

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 96/2024**

Precautionary Measure No. 185-07

Norma Cruz Córdova and Alan Maldonado Ordóñez regarding Guatemala

December 11, 2024

Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of Norma Cruz Córdova and Alan Maldonado Ordóñez, in Guatemala. Following the State's request to lift the measures, the Commission assessed the protective actions taken in favor of the beneficiaries for the implementation of the precautionary measures, as well as the extended period without relevant information from the representation to continue assessing whether these precautionary measures should remain in force. Consequently, upon not identifying compliance with the procedural requirements at present, the IACHR has decided to lift these precautionary measures.

II. BACKGROUND INFORMATION

2. On October 26, 2007, the IACHR ordered precautionary measures in favor of María Juárez, a civil servant of the *Fundación Sobrevivientes* (Fundación Sobrevivientes) in Guatemala. The request indicated that the beneficiary had received threats and harassment as a result of her work activities. Consequently, the Commission requested that the State adopt the measures necessary to guarantee the life and physical integrity of María Juárez and report on the actions implemented with the aim of judicially clarifying the facts that justified the adoption of precautionary measures.¹

3. On August 18, 2010, the IACHR extended the precautionary measures in favor of Norma Cruz Córdova and Alan Maldonado Ordóñez, members of the *Fundación Sobrevivientes* in Guatemala. The IACHR requested that the State to adopt the necessary measures to guarantee the life and physical integrity of the beneficiaries; consult and agree upon the measures with the beneficiaries and their representatives; and to report on the actions to investigate the facts that led to the adoption of precautionary measures.² Likewise, the IACHR decided to lift the precautionary measures regarding María Juárez.³

4. The representation of the precautionary measures is exercised by the Unit for the Protection of Human Rights Defenders of Guatemala (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala*, UDEFEGUA).

III. INFORMATION PROVIDED DURING THE TIME THE PRECAUTIONARY MEASURES WERE IN FORCE

5. During the time the precautionary measures were in force, the Commission followed-up on the situation that is the subject matter of these precautionary measures by requesting information from the parties. In this regard, in recent years, communications have been received from the parties and sent from the IACHR on the following dates:

	Reports by the State	Communications by the representation	Information requested and forwarded by the Commission
2010	No information	No information	August 20

¹IACHR, Precautionary Measures 2007, [Precautionary Measures granted by the IACHR during 2007](#), Guatemala.

²IACHR, Precautionary Measures 2010, [Precautionary measures granted by the IACHR during 2010](#), Guatemala.

³The IACHR notified both parties of the decision to extend and lift PM-185-07 on August 20, 2010.

2011	January 11 and June 1	No information	No information
2012	No information	No information	No information
2013	June 26 and October 3	July 24 and December 16	March 4, April 23, June 18, August 27, September 10 and December 2
2014	No information	October 2	September 10
2015	No information	March 11 and September 28	February 25 and November 17
2016 to 2021	No information	No information	No information
2022	No information	No information	November 10
2023	February 8 and December 21	August 18	May 17 and November 2
2024	No information	No information	January 19 and May 6

6. On October 3, 2013, the State requested the partial lift of the precautionary measures. Recently, on December 21, 2023, the State reiterated the request to lift the precautionary measures regarding Alan Maldonado Ordóñez. On January 19, 2024, the Commission required that the representation provide its observations in order to evaluate keeping these measures in force. On May 6, 2024, the Commission reiterated this request. However, to date, no response has been received from the representation and the granted deadlines have expired.

A. Information provided by the State

7. A meeting was held with Norma Cruz on October 29, 2009, in which representatives of the then Presidential Coordinating Commission of Executive Policy on Human Rights Matters (COPREDEH, by its Spanish acronym), the Ministry of the Interior and the National Civil Police (PNC, by its Spanish initialism) participated. On this occasion, COPREDEH requested a risk analysis to design a security plan for the beneficiaries. Ms. Norma Cruz required that the agents assigned to the foundation’s personnel protection service be allowed to carry weapons and have access to police shooting practices. In November 2009, the authorities confirmed compliance with these claims.

8. The State also reported that, on May 27, 2010, COPREDEH held a meeting with Norma Cruz, when she requested to manage the measure of a fixed security post for the new regional headquarters of the *Fundación Sobrevivientes*, in the department of Chiquimula. The above was also addressed by the authorities. In addition, the personalized security detail of Norma Cruz and her family was reinforced. In 2009 and 2010, it was coordinated for police officers to accompany members of the organization to hearings of a judicial proceeding related to their work. It was indicated that the beneficiary had received death threats to withdraw from this judicial proceeding.

9. In 2011, the State alleged that the authorities were implementing personalized security measures in favor of beneficiary Norma Cruz and her children, Claudia Hernández Cruz, and Enrique Alejandro Noriega Cruz, through a detail made up of two agents of the National Civil Police (PNC). Likewise, these people had perimeter security in their respective homes. The *Fundación Sobrevivientes* had a fixed post security and perimeter protection at its headquarters, as well as at its headquarters in the department of Chiquimula. Beneficiary Alan Maldonado was also granted personal security measures.

10. In 2013, the State reported that a monitoring meeting was held on January 28 of that year, with the Vice-Ministry of Security, the PNC, and COPREDEH. On this occasion, it was established that the protective measures continued to be effectively implemented in favor of Norma Cruz, her family, and other members of the *Fundación Sobrevivientes*. It was specified the enforcement of the following measures: i) fixed post security detail in the headquarters of the *Fundación Sobrevivientes*, in Guatemala City and in the department of Chiquimula, through four agents who operate in eight-day shifts; ii) personal security detail

made up of four agents in favor of Norma Cruz and her two children; iii) perimeter security detail in the headquarters of the *Fundación Sobrevivientes*, in Guatemala City; iv) occasional police security escort to personnel of the foundation, in places where they have activities related to their work. According to the State, the protective measures have been continuously complied with for six years and it has been possible to dissuade risk actions against Norma Cruz and her family. In addition to this, rotations of personnel assigned to her security have been carried out as per her request. On May 20, 2013, Norma Cruz was interviewed and it was determined that she was in position to return the firearms assigned as a reinforcement to her security personnel, given the decrease in threats.

11. In relation to the investigations, the Public Prosecutor's Office indicated that the Prosecutor's Office had carried out a series of procedures regarding the complaints related to death threats against Norma Cruz.⁴ Regarding an investigation case file for the crime of threats against Norma Cruz Córdova and another person, it was reported that it resulted in a conviction against one person.⁵

12. On October 3, 2013, the State requested the partial lifting of the precautionary measures with respect to Alan Maldonado Ordóñez, as he no longer worked at the *Fundación Sobrevivientes*. Moreover, on the representation's extension request in favor of Claudia María Hernández Cruz, the State argued that it was based on allegations that refer to a general context. It was considered that there were no references to specific circumstances that put the rights of this person at risk. According to the State, the protective measures in favor of Norma Cruz have been complied with, including personalized security provided in favor of her daughter, Claudia Hernández. The authorities expressed their willingness to agree on new protective measures in their favor, following an internal request of the representation.

13. In 2023, the State reported that on October 21, 2022, a risk analysis was carried out regarding Norma Cruz, and it was resolved that she is at a medium risk level. Due to her request, it was determined to terminate the personalized security measure in her favor and order perimeter security at her residence. These measures have been in force since November 2, 2022. Similarly, the ongoing security measures of a fixed position and patrols around the facilities of the *Fundación Sobrevivientes* was recommended, which was being adequately fulfilled by the PNC.

14. The effort of the authorities to mitigate the risk faced by the beneficiary Norma Cruz was emphasized, which was executed through the implementation of personal security measures for a period of approximately 13 years. In this regard, it was also noted that Norma Cruz no longer worked at the *Fundación Sobrevivientes*, an argument that reshaped the addressed scenario. To date, there have been no registered incidents against her or members of the *Fundación Sobrevivientes*. Specifically, regarding the incident that occurred in June 2023 related to a drone, the PNC reported that a police officer indicated that on June 16 of that same year the device was observed flying over the facilities of the building of the *Fundación*, which collapsed to the side and allowed its recovery. The drone in question was stored for the corresponding investigation. Thus, on June 19, 2023, the Deputy Police Inspector came in to request the return of the device and the drone was handed over.

15. The Public Prosecutor's Office reported that the beneficiary Norma Cruz had filed 32 complaints, the last one in 2017. Of these complaints, two criminal cases are active and under investigation.⁶ Of the other complaints, 20 correspond to threats and have been dismissed or archived for not having sufficient elements of conviction to identify those responsible. Beneficiary Alan Maldonado has filed six complaints, of which the last was also filed in 2017. To date, they are all archived for the same reasons set out above.

⁴The State referred to the following investigations: MP001-2010-6326, connected to files MP001-2010-63279 and MP001-2010-92882, and MP001-2009-58193, related to threats against Norma Cruz.

⁵The State referred to file MP001-2009-58193.

⁶The State referred to file M0009-2009-6031, before the Prosecutor's Office against Trafficking in Persons, for the crime of trafficking in persons, and file MP113-2012-5406, before the District Prosecutor's Office of Quetzaltenango, for the crime of prevarication.

16. On December 21, 2023, the State reiterated its request for a partial lift of precautionary measures regarding Alan Maldonado, taking into account that there had been no incidents of risk against him over several years.⁷

B. Information provided by the representation

17. In 2013, the representation confirmed that the State agreed on the protective measures with the beneficiaries, which were being satisfactorily implemented as follows: i) fixed security post located in the headquarters of the *Fundación Sobrevivientes*, in Guatemala City; ii) personal security for Norma Cruz Córdova and her children; iii) personal security for Alan Maldonado Ordóñez, who, with the aim of protecting his wife, Claudia María Hernández Cruz (daughter of Norma Cruz and executive director of the *Fundación Sobrevivientes* at the time), made his protection detail available to her; and iv) occasional police security escort to the personnel of the organization to their work activities. The representation recognized the efforts of the authorities in complying with the protective measures.

18. It was indicated that Norma Cruz and members of the *Fundación Sobrevivientes* had been subjected to acts of defamation, intimidation and threats in 2012 and 2013. A possible kidnapping attempt of Norma Cruz was also reported on January 6, 2013, when the beneficiary, after leaving her daughter's house, observed how unknown men were trying to take a woman that looked like her, which was allegedly prevented by the intervention of her security detail.

19. In January 2013, it was publicly announced that Norma Cruz left the executive direction of the *Fundación Sobrevivientes*, responsibility that was taken by her daughter, Claudia María Hernández Cruz. Thus, the beneficiary went on to perform the functions of consultative director and responsible for the legal area of the organization. For his part, Alan Maldonado Ordóñez, son-in-law of Norma Cruz and husband of Claudia Hernández, no longer worked at the foundation. On July 24, 2013, the representation requested the extension of the precautionary measures in favor of Claudia María Hernández Cruz, as a result of her work as executive director of the foundation.

20. In 2014, the representation declared that a detail in favor of Norma Cruz and Alan Maldonado made up of eight agents of the PNC was in force. These were distributed as follows: four agents were assigned to Norma Cruz, two agents were assigned to her son, and two agents for her daughter Claudia Hernández, who is also Alan Maldonado's wife. The representation considered that the implementation of the aforementioned measures had prevented damages to the beneficiaries. The request for extension in favor of Claudia Hernández was also reiterated. In this regard, the representation added that in recent months there had been no incidents against her and it was alleged that her risk derived from her work at the *Fundación Sobrevivientes*. The representation also referred to acts of criminalization against Norma Cruz in 2013.

21. In 2015, the representation stated that the protective measures adopted in favor of the beneficiaries continued to be complied with. Furthermore, the request for extension in favor of Claudia Hernández was also reiterated. It was also noted that, in January of that same year, individuals showed up at the residence of Claudia Hernández asking about Norma Cruz, stating that they had been summoned to a meeting with her. Her cellphone had also been tapped.

22. In 2023, the representation indicated the existence of defamatory messages within the framework of a "hate speech" on social media against Norma Cruz and the *Fundación Sobrevivientes* between 2019 and 2022, as a result of their work defending human rights. Moreover, it was reported that in June 2023 a drone fell inside the Foundation's facilities and, subsequently, a police officer approached, acknowledging that the device had fallen due to a technical failure.

⁷ The State also requested the lifting of the precautionary measures with respect to María Juárez. In this regard, it is recalled that the measures that benefited María Juárez were lifted by the IACHR on August 18, 2010, which was notified to both parties on August 20, 2010.

23. On another note, information was presented on the threatening context that women face in Guatemala, arguing that there is structural gender violence in the country. In addition to the above, the representation alleged that there have been acts of retaliation against the beneficiaries, because in 2023 a deputy presented an amendment to the 2023 Draft General Budget of the Nation to eliminate state funds for the *Fundación Sobrevivientes*, which had received such funds since its creation in 2006. This could lead to the closure of the organization due to lack of funding.

24. The representation affirmed that the protection measures have safeguarded the life and physical integrity of the beneficiaries throughout the 13 years that the precautionary measures have been in force. Regarding the personalized security measures provided to Norma Cruz, it was considered that these can be modified to perimeter security, taking into account that no serious threats exist. As for the measure involving a fixed post in the facilities of the *Fundación Sobrevivientes*, it was deemed necessary to maintain it, taking into account that the organization takes cases of high impact and public knowledge.

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

25. The precautionary measures mechanism is part of the Commission's functions of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the Statute of the IACHR; while the mechanism of precautionary measures is set forth in Article 25 of the Commission's 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.

26. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.⁸ Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.⁹ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.¹⁰ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. Their precautionary nature aims at safeguarding 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 of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

⁸ I/A Court H.R., [Case of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. vs. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

⁹ 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).

¹⁰ 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).

- 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.

27. In this sense, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions. Article 25(9) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may meet the requirements outlined in Article 25 of its Rules of Procedure.

28. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping such measures in force requires a more rigorous evaluation.¹¹ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.¹² The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.¹³

29. In this matter, the Commission recalls that the precautionary measures were granted in 2007 in favor of María Juárez, an officer of the *Fundación Sobrevivientes*. In 2010, these measures were lifted with respect to this person, who was no longer part of the organization, as well as extended in favor of Norma Cruz Córdova and Alan Maldonado Ordóñez, members of the aforementioned Foundation. Although at certain times information was provided about Claudia María Hernández Cruz, the Commission recalls that she is not a beneficiary in this matter. Similarly, the IACHR does not have sufficient information to support an extension in her favor under Article 25 of the Rules of Procedure.

30. In analyzing whether these measures should remain in place, the Commission notes that the State requested to have these measures partially lifted in 2013 with respect to Alan Maldonado Ordóñez, because he no longer worked in the organization. On December 21, 2023, that request was reiterated. On that occasion, under the terms of Article 25(9) of the Rules of Procedure, that request was forwarded to the representation, demanding updated information on the situation of the beneficiaries and their observations on the State’s allegations in January 2024. Subsequently, in May 2024, the request for information was reiterated. However, the Commission has not received a response from the representation to date.

31. The Commission identifies that, from 2010 to 2023, both parties agreed to indicate that the State has provided protection measures in favor of the beneficiaries and has responded to the requests for modifications to the protection details. Based on the available information, it is verified the following:

¹¹ I/A Court H.R., Case of Fernandez Ortega et al., Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17.

¹² I/A Court H.R., Case of Fernandez Ortega et al., previously cited, considerandums 16 and 17.

¹³ I/A Court H.R., Case of Fernandez Ortega et al., previously cited, considerandums 16 and 17.

- i. personalized security details have been properly implemented in favor of Norma Cruz Córdova, her family, and Alan Maldonado Ordóñez;
- ii. fixed post security was established in the facilities of the *Fundación Sobrevivientes*, in its headquarters in Guatemala City, and in the regional office of the department of Chiquimula;
- iii. perimeter security for the facilities of the aforementioned organization was ordered until 2022;
- iv. in November 2022, following a risk analysis carried out, and at the request of Norma Cruz, the personalized security detail was modified to perimeter security to her residence, due to the mitigation of her risk; and
- v. the measures of fixed post and police patrols to the offices of the *Fundación Sobrevivientes* have continued in force.

32. The Commission assesses that the authorities have implemented protection measures, for a period of approximately 14 years and up to date. In general terms, the Commission observes that the representation has affirmed its satisfaction with the fulfillment of the measures established in this procedure, even in its communication of August 2023. Therefore, the Commission positively evaluates the actions taken by the State to protect Norma Cruz and Alan Maldonado over the past 14 years.

33. Although in the August 2023 communication, the representation questioned the denial of state funds to the *Fundación Sobrevivientes*, the Commission assesses that the foregoing is not sufficient to verify the continuity of a serious, urgent, and imminent risk. In this regard, it is recalled that the rights identified as being at imminent risk were life and personal integrity, while no factual element was provided around them. The Commission also notes that it was alleged that a drone fell on the organization's facilities in June 2023. According to the available information, that drone could belong to the police and had fallen due to mechanical failure, so the corresponding investigation is being carried out. Regarding this situation, the Commission does not have sufficient elements to consider that there is, at present, any surveillance or monitoring situation that could be attributable to state agents or private persons, particularly taking into account the positive assessments that the representation has made over time.

34. In this sense, it is possible to verify that in the last six years no concrete factual elements against Norma Cruz have been reported, and since 2010 no incidents against Alan Maldonado have been informed. The Commission highlights that the beneficiary herself stated that she has not received threats in recent years, considered that the protection measures have mitigated the risk faced, and requested the reduction of the measures in 2022. In addition to the above, it should be noted that both persons do not currently work at the *Fundación Sobrevivientes*, as Norma Cruz left the organization at least since 2022 and Alan Maldonado, at least, since 2013. In this scenario, the Commission deems that the risk that led to the granting of the precautionary measures has changed significantly.

35. Regarding keeping the precautionary measures in force, taking into account the nature of the precautionary measures mechanism, in addition to the information available and the analysis carried out, the Commission understands that it has no elements to support compliance with the requirements of Article 25 of its Rules of Procedure. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,¹⁴ the Commission concludes that it is appropriate to lift these precautionary measures.

36. In line with what was indicated by the Inter-American Court in various cases,¹⁵ a decision to lift cannot imply that the State is relieved of its general protection obligations, contained in Article 1(1) of the Convention. Thus, the State is especially obliged to guarantee the rights of persons at risk and must promote

¹⁴ I/A Court H.R., Matter of Adrián Meléndez Quijano et al., Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; Matter of Galdámez Álvarez et al., Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24.

¹⁵ I/A Court H.R., Matter of Velásquez Rodríguez, Provisional Measures regarding Honduras, Order of January 15, 1988, considerandum 3; Matter of Giraldo Cardona et al., Provisional Measures regarding Colombia, Order of January 28, 2015, considerandum 40; Case of Vélez Loor, Provisional Measures regarding Panama, Order of May 25, 2022, considerandum 62.

the necessary investigations to clarify the facts, followed by the established consequences. Similarly, also based on the assessment of the Inter-American Court, the lifting of the precautionary measures does not imply an eventual decision on the merits of the dispute.¹⁶

V. DECISION

37. The Commission decides to lift the precautionary measures granted to Norma Cruz Córdova and Alan Maldonado Ordóñez regarding Guatemala.

38. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures, should they consider that there exists a situation presenting a risk that meets the requirements set forth in Article 25 of the Rules of Procedure.

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

40. Approved on December 11, 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

¹⁶ I/A Court H.R., Matter of Guerrero Larez, Provisional Measures regarding Venezuela, Order of August 19, 2013, considerandum 16; Matter of Natera Balboa, Provisional Measures regarding Venezuela, Order of August 19, 2013, considerandum 16.