
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 39/2022**

Precautionary Measure No. 134-00

Regional Corporation for the Defense of Human Rights (CREDHOS) regarding Colombia¹

August 2, 2022

Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of the directors and officials of the Regional Corporation for the Defense of Human Rights (CREDHOS). At the time of making the decision, the Commission assessed the actions taken by the State during implementation as well as the observations of the beneficiaries' representation. Following the State's requests to have the measures lifted, the IACHR requested information from the representation, who did not provide a response. Upon not identifying compliance with the regulatory requirements, the IACHR has decided to lift these measures.

II. BACKGROUND INFORMATION

2. On September 15, 2000, the IACHR granted precautionary measures in favor of the directors and officers of CREDHOS. It was alleged that at the "Forum for Life and Human Rights" held in Barrancabermeja, which was attended by representatives of the State and human rights defenders, there were found copies of a *sufragio* (obituary) from the United Self-Defense Forces of Colombia (AUC) that included death threats against members of this organization. The Commission requested that the State: (i) take the necessary steps to protect the lives and integrity of the beneficiaries; (ii) report on the measures taken to clarify the serious allegations of tolerance or sponsorship of paramilitary groups by the Public Force stationed in the towns of Barrancabermeja and Yondó, and ensure that the security forces comply with their legal functions and do not tolerate or sponsor paramilitary groups operating in the area.²

3. Subsequently, the representation reported that Régulo Madero, Henry Lozano, Rebeca Celis, and Francisco Campo, withdrew from CREDHOS in order to join the organization called "*Corporación Nación*." In this regard, on May 26, 2005, the Commission requested that the State "extend to the aforementioned members of the National Corporation the protection measures necessary to protect their lives and personal integrity."³

4. On May 2, 2016, the Commission issued Resolution of Partial Lifting of Precautionary Measures No. 28/2016. On that occasion, the Commission decided: A. To lift this measure in favor of Régulo Madero, Henry Lozano, Rebeca Celis, and Francisco Campo, who left CREDHOS to join the organization "*Corporación Nación*"; and B. To request detailed and specific information on the 11 persons who currently identify themselves as members of CREDHOS, in order to understand their alleged risk related to their membership in the said organization.

¹ In accordance with Article 17.2 of the Rules of Procedure of the IACHR, Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the debate and deliberation of this matter.

²IACHR. PRECAUTIONARY MEASURES Available at <http://www.cidh.org/medidas/2007.sp.htm>.

³IACHR, Resolution of Partial Lifting of Precautionary Measures 28/2016, Precautionary Measures No. 134-00, CREDHOS and Corporación Nación regarding Colombia, May 2, 2016. Available at: <http://www.oas.org/en/cidh/decisiones/pdf/2016/mc134-00-lift-es.pdf>

5. In that resolution, the Commission assessed in 2016, based on the information provided by the representation, that CREDHOS was composed of the following 11 persons “in the main bodies of the institution”: (1) Ivan Antonio Madero Vergel, (2) Wilfran Cadena Granado, (3) Abelardo Sánchez Serrano, (4) Andres Mauricio Ortiz Nieto, (5) Jahel Quiroga Carrillo, (6) Pablo Javier Arenales, (7) Melkin Hernán Castrillón Peña, (8) Ángel Miguel Conde Tapias, (9) Édison Cardoza Centeno, (10) Iris Rico González, and (11) Esteban Nieves Martínez.⁴ The representation is exercised by the organization *REINICIAR*.

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

6. During the time the precautionary measures were in force, the Commission followed-up on the situation that is the subject matter of these precautionary measures by requesting information from the parties.

7. Following the 2016 Partial Lifting Resolution, the representation submitted a report on August 4, 2016. On March 22, 2019, the Commission forwarded the representation’s response to the State. On April 29, 2020, the Commission requested updated information from the representation. On May 26, 2020, the representation submitted a report. On July 16, 2020, the Commission forwarded the representatives’ response to the State. On August 24, 2020, the representation submitted information. On September 11 and December 4, 2020, the State requested the lifting of the precautionary measures. On January 19, 2021, the Commission forwarded the State’s response to the representation for its observations. The State reiterated its request to lift the precautionary measures on March 3, June 17, September 27, and December 7, 2021. The representation has not sent a response to the request for information dated January 19, 2021, and the deadlines have expired. No further information has been received from the representation. On April 22 and 25, 2022, the State reiterated its request to have the measures lifted and subsequently a communication referring to a request for an updated census of the beneficiaries.

A. Information provided by the State

8. On September 11, 2020, the State requested the lifting of these precautionary measures on the grounds that the beneficiaries are not at risk, due to the actions taken to implement the precautionary measures. The State informed that the National Police has fluid communication with the representatives of the Regional Corporation for the Defense of Human Rights (CREDHOS), where all the capacities of the specialties of the police service are constantly available when they are required. In addition, different preventive measures were implemented, such as self-protection talks, accompaniments, patrols, inspections, and police rounds. Constant support was also provided to CREDHOS through police rounds and inspections, which are carried out by the personnel assigned to the National Community Surveillance Model by Quadrants of the National Police, in the municipalities of Santa Rosa del Sur and Morales. The State indicated that the parameters of police action are deployed, providing advice and accompaniment in the different events carried out by the aforementioned organization.

9. It was reported that the National Police launched the Elite Corps⁵ with a multidimensional approach, which functions as a guarantee of a state action against the organizations and conduct their dismantling and judicialization. The Criminal Investigation Group and Interpol, by means of a

⁴IACHR, Resolution of Partial Lifting of Precautionary Measures 28/2016, Precautionary Measures No. 134-00, CREDHOS and Corporación Nación regarding Colombia, May 2, 2016, paragraph 22.

⁵It was reported that the members of the Elite Corps are selected under a special model to certify high standards of suitability, transparency and effectiveness, in addition to the above, the Police issued Transitional Operational Directive No. 016 of 03/01/2019 by which the "Parameters of police action of the strategy of protection of populations in vulnerable situations – ESPOV" are established where the development of processes related to the clarification of homicides to the population referred to in the directive is available through the Elite Corps and Criminal Investigation Sections. For its prioritization and incorporation in the Operational Matrix of Crime Reduction – MORED of the protection strategy for populations in vulnerable situations.

communication with court on June 16, 2020, reported that, after consultation with the Oral Accusatory Criminal System - SPOA, by ID card and the names of the beneficiaries, such persons do not register complaints as victims before the Attorney General’s Office during the year 2020. It was recalled that the criminal investigations initiated on the occasion of the facts previously alleged have been archived due to finding a non-criminal behavior.

10. The National Protection Unit, by communication dated May 13, 2020, reported on the material protection measures in favor of the following 11 persons:

No.	Beneficiaries	Protection detail
1	Ivan Antonio Madero Vergel	1 ballistic protection vest, 1 communication device, 3 man(s) of protection, 1 armored vehicle
2	Wilfran Cadena Granado	1 communication device
3	Abelardo Sanchez Serrano	1 ballistic protection vest, 1 communication device, 2 man(s) of protection, 1 conventional vehicle
4	Andres Mauricio Ortiz Nieto	1 ballistic protection vest, 1 communication device, 1 support button, 2 protection man(s), 1 conventional vehicle
5	Jahel Quiroga Carrillo	1 ballistic protection vest, 1 means of communication, 2 man(s) of protection, 1 armored vehicle
6	Pablo Javier Arenales Jaimes	1 ballistic protection vest, 1 means of communication, 2 man(s) of protection, 1 armored vehicle
7	Melkin Hernan Castrillon	1 ballistic protection vest, 1 means of communication, 2 man(s) of protection, 1 armored vehicle
8	Angel Miguel Conde Tapias	1 ballistic protection vest, 1 means of communication, 2 man(s) of protection man(s), 1 conventional vehicle
9	Edison Cardoza Centeno	1 ballistic protection vest, 1 means of communication, 2 man(s) of protection man(s), 1 conventional vehicle
10	Iris Rico Gonzalez	Not registered with measures by the National Protection Unit
11	Esteban Nieves Martinez	Not registered with measures by the National Protection Unit

11. Finally, the State reiterated its request to lift throughout 2021 and early 2022.

B. Information provided by the representatives

12. On August 4, 2016, the representation reported that on July 18, 2016, an event was filed against Iván Madero Vergel, president of CREDHOS. The call received at CREDHOS headquarters said: “keep denouncing HP, continue receiving the toads in the office, we are going to put a bomb in you”. The facts were brought to the attention of the Sectional Prosecutor’s Office and the Ombudsman’s Office. On July 19, 2016, a request for a protection measure was made to the Attorney General’s Office in favor of Mr. Iván Antonio Madero Vergel.

13. On May 26, 2020, the representation referred to events against members of CREDHOS between 2017 and 2020: (i) use of the organization’s name by criminal groups in order to delegitimize their work and incriminate them in actions such as an “invasion of land” allegedly occurred on April 13, 2020; (ii) on May 22, 2020, they were in a peaceful demonstration when police agents began to harass them, and some allegedly removed their identification badges; and (iii) between 2016 and 2020 they reportedly received threats that applicants perceive as reprisals to public complaints made about the situation of vulnerability

of social leaders and human rights defenders were allegedly received. Below is an account of the facts alleged against the members of CREDHOS⁶.

- Andrés Mauricio Ortiz Nieto: On April 14, 2019, when he was on his way to Bucaramanga, he received a call informing him that they had been given the order to kill him.
- Linda Oneida Suárez Sánchez: On May 23, 2019, she carried out an awareness program against fracking, and a man made comments that made her feel threatened. On June 2, 2019, she received a message on her cell phone in which they refer to her activity as a social leader and relate her to the guerrillas.
- Publio Guerrero Moreno: On May 28, 2019, he requested the activation of protection protocols for leaders of social, community and political organizations due to the context of threats against human rights defenders in the Municipality of Puerto Wilches.
- Luis Enrique Pico Mora: On February 14, 2019, Ms. Leidys Chaves, the owner of Mr. Pico's home, informed him that motorcycles were insistently asking about him and his residence. On July 2, 2019, the aliases "el Guarapo" and "el Paisa" addressed the social leaders Jhon Edwin Mayo and Mariluz León to tell them that they did not want to see Mr. Luis Enrique Pico doing social work in the communes 3, 6 and 7 of Barrancabermeja, that if he did not comply, they would attack him and his family. On September 9, 2019, he received a call in which he was informed that an armed group would take action against him and his family because of the activities he would carry out as a social leader.
- Iván Antonio Madero Vergel: On August 24, 2019, alias "Acuaman" allegedly offered a reward of 5 million Colombian pesos to throw a grenade at the beneficiary's security vehicle.
- Luz Helena Alverar: On April 16, 2020, she reportedly received death threats from unknown individuals who identified themselves as members of paramilitary structures operating in the Municipality of Puerto Wilches. On May 12, 2020, when she was at the hospital of the municipality of Puerto Wilches, a person allegedly showed her a photo of people belonging to the ELN who were looking for her to kill her.
- Alfonso Lancheros Guerrero: On March 31, 2020, in the municipality of Puerto Berrio, a subject approached the beneficiary's wife telling her that they were going to be removed from the property they lived in. It was recalled that he had been the victim of forced displacement on two other occasions. On April 12, 2020, when he was on his way to a neighbor's house, a motorized vehicle approached him and told him, "Don't be happy, you will soon receive what you deserve."

14. In 2020, it was alleged that the National Police would consider the facts against them to be acts of "common crime." They alleged that one of the police officers assigned to perimeter security at the organization's headquarters was captured for allegedly being part of a financial network of paramilitary groups (without specifying the date or details). The protection measures that CREDHOS headquarters in Barrancabermeja purportedly have are comprised of the following: armored door at the main entrance, shielding in the two windows at the front, alarm, approach sensors (with malfunctions), two security cameras at the front (one in operation), a security camera at the back, perimeter security bars, monitor to monitor the security cameras. Individual protective measures:

- Iván Antonio Madero Vergel: one armored vehicle, three protection men, one bulletproof vest, means of communication.

⁶In the report presented by the representation, a table was made in which the facts of risk - threats, harassment and attacks - against the beneficiaries between 2016 and 2019 are reported. However, for the events that occurred between 2016 and 2019, no details were presented, only the date on which they occurred and the date on which the facts were reported were reported.

- Andrés Mauricio Ortiz Nieto: a conventional vehicle, two protection men, bulletproof vest and means of communication.
- Abelardo Sánchez Serrano: conventional vehicle, two protection men, bulletproof vest and a means of communication.

15. Such measures were granted under the Special Program for the Comprehensive Protection of Members and Survivors of the Patriotic Union Political Party. They also reported that there had been a change of vehicles and insufficient resources allocated for fuel. They consider that the measures are neither effective nor appropriate, since only two of the fifteen members of the Board of Directors would enjoy individual protection measures. They consider that there has been a “deterioration” of the measures. They recalled the conciliation meeting held in June 2012 and expressed their dissatisfaction. On August 24, 2020, the representation indicated that on August 6, 2020, “a “criminal plan” was forged against CREDHOS, and noted that an alleged businessman from Barrancabermeja had met with three alleged members of an illegal armed group (alias “the uncle”, alias “vitamin” and alias “the Indian”) in which he had stated that “those of CREDHOS must be squeezed”. The facts were reportedly brought to the attention of the Attorney General’s Office on August 12, 2020.

16. Finally, after requesting information from the representation in 2021, and transmitting the State’s request to have the measures lifted, the IACHR has not received a response from them, and the deadlines granted have expired.

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

17. The precautionary measures mechanism is part of the Commission’s’ function of overseeing compliance with the human rights obligations set forth in the Charter of the Organization of American States, and in the case of the Member States that have not yet ratified the American Convention, the Declaration of the Rights and Duties of Man. These general oversight functions are established in Article 18 of the Commission’s Statute, and the precautionary measures mechanism is described in Article 25 of the Commission’s Rules of Procedure. In accordance with this Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

18. The Inter-American Commission and the Inter-American Court of Human Rights have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary. Regarding their protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are under consideration by the IACHR. In the process of reaching a decision, according to Article 25(2) of the 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 of 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.

19. With respect to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establish 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 the precautionary measures in force.” In this regard, the Commission should assess if the serious and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission should consider if new situations that might meet the requirements set forth in Article 25 of the Rules of Procedure have subsequently arisen.

20. 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.⁷ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time passes and there is no imminent risk.⁸ The Inter-American Court has indicated that the passage of a reasonable period of time without threats or intimidation, coupled with the lack of imminent risk, may lead to the lifting of international protection measures.⁹ Considering that the State has requested the lifting of the precautionary measures, the Commission recalls that it must present sufficient evidence and arguments to support its request¹⁰. In the same manner, the representatives of the beneficiaries that want the measures to continue must present evidence of any reasons to do so.¹¹ Similarly, Article 25(11) of the Rules of Procedure sets forth that the Commission may lift or review a precautionary measure when the beneficiaries or their representatives unjustifiably fail to provide the Commission with a satisfactory response to the requests made by the State for its implementation.

21. Taking into account the above elements, the Commission proceeds to analyze the situation of the beneficiaries under the terms of Article 25 of its Rules of Procedure. When conducting the said analysis, the Commission recalls that, in 2016, it decided to request more information on the 11 identified individuals who were at that time members of CREDHOS (see *supra* paras. 4 and 5). The Commission’s objective was to “understand their alleged risk related to their membership in that organization” (see *supra* para. 4). Subsequently, the State requested the lifting of the precautionary measures in 2020 (see *supra* para. 7). The said request was sent to the representation in 2021 under the terms of Article 25(9) of the Rules of Procedure. To date, the Commission has not received a response, and the deadlines granted have expired (see *supra* paras. 7 and 16).

22. For the purposes of the analysis of whether this matter should remain in force, the Commission understands, from the information available, that the 11 individuals who made up CREDHOS as of 2016 were: (1) Iván Antonio Madero Vergel, (2) Wilfran Cadena Granado, (3) Abelardo Sánchez Serrano, (4) Andres Mauricio Ortiz Nieto, (5) Jahel Quiroga Carrillo, (6) Pablo Javier Arenales, (7) Melkin Hernán Castrillón Peña, (8) Ángel Miguel Conde Tapias, (9) Édison Cardoza Centeno, (10) Iris Rico González and (11) Esteban Nieves Martínez. Subsequently, the Commission notes that the representation referred to other persons who are also members of the CREDHOS organization. The Commission will proceed to analyze the situation of the 11 beneficiaries identified in 2016 and the situation of the new persons who are also members of CREDHOS. The foregoing, on the understanding that it is possible for the members of an organization to change over time and considering that the precautionary measures were granted in favor of “the directors and officials of CREDHOS” in Colombia. Having specified the above, we proceed to address the situation of the members of the CREDHOS organization under the terms of Article 25 of the Regulations.

⁷ I/A Court H.R., Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17. Available [in Spanish] at https://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

23. Regarding the implementation of these precautionary measures in favor of the members of CREDHOS, the Commission understands that the State implemented a series of protection measures in favor of them. In this regard, the parties have referred to the following measures:

- i. Communication spaces between the police and representatives of CREDHOS (see *supra* para. 8);
- ii. Preventive measures such as self-protection talks, security escorts, patrols, inspections and police rounds (see *supra* para. 8);
- iii. Information on the status of investigations into the alleged events (see *supra* para. 9);
- iv. Protection schemes in favor of 9 of the 11 persons identified, while the 2 persons who do not have protection measures from the National Protection Unit do not have records before that entity (see *supra* para. 10);
- v. Protective measures at CREDHOS headquarters (see *supra* para. 14); and
- vi. The beneficiaries are allegedly part of the Special Program for the Comprehensive Protection of Members and Survivors of the Patriotic Union Political Party (see *supra* para. 15).

24. As regards the objections raised by the representatives, the Commission notes that insufficient information is provided for the purposes of qualifying the protection details as inadequate or ineffective. The above consideration is particularly relevant given that the State has requested the lifting of the precautionary measures since 2020 and approximately 22 years have elapsed since the initial granting of these precautionary measures. Thus, the Commission proceeds to analyze the allegations made by the representatives under the terms of Article 25 of the Rules of Procedure:

- i. The Commission notes that the representatives only presented information on 3 of the 11 persons for whom it was expressly requested to provide it in 2016: Andrés Mauricio Ortiz Nieto, Iván Madero Vergel and Abelardo Sánchez Serrano. The alleged facts regarding these people date back to 2019 and 2020, with approximately more than 2 years having elapsed without subsequent information on their situation. Regarding the other persons, no additional information has been identified in the last 6 years, counted since 2016. The Commission also does not have information that indicates the reasons why it failed to provide information regarding them, despite the fact that it was expressly requested by the IACHR. Also, no information is identified that allows us to know if such persons had ceased to be members of the organization.
- ii. Regarding the new persons that are reportedly members of the organization, or of the organization in general (see *supra* paras. 13 and 15), the Commission notes that the information focuses on events that occurred in 2019 or early 2020. Subsequent to these events, the Commission was not informed of the occurrence of facts against it. Following the request for information requesting comments on the State's request to have the measures lifted, the Commission notes that the representatives did not respond or provide a response. Thus, it is observed that approximately two years have elapsed without information from the representation, despite having been informed of the State's request to lift these precautionary measures.
- iii. Regarding the protection schemes implemented, the Commission does not have any assessment elements to support that they are ineffective or not suitable to safeguard their rights. Although the representatives indicated that changes were made to vehicles or that more resources were required for fuel, the Commission does not have any temporary elements or details regarding such allegations, beyond the reference made by the representatives.

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- iv. The Commission notes that the representation indicated that certain persons would not have protection details. However, no detailed information was provided on such persons, for example, information to indicate whether they applied for protection at the domestic level; whether they are delaying the processing of the activation of the protection detail; whether there is a refusal to grant protection; or, in any case, the situation that accompanies them under the terms of Article 25 of its Rules of Procedure. The Commission did not receive any type of response following the forwarding of the request to have the measures lifted made by the State of Colombia.
- v. Regarding the security detail at CREDHOS headquarters, the Commission notes that there is one that is being implemented, and does not have additional elements for its assessment. Although it was indicated that some of the cameras or sensors had faults in 2020, the representation did not report whether this situation continued until today. Neither was it informed, for example, if their replacement or repair was requested and there was a lack of response from the State, or if there has been a delay in their replacement or repair. The Commission did not receive any type of response following the transfer of the request to have the measures lifted made by the State of Colombia.

25. Considering the analysis carried out, and in response to the State's request to have the measures lifted, the Commission understands, based on the information available, that there are no elements of assessment to currently meet the requirements of Article 25 of the Rules of Procedure, and that it is also possible to assess the implementation of protection measures in favor of beneficiaries over time. Therefore, the Commission considers that, according to the information available, no situation of imminent risk has been identified, while approximately more than 2 years have elapsed since the lack of information from the representation and 22 years since the initial granting of the precautionary measures. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,¹² the Commission deems it appropriate to lift these measures.

26. Finally, this decision does not imply, in any way, that the State should not continue to comply with its international obligations established in the American Convention on Human Rights, and in the light of the applicable standards. These obligations remain in force for the State given the complementary nature of the Inter-American Human Rights System. Likewise, if a new request for precautionary measures is submitted, it will be analyzed again under the terms of Article 25 of its Rules of Procedure.

V. DECISION

27. The Commission decides to lift the precautionary measures granted in favor of the members of the Regional Corporation for the Defense of Human Rights (CREDHOS), in Colombia. Previously, the Commission recalls that it lifted precautionary measures in 2016 in favor of those members of Corporación Nación, in Colombia.

28. 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 Colombia to respect and guarantee the rights recognized therein, including the life and personal integrity of the beneficiaries.

¹²/A Court H.R., Matter of Adrián Meléndez Quijano et al. Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 22, and Matter of Galdámez Álvarez et al. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24

29. The Commission recalls that the lifting of these measures does not prevent the representatives from filing a new request for precautionary measures should they consider that there is a situation that meets the requirements established in Article 25 of the Rules of Procedure.

30. The Commission instructs its Executive Secretariat to notify this resolution to the State of Colombia and the representatives.

31. Approved on August 2, 2022, by Julissa Mantilla Falcón, President; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Roberta Clarke, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary