in favor of A. L. Q. O., A. M. O. C., O. E. Q., E. A. M. J., O. E. Q. O., and A. A. Q. O. For its part, the Mechanism allegedly installed cameras and electrical circuits in the two homes of the family in Querétaro. Although the Mechanism allegedly determined daily police patrols in both homes, this measure is not being complied with. In the same communication, the transfer of their names to the State was authorized, requesting their information be handled with discretion, especially in response to the information leak and the actions taken against the aggressors by local authorities.

25. On June 6, 2023, the applicants reported that - upon the Mechanism’s previously informed decision - the company that provides the relocation informed through *WhatsApp* that they would need to vacate the secure location and return to Querétaro in 48 hours; therefore, an amparo, which is still pending, was allegedly filed on May 16, 2023. Despite this, the Mechanism reportedly filed a motion for complaint of immediate suspension to request the withdrawal of the relocation order while the amparo trial is pending, which reportedly generates fear that the measure will be withdrawn. In addition, the proposed beneficiary reported the following events posing risk.

26. On April 20, 2023, there were at least two unidentified men aboard a white van without license plates, near her Querétaro home. They allegedly went after A. L. Q. O. and her children, looked at the cameras, and made a phone call. This situation happened again on May 2, 2023; the report was made to 911 and the victims unit arrived. On May 9, 2023, the cameras reportedly stopped working and have not been repaired to date.

27. On May 24, 2023, there were two men aboard a white van, one of the men got out of the van and remained close to the parents. This happened again on May 25, 2023 – the same man was taking pictures with his phone when the family returned from picking up the children from school.

28. On May 28, 2023, they reportedly noticed that one of the cameras was in an unusual position. Some neighbors reportedly said that two men were near the entrance of the house and that one of them took a photo of the lock on the gate.

## **B. Information provided by the State**

29. The State submitted its report on June 16, 2023, informing that the seven individuals proposed as beneficiaries were protected under the Mechanism and their current protection plan consists of “Security plan and support networks, making available to them the 911 emergency line and random police patrols at [A. A. Q.]’s parents and brother’s home.” Additionally, the Mechanism reportedly notified A. A. Q. O. on May 4, 2023, that in light of her risk assessment, measures were adopted in her favor in a way that “allow her to carry out her work and guarantee her protection and assistance in the case that she finds herself in a situation where her

<sup>6</sup> Although the text is provided in an image, there is no formal document from any authority or any additional element which could help to identify its author or the person who sent it.

life, integrity, liberty, or security are at risk of danger.” The measures include emergency contact numbers for her and her family, as well as “random police patrols carried out daily by the municipal police at her brother’s residence and that of her parents.”

30. In addition, it was indicated that on December 19, 2022, the prosecuting attorney of Querétaro’s Office of the Attorney General issued a protection measure, in the framework of an investigation file started for the crime of threats. They reported that, within this context, the measures have been implemented “without reporting any act of intimidation or harassment against the proposed beneficiaries.”

31. Furthermore, it was indicated that the government of the State of Tlaxcala accepted a recommendation issued by the National Human Rights Commission (CNDH) under number 99/2022, implementing actions through the Attorney General’s Office (PGJT) and the Executive Commission for Victim Assistance (CEAVOT), both of the State of Tlaxcala. The CEAVOT registered them in the National Registry of Victims, highlighting that they were already in the said registry. It was also indicated that the PGJT conducts a training for their public servants “in matters of investigation and prosecution of the crime of human trafficking, with a focus on raising awareness in victim care and/or considering a gender perspective.” In addition, protection of her identity was requested.

32. It was pointed out that the Special Prosecutor’s Office for Investigation and Prosecution of Crimes of Trafficking of Persons has been requested to advance with the investigation file and process with an administrative complaint by the Internal Control Body of the PGJET.

