

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS \*  
OF FEBRUARY 13, 2013**

**REQUEST FOR PROVISIONAL MEASURES  
REGARDING MEXICO**

**MATTER OF CASTRO RODRÍGUEZ**

**HAVING SEEN:**

1. The brief of the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") of November 30, 2012, in which it submitted a request for provisional measures to the Inter-American Court of Human Rights (hereinafter the Inter-American Court," or the "Court"), pursuant to Article 63(2) of the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") and Article 27 of the Court's Rules of Procedure<sup>1</sup> (hereinafter "the Rules of Procedure"), for the purpose of requiring the United Mexican States (hereinafter "Mexico" or "the State") to protect the life and personal integrity of Mrs. Luz Estela Castro Rodríguez.

2. The Order of the Inter-American Court of November 26, 2010, in the *Matter of Alvarado Reyes et al. regarding Mexico*, in which it decided to: "[r]eject the request to extend the instant provisional measures in favor of [...] Luz Estela Castro Rodríguez, [...] under the terms of Considering paragraphs 58 to 66 of this Order."

3. The facts on which the request for provisional measures submitted by the Commission is based, regarding the current situation of human rights defenders in the State of Chihuahua, namely:

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\* Judge Eduardo Ferrer Mac-Gregor Poisot, a Mexican national, did not participate in the discussion of this request for provisional measures, pursuant to Articles 19(2) of the Court's Statute and 19 of its Rules of Procedure. Also, Judge Alberto Pérez Pérez informed the Court that, for reasons of *force majeure*, he was unable to be present in the deliberation and signing of this Order.

<sup>1</sup> Rules approved by the Court during its Eighty-fifth Regular Period of Sessions held on November 16 to 28, 2009.

a) according to a study carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR), Chihuahua ranks in first place in reports of attacks committed against human rights defenders<sup>2</sup>;

b) several human rights organizations have denounced statements made by the State Governor which discredit the work of organizations that defend human rights and, consequently, sending a message of harassment and intimidation;

c) in this context of efforts to discredit human rights defenders, and in the absence of specific measures of protection, the attacks faced by human rights defenders, particularly women, in the State of Chihuahua, there is an intense climate of threats and intimidation, as well as murders and disappearances of human rights defenders who carry out activities in the area, and

d) there is a context of risk for women, especially those engaged in human rights activities and those who actively denounce cases of violence against women in the known context of the area.

4. The activities of Luz Estela Castro Rodríguez as a human rights defender in the State of Chihuahua presented by the Commission, namely:

a) Mrs. Luz Estela Castro is the founder and director of the Women's Human Rights Center (CEDEHM), an organization concerned with the issues of femicides, forced disappearances, extrajudicial executions, domestic and sexual violence and human rights defenders. She is also the founder and leading lawyer of the organization known as "El Barzón", which mainly works on issues related to environmental and water rights. Mrs. Luz Estela Castro is also the Founder of the organization *Justicia para Nuestras Hijas* (Justice for Our Daughters), concerned with the issues of femicide and human trafficking, and

b) she works as a lawyer both at the national and international level, in defense of other human rights defenders who have received threats and whom she has supported in accessing the inter-American system. Thus, Mrs. Luz Estela Castro:

- i. supports the litigation of the case of Paloma Angélica Escobar v. Mexico, and measures of protection in favor of her mother;
- ii. led the request for precautionary measures in favor of two members of the Commission for Solidarity and Defense of Human Rights, an organization that monitors human rights violations in Sierra Tarahumara and Ciudad Juárez;
- iii. led the request for precautionary measures in favor of the Director of the Human Rights center of Paso del Norte, who monitors human rights violations in Ciudad Juárez;
- iv. supports the request for precautionary measures in favor of two leaders of the organization "Bowerasa" which defends the rights of indigenous peoples. One of the leaders for whom precautionary measures were requested was murdered in March 2010. The other leader still has precautionary measures;
- v. led the action to file a complaint for the death of Marisela Escobedo on December 16, 2010, a well-known human rights defender who publicly denounced the murder of her daughter and

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<sup>2</sup> OHCHR, Report on the Situation Human Rights defenders in Mexico, Update 2010, page 11. Available at: <http://www.hchr.org.mx/Documentos%5CLibros%5C2010%5CL241110B.pdf>.

also worked intensively on the search for justice in that case. Also, Mrs. Luz Estela Castro has closely monitored the investigations opened into this matter. This search for justice is one of the activities that prompted a series of statements which place her in a situation of extreme risk in the context described, and

- vi. she is a petitioner in the provisional measures ordered by the Court in the Matter of Alvarado Reyes et al. v. Mexico, and in the case regarding these measures which is currently being processed before the Inter-American Commission.

5. As to the precautionary measures granted by the Inter-American Commission, on June 13, 2008 the Commission issued precautionary measure number MC 147-08 in favor of a group of human rights defenders belonging to the organizations “Nuestras Hijas de Regreso a Casa” (Return Our Daughters) and to CEDHEM, and among the beneficiaries was Mrs. Luz Estela Castro Rodríguez.

6. The facts alleged occurred after the granting of precautionary measures, namely:

- a) the situation of risk faced by Mrs. Luz Estela Castro Rodríguez increased

in November 2012, in relation to her activities with the organizations CEDHEM and “El Barzón”, prompted by the situation affecting human rights defenders in the State of Chihuahua (*supra* Having Seen 3). This increased risk “has been accompanied by a series of statements by high-ranking authorities in the State of Chihuahua which further heighten that risk”;

- b) regarding her activities in the CEDHEM organization,

in relation to the quest for justice for the death of Marisela Escobedo, the Commission stated that:

- i. on December 8, 2012 CEDHEM issued a press release in which it “demanded greater transparency from the Government of the State of Chihuahua in the investigation of the death of Marisela Escobedo. The reason for this press release was that two days earlier the State Governor had announced the arrest of a second perpetrator at a press conference. In its communiqué, CEDHEM stated that on December 15, 2011 the Prosecutor’s Office had already presented another person as the perpetrator”;
- ii. on October 11, 2012 the Attorney General of the State made public statements that the petitioners consider are directed at Luz Estela Castro<sup>3</sup>;
- iii. that same day, October 11, 2012, the daily newspaper “El Tiempo” published an article reporting the statements made by

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<sup>3</sup> “I feel very sorry, it pains me very much that a person would involve a young man to defend the presumed killer of her mother, and it’s a shame that this social leader also uses this young man to defend the killers of the journalists who died in Barrio Colorado [...]. I am very sorry that this social activist is defending murderers [...] the proceedings are open to join in the defense of murderers.”

Secretary General of Government of Chihuahua also directed at Luz Estela Castro<sup>4</sup>, and

c) in the second place, regarding her work in the organization “El Barzón”, the Commission indicated that Mrs. Luz Estela Castro’s activities in that organization generated “a series of threats that have been carried out”, namely:

i. the leader of the organization, Ismael Solorio, had received threats. The Commission was aware that on October 15, 2012 a meeting took place between leaders of “El Barzón”, including Mr. Solorio and Mrs. Luz Estela Castro, with the Secretary General of Government, who days earlier had made public statements about Mrs. Castro in the terms mentioned previously (*supra* Having Seen 6(b)(ii));

ii. at said meeting, Mrs. Luz Estela Castro assumed a leadership role and expressed the need to protect the leaders of “El Barzón” and stated the following: “I offer as witnesses all the organizations present here, and I want to say that if the State Government does not protect the leaders of El Barzón, they will be killed”;

iii. seven days after the meeting, on October 22, 2012, Ismael Solorio Urrutia and his wife Marta Manuela Solís Contreras were murdered, and

iv. press reports referring to these killings, published in the newspapers “El Proceso” and “Yancuic” indicate that in the weeks prior to these events, the leaders of “El Barzón” were victims of a smear campaign in the media. The press reports also mention the similarity between the vulnerable situation in which these murdered leaders found themselves and the situation of Mrs. Luz Estela Castro Rodríguez, both in her capacity as a lawyer of the organization to which the murdered defenders belonged, and as director of CEDHEM with a smear campaign of a similar nature to that suffered by the members of “El Barzón”.

7. The legal arguments used by the Commission to base its request for provisional measures, which stated that:

a) the alleged facts recounted, taken as a whole and assessed in light of the serious context of violence against human rights defenders in the State of Chihuahua, suggest, under the *prima facie* standard of appreciation, that Mrs. Luz Estela Castro Rodríguez is in a situation of extreme risk as a consequence of

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<sup>4</sup> “It’s not fair that Lucha Castro, motivated by questionable interests, should confuse society, twisting things at her whim, much less that she should demand integrity because of an invented smear campaign against her [...]. She manipulates things at will, just because firm actions were taken that resulted in significant declines in the crime rate, which Lucha Castro does not acknowledge either. [...] Her statements injure numerous public servants, such as investigators, ministerial agents, prosecutors, who have made an enormous effort to resolve the case of Marisela Escobedo, something that Lucha Castro herself has demanded relentlessly, and now that this has happened, for some strange reason, she rejects it, as she has done in countless other cases. For example, I wish to remind the citizens that in one of her impassioned defenses, Lucha Castro succeeded in ensuring that someone [implicated] in the massacre of Villas de Salvárcar, is at his home under house arrest, instead of in jail.”

her numerous activities as a human rights defender of two civil society organizations, and her defense of other human rights defenders who are at risk;

b) the State has not implemented effective, sustained and individualized protection measures in response to the situation of risk faced by the proposed beneficiary. It has ordered some measures, whose shortcomings have been denounced by Mrs. Luz Estela Castro Rodríguez, who has repeatedly requested an individualized risk assessment in order to design measures of protection appropriate to her specific situation, and

c) the situation of risk faced by Luz Estela Castro Rodríguez has increased. Among her many activities as a human rights defender, she has participated in the investigations related to the death of Mrs. Marisela Escobedo, another human rights defender of similar causes to those represented by Mrs. Castro Rodríguez. In the context of that participation, Luz Estela Castro Rodríguez made a public appeal for transparency in announcing the results of the investigations which, in her opinion, were contradictory and required an appropriate response by the Prosecutor's Office, both to family members and to society in general. The response she received from the highest authorities of the State of Chihuahua was intended to discredit her work as a human rights defender using comments that exceed the boundaries of an opinion on her work and, in the context described, themselves constitute a source of risk. Among the expressions allegedly used by the State's General Prosecutor and the General Secretary of Government, it is worth mentioning the comment describing Mrs. Castro Rodríguez as a "defender of murderers."

8. The request submitted by the Inter-American Commission, based on Article 63(2) of the American Convention and Article 27 of the Rules of Procedure, asking the Court to require the State:

a) to adopt immediate and specific measures to protect the life and personal integrity of Mrs. Luz Estela Castro Rodríguez, and

b) to coordinate the provisional measures with the proposed beneficiary, including the possibility of carrying out an individualized risk assessment by an authority trusted by the beneficiary.

9. The note of December 4, 2012, in which the Secretariat of the Court, following the instructions of the President and based on Article 27(5) of the Court's Rules of Procedure, asked the State to submit its observations regarding the request for provisional measures, as well as any other documents considered pertinent, no later than January 9, 2013.

10. The report presented by the State on January 11, 2013, in which it indicated the following:

a) according to the information provided by the State, the authorities contacted the beneficiaries and, between June 2008 and February 2011, held seven work meetings in which representatives of the State (at the federal, state and municipal levels) participated;

b) as to the implementation of the precautionary measures in favor of Mrs. Luz Estela Castro, the State pointed out that on May 14, 2008 the petitioner filed a complaint for the crime of threats against her, in response to which

investigation 7900-6519/08 was opened. During two years several proceedings were carried out and in January 2010, an order was issued to close the investigation file "since there were not sufficient elements to provide information on the investigation into the facts and to allow for the identification of the probable perpetrators [...]. To a large extent, this was due to the fact that, without any justification or reason, the complainant decided not to elaborate on her statement and did not attend the corresponding psychological expert assessments requested by the investigating authority since July 2008";

c) in addition, on April 6, 2010, Mrs. Luz Estela Castro reported a probable raid on the premises of CEDHEM and, in response to that accusation, a formal complaint was filed for the crime of theft. The State indicated that on several occasions the ministerial authority visited the premises of CEDEHM so that Mrs. Castro could elaborate on her statement but it was not possible to locate her. For this reason, on October 11, 2011 the ministerial authority decreed the "Non Exercise of the Criminal Action," because the statute of limitations for those offenses had already expired. On November 16, 2011 the trial judge revoked the decision of the Public Prosecutor's Office and ordered the investigation to be continued until the facts denounced have been clarified;

d) the State proposed to Mrs. Luz Estela Castro the implementation of a Security Protocol and put into practice the following measures of protection:

- i. security infrastructure, consisting of the installation of smoked (polarized) glass and a code blue system (emergency button) outside the premises of the Women's Human Rights Center; as well as the installation of a camera system and electronic doors;
- ii. communication systems. According to the State, since November 2008, "Luz Estela Castro or other beneficiaries have a system of five cell phones with encryption of data or credit that is renewed monthly, which remains in operation;
- iii. permanent contact, via an emergency number permanently available with the Secretariats of Public Security of the Federal Government, the State of Chihuahua and the Municipality of Chihuahua, and
- iv. police patrols, implemented jointly in the premises of the Women's Human Rights Center;

e) in addition, the State emphasized that since these measures were implemented, neither the state nor the federal authorities have received a formal report from the petitioner regarding any problem or incident;

f) with regard to recent events and facts involving other human rights defenders that could create an element of risk, the State argued that the aforementioned statements by senior public officials "were never intended to discredit the work carried out by the human rights defender " and that, on the contrary, the Government of the State of Chihuahua "has always recognized the work of members of civil society organizations [...], the erroneous information disseminated by Mrs. Luz Estela Castro regarding the investigations in the case of Mrs. Marisela Escobedo was likely to create confusion and disinformation among the inhabitants of the State of Chihuahua [...] for this reason the General Prosecutor considered it pertinent to clarify and refute the statements made," and

g) as to the situation of human rights defenders in the State of Chihuahua, the State indicated that, during 2012, the National Human Rights Commission made no recommendations to the Government.

11. In addition, the State emphasized that it had implemented various public policies, both at the state and the federal levels, in favor of human rights defenders, which "require the request and consent of the potential beneficiaries to avail themselves of these, something that has not occurred in this case." Among these policies it mentioned:

a) the State of Chihuahua's Comprehensive Security System for the Protection of Journalists, which is also applied to human rights defenders at risk, given its effectiveness. This system, in operation since September 8, 2010, includes preventive and self-protection measures, as well as a mechanism to ensure the flow of information and immediate attention by the authorities, who will determine the actions to be taken in order to safeguard the physical integrity of the beneficiary. Moreover, it emphasized that "the effectiveness achieved with the application of this System has resulted in it being applied to human rights defenders at risk, and since it came into effect it has been implemented on [thirteen] occasions [;] [four] with human rights defenders, in all cases guaranteeing the life and physical integrity of the beneficiary", and

b) the Protection Mechanism for Human Rights Defenders and Journalists. This mechanism, operated by the Secretariat of Government since October 25, 2012, may be accessed through the following channels:

- i. an extraordinary procedure, which requires a request from the potential beneficiaries, in response to which urgent measures of protection must be implemented within a period no longer than nine hours, including the following: evacuation, temporary relocation, escorts by specialized security units, protection of premises, etc., and
- ii. a regular procedure, which may commence after the extraordinary procedure, or when the application for inclusion in the scheme advises that no imminent risk exists. In this case, within ten calendar days, the Risk Assessment Unit must conduct an evaluation of the situation, determine the level of risk that exists, define the measures of protection required and determine the beneficiaries.

12. The considerations of the State regarding its compliance with the requirements established in Article 63(2) of the Convention, namely:

a) the facts that prompted the precautionary measures decreed by the Commission date from 2008 and since that time the competent authorities have not received any communication from the petitioner. The State added that the Court has stated that it is essential that the facts are reported at the domestic level;

b) an urgent situation implies that the risk or threat is imminent. If that risk or threat were imminent, the petitioner would have responded to the search procedures carried out in the aforementioned investigations;

c) as to the damage, it considered that there must be a reasonable probability of this materializing, something that has not been demonstrated in this case;

d) “despite Mrs. Luz Estela Castro’s possible dissatisfaction with the measures implemented by the Mexican State, until now these have been sufficient to accomplish the protective purpose of a measure of protection, which is strictly to ‘avoid irreparable damage to persons’”, and

e) as to the statements made by senior officials, it cited the *Matter of Liliana Ortega et al. regarding Venezuela* to argue that “this probable type of harassment does not have the nature of a threat, either direct or indirect, against life and personal integrity.”

13. The note of the Secretariat of the Court of January 16, 2013, in which, following the instructions of the President and pursuant to Article 27(5) of the Court’s Rules of Procedure, the Commission was asked to submit its observations to the report presented by the State .

14. The observations presented by the Inter-American Commission on February 1, 2013, in which it emphasized that the situation of extreme risk facing Luz Estela Castro has increased. Also, in relation to the report presented by the State, the Commission argued that:

a) the State cannot conclude the non-existence of a context of human rights violations against human rights defenders in Chihuahua based on the lack of a recommendation by the National Human Rights Commission in this regard. On this point, it noted that the Human Rights Commission of the State of Chihuahua had issued fourteen recommendations during 2012, some of which were related to how defenders are being affected in this regard;

b) in Chihuahua there is a climate of vilification and attacks against human rights defenders, particularly women defenders, which is reflected in their alleged mistreatment, murders and disappearances;

c) with regard to the precautionary measures ordered by the Commission number: MC 147-08, the latter has transmitted to the State the briefs of the petitioners, which report: “i) the lack of implementation of a measure of protection in favor of the beneficiaries, including Luz Estela Castro Rodríguez; ii) the urgent situation due to the constant threats made against Mrs. Castro Rodríguez; iii) the State’s lack of willingness to hold discussions and meet with the beneficiaries; and iv) dissatisfaction with the deficient implementation of the measures”;

d) as to the statements made by the public authorities of Chihuahua, these comments in themselves constitute a source of risk in the context described previously, and

e) “given the close links existing between the human rights defenders who have been murdered, mistreated, beaten and threatened, and Luz Estela Castro Rodríguez, the Commission [considered] that she is exposed to a grave situation of risk”, and therefore reiterated the request already presented.



15. The recent situation of risk described by the Commission in its report of February 1, 2013, namely that:

- a) on January 20, 2013 four police officers allegedly arrested one of the leaders of the organization "El Barzón", who was severely beaten and threatened by the police agents, and
- b) another leader of "El Barzón" allegedly went to the police station to request information about the detained leader, and received threats from police officers.

**CONSIDERING THAT:**

1. Mexico ratified the American Convention on Human Rights on March 24, 1981 and, in accordance with Article 62 thereof, recognized the contentious jurisdiction of the Court on December 16, 1998.

2. Article 63(2) of the American Convention establishes that, "[i]n cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons," the Court shall adopt such provisional measures as it deems pertinent, in matters it has under consideration. With respect to a case not yet submitted to the Court, it may act at the request of the Commission."

3. Article 27 of the Rules of Procedure of the Court establishes that:

1. At any stage of the proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, on its own motion, order such provisional measures as it deems appropriate, pursuant to Article 63(2) of the Convention.

2. With respect to matters not yet submitted to it, the Court may act at the request of the Commission.

[...]

5. The Court, or if the Court is not sitting, the Presidency, upon considering that it is possible and necessary, may require the State, the Commission, or the representatives of the beneficiaries to provide information on a request for provisional measures before deciding on the measure requested.

[...]

4. According to Article 63(2) of the Convention, the provisional measures ordered by the Court are binding on the State, because a basic principle of international law, supported by international case law, indicates that States must comply with their international treaty obligations in good faith (*pacta sunt servanda*).<sup>5</sup>

5. Under international human rights law, provisional measures are not only preventive in the sense that they preserve a juridical situation, but they are also essentially protective because they protect human rights, inasmuch as they seek to

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<sup>5</sup> Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of June 14, 1998, Considering para. 6, and *Matter of Alvarado Reyes et al.* Provisional Measures regarding Mexico. Order of the Inter-American Court of November 23, 2012, Considering para. 2.

avoid irreparable damage to persons.<sup>6</sup> Provisional measures are applicable provided the basic requirements of extreme gravity and urgency and the prevention of irreparable damage to persons are met. In this way, provisional measures become a real jurisdictional guarantee of a preventive nature.<sup>7</sup>

6. In response to a request for provisional measures, the Court cannot consider the merits of any argument that is not strictly associated with extreme gravity, urgency and the need to avoid irreparable damage to persons. Any other matter may only be brought before the Court in a contentious case.<sup>8</sup>

7. The instant request for provisional measures is not related to a case brought before the Court; instead, it originated from a request for precautionary measures submitted to the Inter-American Commission. The Court does not have information as to whether the facts brought to the Court's attention are part of a contentious proceeding before the Inter-American system or whether a petition on the merits related to this request has been filed with the Inter-American Commission. The Court considers it necessary to clarify that, in view of the protective nature of the provisional measures, exceptionally, it may order such measures even when there is not an actual contentious case in the Inter-American System, in situations that, *prima facie*, may result in serious and imminent impairment of human rights. In such cases, the Court must assess the problem presented, the effectiveness of the State's measures in response to the situation described and the degree of vulnerability in which the people requesting the measures would be if such measures were not adopted. In order to accomplish this objective, it is vital that the Inter-American Commission submits sufficient grounds to encompass the criteria indicated and that the State fails to clearly and fully demonstrate the effectiveness of certain measures adopted within the domestic jurisdiction.<sup>9</sup>

8. For the Court to grant provisional measures, there must be a concurrence of the three requirements enshrined in Article 63(2) of the Convention, namely: i) "extreme gravity;" ii) "urgency," and iii) the need to "avoid irreparable damage to persons." These three conditions must coexist and must be present in any situation in which the Court's intervention is requested.<sup>10</sup>

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<sup>6</sup> Cf. *Case of the Newspaper "La Nación"*. Provisional Measures regarding Costa Rica. Order of the Inter-American Court of Human Rights of September 7, 2001, Considering para. 4, and *Matter of Alvarado Reyes et al.*, *supra*, Considering para. 4.

<sup>7</sup> Cf. *Case of the Newspaper "La Nación"*. Provisional Measures regarding Costa Rica. Order of the Inter-American Court of Human Rights of September 7, 2001, Considering para. 4, and *Case of Carpio Nicolle et al.* Provisional Measures regarding Guatemala. Order of the Inter-American Court of October 25, 2012, Considering para. 4.

<sup>8</sup> Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of August 29, 1998, Considering para. 6, and *Matter of Alvarado Reyes et al.*, *supra*, Considering para. 4.

<sup>9</sup> Cf. *Matter of the Capital Judicial Confinement Center El Rodeo I and El Rodeo II*. Request for Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of February 8, 2008, Considering para. 9, and *Matter of the Penitentiary Center of the Andean Region*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of September 6, 2012, Considering para. 6.

<sup>10</sup> Cf. *Case of Carpio Nicolle*. Provisional Measures regarding Guatemala. Order of the Inter-American Court of July 6, 2009, Considering para. 14, and *Matter of Wong Ho Wing*. Provisional Measures regarding Peru, Order of the acting President of the Inter-American Court of Human Rights of December 6, 2012, Considering para. 3.

9. As to the issue of gravity, for the purposes of adopting provisional measures, the Convention requires that this be “extreme,” in other words, at its most intense or highest level. The urgency of a situation implies that the risk or threat involved is imminent, which requires an immediate remedy in response. Finally, regarding the issue of damage, there must be a reasonable probability that it will materialize and it must not affect goods or legal interests that can be repaired.<sup>11</sup>

10. The Court also recalls that in order to determine whether a situation of extreme gravity and urgency exists, in order to avoid irreparable damage, it is possible to assess the set of political, historical, cultural factors or circumstances, or those of any other nature, which affect the beneficiary or place him in a situation of vulnerability at a particular time and expose him to violations of his rights. This situation may increase or decrease over time depending on innumerable variables.<sup>12</sup> Furthermore, it should be stressed that the procedure for provisional measures is only aimed at verifying whether a situation of risk exists at a particular time, and does not imply pre-judging the case or the merits of any issue.<sup>13</sup>

11. Moreover, the Court has held that a set of factors or circumstances may exist that reveal serious aggression against a particular group of people, which places them in a situation of extreme gravity and urgency and of suffering irreparable damage. In this extreme situation, for example, a series of serious attacks against the group to which the beneficiary belongs that would allow one to reasonably infer that the latter will also be attacked, may justify the granting of provisional measures, even without a direct recent threat to that beneficiary.<sup>14</sup>

12. In this sense, the Commission emphasized that the situation of risk faced by Luz Estela Castro has increased, given the recent events involving state authorities of Chihuahua in relation to the organizations CEDHEM and “El Barzón” in which she works (*supra* Having Seen 6). The Commission also referred to public statements made by government officials regarding Luz Estela Castro’s activities as a defender (*supra* Having Seen 6). Similarly, it cited the acts of violence and direct threats made against other leaders and members of the same organizations to which she belongs, including two recent incidents, on January 20, 2013 (*supra* Having Seen 6 and 16).

13. Although on the previous occasion, when considering the extension of provisional measures requested for Luz Estela Castro in relation to the *Matter of Alvarado Reyes et al. regarding Mexico*<sup>15</sup>, this Court did not feel that the grounds of extreme gravity and urgency applied to the situation of the proposed beneficiary in

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<sup>11</sup> Cf. *Matters of the Monagas Judicial Confinement Center (“La Pica”), the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison), the Central Occidental Region Penitentiary Center (Uribana Prison), and the Capital Judicial Confinement Center, Rodeo I and Rodeo II*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of November 24, 2009, Considering para. 3, and *Case of La Cruz Flores*. Provisional Measures regarding Peru. Order of the Inter-American Court of October 25, 2012, Considering para. 3.

<sup>12</sup> Cf. *Matter of Carpio Nicolle*, *supra*, Considering para. 26, and *Matter of Alvarado Reyes et al.* Provisional Measures regarding Mexico. Order of the Inter-American Court of May 15, 2011, Considering para. 20.

<sup>13</sup> Cf. *Matter of Carpio Nicolle*, *supra*, Considering para. 27, and *Matter of Alvarado Reyes et al.* Provisional Measures regarding Mexico. Order of the Inter-American Court of Human Rights of November 26, 2010, Considering para. 61.

<sup>14</sup> Cf. *Matter of Carpio Nicolle*, *supra*, Considering para. 27, and *Matter of Alvarado Reyes et al.*, *supra*, Considering para. 20.

<sup>15</sup> Cf. *Matter of Alvarado Reyes et al.*, *supra*, Considering para. 66.

relation to that matter (*supra* Having Seen 2), according to new elements referred to earlier, it is feasible that there will be an increased risk to Mrs. Castro. In this sense, the Commission has alleged specific facts that demonstrate the risk facing members of the organization "El Barzón", of which Mrs. Luz Estela Castro is a founder and leading lawyer, particularly the two murders mentioned and, more recently, alleged beatings and threats against two of its leaders. To this is added the statements allegedly made by government officials in relation to Mrs. Luz Estela Castro's work within the organization CEDHEM, which could aggravate the context of violence and risk described.

14. For its part, the State referred to the implementation of a Security Protocol that included various measures of protection in favor of Luz Estela Castro (*supra* Having Seen 10 (d)). It also expressed its complete willingness to conduct a new individualized risk assessment, together with the proposed beneficiary, and to review the measures. On this last point, the State mentioned the recent introduction of two public policies that could be applied to the proposed beneficiary: the Comprehensive Security System for the Protection of Journalists of the State of Chihuahua, applied to human rights defenders in situations of risk; and the Protection Mechanism for Human Rights Defenders and Journalists. These tools, as indicated by the State, require the initiative of the beneficiary, which has not occurred in this case (*supra* Having Seen 11).

15. In this regard, the Court takes cognizance of the protection mechanisms for defenders described by the State. However, the Court notes that the State has not demonstrated that such measures were adequately applied to the current situation facing Mrs. Luz Estela Castro, or that these provided the petitioner with an effective framework of protection to prevent the current risks. It is timely to recall that Article 1(1) of the Convention establishes the general obligations of States Parties to respect the rights and freedoms recognized therein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights, which are imposed not only in relation to the power of the State but also in relation to the actions of private third parties.<sup>16</sup>

16. The Court considers that, bearing in mind the work carried out by Mrs. Luz Estela Castro with the aforementioned groups, the specific situation of risk they face in their work in the State of Chihuahua, and in light of the recent events, there exists *prima facie* a situation of extreme gravity and urgency, which makes it necessary to adopt effective provisional measures in order to avoid potential irreparable damage against the rights to life and personal integrity.

17. Consequently, this Court considers it necessary to provide protection to Mrs. Luz Estela Castro through the immediate adoption of provisional measures by the State, according to the provisions of the American Convention, so that all those measures are adopted to effectively prevent actions that affect or endanger the life and integrity of the beneficiary.

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<sup>16</sup> Cf. *Case of the Peace Community of San José de Apartadó*, Provisional Measures regarding Colombia. Order of the Inter-American Court of Human Rights of June 18, 2002, Considering para. 10, and *Matter of the Socio-educational Internment Facility (UNIS)*. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of November 20, 2012, Considering para. 21.

**THEREFORE:**

**THE INTER-AMERICAN COURT OF HUMAN RIGHTS,**

in exercise of the authority granted by Article 63(2) of the American Convention on Human Rights and Articles 27 and 31(2) of the Court's Rules of Procedure,

**DECIDES:**

1. To require the State of Mexico to adopt the necessary and effective measures to prevent damage to the life and personal integrity of Luz Estela Castro. These provisional measures shall be in effect until September 30, 2013.

2. To require the State to take appropriate steps to ensure that the measures of protection are planned and implemented with the participation of the representatives of the beneficiary and that they are kept informed of the progress made in their implementation.

3. To require the State to report to the Inter-American Court of Human Rights every three months, as of notification of this Order, on the provisional measures adopted in accordance with this decision.

4. To request the representatives of the beneficiary to present their observations to the report of the State within four weeks, as of notification of the reports mentioned in the preceding Operative paragraph. Likewise, the Inter-American Commission on Human Rights may present its observations to the aforementioned briefs of the State and of the representatives within a period of two weeks after receiving the respective brief of observations of the representatives.

5. To require the Secretariat of the Inter-American Court to serve notice of this Order to the State of Mexico, the Inter-American Commission on Human Rights and the representatives of the beneficiaries.

Diego García-Sayán  
President

Manuel Ventura Robles

Eduardo Vio Grossi

Roberto de Figueiredo Caldas

Humberto Sierra Porto

Pablo Saavedra Alessandri  
Secretary

So ordered,

Diego García-Sayán  
President

Pablo Saavedra Alessandri  
Secretary