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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 69/2023**

Precautionary Measure No. 845-23  
Silvestre Merlín Domínguez and another person regarding Mexico<sup>1</sup>  
November 20, 2023  
Original: Spanish

**I. INTRODUCTION**

1. On October 5, 2023, 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 the State of Mexico (“Mexico” or “the State”) to adopt the necessary measures to protect the rights to life and personal integrity of Ivania Dolores Ríos Lázaro, Silvestre Merlín Domínguez and four other persons.<sup>2</sup> According to the request, the proposed beneficiaries are at risk after experiencing threats and harassment. Moreover, Mr. Silvestre Marlín Domínguez has been missing since September 15, 2023.
2. In accordance with Article 25.5 of the Rules of Procedure, the Commission requested information from the parties on October 19, 2023. The Commission received information from the State on October 24, 2023, and from the applicant on October 27, 2023.
3. Upon analyzing the submissions of fact and law offered by the parties, the Commission considers that the information presented demonstrates *prima facie* 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, it requests that the State of Mexico: a) adopt the necessary measures to protect the rights to life and personal integrity of Ivania Dolores Ríos Lázaro and Silvestre Merlín Domínguez; b) adopt the necessary measures to determine the situation and whereabouts of Mr. Silvestre Merlín Domínguez, in order to protect his rights to life and personal integrity; c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and d) report on the actions taken in order 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**

**A. Information provided by the applicant**

4. The applicant affirmed that, since 2022, Ivania Dolores Ríos Lázaro has worked as the sole trustee of the Honorable Constitutional City Council of the municipality of Isla, state of Veracruz. According to the request, on December 2, 2022, she was allegedly accused by G.A.T., the municipal president of the City Council, of meeting with councilors to “agree on actions against him”. Because of this, G.A.T. purportedly told Ms. Ríos Lázaro that no one “protected her”; “that he knew where [she] lived, where [her] family lived, as well as the address of [her] fellow councilors”; and that “at any time something could happen to her [and] to her family since people disappear and they’ll never find her or they could shoot them from motorcycles.”

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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> Jorge Isaac Santos Ríos, Petra Lázaro García, José Luis Ríos Lázaro and Hugo Emilio Rangel Ocampo

5. On May 9, 2023, the municipal president of the Isla City Council reportedly called Ms. Ríos Lázaro to ask her to “sign some documents”, which she allegedly refused. When explaining the reason why she had refused to sign these documents, Mr. G.A.T. purportedly told her that “what [she] intended was to make his life impossible”, “she was conditioning him”, “I don’t play this way, when it comes to the hard way, I’m very dangerous”. The proposed beneficiary allegedly found shelter under the pretense of going on vacation with her family.
6. G.A.T. reportedly reiterated the threats, the last of which occurred on May 25, 2023. On that date, the proposed beneficiary was allegedly summoned to a council session to analyze, review, and approve the financial statements for April 2023. At the time of the vote, everyone purportedly expressed their disagreement. From that moment on, Mr. G.A.T. allegedly threatened the people who did not want to approve the financial statements and declared that “he did not want to proceed or do [them] or [their] families any harm”; “that he owed many people and many people owed him” and “that if [they] w[ere] not with him, [they] w[ere] against him”. Furthermore, the treasurer, L.A.R.R., the former comptroller, M.A.M.M., and the director of municipal public projects, F.J.A.C., allegedly “intimidated” those present. They reportedly made comments stating that no one would protect [the attendees] and stating that they knew where their relatives and private homes were located, also declaring that they were going to “screw” them and that were capable of making an attempt on their lives.
7. On June 5, 2023, a complaint was allegedly filed against G.A.T., L.A.R.R., M.A.M.M., and F.J.A.C. before the Prosecutor’s Office Specialized in Combating Corruption of the Office of the Attorney General of the State of Veracruz for threats and gender violence, in its psychological and political figure. It is purported that no protection measures were granted to the proposed beneficiary and her family.
8. On September 13, 2023, the proposed beneficiary reportedly spoke with Silvestre Merlín Domínguez, known as Chivis, who served as her private secretary. Mr. Merlín Domínguez allegedly told her not to return to Isla, because according to him, the mayor gave the order to “screw them” (referring to an attempt on their lives). At night, four hooded individuals purportedly got out of a vehicle, and “beat” Silvestre Merlín, who was then put in the vehicle against his will, and, to date, his whereabouts are not reportedly known. The disappearance of Silvestre Merlín Domínguez was allegedly reported to the Third Prosecutor’s Office of the Isla Comprehensive Sub-Unit of the Office of the Attorney General of the State of Veracruz.
9. On September 15, 2023, a journalist who reportedly interviewed the family of Mr. Merlín Domínguez, allegedly received a death threat against him and his family through a telephone call, intending to prevent him from following up on the case. This situation was purportedly brought to the attention of the Commission for the Attention and Promotion of Journalists.
10. On October 27, 2023, the applicant stated that the complaints were allegedly still in the same status. A complaint was reportedly filed for the disappearance of Silvestre Merlín, however, neither the Office of the Attorney General of the State of Veracruz nor the authorities have allegedly developed any plan to search and locate him. Moreover, an Amber Alert file was provided. According to the applicant, the disappearance report remains the same: the relatives have not received information from the Office of the Attorney General, and the authorities have not taken protective measures in their favor. Regarding the complaint filed by Ivania Dolores Ríos Lázaro, the authorities have not implemented protective measures.
11. On October 18, 2023, Ms. Ríos Lázaro purportedly requested the Congress of Veracruz to establish a proceeding for a declaration of provenance [in Mexico, this is a procedure aiming to

remove a public servant's procedural immunity] against G.A.T., L.A.R.R., and M.A.M.M. Furthermore, on October 23, 2023, the proposed beneficiary reportedly filed a complaint and request for protection measures with the State Human Rights Commission of Veracruz.

12. On the other hand, the applicant indicated that the relatives of Silvestre Merlín Domínguez expressed their agreement to act before this instance; however, they were afraid to sign any document or appear physically due to the reprisals they allegedly suffered.
13. Complaints were filed with the National Human Rights Commission, as well as with the State Human Rights Commission of Veracruz. However, "so far neither of the two authorities have granted or verified that these protection measures were implemented". The State Human Rights Commission of Veracruz reportedly established that it was not up to them to impose and verify the measures that could assist Silvestre Merlín and his relatives, as well as those of Ivania and her relatives. It is alleged that this responsibility corresponds to the Office of the Attorney General of the State of Veracruz, Mexico.

#### **B. Information provided by the State**

14. On October 24, 2023, the State reported that the Office of the Attorney General of the State of Veracruz, through the Regional Prosecutor's Office of the Central Cosamaloapan Zone, informed that the investigation file on the disappearance of Mr. Silvestre Merlín was allegedly sent to the Unit Specialized in Combatting Kidnapping in the city of Xalapa due to incompetence. The folder was purportedly received on September 25, 2023. According to the State, no precautionary measures were issued in favor of Ms. Ríos Lázaro or her relatives, given that they were not part of the investigation as it centers around the alleged disappearance of Mr. Silvestre Merlín Domínguez.
15. In relation to the investigation file, the State indicated that it was reportedly being processed. On September 14, 2023, security measures were allegedly issued for a duration of 70 days. These measures consisted of security patrols, protection, and immediate assistance to Ms. Ivania Dolores Ríos Lázaro, sole trustee, to Mr. Gabriel Enríquez Pérez, second councilor, to Mr. Gonzalo Sánchez, third councilor and to Ms. Yareli Galaviz, fourth councilor, all members of the Municipal City Council of Isla, Veracruz. The State stressed that from the moment the measures in their favor were implemented, no risk incident falling within the requirements of Article 25 of the IACHR Rules of Procedure purportedly arose.
16. Concerning the alleged disappearance of Mr. Silvestre Merlín Domínguez, the Local Search Commission of the State of Veracruz has reportedly filed the single search page. In follow-up to that registration, search and location actions are being carried out in coordination with the Office of the Attorney General of the State of Veracruz. Furthermore, a communication was sent to the National Commission for the Search of Persons (*Comisión Nacional de Búsqueda de Personas*, CNB), in order to ask them to provide detailed information on the actions that were allegedly undertaken in order to find the whereabouts and location of Mr. Merlín Domínguez.
17. The State Human Rights Commission of Veracruz reportedly informed that on October 10, 2023, the First General Investigative Office of the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) purportedly turned over to this State Commission the complaint filed by Ms. Ivania Dolores Ríos Lázaro, regarding alleged violations of her human rights attributable to the mayor of Isla. In this regard, it was purported that the file within which they carried out proceedings for the location of Ms. Ivania Ríos Lázaro was initiated and that she was informed of the submission of her letter by the CNDH.

18. The proposed beneficiary indicated that she reportedly delivered a letter ratifying the alleged violations of her human rights, as indicated in the complaint filed with the CNDH, to the offices of the regional delegation of the State Human Rights Commission of Veracruz. Therefore, and due to the nature of what was narrated by Ms. Ríos Lázaro, the issuance of precautionary measures was allegedly determined. Their issuance was reportedly notified to the Honorable City Council of Isla on October 23, 2023. Furthermore, the General Government Secretariat of the state of Veracruz reported that it had made various requests for information to other state agencies, in order to obtain more information.

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

19. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general functions are set forth in Article 41.b of the American Convention on Human Rights, as well as in Article 18.b of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.
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 established that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>3</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>4</sup> To do this, it is necessary to 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>5</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. The purpose of precautionary measures is to preserve 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

<sup>3</sup> See in this regard: I/A Court H.R. [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.

<sup>4</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45 [only in Spanish]; 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>5</sup> See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

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implement the ordered reparations.<sup>6</sup> For purposes of decision making, and in accordance with Article 25.2 of the Rules of Procedure, the Commission considers that:

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

21. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.<sup>7</sup> Similarly, the Commission recalls that, in this proceeding, it is not called upon to analyze alleged human rights violations in light of the American Convention and the applicable standards. Nor, by its own mandate, does it correspond to the Commission to individualize the criminal responsibility of specific persons in light of the alleged facts. The Commission establishes that the analysis it will carry out below focuses exclusively on the requirements established in Article 25 of its Rules of Procedure, which can be done without making any determinations on the merits.
22. As a preliminary matter, the Commission indicates that it will only analyze the situation of Ms. Ivania Dolores Ríos Lázaro and Mr. Silvestre Merlín Domínguez. The foregoing, given that the available information focuses on them. In the case of the other proposed beneficiaries, the Commission notes that it does not have information on who they are, their relationship with the events, and their current situation in light of Article 25 of its Rules of Procedure. Notwithstanding the foregoing, the Commission recalls that the State maintains all of its international obligations set forth in Article 1.1. of the Convention and other applicable instruments, including providing protection from situations of imminent risk, when appropriate.
23. In the present matter, the Commission observes the *seriousness* requirement is present as a result of the situation of threats and harassment related to the work of Ms. Ivania Dolores Ríos Lázaro, who is the sole trustee of the Honorable Constitutional City Council of Isla. Furthermore, it is noted that, on September 13, 2023, Mr. Silvestre Merlín Domínguez, private secretary of Ms. Ríos Lázaro, purportedly disappeared, after having warned the proposed beneficiary about an alleged risk to their lives. The foregoing, in the opinion of this Commission, reflects the possibilities of recent materialization of the threats received. The Commission understands that the alleged facts, considered as a whole, allow the identification of continuity of threats of

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<sup>6</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 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.

<sup>7</sup> In this regard, for instance, referring to provisional measures, the Inter-American Court has indicated that this standard requires a minimum degree of detail and information to assess, *prima facie*, a situation of risk and urgency. I/A Court H.R., [Matter of Children and adolescents deprived of 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.

aggression and death, and harassment over time against the proposed beneficiary. These threats have reportedly materialized with the disappearance of Mr. Merlín Domínguez, her private secretary, whose whereabouts are unknown to date. The Commission understands that the proposed beneficiaries maintained an employment relationship within the framework of their performance in the Honorable Constitutional City Council of the municipality of Isla, state of Veracruz. The disappearance of Silvestre Merlín Domínguez after alerting Ms. Ríos Lázaro to the imminent risk of attacks on their lives indicates the seriousness of the threat faced by Ms. Ríos Lázaro and the seriousness of the situation in which she finds herself. This situation reinforces the need to adopt protective measures for the benefit of the single trustee.

24. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, the State reported that on October 24, 2023, it transferred the investigation into the disappearance of Silvestre Merlín to the Unit Specialized in Combating Kidnapping in Xalapa due to incompetence. On September 14, 2023, security measures were allegedly issued for 70 days, consisting of security patrols, protection, and immediate assistance to Ms. Ivania Dolores Ríos Lázaro and other officials of the Honorable Constitutional City Council of Isla. The State Human Rights Commission of Veracruz reportedly initiated a file and issued precautionary measures. Moreover, search and location actions are being carried out in coordination with the Office of the Attorney General of the State of Veracruz in relation to the disappearance of Silvestre Merlín Domínguez.
25. The Commission takes note of the information provided by the State. However, it notes that there is no detailed information regarding actions effectively taken to determine the whereabouts of the proposed beneficiary, who has been missing since September 13, 2023. Although it is not for the IACHR to qualify the domestic investigations and processes in this procedure, it notes that actions aimed at determining the whereabouts or fate of a disappeared person are directly related to the need to prevent harm from occurring to their rights and that until their situation has been clarified, the proposed beneficiaries are allegedly at serious risk.<sup>8</sup> At the same time, the Commission observes the allegation that the relatives did not receive information from the Prosecutor's Office.
26. At the same time, the Commission observes that, although the State reported that it had issued temporary security measures, consisting of security patrols, protection, and immediate assistance to Ms. Ivania Dolores Ríos Lázaro, the applicant has stated that "so far, neither of the two authorities have granted or verified that these protection measures were implemented." In this sense, the Commission does not identify information that allows it to analyze effectively implemented protection measures and their scope.
27. In sum, taking into consideration the elements assessed in light of the performed appraisals, the Commission considers that the requirement of seriousness is met and that it is considered *prima facie* that the rights to life and personal integrity of the proposed beneficiaries are at serious risk.
28. Regarding the requirement of *urgency*, the Commission notes that it has been met in the face of the imminent materialization of a possible impact on the life and personal integrity of the proposed beneficiaries, since the threats have been maintained over time, having materialized in the disappearance of the private secretary of Ms. Ríos Lázaro. At the same time, the IACHR finds the requirement of urgency equally fulfilled to the extent that the passage of time without

<sup>8</sup> I/A Court H.R. Order of the Inter-American Court of Human Rights of May 26, 2010, Provisional Measures regarding the United States of Mexico, Matter of Alvarado Reyes et al. Para. 9. See also: IACHR. Resolution 43/2020, Precautionary Measure No. 691-20, Facundo José Astudillo Castro regarding Argentina. August 1, 2020. Para. 25.

establishing the whereabouts of Mr. Silvestre Merlín Domínguez is likely to generate a greater impact on the rights to life and personal integrity of the proposed beneficiary. The Commission notes that more than a month has passed since the disappearance has occurred, consequently, immediate actions are required to address the situation.

29. 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 irreparable harm.

#### **V. BENEFICIARIES**

30. The Commission declares that the beneficiaries of this precautionary measure are Ivania Dolores Ríos Lázaro and Silvestre Merlín Domínguez, who are duly identified in these proceedings under the terms of Article 25 of the Rules of Procedure.

#### **VI. DECISION**

31. The Inter-American Commission on Human Rights concludes that the present matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the Commission requests that Mexico:
- a) adopt the necessary measures to protect the rights to life and personal integrity of Ivania Dolores Ríos Lázaro and Silvestre Merlín Domínguez;
  - b) adopt the necessary measures to determine the situation and whereabouts of Mr. Silvestre Merlín Domínguez, in order to protect his rights to life and personal integrity;
  - c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
  - d) report on the actions taken in order to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.
32. The Commission requests that the State of Mexico inform, within a period of 15 days from the date of this resolution, on the adoption of the requested precautionary measures and to update such information periodically.
33. 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 prejudgment of any violation of the rights protected in the applicable instruments.
34. The Commission instructs its Executive Secretariat to notify this resolution to the State of Mexico and the applicant.
35. Approved on November 20, 2023, by Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; and Carlos Bernal Pulido, members of the IACHR.

María Claudia Pulido  
Assistant Executive Secretary