
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 110/2021**

Precautionary Measure No. 799-21

**John Fernando Marín Marín, Fredemyr Alberto Marín Marín, and family
regarding Colombia**

December 31, 2021

Original: Spanish

I. INTRODUCTION

1. On August 27, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by Berenice Celeita Alayon, from the NOMADESC Association, (“the applicant”), as well as an extension of proposed beneficiaries of November 16, 2021, urging the IACHR to require that the State of Colombia (“the State” or “Colombia”) adopt the necessary protection measures to guarantee life and personal integrity of John Fernando Marín Marín (“John Fernando” or “proposed beneficiary”) and Fredemyr Alberto Marín Marín (“Fredemyr Alberto” or “proposed beneficiary”). According to the information provided, the proposed beneficiaries are brothers and Fredemyr Alberto has been missing since November 10, 2021, while John Fernando is being threatened and harassed, due to his leadership in the protests that took place in Colombia since April 28, 2021. Furthermore, it was alleged that the disappearance of Fredemyr Alberto is related to the situation against John Fernando.

2. Following the initial request on August 27, 2021, the applicant provided additional information on September 14. The Commission requested additional information on September 21, receiving a response on October 1. On October 8, annexes to the brief of October 1 –which were in an inaccessible link– were requested, a request reiterated on October 21, with no response until November 23, 2021. On November 16, an extension request was received in favor of Fredemyr Alberto Marín Marín.

3. In accordance with Article 25(5) of its Rules of Procedure, the Commission requested information from the State on November 23, 2021, as well as additional information from the applicant about both proposed beneficiaries. Upon having granted a timeline extension, the State’s report was received on December 7, 2021. For her part, after reiterating the request, the applicant responded to the request for information on December 16, 2021. Finally, the State submitted additional observations on December 24, 2021.

4. Upon analyzing the submissions of fact and law offered by the parties, the Commission considers that the proposed beneficiaries are *prima facie* in a serious and urgent situation, given that their rights to life and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requests that the State of Colombia: a) adopt the necessary measures to determine the situation and whereabouts of Fredemyr Alberto Marín Marín, in order to protect his rights to life and personal integrity. In this regard, the Commission urges the State to guarantee effective search actions through its specialized mechanisms created for that purpose; b) adopt the necessary measures to protect the rights to life and integrity of John Fernando Marín Marín and his family, including his sister M.M.M. In particular, the State must ensure that the protection measures implemented are sufficiently effective and adequate, in light of the risks identified in the resolution, so that he can continue to carry out his activities as a youth leader and human rights defender, without being subjected to threatening events against him; c) consult and agree upon the measures to be adopted with the beneficiaries and their representative; and d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES

A. Information provided by the applicants

- *About John Fernando Marín Marín*

5. According to the request, John Fernando Marín is 23 years old and played a role as coordinator of a voluntary medical mission in the city of Cali, Valle del Cauca, in the context of protests that took place in Colombia from April 28 to June 4, 2021. It was indicated that, due to the foregoing, the proposed beneficiary has been subjected to persecution, harassment, and threats by the security forces and unknown persons.

6. Regarding situations presenting a risk, the request indicates that on May 13, 2021, John Fernando received a call while attending a mobilization point, in which a man told him, “We know where you are, we have you located, you’re in the Ancla park next to a girl in a blue uniform,” which corresponded to reality. As he moved to the so-called “bridge of a thousand struggles” during the protests, he allegedly received another call from a person stating that “You think it’s a game, we’re following you on the bridge of a thousand days.” These calls allegedly persisted until approximately May 24, with persons giving him a description of where he was and the people he was with.

7. On May 23, 2021, a medical supply saleswoman reportedly called the proposed beneficiary to inform him that two persons were in her “Medical House” indicating that Fernando had sent them for a package, requesting the address of the proposed beneficiary to reportedly take the package to his home address. It was stated that John Fernando did not make any requests and that he did not know the men as they were described to him.

8. On the night of May 24, 2021, while supporting a medical mission, they purportedly treated an injured ESMAD officer who asked him, “Are you with them or with us?”, and when he answered that as a medical mission they were neutral, he allegedly indicated that “[they] are here to die.” The mission reportedly proceeded to withdraw from the scene. It was reported that on May 28, 2021, while the corpse of a young man was being removed, the medical mission was subjected to direct harassment from the public forces.

9. On May 29, 2021, young John Fernando allegedly received a call to his cell phone requesting help because a person was somewhat injured, but he verified with his companions of the medical mission that there was no report of it.

10. On May 30, 2021, a person who provided transportation services to the medical mission was approached by three persons who detained him by force, after he transferred the proposed beneficiary to various points. These persons allegedly took him to an unknown place and interrogated him, showing a photo of John Fernando, and demanding that he hand him over. Later, they reportedly called the family of the driver, who informed John Fernando and indicated that these persons had said that “it’s simple, he hands us over the coordinator of the Medical Mission and we make the change.” The driver was released on the condition that he hand over John Fernando and his vehicle was found abandoned near the El Diamante police station. The driver and his family reportedly left Cali for Bogotá to protect themselves.

11. On August 15, 2021, while Fernando Marín was leaving his residence at around 7:00 a.m., the residential unit’s doorman told him that a motorcycle messenger had left him an order without giving the apartment number, but only indicating “this is for Fernando Marín, the health worker.” The package

corresponded to a funeral wreath with a purple ribbon that had the name of Fernando Marín written in marker. The doorman expressed surprise that a delivery man arrived so early on a Sunday.

12. On August 16, 2021, the proposed beneficiary is said to have arrived around noon at the hotel where he was staying for safety reasons, when he heard a messenger from “Rappi” who was at the hotel reception asking for him and left something for him with the receptionist. The package consisted of a wreath with the same purple ribbon and his name written in the same way.

13. On August 18, 2021, John Fernando received a WhatsApp message at 8:47 a.m. from a number from which he had received threats before. Indicating “You liked the bouquets, remember that they last 8 days and then they die, perhaps they no longer serve you at your beautiful funeral. We’re closer to taking back all the damage you did with your mf resistance. We have located your three holes, your routes, and perhaps 8 would be your day.”

14. The applicant reported that the facts have not been made known to the Office of the Attorney General (FGN), due to fear and institutional mistrust, but that, given the difficulty in filing complaints for the criminalization of protesters and links between officers and perpetrators, they have requested a meeting with delegates from the FGN so that the complaint can be filed and received in the city of Bogotá.

15. In brief dated September 16, 2021, the applicant provided new information, noting that on September 13, 2021, at 6:36 p.m., the proposed beneficiary received 3 audios on his WhatsApp that indicated the following:

- i. “*Doctorcito* Fernando Marín, why are you hiding? Don’t worry, your wounds will be with affection”;
- ii. “You didn’t even come home anymore, you’re scared, guerrilla physician, hiding is not for life, soon you’ll fall, that happens for overtalking defending those front lines and being a witness to the dead vandals”;
- iii. “What’s wrong, doctor, are you hiding? Are you scared? That happens for meddling with what’s none of your business, where are you, will you be able to heal yourself.”

16. The audios, provided on November 23, 2021, consist of a computerized voice.

17. The applicant reported that on September 13, 2021, while John Marin was on his way to EPS SURA, he was approached at the exit by police officers who identified him as the “paramedic from Puerto Resistencia.” The police officers allegedly indicated that it would be good to know where he lives in order to be able to keep an eye on them, since they are practically leaders.

18. After being asked for information on complaints filed for these events, the applicant reiterated in writing dated October 1 that, in order to report, they continued to wait for a route to be enabled to report to the FGN in Bogotá, with the intention of preventing that bringing the complaint before the corresponding authorities may increase the risk. In the same sense, in her communication of December 15, 2021, the applicant indicated that since the risk exceeds authorities such as the Public Prosecutor’s Office and the National Police, the case has only been brought before the Office of the Vice-Attorney General of the Nation, without further details.

- *About Fredemyr Alberto Marín Marín*

19. On November 16, 2021, it was indicated that, on November 10, 2021, Fredemyr Alberto Marín Marín (John Fernando’s brother), 31 years old, was at his residence when he received a call on his cell

phone and, after the call, around 4:00 p.m., he left his house in his red Daewoo Cielo vehicle, 1998, with which he was engaged in informal transport (also providing a description of the clothes he was wearing and his physical descriptions). From that moment, his whereabouts are said to have remained unknown.

20. Later, on the evening of November 13, 2021, Fredemyr's and John Fernando's sister reportedly received a call in which they said, "We have your brother because of your little brother" and then they hung up. A number of attempts were made to call the cell phone number, but it was turned off. After that, on November 14, 2021, in the morning, a telephone complaint was filed for the disappearance, receiving a number from the Urgent Search Mechanism (MBU).

21. In her communication of December 15, 2021, the applicant indicated, regarding Fredemyr Alberto, that in addition to the activation of the MBU, on November 16 the case was brought to the attention of the Office of Vice-Attorney General of the Nation, and on November 17 it was also reported to the National Commission for Disappeared Persons, and was also referred to the Citizen Security delegate of the FGN. On the other hand, regarding John Fernando, it was reiterated that his risk exceeds the authorities such as the Public Prosecutor's Office and the National Police and therefore the case has only been brought before the Office of the Vice-Attorney General of the Nation.

22. Additionally, a first part of a "Communication Form" of the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID) was attached to the communication with details of the proposed beneficiary Fredemyr Alberto, without any additional indication about his presentation or procedure.

B. Observations provided by the State

23. On December 7, 2021, the State's report was received, with information from the Commission for the Search for Disappeared Persons (CBPD) and the Ministry of National Defense (MDN). For its part, the CBPD reported on the receipt of the complaint for forced disappearance of Fredemyr Alberto, 31, filed on November 17, 2021, by the requesting organization, by email; in turn, it reported the filing before the MBU since November 14, 2021. After receiving it, the CBPD informed the Office of the Attorney General of the Nation and the Citizen Security Delegate of the FGN, requesting the second authority to activate the MBU to find his whereabouts.

24. On the other hand, the CBPD indicated that on November 18, 2021, the Office in Colombia of the UN High Commissioner also sent additional information on the request for activation of the MBU, which was forwarded to the Citizen Security Delegate to be used as context.

25. Similarly, the CBPD indicated the internal registration number of the case before the competent Prosecutor's Office in Valle del Cauca, number assigned on November 22, 2021, indicating that information was requested directly from this authority. Lastly, the case was required to be registered in the National Registry of Disappeared Persons and in the Bank of Genetic Profiles of Disappeared Persons.

26. Regarding the MDN, information was provided from the Cali Metropolitan Police, which refers to the filing of a complaint for threats before the Prosecutor's Office on June 24, 2021, by the proposed beneficiary John Fernando, and adds that they do not have records of protection requests in his favor.

27. Regarding Fredemyr Alberto, it was reported that there was contact with personnel from the Criminal Investigation Section, where the case number and the prosecutor in charge were again indicated, being registered as a crime of forced disappearance under investigation.

28. The State updated its report on December 24, 2021 with information from the FGN. In this communication, it is realized that the National Threats Working Group, attached to the Special Directorate against Human Rights Violations, carried out a search and found that most of the facts related in the request, in relation to John Fernando Marín Marín, are being denounced for a published complaint filed with the Public Prosecutor's Office in Cali by civil society organizations on August 18, 2021. It was indicated that the complaint "includes all the acts of harassment and threats received by Mr. Marín Marín." Furthermore, it was reported that the indicated Working Group transferred the documentation to the Cali Sectional Office so that the information can be taken into account.

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

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

30. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.¹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.² 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.³ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. The precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. 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 enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁴ In

¹ 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.

² 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 regarding Guatemala](#). Provisional Measures. 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].

³ 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].

⁴ 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.

the process of reaching a decision, and according to Article 25(2) of the Rules of Procedure, the Commission recalls that:

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

31. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. However, a minimum of detail and information is required to determine, from a *prima facie* standard of review, whether a serious and urgent situation exists.⁵

32. Considering that the facts of this matter are related to the work of John Fernando as coordinator of a medical mission in Cali, Valle del Cauca, during the protests that began on April 28, 2021, in the country (see *supra* para. 4), the Commission will proceed to analyze the elements reported by the parties in light of the context in which they are framed. Along these lines, the Inter-American Court has indicated that, at the time of the analysis, it is possible to assess the set of political, historical, cultural, or any other factors or circumstances that affect the person proposed as beneficiary or place them in a situation of vulnerability at a given time and expose them to injury to their rights.⁶ This situation can grow or decrease over time depending on several variables.⁷

33. In this way, following the terms of Article 25(6), the Commission has expressed its concern over the sustained violence against human rights defenders and social leaders that occurred in Colombia during 2020⁸ and during 2021.⁹ Given the ongoing violence against these groups, the Commission called on the State to reinforce all necessary measures to ensure that human rights defenders can carry out their activities in an environment free of hostilities and aggression.¹⁰ The Commission also recognized the

⁵ See in this regard, I/A Court H.R. [Matter of Inhabitants of the communities of the Miskitu indigenous people of the North Caribbean Coast Region of Nicaragua](#). Extension of Provisional Measures regarding Nicaragua. 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.

⁶ I/A Court H.R. https://www.corteidh.or.cr/docs/medidas/integrantes_centro_ni_se_01.pdf. Adoption of Urgent Provisional Measures. Order of the President of the Inter-American Court of Human Rights on July 12, 2019, considerandum 42.

⁷ I/A Court H.R., Case of Carpio Nicolle. Provisional measures regarding Guatemala. Order of the Court of July 6, 2009, considerandum 26; and Matter of Members of the Choréachi Indigenous Community regarding Mexico.

⁸ IACHR, [IACHR Reiterates Its Concern over the Violence Recorded in 2020 against Human Rights Defenders in Colombia](#), January 22, 2021.

⁹ IACHR, [The IACHR reiterates its concern about the structural persistence of violence in Colombia](#), November 24, 2021.

¹⁰ IACHR, [IACHR Reiterates Its Concern over the Violence Recorded in 2020 against Human Rights Defenders in Colombia](#), January 22, 2021.

actions taken by the State to face the reported murders¹¹ and provided recommendations regarding the open investigations.¹²

34. On that occasion, the Commission observed that most of the alleged murders registered in the year took place in the departments of Antioquia, Cauca, Chocó, Huila, Norte de Santander, Córdoba, Nariño, and Putumayo, territories that were historically affected by the armed conflict and which the State has identified as “risk areas.”¹³ The IACHR observed that the State agreed with this information and also identified the departments of Valle de Cauca, Magdalena, Bolívar, Córdoba, Arauca, and Chocó as areas of risk for the defense human rights.¹⁴

35. On the other hand, the Commission has observed that polarization and stigmatization, within the framework of the National Strike, have had a strong impact on the protesters.¹⁵ In this vein, in the framework of its visit to Colombia, the Commission identified medical personnel as one of the groups of main concern and received information on attacks against medical missions in the context of protests by the security forces, putting their life and integrity at risk, together with information on the existence of threats and harassment against medical units and health personnel.¹⁶

36. In light of the indicated context, the Commission will proceed to analyze the requirements of seriousness, urgency, and irreparable harm, according to the specific situation of each of the proposed beneficiaries.

i. About John Fernando Marín Marín

37. When assessing the requirement of *seriousness*, the Commission observes that the proposed beneficiary, John Fernando, lives in the city of Cali, department of Valle del Cauca, where he served as coordinator of a voluntary medical mission in the protests that took place in Colombia between the April 28 and June 4, 2021. In this sense, considering the valued contextual information, the Commission highlights the leadership role played by John Fernando in a task that has been the target of attacks, threats, and harassment in the context of the protests. The above, coupled with the special situation that permeates against leaders in an area of risk such as Valle del Cauca, where the proposed young beneficiary carried out his work. Thus, the Commission notes that the proposed beneficiary is subject, due to his

¹¹ The Commission recognized the progress made by the State in the investigation of the murders of human rights defenders. However, it observes that challenges persist to reduce impunity for these crimes, as well as for other crimes committed against them, particularly in the prosecution and punishment of those responsible. The IACHR urged the State to strengthen its capacities in the face of the high number of cases pending resolution. In this regard, it called on the State to continue adopting measures to investigate with due diligence and address the situation of impunity with respect to crimes committed against human rights defenders and social leaders in the country, identifying material and intellectual perpetrators. These investigations must include the hypothesis that these murders could have been committed in connection with the work that defenders carried out in their community. The State must also seek to incorporate a differentiated ethnic-racial and gender approach in the investigation, prosecution, punishment, and reparation of these crimes.

¹² IACHR, [IACHR Expresses Concern over Increase in Violence in Colombia in Territories Where Illegal Armed Groups Are Operating](#), October 13, 2020.

¹³ IACHR, [IACHR Expresses Concern over Increase in Violence in Colombia in Territories Where Illegal Armed Groups Are Operating](#), October 13, 2020.

¹⁴ IACHR, [IACHR Expresses Concern over Increase in Violence in Colombia in Territories Where Illegal Armed Groups Are Operating](#), October 13, 2020.

¹⁵ IACHR, [Observations and recommendations of the IACHR's working visit to Colombia held from June 8 to 10, 2021](#), July 7, 2021, para. 29.

¹⁶ IACHR, [Observations and recommendations of the IACHR's working visit to Colombia held from June 8 to 10, 2021](#), July 7, 2021, paras. 29, 99-100.

leadership work in Valle del Cauca, within the framework of the National Strike, exposed to a situation that is likely to aggravate his particular condition.

38. On another note, regarding the particular situations reported, the Commission notes that John Fernando has been the subject of different events against him since his participation in a medical mission in the National Strike, as well as after the moments of greatest intensity in it. In this regard, the Commission takes note of the following facts: i) On May 13, it received a threatening call that gave an account of its location, which was repeated after moving from place to place (see *supra* para. 6); ii) on May 23, two persons tried to trick a medical provider into getting his address (see *supra* para. 7); iii) on May 24, during a medical mission, an ESMAD officer stated that they were “to die” and, on May 28, in the same context of protests, they were directly harassed (see *supra* para. 8); iv) On May 29, he received a call that allegedly tried to trick him into going to a place to provide medical care (see *supra* para. 9); v) on May 30, they kidnapped a driver who had transferred John Fernando, with the aim of handing over the proposed beneficiary (see *supra* para. 10); vi) On August 15, he received a death threat in the form of a funeral wreath with his name, which referred to his medical work –health– (see *supra* para. 11); vii) Despite moving to a hotel, on August 16 he again received a funeral wreath at the hotel where he was staying (see *supra* para. 12); viii) On August 18, he received a death threat on WhatsApp, referring to the funeral wreaths and the protests -the resistance- (see *supra* para. 13); ix) On September 13, he received three audios with death threats and a reference to his medical work (see *supra* para. 15); x) On September 13, police officers approached him when they recognized him as “the paramedic from Puerto Resistencia,” asking where he lived (see *supra* para. 17). x) On November 10, his brother Fredemyr Alberto disappeared, later telling his sister that this was because of John Fernando (see *supra* paras. 19 and 20).

39. In this regard, the Commission emphasizes that the fact that the incidents have remained constant since his participation in the protests, as well as afterwards, makes the proposed beneficiary visible as a specific objective due to his role as coordinator of the medical missions, which in turn emerges from the persistent references to such work in the numerous risk events reported. In this vein, it should be noted that his telephone number and address have been known and he has received threats and harassment in them, despite moving from location, even locating in a hotel. The Commission considers the facts particularly sensitive, first, of the kidnapping of a driver of medical missions in order to find John Fernando, and second, the reference to the relationship of the disappearance of his brother, Fredemyr, “because of his work.”

40. Based on the information provided by the State, the Commission notes that no measures have been adopted by the domestic authorities to protect the proposed beneficiary, despite having filed a complaint of threats on June 24, 2021 (see *supra* para. 26). The applicant has also indicated that she has brought the situation to the attention of the Office of the Vice-Attorney General of the Republic, however, they do not have any information or details in this regard to be able to analyze this information. In this vein, although there are no details on the content of the June 24 complaint or on the communication with the Office of the Vice-Attorney General, the Commission highlights the latest communication from the State of December 23, 2021, where the State reports on a complaint dated August 18, 2021, that includes “all the acts of harassment and threats received by Mr. Marín Marín” (see *supra* para 28). Thus, the Commission observes that the state authorities have had at least partial knowledge of the situation since June 24, 2021, and integral knowledge since August 18, 2021.

41. The Commission notes that the State has indicated that there is no request for protection submitted in favor of the young John Fernando. In relation to that issue, the Commission recalls what was indicated by the Inter-American Court, in the sense that

It is for the State authorities who become aware of a situation presenting a special risk to identify or assess whether the person subjected to threats and harassment requires protective measures or to refer the matter to the competent authority to do so, as well as to provide the person at risk with timely information on the available measures. The assessment of whether a person requires protection measures and which are the appropriate measures is an obligation that corresponds to the State and cannot be restricted to the victim themselves requesting it to “the competent authorities,” nor to knowing exactly which authority is best able to address their situation, since it is up to the State to establish coordination measures among its entities and officers for this purpose.¹⁷

42. In this sense, the lack of protection for proposed beneficiary John Fernando is worrying, despite knowledge of situations that may pose a risk to the proposed beneficiary. Similarly, from the information received by the State, it does not account for any action that represents progress in the investigations, which allows the identification of the persons responsible for the alleged facts, and avoid their repetition. Under these conditions, the Commission notes that the risk is in force, without additional elements to conclude that it is being mitigated.

43. Considering the situations raised, in relation to the described context, which permeates in a special way in the Department of Valle del Cauca and has had particular intensity in the context of protests, the Commission considers that the situation of John Fernando Marín Marín is sufficient to consider that their rights to life and integrity are *prima facie* in a serious situation. In addition to the above, considering the relationship of the disappearance of his brother and the contact with their sister to indicate that the disappearance was the fault of John Fernando, the Commission considers that the risk extends at least to their sister, M.M.M., as part of their family.

44. Regarding the urgency requirement, the IACHR observes that, according to the information provided, the proposed beneficiary has been the subject of constant threatening incidents, which have not ceased since the beginning of the protests and have continued in different places, even extending to his family, which makes it foreseeable that threatening events may continue to occur, even of greater intensity, in the face of the recent disappearance of his brother. In turn, the situation is likely to persist over time to the extent that the proposed beneficiary continues to be recognized for his work on medical missions, which is apparent from the various references to his work in the messages received and with the fact that he was recently identified as such by the police. In light of the foregoing, the Commission highlights the failure of the domestic authorities to act, for example, to initiate an assessment of the risk at the domestic level for their protection or progress in the investigations of the situations denounced. In view of the above, given the ongoing risk and the recent disappearance of his brother, in addition to the lack of protection measures, the Commission considers that it is urgent to adopt immediate measures to safeguard the life and personal integrity of the proposed beneficiary, John Fernando Marín Marín.

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

¹⁷ I/A Court H.R. *Case of Luna López v. Honduras. Merits, Reparations, and Costs. Judgement of October 10, 2013*, Series C No. 269, para. 127. See *inter alia*: IACHR, *Yaku Pérez Guartambel regarding Ecuador (PM-807-18)*, Resolution 67/18 of August 27, 2019, para 30; and *Mary Elizabeth Carrasco Condarco and Juan Alipaz Aparicio regarding the Plurinational State of Bolivia (1132-19)*, Resolution 1/2020 of January 8, 2020, para. 28.

ii. About Fredemyr Alberto Marín Marín

46. As a preliminary aspect, the Commission notes that the applicant has provided an extract of what is said to be a form for the WGEID-UN and, for its part, the State reported that its institutions have received information sent by the Office in Colombia of the United Nations High Commissioner. In this regard, the Commission recalls that, within the framework of the precautionary measures mechanism, contrary to the system of petitions and cases, where the figure of the international *lis pendens* as an impediment to pronounce,¹⁸ the pronouncements of other international organizations can constitute an element of context or important indicator to take into account in relation to the analysis of the requirement of seriousness.¹⁹ In this regard, the Commission notes that, although there may be involvement of United Nations bodies in this matter, there is no resolution or document to be considered by the Commission.

47. In the analysis of the procedural requirements, in relation to the requirement of seriousness, the Commission observes that from November 10, 2021, to date, there are reportedly no news about the fate or whereabouts of Fredemyr Alberto. The Commission notes that the latest information available indicates that the proposed beneficiary left his home in his vehicle after receiving a call at around 4 p.m. on November 10 and, subsequently, on November 13, his sister received a call from people who indicated having his brother and blaming his brother, the proposed beneficiary John Fernando. Since then, no information or news exist about Fredemyr Alberto or his whereabouts. The Commission notes, in this regard, that the risk previously analyzed regarding John Fernando applies directly to the events described in relation to Fredemyr Alberto and his situation of disappearance, as there are indications that the disappearance could be related to the John Fernando's activity.

48. In this regard, although it is not appropriate to classify the investigations and internal processes in this proceeding, within the framework of the analysis of the requirement of seriousness, it is noted that the actions aimed at determining the whereabouts or fate of a disappeared person are directly related to the need to prevent the materialization of harm to their rights and that, while his situation has not been clarified, the proposed beneficiary is said to be facing a serious risk.²⁰ In this sense, the applicant indicated that the case was brought on November 15, 2021, before various authorities, such as the Urgent Search Mechanism, the Office of the Vice-Attorney General of the Nation and the National Commission for Missing Persons. For its part, the State confirmed receipt of these complaints, indicated that the

¹⁸ In this regard, Article 46 of the American Convention on Human Rights establishes that “[i]n order for a petition or communication presented pursuant to Articles 44 or 45 to be admitted by the Commission, it will be required: [a, b] c) That the subject of the petition or communication is not pending in another international proceeding for settlement, and

¹⁹ For example, in the matter of *Santiago Maldonado regarding Argentina*, the Commission valued the existence of a pronouncement by the UN Committee against Forced Disappearance, in which the Committee expressed “its grave concern for the physical and psychological integrity of Mr. Santiago Maldonado [...]”. IACHR, *Santiago Maldonado regarding Argentina (PM-546-17)*, Resolution 32/2017 of August 22, 2017, para. 15, available at <http://www.oas.org/es/cidh/decisiones/pdf/2017/32-17MC564-17-AR.pdf>. In the matter of *José Fernando Choto Choto et al. regarding El Salvador*, the Commission took into consideration that there would be an “immediate intervention letter” issued by the United Nations Working Group on Enforced and Involuntary Disappearances on the alleged disappearance of the beneficiaries. IACHR, *Matter of José Fernando Choto Choto and others regarding El Salvador (MC-240-15)*, Resolution 34/2015 of September 28, 2015, para. 17, available at <http://www.oas.org/es/cidh/decisiones/pdf/2015/MC240-15-ES.pdf>; also, in the matter *Daniel Ramos Alfaró regarding Mexico*, The IACHR took into account the existence of a decision of the United Nations Committee against Forced Disappearances of December 2, 2013 on the alleged facts. IACHR, *Matter of Daniel Ramos Alfaró regarding Mexico (MC-453-13)*, resolution 3/2014 of February 20, 2014, para. 9, available at <http://www.oas.org/es/cidh/decisiones/pdf/2014/MC453-13-ES.pdf>.

²⁰ See: I/A Court H.R. Resolution of the Inter-American Court of Human Rights of May 26, 2010, Provisional Measures Regarding the United Mexican States, Case of Alvarado Reyes et al., para. 9. Available at https://www.corteidh.or.cr/docs/medidas/alvarado_se_01.pdf

information had been forwarded to the Citizen Security Delegate of the FGN and indicated that a case for forced disappearance is under investigation.

49. In this regard, the Commission observes, first, that it is not controversial that Fredemyr Alberto is missing. Second, that although different institutions with competence in the matter have been informed of the situation of Fredemyr Alberto in the circumstances described, the State did not provide any information on actions or investigations that are taking place to find his whereabouts or fate. In this sense, the Commission notes that it is imperative that the State immediately put into operation its competent institutions in matters of investigation and search for disappeared persons, taking into account the importance of the first actions in cases of disappearance, which has a direct impact on protection of their rights to life and personal integrity.

50. Considering the above, taking into account the specific characteristics of the instant matter, and in light of the *prima facie* standard of review of the precautionary measures mechanism, the Commission considers that the rights to life and personal integrity of Fredemyr Alberto Marín Marín are at serious risk, insofar as his fate or whereabouts are not known to date.

51. Regarding the requirement of urgency, the Commission considers that it has been met, to the extent that the passage of time, in these circumstances, is liable to affect the rights to life and personal integrity of Fredemyr Alberto Marín Marín. In this sense, more than a month and a half after the disappearance of the proposed beneficiary and knowledge of the state authorities, and without information on the implementation of specific search and investigation actions, the Commission observes that there is no substantial information at present about his fate or whereabouts.

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

IV. BENEFICIARIES

53. The IACHR considers John Fernando Marín Marín and Fredemyr Alberto Marín Marín as beneficiaries of this precautionary measure, as well as their sister, M.M.M., as part of their nuclear family. These persons are fully identified in the case file.

V. DECISION

54. In view of the aforementioned background, the Commission considers that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Colombia:

- a) adopt the necessary measures to determine the situation and whereabouts of Fredemyr Alberto Marín Marín, in order to protect his rights to life and personal integrity. In this regard, the Commission urges the State to guarantee effective search actions through its specialized mechanisms created for that purpose;
- b) adopt the necessary measures to protect the rights to life and integrity of John Fernando Marín Marín and his family, including his sister M.M.M. In particular, the State must ensure that the protection measures implemented are sufficiently effective and adequate, in light of the risks identified in the resolution, so that he can continue to carry out his activities as a

youth leader and human rights defender, without being subjected to threatening events against him;

- c) consult and agree upon the measures to be adopted with the beneficiaries and their representative; and
- d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

55. The Commission also requests that the Government of Colombia kindly inform the Commission, within a period of 15 days as of the date of this communication, on the adoption of the precautionary measures that have been agreed upon and to periodically update this information.

56. The Commission emphasizes that pursuant to Article 25(8) of the Commission's Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

57. The Commission instructs its Executive Secretariat to notify the State of Colombia and the representative of the beneficiaries of this resolution.

58. Approved on December 31, 2021, by Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; and Joel Hernández García, members of the IACHR.

Maria Claudia Pulido
Assistant Executive Secretary