33. Additionally, a working meeting was held between officials of the government of Tlaxcala, Querétaro, and the Protection Mechanism on June 13, 2023, where they made a commitment to follow-up on the events told by the applicants. The State requested that the precautionary measures not be granted, considering the protection measures granted, the investigations initiated, and the working meeting held.

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

34. 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 Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the Rules of Procedure, by which the Commission grants precautionary measures in serious and urgent situations, where such measures are necessary to prevent irreparable harm.

35. 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. Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. The purpose of precautionary measures is to preserve the rights at risk until the petition pending before the inter-American system is resolved. Its object and purpose are to ensure the integrity and effectiveness of the decision on the merits and, in this way, to prevent the alleged rights from being violated, a situation that could render the final decision innocuous or detract from its useful effect (*effet utile*). In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, and according to Article 25(2) of the 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.

36. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.<sup>7</sup> Similarly, with respect to the processes undertaken to address the events that some of the proposed beneficiaries have experienced, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liability of individuals, nor to determine on the basis of this mechanism whether due process violations have occurred, since this would require a review of the merits of a petition or case. The following analysis thus relates exclusively to the requirements set out in Article 25 of the IACHR Rules of Procedure.

37. When assessing the seriousness requirement, the Commission emphasizes that trafficking in women in all its forms, in addition to being prohibited by the American Convention on Human Rights, constitutes a form of violence against women in terms of the Convention of Belém Do Pará. Article 2 of this Convention establishes that, “Violence against women shall be understood to include physical, sexual and psychological violence: [a]; b. that occurs in the community and is perpetrated by any person, including, among others [...] trafficking in persons.” In this regard, and taking the context into account, in accordance with the provisions of Article 25(6) of the Rules of Procedure, the Commission has stressed the obstacles that women face when trying to report the acts of violence they have suffered, as well as the lack of judicial protection and guarantees to protect their dignity, safety, and privacy during the process.<sup>8</sup> In the 2019 report on “Violence and Discrimination against Women and Girls,” the IACHR has pointed out that “high rates reports of gender-based killings, disappearances, harassment and sexual violence, among other forms of violence, and the persistence of serious obstacles, still keep women from gaining timely access, without discrimination, to justice and to full redress and protection from such acts.”<sup>9</sup> Moreover, the IACHR has received information about “persistently high rates of impunity, as well as the prevalence of many obstacles for women and girls to have access to an equitable, impartial justice within a reasonable time.”<sup>10</sup> The Commission has warned that the situation of impunity is even more serious regarding human trafficking crimes, since by its nature the commission of these crimes requires the collaboration of certain State sectors, which is also decisive for them to remain silenced and in a large degree of impunity.<sup>11</sup>

38. At the same time, it cannot be overlooked that, in many cases, the women who were murdered had previously reported their assailants, faced serious acts of domestic violence, or sustained attacks or attempted homicides in the past, which reflects the existing shortcomings in the mechanisms of prevention and

<sup>7</sup> In this regard, for example, referring to provisional measures, the Inter-American Court has indicated that a minimum amount of detail and information is required to assess, *prima facie*, whether an extremely serious and urgent situation exists. I/A Court H.R., *Matter of Children and adolescents 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.

<sup>8</sup> IACHR. *Access to Justice for Women Victims of Violence in the Americas*. OEA/Ser.L/V/II., Doc. 68. January 20, 2007, para. 172.

<sup>9</sup> IACHR. [Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean](#). OEA/Ser.L/V/II., Doc. 233, November 14, 2019, para. 7.

<sup>10</sup> IACHR. *Violence and Discrimination against Women and Girls*, para. 131.

<sup>11</sup> IACHR. *The Impact of Organized Crime on Women, Girls, and Adolescents in the Countries of Northern Central America*. OEA/Ser.L/V/II. Doc. 9/23. February 17, 2023, para. 160-161.

protection of women from the risks of gender-based violence and, in particular, from the risk of murder.<sup>12</sup> To this end, the I/A Court H.R. has established that States must adopt comprehensive measures to comply with due diligence in cases of violence against women, with a prevention strategy that must prevent the risk factors and reinforce the relevant institutions so that they can provide an effective response to cases of violence against women.<sup>13</sup> In this regard, it is important to recall what the Court indicated in the sense that:

state authorities have a responsibility to be aware of a situation of special risk, to identify or determine whether the person being threatened or harassed requires protection measures or to refer the matter to the competent authority for that purpose and to offer the person at risk pertinent information on the measures available. 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.<sup>14</sup>

39. In this particular matter, the Commission notes that the risk facing the proposed beneficiary family stems, on the one hand, from filing various complaints and promoting investigations against the people who allegedly kept A. L. Q. O. and her children in captivity, who are reportedly still at large. In this sense, although it is not for the Commission to pronounce on domestic criminal proceedings within the context of the current proceeding, as indicated above (see, *supra* para. 36), the Commission assesses that the foregoing has been a relevant factor in the situation placing the proposed beneficiaries at risk. Additionally, as a second risk factor, the Commission takes note of the work of Ms. A. A. Q. O., who stated that she is reportedly a human rights defender and activist, which was not contested by the State, since even the Mechanism has granted measures to protect the performance of her work (see *supra* para. 29).

40. Entering into an analysis of the procedural requirements, regarding the seriousness requirement, the Commission informs that the applicants have reported multiple incidents presenting risks that have taken place since the beginning of 2022 and have continued to date. The Commission also notes that the aforementioned events fall into two types: on the one hand, invasions of privacy and online threats and, on the other hand, incidents that have occurred directly in the family's homes. In this regard, the Commission summarizes the following events that have been alleged:

a. Related to the online sphere:

- i. January 21, 2022: "Unauthorized entries" into the Instagram account of A. A. Q. O., where her location was compromised. Afterwards, an individual contacted her with her sister's location, and her sister contacted her to "be rescued" (see *supra* para. 7);
- ii. February 16, 2022: Facebook call to A. A. Q. O. from a person referring to weapons and a cartel, who, when not given a response, sent a message with direct threats. He or she then threatened the proposed beneficiary in a post about a woman who was found dead (see *supra* para. 8). The request reported that other messages were received with the location of her parents' house, where A. A. Q. O. also lives with her children (see *supra* para. 9);

<sup>12</sup> IACHR. *Violence and Discrimination against Women and Girls*, para. 160.

<sup>13</sup> I/A Court H.R. *Caso López Soto et al. v. Venezuela*. Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 362, para. 131.

<sup>14</sup> I/A Court H.R. *Case of Luna López v. Honduras*. Merits, Reparations and Costs. Judgment of October 10, 2013. Series C No. Series C. No. 269, para. 127. Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_269\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_269_ing.pdf). See, *inter alia*, in the context of violence against women: IACHR. *M. I. F. M. and family regarding Colombia (PM-1212-19)*. Resolution 9/20 of February 5, 2020, para. 28; and *Adolescent A. A. T. T. and her family regarding Colombia (PM-96-20)*. Resolution 22/20 of May 12, 2020, para. 24; also, related to other topics, see: *Maria Patricia Arce Guzmán and her children regarding Bolivia (PM-1123-19)*. Resolution 68/2019 of December 25, 2019, para. 32 [only available in Spanish]; *Yaku Pérez Guartambel regarding Ecuador (PM-807-18)*. Resolution 67/18 of August 27, 2018, para. 30 [only available in Spanish].



- iii. June 21, 2022: A. A. Q. O. detected that her *Facebook* account was open in Wyoming, U.S.A., and, on August 2, 2022, her *WhatsApp* account was closed due to “suspicious activity,” detecting loss of information and personal conversations upon reopening it (see *supra* para. 10);
  - iv. March 3, 2022: a woman went to the home of a female relative, asking for A. A. Q. O., and she left in a truck after the relative’s father came out (see *supra* para. 11);
  - v. August 3, 2022: they published a photograph and information about A. A. Q. O., offering money for information about her, which generated strong reactions of gender-based violence and incited strong attacks against her (see *supra* para. 17).
- b. Related to home security incidents:
- i. On June 9, a neighbor reported that a person entered the building (see *supra* para. 14);
  - ii. On June 10, 2022, an individual requested to enter the apartment and mentioned a dead person in the building; this person took photographs or videos of the door inside and spoke to someone (see *supra* para. 15);
  - iii. On June 12, 2022, a person was identified in a building next to hers with a radio and a blanket to hide themselves. (see *supra* para. 16);
  - iv. On August 4, 2022, the presence of a suspicious truck was detected at the parents’ home, which then followed Mr. O. E. Q. O. (see *supra* para. 18).
  - v. On October 17, 2022, Mr. O. E. Q. O. noticed that two individuals were outside his home, and they discovered that the cameras were damaged (see *supra* para. 19);
  - vi. On February 24, 2023, someone tried to force the lock on the secure location where A. A. Q. O. was staying (see *supra* para. 21);
  - vii. On February 27, a man entered the building and was removed by police, who released him “without an investigation” (see *supra* para. 21);
  - viii. On April 20, 2023, and May 2, 2023, two men aboard a white van without license plates followed A. L. Q. O. with her children (see *supra* para. 26);
  - ix. On May 24, two men in a white van were again detected; one of them got out and remained near the parents’ home (see *supra* para. 27);
  - x. On May 25, the person who was at the home the previous day returned, and on this occasion, he took photographs of the family (see *supra* para. 27).

41. In this regard, the IACHR stresses that the acts of hacking into the accounts of Ms. A. A. Q. O. reportedly violated her privacy and compromised her location, in addition to the fact that individuals directly informed her that they knew the addresses and locations of her relatives. In addition, the messages filled with threats and gender-based violence expressed against her are relevant. Although these have been posted on social networks, the request for information about her stands out because it might translate into an intent to go beyond the virtual realm and seek to commit acts of violence against her. In addition to the above, the IACHR observes with great concern the constant attempts to enter the buildings where the families’ homes are located, which began in 2022 and have continued to date. Furthermore, it observes that these have not merely been random events, but have been accompanied by instances of following, direct questions about the family, surveillance, and photographs being taken.

42. In relation to all of the above, the Commission positively acknowledges that the State has ordered and adopted security measures through different institutions. In this regard, the Commission stresses that the proposed beneficiaries are included in the Mechanism and have a “Security plan and support networks, making available the 911 emergency line and random patrols at the home of the parents and brother of [A. A. Q. O.]”; and specifically concerning A. A. Q. O., measures were ordered to allow her to carry out her work, which consisted of emergency numbers and random patrols by the Municipal Police (see *supra* para. 29). Additionally, the request reported that Querétaro’s Office of the Attorney General issued protection measures (without specifying what they consist of) and the CNDH made a recommendation in relation to the family, which was accepted by authorities in Tlaxcala (see *supra* paras. 13 and 31). The State further reported that, on June 13,

2023, a working meeting was held between authorities of Querétaro, Tlaxcala, and the Mechanism to address the situation (see *supra* para. 33). The Commission stresses that, in addition, the applicants have reported having six panic buttons, cameras and electrical circuits in two homes, and ordered police patrols (see *supra* para. 24). The IACHR observes that, despite the adoption and implementation of the aforementioned measures having been essential to provide protection to the proposed beneficiary family in light of the events they have been experiencing, the beneficiaries continue to face various risks that have persisted over time.

43. In this regard, the Commission recalls that the protection measures must be adequate and effective, in the sense that they must be able to deal with the degree of risk that the defender is experiencing and mitigate such risk, with the principle of consultation being especially important.<sup>15</sup> In this sense, the IACHR takes careful note of the challenges reported by the applicants in the implementation of the measures ordered by different authorities. The applicants have indicated that the patrols have not taken place, and they reported several instances in which the cameras and making calls through the panic button have not been effective. Specifically, the Commission observes that, after reporting a suspicious individual on June 12, 2022, the Municipal Police refused to remove him, so the National Guard had to be called subsequently (see *supra* para. 15); upon observing suspicious people and reporting through the panic button that the cameras were damaged on October 17, 2022, they received no effective response, so they had to move from their home on December 10, 2022 (see *supra* para. 19); after a person was detected entering their home on February 27, 2023, he was released by the Municipal Police without an investigation (see *supra* para. 21); on May 9, 2023, it was reported that the cameras stopped working, and the last report indicated that they had not been repaired. Subsequently, a camera was again detected in an unusual position on May 28, 2023, after learning that two men were at the house's entrance, and one took photographs of the lock (see *supra* paras. 26 and 28).

44. In addition to the previous points, the Commission notes the applicants' allegations that, after the recommendation of the CNDH, the Tlaxcala's Office of the Attorney General notified the alleged assailant, revealing the address of A. L. Q. O. (see *supra* para. 13), as well as the fact that, in April 2022, officials of Querétaro's Office of the Attorney General allegedly made stigmatizing comments against A. A. Q. O. for accompanying the relatives of a disappeared person, indicating that "they would investigate their communications" (see *supra* para. 12). In this regard, the Commission stresses how important it is for the authorities responsible for protecting people to ensure that, through their actions, they do not generate insecurity, especially as they are aware of the existence of previously reported situations placing the proposed beneficiaries at risk. In addition, the latter are also victims of violence against women, given one's role as a human rights defender and another's status as a survivor of human trafficking. Under such circumstances, it is essential to exercise greater due diligence by adopting effective protection measures that incorporate a gender perspective.

45. In the same vein, the IACHR notes with concern that, as indicated by the applicants, notification arrived in March 2023 of the relocation measure being withdrawn based on the consideration that the risk had decreased, that the reported events have taken place on social media networks, and that those occurring at the secure location were allegedly due to A. A. Q. O. saying that a neighbor reportedly sells drugs, which would not have affected her (see *supra* para. 23). On this matter, the IACHR notes that there is insufficient information about this decision and that the information provided by the applicants does not provide sufficient details in this regard. For these reasons, the Commission regrets not having information from the State about the aforementioned allegation, with the understanding that the latter refers to the implementation of precautionary measures by its institutions and that it allegedly has sufficient and updated information related to this matter.

46. In any case, the Commission stresses the importance of assessing online events according to their possibility of materializing, as well as considering the situation in context, together with the importance

<sup>15</sup> IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), December 31, 2011, para. 521-524.

of stressing that “violence against women is experienced as a continuum of online and offline experiences.”<sup>16</sup> In turn, given the large number of events reported regarding the secure location, the Commission highlights the importance that relocation measures should serve as preventive security measures and not expose people to greater risk, and the risk events that take place and their possibility of being related to the proposed beneficiaries’ situation should be investigated without being disregarded. Furthermore, the Commission notes that events placing the proposed beneficiaries at risk have also been reported in the homes of relatives, which are reportedly accompanied by surveillance and explicit references to the proposed beneficiaries. In this sense, the Commission considers it essential that any decision made by domestic authorities on security measures must take into account all of the available information.

47. In view of the above, the Commission concludes that the previously mentioned risk factors as a whole allow it to consider, from the applicable *prima facie* standard, that the seriousness requirement is met and that the rights of the proposed beneficiary family are at serious risk. In this regard, the Commission observes that, although most of the facts refer mainly to the sisters A. A. Q. O. and A. L. Q. O., who have been more exposed as a human rights defender and a survivor of human trafficking, the events placing them at risk have directly involved the following and surveillance of their relatives and have taken place in their homes, so it is understood that the rest of the persons proposed as beneficiaries are also at risk.

48. Regarding the requirement of urgency, the Commission deems that it has been met, to the extent that, while protection measures have been adopted in favor of the proposed beneficiaries, the situations placing them at risk have continued over time from the beginning of 2022 to date. In addition, the Commission has taken careful note of the challenges that have arisen in the implementation of protection measures, as well as the possibility that the measures may be reduced. Under these circumstances, the Commission considers that the risks are likely to continue and exacerbate over time, in view of the fact that they are reportedly related to the human rights defense work of A. A. Q. O. and the alleged persecution of the assailants of A. L. Q. O. as a victim of violence against women, in light of the complaints that they allegedly filed against her, such that it is necessary to immediately strengthen measures to safeguard their rights to life and personal integrity.

49. In relation to the above, in order to adequately protect the beneficiaries, the Commission stresses the importance of the measures that are ordered and implemented domestically taking into consideration the human rights defense work of A. A. Q. O. and the status of A. L. Q. O. as a survivor of human trafficking, as a form of gender-based violence. The foregoing calls on the State to apply measures with relevant differentiated approaches, alongside the importance of the State’s duty to exercise greater due diligence<sup>17</sup>.

50. Regarding the requirement of irreparable harm, the Commission finds that it is met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparable harm.

#### **IV. BENEFICIARIES**

51. The IACHR declares the beneficiaries of this precautionary measure to be: 1) A. A. Q. O.; 2) O. E. Q. O.; 3) A. L. Q. O.; 4) O. E. Q. M.; 5) A. M. O. C.; 6) A. M. R.; 7) E. A. M. J.; and 8) M. C. Q., as well as the children

<sup>16</sup> Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW), [Thematic Paper on the Digital Dimension of Violence against Women as Addressed by the Seven Mechanisms of the EDVAW Platform](#), November 17, 2022, p. 19; IACHR, *Violence and Discrimination against Women and Girls*, para. 305.

<sup>17</sup> In this regard, see, *inter alia*: IACHR, [X. Y. and family regarding Colombia \(PM-876-17\)](#). Resolution 53/2017 of December 25, 2017 [only available in Spanish]; [D. P. A. and her children regarding Honduras \(PM-772-20\)](#). Resolution 97/2020 of December 21, 2020; [Adolescent A. A. T. T. and her family regarding Colombia \(PM-96-20\)](#), Resolution 22/2020 of May 12, 2020. See also: I/A Court H.R. *Caso López Soto et al. v. Venezuela*. Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 362, para. 131; *Case of Bedoya Lima et al. v. Colombia*. Merits, Reparations and Costs. Judgment of August 26, 2021. Series C No. 431, para. 91.

9) O. S. Q. M., nine years old; 10) L. E. Q. M., six years old; 11) A. C. Q., fifteen years old; and 12) V. C. Q., ten years old, all of whom are duly identified in the request for precautionary measures.

## **V. DECISION**

52. In view of the aforementioned background, the IACHR 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. Consequently, the Commission requests that Mexico:

- a) adopt the necessary measures to protect the rights to life and personal integrity of A. A. Q. O. and A. L. Q. O. and their family members. In this regard, the State should adopt protection measures with a gender perspective and other differentiated approaches that are relevant, taking into account the beneficiaries' work in human rights defense and status as a victim of violence against women, in relation to the duty to exercise greater due diligence;
- b) consult and agree upon the measures to be implemented with the beneficiaries and their representatives, preserving the confidentiality of the beneficiaries' identities in a discreet manner; and
- c) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

53. The Commission also requests that Mexico kindly inform the Commission, within a period of 15 days from the date of this communication, on the adoption of the precautionary measures agreed upon and to periodically update this information.

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

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

56. Approved on August 12, 2023, by Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary