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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 44/2024**

Precautionary Measure No. 638-24  
Gustavo Yaxón Meletz and his family regarding Guatemala<sup>1</sup>  
August 2, 2024  
Original: Spanish

**I. INTRODUCTION**

1. On June 10, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a precautionary measures request from the National Coordinating Council of the Committee for Peasant Unity - *Comité de Unidad Campesina*, CUC (“the applicants”) urging the Commission to require that the State of Guatemala (“the State” or “Guatemala”) adopt the necessary measures to protect the rights to life and personal integrity of Gustavo Yaxón Meletz (“the proposed beneficiary”) and his family unit.<sup>2</sup> According to the request, the proposed beneficiary is at risk after surviving an armed attack against CUC members that resulted in the death of two other people, including his father.

2. Pursuant to the provisions of Article 25(5) of its Rules of Procedure, the IACHR requested information from both parties on June 12, 2024, and received a response from the State on June 18, 2024, and from the applicants on June 20, 2024.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the proposed beneficiaries and his family unit are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requires that Guatemala: a) adopt the necessary measures to protect the rights to life and integrity of Gustavo Yaxón Meletz and his family unit; b) implement the necessary measures so that Gustavo Yaxón Meletz can carry out his activities as a human rights defender without being subjected to threats, intimidation, harassment, or other acts of violence in the exercise of his work; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that led to this precautionary measure, so as to prevent them from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicant**

4. Gustavo Yaxón Meletz is the leader of the Committee for Peasant Unity (*Comité de Unidad Campesina*, CUC) and representative of the Community Development Council of El Tablón before the municipality of Sololá. In the context of the “violent evictions” in communities in the Alta Verapaz and Izabal Departments, the CUC, and particularly Gustavo Yaxón Meletz, is supporting complaints and providing legal assistance.

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<sup>1</sup> In accordance with Article 17(2)(a) of the Commission's Rules of Procedure, Commissioner Edgar Stuardo Ralón Orellana, a Guatemalan national, did not participate in the debate or deliberation of this matter.

<sup>2</sup> The family unit of Mr. Gustavo Yaxón Meletz is said to be composed of his wife, S.J.R., and their two daughters, L.M.Y.J., 3 years old; M.M.Y.J., 1 year old; his mother, M.M.C. and his four brothers, A.Y.M., 17 years old; A.F.Y.M., 15 years old; Y.P.Y.M., 9 years old; and J.C.Y.O.; his sister-in-law, A.M.A.O., and five nieces and nephews, S.B.Y.A., 9 years old; B.Y.Y.A., 7 years old; N.Y.Y.A., 6 years old; A.E.Y.A., 4 years old; G.A.Y.A., 2 years old.

5. The request states that on June 5, 2024, while traveling on a road leading to Santa María de Jesús, Sacatepéquez, three CUC members were ambushed and attacked with firearms which were pointed directly at their heads and faces. Among them was lawyer José Domingo Montejo, defender of indigenous and peasant communities, who was part of the CUC legal team until 2019. In addition, Marcelo Yaxón Pablo and his son, Gustavo Yaxón Meletz, active leaders of CUC, who were conducting field work, were seriously injured. It was alleged that during the attack on June 5, 2024, no property was stolen and there had been no prior threats. Therefore, it is suggested that “the attack on José Domingo, Marcelo, and Gustavo was not intended to rob or intimidate them, but rather to deliver a deadly attack.” The applicants believe that the attack was not an act of common crime, “but on the contrary, that it could be related to his activity as a CUC activist.”

6. According to the applicants, the victims were assisted by volunteer firefighters from the municipality of Palín in the department of Escuintla. Lawyer José Domingo Montejo died in this department, while Marcelo Yaxón Pablo and Gustavo Yaxón Meletz were rushed to the National Hospital of Villa Nueva. On June 10, 2024, Marcelo Yaxón Pablo died as a result of the serious injuries caused by the projectiles.

7. Due to safety concerns, Gustavo Yaxón Meletz left the National Hospital of Villa Nueva and was transferred to a private clinic, where he underwent surgery. He was subsequently transferred to his residence. The applicants alleged that the intellectual and material perpetrators are still “lurking to kill him, as it is evident that their intention is to silence his voice and struggle for human rights.” The attack was reportedly related to his role as a leader, which is believed to have “significantly influenced crucial moments in the defense of democracy.” The requesting party considers that the attack had “political overtones” against the proposed beneficiary.

8. The applicants stated that, upon learning of the incident, they informally contacted an official from the Human Rights Unit of the Ministry of the Interior to request protection in favor of the proposed beneficiary and his father, Marcelo Yaxón Pablo. On June 6, 2024, the State responded by assigning two National Civil Police agents to provide security for them at the hospital. Regarding the security measures provided by the Ministry of the Interior, the applicants stated that there is a pending meeting with the institution. While there has been an alleged prompt response, it does not constitute a protection mechanism or detail, as there are no guarantees of compliance or continuity of these measures.

9. On June 7, 2024, the applicants submitted a formal letter to the Human Rights Unit of the Ministry of the Interior. The letter requested reinforcement of perimeter security in favor of Daniel Pascual Hernández and Esteban Hermelindo Cux Choc in accordance with the precautionary measures granted by the IACHR,<sup>3</sup> as well as in favor of the CUC facilities.

10. On June 12, 2024, the Public Prosecutor’s Office’s fiscal agency in the municipality of Escuintla issued a letter to the head of the 72nd precinct of the National Civil Police in Sololá to request protection and assistance for Mr. Yaxón Meletz and his family. This request was made “as part of the investigative proceedings” within the ministerial case file due to their victimization by threats and attempted murder of M.O.C.L. Two National Civil Police agents were assigned to alternate shifts to provide security for Mr. Yaxón Meletz’s residence. However, it was noted that at times they had abandoned their post, for example, on June 11, 2024, during Mr. Marcelo Yaxón Pablo’s funeral.

11. The applicants expressed concern about the specific circumstances of the proposed beneficiary’s family unit, noting that their residence is a multi-family house situated in an open area with multiple exits and entrances. The following individuals reside in this residence which was owned by his father

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<sup>3</sup> IACHR, Resolution 64/2016, Precautionary Measure No. 705-16, Matter of Esteban Hermelindo Cux Choc et al. regarding Guatemala, December 6, 2016; and Resolution 62/2016, Precautionary Measure No. 468-16, Matter of Daniel Pascual et al. regarding Guatemala, December 6, 2016.

during his lifetime: his wife, S.J.R., and their two daughters;<sup>4</sup> his mother, M.M.C.; his four brothers;<sup>5</sup> his sister-in-law, A.M.A.O.; and five nieces and nephews.<sup>6</sup> Consequently, the situation that places them at risk extends to all members of the household.

12. With regard to the investigations, according to the information provided, the proposed beneficiary has given a written statement to the Specialized Criminal Investigation Division, since his health prevents him from communicating verbally. The applicants expressed their concern about the objectivity and effectiveness of investigations carried out by the Public Prosecutor's Office. They mentioned the involvement of Marcelo Yaxón Pablo and Gustavo Yaxón Meletz in protests against the Attorney General, in coordination with ancestral authorities, as well as the work of lawyer José Domingo Montejo in defending the human rights of indigenous and peasant communities.

13. The applicants reported that, to date, there have been no new incidents of threats, harassment, or acts of violence against the proposed beneficiary or his family. However, due to the nature of the initial attack and the fact that Mr. Yaxón Meletz survived, there is ongoing concern about possible future attacks. The proposed beneficiary is in a reported "a special situation of vulnerability, along with everyone in his immediate circle."

#### **B. Response from the State**

14. On June 19, 2024, the State reported the actions that were allegedly adopted by the National Civil Police. According to the State, since June 7, 2024, substation 72-1-1, Sololá Police Precinct 72 has been providing Gustavo Yaxón Meletz with perimeter security in shifts, 24 hours a day. This measure was reportedly coordinated with the local indigenous mayors and Yaxón Meletz's wife was notified. In this regard, the State affirmed that currently the proposed beneficiary and his family unit have a suitable and effective security detail, "since no incident or threat against him has been reported."

15. The State evaluated this matter in light of the procedural requirements of seriousness, urgency, and risk of irreparable harm, as well as argued that requests for protection must be evaluated under the parameters of subsidiarity and complementarity. Regarding the seriousness, the State affirmed that "at no time was there any mention of the existence of other acts against the proposed beneficiary or his family," so that "there is a possibility that this was an isolated incident". However, it acknowledged the importance of the work of human rights defenders and regretted the events that occurred on June 5, 2024, urging the IACHR to "analyze the facts to determine whether or not the seriousness criterion is met in this matter."

16. With regard to the procedural requirement of urgency, the State reiterated that it has adopted and implemented a perimeter security detail in favor of the proposed beneficiary and his family unit. It also stated that it is taking steps to ensure that a similar situation does not occur in the future.

17. Regarding the requirement of irreparable harm, the State acknowledged that in this matter, life and integrity are invoked as rights at risk. However, it stressed that an ideal and effective security detail was implemented and stated that it "provides adequate measures to safeguard the life and integrity of the proposed beneficiaries."

18. Lastly, the State requests that the IACHR "positively assess the measures that the State of Guatemala has adopted in security and protection in favor of the proposed beneficiary and his family" and

<sup>4</sup>L.M.Y.J., 3 years old; M.M.Y.J., 1 year old.

<sup>5</sup>A.Y.M., 17 years old; A.F.Y.M., 15 years old; Y.P.Y.M., 9 years old; J.C.Y.O., adult.

<sup>6</sup>S.B.Y.A, 9 years old; B.Y.Y.A., 7 years old; N.Y.Y.A., 6 years old; A.E.Y.A., 4 years old; G.A.Y.A., 2 years old.

“determine the appropriateness of the precautionary measures” in favor of the proposed beneficiary and his family.

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

19. 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 provided for in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the IACHR Statute; while 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.

20. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly stated that precautionary and provisional measures have a dual nature, one protective and the other precautionary.<sup>7</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>8</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>9</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study 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>10</sup> In the process of reaching a decision, and 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

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<sup>7</sup> I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; Case of Carpio Nicolle et al. v. Guatemala. Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

<sup>8</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 February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

<sup>9</sup> I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

<sup>10</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 February 8, 2008, considerandum 7; [Matter of “El Nacional” and “Así es la Noticia” newspapers](#), Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; [Matter of Luis Uzcátegui](#), Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19.

- c) “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

21. 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>11</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 called upon to determine through this mechanism any violation of the rights enshrined in the American Convention or other applicable instruments.<sup>12</sup> This is better suited to be addressed by the Petition and Case system. The following study relates exclusively to the requirements set forth in Article 25 of its Rules of Procedure, which can be resolved without making any determination on the merits.<sup>13</sup>

22. In addition, when assessing the alleged facts, the Commission takes into account the context in Guatemala. The IACHR included Guatemala in Chapter IV.B of its Annual Report in 2021, 2022, and 2023,<sup>14</sup> noting with concern the deterioration in the human rights situation of human rights defenders in Guatemala due to the persistence of acts of violence.<sup>15</sup> In its 2015 report *on the situation of human rights in Guatemala*, the IACHR noted that human rights defenders are subjected to permanent threats and harassment, “often of such a degree as to result in murder.”<sup>16</sup> In 2022, the IACHR highlighted that, in certain cases, “the murders take place in contexts of significant agrarian conflicts related to struggles to reclaim lands given the legal uncertainty of their ownership,” pointing out the special vulnerability of people dedicated to defending the rights of peasant communities.<sup>17</sup>

23. Regarding the events against the proposed beneficiary, on June 6, 2024, the Office of the United Nations High Commissioner for Human Rights in Guatemala regretted the events of June 5, 2024, highlighted “the importance of ensuring a safe environment for the work of peasant organizations,” and called on the competent authorities to conduct a prompt and impartial investigation.<sup>18</sup> On June 11, 2024, the IACHR condemned the murder of human rights defender José Alberto Domingo Montejo, following an attack in which CUC members Marcelo Yaxón Pablo and Gustavo Yaxón were also injured. The IACHR urged the State to conduct a diligent investigation and to consider as a possible motive for the crime the work of human rights defenders “to determine the truth and punish all those responsible.”<sup>19</sup>

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<sup>11</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 August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

<sup>12</sup> IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96-21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

<sup>13</sup> In this regard, the Court has stated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

<sup>14</sup> IACHR, [2021 Annual Report, Chapter IV.B Guatemala](#), May 26, 2022; IACHR, [2022 Annual Report, Chapter IV.B Guatemala](#), April 11, 2023; IACHR, [2023 Annual Report, Chapter IV.B Guatemala](#), December 31, 2023.

<sup>15</sup> IACHR, [2021 Annual Report, Chapter IV.B Guatemala](#), May 26, 2022, paras. 14 and 168; [Annual Report 2022, Chapter IV.B Guatemala](#), April 11, 2023, paras. 20 and 171.

<sup>16</sup> IACHR, [Situation of Human Rights in Guatemala: Diversity, Inequality, and Exclusion](#), December 31, 2015, para. 191.

<sup>17</sup> IACHR, [Northern Central America: Situation of Environmental Defenders](#), December 16, 2022, para. 87.

<sup>18</sup> OHCHR, “[@Oacnudh GT mourns the death of #human rights defender and lawyer José Domingo, and calls on the competent authorities to conduct a prompt and impartial investigation](#)”, June 6, 2024.

<sup>19</sup> IACHR, “[#Guatemala: #IACHR Condemns the Murder of #HumanRights Defender José Alberto Domingo Montejo](#),” June 11, 2024.

24. The above contextual elements are relevant for the purpose of analyzing the facts alleged in this request.

25. In analyzing the requirement of *seriousness*, the Commission considers that it has been met. Based on the available information, the IACHR observes that Gustavo Yaxón Meletz is a defender of the rights of indigenous and peasant communities, a leader of the Committee for Peasant Unity (CUC), and a representative to the Sololá municipality. On June 4, 2024, he was the target of an armed attack in which he was seriously wounded. This attack also resulted in the death of his father, Marcelo Yaxón Pablo, and lawyer José Domingo Montejo.

26. In this regard, the Commission notes, based on the available information, that the attack was highly lethal and involved the use of firearms aimed directly at their heads and faces. In addition, the event allegedly occurred without prior threats and without depriving them of any possessions, which, according to the applicants, indicates an intention to “deliver a deadly attack.” In addition, the Commission observes that, as a result of the attack, the proposed beneficiary had to undergo surgery and, at present, has difficulty with oral communication. This shows that the attack has severely impacted the proposed beneficiary and the physical possibilities for him to continue his work as a peasant leader of CUC in the current context of Guatemala.

27. Considering that the attack is still under investigation, the IACHR does not have elements to rule out the possibility that the attack, which occurred while he was traveling with other CUC members, was not directly related to his work as a human rights defender. On the subject, the Inter-American Court has affirmed in its reiterated jurisprudence that:

[...] in the face of indications or allegations that a certain fact against a human rights defender could have been motivated precisely by his work in defense and promotion of human rights, the investigating authorities must take into account the context of the facts and his activities to identify the interests that could have been affected in the exercise of the same, in order to establish and exhaust the lines of investigation that take into account his work, determine the hypothesis of the crime and identify the perpetrators.<sup>20</sup>

28. The Commission recalls that it has granted precautionary measures to two other CUC defenders facing similar factors that place them at risk, which are still in effect today.<sup>21</sup> In the Commission’s opinion, the events against the proposed beneficiary indicate that the factors placing him at risk, which it has already identified in other members of the CUC, continue to be relevant given the various leadership roles and actions taken at specific moments in the context in Guatemala. In view of the current risk that other CUC members face, and in addition to the events against the proposed beneficiary in the Guatemalan context, this Commission has no elements to affirm that this is an “isolated event.”

29. Upon requesting information from the State, the Commission acknowledges the immediate measures taken by the National Civil Police. The State indicated that, as of June 7, 2024, the proposed beneficiary has been provided with perimeter security in shifts at his residence, 24 hours a day. Furthermore, the State reported that no incidents or threats have been reported against him. The Commission values the protection measures implemented by the State and calls on it to continue to provide them with protection in accordance with the facts as they arise.

<sup>20</sup> I/A Court HR, Matter of Escaleras Mejía et al. v. Honduras, Judgment of September 2018, para. 47 (Available only in Spanish).

<sup>21</sup> IACHR, Resolution 64/2016, Precautionary Measure No. 705-16, Matter of Esteban Hermelindo Cux Choc et al. regarding Guatemala, December 6, 2016; and Resolution 62/2016, Precautionary Measure No. 468-16, Matter of Daniel Pascual et al. regarding Guatemala, December 6, 2016.

30. However, the Commission notes that, according to the applicants, the security measures allegedly consist of two police officers who take turns to guard the residence. In this regard, the Commission understands that, given that it is a multi-family residence with multiple entrances and exits, the police presence may not be sufficient to prevent a potential new armed attack. This assessment is relevant to the extent that the material and intellectual authors of the attack have not yet been identified, and because the proposed beneficiary is the only living witness of the events of June 5, 2024. In addition to the foregoing, the applicants have denounced that the assigned agents have abandoned their post on at least one documented occasion, specifically on June 11, 2024, during the burial of Marcelo Yaxón Pablo.

31. Considering that there is no information on the performance of an updated risk assessment on the proposed beneficiary, the Commission recalls that the Inter-American Court has indicated the following:

“[...] state authorities have a responsibility to be aware of a situation of special risk, to identify or determine whether the person being threatened or harassed requires protection measures or to refer the matter to the competent authority for that purpose and to offer the person at risk pertinent information on the measures available. Regarding human rights defenders, this Court has stated that the suitability of protection measures requires that they fulfill the following characteristics: a) appropriate to the functions performed by the defenders; b) subject to an assessment based on the level of risk, in order to adopt and monitor the effective measures; and c) adaptable according to changes in the intensity of the risk.<sup>22</sup>

32. Consequently, in light of the information available to the parties, the IACHR observes that a risk assessment is crucial to assist in defining the most appropriate measures, and to evaluate the pertinent measures so that Mr. Yaxón Meletz can continue to carry out his work in safe conditions.

33. In conclusion, assessing as a whole the elements analyzed in the light of the aforementioned context, the Commission considers that the requirement of seriousness is met and, *prima facie*, the rights to life and personal integrity of the proposed beneficiary are at serious risk.

34. With regard to the requirement of *urgency*, the Commission also notes that it has been fulfilled, given that the facts described suggest that the risk is likely to continue and to be exacerbated over time. The seriousness of the armed attack, which resulted in the death of two other CUC members, along with the possible connection to his work as a human rights defender, and considering the ongoing risk indicators in precautionary measures for other CUC members, reflect an imminent risk that necessitates the adoption of precautionary measures. Therefore, in the opinion of the IACHR, immediate measures are required to prevent the occurrence of new situations that place the proposed beneficiary at risk, which could even lead to deadly consequences, and to guarantee that the proposed beneficiary can carry out his work in safe conditions.

35. As it pertains to the requirement of *irreparable harm*, the Commission finds it met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

36. Lastly, with regard to the members of his family, the Commission understands that there are indications that they may be affected by the identified risk factors, given the specific context of the matter at hand. In this regard, the IACHR observes that the head of the family, the proposed beneficiary's father, was already a fatal victim of the attack that resulted in Gustavo Yaxón Meletz being seriously injured. Therefore, given that all family members live in the same residence and that the intellectual and material authors of the

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<sup>22</sup> I/A Court H.R., Case of Yarce et al. v. Colombia, Preliminary Objection, Merits, Reparations and Costs, Judgment of November 22, 2016, para. 193.

events have not yet been identified, the IACHR deems it reasonable to conclude that the proposed beneficiary's family also have that same risk factors due to their relation to him.

#### **IV. BENEFICIARIES**

37. The Commission declares Gustavo Yaxón Meletz and his family unit beneficiaries of the precautionary measures, who are specifically identified in Footnote 2 of this resolution.

#### **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 Guatemala:

- a) adopt the necessary measures to protect the rights to life and integrity of Gustavo Yaxón Meletz and his family unit;
- b) implement the necessary measures so that Gustavo Yaxón Meletz can carry out his activities as a human rights defender without being subjected to threats, intimidation, harassment, or other acts of violence in the exercise of his work;
- c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged facts that led to this precautionary measure, so as to prevent them from reoccurring.

39. The Commission requests that Guatemala report, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

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 Guatemala and the applicants.

42. Approved on August 2, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary