

## INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLUTION TO LIFT PRECAUTIONARY MEASURES 36/2025

Precautionary Measure No. 87-11

Blanca Estela Puac Menchú and her family unit regarding Guatemala<sup>1</sup>

April 23, 2025

Original: Spanish

### I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Blanca Estela Puac Menchú and her family unit in Guatemala. Following the State's request to lift, the Commission confirmed that the beneficiary no longer lives in Guatemala and that no incidents have been reported against her in the last three years. Upon not identifying compliance with the requirements set forth in Article 25 of its Rules of Procedure, the IACHR has decided to lift these precautionary measures.

### II. BACKGROUND INFORMATION

2. On April 4, 2011, the Commission decided to grant precautionary measures in favor of Blanca Estela Puac Menchú and her family unit in Guatemala.<sup>2</sup> The request for precautionary measures alleged that the beneficiary and her daughter were victims of an attack on February 12, 2011. During this attack, police officer William Estuardo Orozco Pineda was killed and police officer Heberto Revolorio was wounded while both were protecting her. Consequently, the Commission requested that the State of Guatemala: a) adopt the necessary measures to guarantee the life and physical integrity of the beneficiaries; b) consult and agree upon the measures with the beneficiaries and their representatives; and c) inform the IACHR on the steps taken to investigate the facts that led to the adoption of these precautionary measures.

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

3. During the time the precautionary measures were in force, the Commission followed up on the situation by requesting information from both parties and has received a response on the following dates:

	Reports submitted by the State	Communication submitted by the representation	Information requested and forwarded by the Commission
2011	April 19 and September 12	July 8	July 18, August 26, and December 13
2012	August 14	January 17	June 19, July 24, and October 5
2013	No information	No information	
2014	No information	No information	September 5
2015	July 7, December 1	October 5 and October 20	October 5
2016			January 4
2017	October 3	July 28	July 28 and October 30

<sup>1</sup> In accordance with Article 17(2)(a) of the Commission's Rules of Procedure, Commissioner Edgar Stuardo Ralón Orellana, a Guatemalan national, did not participate in the debate or deliberation of this matter.

<sup>2</sup> Inter-American Commission on Human Rights (IACHR), Precautionary Measures 2011, [Precautionary Measures granted during 2011](#), Guatemala.

2018 to 2021	No information	No information	
2022	May 18	May 18 and November 11	February 17
2023	July 6	June 23 and October 31	April 5 and November 16
2024	February 14	February 7 and August 1	May 7 and November 12
2025	January 13	January 23	

4. On May 18, 2022, the State requested the lifting of the precautionary measures, which was forwarded to the representation for its observations. On February 7, 2024, the representation requested that the Commission issue its assessment of the current status of the precautionary measures.

5. The Human Rights Ombudsperson's Office of Guatemala exerts representation before the Commission.

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

6. In 2011, the State reported that Ms. Puac Menchú was acting as president of the Board of Directors of the Association of Market Vendors of the Municipality of Villa Nueva (*Junta Directiva de la Asociación de Vendedores de Mercados del Municipio de Villa Nueva, ASOVEMVIN*) in Guatemala. She had a personalized security detail since September 16, 2010. On April 12, 2011, the Presidential Coordinating Commission of Executive Policy on Human Rights Matters (COPREDEH) met with the beneficiaries and their representation. On May 19, 2011, the General Directorate of the National Civil Police reported the results of the beneficiary's risk assessment, concluding that the protection detail in her favor should be maintained with four security agents, groups of two police officers working eight-day shifts.

7. In 2012, the risk assessment was updated and it was determined that the beneficiary continued to face high risk, so it was decided to continue the protection detail assigned to her. The State also acknowledged that the conditions that put her at risk remained unchanged and suggested that the beneficiaries consider applying for the Witness Protection Program so that they could relocate outside the risk area. This is based on the criminal profile of those allegedly responsible for the attack, who are believed to be members of the "Mara Salvatrucha" criminal organization. Regarding the investigation into the attack, it was added that proceedings were carried out, such as the expanding testimonies and requesting an arrest warrant for one individual.

8. In 2015, it was reported that studies had been conducted to determine the risk that the beneficiaries faced between 2010 and 2015, which varied between high and medium. Considering that some conditions of risk persisted and that incidents that placed the beneficiaries at risk had occurred in previous years, it was recommended that the protection detail be extended. Regarding the complaints, the Public Prosecutor's Office reported that Ms. Puac Menchú was listed as the victim and defendant in 21 complaints filed with the Municipal Prosecutor's Office of Villa Nueva, in which the corresponding proceedings had been carried out.

9. A meeting was held between state authorities and the beneficiary on August 25, 2017, at which she expressed her agreement with the security detail and stated that she continued to serve as president of ASOVEMVIN.

10. In 2022, it was highlighted that the security detail had not been modified and that it covered the beneficiary's entire family unit. On June 19, 2022, a new risk assessment was carried out and a medium level of risk to the beneficiary was identified; and it was taken into account the lack of identification of the persons responsible for the incidents. With regard to the investigation into the attack that took place in

February 2011, the Villa Nueva Municipal Prosecutor's Office forwarded the case file to the Prosecutor's Office for Extortion. The Commission was informed that according to the resolution of October 4, 2016, the case had been filed. Regarding the beneficiary's eleven other complaints of threats and/or intimidation, six had been closed, three dismissed, and two were referred to other prosecutors' offices. The State claimed that it had fulfilled its duty to investigate diligently, which was done in accordance with the procedural requirements of domestic law. Moreover, the State requested that these precautionary measures be lifted, considering the absence of new facts of risk reported. In addition, the Villa Nueva Prosecutor's Office decided to close the case of the 2007 murder of Lusvin Omar González Puac on the grounds that there was insufficient evidence to identify those responsible.

11. In 2023 and 2024, it was reiterated that the delegation had not reported any new incidents and that the police authorities continued to provide personalized security measures. On December 12, 2023, the protection agents accompanied the beneficiary and her family to the hotel in Guatemala where they were lodged, and the agents were instructed to go and remain alert. However, they were only contacted on December 23, 2023, via WhatsApp, and were informed that the beneficiaries had left the country for vacation and would return in January 2024. On January 4, 2024, a police officer received a phone call from the beneficiary, stating that she was in the United States on vacation. She did not indicate a return date.

12. In 2025, the State emphasized that Ms. Puac Menchú is not residing in Guatemala and that, according to information from the Human Rights Ombudsperson's Office, who represents the beneficiary, she and her family had requested political asylum abroad. Due to the beneficiaries' departure from the country, it became materially impossible to continue enforcing the security measures, as jurisdiction cannot be exercised abroad. However, it was emphasized that *"it is fully prepared to continue providing protection at any time that the beneficiary and her family [...] decide to return to the country."* The Public Prosecutor's Office reported on the status of nine complaints filed by the beneficiary, which have been dismissed or closed to date.

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

13. In 2011 and 2012, the representation stated that the beneficiary had a personalized protection detail in her favor. On April 12, 2011, a meeting was held with COPREDEH, in which the extension of her protection detail was requested.

14. In 2015, the beneficiary reported that she had received threats and suffered harassment as a result of her work as president of ASOVEMVIN. In March 2014, the Municipality of Villa Nueva conducted a census of vendors in the Central Market as part of the process for building a new market. At the time of the census, Ms. Puac Menchú and her staff were subjected to insults, intimidation, and physical attacks by a member of the Villa Nueva Central Market Tenants Association (an organization created by another group of vendors), which was reported to the Public Prosecutor's Office. The police officers in charge of her security removed her from the scene. In August 2014, as president of ASOVEMVIN, she submitted several requests to the mayor of Villa Nueva regarding the debates on the plans to build the new market. In December 2014, the beneficiary was assaulted in the Central Market of Villa Nueva, and her bodyguard acted to apprehend the assailant and separate him from her. This incident was reported to the Public Prosecutor's Office. Moreover, a neighbor reportedly said she had heard rumors that something bad could happen to her family, referencing the murder of her son in 2007.

15. In 2017, the representation indicated that the beneficiary was satisfied with the protection measures provided and that she remained in contact with the National Civil Police to update the risk assessments. However, she reported that the threats against her had not ceased.

16. In 2022, it was alleged that Ms. Puac Menchú's work as president of ASOVEMVIN had generated conflicts with local figures, which could be the reason for the surveillance against her. In this regard, on December 12, 2021, three armed individuals approached her place of work, allegedly to make a purchase.

However, due to their suspicious attitudes, her security escorts chose to remove the beneficiary from the premises. On March 25, 2022, while driving to her residence, she was followed by unknown individuals. She was alerted by her police escort, and they managed to move faster and lose their pursuers. On April 3, 2022, two men were waiting for her to leave her job at the Central Market. However, at that moment, a police patrol car passed by, so she and her daughter managed to leave the scene. On May 11, 2022, the beneficiary noticed two men watching her while she was working and received support from police officers, but one of the men fled before he could be identified.

17. In 2023, the representation noted that on September 25, 2023, the beneficiary was notified of the modification of the work plan of the police officers assigned to her protection. They would work 11 days on and six days off due to internal police training, and only three officers were covering the service during this period. However, due to a request from the beneficiary, the National Civil Police resumed the previous work plan, and on September 30, 2023, the fourth police officer was reinstated to her protection detail.

18. In 2024, the Human Rights Ombudsperson's Office, who represents the beneficiary, reported that it had received a letter from the beneficiary stating that she and her family had been granted political asylum (the country involved was not specified) and were therefore outside Guatemala as of December 15, 2023. Consequently, the beneficiary requested the temporary suspension of the security measures in her favor, as well as that the measures not be affected in the event of her return to the country. The National Civil Police was acknowledged for providing personalized security to the beneficiary over the years.

19. Subsequent to this communication, the beneficiary has not established contact with the representation, has not responded through the available means, and has not indicated new contact details. Therefore, it does not have updated information on the beneficiary's risk. The representation requested that the IACHR issue its assessment of the precautionary measures, given the aforementioned circumstances. In addition, the representation stressed that the complaints filed by the beneficiary had been dismissed and/or filed.

20. In 2025, the representation reiterated that, to date, it had no contact with the beneficiaries or knowledge of their current situation. The National Civil Police stated that Ms. Puac Menchú has not provided any information on a possible return to the country, which is why the measures have been temporarily suspended at her request.

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

21. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are 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 this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

22. 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>3</sup> Regarding the protective nature, these measures seek

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<sup>3</sup> I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

to avoid irreparable harm and to protect the exercise of human rights.<sup>4</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>5</sup> Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. Their precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- 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.

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

24. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.<sup>6</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>7</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>8</sup>

25. In this matter, the Commission recalls that, on April 4, 2011, precautionary measures were granted in favor of Blanca Estela Puac Menchú and her family unit in Guatemala. These measures were adopted following an attack against the beneficiary and her daughter on February 12, 2011. This event resulted in the death of one police officer and injuries to another, both assigned to the protection of Ms. Puac Menchú. The State requested that these precautionary measures be lifted on May 18, 2022, the request was forwarded to the representation for its observations.

<sup>4</sup> I/A Court H.R., Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; Case of Bámaca Velásquez, Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; Matter of Fernández Ortega et al., Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; Matter of Milagro Sala, Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

<sup>5</sup> I/A Court H.R., Matter of Milagro Sala, Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; Matter of the Criminal Institute of Plácido de Sá Carvalho, Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

<sup>6</sup> I/A Court H.R., Case of Fernández Ortega et al., Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17 (Available only in Spanish).

<sup>7</sup> I/A Court H.R., Case of Fernández Ortega et al., previously cited.

<sup>8</sup> I/A Court H.R., Case of Fernández Ortega et al., previously cited.



26. In analyzing keeping these precautionary measures in force, the Commission observes that the parties have agreed that the beneficiary had a personalized security detail in her favor. It consisted of four police officers divided into two shifts, which was implemented between 2020 and 2023. Furthermore, since 2017, the beneficiary has expressed her agreement with the adequate compliance of the aforementioned protection detail. More recently, in 2023, the protection detail was suspended at the request of the beneficiary herself since she left the country. While it is understood that the State does not have the material means to implement security measures on her behalf outside its jurisdiction, the Commission appreciates its willingness to adopt protective measures should she return to the country. It also notes the aforementioned information on the status of open investigations.

27. With regard to the beneficiary's current situation, the parties agree that she had been granted political asylum by an unspecified State. In this regard, upon receiving the request to lift, the current representation reported that it had lost contact with the beneficiary and was unaware of her current situation. In addition to the above, the Commission understands that the most recent specific facts relating to the beneficiary date back to May 2022, nearly three years having passed without any details about her situation.

28. In this sense, and in light of the analysis previously carried out, the Commission considers that, at this time, it does not have the necessary information to identify a situation of risk that may meet the requirements of Article 25 of its Rules of Procedure. Given the above, and taking into account the exceptional and temporary nature of precautionary measures,<sup>9</sup> the Commission considers that it is appropriate to lift these measures. Notwithstanding the foregoing, the Commission emphasizes that, regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State of Guatemala to respect and guarantee the rights recognized therein, including the life and personal integrity of the beneficiary, and the duty to investigate and punish human rights violations.

## **V. DECISION**

29. The Commission decides to lift the precautionary measures granted to Blanca Estela Puac Menchú and her family unit, in Guatemala.

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

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

32. Approved on April 23, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Jorge Meza Flores  
Assistant Executive Secretary

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<sup>9</sup> I/A Court H.R., Matter of Adrián Meléndez Quijano et al., Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; Matter of Galdámez Álvarez et al., Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24.