
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 105/2021**

Precautionary Measure No. 1050-21

Families from the Mixteca indigenous communities of Guerrero Grande and Ndoyonoyuji, *et al.*
regarding Mexico¹
December 22, 2021
Original: Spanish

I. INTRODUCTION

1. On November 18, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by the Center for Human Rights and Advice to Indigenous Peoples A.C. (CEDHAPI A.C.), Edith Quiroz Reyes,² Carmelita García López,³ Jerónima Emiliana Avendaño,⁴ Cielo Alvarado Bautista,⁵ Ranulfo Hernández Bautista,⁶ and Reyna García Barrios⁷ (“the applicants”), urging the Commission to require that the State of Mexico (“the State” or “Mexico”) adopt the necessary measures to protect the rights to life and personal integrity of five disappeared persons and of the displaced families from the Mixteca indigenous communities of Guerrero Grande and Ndoyonoyuji.⁸ According to the applicants, the persons proposed as beneficiaries are at risk following a series of acts of violence and armed attacks in the State of Oaxaca, during October 2021.

2. Pursuant to Article 25(5) of the Rules of Procedure, the IACHR requested information from the parties on November 29, 2021. The applicants submitted information on December 6 and 9, 2021. The State sent its response on December 11, 2021.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the information presented shows *prima facie* that the beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Consequently, based on Article 25 of its Rules of Procedure, it requests that Mexico: a) adopt the necessary measures to: i. protect the rights to life and personal integrity of the indigenous families of the Guerrero Grande and Ndoyonoyuji communities through culturally appropriate measures aimed at protecting their rights, especially of children, women, and the elderly; ii. guarantee security within the indigenous Mixteca communities of Guerrero Grande and Ndoyonoyuji, with the aim of preventing threats, harassment, intimidation, and attacks against their inhabitants; iii. determine the whereabouts or fate of Mayolo Quiroz Barrios, Marcos Quiroz Riaño, Miguel Bautista Avendaño, Donato Bautista Avendaño, and Irma Galindo Barrios, in order to protect their rights to life and personal integrity; b) consult and agree upon the measures to be adopted with the representation of the persons proposed as beneficiaries; and c) report on the actions taken to investigate the alleged

¹ In accordance with Article 17(2)(a) of the IACHR Rules of Procedure, Commissioner Joel Hernández García, a Mexican national, did not participate in the debate and deliberation of this matter.

² Daughter of Mayolo Quiroz Barrios.

³ Wife of Marcos Quiroz Riaño.

⁴ Mother of Miguel Bautista Avendaño and Donato Bautista Avendaño.

⁵ Relative of Irma Galindo Barrios.

⁶ Representative of displaced persons from the Mixteca indigenous community of Ndoyonoyujii, Municipality of San Esteban Atlatlahuca, Tlaxiaco, Oaxaca, Mexico.

⁷ Representative of displaced persons from the Mixteca indigenous community of Guerrero Grande, Municipality of San Esteban Atlatlahuca, Tlaxiaco, Oaxaca, Mexico.

⁸ 72 families from the Guerrero Grande community and 27 families from the Ndoyonoyuji community, totaling 277 persons, duly identified in the file.

facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

4. The applicants refer to the situation of two groups of persons proposed as beneficiaries. The first group is comprised of five disappeared indigenous persons. The second group is composed of 72 families from the Guerrero Grande community and 27 families from the Ndoyonoyuji community. In total there are 277 persons, who were identified in the initial request. The names of the disappeared indigenous persons are as follows:

- Mayolo Quiroz Barrios, a Mixteca indigenous person, originally from the community of Mier y Terán, San Esteban Atlatlahuca, Tlaxiaco, Oaxaca. Missing since October 10, 2021.
- Marcos Quiroz Riaño, Mixteca indigenous person, originally from the community of Guerrero Grande, San Esteban Atlatlahuca, Tlaxiaco, Oaxaca. Missing since October 23, 2021.
- Miguel Bautista Avendaño, indigenous Mixteca person, originally from the community of Guerrero Grande, San Esteban Atlatlahuca, Tlaxiaco, Oaxaca. Missing since October 23, 2021.
- Donato Bautista Avendaño, Mixteca indigenous person, originally from the community of Guerrero Grande, San Esteban Atlatlahuca, Tlaxiaco, Oaxaca. Missing since October 23, 2021.
- Irma Galindo Barrios, Mixteca indigenous person, originally from the community of Totoi, San Esteban Atlatlahuca, Tlaxiaco, Oaxaca. Missing since October 27, 2021.

5. The Municipality of San Esteban Atlatlahuca is located in the State of Oaxaca. It is made up of 36 communities. The Mixteca indigenous communities of Mier y Terán, Guerrero Grande and Ndoyonoyuji belong to the San Esteban Atlatlahuca municipality, in the State of Oaxaca. According to the request, these communities have ancestrally defended their forests. They are dedicated to agriculture, handicrafts, embroidery of traditional clothes, and raising livestock and birds. The communities identified are the largest in the municipality. Over the years, it was indicated that they have received threats and attacks by municipal authorities and agrarian representatives of the municipality of San Esteban Atlatlahuca. They referred to threats and attacks that allegedly occurred in 1999.

6. In 2005, the municipal authorities and community representatives of San Esteban Atlatlahuca founded the Toto-i communal sawmill, which was launched in the town of San Esteban Atlatlahuca. The inhabitants of the communities of Mier y Terán, Guerrero Grande, and Ndoyonoyuji have opposed the creation and opening of this sawmill. At that time, people were detained in the San Esteban Atlatlahuca municipal jail. In 2017, authorities and citizens of the communities of Mier y Terán, Guerrero Grande, and Ndoyonoyuji began to claim and protest against the municipal authorities and agrarian representatives of San Esteban Atlatlahuca, since they were cutting down the forests in the communities in which they live, which has reportedly benefited in a financial way the persons who reportedly run the Toto-i sawmill.

7. On February 26, 2019, people from the communities of Mier y Terán, Guerrero Grande, and Ndoyonoyuji, with the support of their authorities, decided to mark their territory to prevent the felling of trees. On March 10, 2019, authorities from the communities of Mier y Terán, Guerrero Grande, and Ndoyonoyuji began a peaceful dialogue with the authorities of San Esteban Atlatlahuca, before government authorities. On October 18, 2019, a house was burned between the limits of the

Guerrero Grande municipal agency and the San Esteban Atlatlahuca municipal seat. On November 8, 2019, in the vicinity of the municipal seat of San Esteban Atlatlahuca and the municipal agency of Guerrero Grande in the Buena Vista Toto-i area, approximately 17 houses of neighbors who lived in that place were burned, and Mr. Francisco Rivera Bautista lost his life. Among the burned houses was that of Irma Galindo Barrios. According to the applicants, she, along with the authorities of the three communities, has been defending the forests from “immoderate logging” by authorities of the municipal seat of San Esteban Atlatlahuca. Some of these events were reported to the officer of the Public Ministry of the City of Tlaxiaco. It was indicated that when they made a complaint, their complaint was not received, or they were ignored by the Public Ministry officers.

8. On October 1, 2021, at approximately 5:00 a.m., gunshots and detonations of firearms began to be heard in the Guerrero Grande community. On that occasion, an armed group, allegedly led by municipal authorities of San Esteban Atlatlahuca, entered the “yucunue” area, where they allegedly tried to burn houses. In the area “yu jito,” they purportedly burned three houses. Similarly, the attacks reportedly lasted all day. The armed group allegedly burned Mr. Raymundo Sandoval García, from the Mier y Terán community, using gasoline, and caused him first-degree burns to his hands and face. In the framework of the attacks, Mr. Jacinto Hernández Quiroz disappeared, and his corpse, with firearm shots, appeared on October 3, 2021, in the “yu kunu” place in the Guerrero Grande community. On October 10, 2021, at approximately 5:00 a.m., Mr. Mayolo Quiroz Barrios left his home in the Mier y Terán community to go to the “Llano Bajo” area, in the same community, and, since that day, he has been missing.

9. On October 21, 2021, at approximately 8:00 p.m., a group of armed people allegedly led by municipal authorities, including the municipal president of San Esteban Atlatlahuca, began to burn the houses of the Ndoyonoyuji community. More than 25 families had their houses burned and fled through the mountains, taking refuge in neighboring communities, arriving in the City of Tlaxiaco on October 23, 2021. Thus, they requested support from the authorities of the National Institute of Indigenous Peoples (INPI) to urgently establish a shelter for displaced people from the Ndoyonoyuji community. On October 22, 2021, at approximately 10:00 p.m., a group of armed people led by municipal authorities, again with the presence of the municipal president of San Esteban Atlatlahuca, began setting fire to the houses of 72 families in the Guerrero Grande community. Due to this, many families fled at dawn on October 23, 2021, taking refuge in neighboring communities, and arriving in the City of Tlaxiaco on October 24, 2021, going to the INPI shelter.

10. On October 23, 2021, at approximately 6:00 p.m., it was learned that Marcos Quiroz Riaño, Miguel Bautista Avendaño, Donato Bautista Avendaño, the three natives and neighbors of the Guerrero Grande community, and Isidoro Hernández, native and resident of the community of Mier y Terán, were missing. On October 26, 2021, at approximately 1:00 a.m., personnel from the Attorney General’s Office of the State removed the corpse of Mr. Isidoro Hernández, in the “shinitoó” area, in the community of Mier y Terán. On October 27, 2021, Ms. Irma Galindo Barrios, a forest defender of the indigenous communities in Oaxaca, originally from the Totoi community, in San Esteban Atlatlahuca, disappeared. Ms. Irma Galindo was in Mexico City to participate in a march with the communities of Mier y Terán, Guerrero Grande, and Ndoyonoyuji. The last time someone had contact with her was when she was traveling on the Barranca del Muerto subway line in Mexico City.

11. On October 27, 2021, personnel from the Oaxaca State Prosecutor’s Office, accompanied by personnel from the Human Rights Ombudsperson and personnel from the requesting organization, went to a place located behind the church of the Guerrero Grande community, on the road that leads to San Esteban Atlatlahuca. In that place, they found remains of burned houses. In parts that were covered with powdered cement, a search was carried out, possible human remains and various

ballistic elements were found, according to experts. In the Municipal Palace of the Guerrero Grande community, various impacts of firearms were found on the walls and doors, as well as remains of burned objects. At the entrance to the community of Mier y Terán, they found burning vehicles with gunshot wounds. Shops in the center of the Guerrero Grande community were allegedly looted and burned.

12. According to the applicants, 16 families from the Ndoyonoyuji community are at the INPI shelter in the city of Tlaxiaco, in the State of Oaxaca. 54 families from the Guerrero Grande community were initially in the same shelter, but some families returned to their community, finding themselves temporarily in the church of the Guerrero Grande community or in the Municipal Palace of the Mier y Terán community, having as a permanent place the INPI hostel. These families lost their homes and are reportedly living in inhumane situations, due to lack of food and medical care. Despite requesting support from the government of the State of Oaxaca, so far it has not been provided to displaced families from Mixteca indigenous communities. They indicated that the only support received was from INPI through the use of its auditorium as a makeshift shelter and the provision of insufficient amounts of food. The applicants indicated that there is also no protection from the Tlaxiaco municipal police at the INPI shelter, and that firearms have been fired near the shelter. Moreover, the presence of people and vehicles, unrelated to the displaced families, were observed surrounding the shelter in a suspicious manner.

13. The applicants indicate that 90 persons filed complaints with the Public Ministry due to fire damage to their homes (20 from the Ndoyonoyuji community, 62 from the Guerrero Grande community, and 8 from the Mier y Terán community). Regarding the disappeared persons, it was indicated that the events were reported, specifying details of the investigation folders in four cases.⁹ It was indicated that their whereabouts have not been found, and it is unknown whether the skeletal remains found in the houses burned on October 27, 2021, belong to the missing persons. Similarly, the imminent risk in the communities allegedly continues, given that there is a threat of new attacks and there are not enough police officers to protect the members of the community. The applicants alleged that, initially, the State denied the events that occurred, since the Secretary of Security of the Government of the State of Oaxaca declared that there were no deaths and that those who disseminated such information were lying.

14. On December 6, 2021, the applicants sent additional information, in which they reiterated that the State had not provided sufficient humanitarian support to the displaced families and that the communities of Mier y Terán and Guerrero Grande continued with threats of attack due to the lack of sufficient security forces. They also alleged that no person responsible for the events that occurred on October 1, 21, 22, and 23 has been detained. On another note, on December 1, 2021, the applicants reported that Guerrero Grande Municipal Agent J.G.H.G. was detained in the city of Oaxaca, who allegedly had suffered ill-treatment by police officers. Finally, on December 9, 2021, the applicants submitted a complaint from a woman from Ndoyonoyuji, identified as Sebastiana Paz Bautista, to the Local Prosecutor's Office of Tlaxiaco, Oaxaca. In the complaint, it was indicated that on December 8, 2021, she received threats against her. She referred to the fact that people from the armed group could be involved. It was indicated that on November 27 and December 6, 2021, while she was at the INPI, she purportedly heard gunshots, which is why she called the municipal police, referring to what happened on December 6, 2021. She indicated that before the attacks in Guerrero Grande and Ndoyonoyuji took place, previous threats had been received on social media. The complaint requested protection.

⁹ The request indicates that the disappearances were reported to the government authorities and are being investigated under various investigation folders (disappearance of Mayolo Quiroz Barrios; Marcos Quiroz Riaño; Miguel Bautista Avendaño; and Donato Bautista Avendaño).

B. Information provided by the State

15. The State reported that in recent months there have been a series of conflicts in the Mier y Terán, Guerrero Grande, and Ndoyonoyuli communities. On February 15, 2021, a group of 100 inhabitants of San Esteban Atlatlahuca demonstrated to request the cancellation of the accreditations of two municipal agents for not complying with the procedures established in the community. Furthermore, on June 13, 2021, Rogelio Bautista Barrios, the municipal president, and other municipal authorities, requested the intervention of the federal and state authorities in the face of the agrarian situation in the demarcations of the municipal agencies Mier y Terán and Guerrero Grande. On June 15, 2021, the three authorities in question led 30 residents of San Esteban Atlatlahuca in a blockade at the entrance of Ciudad Judicial, stating that they had been attacked by a group of people from the communities of Guerrero Grande and Mier y Terán. On July 22, 2021, the leader of the Indigenous Resistance Front (FRI) of Santiago Juxtlahuaca reported that 15 residents of the Municipal Agency of Guerrero Grande attacked citizens Marco Quiroz Riaño and Rosa García Paz with a knife (machete), who presented with injuries and received medical attention.

16. On August 1, 2021, the FRI leader reported that, in the General Assembly to elect the Municipal Agent of Guerrero Grande, the participants confronted each other with firearms, resulting in one person dead and another injured. This leader stated that the municipal president of San Esteban Atlatlahuca transferred citizens who live in Mexico City to participate in the Assembly, and they are the ones who disagreed with sympathizers of the aforementioned organization. He also indicated that he had already reported the incident to the Secretary of the Government so that personnel from the State Investigation Agency, accompanied by experts, could be sent to remove the corpse and open the investigation file into these events.

17. On August 2, 2021, the Attorney General's Office confirmed the death of one person and three people injured in the clashes that occurred in Guerrero Grande. The State reported that, on August 4, 2021, a dialogue table began with the Head of the Representation of the Ministry of the Interior (SEGOB), the municipal authority, and residents of San Esteban Atlatlahuca¹⁰ to create conditions of peace and security. At this meeting, the municipal president explained that, because of the entry of the FRI organization, there has been clashes between the residents, the death of one person and the displacement of 20 families. On August 11, 2021, a follow-up meeting was held on the subject.¹¹ SEGOB received a commission from the Guerrero Grande Municipal Agency. The General Secretariat of Government and the representation of the Ministry of the Interior in the State exhorted the municipal authority and its officers to maintain peace and tranquility in the area to achieve a conciliation with the parties.

18. On August 26, 2021, the representation of the Ministry of the Interior in the State attended a commission of the Guerrero Grande Agency, belonging to the municipality of San Esteban Atlatlahuca, accompanied by the leader of the FRI. On September 1, 2021, an armed attack was registered against the home of Mr. Julio García and Ms. Carmela Galindo and they set fire to Mr. Eugenio's home in the municipality of San Esteban Atlatlahuca. The foregoing reportedly happened in response to the attack against the municipal agent of Guerrero Grande. For its part, that representation established telephone communication with the Commander, Operational Director of the Oaxaca Public Security

¹⁰ The meeting was attended by the Secretary General of the State Government, the Undersecretary of Government, the Commissioner of the State Police, representatives of the Human Rights Ombudsperson of the People of Oaxaca, the Secretariat of National Defense, and the National Guard; in addition to the municipal president of San Esteban Atlatlahuca, and residents of Municipal Agencies such as Guerrero Grande.

¹¹ The following persons participated in the aforementioned meeting: the Head of the Department of Information to Social Organizations of the Government's General Secretariat; representative of the Oaxaca Public Security Secretariat; Director of Victims of the Human Rights Ombudsperson of the People of Oaxaca; and Coordinator of the Mixteca of the National Guard; in addition to the municipal president of San Esteban Atlatlahuca, municipal agents, and the municipal union.

Secretariat (SSPO), who confirmed the events and reported that the balance of what happened was several houses burned and one person injured.

19. On October 1, 2021, the State Police officer reported that followers of the municipal agent of Guerrero Grande, belonging to the municipality of San Esteban Atlatlahuca, were attacking opposition residents, in addition to setting fire to some houses. It reported that, in response to these attacks, residents of the municipal seat gathered to go to Guerrero Grande to defend the residents allegedly attacked. Therefore, State Police officers carried out rounds to prevent violence and deterrence in the municipal seat of San Esteban Atlatlahuca. On October 2, 2021, officers from the State Police conducted rounds of the vicinity of the municipality of San Esteban Atlatlahuca in order to prevent further violence by FRI militants. The Deputy Inspector of the National Guard placed at the disposal of the Agent of the Federal Public Ministry seven persons who were identified in flagrante delicto, after having burned a property in the municipality of San Esteban Atlatlahuca, and for carrying firearms and property damage.

20. On October 3, 2021, the state governor led a security table on the situation of violence in the area. On October 8, 2021, the Subdelegate for Coordination with the State and Municipal Governments attended a commission from the Guerrero Grande, Mier y Terán, and Ndoyonuyuji Municipal Agencies. In addition, the State indicated that the State Police and the National Guard conducted rounds in the vicinity of the municipality, in order to guarantee peace. On October 15, 2021, SEGOB, along with the Undersecretary of Government of the General Secretariat of Government, participated in a dialogue table with municipal authorities of San Esteban Atlatlahuca, including the municipal president, who exposed the situation of anxiety that exists in his municipality as a result of the conflict they have with the Guerrero Grande and Mier y Terán agencies and accused the FRI leaders of being the ones who caused the conflict. Thus, it indicated that 158 persons from Guerrero Grande are in a situation of displacement, housed in a provisional shelter in the municipal seat.

21. On October 21, 2021, Refugio Gregorio Reyes García and Rafaela Quiroz Sandoval, parents of the Municipal Agent of Ndoyonoyuji, were killed by firearms. Due to the foregoing, the Head of the Department of Evaluation and Monitoring of the Application of Public Policies of the Representation of the Ministry of the Interior in the State, the staff of the General Secretariat of Government, and officers of the Ministry of National Defense (SEDENA), National Guard, State Police, and State Investigation Agency arrived at the municipal seat of the municipality of San Esteban Atlatlahuca in order to keep social peace. On October 22, 2021, the FRI denounced the burning of the homes of several of its militants in Guerrero Grande, emphasizing that the municipal authorities, such as the Municipal President, were responsible, as well as noting that the events were reported to the Prosecutor's Office and the Human Rights Ombudsperson's of the People (*Defensoría de los Derechos Humanos del Pueblo*) of Oaxaca. That same day, the Human Rights Ombudsperson's of the People of Oaxaca issued precautionary measures for the General Prosecutor of the State of Oaxaca to carry out the corresponding investigations. In the same way, the Ombudsperson's Office asked the Secretariat of Public Security and in collaboration with the National Guard, to carry out tours in the vicinity of the population to guarantee the well-being of the inhabitants. Thus, the Oaxaca State Attorney General's Office launched an investigation into the murder of two persons on October 21, 2021, in the community of Ndoyonoyuji.

22. On October 23, 2021, residents of Mier y Terán and Guerrero Grande reported the murder of five persons from these communities: Mr. Marcos Barrios Avendaño, originally from Mier y Terán, murdered by armed men of unknown origin; Marcos Quiroz Reaño, Tomás García Barrios, Paulina

Sandoval Bautista, and Teodoro Velasco Sandoval, originally from Guerrero Grande, who lost their lives inside their homes.

23. On October 25, 2021, the SSPO reported that no corpse has been found in San Esteban Atlatlahuca. However, findings include a person with injuries to their left arm due to a gunshot, 26 houses burned, 2 vehicles burned, and 14 casings struck. Then, on October 26, 2021, the representatives of the Guerrero Grande and Mier y Terán agencies did not appear at the dialogue table convened by the Human Rights Ombudsperson's of the People of Oaxaca, with the presence of various state and municipal authorities. That same day, the location of Isidoro Hernández's corpse was confirmed in the area called Xinitoó, bordering the Ndoyonoyuji Police Agency. The State Attorney General's Office opened the corresponding investigation. In relation to the above, the National Guard was asked to stay for at least two weeks to carry out surveillance rounds in the area. On October 27, 2021, at a press conference, Maribel Velasco García, municipal trustee of San Esteban Atlatlahuca, affirmed that she has received death threats.

24. The State expressed that, on October 29, 2021, through the General Secretariat of Government, it was coordinated the delivery of food aid, provisions, and basic need items to the families of the San Esteban Atlatlahuca municipality, and to the families who moved to the INPI facilities, in Tlaxiaco. Similarly, on October 31, 2021, personnel from the Federal Electricity Commission went to Guerrero Grande and Ndoyonoyuji to lift the electric power cables that had fallen due to the burning of houses. For its part, the applicants presented a report on the acts of violence in Guerrero Grande, indicating that there are around 300 displaced people, 4 missing persons, one person murdered, 90 houses burned in Guerrero Grande, 30 houses in Ndoyonoyuji, and internal forced displacement of people to a shelter installed in the facilities of the INPI, and another installed in the community of Mier y Terán. In addition, the applicants indicated that the population lacks food, water, and supplies after the attacks suffered.

25. With regard to the five persons proposed as beneficiaries who are missing, the State reported that investigation folders have been opened,¹² taking into account the Approved Protocol for the Search of Disappeared and Missing Persons. Thus, various investigative and search actions have been carried out, with the participation of various state bodies,¹³ implemented in the Guerrero Grande and Ndoyonoyuji communities, to locate or find the whereabouts of the direct victims. On another note, evidence has been obtained, which is being analyzed at the Institute of Expert Services of the State Prosecutor's Office. In addition, the State provided comprehensive and multidisciplinary care and legal advice to the victims. Furthermore, the State indicated that blood samples were collected from suitable persons to obtain the genetic profile for possible future comparison, as well as the fact that indirect victims have been informed of the progress of the investigations in a transparent manner and that protection measures have been issued to indirect victims.

26. The State indicated that, as a result of the conflicts in the Mier y Terán, Guerrero Grande, and Ndoyonoyuli communities, precautionary measures have been granted to the inhabitants of these communities. In addition, precautionary measures were also granted to the Constitutional Government of the State of Oaxaca, Secretary General of the Government of the State of Oaxaca, Attorney General of the State of Oaxaca, Secretary of Public Security of the State of Oaxaca, Municipal President of San Esteban Atlatlahuca, Oaxaca, and to the Commander of the National Guard.

¹² The State referred to the investigation files for the disappearance of Marco Quiroz Riaño; Donato Bautista Avendaño; Miguel Bautista Avendaño; Mayolo Quiroz Barrios, and Irma Galindo Barrios.

¹³ The State mentioned that the following participated in the investigation and search actions on the disappearances: Public Ministry, State Investigation Agents, Experts, the State Search Commission, and the Secretary of Defense.

Regarding fire damage, to the detriment of 86 victims, the State reported that investigation files have also been initiated, which are in the initial investigation phase.

27. On November 2, 2021, SEGOB, the Head of the State Commission for the Search of Disappeared Persons and other authorities, visited the municipality of Tlaxiaco and the shelter at INPI to meet with displaced people from the communities of Mier y Terán, Guerrero Grande, and Ndoyonoyuji. On November 4, 2021, the Mexican Institute of Social Security (IMSS) provided medical services to displaced people who are in the INPI shelter, and hospital care was also offered. On November 7 and 8, 2021, 75 families from the Guerrero Grande community, who were sheltered at the INPI facilities, returned to their community. 5 families from Ndoyonoyuji remain in the INPI shelter waiting to be able to return to their community in the next few days. In the same way, on November 12, 2021, the General Secretariat of the Government of the State of Oaxaca delivered food aid to 58 families who are still in the municipal shelter of San Esteban Atlatlahuca. It should be noted that state security forces remain in the communities of Guerrero Grande, Mier y Terán, and Ndoyonoyuji, as well as in the municipal seat of San Esteban Atlatlahuca.

28. Lastly, the State reported that on December 1, 2021, an arrest warrant was executed against J.G.H.G., a member of the FRI and self-appointed Municipal Agent of Guerrero Grande, for the crime of homicide and attempted homicide for events that occurred in San Esteban Atlatlahuca. Meanwhile, a group of followers of the now detained went to the state capital to demand his release and mobilizations of the FRI are planned. Finally, the Ministry of the Environment and Natural Resources referred to the measures within its powers.¹⁴

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

29. 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 oversight functions are established in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.

30. 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 character, one protective and the other precautionary.¹⁵ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human

¹⁴ It referred to documentation issued by the Representative Office of that Secretariat in the State of Oaxaca, the Commission National of a Protected Natural Areas, the Federal Attorney for Protection on the Environment, and the National Forestry Commission respectively. The following measures: (i) Actions to prevent and/or combat deforestation that have been carried out, and specifically if any of these actions have taken place in the communities of Mier y Terán, Guerrero Grande, and Ndoyonoyuji, in the municipality of San Esteban Atlatlahuca, in the state of Oaxaca, derived from the alleged logging that is indicated in the brief of precautionary measures; (ii) Inspection operations; administrative procedures; imposition of measures and sanctions, as well as complaints in relation to illegal logging, overexploitation of forest resources, non-compliance with management programs, change in land use, forest fires caused, among others, in the communities of Mier y Terán, Guerrero Grande, and Ndoyonoyuji, from the municipality of San Esteban Atlatlahuca, in the state of Oaxaca; (iii) Information on whether in the communities of Mier y Terán, Guerrero Grande, and Ndoyonoyuji, in the municipality of San Esteban Atlatlahuca, in the state of Oaxaca, there are Protected Natural Areas.

¹⁵ See in this regard: I/A Court H.R. 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*. Precautionary Measures, Order of July 6, 2009, considerandum 16.

rights.¹⁶ 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.¹⁷ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. The precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Its object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, in this way, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

31. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.¹⁸ Similarly, when analyzing such requirements, the Commission recalls that, by its own mandate, it is not called upon to determine any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not called upon to find any violation of rights enshrined in the American Convention or other applicable instruments. The analysis performed herein relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.¹⁹

32. Regarding the requirement of *seriousness*, the Commission takes into account that, according to the applicants, the context is framed in a series of actions that the identified communities have

¹⁶ 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; I/A Court H.R. Case of Fernández Ortega *et al.* Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. Milagro Sala Case. Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

¹⁷ See in this regard: I/A Court H.R. Case of Milagro Sala. Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5; I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. Matter of the Criminal Institute of Plácido de Sá Carvalho. Provisional Measures regarding Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

¹⁸ In this regard, for instance, referring to provisional measures, the Inter-American Court has indicated that a minimum of detail and information is required to assess, *prima facie*, whether an extremely serious and urgent situation exists. I/A Court H.R., Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

¹⁹ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertinent to issues other than those which relate strictly to the extreme gravity, urgency, and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. Matter of James *et al.* regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures, Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

initiated to question decisions of the municipal authorities and agrarian representatives of San Esteban Atlatlahuca on issues related to the felling of forests (see *supra* paras. 6 and 7). Thus, as a background, it was reported that, after the decision of the communities to mark their territories to avoid the felling of forests, a peaceful dialogue was held in 2019 with the authorities of San Esteban Atlatlahuca (vid. *supra* para. 7). However, in October and November of that same year, the following events purportedly took place: burned houses in the border area of Guerrero Grande; the death of people; and the burning of the home of Irma Galindo Barrios, who is one of the persons who are missing to date (vid. *supra* paras. 4 and 7). The Commission understands, based on what is alleged by the applicants, that certain facts have been reported to the Public Ministry (see *supra* para. 7).

33. For its part, the State referred to a series of background information concerning violence dating from the beginning and mid-2021, which show a context of increasing aggressions in San Esteban Atlatlahuca. Along these lines, the Commission notes that the State referred to the residents of San Esteban Atlatlahuca claiming the cancellation of accreditations of municipal agents in February 2021, which prompted a request for intervention on the part of state and federal authorities (see *supra* para. 15). The State also reported that blockades occurred and that 15 persons from the Guerrero Grande municipal agency were attacked with a knife (machete) in July 2021 (see *supra* para. 15); a confrontation with firearms occurred in a General Assembly to elect the municipal agent of Guerrero Grande, resulting in the death of one person and another injured in August 2021 (see *supra* para. 16), which required the intervention of state authorities from various instances (see *supra* para. 16); and clashes occurred in Guerrero Grande, resulting in the death of one person and three injuries in August 2021 (see *supra* para. 17). The State recalled that it began a dialogue table with various entities to generate peace and security conditions in August 2021, as well as subsequent follow-up meetings (see *supra* para. 17). However, on September 1, 2021, there was an armed attack on homes and home fires in the municipality of San Esteban Atlatlahuca, which is said to have caused injuries, being reported to the competent entities (see *supra* para. 18).

34. Taking into consideration both what was indicated by the applicants and by the State, the Commission understands that there is a context of violence and aggression in the San Esteban Atlatlahuca area, with various reasons having been furnished, such as the defense of the forests, challenges to the election of certain agents or municipal authorities, and the presence of certain persons in the area. The Commission observes that the violent events have continued into 2021.

35. Considering such background information, the Commission identifies that, according to the applicants, families from the Guerrero Grande and Ndoyonoyuji communities have been recently exposed to serious acts of violence that have forced families to displace. To graph this specific situation of violence, the Commission takes into account the following elements that have occurred since October 2021:

- presence of an armed group that allegedly carries out detonations of weapons, burns houses, and attacks the Guerrero Grande community;
- the attacks were not limited to homes, but the burning of a person who resulted in first-degree burns to his hands and face was reported;
- following the burning of houses in the hands of an armed group, 25 families from the Ndoyonoyuji community and 72 families from the Guerrero Grande community moved to the city of Tlaxiaco;

- the property damage caused by firearms and the burning of houses were reportedly identified by personnel from the Oaxaca State Attorney General's Office and the Human Rights Ombudsperson, who identified human remains and various ballistic elements in the Guerrero Grande community;
- the disappearance of people was reported, whose bodies purportedly appeared days later. Similarly, the whereabouts of five indigenous persons are reportedly unknown;
- families displaced from the communities of Ndoyonoyuji and Guerrero Grande are allegedly in an INPI shelter, and some families from the Guerrero Grande community are said to have temporarily returned to their community; and
- the following was questioned: whether the food support from the INPI is sufficient, the lack of protection on the part of the municipal police of Tlaxiaco against the firing of firearms near the shelter and the presence of people and vehicles, unrelated to the displaced families, that purportedly loitered suspiciously.

36. The Commission observes that the State has learned of the intensification of the conflict in the area, regardless of the request for information made in this proceeding. As identified, the State indicated, among others, that dialogue tables were held between the parties and rounds were carried out by the State security forces in the area, in October. In this regard, the Commission notes that there have been various actions that have made it possible to inform the State about the alleged situation. Thus, it was reported that complaints were filed with the Public Ministry for the damage that occurred in the communities during the October 2021 attacks, and for the disappearance of indigenous people in that context. In the same way, the applicants reported that the Prosecutor's Office had been present in the area and found damage that had occurred, and that two corpses had already been inspected.

37. In the State's response, the Commission notes that certain facts alleged by the applicants were confirmed, while others were detailed or added. In this regard, the Commission observes that, according to the State itself, the following events have occurred: attacks in fires on October 1, 2021; the displacement that violence has generated in Guerrero Grande (see *supra* para. 20); the murder of the parents of the municipal agent of Ndoyonoyuji on October 21, 2021 (see *supra* para. 21); fire in homes in Guerrero Grande on October 22, 2021 (see *supra* para. twenty-one); the murder of five persons from the communities of Mier y Terán, and of Guerrero Grande, at the hands of unknown armed persons or murdered inside their homes (see *supra* para. 22); a person injured on October 25, 2021 (see *supra* para. 23); death threats to the municipal trustee of San Esteban Atlatlahuca (see *supra* para 23), among others The Commission notes with special concern that threatening events have continued to occur despite the existence and prompting of the State for security and dialogue tables (see *supra* paras. 20 and 23), as well as the implementation of rounds of the public force in the municipality (see *supra* para. 19 *et seq.*). Despite the detention of seven persons in flagrante delicto for burning property and carrying firearms and property damage (see *supra* para. 19), the events allegedly continued as well. When making this assessment, the Commission values with special concern the violent nature of the events reported. In some cases, it is noted the use of means such as machetes or the burning of houses and people. The alleged facts also reveal the use of firearms by unidentified persons in the area.

38. The previous situation has also purportedly led to families to leave their homes. Such displacements are said to have prevented the families of the communities from being able to continue carrying out their livelihood activities. Although the INPI has provided shelter to displaced families from Mixteca communities in the city and the State has provided groceries, food, and medical care to the families, it has been alleged that there is no protection from the municipal police and that support

for the families being displaced is not enough. Regarding this allegation, the Commission does not have elements to identify that the State is not providing the corresponding humanitarian aid or that it is not sufficient. Given that the allegation was furnished in a general manner, and based on the information provided by the State, the Commission does not have sufficient elements to disprove what was indicated by the State. However, it does consider that the displacement of people shows the level of violence that is reportedly experienced in the identified communities, especially in the face of the alleged facts, which makes it possible to analyze the seriousness of the violence for the purposes of this mechanism.

39. Although the State reported the adoption of protection measures for the inhabitants of the communities of Mier y Terán, Guerrero Grande, and Ndoyonoyuji, as well as the existence of Public Force officers, the Commission notes that no specific or detailed information was provided to identify whether these measures are suitable, insofar as the applicants alleged the lack of protection measures and claimed that there are not enough police officers in the Guerrero Grande and Mier y Terán communities, as well as that the Army has already left the area. The Commission also recalls that, despite the State's information that police officers were present in the communities to guarantee security, such a measure has not prevented the reported events of violence from continuing; moreover, considering the history of violence in 2021 so far.

40. Regarding the investigations and precautionary measures of the Ombudsperson's Office focused on this aspect, the State mentioned the detention of some persons in flagrante delicto, as well as that of an alleged person responsible for the crimes of homicide and attempted homicide in San Esteban Atlatluca, and, recently, against J.G.H.G. However, the applicants stated that this person had been allegedly mistreated by police officers and stated that no person responsible for the attacks on the communities in October 2021 has been detained. Thus, the Commission does not identify whether other persons responsible for the attacks have already been identified, or whether the investigations have made it possible to find those responsible to prevent the alleged events from being repeated, especially considering the seriousness of the violence that has been reported. Similarly, there are no elements to indicate whether the allegation indicating that the municipal authorities of San Esteban Atlatluca were involved in the events denounced has been assessed (see *supra* paras. 8 and 9). The foregoing is relevant to the extent that it is not up to the IACHR to attribute criminal liabilities in the framework of the alleged facts. However, the Commission recalls that the possible participation of state authorities would place the proposed beneficiaries in a situation of greater vulnerability.

41. With regard to the five disappeared indigenous persons, the Commission values the actions taken by the State to find the whereabouts of the persons proposed as beneficiaries. In this regard, the State detailed the existence of an investigation by the State Prosecutor's Office, in which indications have been obtained, which are being analyzed by the Institute of Expert Services, as well as that blood samples were collected to obtain genetic profiles for comparison. Similarly, the victims have received comprehensive care, protection measures, and are receiving information on the progress of the investigation. It was indicated that these searches have been carried out taking into account the Approved Protocol for the Search for Disappeared and Missing Persons and with the participation of various government institutions.

42. The Commission appreciates that actions have been taken to search for the persons proposed as beneficiaries and to investigate the alleged facts. However, following the investigations carried out, it is not controversial that to date the whereabouts or fate of the persons proposed as beneficiaries remains unknown. Thus, the Commission notes, as alleged by the applicants, that Mayolo Quiroz Barrios has been missing since October 10, 2021; Marcos Quiroz Riaño, Miguel Bautista Avendaño,

and Donato Bautista Avendaño since October 23, 2021; and Irma Galindo Barrios since October 27, 2021. In the case of the latter, the Commission observes, by way of background, that her home was reportedly burned in 2019 in a context similar to the present. Such persons have been missing for an average time greater than 30 days.

43. Thus, with respect to the five disappeared indigenous persons, the Commission observes that the corresponding complaints were filed at the domestic level. However, to date, their whereabouts have not been officially clarified. The Commission also notes that the disappearance of such persons has purportedly taken place in the time frame of attacks on the families of the communities of Ndoyonoyuji and Guerrero Grande or is related to protest actions related to such communities in Mexico City. The Commission voices its concern over the lack of determination of the whereabouts of such persons. The foregoing, considering that only in October 2021 two indigenous persons disappeared, and they were found dead a few days later, one of them with signs of shots in their body. Although it was reported that skeletal remains were found in the burned houses, there are no assessment elements that indicate that they correspond to the five indigenous persons still missing.

44. In summary, the Commission understands that the situation of violence faced by the families of the Guerrero Grande community and the Ndoyonoyuji community continues to date; there is a level of violence that has caused families to be displaced outside of their communities, which has prevented them from continuing with their own livelihood activities; the five missing persons have not been located despite the investigations; and the information provided by the State is not sufficient to verify that the protection measures are suitable or effective in the face of the identified risk. Due to the above, in attention to the previous considerations and in light of the *prima facie* standard, the Commission considers that the rights to life and personal integrity of the families of the Guerrero Grande community and the Ndoyonoyuji community are at serious risk in view of the situation of violence that has occurred in their territories at the hands of armed groups. In the same way, it is deemed that the rights to life and personal integrity of Mayolo Quiroz Barrios, Marcos Quiroz Riaño, Miguel Bautista Avendaño, Donato Bautista Avendaño, and Irma Galindo Barrios are at serious risk, insofar as their whereabouts or fate remain unknown to date.

45. Regarding the requirement of *urgency*, the Commission considers that it has also been fulfilled, inasmuch as the communities of Guerrero Grande and Ndoyonoyuji continue to be at serious risk, which has led to the displacement of families, as well as the disappearance of five indigenous persons. The violence purportedly continues even after leaving their communities, and the applicants referred to the fact that they continued to hear “gunshots” in the community of Ndoyonoyuji (see *supra* para. 14). The foregoing considerations show that greater effects on the rights to life and personal integrity of the persons proposed as beneficiaries are likely to occur, according to what was indicated by the applicants that there is a threat of new attacks. In such circumstances, the passage of time is likely to generate a greater impact on the rights of the persons proposed as beneficiaries, and therefore, the situation calls for the immediate adoption of measures to safeguard their rights.

46. As it pertains to the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

VI. BENEFICIARIES

47. The Commission declares that the beneficiaries of this precautionary measure are the families of the Mixteca indigenous communities of Guerrero Grande and Ndoyonoyuji, whose members are

subject to identification under the terms of Article 25(3) of the Rules of Procedure. Notwithstanding, the Commission takes into account that the applicants sent a list identifying the persons.

48. The following persons are also beneficiaries: (1) Mayolo Quiroz Barrios, (2) Marcos Quiroz Riaño, (3) Miguel Bautista Avendaño, (4) Donato Bautista Avendaño, and (5) Irma Galindo Barrios, who are duly identified in the file of the matter.

V. DECISION

49. In view of the background information, the Inter-American Commission deems that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Mexico:

a) adopt the necessary measures to:

- i. protect the rights to life and personal integrity of the indigenous families of the Guerrero Grande and Ndoyonoyuji communities through culturally appropriate measures aimed at protecting their rights, especially of children, women, and the elderly;
- ii. guarantee security within the indigenous Mixteca communities of Guerrero Grande and Ndoyonoyuji, with the aim of preventing threats, harassment, intimidation, and attacks against their inhabitants;
- iii. determine the whereabouts or fate of Mayolo Quiroz Barrios, Marcos Quiroz Riaño, Miguel Bautista Avendaño, Donato Bautista Avendaño, and Irma Galindo Barrios, in order to protect their rights to life and personal integrity;

b) consult and agree upon the measures to be adopted with the representation of the persons proposed as beneficiaries; and

c) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

50. The Commission requests as well that the State of Mexico report, within 15 days as from the day after this resolution, on the adoption of the required precautionary measures and to update that information periodically.

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

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

53. Approved on December 22, 2021, by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, Vice President; Flávia Piovesan, Second Vice President; and Margarete May Macaulay, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary