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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 11/2024**

Precautionary Measure No. 674-21

**J. Santos Rosales Contreras and twelve other members of the Nahua indigenous  
community of Ayotitlán regarding Mexico<sup>1</sup>**

March 8, 2024

Original: Spanish

**I. INTRODUCTION**

1. On July 27, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures urging the Commission to require that the United Mexican States (“the State” or “Mexico”) adopt the necessary measures to protect the rights to life and personal integrity of J. Santos Rosales Contreras *et al.* (“the proposed beneficiaries”),<sup>2</sup> who are members of the Nahua de Ayotitlán community, Sierra de Manantlán, municipality of Cuautitlán de García Barragán, state of Jalisco, Mexico. According to the request, the proposed beneficiaries are at risk due to their work defending the indigenous ancestral territory against illegal mining activities, and have reportedly been subjected to acts of intimidation, threats, and violence against them at the hands of organized crime groups, among other actors.

2. In accordance with Article 25(5) of the Rules of Procedure, the Commission requested information from the State and forwarded the information between the parties.<sup>3</sup>

3. Upon analyzing the submissions of fact and law submitted by the parties, updated to date, the Commission considers that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Therefore, based on Article 25 of its Rules of Procedure, the Commission requires that Mexico: a) adopt the necessary and culturally appropriate measures to guarantee the life and personal integrity of the duly identified beneficiaries; b) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and c) report on the

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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> Two requests were filed on July 27, 2021. One included 300 people from the Nahua community of Ayotitlán as proposed beneficiaries but only identified four of them. The other request included 11 proposed beneficiaries. On November 27, 2021, 22 new proposed beneficiaries identified as defenders, traditional authorities, and members of the Autonomous Council of Nahua Tenamaxtla authorities of the C.I. of Ayotitlán (CAANTA), Frente Regional Pro-Manantlán and Cuenca Marabasco, A.C., were added to the initial request; these [groups] are located in the towns of Telcruz, Ayotitlán, Los Encinos, Maderas, Lagunillas, Telcruquito, La Hacienda, Plan de Méndez, Quiroma, Rincón de Ayotitlán, Tierras Negras, Guayabillas, Champulga, La Astilla, Mameycito, San Miguel. On December 12, 2023, the applicants reported that they had the express agreement of 13 people and their families, which are the following: 1) J. Santos Rosales Contreras and their family unit, 2) María Hermenegildo Roblada and her family, 3) José Guerrero Flores, 4) Felipe Roblada Flores, 5) Rafael Sánchez López, 6) J. Noé Cobián Martínez, 7) J. Jesús Padilla Romero, 8) J. Jesús Justo Ciprián, 9) Aurelio Ramos Hermenegildo, 10) Aurelio Ramos Deniz, 11) Javier Flores Elías, 12) Miguel Ramos Peña, and 13) Saúl Deniz Ruiz. They also requested precautionary measures in favor of the members of the Tsikini organization.

<sup>3</sup> The Commission requested information from the applicants on September 17, 2021. The representation submitted information on September 23, 24, 29, 30, 2021; April 26, May 4, and August 18, 2022; as well as on March 30 and September 8, 2023. The Commission requested information from the parties on October 5, 2023. The representation responded on October 18, 2023 and the State on October 19, 2023. On November 13, 2023, the representation submitted additional information. On December 2, 2023, the Commission forwarded the information between the parties. The applicants responded on December 12, 2023 and the State on December 14, 2023. On December 21, 2023, the Commission forwarded information between the parties. The applicants responded on December 25 and the State on December 28, 2023. The representation submitted additional information on February 26, 2024.

actions taken 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

### 1. Information provided by the applicants

4. The proposed beneficiaries state that they are defenders of the ancestral territory of the Nahuia indigenous community of Ayotitlán that is located in the Sierra de Manantlán, in the municipality of Cuautitlán de García Barragán, in the south of the state of Jalisco. The applicants specified a list of proposed beneficiaries headed by J. Santos Rosales. These individuals reportedly exercise leadership in agrarian disputes that seek the declaration of the nullity of the temporary occupation agreements for mining exploitation in their territory.

5. The Jalisco New Generation Cartel reportedly has a permanent presence in a context of violence. The request described attacks, death threats, disappearances, and other acts of violence that occurred in 2015, 2019, and 2020.<sup>4</sup> These acts were attributed to unknown actors and individuals linked to organized crime.<sup>5</sup> In particular, in 2020, the members of the Autonomous Council of Nahuas Authorities of Ayotitlán (*Consejo Autónomo de Autoridades Nahuas de Ayotitlán, CAANTA*) received death threats. It was then stated that the periodic meetings of the indigenous population are allegedly prevented by “dispersing the assemblies with shrapnel bullets they shoot to kill those present”. In 2021, there was one homicide,<sup>6</sup> and there were reports of threats<sup>7</sup> and persecution of defenders by organized armed groups,<sup>8</sup> among other violent events.<sup>9</sup> On another note, on July 15, 2021, the Cuautitlán Municipal Police allegedly forced Higinio Trinidad de la Cruz and the municipal delegate to go to municipal agency facilities, where they were held incommunicado for several hours. On July 19, 2021, organized crime members on motorcycles made rounds and threatened the community. On September 4, 2021, S.F.C. and their son were threatened with firearms by the Cuautitlán Municipal Police. This took place in the context of actions aimed at evicting the population of the community of Tierras Negras, an annex to the community of Ayotitlán. On October 22, 2021, M.C.M. died due to an incident involving a truck which was reportedly hired by a mining company.

6. On April 1, 2022, S.C.P., leader of CAANTA, was reportedly murdered. Their brother, J.C.P., was allegedly subject to harassment and threats. On April 13, 2022, F.F.E. allegedly experienced an assassination attempt. On May 20, 2022, Higinio Trinidad de la Cruz and Javier Flores Elías were reportedly taken from their homes, deprived of their freedom for several hours, as well as violently interrogated and threatened by organized crime. On July 22, 2022, B.R.C., a member of CAANTA in Nuevo Guayabilla, was murdered. On July 28, 2022, Javier Flores Elías was allegedly followed by municipal police. On October 1, 2022, A.N. reportedly

<sup>4</sup> In February 2020, J.P.E. allegedly disappeared at the hands of the municipal police, organized crime and the Ejidal Commissariat. On May 29, 2020, seven members of the Colima State Police were found dead after being intercepted by members of organized crime. In March 2020, the members of the Commissariat had reported that the defenders of the territory were removed from the list of ejidatarios as they were “grillos” [A person who engages in gossip, trying to gain political advantage, or to harm others when an important position in a society or company is at stake]. On October 26, 2020, Rogelio Rosales Ramos, son of J. Santos Rosales, was murdered. Previously, the Commissariat’s lawyer had allegedly threatened to make the young man disappear.

<sup>5</sup> The Ejidal Commissariat allegedly intimidated and threatened the members of the organization in order to get them to desist from the actions.

<sup>6</sup> On April 4, 2021, S.I.Ch., candidate for the Ejidal Commissariat, was found dead.

<sup>7</sup> On June 11, 2021, T.R.F. was allegedly threatened by the councilor of the municipality of Cuautitlán de García Barragán, telling him to “stop messing around” and that “the National Guard will only be there for a few days and then they’ll leave.” The same official reportedly threatened Jesús Padilla Romero by telling him that if they “affect the mining company, they would have to deal with the Jalisco New Generation Cartel”. On July 15, 2021, Higinio Trinidad de la Cruz received a communication “that organized crime already knows all the defenders of the territory, so we suggest you do not go down to the community of La Huerta, for your own safety”. On July 24, 2021, Javier Flores Elías was taken by the Municipal Police and transferred with members of the “La Maña” Cartel, who allegedly threatened him. On July 11, 2021, a police patrol reportedly searched for T.R.F. to take him to members of organized crime.

<sup>8</sup> On June 15, 2021, JGF and Eduardo Mosqueda Sánchez were reportedly followed by armed groups.

<sup>9</sup> On July 14, 2021, E.J.C. and their children were allegedly taken from their residences by unknown persons.

received injuries as a result of an armed attack. In addition, on October 15, 2022, their son was allegedly beaten and kidnapped. The following day, Higinio Trinidad de la Cruz reported the attack, harassment, and patrolling carried out by members of organized crime against the community. On October 16, 2022, five armed people allegedly “attempted to take” S.N.L., a member of CAANTA. On October 28, 2022, young people from the community were allegedly run over by a van driven by members of organized crime. On November 17, 2022, Higinio Trinidad de la Cruz and Javier Flores Elías were summoned by reported members of organized crime group to demand support for the community in the process of succession of their agrarian rights and for their opposition to the mines to be exploited by organized crime.

7. On February 13, 2023, an organized crime group allegedly entered Higinio Trinidad de la Cruz’s residence. The Protection Mechanism reportedly went to his house days later in order to perform a physical analysis of the home. On February 24, 2023, Higinio Trinidad de la Cruz was informed by the Secretary General of the City Council that they could not issue him any documents for the agrarian inheritance process because they had received “a strong warning from members of organized crime”. On April 9, 2023, S.F.C. and his wife were attacked by a group of neighbors led by the municipal trustee of the City of Cuatitlán. The incident was reported to the Jalisco State Prosecutor’s Office. On April 1, 2023, defender E.A.D., from the community of Huizontla in Michoacán, disappeared and his body was found three days later.<sup>10</sup> In August 2023, Higinio Trinidad de la Cruz indicated that members of organized crime and the Municipal Police are allegedly monitoring him. On August 7, 2023, F.D.G. was threatened for preventing a machine from a mining consortium from entering his farm. On August 19, 2023, members of the ejidal commissariat [the body in charge of executing the agreements of the assembly, as well as the representation and administrative management of the *ejido*, a piece of land farmed communally under a system supported by the state] reportedly told him that the transnational mining company demands compliance with a purchase agreement he had allegedly signed. On August 15, 2023, J.D.R., who is currently in custody for the murder of J. Santos Rosales Contreras’ son, reportedly said that “they are going to make the witnesses in the case disappear”. On November 25, 2023, the representation informed that Higinio Trinidad de la Cruz was missing after having entered the municipal presidency of Cuautitlán de García Barragán on November 24, 2023, to keep an appointment with the municipal president. The proposed beneficiary was found dead on November 25, 2023, near the town of Las Marías within the indigenous community of Ayotitlán.

8. Regarding protection measures, the Federal Mechanism has allegedly failed to comply with the agreements and to reevaluate the protection mechanism, which was to be carried out every six months. The Office of the Attorney General reportedly did not respond to multiple requests for investigation of the crimes that occurred. Complaints to the National Human Rights Commission have reportedly been closed. On September 5, 2023, a request for reassessment of risk was allegedly issued with respect to the proposed beneficiaries. It was agreed that the proposed beneficiaries were to submit an updated list of defenders, and the state authorities would conduct a face-to-face collective risk assessment of the community in October 2023. The list of defenders was sent on September 28, 2023.

9. In December 2023, and after the incident involving Higinio Trinidad de la Cruz, the following persons were reported as follows:

- i. *J. Santos Rosales Contreras, territorial defender, community leader.* His son Rogelio Rosales was murdered on October 26, 2020. Both the proposed beneficiary and other witnesses in the case were allegedly threatened. Indeed, on March 22, 2023, through third parties, the proposed beneficiary reportedly received threats from members of organized crime. He was called “the person who was doing too much” (to access justice), and that “they had already identified where he and his daughters were”. It was reported that this type of threats, which are made public through third parties, is the style used by organized crime within the community. On November

<sup>10</sup> The applicants indicated that this fact is allegedly related to the Ayotitlán case since it reportedly involves the same region, indigenous ethnicity, criminal group, and transnational company.

- 27, 2023, a van with unidentified individuals stayed 100 meters from the proposed beneficiary's residence for over four hours. On November 30, 2023, the proposed beneficiary's daughter, Marina de Jesús, received an extortion call. The proposed beneficiary is also a witness in the case for the murder of Higinio Trinidad de la Cruz and was to allegedly testify before the Prosecutor's Office of the State of Jalisco;
- ii. *María Hermenegildo Roblada, wife of Higinio Trinidad de la Cruz.* She is the reported primary witness to her husband's disappearance and death;
  - iii. *José Guerrero Flores, community leader.* He has received threats via telephone communications or through acquaintances who inform him that organized crime is looking for him;
  - iv. *Felipe Roblada Flores, president of the Council of Elders of Telcruz (Consejo de Ancianos de Telcruz).* He has requested security for territorial defenders and filed complaints regarding illegal timber and mineral activities. He was followed and threatened by organized crime during November and December 2023. People riding motorcycles allegedly watch him and go to his residence;
  - v. *Rafael Sánchez López, president of the Council of Elders in Maderas (Consejo de Ancianos de Maderas).* There are allegations of constant intimidation by members of organized crime, among them alias "El Chele" and alias "Cherry". The latter was accused of managing the Ayotitlán plaza, as well as by the municipal police of Cuautitlán, Jalisco. On November 29, 2023, he noticed that people watch his home all day long;
  - vi. *J. Noé Cobián Martínez, Secretary of the Council of the Seniors of Telcruz (Consejo de Mayores de Telcruz).* He has denounced illegal extractive activities and recently the murder of Higinio Trinidad de la Cruz. He received threats through third parties to desist from his activity, this only worsened after the murder of Higinio;
  - vii. *J. Jesús Padilla Romero, former ejidal Commissioner.* He has been constantly threatened by organized crime, especially after the murder of Higinio Trinidad de la Cruz. On December 1 and 4, 2023, in the early hours of the morning, armed individuals entered his house looking for him. However, they did not find him as he had temporarily left his community.
  - viii. *J. Jesus Justo Ciprián, principal assistant of Higinio Trinidad de la Cruz.* He was told that organized crime was going to "clean up" all the *argüenderos* (defenders), and that we are going to give them all *piso* (kill them). He would also testify before the Jalisco Prosecutor's Office for the homicide of Higinio Trinidad de la Cruz;
  - ix. *Aurelio Ramos Hermenegildo, leader of the Maderas ranch.* On May 15 and 18, 2023, alias "El Cherry", who is part of an organized crime group, followed him. On May 24, Aurelio's wife reported the presence of municipal police near the defender's house. On May 30, Santiago Gonzales Hermenegildo, the proposed beneficiary's uncle, experienced a *levantón* or temporary forced disappearance during which he was beaten by the police and members of organized crime. The fact was not reported because he was under surveillance. On June 3, 2023, Aurelio Ramos Hermenegildo reported the disappearance of a young man from the community. This individual had been beaten by organized crime and municipal police. On June 6, 2023, the proposed beneficiary was threatened by members of the municipal police, who told him that they were going to let the "people" loose at night. On June 12, 2023, he allegedly confirmed the presence and harassment by organized crime and municipal police. On August 15, 2023, the proposed beneficiary was allegedly threatened by a member of the municipal police, J.C.R. 's brother, who is in pretrial detention for the murder of J. Santos Rosales Contreras' son. The threat stated that he was "going to make the witnesses in the case disappear". On December 9, 2023, several people approached the proposed beneficiary's home and he is allegedly being monitored by organized crime;
  - x. *Aurelio Ramos Deniz, defender of the territory and witness in the case of the murder of the son of J. Santos Rosales.* Through third parties, he has been threatened by a municipal police officer that if he appears to testify, he will undergo forced disappeared;

- xi. *Javier Flores Elías, community leader and helps Higinio Trinidad de la Cruz.* He has been constantly followed and issued threats by organized crime. He was to testify in the investigation for the murder of Higinio;
- xii. *Miguel Ramos Peña, historic leader.* He has received threats for his work; through third parties, he was reportedly recently told that they would “lift” (temporary forced disappearance) him or one of his family members; and
- xiii. *Saul Deniz Ruiz, defender of the community of El Naranjal, bordering the transnational mining operation.* He stated that he has been harassed by a mining company to leave the territory since August and September 2023.

10. According to the applicants, only seven of the proposed beneficiaries are reportedly protected by the Protection Mechanism. It was indicated that the authorities do not carry out collective evaluation of indigenous defenders. Regarding the reassessment conducted in October 2023 and to be submitted in January 2024, the applicants indicated that neither the proposed beneficiaries nor their representation have been notified or informed of the reassessment. The representation warned that the pre-homicide evaluation of Higinio Trinidad de la Cruz has become obsolete. The representation confirmed that they have received support in some hearings, and that they requested security agents present for the criminal hearing of evidence in the oral trial for the homicide of Rogelio Rosales Contraras, son of proposed beneficiary J. Santos Rosales Contreras.

11. The request indicated that informing state governments and being provided emergency numbers to police stations near the communities are insufficient measures for protection; that scheduled rounds are not allegedly effective, given that the National Guard is always with the municipal police and they reportedly do not make any rounds in the afternoons and evenings, which is when members of organized crime freely walk the streets; that emergency buttons and satellite phones are reportedly insufficient in a territory that lacks good cell phone and internet signal coverage. It was also indicated that only a few defenders have been accompanied in the proceedings for the homicide of Rogelio Rosales.

12. The applicants also alleged that the proposed beneficiaries have not been incorporated into the Victims Commission (*Comisión de Víctimas*) and that there is allegedly no facilitation or initiation of proceedings in the Office of the Attorney General despite the fact that the crimes denounced are of a federal nature. The request considered that the Cuautitlán Municipal Police should be removed, along with the director of security and the municipal president, given that they were allegedly directly involved in the disappearances. They stressed that municipal police in the State of Jalisco are infiltrated by organized crime and are accused of participating in crimes of homicide, kidnapping, and disappearance of persons.

13. Lastly, it was reported that, on January 15, 2024, at approximately 10:00 p.m., armed subjects fired shots outside the house where Higinio Trinidad de la Cruz’s mother lives. During Ayotitlán’s patron saint festivities, between February 16 and 18, 2024, the cartel boss, alias “El Nene,” was reportedly present. It therefore allegedly seemed that the authorities agreed not to be in the area as long as organized crime is present. They mentioned that, on February 17, 2024, a defender had received a threat from a member of organized crime who had indicated that “they already had the file, in which he speaks, that they know that he is the one who is messing everything up with Eduardo Mosqueda”.

## **2. Response from the State**

14. The State requested that the precautionary measures not be granted in view of the actions already being taken. The State indicated that the government of Jalisco is completely willing to attend the necessary working meetings to reach satisfactory agreements with the indigenous community of Ayotitlán. It expressed a willingness to establish a coordinated work plan between federal and state authorities to address the problem, especially since there are indications of the presence of organized crime.

15. The State informed that José Guerrero Flores, J. Santos Rosales Contreras, T.R.F., F.M.R., Felipe Roblada Flores, Aurelio Ramos Hermenegildo, and Rafael Sánchez López were included in the Mechanism for the Protection of Human Rights Defenders and Journalists (*Mecanismo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas*) and had protection measures in their favor. They include the following measures:

- The notification addressed to the State Government of Jalisco that the beneficiary persons continue to be incorporated into this Protection Mechanism;
- The request to the liaison by agreement of the State of Jalisco, to notify the State Public Security Secretariat that the beneficiary persons continue to be incorporated into this Protection Mechanism;
- The notification to the State Government of Colima that the beneficiary persons continue to be incorporated into this Protection Mechanism;
- The notification to the Office of the Attorney General of the state of Jalisco that the beneficiaries continue to be included in the Protection Mechanism;
- The granting of emergency contact numbers for the beneficiaries of the nearest station or stations of the National Guard in the municipality of Cuautitlán de García Barragán in the State of Jalisco;
- The facilitation of emergency contact numbers for the beneficiaries of the closest National Guard station(s) to the municipalities of Manzanillo, Colima and Minatitlán, in the state of Colima;
- Patrols five times a week by the National Guard in the community of Ayotitlán, municipality of Cuautitlán de García Barragán in the state of Jalisco, taking into account for the route the main towns of Ayotitlán, Telcruz, as well as the illegal mines in Piedra Imán, Las Marías and Las Pesadas, in coordination with the Secretary of Public Security of the State;
- A working group with various authorities to address the situation of safety and the implementation of protective measures;
- The continuity of the lease of seven satellite telephony equipment, in favor of the beneficiaries: José Guerrero Flores, F. C. d. l. S, Higinio Trinidad de la Cruz, M. C. C. C. F., T. R. F., J. Santos Rosales Contreras and Aurelio Ramos De Niz;
- The lease of two emergency buttons with location application for immediate response system, in favor of the beneficiaries M. V.. R. D. and I. G. R.
- Accompaniment on federal highways by members of the National Guard in the state of Jalisco and the state of Colima, as well as in the municipalities of Minatitlán, Colima, Villa de Álvarez and Manzanillo on behalf of the beneficiaries, during activities related to their advocacy work;
- The request for comprehensive support to the beneficiaries by the State Executive Commission for Attention to Victims (*Comisión Ejecutiva Estatal de Atención a Víctimas*) of the State of Jalisco, in accordance with its powers and/or attributions; and notification to the Office of the Attorney General of Mexico (FGR) that the beneficiaries are incorporated into this Protection Mechanism. It was reported that F.F. would not be incorporated into this Mechanism.
- Regarding the protection plan in favor of the beneficiaries, it was noted that it would be issued according to the risk assessment study issued during the 2022.

16. The State reported that personnel from the office of the Undersecretary for Human Rights, Population and Migration (*Subsecretario de Derechos Humanos, Población y Migración*) attended a meeting held on November 21, 2021, with two members of the Ayotitlán Community and personnel from the Unit for the Defense of Human Rights (UDDHH). At that meeting, it was agreed that the Unit staff would follow up on the matters raised. The Commission for Dialogue with Indigenous Peoples of Mexico (*Diálogo con los Pueblos Indígenas de México*) reportedly issued an official letter addressed to the Director of Rapid Reaction and Implementation of Urgent Protection Measures (*Reacción Rápida e implementación de Medidas Urgentes de Protección*) of UDDHH on January 10, 2022. The letter contained information regarding the requests submitted by the community, as well as of the working meeting held in November 2021. Information was also requested

on the actions carried out, as well as on inter-institutional liaison, in order to provide comprehensive attention to the requests.

17. The State indicated that, since 2020, the Commission for Dialogue with Indigenous Peoples of Mexico, has aided on various dates to persons related to the community of Ayotitlán, the last one reported in February 2023. Moreover, the aforementioned Commission for Dialogue with Indigenous Peoples of Mexico reportedly received a letter from the advisor of the Autonomous Council of Nahua Authorities of Ayotitlán, Human Rights Advisor of CAANTA and member of the Jalisco Human Rights Network A.C. to request its intervention, “in order to achieve peace and public safety for the members of the community of Ayotitlán”. A working meeting was also requested to establish a dialogue channel. At this meeting, the mechanism for changing from an ejido to an agrarian community under Agrarian Law was allegedly explained. In addition, it was agreed that the proposed beneficiaries would submit the pertinent documentation and evidence to be channeled to the corresponding institutions. The proposed beneficiaries reportedly did not send the documents.

18. The State reported that the protection measures approved in 2022 continue to be implemented, and that the last risk assessment was conducted in October 2023. It was indicated that it is pending submission to the Governing Board. Its presentation was postponed to January 2024. The Office of the Attorney General of the State of Jalisco reported that there are protection measures in favor of Mr. J. Santos Rosales Contreras, due to his status as an indirect victim of the crime of homicide against his son. Regarding José Guerrero Flores, T.R.F., F.M.R., Felipe Roblada Flores, Aurelio Ramos Hermenegildo, Rafael Sánchez Lopez, and F.F.E., it was reported that there is no record that they have requested protection measures in their favor.

19. It was added that, through the State Public Security Secretariat, the population of Ayotitlán has received various forms of protection measures as required: from transportation to hearings, specifically for complaints, investigation files, and trials that are already underway. In addition, surveillance actions were carried out in the community itself, in accordance with the “State of Force” and in coordination with the nearest municipal authorities. This complements the support provided given the distance in which the community is from the municipal capital. This Secretariat has reportedly undertaken protection actions in favor of the community since 2020, and has complied with several precautionary measures issued by the National Human Rights Commission (CNDH), in favor of the people who live, transit and/or work in the Ayotitlán Agrarian Nucleus, municipality of Cuautitlán de García Barragán. The collaboration of the Regional Police Commissioner was requested to aid the members of the “Autonomous Council of Nahua Authorities Tenamaxtla of the Indigenous Community of Ayotitlán (CAANTA). The State emphasized that, on at least two occasions, it has complied with the request to ensure the safety of the members of the Council.

20. The Protection Mechanism for Human Rights Defenders and Journalists expressed that it is in constant communication with J. Santos Rosales Contreras, who notifies them of any incident, threat, or situation that places his colleagues at risk. In the different localities where the proposed beneficiaries live, there is no cellphone coverage. This hinders communication with the other proposed beneficiaries. It indicated that, as a result of the facts reported, on December 11, 2023, a reminder was sent to the liaison by agreement of the State of Jalisco for the correct implementation of the protection measures granted in favor of the proposed beneficiaries. Regarding the incidents with Aurelio Ramos Deniz’s satellite phone, on December 13, 2023, a report was made to the company RCU for its replacement. However, this has not been possible because the proposed beneficiary reported that he is working in the state of Sinaloa along with Aurelio Ramos Hermenegildo. They did not report any incidents and indicated that they would return in January 2024.

21. As for F.F.E., it was indicated that they are not incorporated into the Protection Mechanism. The State clarified that both the risk assessment study and the protection plan will only be focused on their work as human rights defenders in accordance with the powers and scope of the Protection Mechanism. Regarding J. Noé Cobián Martínez, Jesús Justo Ciprián, Javier Flores Elías, Miguel Ramos Peña, and Samuel Deniz

Ruiz, the State informed that they do not belong to the collective's file and are not currently incorporated into the Protection Mechanism. On December 25, 2023, the Regional Police Commissioner of the Security Secretariat of the state of Jalisco affirmed that he has carried out actions aimed at safeguarding the integrity of the beneficiaries of the precautionary measures, such as surveillance and patrolling rounds. The State indicated that there are no observations or incidents mentioned by the interviewees.<sup>11</sup>

22. Regarding the disappearance and homicide of Higinio Trinidad de la Cruz, the State added that it was informed by the proposed beneficiaries' representative, Eduardo Mosqueda. Due to the foregoing, the State reported having taken actions in his favor.<sup>12</sup> In addition, the State provided information on other actions taken regarding the disappearance.<sup>13</sup> It also pointed out that, at the time of the events, there was no contact information for the relatives of Mr. Higinio Trinidad to offer them the services provided by the State Executive Commission for Attention to Victims of Jalisco (*Comisión Ejecutiva Estatal de Atención a Víctimas de Jalisco*, CEEAVJ). On December 8, 2023, authorities obtained contact details of his brother and wife. On December 13, 14 and 26, 2023, CEEAVJ staff tried to communicate repeatedly via phone call and WhatsApp messages, but did not obtain a response. It was indicated that actions would continue to be taken in view of communicating with them and providing them with information on the competence of the CEEAVJ or, if appropriate, to channel them to the state institution that can provide the support they require.

<sup>11</sup> Attached was a log of visits of precautionary measures carried out on December 21 and 23, 2023 in favor of S.F.C., M.F.E. and F.F.E. in the municipality of Tierras Negras, M.F.E. and F.F.E. in the municipality of Tierras Negras; E.C.P. in the municipality of Guayabillas; Aurelio Ramos Hermenegildo in the municipality of Las Maderas, Santos Rosales Contreras and E.G.C. in the municipality of Telcruz, María Hermenegildo Roblada in the municipality of Lagunilla de Ayotitlán and Camilo de la Cruz Hermenegildo and Baudelia de la Cruz in the municipality of Ayotitlán, since they are from the same region, indigenous ethnic group, criminal group, and transnational company.

<sup>12</sup> It referred to the following: i) communication was established with the liaison by agreement of Jalisco for investigation and remission of information; ii) communication was held with the chief of staff of the municipality of Cuautitlán de García Barragán, who indicated that he did not have a meeting with the municipal president since he was not in the municipality. However, he indicated that he knew him and that his wife had gone to ask for him, and stated that he had gone to a meeting with someone else. Subsequently, communication was established with Mr. Adrián Gómez and he stated that he did not have a meeting with the beneficiary; iii) Communication was established with the beneficiary J. Santos Rosales Contreras on several occasions. It also reported that there was a version that the Municipal Police arrested the beneficiary; iv) Support was requested from the National Guard, in order to search for the beneficiary, and to make rounds. However, the family requested that this measure be removed, as they considered that it made them visible; v) Personnel of the Mechanism were able to establish communication with Ms. María Hermenegildo Roblado; vi) Communication was established with the Director of Public Security of Cuautitlán de García Barragán, who confirmed that the beneficiary was not in detention and that he would carry out a search operation; vii) Communication was established with the Search Commission of Jalisco, who shared that a file had already been opened, and that they were working in collaboration with the Cuautitlán Police Commissioner. The Director of Public Security of Cuautitlán de García Barragán and the Director of Public Security of Cuautitlán de García Barragán were subsequently informed that the beneficiary had been found dead; viii) Staff of the Protection Mechanism went to the beneficiary's family in order to accompany her and offer a security measure, consisting of temporary removal (safety shelter), however, this was not accepted. It should be noted that in the communication carried out with the beneficiary's family, they pointed out that they considered that the presence of the National Guard requested by their representative generates visibility and greater risk, and therefore they were informed that it would not be implemented; and ix) There was communication with Lizandro Yahir Trinidad Hermenegildo, son of Higinio Trinidad de la Cruz, who stated that they were well and did not require any security measure and intervention of the Protection Mechanism at that time.

<sup>13</sup> On November 24, 2023, the Protection Mechanism reported the disappearance of Higinio Trinidad de la Cruz. On November 25, 2023, the state of Jalisco sent a letter to the Ministry of Security and to the Commission for the Search for Persons (*Secretaría de Seguridad y a la Comisión de Búsqueda de Personas*) to inform if there was any news or report on the matter and to implement the corresponding security measures and/or protocols to locate him and guarantee his safety and integrity. On November 29, 2023, the State Commission for the Search of Persons reported that his lifeless body had been located. For this reason, the State Human Rights Commission of Jalisco (CEDHJ) opened an investigation report that later became ex officio complaint 2847/2023/III of the Office of the Third General Inspector General against the municipal president; the Commissioner and members of the Public Security Police and other public servants of Cuautitlán de García Barragán, Jalisco who may be responsible for the omissions in which they may have incurred. In this investigation, precautionary measures were issued in favor of Higinio Trinidad de la Cruz to be implemented through the Special Prosecutor's Office for Human Rights, the Center for Liaison and Follow-up for the Defense of Human Rights (*Centro de Vinculación y seguimiento a la Defensa de Derechos Humanos*), the Office of the Attorney General for the Protection of Children and Adolescents and the CEEAVJ. On November 25, 2023, the Special Regional Prosecutor's Office of the State of Jalisco registered the investigation folder No. 759/2023 which is under integration and investigation and in which various interviews, expert opinions and field and cabinet investigations have been carried out.



23. The State more recently communicated on the actions taken to protect the family of Higinio Trinidad de la Cruz: telephone and face-to-face contact, surveillance and patrols, and coordination with various authorities. It was specified that, on November 25, 2023, the Jalisco state Prosecutor's Office ordered protection measures for a period of 60 days in favor of José Isabel Trinidad de la Cruz and/or José Isabel Trenidad de la Cruz (brother), María Hermenegildo Roblada (wife) and Baudelia de la Cruz Jacobo (mother), in their capacity as indirect victims. On November 28, 2023, the Jalisco Prosecutor's Office also requested the Secretary of the Jalisco State Public Security Directorate to provide a report on the follow-up of the protection measures provided to the aforementioned persons, including E.C.M., also identified as an indirect victim.

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

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

25. 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.<sup>14</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>15</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.<sup>16</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>17</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission deems that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected

<sup>14</sup> Inter-American Court of Human Rights (IACHR). Matter of the Yare I and Yare II Capital Region Penitentiary Center. Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. Case of Carpio Nicolle et al. v. Guatemala. Provisional Measures. Order of July 6, 2009, considerandum 16 [only in Spanish].

<sup>15</sup> I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. Case of Bámaca Velásquez. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. Matter of Fernández Ortega et al. Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

<sup>16</sup> I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the I/A Court H.R. of November 23, 2017, considerandum 5; 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 [only in Spanish].

<sup>17</sup> I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. Matter of "El Nacional" and "Así es la Noticia" newspapers. Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. Matter of Luis Uzcátegui. Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

- 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.

26. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>18</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.<sup>19</sup> This is better suited to be addressed by the Petition and Case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>20</sup>

27. From a preliminary standpoint, the Commission notes that, during the processing of the request for precautionary measures, the parties have submitted information on various individuals or groups, such as the Nahua community of Ayotitlán and its authorities. In this regard, the Commission notes that details have not been provided on the situation of all the persons mentioned, and that there have been clarifications and updates on the situation of certain persons over others. Upon forwarding information between the parties, the Commission decided to focus its analysis on the situation of the following duly identified persons: (1) J. Santos Rosales Contreras, (2) María Hermenegildo Roblada, (3) José Guerrero Flores, (4) Felipe Roblada Flores, (5) Rafael Sánchez López, (6) J. Noe Cobián Martínez, (7) J. Jesús Padilla Romero, (8) J. Jesús Justo Ciprián, (9) Aurelio Ramos Hermenegildo, (10) Aurelio Ramos Hermenegildo. Noe Cobián Martínez, (7) J. Jesús Padilla Romero, (8) J. Jesús Justo Ciprián, (9) Aurelio Ramos Hermenegildo, (10) Aurelio Ramos Deniz, (11) Javier Flores Elías, (12) Miguel Ramos Peña, and (13) Saul Deniz Ruiz. The Commission will refer to these individuals as the proposed beneficiaries under the matter at hand insofar as their community leadership, their historical performance in the community, and their relationship to the recent murder of Higinio Trinidad de la Cruz, as applicable.

28. At the contextual level, the Commission observes that the parties have described a situation of violence in the area. On the one hand, the applicants have alleged the existence of continuous threats, intimidation, surveillance, monitoring, and acts of violence, including allegations of disappearance of persons, forced detentions, and murders. The applicants have attributed these acts to unidentified members of organized crime, as well as to persons with firearms. In some cases, they referred to authorities whose actions they questioned. On the other hand, the Commission notes that the State did not properly dispute the

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<sup>18</sup> I/A Court H.R. Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. Matter of the children and adolescents deprived of their 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>19</sup> Inter-American Commission on Human Rights (IACHR). Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96/21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

<sup>20</sup> In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme seriousness and urgency and the necessity to avoid irreparable harm to persons.” See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

allegations issued by the applicant. In addition, it stated that the authorities are ready to address the problem in view of the “indications of the presence of organized crime”. According to available information, the situation in the region has led to the granting of precautionary measures by the National Human Rights Commission, the Office of the Attorney General, and other state entities involved. In addition to the above context, the Commission understands that the proposed beneficiaries are allegedly part of the Nahua community of Ayotitlán, whose leaders would actively participate in actions against mining exploitation in their territory. This scenario has a cross-cutting impact on the identified context of violence in the area.

29. In the above context, the Commission acknowledges that the *seriousness* requirement has been met. In reaching this determination, the Commission observes that the situation of violence against the proposed beneficiaries continues and has not disappeared or been mitigated. The Commission takes into account that recently, in November 2023, one of the leaders, Higinio Trinidad de la Cruz, disappeared and was murdered, after being subject to events that placed him at risk over time. Similarly, according to the request, the proposed beneficiaries have continued to be subjected to the following: death threats, threats of disappearance, surveillance at their residences, extortion calls, armed persons entering their residences, among other facts. In this sense, the Commission understands that these events are related to the fact that some of the proposed beneficiaries witnessed the murders of Rogelio Rosales and Higinio Trinidad de la Cruz, and continued to exercise their leadership roles in the community. The abovementioned events have also extended to their relatives.

30. Upon requesting information from the State under the terms of Article 25 of its Rules of Procedure, the Commission positively values the various actions taken by the State to address the problem and keep the proposed beneficiaries and other members of the Nahua community of Ayotitlán safe. Particular note is taken of the information provided by the Mexican institutional authorities that provide internal protection, as well as the actions taken by the Office of the Attorney General. It also acknowledges the response offered to Higinio Trinidad de la Cruz’s relatives after his murder.

31. Notwithstanding the above, the Commission considers that the implementation of protection measures has not prevented the continuation of situations that place the proposed beneficiaries at risk, following the murder of Higinio Trinidad de la Cruz in November 2023. In this regard, it was indicated that, in January 2024, shots were fired at the house of Higinio Trinidad de la Cruz’s mother; and in February 2024, the presence of members of organized crime and threats against people in the area continued. In addition, the Commission notes various allegations regarding the adequacy and effectiveness of the protection measures implemented, such as: patrols are reportedly not active all times, which allows members of organized crime to freely walk the streets, measures regarding emergency buttons and telephones are allegedly insufficient for areas without working cellular and internet signal coverage, and only certain individuals receive police accompaniment, among other issues. In this regard, the Commission warns that, despite the existence of investigations carried out by the Office of the Attorney General, to date, and given the ongoing situations that place the proposed beneficiaries at risk, the lack of information on progress in determining those responsible, which could prevent the continuation of violence in the area, is a cause for concern.

32. Therefore, the Commission considers that the rights to life and personal integrity of the proposed beneficiaries are *prima facie* at risk, in the terms of Article 25 of the IACHR Rules of Procedure. This assessment is extended to their family members, given situations of risk that took place against them, as well as possible reprisals.

33. Regarding the requirement of *urgency*, the Commission finds that it has been met, in view of the repeated acts of violence and the recent threats against the proposed beneficiaries. These incidents show the possibility that the proposed beneficiaries may imminently face new risk events. Therefore, the Commission notes the need to adopt immediate protective measures, as well as to carry out the corresponding consultation measures.

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

35. Lastly, in relation to the arguments of the State regarding the principle of complementarity, the Commission considers it pertinent to recall that, in effect, the State, through its domestic authorities, is primarily responsible for protecting the human rights of the persons under its jurisdiction; in this regard, the nature of international jurisdiction is “auxiliary” or “complementary,” without replacing it. The Commission warns, however, that invoking the principle of complementarity to support that the adoption of precautionary measures is unwarranted requires that the State concerned satisfy the burden of proving that the proposed beneficiaries are no longer in a serious and urgent situation pursuant to Article 25 of the Rules of Procedure, in the sense that the measures adopted by the State have had a substantive impact in reducing or mitigating the risk, so that compliance with the procedural requirements is no longer fulfilled and therefore international intervention to prevent irreparable harm is not required. In this matter, although the Commission takes into account and assesses the actions taken by the State to protect the rights of the proposed beneficiaries, upon analyzing the situation, it deems the requirements set forth in Article 25 of the Rules of Procedure met, and therefore considers that the adoption of precautionary measures is appropriate.

36. Lastly, the Commission notes that the State must continue to comply with all of its international obligations regarding the group of persons who are not protected by the precautionary measures at hand. In this sense, the State must continue to comply with its international obligations regarding the remaining members of the Nahua Community of Ayotitlán or the members of the Tsikini organization, which includes providing them with protection measures against situations of imminent risk, as appropriate.

#### **IV. BENEFICIARIES**

37. The Commission declares the following as beneficiaries: (1) J. Santos Rosales Contreras, (2) María Hermenegildo Roblada, (3) José Guerrero Flores, (4) Felipe Roblada Flores, (5) Rafael Sánchez López, (6) J. Noé Cobián Martínez, (7) J. Jesús Padilla Romero, (8) J. Jesús Justo Ciprián, (9) Aurelio Ramos Hermenegildo, (10) Aurelio Ramos Deniz, (11) Javier Flores Elías, (12) Miguel Ramos Peña, and (13) Saúl Deniz Ruiz. Their family members, who can be identified, are also included as beneficiaries. In view of the above, in its next communication, the representation will provide the list of the persons that constitute the family units of the 13 persons identified as beneficiaries. This list will be forwarded to the State for the purposes of the implementation of these precautionary measures.

#### **V. DECISION**

38. The Commission considers that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, the Commission requests that Mexico:

- a) adopt the necessary and culturally appropriate measures to guarantee the life and personal integrity of the duly identified beneficiaries;
- b) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- c) report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

39. The Commission also requests that the Government of Mexico report, within 15 days as from the day of notification of this resolution, on the adoption of the required precautionary measures and to update that information periodically.

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

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

42. Approved on March 8, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Maria Claudia Pulido  
Assistant Executive Secretary