

Institution:	Inter-American Court of Human Rights
Title/Style of Cause:	Miguel Agustin Pro Juarez Human Rights Center (“PRODH Center”), Pilar Noriega Garcia, Barbara Zamora Lopez and Leonel Rivero Rodriguez v. Mexico
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Dated:	30 November 2001
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HAVING SEEN:

1. The brief of October 22, 2001, and attachments, in which, pursuant to Article 63(2) of the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”) and Article 74 of its Regulations, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”) submitted to the Inter-American Court of Human Rights (hereinafter “the Court” or “the Inter-American Court”) a request for provisional measures in favor of the members of the non-governmental human rights organization known as the Miguel Agustín Pro Juárez Human Rights Center (hereinafter “PRODH Center”) and the lawyers Pilar Noriega García, Bárbara Zamora López and Leonel Rivero Rodríguez with regard to the United Mexican States (hereinafter “Mexico” or “the State”). In this brief, the Commission requested the Court:

- a) To immediately adopt effective security measures to guarantee the life and personal safety of the members of the PRODH Center and the lawyers, Pilar Noriega García, Bárbara Zamora López and Leonel Rivero Rodríguez.
- b) To establish the measures of protection set forth in paragraph (a) supra, in agreement with the persons to be protected so as to ensure the effectiveness and pertinence of such measures.
- c) To adopt, as an essential element of the duty to protect, effective measures to investigate the facts that gave rise to these measures, in order to identify and punish those responsible for such facts in accordance with due process.
- d) To advise the Court shortly about the concrete and effective measure adopted to protect the members of the PRODH Center and the lawyers, Pilar Noriega García, Bárbara Zamora López and Leonel Rivero Rodríguez; and, subsequently, to inform the Court about the status of the provisional measures every two months.

The Inter-American Commission also requested the Court to convene a public hearing as soon as possible so that it could provide detailed information on the situation in question.

The Commission based its request for provisional measures on the following facts:

- a) on October 19, 2001, Digna Ochoa was assassinated. This professional was attacked by one or more unidentified persons in the office of her colleague Pilar Noriega García in the Colonia Roma district in Mexico City. Digna Ochoa's body "had three wounds and a gun shot in the head", the latter, from the so-called "golpe de mina" (mine blast effect) since the shot was fired from no more than 2 centimeters from the head;
- b) a message containing a specific threat against the members of the PRODH Center was found next to the victim's body;
- c) various Mexican authorities, including the Federal District Attorney General stated publicly that the extrajudicial execution of the lawyer was a reprisal for her professional activities in defense of human rights. Digna Ochoa performed this work in direct and close collaboration with the lawyers, Bárbara Zamora López, Pilar Noriega García and Leonel Rivero Rodríguez.

The Commission also indicated that:

- a) the facts show that the life and personal safety of the members of the PRODH Center and the lawyers, Pilar Noriega García, Bárbara Zamora López and Leonel Rivero Rodríguez, are in grave and imminent danger;
- b) the State is responsible for adopting the necessary measures to ensure the safety of all its citizens and, in particular those persons dedicated to the defense and promotion of human rights; these measures include investigating the origin of threats and harassment; and
- c) there is evident danger for the members of the PRODH Center, owing to the specific, direct threat made on October 19, 2001; furthermore, the situation of three of the professionals identified in this request is of great concern because they defended cases together with Digna Ochoa and the Commission has been informed that these professionals have received threats in the past.

2. The order of the President of the Court of October 25, 2001, in consultation with the other judges of the Court, in which he decided:

1. To call on the State to adopt, without delay, all necessary measures to protect the life and safety of the members of the Miguel Agustín Pro Juárez Human Rights Center and the lawyers, Pilar Noriega García, Bárbara Zamora López and Leonel Rivero Rodríguez.
2. To call on the State to allow the petitioners to participate in the planning and implementation of the measures and, in general, to keep them informed about progress in the measures ordered by the Inter-American Court of Human Rights.
3. To call on the State to investigate the facts denounced that gave rise to these measures in order to identify those responsible and punish them.
4. To call on the State to inform the Inter-American Court of Human Rights about the measures that it has adopted in compliance with this order, within 10 days of receiving notification of the order.
5. To call on the Inter-American Commission on Human Rights to present the observations it deems pertinent to the Inter-American Court of Human Rights within 10 days of receiving notification of the State's report.

6. To call on the State to continue informing the Inter-American Court of Human Rights, every two months, on the provisional measures it has adopted and to call on the Inter-American Commission on Human Rights to present its observations on these reports within six weeks of receiving them.

7. To convene the Inter-American Commission on Human Rights and Mexico to a public hearing at the seat of the Inter-American Court of Human Rights on November 26, 2001, at 3 p.m., in order to hear their statements on the facts and circumstances that gave rise to the adoption of these urgent measures, without prejudice to the information that the parties will provide in the report and in the brief with observations requested in this order.

3. The State's report of November 5, 2001, in which it provided information on the measures it had adopted and the investigation into the facts that gave rise to them. With regard to the measures adopted, Mexico indicated that, since the date of the death of Digna Ochoa, the authorities of the Office of the Federal District Attorney General (hereinafter "PGJDF") had offered security and guard services to the installations of the PRODH Center, after having consulted with the beneficiaries. Moreover, members of the PGJDF had met with Bárbara Zamora López and Leonel Rivero Rodríguez to offer them the required protection; the latter had indicated that they would contact the PGJDF subsequently to inform it about how they wished this protection to be provided. Since October 20, 2001, Pilar Noriega García has been provided with security personnel by the PGJDF for 24 hours a day. Lastly, with regard to Edgar Cortéz and the other members of the PRODH Center, they are assessing the offer of governmental protection and the terms in which this could be carried out. Also, with regard to the investigation into the facts, the State indicated that:

- a) At 7.30 p.m. on October 19, 2001, the Office of the Federal District Attorney General (PGJDF) began investigating the homicide of Digna Ochoa y Plácido. The body was removed to the Fourth Investigative Agency for identification and examination;
- b) Several persons have made statements with regard to the threats that Digna Ochoa y Plácido had received; and
- c) The members of the PRODH Center are collaborating in the investigation.

4. The Commission's brief of November 7, 2001, in which it forwarded a communication addressed to the Commission by Leonel Rivero Rodríguez and Bárbara Zamora López about their specific needs for protection by the State.

5. The brief of the Inter-American Commission of November 21, 2001, in which it forwarded the "observations presented by the petitioners on the first report of the State of Mexico" on the provisional measures. With regard to these measures, the observations indicated that:

- a) As of October 19, 2001, the installations of the PRODH Center have been guarded and offered security; to this end, a PGJDF patrol car was installed in front of these offices and, as of October 20, 2001, the PGJDF have provided security personnel to the lawyer, Pilar Noriega García, during 24-hours each day.
- b) With regard to the measures proposed by the beneficiaries that are pending implementation, the PRODH Center requested that 31 cellular telephones should be put in

service for the use of its members in case of dangerous situations or fear of attack. Bárbara Zamora López requested the State to provide the following protection measures: installation of a closed circuit system in the Colectivo Tierra y Libertad law office similar to the one installed in the PRODH Center and placing a guard in front of that law office from 7 a.m. to 10 p.m. Lastly, as protection measures, Leonel Rivero Rodríguez requested that he be provided with a car and two private guards of his own choice; and

c) The investigation into the facts related to the death of Digna Ochoa y Plácido has not been undertaken, despite the statements of several authorities. Digna Ochoa's next of kin and the PRODH Center have collaborated with the Office of the Attorney General in the criminal proceedings to investigate her death. However, they have not had full access to the file, and this has prevented substantive collaboration.

As a result of the death of Digna Ochoa y Plácido, the Court was also requested in this document with observations, to expand the provisional measures to include her parents and twelve siblings, because Mrs. Ochoa's next of kin have seen strange cars and persons around their houses and received anonymous telephone calls which cause them to fear for their lives and personal safety.

Finally, in this brief with observations, the Court was requested to proceed as follows:

[...]

4. To call on the State of Mexico to comply immediately with the personal protection measures requested in favor of the persons who are still without protection.

5. To call on the State of Mexico to duly adopt the necessary or corrective measures to ensure the effectiveness of the investigation into the facts of the assassination of the lawyer Ochoa, and the threats against the members of the [PRODH] Center and Leonel Rivero.

6. The public hearing on this request for provisional measures was held at the seat of the Court on November 26, 2001.

There appeared at the hearing:

For the State of Mexico:

Mariclaire Acosta Urquidi, Under-Secretary for Human Rights and Democracy
Carlos Pujalte Piñeiro, Mexican Ambassador to Costa Rica
Bernardo Bátiz Vázquez, Federal District Attorney General
Juan José Gómez Camacho, Director General of Human Rights; and
Jorge Ulises Carmona Tinoco, Director for Individual Cases, Human Rights Directorate

For the Inter-American Commission on Human Rights:

Mario López Garelli, Inter-American Commission lawyer
Elizabeth Abi-Mershed, Inter-American Commission lawyer
Carmen Herrera, assistant
Viviana Krsticevic, assistant, and
Juan Carlos Gutiérrez, assistant.

7. The arguments of the Inter-American Commission, in which it:
 - a) presented updated information on the risk status of the colleagues and next of kin of Digna Ochoa and assessed the State's compliance with the measures that had been ordered;
 - b) set out, in chronological order, from 1995 to date, the threats, harassment and violent attacks against Digna Ochoa y Plácido and other professionals who collaborated with her in her work. The death of Digna Ochoa marked the culmination of a cycle of intimidation, violence and impunity. The Commission also indicated that the facts described and the death of Digna Ochoa y Plácido confirm the grave and urgent situation involving imminent risk for those who worked closely with Digna Ochoa, the members of the PRODH Center, and her family;
 - c) indicated that it is clear that the series of threats, together with the messages and the types of intimidation, were due to the work of the lawyers of the PRODH Center as human rights defenders and, specifically, were addressed to those lawyers who, like Digna Ochoa, had denounced members