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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 62/2023**

Precautionary Measure No. 279-22

Triqui families from the Community of Tierra Blanca Copala who have been displaced to the neighboring community of Yosoyuxi Copala regarding Mexico<sup>1</sup>

October 27, 2023

Original: Spanish

**I. INTRODUCTION**

1. On April 1, 2022, 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 *Centro de Derechos Humanos y Asesoría a Pueblos Indígenas*, Horacio Ariel Santiago Díaz, and Macario García Merino (“the applicants”), urging the Commission to require that the State of Mexico (“Mexico” or “the State”) adopt the necessary measures to protect the rights to life and personal integrity of families from the community of Tierra Blanca Copala, Santiago Juxtlahuaca, Oaxaca (“the proposed beneficiaries”). According to the request, the proposed beneficiaries are at risk upon experiencing threats, harassment, and forced displacement.

2. Pursuant to Article 25(5) of its Rules of Procedure, the Commission requested information from the applicants on June 9, 2022, and received responses on June 23 and 27, July 1, August 3, and October 18, 2022. The Commission requested information from the State on November 16, 2022, and received the requested information on December 13, 2022, upon granting a time extension. The applicants submitted additional information on February 8 and 16, 2023, and March 6, 2023. The Commission repeated its request for information to both parties on June 6, 2023. It received information from the State on June 16, 2023, and from the applicants on July 18, 2023, after they were granted a time extension. It also received additional information from the applicants on July 25, August 4 and 21, and September 12, 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, since 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 and culturally appropriate measures to safeguard the life and personal integrity of the Triqui families of the Community of Tierra Blanca Copala who are displaced in the neighboring community of Yosoyuxi Copala. In particular, it is requested that they adopt the necessary security measures and guarantee that the individuals be able to safely return to their community; b) consult and agree upon the measures to be adopted with the beneficiaries and/or their representatives; and c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicants**

4. The request was initially filed on behalf of 144 families (approximately 504 persons) from the community of Tierra Blanca Copala, in the municipality of Santiago Juxtlahuaca, Oaxaca, which belong to the Triqui indigenous people, who were allegedly subjected to forced internal displacement. According to the applicants, on December 26, 2020, a group of approximately 100 people with high-powered firearms,

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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.

who were dressed in black and wearing hoods, and who allegedly belong to the organization Movement for the Unification of Triqui Struggle (*Movimiento de Unificación de Lucha Triqui*, MULT), violently entered the community of Tierra Blanca Copala and fired shots at the houses of the inhabitants of this community. According to the applicants, MULT aims to be an intermediary between the government and the communities, and to own the territory in order to obtain the economic resources that these communities receive from the government. During this attack, Mr. A.M.L. died and his 12-year-old son was reportedly shot three times. His 8-year-old daughter was allegedly shot and his 1-year-old son was reportedly injured. Moreover, Mr. M.L.G. and Mr. P.P.V.C. were also reportedly wounded by gunfire.

5. The applicants stated that the inhabitants of the community of Tierra Blanca Copala were kidnapped by the armed group during December 26, 27, and 28, 2020. They were allegedly forced to remain inside their homes for fear of being killed or wounded. During these days, they had to survive without food, as they could not go out for fear of the constant bursts of gunfire that took place inside the community. On December 29 and 30, 2020, several families reportedly began to sneak out of their homes in order to safely reach the neighboring community of Yosoyuxi. Other families took refuge in the bush or moved to Oaxaca City and Mexico City. The proposed beneficiaries have reportedly had their belongings stolen and their homes have been damaged.

6. On December 30, 2020, mobilizations were reportedly initiated at the local level in Santiago Juchitahuaca and Concepción Carrizal Copala. On January 6, 2021, a commission of federal and state authorities, as well as a group of displaced families from Tierra Blanca Copala, reportedly entered the community to conduct an inspection. On that day, they allegedly found the lifeless body of Ms. M.P.L., 67 years old, who was inside her home. She was naked, had bruises all over her body, and showed signs that she had been sexually abused.

7. According to the applicants, on January 11, 2021, personnel from the Secretariat for Home Affairs and the General Secretariat of the Government of the State of Oaxaca convinced several displaced people to return to their homes after assuring them that members of the National Guard would protect them. Many families returned to the community; however, on January 14, 2021, National Guard and State Police agents withdrew. Given the absence of any federal or state police forces in the community, on January 17, 2021, the same group of approximately 250-armed people returned to the site. They allegedly fired shots and threatened the inhabitants who were in their homes.

8. On January 19, 2021, Mr. M.R.F. and Mr. T.M.F., both older adults, reportedly left their home in the community of Tierra Blanca Copala to feed their animals when they were allegedly attacked by a group of armed people and disappeared. That same day, Mr. P.V.G. was reportedly wounded by a gunshot. Also on that same day, at the request of representatives of the Independent Movement for the Unification of the Triqui Struggle (*Movimiento de Unificación de Lucha Triqui Independiente*, MULTI), the National Human Rights Commission (*Comisión Nacional de Derechos Humanos*, hereinafter “CNDH”) reportedly issued precautionary measures to protect the rights of inhabitants of the communities of Tierra Blanca, Yosoyuxi, and San Juan Copala, which belong to the Oaxacan municipality of Santiago Juchitahuaca. It also issued Recommendation 36/2022 “on the forced internal displacement of indigenous Triqui people from the community of Tierra Blanca Copala.” On January 22, 2021, a group of armed people reportedly removed the inhabitants of Tierra Blanca Copala from their homes and shouted: “Get out or else we’ll give you hell, we’re going to kill you.” The people reportedly moved to the neighboring community of Yosoyuxi Copala and took refuge in the community. On the same day, the corpse of M.R.F., who had had his throat slit, and the corpse of T.M.F., who had been dismembered, were found.

9. On January 31, 2022, a dialogue table was established between the representatives of MULT and the displaced families. It included the intervention of the Federal and State Government, and the return of these families to their community was agreed upon. On April 13, 2022, agents of the State Police

and the National Guard, along with officials of the Oaxaca State Government, attempted to take 80 displaced families into the community. These families were refugees in the community of Yosoyuxi Copala. However, a group of MULT members reportedly blocked the entrance to the community with a chain and a vehicle, threatened to burn the patrol cars, and fired shots at the families. Faced with this situation, the displaced families were reportedly forced to return to the community of Yosoyuxi Copala. In the community of Yosoyuxi, there are approximately 40 children who are in a serious state of malnutrition and health, while the rest of the children are living with relatives in Santiago Juxtlahuaca, Huajapam, Oaxaca City, and Mexico City.

10. Between March 21 and 23, 2022, approximately 100 people from MULT reportedly attacked the community of Yosoyuxi Copala. It is believed that the objective was to intimidate and remove displaced people from Tierra Blanca. They also allegedly set fire to three points in the Yosoyuxi community, which started a fire, and then left. These facts have allegedly been reported to Federal, State, and Municipal authorities. On March 24, 2022, Mr. J.M.'s lifeless body reportedly appeared on the Juxtlahuaca-Concepción Carrizal federal highway (territory of the Yosoyuxi Copala community). The Office of the Attorney General of the State of Oaxaca was notified.

11. On April 20, 2022, during a meeting with the Secretary of the Interior of the Executive Commission for Attention to Victims (*Comisión Ejecutiva de Atención a Víctimas*, CEAV) and the Office of the Attorney General of the State of Oaxaca, a request was made for the adoption of protection measures in favor of the proposed beneficiaries. It was also requested that they be granted the status of victims through the National Registry of Victims (*Registro Nacional de Víctimas*, RENAVID). Only four of the 504 proposed beneficiaries were recognized as victims. In response to the applicants' disagreement, the Prosecutor's Office, along with the CEAV and the Secretariat for Home Affairs (*Secretaría de Gobernación*, SEGOB), allegedly agreed to carry out a series of actions to interview the victims.

12. On May 4, 2022, several state and federal authorities including the Undersecretary of Human Rights Population and Migration and the Governor of the State of Oaxaca, representatives of MULT, MULTI, and the displaced persons from the community of Tierra Blanca Copala, reportedly reached a series of agreements, which included: (i) to implement the peaceful, safe, orderly, and voluntary return by May 16, 2022, with the participation of the three orders of government, the Human Rights Ombudsperson's Office of the State of Oaxaca, and representatives of civil society and; (ii) installation of an inter-institutional commission that will define the return protocol.

13. On May 12, 2022, a new meeting was reportedly held between other federal and state authorities and people from the community of Tierra Blanca Copala, who agreed that on May 13, 2022, they would visit the community to continue providing information to a larger commission of citizens on compliance with the stages of the protocol for the return of the families. However, due to the alleged murder of a person affiliated with MULT, it was decided to suspend the return of the displaced families. On May 17, 2022, the MULT reportedly requested that the State immediately reinstate the dialogue tables to agree on a new date for the return of the displaced families.

14. In June 2022, the applicants reported on the current location of the 144 displaced families, after a few were evicted from the sit-in that took place in Mexico City on April 25, 2022. In the community of Yosoyuxi in Copala, there are 60 families living in a shelter run by the National Institute of Indigenous Peoples (*Instituto Nacional de los Pueblos Indígenas*, INPI). They allegedly live in deplorable conditions of food, health, and education. In addition, they state that they can be evicted at any time. According to the applicants, the State allegedly continues to fail to guarantee the return of the families to their community. Regarding humanitarian aid, they pointed out that the Government of the State of Oaxaca has only delivered 100 food parcels to displaced persons on January 25, 2021. Subsequently, on February 24, 2021, the federal government sent two vehicles to provide the medical care of people located in the community of Yosoyuxi

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in Copala. In the communities (Yosoyuxi Copala and others), displaced people allegedly do not have access to education.

15. On June 12, 2022, a group of MULT members reportedly entered and fired shots in the town of Yosoyuxi in Copala, where about 60 displaced families currently live. Furthermore, on June 18, 2022, one of the displaced families from this town reportedly received a message that they were going to be evicted from this community and on June 19, 2022, they heard gunshots nearby.

16. On June 20, 2022, a second working meeting convened at the Oaxaca Government Palace was cancelled due to the absence of members of the MULT movement. Another meeting was called for June 21, 2022, however, MULT allegedly prevented the meeting by blocking the entrance to the Human Rights Ombudsperson's Office of the State of Oaxaca, where the meeting was set to take place.

17. On June 24, 2022, the presence of a group of armed individuals was reported. They allegedly shot at a home in the community of Yosoyuxi, Copala. In addition, it is alleged that they have received threats from this group stating that they will return to attack and there would be a massacre of the displaced people of Tierra Blanca. The facts were reported the corresponding investigation before the Office of the Attorney General of Oaxaca was initiated. On August 2, 2022, the MULT reportedly carried out a new attack with firearms in the town of Yosoyuxi. For this reason, they allegedly filed a complaint with the Public Prosecutor's Office.

18. On September 30, 2022, the applicants stated that, of the 144 displaced families, approximately 80 families are sheltered in Yosoyuxi, another 30 families in Mexico City, and between 30 to 40 families are dispersed in municipalities near Tierra Blanca, Oaxaca, Juxtlahuaca, and Huajuapán. As for the families in Yosoyuxi who were in the shelter, they reportedly had to abandon the location look for temporary housing with other families. Additionally, it was reported that none of these families can return to the community given that MULT members charge them a fine of around 200,000 pesos and order them to submit to the power of the paramilitary group.

19. In addition, the applicants indicated that, despite attempts at negotiation tables during the months of May and June 2022, MULT broke off the dialogue with the State. The reported reason was that they imposed conditions for the return of the proposed beneficiaries which prevented the adoption of agreements between the parties. Some conditions allegedly stated the number of families that would be able to return, which ones would be forced to remain outside, and that all returning families were forced to submit to the militancy of MULT. MULT allegedly refuses any type of state guard or protection in the community.

20. On October 12, 2022, a dialogue with representatives of the displaced individuals, leaders of MULT, and representatives of MULTI allegedly took place. During this meeting, the MULT leaders allegedly imposed conditions on the return of the families to the territory without any type of security and proposed that they be accompanied by the Juxtlahuaca Municipal Police, whose director is a reported MULT militant. Moreover, they allegedly demanded that a group of five families return each month, but they would "decide who enters and who doesn't, in addition [to] the fact that they must subordinate themselves and identify as part of the [MULT] organization". In addition, MULT reportedly requested that the Government of the State of Oaxaca issue an arrest warrant for representatives of MULTI and representatives of the displaced people of Tierra Blanca Copala. For this reason, these individuals decided to abandon the dialogue table.

21. On February 14, 2023, a paramilitary group allegedly identified with MULT fired gunshots in the center of the community of La Brama Paraje Pérez, municipality of Santiago Juxtlahuaca. Approximately 100 people, including displaced families from the community of Tierra Blanca Copala,

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allegedly live here. During this armed attack, a member of the state police was allegedly wounded by a firearm.

22. On March 4, 2023, Mr. Macario García Merino - who is one of the applicants of this request for precautionary measures and the alleged leader of MULTI - “was reportedly in his home located in the community of Agua Fría Copala with his family [when] they were attacked with gunfire by a group of armed individuals”. These facts were reported to the Public Prosecutor’s Office and reported to the authorities of the Federal and State Governments. On the same day, the Office of the Attorney General of the State of Oaxaca reportedly issued a statement, informing that it had “sent a multidisciplinary team composed of State Investigation Agents (*Agentes Estatales de Investigación*, AEI) and experts, to carry out the initial investigations at the scene of the incident.” Furthermore, the Prosecutor’s Office reported that “it certified a series of damages caused by firearm projectiles to community leader’s vehicle and house, which is why it initiated the investigation file”.

23. On May 31, 2023, a meeting was reportedly held between the Secretary of Government of the State of Oaxaca, the Secretary of the Interior, Oaxaca delegation, and MULTI. It was allegedly agreed that, within 60 days, the State government would visit the communities of Tierra Blanca in order to seek a solution for the return of the displaced families. They also reportedly agreed to provide monthly food aid to the displaced families in Mexico City and in the community of Yosoyuxi, and arranged to hold meetings with the Office of the Attorney General of the State to advance the investigations initiated for the displacements. In addition, the National Guard and state police allegedly ordered patrols and agreed that the government of the State of Oaxaca would rent another property for the displaced families who are in Mexico City until the process of returning to their original residence is finalized.

24. On June 26, 2023, the Protection Mechanism for Human Rights Defenders and Journalists of the Secretariat for Home Affairs notified resolution of June 21, 2023. This resolution is regarding the refusal to incorporate Mr. García Merino, allegedly because he did not comply with the legal requirements given that the risk had been caused by agrarian issues related to land dispossession and the return of displaced families from Tierra Blanca Copala. For this reason, it stated that the granting of security measures reportedly corresponds to the Ministry of Public Security and the state government. In addition, regarding the incidents that occurred in March 2023, the Mechanism warned that they constitute a crime and that they are not related to the work of defending human rights. In this regard, the applicants filed an appeal of non-conformity. On July 7, 2023, this appeal was declared inadmissible. On the other hand, the applicants indicated that no protection measure was adopted in favor of Macario García Merino. They mentioned that even if they had been adopted, they would no longer be in force since the term granted was 90 days, which meant their conclusion was on July 10, 2023.

25. On July 18, 2023, the applicants reported that, as of that date, the State had not effectively provided health care, food support, or housing in accordance with international standards for forced internal displacement or persons in a situation of human mobility. They also reported that the displaced persons from Tierra Blanca Copala have not been able to return to their homes and that they spread out in various locations such as the community of Yosoyuxi Copala in the city of Oaxaca and in Mexico City, where they are crowded in the housing they reside in, as it is shared by several families. The applicants alleged that the conditions in which the families are living are subhuman. The families who displaced to the Yosoyuxi Copala community reportedly live in damp adobe houses in which they lack basic household goods, and they are not receiving medical or psychological attention. The applicants attached a medical certificate stating that 42 displaced children and adolescents from Tierra Blanca Copala in Mexico City are “in an itinerant situation and [of] extreme poverty”, and “present different degrees of malnutrition, in some cases of third degree, which can lead to starvation”.

26. It was indicated that reportedly no individual had been detained or was under investigation for the crimes of homicide, injuries, dispossession, damages, and threats against the displaced families. In this regard, they indicated, without providing further details, that a family member of the displaced persons named R.G.G. was executed in the town of Juxtlahuaca, Oaxaca, and that to date no investigation or penalization has been carried out.

27. In the communication provided on July 25, 2023, the applicants reiterated that the dialogue tables had been suspended since January 25, 2023. The applicants once again communicated that they had not received constant food aid from the Government of the State of Oaxaca. According to the applicants, the assistance provided by the Mexican State to guarantee human rights has been in favor of MULT members and not to the displaced persons, given that they are currently living in the community of Tierra Blanca.

28. The applicants reported that on July 19, 2023, a group of armed members of the MULT attacked inhabitants of the Triqui Community of Ojo de Agua Copala with large-caliber firearms, resulting in a 16-year-old adolescent being wounded while he was herding his goats. The bullet allegedly wounded his left arm, and he was reportedly hospitalized in Santiago Juxtlahuaca. A complaint on the incident was filed.

29. On July 12, 2023, the Third District Judge in Oaxaca reportedly granted an appeal for protection of constitutional rights (*amparo*) and protection from Federal Justice in favor of G.M.G. and other members of the Triqui indigenous community of Tierra Blanca Copala. The decision identified a series of omissions from the responsible authorities who failed to take effective actions to prevent the displacement, protect the community during the displacement, or provide humanitarian assistance. In addition, until that date, adequate conditions for the return, resettlement, and integration of the community were allegedly not established.

30. According to the judicial authority, the negligence of the authorities in providing protection to the physical integrity of the inhabitants of the Triqui indigenous community, in a context of evident risk, allowed the occurrence of acts of generalized violence. This allegedly led to the forced displacement of the community and, therefore, the fulfilling of their duty to guarantee the human rights of the people. In addition to the lack of prevention, the lack of an adequate investigation into the causes of the displacement was noted. Although the Office of the Attorney General has reportedly initiated three investigation files, which “are in the initial investigation stage, and are at a standstill in terms of obtaining evidence”.

31. Consequently, it decided to protect and protect the Triqui indigenous community who had settled in the locality of Tierra Blanca Copala, Santiago Juxtlahuaca, Oaxaca, and it was ordered to guarantee the effective participation of representatives of the community and to address the following actions: i. Provide constant public security in the provisional settlement of the community; ii. Provide humanitarian assistance to highly vulnerable groups, such as children, people with disabilities, and the elderly; iii. Guarantee continued access to health and education services, as well as promote employment and adequate schools; iv. Relocate the community to locations that are not overcrowded and provide access to public services such as water and electricity; v. Ensure the continuous supply of drinking water in adequate quality and sufficient quantity to meet basic living and health needs; vi. Conduct a census of all displaced persons from Tierra Blanca, Oaxaca, as of December 26, 2020; vii. Include victims in the National Registry of Victims and prioritize their assistance due to their vulnerability; viii. Take measures to allow the return of the community to Tierra Blanca Copala, Oaxaca, and prevent future displacement.

32. On August 3, 2023, Ms. J.G., Ms. N.M. and Ms. A.B.J., among others, were intercepted by a car near the community of Agua Fría Copala when they were returning from Juxtlahuaca after buying food

for the displaced people of Tierra Blanca in Yosoyuxi Copala. The occupants of the car allegedly opened fire on the passenger van. This attack resulted in the murder of M.M.J. and seriously wounded J.G., N.M., and A.B.J. The latter was the mother of B.A.B., a member of the representation of the displaced families of Tierra Blanca Copala. According to the applicants, they allegedly identified that the car that intercepted the victims belongs to MULT.

33. On August 19, 2023, an armed group who was allegedly linked to MULT used firearms to attack the displaced people from Tierra Blanca Copala, who were sheltered in the community of Yosoyuxi Copala, including children and the elderly. The attack reportedly continued throughout the following day, generating fear and anxiety. As a result, these people were forced to seek refuge in the homes of the local inhabitants of Yosoyuxi Copala and, to date, they have been unable to leave their shelters due to the constant fear of future armed attacks. It was alleged that the Mexican State did not provide security or humanitarian aid.

34. On September 10, 2023, an armed group that allegedly identifies itself with MULT reportedly attacked the residence of Mr. A.M., located in the community of Agua Fría Copala. In addition, it is reported that Mr. Macario García Merino's residence was approximately 100 meters away, and that it was also reportedly hit by gunfire from the same armed group. These events were reported to the Public Prosecutor's Office of Juxtlahuaca, Oaxaca.

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

35. The State recalled that the precautionary measures procedure is a subsidiary remedy before the Inter-American Human Rights System. The State affirmed that it has taken actions to address the problems based on the events that occurred on December 26, 2020. The State considered that it has complied with its responsibility to protect human rights, to create conditions for a respectful dialogue, and to provide emergency aid to guarantee the human rights to life and health of the inhabitants of Tierra Blanca Copala. The State indicated that it is working on a definitive solution to the problems that persist in the Triqui region. It reported that it has implemented protection measures in favor of the people of the community of Tierra Blanca Copala, initiated the corresponding investigation process, held working meetings, non-aggression pacts, and participatory meetings with substantive agreements to preserve the peace and security of the community. It requested that the precautionary measures not be granted and that the State be allowed to internally continue with the reconciliation work of the indigenous communities.

36. On December 13, 2022, the State indicated that MULT was founded in 1981 and was the first indigenous organization to emerge in Mexico. It aimed to demand respect for Triqui communal lands and to protect coffee and banana production in the region, against price manipulation by middlemen from Santiago Juxtlahuaca and Putla de Guerrero. The organization reportedly became dominant in the Copala area and achieved social representation before state and federal authorities, as well as managed economic support, materials, and social infrastructure works. In 2004, the MULT began to be questioned and accused by its militants of corruption and of having surrendered to the government apparatus.

37. On the other hand, the Social Welfare Unit of the Triqui Region (*Unidad de Bienestar Social de la Región Triqui*, UBISORT), was created in 1994 in response to the organizational progress, growth, and presence that MULT had achieved. According to the State, UBISORT was confronting MULT, while at the same time weakening the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI), due to the strengthening and mobilization of MULT. In 2006, MULT reportedly broke up, giving way to MULTI. That same year, MULTI allegedly allied with UBISORT, reportedly to establish an autonomous municipality in Copala. Three years after this alliance, UBISORT reportedly split with MULTI, which, according to the State, "is left alone claiming to represent all the Triquis of Copala, without having sufficient strength to do

so". The State indicated that "the situation got out of control." The State asserted that the conflict between MULTI, UBISORT, and MULT resulted in 25 deaths and dozens of injuries from 2007 to 2010.

38. Moreover, all of these groups are reportedly "armed actors, some more armed and numerous than others. What appeared to be an aggression against the organized people, through their autonomous municipality, was actually the scene of three local political forces that had been fighting each other." Currently, there are still disputes "between the three organizations that claim to represent the entire Triqui Indigenous People of Copala", which accuse each other of being a 'paramilitary organization'. "The community of Tierra Blanca did not belong to any of the three organizations (MULT, MULTI, or UBISORT).

39. Regarding the adopted measures, the State indicated that, since the events of 2020, "it has given full and permanent attention to the ancestral conflict of the Triqui community, highlighting economic, health, and food support". In this sense, it allegedly delivered ten thousand pesos to Ms. Z.M.G., to pay for the rent for herself and her children, as well as personal hygiene supplies and educational material. Since December 26, 2020, when several families abandoned the community of Tierra Blanca Copala, the General Secretariat of the Government of Oaxaca carried out "a series of inter-institutional actions, with the participation of the Secretariat of Public Security, National Guard, Secretariat of Indigenous and Afro-Mexican Peoples, Secretariat of the Interior, the Office of the Attorney General and Human Rights Ombudsperson's Office of the State of Oaxaca".

40. In this regard, the State emphasized that, on January 5, 2021, a meeting was held with "active participation of authorities in its three orders of government", inhabitants of the community of Tierra Blanca Copala, representatives of the municipality of Santiago Juchitán, members of the Indigenous Resistance Front of Juchitán, and "other municipal authorities". As a result of the agreements reached, visits were made to the community of Tierra Blanca Cópola with the participation of local and federal authorities, to verify the houses and community groups were accompanied to check out their houses. The State indicated that "they have had to face blockades or lack of authorization to enter by members of the same community belonging to other organizations, highlighting that these obstacles have been overcome and it has been possible to enter the community and establish constructive dialogues with its inhabitants".

41. On January 11, 2021, a mission in which the Secretary General of Government, the Secretary of Public Security, the National Guard, the Secretary of Indigenous and Afro-Mexican Peoples, the Office of the Attorney General and the Human Rights Ombudspersons' Office of the State of Oaxaca participated, accompanied the people on their return to the community of Tierra Blanca. According to the State, these persons entered and took possession of their homes, accompanied by personnel from the Human Rights Ombudsperson's Office of the State of Oaxaca, as well as the agent of the Public Prosecutor's Office. In that sense, they allegedly toured the houses and people looked around their residences to check if they noticed any missing items or damages.

42. In addition, a state police base was reportedly installed in the Tierra Blanca community, and the inhabitants were told that they could use the facilities previously occupied by the police agency. Thus, the State affirmed that the State Police of the Public Security Secretariat of Oaxaca and the members of the National Guard has been permanently present and had carried out security patrols, provided accompaniment to the personnel of the Government of the State of Oaxaca and to the people of Tierra Blanca who had re-entered their homes.

43. The State affirmed that the Government of the State of Oaxaca has provided medical attention, food, bottled water, blankets, and personal hygiene products to the people of the Community of Tierra Blanca Copala, as well as to the people in Yosoyuxi. The General Secretariat of Government allegedly coordinated the entry of ambulances to Tierra Blanca. During 2021, no injured persons required attention



or transfer to any health institution, nor were there any persons in need of medical attention. Moreover, four visits were made to the communities of Tierra Blanca and Yosoyuxi, with a total of 83 medical consultations.

44. The Government of the state of Oaxaca has also provided food aid since the events occurred, as well as delivered food throughout 2021. After the people returned to Tierra Blanca Copala, they were given 250 kg of beans, corn, and rice as part of the food aid. On January 22, 2021, a meeting of the dialogue table was held and different agencies of the federal government and the state of Oaxaca carried out a verification visit to the community of Tierra Blanca Copala, during which they provided 300 food supplies and 1,000 bottles of water to the people of the community.

45. Subsequently, the General Secretariat of Government, in coordination with the representation in Oaxaca of the Secretariat for Home Affairs, the National Guard, the National Human Rights Commission, Human Rights Ombudspersons' Office of the State of Oaxaca, the Ministry of Public Security of Oaxaca, and the Health Services of Oaxaca, reportedly conducted "an exhaustive tour of urban settlements, sites and dirt roads in the communities of Tierra Blanca and Yosoyuxi Copala". According to the State, 80 food pantries, 20 blankets, 20 cleaning kits, 150 mouth covers, and diapers were provided for the children of the community. In the second community, 80 blankets, 100 groceries, 80 cleaning kits, 50 personal hygiene kits, 150 mouth covers, and 20 pairs of rubber boots were delivered. Additionally, the Welfare Secretariat of Oaxaca reportedly went to the community of Carrizal, "where there were 20 women between the ages of 20 and 80, and 15 children between the ages of 2 and 12, who were provided with various supports such as school packages".

46. The State indicated that it "continues to carry out the necessary and pertinent actions to guarantee the physical integrity, patrimony, and security of the inhabitants of Tierra Blanca Copala, located in the community of Yosoyuxi".

47. With regard to security measures, the State affirmed that "since 2011, security measures have been implemented by the police of the 14th Regional Security Sector based in Santiago Juxtlahuaca, Oaxaca, who permanently carry out security, deterrence, and crime prevention patrols on federal highway 182, [...]". On the other hand, security measures in Tierra Blanca are carried out by the Oaxaca Public Security Secretariat. Moreover, actions in the field are carried out through the state police. "

48. The State indicated that the Human Rights Ombudsperson's Office of the State of Oaxaca requested the Secretary General of the Government of the State of Oaxaca to adopt a precautionary measure in the form of collaboration, to carry out the necessary conciliation and mediation actions, and establish dialogue tables, in order to reestablish a harmonious relationship between the inhabitants of the Community of Tierra Blanca Copala. In response to the above, the state of Oaxaca, "has sought a permanent approach with the organizations that operate in the Triqui region, to convince them to detonate a process of horizontal dialogue between the communities, the various leaders and organizations of the Triqui people, with the articulated and respectful support of federal and state government agencies, Human Rights Organizations, and Civil Society".

49. The purpose is reportedly to listen, collect, and organize the integral agenda of the interests of the Triqui communities and organizations; to listen and design a strategic and methodological route for a horizontal dialogue; and to propitiate measures of détente in the Triqui Region. In addition, the State affirmed that, as part of the security strategies to be implemented in the Triqui Region, the Secretary of Public Security of the State of Oaxaca will install an "Inter-institutional Base", in coordination with the National Guard and the Secretary of National Defense, in order to guarantee and safeguard the physical integrity of the citizens of the communities of Tierra Blanca Copala, La Concepción, La Sabana, San Juan

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Copala, Yosoyuxi Copala, San Andrés Chicahuaxtla, Santo Domingo del Estado, Miguel Hidalgo Chicahuaxtla, and Laguna del Monte.

50. On February 3, 2021, a meeting was allegedly held between the then Constitutional Governor of the State of Oaxaca and the Undersecretary of Human Rights, Population, and Migration of the Secretariat for Home Affairs, in which agreements were allegedly reached to address the problems in Tierra Blanca Copala.

51. Regarding the investigations, the State stated that “it has given priority attention to the investigations.” In this regard, within the framework of criminal case 297/2020, there is an arrest warrant awaiting execution “since the accused are inside the community”. In addition, the State reported the existence of an investigation file for the crime of firing a firearm and another for the crime of homicide, noting that “since the investigations, the necessary precautionary measures have been issued in favor of the victims of the crime, to safeguard their life and personal liberty”.

52. In view of the above, the State emphasized that from the moment the events occurred, the institutions of the Government of the State of Oaxaca and the Federal Government have given prompt attention, have provided and continue to provide emergency humanitarian aid, as well as medical attention, food supplies, water, personal items, blankets, and school supplies to all persons affected by the conflict, including persons outside of Tierra Blanca. Moreover, the State affirmed that “it is evident” that the federal and state authorities are carrying out preventive actions aimed at guaranteeing the rights of the persons involved in the events.

53. On June 16, 2023, the State informed that the government of Oaxaca with the participation of federal, municipal, and social organizations installed on December 23, 2022 the “Table for the Construction of Peace with Justice and Well-being for the Triqui Nation” (*Mesa de Construcción de Paz con Justicia y Bienestar para la Nación Triqui*), with the participation of various parties, including governmental representatives and representatives of the organizations MULT, MULTI, and UBISORT. During this roundtable, these organizations reportedly presented Letters of Intent for Peace, which were delivered to the corresponding authorities.

54. As a follow-up to this meeting, the head of the executive branch of the State of Oaxaca presented the proposal for the operation of the Table for the Construction of Peace with Justice and Well-being for the Triqui Nation, made up of tables consisting of: justice, well-being, safety, and comprehensive attention to people in a situation of forced internal displacement. As a result of the organizations’ proposals, the National Guard will implement permanent security operations on the federal highway leading from Santiago Juchitán to Putla Villa de Guerrero. It also reported that it carried out an analysis of the proposals for the design of a return plan that would temporarily and immediately attend to all the families in a situation of forced displacement. In it, the corresponding institutions would reportedly intervene to aid with basic humanitarian needs. It was also agreed to verify a census of people in a situation of displacement in Tierra Blanca Copala.

55. On January 25, 2023, the proposal of Social Attention Days for displaced persons from Tierra Blanca Copala was approved, which was to be implemented in the community of Yosoyuxi Copala and Mexico City. It also informed that a Social Attention Day was held in the community of Tierra Blanca on January 25, 2023. On January 28, the State reportedly updated the census of forcibly internally displaced persons in Mexico City and delivered humanitarian aid to the displaced Triqui community in the city. On January 29, 2023, the State also reportedly went to the town of Yosoyuxi to review and update the census of people in situations of internal forced displacement and deliver humanitarian aid.

56. The State announced the “Margarita Maza Card” Program for Attention to Female Heads of Households for the fiscal year 2023, with the purpose of providing governmental economic support to female heads of household in vulnerable situations. The State also added that on June 8, 2023, it initiated dialogues with the community’s inhabitants to expedite procedures such as birth certificates, food aid, applications for government social programs, medical attention, and a census of the damaged houses in the territory.

57. Regarding psychological care for the indirect victims, the State added that the Coordinating Office for Human Rights Attention opened collaboration file number 25. 9-CADHUIJ-C-17-2023 on the follow-up of precautionary measures in favor of Mr. García Merino, due to the communication made by members of MULTI to that coordination. In it, they stated that, in recent days, the home of the aforementioned person was attacked with firearms. Therefore, the intervention of the Secretariat of Security and Citizen Protection of the Government of the State of Oaxaca was requested in order to adopt measures for the protection of Garcia Merino consisting of emergency telephone numbers, to be able to communicate in case of facing a situation of risk and that the Secretariat will provide urgent attention.

58. Regarding the events of February 14, 2023, the State alleged that the investigation file number 5440/FMIX/JUXTLAHUACA/2023 was initiated that same day, in response to the police report issued by the State Investigation Agency which referred to having received a telephone call reporting gunshots in the town of “Brama Paraje de Pérez”. It was reported that no person has yet presented themselves before the social representation or the police to denounce these events.

59. The State informed that, given the political and social conflict in the Triqui Region of the State of Oaxaca, “it is very complicated for the Public Prosecutor’s Office to carry out investigative actions”. It was indicated that the representatives of the MULT and MULTI organizations “do not allow entry to their communities in order to carry out investigations and clarify the criminal acts committed in these places, and are even less willing to allow the State Investigation Agency to enter”. According to the State, these conditions “prevent the generation of acts of justice, since, if forceful decisions are taken to enforce the rule of law, the results could be very unfortunate and continue to break the social fabric and the Triqui cosmovision”.

60. With regard to the alleged attack that Macario García Merino allegedly experienced, the State reported that on March 6, 2023, an investigation was opened into the probable perpetrators of the crime of firing a firearm and dangerous attack committed against Mr. García Merino. On April 10, 2023, protective measures, which consisted of police surveillance of the victim’s home and immediate assistance by police forces in the location where the victim was at the time of request, were ordered in favor of the victim. In this regard, the respective instructions were given to the Commissioner of the Oaxaca State Police, who is reportedly fulfilling all the requirements. The measures are reportedly valid for 90 days. Moreover, the Secretariat of Security and Citizen Protection of the government of Oaxaca is implementing the aforementioned protection measures. Particularly, on June 1, 2023, the Secretariat of Security was requested to reinforce and implement nighttime security and surveillance patrols at Mr. García Merino’s home after he reported that on March 14 and 13, 2023, he noticed that pickup trucks were driving around his home.

61. The State attached a communication from the Office of the Attorney General of the State of Oaxaca, in which it states that an investigation was opened into the facts denounced by the MULTI in Agua Fría, Juxtlahuaca, in which aggressions against its “leaders identified by the initials M.G.M.” were reported. It added that a series of damages caused by firearm projectiles to the vehicle and house of the community leader were certified, and assured it would carry out the corresponding diligences to locate the persons responsible for these acts that destroy the social fabric of the indigenous community.

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

62. 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 18(b) of the Statute of the IACHR, and the precautionary measures mechanism is described 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.

63. 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.<sup>2</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>3</sup> 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.<sup>4</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under consideration by the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations.<sup>5</sup> 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

<sup>2</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>3</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; 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>4</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].

<sup>5</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.

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

64. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>6</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.<sup>7</sup> This is better suited to be addressed by the Petition and Case system. The following analysis 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.<sup>8</sup>

65. As a preliminary aspect, the Commission observes that the initial request was filed on behalf of approximately 144 displaced Triqui families from the community of Tierra Blanca Copala. It was also reported that, after their displacement, the families were reportedly located in different communities or another city. Given that the families are reportedly located in different areas, the Commission emphasizes that the factual elements at its disposal do not allow it to assess the situation of all the families in their different sites. The Commission considers that it has sufficient elements to analyze the situation of the families that are currently displaced in the neighboring community of Yosoyuxi Copala, who continue to be the target of recent violence in the area. In this sense, the analysis of the requirements will be carried out regarding these families, who will be considered as proposed beneficiaries for the purposes of this analysis.

66. Notwithstanding the foregoing, the Commission expresses its deep concern about the situation of displaced families in other communities or places, especially the situation of children and adolescents. In this regard, 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 protecting from situations of imminent risk, as appropriate.

67. With regard to the context applicable to the matter at hand, the Commission notes that the situation of violence and displacement has been monitored over time. Regarding internal displacement, in its 2015 Report on the Situation of Human Rights in Mexico, the IACHR highlighted that “internal displacement disproportionately affects older adults, women, children, and indigenous people, particularly those of scarce resources, who find themselves in conditions of extreme vulnerability due to the lack of protection by State institutions.”<sup>9</sup> In its 2021 Annual Report, the IACHR noted with concern the intensification of armed attacks and the situation of violence faced by different indigenous peoples and communities in various localities in states such as Oaxaca. These attacks have resulted in the destruction

<sup>6</sup> See in this regard: I/A Court H.R. Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. Matter of Children 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.

<sup>7</sup> IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

<sup>8</sup> In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of 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].

<sup>9</sup> IACHR. Situation of Human Rights in Mexico. OAS/Ser.L/V/II. Doc. 49/15, December 31, 2015, para. 287.

and burning of their homes, murders, disappearances, and displacement of members of these communities.<sup>10</sup>

68. When analyzing the situation, the Commission considers it relevant to understand the alleged facts in the context in which they occur. In this regard, based on the information available, the Commission observes the existence of a situation of high social conflict in the area of Copala, Oaxaca, as a result of disputes between different groups that claim to represent the indigenous Triquis of the region. In this regard, on February 22, 2022, the CNDH stressed that “given the situation of historical abandonment by the authorities of the State of Oaxaca in the Triqui region, social groups have emerged that seek to generate this cohesion; however, due to fractures in the groups and the interference of political groups, internal conflicts have been generated that have weakened it”.<sup>11</sup>

69. In the context provided by the State, the complex dynamics in the Triqui Region stand out, in which organizations such as MULT, MULTI, and UBISORT have been involved in political and social conflicts for decades. These organizations, which once sought to represent and protect the interests of the Triqui community, have clashed with each other which has given rise to episodes of violence and territorial disputes. Over the years, these tensions have led to the creation of autonomous municipalities, accusations of corruption, and internal divisions which result in a complex and volatile scenario in which the three organizations compete for recognition and representation of the Copala Triquis. According to the State itself, the Triqui families of the Tierra Blanca Community do not belong to any of these organizations.

70. Having clarified the above at the contextual level, the Commission proceeds to analyze the specific situation of the proposed beneficiaries. When analyzing its situation, the Commission considers the context in which it takes place. When analyzing the requirement of *seriousness*, the Commission considers that it has been met. In reaching this determination, the Commission observes that the Triqui families of the Community of Tierra Blanca Copala who are displaced in the neighboring community of Yosoyuxi Copala have continued to be subjected to armed violence against them, following the events of violence that occurred in 2020 that led to the displacement of the families of the Community of Tierra Blanca Copala to various areas and communities. In this regard, the events that occurred during the months of March, June, and August 2022 are highlighted. This year, in August 2023, the Commission was informed that, between August 19 and 20, 2023, an armed group attacked with firearms displaced persons from Tierra Blanca Copala, refugees in the community of Yosoyuxi Copala, including children and the elderly.

71. In view of the foregoing, the Commission observes the continuity of violent actions against the proposed beneficiaries. Moreover, the IACHR notes that the applicants attribute authorship of the facts to members of the MULT group and groups affiliated with it. In this regard, the IACHR recalls that it is not called upon to determine individual criminal responsibility for the facts denounced, which is better suited to the internal authorities within the framework of the corresponding investigations. However, it does take into account the seriousness of the information presented and the impossibility for displaced persons to return safely to their communities, along with the possible consequences that this situation could have on indigenous families.

72. In this regard, the Commission notes that the situation was brought to the attention of the Special Rapporteur on the human rights of internally displaced persons,<sup>12</sup> who also noted in its report to the Human Rights Council that:

<sup>10</sup> IACHR. 2021 Annual Report. Chapter IV.a, para. 722

<sup>11</sup> CNDH. Recommendation No. 36/2022. On the forced internal displacement of indigenous Triqui people from the Community of Tierra Blanca Cópala, Municipality of Santiago Juxtlahuaca, Oaxaca, para. 321.

<sup>12</sup> Human Rights Council. Thirty-Fifth Session. A/HRC/53/35/Add.2. Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jiménez-Damary.

“Displacement has meant the loss of social and cultural identity, particularly for Indigenous Peoples, who have a special attachment to their ancestral lands. Displaced indigenous families regretted that the new generations have lost the link with their territory, and their customs and traditions have been weakened. Displaced indigenous women expressed concern that their children are losing their mother tongue, and older indigenous adults expressed their fear of dying far from their home communities [...]”.<sup>13</sup>

73. In response to the request for information made to the State, in accordance with Article 25 of the Rules of Procedure, the Commission notes that on December 30, 2020, the Human Rights Ombudspersons’ Office of the State of Oaxaca requested the General Secretariat of Government of the State of Oaxaca to adopt a precautionary measure in the form of collaboration. Furthermore, the State reported actions that it allegedly adopted between 2021 and 2023. Among other measures, it mentioned agreements to carry out verification visits to confirm the states of the houses; a mission with the participation of the General Secretariat of Government, the Secretariat of Public Security, the National Guard, the Secretariat of Indigenous and Afro-Mexican Peoples, the Office of the Attorney General, and the Human Rights Ombudspersons’ Office of the State of Oaxaca; accompanying people in their re-entry to the community of Tierra Blanca; holding meetings at a table for dialogue and reaching agreements; installation of a state police base in the Tierra Blanca Community; security measures by the police of the 14th Regional Security Sector and security measures in Tierra Blanca through the Oaxaca Secretary of Public Security; installation of the “Table for the Construction of Peace with Justice and Well-being for the Triqui Nation” in January 2023; approval of the proposal for Social Attention Days for displaced persons from Tierra Blanca Copala; updating of the census of persons in a situation of forced internal displacement; delivery of humanitarian aid to the displaced Triqui community; and dialogues with inhabitants of the community to expedite procedures and provide humanitarian aid.

74. With regard to the issue of safety in light of the situation of violence, the Commission takes note of the installation of a state police base in the Tierra Blanca Community and the security measures that are reportedly in place. However, the IACHR warns that the measures implemented have not been sufficient to mitigate the risk situation that the proposed beneficiaries face and to guarantee their safe return to the community. In this regard, after the displacement of the proposed beneficiaries in 2020, there were two attempts to re-enter the community, in January 2021 and April 2022. Both attempts were frustrated by the use of violence by armed individuals, and the situation of the displaced population persists to date.

75. Regarding the investigations, the Commission notes that the State reported the existence of three pending investigations. In addition, it reported that “the necessary precautionary measures have been issued in favor of the victims of the crime” and affirmed that there is an arrest warrant awaiting execution. In this regard, the IACHR notes that the State did not present substantive information that would allow it to understand which facts are being investigated, which victims have precautionary measures in their favor, and what measures are being adopted for their protection. In this regard, the Commission observes that, according to the information provided, no substantive progress has been made in sanctioning those responsible for the risk events, which is a relevant aspect at the time of establishing the risk faced by the proposed beneficiaries and the likelihood of their recurrence.

76. The Commission highlights the level of violence that is reported in the area. It is noted that, from December 2020 to date, the conflict reportedly resulted in the deaths of at least seven people and eleven injured people. The IACHR notes with particular concern that three children were reportedly injured, the corpses of two elderly persons showed signs of extreme violence, and an elderly woman was reportedly

<sup>13</sup> Human Rights Council. Thirty-Fifth Session. A/HRC/53/35/Add.2. Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jiménez-Damary.

found lifeless and with signs of having experienced sexual violence. In addition to the above, attempts to reach agreement between the parties involved in the conflict have not yielded substantive results, considering the occurrence of armed attacks against the Triqui families of the Tierra Blanca Copala community who are displaced in the neighboring community of Yosoyuxi Copala.

77. The IACHR recognizes the complexity of the context described by the State, in which the presence of the authorities and the acts of investigation may be hindered by various circumstances. While the IACHR understands the difficulties inherent in the situation, it reiterates that impunity and the lack of action to investigate and punish acts of violence can have serious consequences and even lead to the repetition of these events. Therefore, the State is urged to seek effective and collaborative solutions that allow the clarification of criminal acts without endangering the integrity, coexistence, and worldview of the communities involved. In this context of conflict, it is crucial to stress that the State has the duty to make every effort to achieve peaceful dialogue and reach agreements in good faith and guarantee their implementation. Moreover, the IACHR calls on groups that use armed force to respect the life and integrity of the proposed beneficiaries.

78. In line with the previous assessment, the Commission also notes that, at a domestic level, in July 2023, a judicial authority decided that additional measures were required to protect the rights of the community of Tierra Blanca Copala, whose population is allegedly displaced, including those families displaced in the neighboring community of Yosoyuxi Copala. Among these additional measures, the judicial authority requested that measures be adopted to allow the return of the community to Tierra Blanca Copala, Oaxaca, and to prevent future displacements.

79. In sum, taking into consideration the assessments, evaluated as a whole, the Commission considers that the requirement of seriousness has been met and that *prima facie* the rights to life and personal integrity of the displaced persons of the Tierra Blanca Copala Community are at serious risk. In making this consideration, the Commission takes into account: i. the context applicable to the alleged situation and which gives special seriousness to the allegations presented; ii. the recognized special vulnerability of the indigenous communities in a situation of forced internal displacement; iii. the continuity of the episodes of violence over time; and iv. the lack of information on progress in the identification of those responsible for the risk events.

80. Regarding the requirement of *urgency*, the Commission notes that it has been met given the imminent materialization of the possible impact on the life and integrity of the proposed beneficiaries. In this regard, the Commission takes into account that the facts presented are indicators of the need to adopt urgent measures to adopt, through immediate measures, both individual protection measures, as necessary, and those of a collective nature in favor of the proposed beneficiaries, as well as to adopt the corresponding concerted measures. The above, with the aim of preventing new risk events from materializing. In this sense, it is urgent that the State redouble its efforts and reinforce actions so that the parties involved in the conflict reach agreements.

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

82. In relation to the arguments of the State regarding the principle of complementarity, the Commission considers it pertinent to recall that, in effect, the State, through its domestic authorities, is primarily responsible for protecting the human rights of the persons under its jurisdiction; in this regard,



the nature of international jurisdiction is “auxiliary” or “complementary,” and does not replace it.<sup>14</sup> However, the Commission considers that invoking the principle of complementarity to support that the adoption of precautionary measures is unwarranted requires that the State concerned satisfy the burden of proving that the applicants are no longer in the situation established in Article 25 of the Rules of Procedure, in the sense that the measures adopted by the State have had a substantive impact in reducing or mitigating the risk, in such a way that there no longer exists a situation that meets the requirement of seriousness and urgency that requires international intervention to prevent irreparable damage.<sup>15</sup>

83. In this matter, although the Commission acknowledges the actions taken by the State to protect the rights of the proposed beneficiaries, upon analyzing the situation, it deems the requirements set forth in Article 25 of the Rules of Procedure met, and therefore considers that the adoption of precautionary measures is appropriate.

84. Lastly, the Commission warns that it does not have sufficient elements to assess the questions surrounding the humanitarian aid which was reportedly provided. However, the State is called upon to continue with these actions, both regarding the proposed beneficiaries identified in this resolution, as well as regarding other displaced Triqui families in other areas of the region or outside of it.

## **V. BENEFICIARIES**

85. The Commission declares the beneficiaries of this precautionary measure to be the Triqui families of the Community of Tierra Blanca Copala who are displaced in the neighboring community of Yosoyuxi Copala. The Commission identifies that its members can be identified under the terms of paragraphs 3, 4 and 6.b. of Article 25 of its Rules of Procedure. In this regard, the Commission observes, based on the information available, that there is already a census of the displaced Triqui families that are currently in the neighboring community of Yosoyuxi Copala.

## **VI. DECISION**

86. 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 and culturally appropriate measures to safeguard the life and personal integrity of the Triqui families of the Community of Tierra Blanca Copala who are displaced in the neighboring community of Yosoyuxi Copala. In particular, it is requested that they adopt the necessary security measures and guarantee that the individuals be able to safely return to their community;
- b) consult and agree upon the measures to be adopted with the beneficiaries and/or their representatives; and

<sup>14</sup> See, *inter alia*: IACHR, Francisco Javier Barraza Gómez regarding Mexico (PM-209-14), Resolution of August 15, 2017, para. 22. Available [in Spanish] at <http://www.oas.org/es/cidh/decisiones/cautelares.asp>; IACHR, Paulina Mateo Chic regarding Guatemala (PM 782-17), Resolution of December 1, 2017, para. 34; available [in Spanish] at <http://www.oas.org/es/cidh/decisiones/pdf/2017/49-17MC782-17-GU.pdf>; and IACHR, Santiago Maldonado regarding Argentina (PM 564-2017), Resolution of August 22, 2017, para. 16. Available [in Spanish] at <http://www.oas.org/es/cidh/decisiones/pdf/2017/32-17MC564-17-AR.pdf>

<sup>15</sup> *Ibidem*

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c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

87. 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.
88. 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.
89. The Commission instructs its Executive Secretariat to notify this resolution to the State of Mexico and the applicants.
90. Approved on October 27, 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.

Tania Reneaum Panszi  
Executive Secretary