
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 6/2023**

Precautionary Measure No. 56-07

Cástulo Benavides and other members of the Workers' Peasant Labor Forum (*Foro Laboral Obrero Campesino*, FLOC) regarding Mexico¹

February 16, 2023

Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Cástulo Benavides and other members of the FLOC, in Mexico. At the time of making the decision, the Commission assessed the actions taken by the State during the implementation, as well as the lack of information from the proposed beneficiaries and their representation. Following repeated requests by the State to lift the precautionary measures, the IACHR requested comments from the representation, which provided its observations and responses. Upon not identifying compliance with the regulatory requirements, the IACHR has decided to lift these measures. The Commission recalls that, regardless of this decision, the State maintains its obligations under the terms of Article 1.1 of the American Convention and applicable standards.

II. BACKGROUND INFORMATION

2. On April 19, 2007, the IACHR granted precautionary measures in favor of Mr. Cástulo Benavides Rodríguez, Baldemar Velásquez, Ken Barrer, and Davis Castillo Nuñez, members of the Workers' Peasant Labor Forum (*Foro Laboral Obrero Campesino*, FLOC) in Monterrey. The available information indicated that the beneficiaries have been subjected to harassment due to their efforts in the defense of migrant workers' rights since May 2005. It was also indicated that, in September 2006, the FLOC offices were raided. Documents and lists of affiliated workers were reportedly stolen. On April 9, 2007, the corpse of the office coordinator, Mr. Santiago Rafael Cruz, was found bound by hands and feet and with signs of torture. In view of the situation, the Commission requested that the Mexican State adopt the necessary measures to guarantee the life and physical integrity of the beneficiaries, carry out security measures at the FLOC offices, and report on the actions taken to judicially investigate the facts that gave rise to the precautionary measures.²

3. The representation is exercised by "*Defensa Estratégica en Derechos Humanos A. C.*" (Strategic Defense in Human Rights A.C.).

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

a. On the procedure during the time the measures were in force

¹ In accordance with Article 17.2 a of the IACHR Rules of Procedure, Commissioner Joel Hernández García, a Mexican national, did not participate in the debate and deliberation of this matter.

² IACHR, Precautionary Measures granted during 2007, available at <http://www.cidh.org/medidas/2007.eng.htm>.

4. During the time the precautionary measures were in force, the Commission followed up on the subject matter of these precautionary measures by requesting information from the parties. According to the available file, on April 27, 2013, the Commission requested information from both parties to review the decision to keep the precautionary measures in force. In response, a representation report was received on May 27, 2013 and forwarded to the State on July 4, 2013. The State submitted its report on August 1 and September 11, 2013, whereby it requested that the precautionary measures be lifted. The brief was forwarded to the representation on October 24, 2013. The representation provided a new report on November 19, 2013, in which they request an extension in favor of Carlo Javier Benavides. On September 11, 2014, updated information was requested from both parties. On September 30, 2014, the Commission received a report from the representation in which they insist that the measures be extended. On October 3, 2014, it received a request from the State in which it requested that the precautionary measures be lifted. Both communications were forwarded on October 9, 2014. The State submitted its observations to the representation's report on November 7, 2014, which were forwarded to the representation on October 7, 2015. In addition, updated information from both parties was requested. On October 29, 2015, a new State report was received, in which it insists that the measures be lifted. This was forwarded to the representation on February 25, 2016, and the Commission repeated the request for information it had sent on October 7, 2015. The representation provided a new report on March 9, 2016 and the State sent its report on November 14, 2016, once again requesting that the measures be lifted.

5. The IACHR requested information from both parties on April 20, 2022. On April 22, 2022, it received a State report where it, once again, insisted on its request to lift. It also received a new communication from the representation on May 6, 2022.

b. Information provided by the State

6. In its report of August 1, 2013, the State indicated that, according to the Office of the Inspector General of Justice of Nuevo León (*Procuraduría General de Justicia de Nuevo León*, PGJ-NV), since the granting of the precautionary measures, the Municipal Police of Monterrey ordered protective measures. These allegedly consist of rounds and patrols around the FLOC facilities, despite the lack of records of acts of violence against its members. They added that the closed circuit in the offices continues to function properly. Furthermore, regarding the investigation into the murder of Santiago Rafael Cruz, it was reported that on June 18, 2007, criminal proceedings were brought against J.M.A. On September 25, 2008, they were sentenced to almost 26 years in prison for qualified homicide. In turn, on December 1, 2008, criminal proceedings were brought against E.R.C., which ordered their location and presence, as well as the presence of G.G., who allegedly witnessed the events. The State stated that the regulatory requirements reportedly do not persist. On September 13, 2013, the State submitted a clarifying note of its previous report and indicated that it requests that the measures be lifted because the regulatory requirements did not persist.

7. By a report of October 3, 2014, the State reiterated the information regarding the investigation into the murder of Santiago Rafael Cruz and added that the Prosecutor determined that it was not related to his activities as a defender. It was also noted that, on September 18, 2014, the Ministry of Public Security reported that it continues to provide rounds and patrol services at the FLOC facilities, and that there had been no incidents. The request to lift was reiterated.

8. In its report of November 7, 2014, the State once again forwarded the same initial information about the investigation into the murder of Santiago Rafael Cruz. On the other hand, regarding the disappearance of Carlo Javier Benavides Berrones, it was indicated that the Office of the Inspector General of Justice of Nuevo León the State of Tamaulipas (*Procuraduría General de Justicia del Estado de*

Tamaulipas, PGJ-T) received a complaint for the disappearance presented by his mother on November 15, 2013. It, therefore, carried out the following procedures: i) took statements from two individuals; ii) requested information from the state, federal, and military justice prosecutors' offices; iii) on August 26, 2015, a preliminary investigation was opened with an incident report; iv) on September 11, 2015, Carlo Javier's mother agreed to provide DNA sample and documents; iv) on September 24, 2014, the preliminary investigation was sent to the Specialized Agency for Non-Localized Persons or Persons Deprived of Liberty (*Agencia Especializada en Personas no Localizadas o Privadas de Libertad*). Lastly, it was reported that rounds and patrol services continue to be provided.

9. The State submitted a new report on October 29, 2015, in which it again provided the same information about the murder of Santiago Rafael Cruz. Regarding the disappearance of Carlo Javier Benavides, the aforementioned information was reiterated and the following was added: on September 24, information was requested from Hospitals of Tampico, Madero, and Altamira, DIF and various authorities; on July 13, 2015, a search operation was carried out or operated in bars, nightclubs, brothels and massage parlors; and places where prostitution, sex trade, and human trafficking are practiced, in an attempt to locate Carlo Javier; on September 10, 2015, a search operation was carried out in different locations; on September 22, 2015, a ministerial procedure was carried out to search for corpses, during which they found a body in a state of decomposition and two fragments of skull, apparently from different bodies, with no DNA results. In turn, the security measures that had been implemented were reiterated. It was indicated that it cannot be proved that the disappearance is related to the events, as it took place in Tamaulipas, and the request to lift was reiterated.

10. On November 14, 2016, a new report was received from the State. In it, it added to the information on the investigation into the death of Santiago Rafael Cruz. It provided further details on the follow-up of the beneficiaries or the representation and indicated that "the last appearance was on June 29, 2012, during which non-certified copies of various proceedings were granted to the representation" and that the protection measures continue to be in force.³ It requested that the measures be lifted.

11. In its last report on April 22, 2022, the State once again submitted the information it had been sending regarding the two investigations and the protection measures. Moreover, regarding the representation's allegation that the measures in force are only regarding the closed circuit, it was indicated that the rounds and patrol services continue in the facilities of the FLOC. The request to lift was insisted upon.

c. Information provided by the representation

12. In its report of May 27, 2013, the representation indicated that in the period during which they did not send additional information, they had had working meetings with federal and state authorities of Monterrey on March 12, 2009 in Monterrey, Nuevo León; on July 7, 2009 in Mexico City; and on December 16, 2009 in Monterrey.⁴ It was indicated that measures regarding the closed circuit and cellphones operate on a regular basis, and that police rounds are occasional. On the other hand, it was stated that, in the last two years there has been no progress in the investigation into the death of Santiago Rafael Cruz by the PGJ-NV. They indicated that the Prosecutor's Office has been insisted that criminal action be exercised against E.R.C. and the presence of G.G., considering that there is proof, but this has not been complied with.

³ Attached was an official letter dated May 13, 2016 from the Ministry of Public Security indicating that "rounds and patrols continue on the facilities" of the FLOC.

⁴ The minutes of those meetings were annexed to the communication.

13. By observations of November 19, 2013, it was reiterated that the patrols of the Municipal Police mentioned by the State are carried out sporadically and that the closed circuit works properly. Furthermore, they indicate that, although the exercise of criminal action and conviction against J.M.A. is accurate, the investigation has determined that four individuals participated in the murder of Santiago Rafael Cruz, including E.R.C., G.G. and V.N. Additionally, it was indicated that although criminal action was exercised against E.R.C., the Criminal Judge denied the arrest warrant against them on the grounds of lack of evidence. The representation expressed that they are against the request to lift the measures as, to date, the authorities have failed to arrest and prosecute those responsible for the murder of Santiago Rafael Cruz and acts of harassment reported to the State on August 18, 2007 against the beneficiaries.⁵ On the other hand, they reported that on November 14, 2013, several subjects deprived Carlo Javier Benavides Berrones, son of the beneficiary Cástulo Benavides, of his liberty, and that he has been missing since that date.⁶ It was indicated that, although the beneficiary Cástulo Benavides performs his duties with the FLOC in Monterrey Nuevo, León and the disappearance of Carlo Javier Benavides took place in Villa González, Tamaulipas, Mr. Cástulo Benavides travels to Villa González every two weeks, which is where his residence is located. In this regard, they consider that the facts are not isolated, as it concerns a direct relative and took place in the locality where Cástulo Benavides has his residence. The extension of precautionary measures was also requested.

14. By communication dated September 30, 2014, the representation reported that in the last six months, no risk event had been presented. The last known event was the disappearance of Carlo Javier Benavides Berrones on November 14, 2013. They indicated that, despite the complaint filed, it has not been possible to determine his whereabouts, identify his captors, or establish the motive for the crime. They reported that, at the date of writing, the only protection measure in force consisted of the closed circuit.

⁵ Attached to his communication is a brief dated August 18, 2007 addressed to the Head of the Unit for the Promotion and Defense of Human Rights of the Ministry of the Interior (*Titular de la Unidad para la Promoción y Defensa de los Derechos Humanos de la Secretaría de Gobernación*), where it is reported the following: i) on May 28, 2007, the beneficiary Ken Barger received a call from a person who said he worked with him, and that they could put his papers in order and travel to the United States for work, offering to meet with him; ii) On the night of July 9, 2007, a subject approached members of the FLOC who had visitors from the United States and told them “fucking gringos, what are you doing here, you better get out”; after pretending to call the police, the subject added “that he was going to fuck them up”, that he knew where he worked and that it was just a matter of waiting and that he was going to be taking care of him”; iii) on July 30 and 31 and August 1, 2007, they detected a subject and vehicles watching the headquarters of their offices. Annex to the communication from the representation from November 29, 2013.

⁶ The representation provided verbatim the following account of the events of the disappearance: “a) At approximately twenty-one hours on the fourteenth of November of the current year, Carlo Javier Benavides Berrones, nineteen years old, attended a Volleyball game, in the company of his wife Yetzania Domínguez Salazar and a cousin of hers named Raúl Garibay Salazar, the event was taking place in the Sports Gymnasium located in the town of Estación Manuel (Úrsulo Galván) municipality of Villa González, state of Tamaulipas; b) When watching the match from the gym stands, an individual who looked young unexpectedly appeared. He had a long weapon and covered part of his face with a mouth covering that had a skull print. The subject went straight to where Carlo Javier and his two companions were located and, upon realizing what was happening, Carlo Javier began to run towards the exit of the gym and was chased by the armed subject. However, at the exit of the gym, other individuals (two or three people) were already waiting for Carlo Javier aboard a Cherokee-type van. They got out of the vehicle, caught Carlo Javier Benavides, and put him inside the aforementioned car to later escape with unknown direction; c) Since the night Carlo Javier Benavides Berrones had returned to Mexico three weeks prior, after working as an agricultural worker in the fields of the State of North Carolina, United States of America; f) On November 15, Ms. María Aurora Berrones Alcántara, mother of Carlo Javier Benavides Berrones, proceeded to file the corresponding complaint before the Agent of the Public Prosecutor's Office of the municipality of Villa González, Tamaulipas, which was filed with the Preliminary Investigation Number 243/2013, after obtaining the statement from the complainant, the personnel of the ministerial agency informed her that she had to wait seventy-two hours for the procedure to be begin, and refused to deliver a copy of the complaint.”

15. On April 20, 2022, a new report was received from the representation where submissions from November 4, 2015 and March 7, 2016 were provided. The first submission reiterates the information sent on September 30, 2014 and adds that the Prosecutor in charge of investigating the disappearance of Carlo Javier Benavides required his mother to present witnesses to prove her statement and documents containing her fingerprints. It is further stated that, regarding the murder of Santiago Rafael Cruz, since 2008 it has not been possible to execute the arrest warrant against E.R.C. On the other hand, on the disappearance of Carlo Javier, it was indicated that they cannot rule out that the incident was related to the beneficiary's efforts in human rights defense. Lastly, it was pointed out that the causes that gave rise to the granting of the precautionary measures remain in force, as all the participants of the murder of Santiago Rafael Cruz, the perpetrators of the harassment, and those who deprived Carlo Javier Benavides of his liberty have not yet been arrested and prosecuted. The submission from March 7, 2016 indicates that there is still no progress in the investigation into the disappearance of Carlo Benavides.

16. The last report of the representation on May 6, 2022 argues that it is not possible to lift the measures due to the acts of harassment reported in 2013 and 2014. It was stated that the murder of Santiago Rafael Cruz cannot be considered circumstantial and unrelated to his work as a human rights defender and that the persons involved in the murder have not been detained. They indicated that the situation that places the beneficiary at risk continues, since it has not been possible to determine the whereabouts of Carlo Javier Benavides. They allege that it should therefore remain in force as long as the perpetrators of his deprivation of liberty and the motive are not identified. Additionally, they stated that, since 2019, no information on the investigation has been presented to Cástulo Benavides.

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

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

18. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary⁷. Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁸ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are

⁷ See in this regard: I/A Court H.R. Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Order of July 6, 2009, considerandum 16 (Only in Spanish).

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

not adopted.⁹ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

19. With regard to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions “granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) sets forth that “the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force.” In this regard, the Commission should assess the situation’s severity and urgency and the possibility of irreparable harm that caused the adoption of the precautionary measures persists. Moreover, the Commission shall consider if new situations have arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

20. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.¹⁰ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.¹¹ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, in addition to the lack of imminent risk, may lead to the international protection measures being lifted.¹²

21. As a *preliminary point*, the Commission recalls that, between 2013 and 2014, the representation requested an extension of precautionary measures in favor of Carlo Javier Benavides Berrones. In this regard, the Commission considers passage of time since the disappearance on November 14, 2013 – more than 13 years ago – and the information received by the State on the actions of the competent authorities. In turn, the Commission takes note of the representation’s allegations regarding the importance of identifying the persons who deprived him of his liberty and the need to clarify the reasons for his disappearance.

⁹ 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).

¹⁰ I/A Court H.R. [Matter of Fernández Ortega et al. Provisional measures regarding Mexico. Decision of February 7, 2017](#). Considerandums 16 and 17 (Available only in Spanish).

¹¹ *Ibid.*

¹² *Ibid.*

22. The Commission recalls, following the Inter-American Court and given the passage of time, that the analysis of the actions carried out by the State within the framework of the investigations and actions performed by the State in the light of the corresponding standards corresponds to a substantive analysis, which is better suited to the framework of the system of petitions and individual cases, if an individual petition is presented and the applicable regulatory budgets are complied with.¹³ In this regard, the Commission is aware that precautionary measures in matters of recent disappearances seek, within a specific temporary situation, that “the competent authorities adopt an expeditious action to find the whereabouts of the person and avoid irreparable damage”¹⁴, considering that “[t]he passage of time [...] and the lack of progress in the investigations directly affect the useful effect of the provisional [or precautionary] measures” which¹⁵ implies the requirement of an expeditious action by the national authorities after the disappearance. In this regard, in specific situations in the past, the Commission has lifted precautionary measures regarding situations of disappearance upon assessing the passage of time and the actions implemented by the State.¹⁶

23. Consequently, the Commission considers that analyzing the situation of Carlo Javier Benavides Berrones requires an assessment of the compatibility of the actions taken by the State in the light of the American Convention or other applicable instruments. The Commission calls on the State to continue with the corresponding investigations in light of the provisions of the American Convention and applicable instruments.

24. With regard to the *situation of the beneficiaries*, the Commission observes that the State requested that these precautionary measures be lifted on September 11, 2013; October 3, 2014; October 29, 2015; November 14, 2016; and April 22, 2022. Under the terms of Article 25.9 of the Rules of Procedure, the requests to lift were forwarded to the representation in a timely manner, and they were requested updated information and comments on the request to lift. The representation has been responding to the different requests for information. Its last communication was on April 6, 2022, where it opposes that the precautionary measures be lifted. It is therefore for the Commission to decide on the continuation of the situation that places the beneficiary at risk. The Commission also observes that the State has been reiterating its allegations throughout the time these measures have been in force.

25. The Commission recalls that when a State requests the lifting of a precautionary measure, it must present sufficient evidence and arguments to support its request.¹⁷ By the same token, the representation of the beneficiaries that want the measures to continue must present evidence of any reasons why.¹⁸ In that sense, Article 25(11) of the Rules of Procedure sets forth that the Commission may lift or review a precautionary measure when the beneficiaries or the representation unjustifiably fails to provide the Commission with a satisfactory response to the requests made by the State for its implementation.

¹³ IACHR, https://www.oas.org/en/iachr/decisions/pdf/2021/res_13-2021_mc-240-15_en_l.pdf, Resolution to Lift 13/2021 of February 4, 2021, para. 32; [Luis Alberto Sabando Veliz regarding Ecuador. \(PM-1002-04\)](#), Resolution to Lift 2/2021 of January 4, 2021, para. 18 (Available only in Spanish).

¹⁴ IACHR, [Luis Alberto Sabando Veliz regarding Ecuador. \(PM-1002-04\)](#), Resolution to Lift 2/2021 of January 4, 2021, para. 16.

¹⁵ I/A Court H.R. [Matter of Juan Almonte Herrera et al. regarding the Dominican Republic](#). Provisional Measures. Order of the Inter-American Court of Human Rights of November 13, 2015. Considerandum 14.

¹⁶ IACHR, [José Fernando Choto Choto and others regarding El Salvador \(PM-240-15\)](#); and [Luis Alberto Sabando Veliz regarding Ecuador. \(PM-1002-04\)](#) (Available only in Spanish).

¹⁷ *Ibid.*

¹⁸ *Ibid.*

26. In this regard, the Commission is aware that when the precautionary measures were granted on April 19, 2007, the beneficiaries were being harassed for their work in the FLOC, in the context of the murder of Santiago Rafael Cruz on April 9, 2007 (see *supra* para. 2).

27. According to the information provided by both parties, the State adopted the following as protection measures: a closed circuit, rounds and patrols in the facilities of the FLOC in charge of the Municipal Police of Monterrey, as well as being provided cellphones. The Commission notes that, according to the information available to the parties, the operation of the closed circuit has not been challenged. However, the representation has indicated that this was the only measure that remained in force and questioned the implementation of rounds and patrols. For its part, the State has consistently reported that these measures continue. The Commission has no certainty about the continuity or temporality, or failing thereof, of the communication between the parties, the implementation of the mentioned rounds and patrols, given the controversy raised. In that sense, the Commission observes that the State has continued to affirm that they continue to be implemented, but did not provide specific or additional details, given what was declared by the representation.

28. Regardless, when analyzing if the precautionary measures should continue in force, the IACHR does not identify the existence of facts that may allow identifying a situation of risk under the terms of Article 25 of the Rules of Procedure. In this regard, the Commission notes that the representation does not report specific events against the beneficiaries since 2007, after the granting of the precautionary measures (see *supra* para. 13 and footnote 6). This is equivalent to a period of more than 15 years with no information on events against the beneficiaries. On the other hand, without prejudice to the allegations made by the parties regarding the link between the disappearance of Carlo Javier Benavides Berrones and the situation of the beneficiaries, the Commission notes that these events took place in November 2013, more than nine years ago. In this sense, the Commission does not have any assessment elements that allow to identify, at present, a risk situation in the terms of Article 25 of the Rules of Procedure.

29. Furthermore, the Commission observes that the representation has raised issues relating to the clarification of the facts regarding the murder of Santiago Rafael Cruz in 2007 and the identification and arrest of those responsible. In this regard, the Commission notes that these issues relate to the processes and investigations undertaken by the State and their compatibility with the American Convention on Human Rights or other applicable instruments, which is better suited to be addressed by the Petition and Case system (see *supra* para. 23).

30. In this sense, and considering the previously presented analysis, and in response to the State request to lift, the Commission considers that, at present, it cannot identify a situation that allows to support compliance with the requirements of Article 25 of the Rules of Procedure. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,¹⁹ the Commission deems it appropriate to lift these measures.

31. Lastly, the Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State to respect and guarantee the rights recognized therein, including the life and personal integrity of the persons identified in the matter at hand.

V. DECISION

¹⁹ I/A Court H.R., Matter of Adrián Meléndez Quijano et al. Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 22, and Matter of Galdámez Álvarez et al. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24

32. The Commission decides to lift the precautionary measures granted in favor of the beneficiaries Castulo Benavides Rodríguez, Baldemar Velásquez, Ken Barrer, and Davis Castillo Nuñez, members of the Workers' Peasant Labor Forum (*Foro Laboral Obrero Campesino*, FLOC) in Monterrey, Mexico.

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

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

35. Approved on February 16, 2023, by Julissa Mantilla Falcón, President; Margarete May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary