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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 74/2023**

Precautionary Measure No. 152-11  
Members of the migrant shelter “Frontera Digna” regarding Mexico<sup>1</sup>  
December 4, 2023  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of members of migrant shelter “Frontera Digna” 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 beneficiaries’ representation since 2013. The Commission identified that approximately 10 years have passed with no response from the representation and no information on the occurrence of events that could be analyzed in terms of Article 25 of the Rules of Procedure. After failing to identify compliance with the procedural requirements, the IACHR decided to lift these measures.

**II. BACKGROUND**

2. On August 17, 2012, the IACHR granted precautionary measures in favor of the members of migrant shelter “Frontera Digna” in the municipality of Piedras Negras, in the state of Coahuila, Mexico. The IACHR valued the implementation of protection measures in favor of the members of the organization by the competent authorities, while noting the ongoing threats and harassment by alleged human traffickers, mainly “El Pelón” and “El Güero Betancourt”, against the shelter, which was run by Father José Guadalupe Valdés Alvarado. Consequently, it requested that the State of Mexico:

- a. Adopt the necessary measures to guarantee the life and physical integrity of the members of the migrant shelter “Frontera Digna”, in the Municipality of Piedras Negras;
- b. Consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c. Report on the actions taken to investigate the facts that led to the adoption of precautionary measures.<sup>2</sup>

**III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES  
HAVE BEEN IN FORCE**

**a. Processing throughout the term**

3. During the time the precautionary measures have been in force, the Commission has followed up on the situation by requesting information from the parties. The representatives sent information on September 5 and 10 and November 7, 2012; and February 21, 2013. For its part, the State sent communications on November 14, 2012; January 11, May 29 and August 5, 2013; and, more recently, on December 17, 2021 -requesting partial lifting- and October 4, 2023. Similarly, the IACHR sent communications and requested information to the parties on September 11 and November 27, 2012;

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<sup>1</sup> In accordance with Article 17(2)(a) of the IACHR Rules of Procedure, Commissioner José Luis Caballero Ochoa, a Mexican national, did not participate in the debate and deliberation of this matter.

<sup>2</sup> IACHR. [Precautionary measures. Grants. 2011. MC-152-11](#); Communication from the IACHR to the Mexican State of August 17, 2012, in the framework of MC-152-11.

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January 30, April 21, June 13, and November 6, 2013; and, most recently, on October 5, 2021; March 21, 2022; August 4 and November 16, 2023.

4. The Commission transferred the request to have the measures lifted to the representation on March 21, 2022 and, in turn, in communications from 2021 to date, has requested additional and updated information from the representation to “evaluate whether these precautionary measures should remain in force.” The representation is exercised by Leticia Gutiérrez Valderrama of the “Pastoral Dimension of Human Mobility”. The representation stopped responding to the Commission since 2013. This situation has continued despite repeated requests for information from the Commission.

**b. Information provided by the State.**

5. By report dated November 14, 2012, the State indicated that since November 2010, protection measures have been requested for the persons in the shelter and close communication has been maintained with the beneficiaries, referring that rounds were established by the state police, an emergency number for Father José Guadalupe Valdés Alvarado, inspection visits and the installation of security cameras. Subsequently, it was deemed necessary to add emergency numbers for the Naval and Military Sector and Federal Public Security, accompaniment of Father Valdes Alvarado, installation of closed circuit television, among other things. It was added that, although there have been reports of threatening events, the Office of the Inspector General (*Procuraduría General de la República*, PGR) has not registered any complaints filed about such events. In a meeting held on September 12, 2012, they agreed to sign a logbook of night patrols and a table of recommendations was delivered due to a new risk study. Regarding investigations, they reported on the search for alias “el pelón” and informed of the arrest of alias “güero Betancourt”, who was handed over to the National Migration Institute for repatriation to Honduras. They added that there are two circumstantial reports and two preliminary investigations for acts related to the shelter.

6. On January 11, 2013, the State informed that after the grant, consultation meetings were held on September 6, October 11, November 12, and December 13, 2012 (providing minutes). It was noted that the Secretariat of National Defense (SEDENA) provided emergency telephones and military personnel carry out random reconnaissance in the vicinity; the State Public Security Secretariat (SSPE) and the Municipal Police conduct patrols; the Office of the Inspector General of Justice (*Procuraduría General de Justicia del Estado*, PGJE) accompanies the patrols and an element of the investigative police provided accompaniment to Father Valdes Alvarado during the day. They indicated that there is a closed circuit system in the shelter, which was relocated to provide better coverage. They updated the risk assessment,<sup>3</sup> provided emergency numbers for the SSPE, SEDENA, PGJE and PGR and informed that the Municipality of Piedras Negras invested in infrastructure adjustments and provided food support to the occupants of the shelter. They added that the PGJE is investigating the case of Ismael Garduño and indicated that he no longer works at the shelter.

7. On August 5, 2013, they reported on a follow-up meeting of June 13, 2013 and indicated that the surveillance rounds and emergency numbers are still in effect. It was indicated that the infrastructure works at the shelter were concluded and the telephone lines were checked to verify that there is no intervention. They reported that the PGR has taken steps related to alias “El Pelón”. The PGJE continues with the investigation of threats and the SSPE informed that it would install a panic button for the beneficiaries. Finally, they requested that considering that Ismael Garduño no longer works at the shelter, it should be determined whether he is a beneficiary.

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<sup>3</sup> A risk analysis with recommendations was performed on August 6, 2012, and a risk assessment was performed by the PGJE on September 11, 2012. Annex to communication dated January 11, 2013 containing minutes of internal work meetings.

8. In its report dated December 17, 2021, the State indicated that a visit was made to the shelter on December 14, 2021, and it was corroborated that it has one closed circuit TV, 10 video surveillance cameras and 7 floodlights, where it was reported that two cameras do not work and need a change of plating of the main door and the shelter's offices. Therefore, actions were taken with the service provider to ensure that the cameras are working and that the plates are changed. The beneficiaries reported that the shelter had been closed for a year and had not been providing services due to restrictions imposed by the municipality. Similarly, it was agreed to hold a follow-up meeting in 2022, to urge the municipal authorities regarding the reopening of the shelter to be able to carry out its work and to update the list of staff of migrant shelter Frontera Digna, a list that was provided by the State.<sup>4</sup> They informed that since 2019, Father José Guadalupe Valdés Alvarado no longer has a relationship with the shelter. The State requested the lifting in relation to him and update the list of beneficiaries.

9. Finally, on October 4, 2023, they reported that on September 6, 2023, they held a meeting with the members of migrant shelter Frontera Digna, where the State Human Rights Commission provided their contact information; the Attorney General's Office (FGE) agreed to hold a follow-up meeting; the members of the shelter were informed of the importance of filing complaints and calling the 911 emergency number; they will request the implementation of patrols in the facilities; and, the missing infrastructure measures will be installed. As a follow-up to the agreements, a request was made to the SSPE and the Municipal Police to explore the implementation of patrols; the FGE held a meeting on September 13, where a priority attention liaison and the creation of a digital messaging group were designated; and the installation of 13 cameras (for a total of 25), 2 lights, 12 floodlights (for a total of 23) and 1 video intercom was completed.

**c. Information provided by the representation.**

10. By communication dated September 5, 2012, they reported that migrant shelter Frontera Digna offers a humanitarian service for migrants of Mexican origin who are deported from the United States of America. They reported that Ismael Garduño, caretaker of the shelter, and his wife, Patricia Ayala Tobar, were subjected to threats and harassment by alleged human traffickers.<sup>5</sup>

11. On September 10, 2012, they reported the following: a) on September 7, 2012, two women approached the shelter and, among other things, told Ismael that the trafficker wanted to talk to him, but when the police passed by they left; b) On September 8, they called the shelter and asked for Ismael, when they answered that he was not there they were told "not to lie because they had just seen him get off the truck and asked him if he wanted to receive his wife's head in the back of a pickup truck", and asked him

<sup>4</sup> The list was attached to the report and consists of four persons: a Director, an Assistant, a Subordinate Liaison and a Deputy Legal Coordinator, all of whom are identified.

<sup>5</sup> The following facts were reported: a) Ismael Garduño received a phone call where he was offered money for each migrant he delivered to them, which was rejected; b) On September 2, 2012 at 6:35 pm Ms. Patricia Ayala was waiting for the truck to go to her work when she identified that the driver of a vehicle kept looking at her, the person was identified as one of the possible traffickers called "tamalero"; c) At the same time they called the shelter and asked to speak with Ismael, when questioning who was calling they indicated "that they just want to leave a message, just tell Ismael that we already know where his wife lives and where she works and that she is going to get screwed". d) Later, Ms. Patricia identified that three tattooed people got on the same truck as her and kept looking at her; e) On September 3, 2012, Ms. Patricia reported that after her work she was followed by a truck with three tattooed men, so they decided that when she left work she would go to the shelter to be safer; f) On September 4, Alejandro, who had been working at the shelter for two weeks, received a call on his cell phone: "tell the guard that we don't care if they take his girlfriend to the migrant's house anyway something is going to happen to them"; g) In October 2012 they were told in a call "that since he did not let them pass [to the migrant's house] they (sic) were going to be taken away by the cock". The representative indicated that they requested patrols in front of the shelter and protection from Father José Guadalupe Valdés, that they agreed to police patrols and, on the other hand, they reported on the arrest by the Secretary of the Navy (SEMAR) of several people involved in human trafficking, including "güero Betancourt".

to clarify why he did not receive their calls; and c) On September 9, Ms. Patricia was going from her house to the shelter and noticed that two people were following her.

12. In a communication dated November 7, 2012, it was indicated that on October 23, 2012, Mr. Ismael received a call from someone who identified himself as a Commander of the Municipal Police and told him “you have weapons and armored trucks; you work for the Zetas”, so he proceeded to hang up.

13. In the report dated February 21, 2013, they informed that Mr. Ismael Garduño had to leave Piedras Negras, Coahuila and is currently a human rights defender where he is, being incorporated into the National Protection Mechanism for Human Rights Defenders and Journalists (Protection Mechanism). They indicated that multiple meetings have been held with the State and acknowledged the “efforts made by the Mexican State to strengthen security”, while indicating that harassment continues. They added that, although there have been temporary omissions, the preventive patrols of the SSPE, PGJE and SEDENA have been generally complied with. They added that the officials in charge of the security of Father José Guadalupe Valdés have been available and that they have the emergency numbers of the naval and military sectors. They added that the risk analysis was only carried out in relation to infrastructure and they were not aware of the result, and that Ismael Garduño did not undergo a risk analysis, notwithstanding the fact that he was incorporated to the Protection Mechanism. It was reported that at that time there were eight cameras, two of which were out of order, and they acknowledged the resources for infrastructure of the municipality. Regarding the detention of “güero Betancourt”, they expressed distrust of his release for repatriation after being detained, since he was not processed and sentenced; they indicated that a week after being repatriated he returned to Piedras Negras.

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

14. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations established 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, while the precautionary measures mechanism is described in Article 25 of the Commission’s Rules of Procedure. According to this Article, the Commission grants precautionary measures in serious and urgent situations, in which such measures are necessary to prevent irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

15. 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 double character, both protective and precautionary.<sup>6</sup> Regarding the protective character, the measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>7</sup> To this end, an assessment must be made of the problem posed, the effectiveness of State actions in the situation described and the degree of vulnerability of the persons for whom measures are requested in

<sup>6</sup> 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. Available at [https://www.corteidh.or.cr/docs/medidas/penitenciarioregion\\_se\\_01.pdf](https://www.corteidh.or.cr/docs/medidas/penitenciarioregion_se_01.pdf)

<sup>7</sup> See in this regard: I/A Court H.R., [Case of the Internado Judicial Capital El Rodeo I and El Rodeo II](#). 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 with respect to Guatemala, Order of the Court of January 27, 2009, Considerandum 45; I/A Court H.R., [Case of Fernández Ortega et al.](#) Provisional Measures with respect to Mexico, Order of the Court of April 30, 2009, Considerandum 5; I/A Court H.R., [Matter of Milagro Sala](#). Request for Provisional Measures with respect to Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

the event that they are not adopted.<sup>8</sup> With respect to the precautionary nature, the purpose of precautionary measures is to preserve a legal situation while it is being considered by the organs of the inter-American system. The purpose of precautionary measures is to preserve the rights at possible risk until the petition before the inter-American system is resolved. Its object and purpose is 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.

16. With respect to the above, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions to grant, extend, modify or lift precautionary measures must be adopted through reasoned resolutions. Article 25(9) establishes that the Commission must periodically evaluate, on its own initiative or at the request of the parties, whether to maintain, modify or lift precautionary measures in force. In this regard, the Commission must evaluate whether the serious and urgent situation and the possible generation of irreparable harm, which led to the adoption of the precautionary measures, still persists. Likewise, it must consider whether new situations have arisen subsequently that may comply with the requirements established in Article 25 of the Rules of Procedure.

17. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is made from the *prima facie* standard, keeping these measures in force requires a more rigorous evaluation.<sup>9</sup> In this sense, the evidentiary and argumentative burden increases as time passes and there is no imminent risk.<sup>10</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without threats or intimidation, coupled with the lack of imminent risk, may lead to the lifting of international protection measures.<sup>11</sup>

18. Entering into the analysis of compliance with the procedural requirements, the Commission recalls that the measures granted in 2012 were intended to protect the members of the “Frontera Digna” migrant shelter, which was run by Father José Guadalupe Valdés Alvarado. The Commission took into account that, despite the measures implemented by the State, threats and harassment continued against the people who worked at the shelter (see *supra* para. 2). Considering this background, the Commission

<sup>8</sup> 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; I/A Court H.R., [Matter of the Internado Judicial Capital El Rodeo I and El Rodeo II](#). Provisional Measures with respect to Venezuela, Order of the Court of February 8, 2008, Considerandum 9; I/A Court H.R., [Matter of the Plácido de Sá Carvalho Penal Institute](#). Provisional Measures with respect to Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

<sup>9</sup> I/A Court H.R., [Case of Fernández Ortega et al. Provisional measures with respect to Mexico. Judgment of February 7, 2017](#), Considerandums 16 and 17.

<sup>10</sup> *Ibidem*

<sup>11</sup> *Ibidem*

proceeds to analyze the implementation of the precautionary measures and whether they should remain in force.

19. In this regard, the Commission takes into special consideration the measures implemented by the State, which began to be implemented prior to the entry into force of the precautionary measures, and it is noted that they were reviewed and updated on September 12, 2012 (see *supra* para. 5), at meetings in September, October, November and December 2012 (*supra* para. 6), on June 13, 2013 (*supra* para. 7), December 14, 2021 (*supra* para. 8) and October 4, 2023 (*supra* para. 9), particularly after the updating of the risk analysis on August 6 and September 12, 2012 (*supra* paras. 5 and 6 and footnote 3). The Commission recognizes the importance of the review of the risk analyses by the competent authorities, which makes it possible to know the current risk and adapt the measures implemented accordingly.

20. In particular, the Commission highlights the implementation of the following:

- i. Inspections by forces such as the SSPE, Municipal Police, SEDENA and PGJE;
- ii. Protection of Father José Guadalupe Valdés;
- iii. Emergency numbers of security institutions, including SEMAR and SEDENA;
- iv. Infrastructure measures at the lodge, including closed-circuit television cameras, lighting, floodlights, and repair of metal sheeting;
- v. Holding of consultation meetings on September 6, October 11, November 12 and December 13, 2012, and June 13, 2013, meetings that are essential to review the effectiveness of the measures with the beneficiaries; and
- vi. It should be noted that the visit to the shelter on December 17, 2021 and the meeting of September 6, 2023, have allowed for a review of the situation of the shelter, generating new follow-up commitments and verifying the infrastructure measures, which were updated to include 25 cameras, 2 lights, 23 reflectors and 1 video intercom.

21. In this regard, the Commission notes that both the PGR (now the FGR) and the PGJE (now the FGE) have provided information on the steps taken in connection with various investigations. The Commission notes that these would have led to the temporary detention of alias “güero Betancourt” and his subsequent repatriation to Honduras. In this regard, it is not up to the IACHR, within the framework of the precautionary measures procedure, to make a pronouncement on the criminal responsibility of the individuals, as this is the responsibility of the domestic authorities. Nor does it correspond to pronounce on the compatibility of the domestic proceedings with the rights established in the American Convention or other applicable instruments, which corresponds to an analysis of the merits in the framework of the individual petition system.

22. With regard to the risk reported, the Commission notes that the information provided by the representatives indicated a situation of threats and harassment that particularly affected Mr. Ismael Garduño and his wife Patricia Ayala, due to Mr. Garduño’s work as a guard at the shelter. In this regard, it is noted that Mr. Garduño no longer works at the shelter and left Piedras Negras, having been protected by the Protection Mechanism.

23. In this regard, the Commission notes that no communication was received from the representation following its communications of 2012 and 2013. Thus, the Commission notes that, following the aforementioned communications, the Commission has recently requested information from the representation, specifically on October 5, 2021, March 21, 2022, August 4 and November 16, 2023, requesting updated information on the subsistence of the situation of risk and its observations on the State’s reports, without receiving a response to date. The IACHR notes that more than 10 years have elapsed since the last information sent by the representatives. In this regard, Article 25(11) of the Rules

of Procedure establishes that the Commission may lift or review a precautionary measure when the beneficiaries or their representatives unjustifiably fail to provide the Commission with a satisfactory response to the requirements set forth by the State for its implementation.

24. In this regard, the Commission notes that in its letter of August 5, 2013, the State requested a pronouncement on the status of Mr. Ismael Garduño as a beneficiary after he stopped working at the shelter. Likewise, in their communication of December 17, 2021, they requested the lifting in relation to Father José Guadalupe Valdés, since he no longer works at the shelter, as well as the updating of the persons who would be beneficiaries. In view of such requests, the Commission understands that Mr. Ismael Garduño is no longer part of the group protected under the present precautionary measures. Similarly, the representation has not informed about his situation, which would allow an analysis of the requirements of Article 25 of the Rules of Procedure. Regarding Father José Guadalupe Valdés, there is no evidence of a risk situation reported in the proceeding at hand, especially since he is no longer linked to the shelter.

25. In the present proceeding, although the State provided the list of persons currently working at the migrant shelter “Frontera Digna” after the meeting at the shelter in December 2021 (*supra* para. 8), the Commission does not have information on their situation that can be analyzed in the terms of Article 25 of the Rules of Procedure. Notwithstanding, the Commission highlights the recent review of the measures implemented in consultation with the persons currently working at the shelter, based on the December 2021 visit and the meeting held in September 2023. Thus, the Commission appreciates the above, while noting that the lack of information from the representation does not allow for the identification of current risk situations or challenges to the effectiveness and adequacy of the measures implemented by the State. In any case, the Commission calls on the State to continue with the protection measures that are relevant in light of the current situation.

26. Considering the analysis previously carried out, and in view of the request for partial lifting and updating of beneficiaries made by the State, the Commission considers that no situation has been identified that would support compliance with the requirements of Article 25 of the Rules of Procedure at present. In view of the foregoing, and considering the exceptional and temporary nature of the precautionary measures,<sup>12</sup> the Commission considers that these measures should be lifted.

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

## **V. DECISION**

28. The Commission decides to lift the precautionary measures granted in favor of the members of the migrant shelter “Frontera Digna” in Mexico.

29. The Commission recalls that the lifting of these measures does not preclude the filing of a new request for precautionary measures in the event that the beneficiaries are considered to be in a situation presenting a risk that meets the requirements established in Article 25 of the Rules of Procedure.

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<sup>12</sup> I/A Court H.R., Case 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 with respect to Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24.

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

31. Approved on December 4, 2023, Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Edgar Stuardo Ralón Orellana; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary