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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION OF PRECAUTIONARY MEASURES 53/2024**

Precautionary Measure No. 395-18

Authorities and members of the Gonzaya (Buenavista) and Po Piyuya (Santa Cruz de Piñuña Blanco) reservations of the Siona People (ZioBain) regarding Colombia<sup>1</sup>

August 21, 2024

(Follow-up and Extension)

Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to issue this follow-up resolution on precautionary measures pursuant to the provisions of Article 25 of its Rules of Procedure. The IACHR acknowledges the actions implemented by the State in this matter. However, it emphasizes that the situation that places the beneficiaries at risk continues to exist, making it necessary to reinforce protection measures to guarantee their rights. The IACHR also decided to extend these precautionary measures to include L.M.E.V., who advocates for the beneficiaries both at the national level and before the IACHR.

**II. BACKGROUND INFORMATION**

2. On July 14, 2018, the IACHR adopted precautionary measures in favor of the authorities<sup>2</sup> and members of the Gonzaya (Buenavista) and Po Piyuya (Santa Cruz de Piñuña Blanco) Reservations of the Siona Indigenous People (ZioBain), located in the municipality of Puerto Asís, department of Putumayo, Colombia. The beneficiaries were found to be under threat, subject to harassment, and vulnerable to multiple forms of violence attributed to armed actors within their territory.

3. Pursuant to the provisions of Article 25 of the IACHR Rules of Procedure, the Commission requested that Colombia: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the identified Siona authorities and the families of the Siona Gonzaya and Po Piyuya Reservations; b) implement culturally appropriate protective measures, ensuring that the identified Siona authorities and the families of the Siona Gonzaya and Po Piyuya Reservations can reside safely in their territory without facing violence, threats, or harassment. These measures could involve the security forces intensifying their efforts or adopting more comprehensive and coordinated strategies. For example, ensuring safe transportation for cultural traditions and livelihood activities; removing, or confirming the absence of, explosive materials in their territories; preventing the recruitment of youths; and strengthening emergency response measures; c) implement culturally appropriate measures to protect the life and integrity of the identified Siona authorities to allow them to fulfill their mandate according to their own governance systems; d) consult and agree upon these measures with the beneficiaries and/or their representatives, while respecting their decision-making processes and self-governance systems; and e) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.<sup>3</sup>

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

<sup>2</sup> The beneficiary authorities are: MAEY, AEOJ, MLPY, HPY, PAMY, and DJPC, FLPM, HAMC, JOPM, EJYV, AMP, JFP, HVYV, FJPO, and JEL (members of the territorial guard of the Buenavista and Piñuña Reservations); Cf. Inter-American Commission on Human Rights (IACHR), [Resolution 53/2018](#), Authorities and members of the Gonzaya (Buenavista) and Po Piyuya (Santa Cruz de Piñuña Blanco) Reservations of the Siona Indigenous People (ZioBain) regarding Colombia, July 14, 2018, para. 35.

<sup>3</sup> Inter-American Commission on Human Rights (IACHR), [Resolution 53/2018](#), Authorities and members of the Gonzaya (Buenavista) and Po Piyuya (Santa Cruz de Piñuña Blanco) Reservations of the Siona People (ZioBain) regarding Colombia, July 14, 2018, para. 3 (Available only in Spanish).

4. Amazon Frontlines, the Center for Justice and International Law (CEJIL), the “José Alvear Restrepo” Lawyers’ Collective (CAJAR), the Consultancy for Human Rights and Displacement (CODHES), M.A.E.Y. and F.P.O. (indigenous leaders) exert representation before the Commission.

**III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES HAVE BEEN IN FORCE**

5. During the time the precautionary measures have been in force, the Commission has followed up by requesting information from both parties, as well as carrying out six working meetings,<sup>4</sup> and two public hearings.<sup>5</sup> In this regard, communications from the parties and from the IACHR have been registered on the following dates:

	<b>State</b>	<b>Representation</b>	<b>IACHR</b>
2018	July 30 and 31, and September 7	July 24, and December 8 and 10	July 17, and August 28
2019	February 8, June 18 and September 3	January 25; April 9; July 11; August 16 and 29; October 21, November 5, 6, 8, and 13; and December 23	January 4 and 29, February 11, April 9, May 29, August 15, September 20, and October 11
2020	February 10, July 16, and August 3	January 27, April 17, May 12, June 22, July 22, and September 23	January 28, May 18, June 8, and July 2
2021	October 1, November 29, and December 7 and 16	January 6, April 21, May 28, September 23, October 11, December 7 and 15	April 30, July 7, November 30, and December 3
2022	April 25, and July 11 and 21	January 28, April 13 and 25, June 1, July 26, September 20, and December 12	April 8, May 27, June 27, and July 15
2023	July 7 and 22, October 17, and November 17 and 22	March 17; June 28; July 18 and 26; August 16; September 17, 19, 20, 22, 27, 28, and 29; October 6; and November 14	March 16; June 9; June 11 and 20; August 7; September 19, 20, and 27; October 4; and November 6
2024	May 15 and June 17	February 5, and April 1 and 19	April 19

**A. Information provided by the representatives**

**1. Alleged facts**

6. Between 2018 and 2021, the representation detailed specific events against the beneficiaries, which were attributed to the illegal armed groups operating in their territory. Among the events reported over time, the following stand out: death threats; pamphlets with threats; being followed; kidnappings; declarations of “military objectives” (in particular to the community leaders); intimidation and threats related to the sale of land, and cultivation and sale of coca to one of the illegal armed groups; disappearances; displacements of families; detonation of mines and presence of explosive material in the territory (with new facilities of anti-

<sup>4</sup> The meetings were held on February 12, 2019 during the 171st Period of Sessions, on November 13, 2019 during the 174th Period of Sessions, on July 9, 2020 during the 176th Period of Sessions, on December 17, 2021 during the 182nd Period of Sessions, on April 26, 2022 in the framework of the IACHR on-site visit to Colombia, and on July 10, 2023 in the framework of the 187th Period of Sessions.

<sup>5</sup> On March 24, 2021, within the framework of the 179th Period of Sessions, the representation of these precautionary measures intervened in the thematic hearing on the human rights situation of cross-border indigenous peoples in the context of the COVID-19 pandemic in Ecuador, Colombia, and Peru (IACHR, 179th Period of Sessions, Situation of the Human Rights of Transboundary Indigenous Peoples in the Context of COVID-19, March 24, 2021, Available only in Spanish). On November 6, 2023, in the framework of the 188th Period of Sessions, the Commission held a thematic hearing on ‘Colombia: Impacts of the violence and the conflict on the human rights of the inhabitants of Putumayo’ in which aspects related to this precautionary measures were addressed (IACHR, 180th Period of Sessions, Colombia: Impacts of violence and conflict on the human rights of inhabitants of Putumayo, November 6, 2023, Available only in Spanish).

personnel mines); confinement of families and social control activities; raids, withholdings of goods (such as houses, community huts, or boats), occupations of community areas (such as Community Assemblies), and movement prohibitions (including river transit); demands to mobilize against anti-narcotics operations; recruitment of indigenous youths; and people reportedly injured or killed within the framework of clashes between illegal armed groups (who seek control of areas, such as the Putumayo River).<sup>6</sup> This reportedly prevented the beneficiaries from performing spiritual protection and governance activities (yoko and yagé ceremonies) and livelihood activities (hunting, fishing, and gathering). [Yagé is a traditional Amazonian brew with hallucinogenic effects, used in indigenous spiritual and healing rituals, while Yoko often refers to a type of psychoactive substance or a particular plant used in traditional rituals and healing practices].

7. The representation also warned that there was a reported increase in coca crops in the territory of the Reservations, due to the entry of “settler farmers” who deforest and establish commercialization agreements with the illegal armed groups. The representation questioned the inconsistent presence of security forces, their forced eradication of coca crops, and their patrolling and military intelligence activities. In general, it considered that the State does not have control in the area of Bajo Putumayo, Colombia.

8. In 2022, the representation reported on the reconfiguration of the armed conflict in the area, which allegedly led to the re-mining of previously intervened and demined areas. In 2023, it was reported that there was a dispute over land corridors and river routes for cocaine production and trafficking between Colombia, Peru, and Ecuador involving armed groups. In Putumayo, 81 murders were reported in 2022, 15 of which were against indigenous people. In late April 2023, F.P.O. reportedly received information about a death threat against him. Since September 15, 2023, clashes have been reported in areas near the Reservations between two armed groups. This allegedly resulted in the displacement of 164 people in the Buenavista Reservations; and situations of confinement, displacements, suspension of mobile and internet connections, and presence of explosives. On October 6, 2023, it was reported that 32 families from the Reservations were displaced, and 233 families were confined. The representation stated that an armed group reportedly maintains security cordons around the Buenavista Reservation.

9. On December 1, 2023, M.A.E.Y. was warned that he should leave the territory because his life was in danger. On December 2, 2023, information reveals that an armed group present in the area prepared a list of people to target in December. The list includes M.A.E.Y and F.P.O., and the defender L.M.E.V. On December 24, 2023, the protection detail in favor of M.A.E.Y. informed him that there was an order to assassinate him. On the same day, F.P.O. had to leave the territory due to threats. In 2024, it was reported that confrontations continued between armed groups in the territories of the middle and lower Putumayo. Threats, targeted homicides, forced displacements, child recruitment, and confinement of the population continued.

10. In January 2024, members of the armed groups stated that the assassination orders against M.A.E.Y. were still active and that he should step down from office. On January 22, 2024, four families were forcibly displaced. On February 11, 2024, during a community assembly at the Buenavista Reservation, some community members were intimidated and a new political authority aligned with the interests of one armed group was installed.

## **2. Concertation actions**

11. In 2018, the representation reported that the Siona People had reportedly refused to allow Ministry of Defense personnel to enter the territory because they believed their presence would increase the

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<sup>6</sup> The representation reported the rape of an underaged girl. The perpetrator was going to be punished “directly” by the armed group, and the communities opposed it to avoid impunity.

risk. The representation communicated that they did not agree with the proposal for the implementation of the precautionary measures submitted by the Ministry of Foreign Affairs.<sup>7</sup>

12. The first conciliation meeting was held in the Buenavista Reservation from August 6 to 9, 2019. It was reported that the Siona People's assembly reportedly decided to terminate the meeting because the State representatives did not have the capacity to make decisions or allocate resources. Additionally, the reluctance to apply an ethnic differential approach was highlighted. The representation noted obstacles in communicating with the Ministry of National Defense, including (i) the insistence on the militarization of community spaces, (ii) the violation of indigenous autonomy, (iii) the disregard for protection provided by indigenous guards, and (iv) the failure to uphold commitments made in an August 2017 meeting regarding a protocol for interaction and preventive actions to regulate the actions and entry of law enforcement into indigenous territories

13. In 2021, the representation reported that the Ministry of Foreign Affairs excluded entities from the environmental, territorial, and mining-energy sectors from the consultation process, based on an interpretation that these entities were not relevant to the scope of the precautionary measures. It was noted that the State is reportedly not open to adopting measures of a non-material nature. In 2022, it was alleged that the measures provided by the National Protection Unit (UNP) were inadequate in both material and cultural terms. The representation stated that negotiations for possible agreements between 2020 and 2021 were not successful because there was substantial reduction in the monetary allowances allocated for this purpose under the pretext of previous provisions. On May 19, 2022, a meeting was held which reportedly covered the need for adopting culturally appropriate and effective protection plans, issues related to humanitarian demining and re-mining of the area, the establishment of communication routes, new recruitment methods, construction of shelters, spiritual protection of the territory, attempts by non-indigenous third parties to appropriate land for illicit crop cultivation, installation and maintenance of yagé plantations, construction of docks, and the potential organization of a high-level working meeting. The Siona People proposed measures of a material and non-material nature.<sup>8</sup>

14. The representation states that the parties held conciliation meetings on June 15, 2022; June 24, 2022; August 30, 2022; November 12, 2022; and February 15, 2023. The representation reported that on December 27, 2022, the Committee for the Assessment of Risks and the Recommendation of Measures (CERREM) held a session to reassess the risk level faced by the Siona People. On September 6 and 8, 2023, a working meeting was held in the city of Bogotá to follow up on the implementation of these precautionary measures. The representation noted that during this meeting, they raised concerns about the proximity of armed groups. However, they were told that, according to the armed forces' intelligence reports, this was not

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<sup>7</sup> The proposal included holding a one-day meeting in the city of Puerto Asís with the participation of Delegates of the representation and beneficiaries, with the assistance of officials from the following entities: National Protection Unit, Decontamina Colombia, Ministry of National Defense, Presidential Council for Human Rights and International Affairs, Directorate of Human Rights and Directorate of Indigenous Affairs, ROM and minorities of the Ministry of the Interior, Office of International Affairs of the Ombudsperson's Office, and Delegate Attorney for the Defense of Human Rights.

<sup>8</sup> The proposed material measures included the construction of think tanks; installation of yagé and medicinal gardens; construction, equipping, and maintenance of Siona protection houses for individuals at imminent risk; humanitarian demining in the territory, especially in re-mined areas; construction of shelters and training for the Indigenous Guard; construction, equipping, and maintenance of protection houses for the physical and cultural safeguarding of children and adolescents at risk of recruitment; ensuring connectivity for communications along with equipment for its use; community lighting systems in open spaces; community alarms and sirens; renewal of the agreement with the National Protection Unit; installation of docks for mobility and evacuation; and installation of delimitation fences, signage, and territorial protection. Regarding measures of an immaterial nature, the following was proposed: guarantee the practice of spiritual protection of the territory through the guidance of taitas (respected elders) and abuelas (elder women or female traditional authorities), providing them with the necessary support to fulfill their roles, this measure includes the assurance of economic guarantees so that the elders can carry out their activities; transmission of cultural practices of self-protection with children and adolescents of the ethno-educational institutions; guarantees of survival against the risk of confinement, this includes the environmental zoning of the territory for the sustainable use of resources as a means of food security with the support of an interdisciplinary team of professionals; financing of verification and socio-environmental monitoring tours of these areas; and, culmination of the processes of territorial sanitation and legalization through judicial processes.

true. The lack of coordination among government agencies and the absence of officials with decision-making authority were also noted as significant issues. On October 25, 2023, a Transitional Justice Committee chaired by the mayor of Puerto Asís was held. In this context, the security forces stated that there is no confinement in the area, which implies that the proposed security detail for the rural area of Puerto Asís would not be approved.

### **3. Implementation of precautionary measures**

15. In 2019, the representation raised concerns about the State's implementation of the precautionary measures, citing issues such as: (i) the appointment of security agents who do not align with the belief system and structure of the indigenous authorities, discriminatory requirements against proposed indigenous guards, inadequacies in the assigned vehicle, restrictions on the mobility of protected indigenous authorities, and the failure to provide cell phones and satellite communication; (ii) issues with collective protection under Agreement 807-19 between the UNP and the Buenavista Reservation, including problems with reimbursement of funds, lack of a culturally appropriate and ethnic perspective by insisting on individual security guards, claims that purchased goods belong to the UNP, and uncertainty about the continuation of the agreement; and (iii) the continued militarization of community spaces, infringement on indigenous autonomy, and disregard for the differential protection offered by the indigenous guard. In addition, the representation reported on disciplinary complaints made in July 2019 before the Office of the Attorney General (PGN) for non-compliance with obligations by state entities. The representation argued that the State has a narrow interpretation of the precautionary measure.

16. The representation noted that the anti-personnel landmine risk education project proposed by the State was presented in April 2020, after the health emergency due to the pandemic had been declared, which made it impossible to achieve the project's goals. In the context of humanitarian demining, it was reported that in the Santa Cruz de Piñuña Blanco Reservation, while some community identification efforts were initiated, no activities related to clearing and marking areas, deactivating explosives, or educating about the risks of unexploded ordnance were carried out. According to the representation, the State did not send a response regarding their proposals for protection measures. The representation indicated that, in February 2020, they sent information regarding safe evacuation areas, the proposed installation and material costs and the determination of the spaces that require lighting, but the State did not send their response. Regarding the collective protection measures from the UNP, the representation noted the absence of legal certainty stemming from the lack of a deed of donation or effective transfer of the resources given to the community. Similarly, the representation warned that there were no activities to strengthen the indigenous guard.

17. In 2021, regarding the protection measures, the representation reported that the UNP provided a vehicle and a resource for river transport in December 2020. However, it was also noted that the collective protection roadmap approved by CERREM on July 3, 2020, was not being implemented. In addition, and despite the existence of a court order, in 2020 the agreement for the strengthening of the guardianship systems itself was not implemented. It was reported that, in the review of the implementation of the agreement carried out by CERREM on December 4, 2020, the indigenous authorities decided to leave the session due to excuses regarding budget availability and the lack of attention to the proposals submitted since February 2020. Regarding the individual protection measures available to some of the indigenous leaders, three written complaints were submitted to the UNP due to the inadequacy of the individual protection detail and the poor condition of the assigned vehicle.

18. In 2022, the representation indicated that the Ministry of Defense carried out compliance actions with Siona communities that are not beneficiaries of the precautionary measure. They added that there are also no concrete results of the structural investigations, working groups, security councils, and territorial transitional justice committees that the State is allegedly carrying out. It was reported that none of the measures recommended by CERREM had been implemented in the Reservations. According to the representation, the UNP budget cuts affected the funds of the protection detail. The representation noted that



both the community and the Indigenous Guard require changes, replacements, or repairs. Additionally, the measures in place are described as not culturally appropriate, as they allegedly fail to acknowledge the spiritual protection role traditionally provided by the elders.

19. Regarding the implementation of the proposed material and non-material measures, the representation indicated that there had been no real progress to date and that their execution reportedly continues to depend on the institutional offer and state proposals, which fail to guarantee a differential ethnic approach. Additionally, the representation highlighted that there has been no progress in disciplinary complaints and criminal proceedings on acts of risk and affectation.

20. On September 23, 2023, a medical mission was carried out, composed of representatives of various state entities, which reportedly aimed to deliver humanitarian aid kits. The representation reported that officials indicated that they allocated half of the resources for food kits based on the community censuses, due to financial constraints. Subsequently, on October 6, the Unit for the Attention and Integral Reparation to the Victims (UARIV) reportedly delivered 137 food kits and 20 cleaning kits to Buenavista, as well as 121 food kits and the same amount of cleaning kits to Piñuña Blanco. The representation noted that, in Buenavista, 117 hygiene kits were missing since they were mistakenly sent to other communities. On September 23, 2023, a medical brigade reportedly provided health care to 83 people in the Buenavista and Piñuña Blanco Reservations. On September 29, 2023, a request was made to the UNP for emergency protection for the collective route and individual route for the leaders of the Reservation. On October 6, 2023, humanitarian aid was secured through UARIV, and commitments were made to advance with an ethnic approach and ensure the continuity of aid. However, the commitments were not fulfilled. On December 23, 2023, the UNP indicated that it was conducting a collective risk assessment regarding the Piñuña Blanco Reservation and it has decided to conduct a reassessment regarding the Buenavista Reservation due to supervening events. Regarding individual measures, it was reported that F.P.O. has a security agent and an armored vest; and M.A.E.Y. has two protection agents, a vest, and a vehicle. The representation argued that the measures were insufficient and did not adequately consider the differentiated ethnic perspective or address the situation of displacement. On January 24, 2024, the UNP reported that individual and collective risk reassessments had been completed and were awaiting review by CERREM.

#### **4. Request for extension of precautionary measures in favor of L.M.E.V.**

21. In 2022, the representation referred specifically to the situation of Ms. L.M.E.V., who is a human rights defender. The representation indicated that, in her work, she provides legal support and representation for the Siona People in various instances simultaneously with the work before the Inter-American Commission, for example, before the Special Jurisdiction for Peace (JEP) or before the land restitution judges. The representation indicated that this work has led the actors in the area to identify it as an obstacle to their interests.

22. On March 4 and April 3, 2022, L.M.E.V. was reportedly confronted by members of the communities who warned her that her life was at risk due to her work, which was causing discontent among the armed groups operating in the area. The representation warned that armed actors had publicly announced their intention to target the defender in order to “remove her from the equation.” It was reported that Ms. L.M.E.V. had received warnings from credible sources indicating that “they are going to make her turn” (a colloquial expression used to indicate an attack), or that “they already have her wreath of flowers ready” (a colloquial expression used as a death threat). On October 6, 2023, the representation stated that while in a community, L.M.E.V. was approached by members of an armed group who allegedly told her that “her luck was running out.” The representation recalled that these threats limit the work of the human rights defender in the territory of Buenavista. On July 26, 2023, the representation reiterated the request for the extension of the precautionary measures due to the threats that L.M.E.V. had allegedly received from armed actors operating in the lower Putumayo area. The representation indicated that the death threats allegedly targeting the defender

were connected to the proceedings before the JEP. The representation indicated that this connection is evident from the increase in threats during March and April 2022, which coincides with the hearings, and in May 2022, when the Mandate Law restricting coca cultivation in the Buenavista territory was approved.

23. On January 27, 2023, this case was presented at the CERREM session, where, based on the information provided by the Technical Risk Assessment Body (CTAR), the risk level was confirmed as extraordinary, and protective measures were recommended. In this regard, on March 22, 2023, the UNP issued Resolution No. 1782 by which it resolved to implement an armored vest, a means of communication, and river transportation support in the amount of one legal monthly minimum wage in force (SMLMV), which is in effect for 12 months from the date of implementation. In this regard, the representation stated that an appeal for reversal was filed due to the inadequacy of the measures that were ordered. The representation indicated that it did not provide for an adequate contribution to cover the costs of river transportation (which amounts to approximately three monthly minimum wages); it also refused to provide support for land mobilization for entry into the territory; and would not adopt a security detail with a differentiated ethnic approach. On December 27, 2023, a risk reassessment was conducted, but no new measures were reported to be implemented.

24. In December 2023, it became known that Ms. L.M.E.V. was on a list of people an armed group present in the area intended to attack. Between December 7 and 16, 2023, monitoring was observed near the proposed beneficiary's residence and office. Due to the threats, Ms. L.M.E.V. has been in a situation of displacement since December 22, 2023. On January 2, 2024, it was reiterated the order to assassinate Ms. L.M.E.V. and M.A.E.Y. The proposed beneficiary reportedly contacted the Office of the High Commissioner for Peace (OACP) of Colombia, which advised her that the threat against her life remains and recommended that she should not return to the area.

## **B. Response from the State**

### **1. Concertation actions**

25. In 2018, the State reported on the process of agreement and implementation of the precautionary measures, which included a series of inter-institutional approaches and meetings throughout the year, on July 31, August 16, August 17, and September 4, 2018. The State also indicated that a proposal for the implementation of the precautionary measures had been prepared and would be sent to the applicants and beneficiaries for analysis. In 2019, the State cited several issues that allegedly prevented the organization of a follow-up and consultation meeting. These included disagreements over the meeting's location, budget, the presence of the Defense Sector in the ancestral territory, and the scope of the precautionary measures.

26. On August 8, 2019, the initial consultation activity was conducted. The State stated that a conducive environment for consultation did not exist, as the indigenous authorities reportedly informed the public officials that, as they were in their territory, they should adhere to their conditions. Some members of the Indigenous Guard allegedly tried to physically retain delegates from the Ministry of the Interior by stating that they were not authorized to sign the minutes of the meeting. The meeting reportedly ended abruptly due to a unilateral decision of the beneficiaries. Subsequently, the beneficiaries reportedly demanded to hold a new consultation meeting from September 14 to 17, 2019, demanding the presence of several officials of public entities at the ministerial and managerial level, and without the presence of the security forces. Due to disagreements regarding the implementation of the precautionary measures, the State specified that: (i) actions taken by the security forces were not coordinated due to a lack of willingness from the beneficiaries, even though these actions fall within their competencies under domestic law; (ii) the UNP and the OACP have implemented individual and collective protection measures with a differential approach; (iii) state provisions are limited to what is established in domestic legal frameworks and the budgetary constraints of each entity; (iv) the State categorically requested that beneficiaries and their representation ensure that dialogue and any meetings are conducted with respect, cordiality, and a conciliatory attitude; (v) while acknowledging the

environmental and territorial issues affecting the Siona Indigenous People, the State believes these are not covered by the precautionary measures.

27. In 2020, the State reported that a consultation meeting was held on December 17, 2019. A new meeting was agreed on February 27, and some entities committed resources for the implementation of the requested measures. The State expressed its willingness to coordinate actions between the indigenous authorities and the National Comprehensive Program for the Substitution of Illicit Crops. In 2022, two bilateral meetings were held in virtual format between the Foreign Ministry and the applicant organizations, on May 19 and June 15, 2022. During these meetings, the Ministry of Foreign Affairs reportedly committed to organizing working sessions with delegates from specific entities and to convening inter-institutional meetings aimed at advancing the proposals made by the beneficiaries for implementing the precautionary measures. In that sense, two working meetings were held on June 24, 2022. The State forwarded information related to the actions that were agreed in favor of the implementation of these precautionary measures.

28. In 2023, the State reported that between September 6 and 8, 2023, consultation meetings were held. The representative allegedly presented an updated version of the system of proposals for material and non-material measures. In this sense, agreements were reached on the entities responsible for the implementation of the aforementioned measures. However, other points are still under negotiation, including the renewal of the protection agreement between the UNP and the Reservations,<sup>9</sup> the construction, provision, and maintenance of a Siona protection house, and humanitarian demining in the territory, among others.

## ***2. Implementation of precautionary measures***

29. In 2019, the State presented information on the actions taken by various government entities to comply with the precautionary measures. The following activities were mentioned: (i) coordinated training sessions on human rights, collective rights, sexual rights, gender-based and domestic violence, youth issues, self-governance and justice, and organizational strengthening; (ii) a workshop held on September 8 and 9, 2018, to address the strengthening of the organizational system, customs and traditions, and autonomy as inherited from ancestral elders; (iii) an interinstitutional meeting with the beneficiaries on September 13, 2018; (iv) a bilateral meeting between the Foreign Ministry and representation on October 23, 2018; (v) interinstitutional meetings on September 6, October 12, and October 22, 2018, focused on a proposal for agreement and analysis of financing alternatives; (vi) increased river patrols along the Putumayo River by the Marine Infantry; (vii) military control of the area; (viii) military operations aimed at combating drug trafficking and protecting the environment; (ix) preventive security measures implemented by the national police—including patrols, rounds, and police checks at the residence and workplace of two leaders of the community; (x) implementation of the collective protection plan for various communities in the Department of Putumayo; (xi) exchange of information and coordination between the military forces and the national police; (xii) coordinated actions taken for humanitarian demining of the area; and (xiii) the National Environmental Licensing Authority reported on prior consultation processes with indigenous communities as part of the environmental licensing process for extraction projects, as well as the determination of existing environmental licenses in the territories. In addition, information was provided on Agreement 807-19 of August 21, 2019, between the UNP and the authorities of the Siona Community of the Buenavista Reservation. The objective of the agreement was to reportedly combine human, economic, technical, and logistical efforts to develop and implement precautionary measures and protection measures granted at the domestic level.

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<sup>9</sup> The State reported that the agreements signed between the National Protection Unit (UNP) and the Reservations aim to pool human, economic, technical, and logistical efforts between the Reservations and the UNP. The goal is to develop a work proposal for the UNP, which includes a Protection Plan to ensure the implementation of precautionary measures, as well as the protection measures recommended by CERREM for indigenous leaders and traditional authorities who have historically been targets of threats and violent behaviors by armed conflict actors, applying a collective and differential approach.



30. In 2020, the State reported the beneficiaries' alleged non-compliance that was reportedly hindering the implementation of the precautionary measures, such as the failure to submit information on safe evacuation zones, on the detailed proposals for the installation of 20 fences and on the remission of the coordinates of the spaces that require community lighting and the number of homes that lack energy solutions. The State highlighted the military operations carried out within the framework of the plan called "Heroes of Freedom" (*Héroes de Libertad*), to dismantle Organized Armed Groups operating outside the law (GAO). In 2020, two defensive operations, six territorial control operations, and six security and defense operations were conducted to protect the civilian population, including indigenous and farming communities. These resulted in 13 arrests, the eradication of 188 hectares of illicit crops, the seizure of 655 kg of coca paste and the destruction of four laboratories. Lastly, it was stated that no progress had been made in humanitarian demining due to mobility restrictions caused by the health emergency. Fourteen areas were identified for the demining process: 10 areas in Puerto Silencio, one area identified in the Buenavista Reservation and three areas demarcated in the Piñuña Reservation (Santa Cruz de Piñuña Blanco). In 2020, the rape of a teenage girl was reported. The arrest of B.C.Q. was carried out via court order for the crime of carnal abuse with a 14-year-old girl.

31. In 2021, the State presented information about several meetings held by the Human Rights Coordination of the Ministry of Defense with the community and inter-institutional meetings to address security and prevention issues (Early Warning). In addition, it indicated that the Criminal Investigation Section (SIJIN), in collaboration with the National Office of the Attorney General, had conducted a structural investigation against the members of GAO-r 48, a group that affected the communities of the municipalities of Puerto Asís, Puerto Guzmán, Puerto Caicedo, and Valle de Guamez. The mayor's office reported the delivery of biosecurity elements to the Siona de Buenavista Reservation and agreements to build a new health post in Puerto Silencio. Regarding the *Casas de Pensamiento* [Centers for preserving and promoting indigenous cultural and spiritual traditions], the State indicated that it was in the structuring phase of the project. Regarding the demining process, the State reported that, although the operations had been authorized to resume, access was restricted in 2021 due to community protests and road blockages. It was also reported that in previous years, equipment such as boots, flashlights, tents, among others, as well as two GPS devices and a boat with outboard motors, were provided. Lastly, the State presented information about the risk assessment processes in both Reservations. Regarding the risk assessment of the Siona Santa Cruz de Piñuña Indigenous Reservation, the CERREM was performed on July 3, 2020 and resulted in an extraordinary risk as stated in Resolution No. 6884, dated November 6, 2020. Regarding the Buenavista Pueblo Siona Indigenous Reservation, the result was an extraordinary risk as stated in Resolution No. 4611, of July 25, 2017, and was followed up by Resolution No. 9182, of November 7, 2018.

32. In 2022, the State provided details on the implementation actions agreed upon with the representation and the beneficiaries. Regarding the installation of yagé and medicinal chagras, the State updated that the project is in the formulation and pre-feasibility phase and is 80% complete in the Bo Piyuya (Piñuña Blanco) Reservation. Regarding the structuring of the project in the Gonzaya Reserve (Buena Vista), three meetings were held with the beneficiaries. Given the transnational nature of this project, which spans Colombian and Ecuadorian territories, a census was requested from the beneficiaries to indicate the number of families with crops in Ecuadorian territory. This information has not yet been provided to the State. The State has identified a site for the construction of a Siona protection house. In response to the demining actions, it was indicated that the operations are currently in progress and were estimated to be completed by December 31, 2023. The State informed that, to construct a shelter and guard training center, the beneficiaries must submit a preliminary project, which has not been received despite the fact that the request dates back to 2020. Regarding connectivity guarantees, the installation of digital centers in the Buenavista Reservation was scheduled to begin on July 1, 2022, with an anticipated completion date of November 30, 2023. Efforts to contact the authorities of the Piñuña Blanco Reservation to determine the exact location of the project were unsuccessful. The projects for the community lighting systems are in an alleged redesigning phase. To install community alarms and sirens, the Mayor's Office of Puerto Asís is reportedly in charge of awarding the contract for the construction of the project.

33. Regarding the allocation of material measures for collective protection, the State reported that a technical risk assessment is necessary, following the procedure established by Article 2.4.1.5.7 of Decree 1066 of 2015. In addition, the collective protection route should be followed for the renewal of the agreements between the UNP and the Buenavista and Piñuña Blanco Reservations. In relation to the construction of three river docks, the State stated that the execution contract had been suspended at the request of the community of the Buenavista Reservation. Regarding the installation of fences, the State affirmed that 20 of them were allegedly installed in the Buenavista Reservation and 25 in the Piñuña Blanco Reservation. Regarding the non-material proposals, the State indicated that, in the transmission of cultural practices of self-protection with children and adolescents (NNA), four new workshop schools were created and 200 school workshops were implemented between 2019 and 2022. The State reported that it is in the process of signing a contract to strengthen the community education project. Its purpose is to strengthen the community education project of the Siona People, whose executors are members of the Siona organization.

34. Regarding the security efforts carried out by the public forces, the State noted that these are allegedly conducted on the periphery of the Reservations since the community authorities refuse the entry of military personnel into the Reservations. In the first quarter of 2022, the 27th Jungle Brigade of the National Army reportedly deployed nine military operations and attended security councils. In addition, this military unit provided training to indigenous communities and carried out loudspeaker broadcast actions in order to prevent forced recruitment. Furthermore, the National Navy's Southern Naval Force allegedly performs river operations in the area of focused action corresponding to the municipality of Puerto Asís. These actions led to arrests, seizures of weapons, supplies, cocaine, and coca base in processing.

35. In 2023, the State reported that the authorities became aware of the public order and safety situation in the area. It was noted that 444 people from the Siona Buenavista community, comprising 108 families, were displaced, and 269 people from the Santa Cruz de Piñuña Blanco community, or 121 families, were also displaced. It was also reported that six other communities were affected and 256 people were displaced as a result. Regarding the public order and safety situation, the State indicated that on September 26, 2023, the Territorial Coordination Subdirectorates of the Colombian Institute of Family Welfare (*Instituto Colombiano de Bienestar Familiar*, ICBF) presented a remote assistance proposal to help beneficiaries in the rural area of Puerto Asís Municipality amid the escalation of the armed conflict in the region. The approval for the implementation of this proposal is pending. It was also warned that the delivery of 450 food units were to be coordinated within the framework of the verification mission to be executed on September 23, 2023. Additionally, the State indicated that the UARIV would provide two 50-unit housing kits, as well as 19 type A and B food kits, depending on the number of members per family. The State showed that the Public Prosecutor's Office conducted individual interviews with households affected by the mass displacement event. In response to the events reported, aerial reconnaissance of the affected area was allegedly carried out, as well as two military operations, five security councils, five inter-institutional work plans, 23 integrated action activities, and 11 training sessions. However, it was reported that after coordination with the Reservation authorities, the request to stay away from the territories due to the possible risk of confrontations with armed groups was complied with. The State also reported that the National Police has set up prioritized checkpoints on the roads leading to the docks in Puerto Asís and has conducted monitoring and inspections at the "Casa Campesina" facility, where members of the Siona indigenous community are located.

36. Regarding the investigations, in November 2023, the State indicated that interjurisdictional coordination meetings were held to promote cases or situations that affect the indigenous peoples of Putumayo. The State reported that four investigations are currently active. These involve beneficiaries as victims of the following crimes: aggravated violent carnal abuse, aggravated carnal abuse, judicial fraud due to violations of territorial and collective rights by the company Amerisur, and the use of minors in criminal activities due to the illegal recruitment of minors. The investigation into the crime of aggravated violent carnal abuse resulted in a conviction on May 23, 2022. Additionally, it was reported that there are two active investigations for the crime of threats.

37. In 2024, the UARIV stated that there are 628 records of victims of the armed conflict. The UARIV has reportedly granted economic resources to temporarily mitigate the deficiencies derived from the victimizing event in the temporary housing and food components. It was also stated that the Ministry of Education signed an educational administration contract with the Association of Indigenous Councils of the Siona Nicani Eja Ganteya Huejob People. The National Risk Management Unit (*Unidad Nacional de Gestión de Riesgo*, UNGR) reported that an agreement was reached with the Reservations regarding the alert system and that it is available for the conceptual design of the *Casas de Pensamiento* previously agreed upon. In the same sense, it was noted that in December 2023, two docks were delivered, one in Buenavista and the other in Piñuña Blanco. The UNP stated that a risk assessment is being carried out regarding the Buenavista Reservation.

**3. State response to the request for extension of precautionary measures in favor of L.M.E.V.**

38. On July 21, 2022, the State indicated that L.M.E.V. did not initiate the personal protection route offered by the UNP. However, the State added that she could meet the requirements to be eligible for the protection program of the mentioned entity. Moreover, the State noted that no investigation had been found regarding the threats reported by the proposed beneficiary. On November 22, 2023, the State indicated that the modification of the protection measures must respond to a risk assessment study in accordance with the timing and the events that occurred. In this context, the State clarified that the beneficiary of the protection measures must explain to the analyst why the economic support from the entity is deemed inadequate. In 2024, the State stated that L.M.E.V. has protection measures from the UNP consisting of a bulletproof vest, a means of communication, and river transport support.

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

39. The precautionary measures mechanism is part of the Commission’s functions of overseeing Member States’ compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the 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.

40. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly stated that precautionary and provisional measures have a dual nature, one protective and the other precautionary.<sup>10</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>11</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>12</sup> Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study

<sup>10</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 (Available only in Spanish).

<sup>11</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>12</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).

by the organs of the inter-American system. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>13</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

41. With regard to the foregoing, 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 the precautionary measures in force. In this regard, the Commission shall assess 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 comply with the requirements outlined in Article 25 of its Rules of Procedure. Similarly, through Resolution 2/2020,<sup>14</sup> the Commission decided that it could adopt Follow-up Resolutions in certain matters.

42. Following the granting of the precautionary measures, the Commission carried out various actions, in accordance with its mandate, with a view to guaranteeing the effective implementation of these precautionary measures and seeking the protection of the beneficiaries. In this regard, it has requested information from the parties, convened working meetings with them, and held thematic public hearings addressing the situation subject to the current precautionary measures. As part of these actions, the Commission has requested specific and concrete information on the situation of the beneficiaries and has accompanied the implementation process. In addition to these follow-up actions, the Commission decides to issue this *Follow-up and Extension Resolution* as an additional action to assess the current situation and promote the protection of the beneficiaries.

43. In analyzing this matter, the Commission recalls that it is not called upon to determine violations of the rights acknowledged in the American Convention and in light of the applicable standards. Given the various claims regarding the violation of the beneficiaries’ rights, particularly the right to consultation or the autonomy of indigenous peoples, the Commission considers it important to highlight that there is a Petition and Cases System, under which these issues can be analyzed, provided the legal requirements are met. Consequently, the following analysis focuses exclusively on the provisions of Article 25 of the Commission’s Rules of Procedure.

- **The applicable context and the risk of physical extermination of the beneficiaries as identified by the Constitutional Court of Colombia.**

<sup>13</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 7; [Matter of “El Nacional” and “Así es la Noticia” newspapers](#), Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; [Matter of Luis Uzcátegui](#), Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19 (Available only in Spanish).

<sup>14</sup> [IACHR, Resolution 2/2020, Strengthening of the Monitoring of Precautionary Measures in Force](#), April 15, 2020.



44. The Commission recalls that the Constitutional Court of Colombia concluded that there are indigenous peoples in Colombia who are at risk of physical and cultural extermination as a result of the armed conflict and forced displacement. The Siona indigenous people are one of the indigenous peoples identified in that situation.<sup>15</sup> The Commission recalls that the Constitutional Court of Colombia declared an “unconstitutional state of affairs” through Judgment T-025 of 2004,<sup>16</sup> regarding the population that has been displaced by armed violence in Colombia.<sup>17</sup> In Court Order 004 of 2009,<sup>18</sup> the Court stated the following:

“All those involved in this armed conflict are part of a complex war pattern that, by forcibly entering the ancestral territories of some of the indigenous peoples living in the country, has become a real and imminent danger to their very existence, [...] and to the effective enjoyment of the individual and collective rights of their members.”<sup>19</sup>

45. Subsequently, through Court Order 266 of 2017,<sup>20</sup> the Colombian Constitutional Court established that the governmental response had failed to defuse or mitigate the risks faced by indigenous and Afro-descendant peoples and communities in their territories. Consequently, the risks and effects identified in 2009 not only continued, but in some cases worsened. In 2022, the Constitutional Court recalled that the situation that the Siona People are going through is complex and extremely serious, to the point that it compromises their very existence as an indigenous people.<sup>21</sup> The Commission observes that the situation of violence in the department of Putumayo has been recognized by the Office of the Ombudsperson of Colombia, through the issuance of Early Warnings.<sup>22</sup>

46. In April 2024, the Commission carried out an *on-site* visit to Colombia. In its Preliminary Observations from that visit, the Commission identified a reconfiguration of the armed conflict following the 2016 Peace Agreements, particularly in regions where indigenous peoples, among others, predominate and where there is a weak or nonexistent State presence.<sup>23</sup> In this context, armed groups have expanded and strengthened their positions in order to control territories and illicit economies, mainly drug trafficking, illegal mining, kidnapping, extortion, and human trafficking.<sup>24</sup> This has resulted in an alarming number of murders, threats, harassment, and stigmatization, particularly against human rights defenders, social and community leaders, signatories of the Peace Accord, and journalists.<sup>25</sup> Similarly, it has led to an increase in cases of forced recruitment of children and adolescents, as well as in instances of sexual violence against women, girls, and adolescents, particularly those who are Afro-descendant or indigenous.<sup>26</sup>

47. Regarding the department of Putumayo where the beneficiaries live, the IACHR indicated the following:

“Within the framework of the reconfiguration of the conflict, armed violence has a differential impact on indigenous peoples [...]. As indicated, the different armed actors, in rural and urban territories, take advantage of the weak presence of the State in ethnic communities to control the territory. This control

<sup>15</sup> IACHR, [Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), 2013, para. 754 and footnote 1220.

<sup>16</sup> Constitutional Court of Colombia, [Judgment T-025/04](#), January 22, 2004 (Available only in Spanish).

<sup>17</sup> Constitutional Court of Colombia, [Judgment T-025/04](#), January 22, 2004, first order (Available only in Spanish).

<sup>18</sup> Constitutional Court of Colombia, [Court Order 004/09](#), January 26, 2009 (Available only in Spanish).

<sup>19</sup> Constitutional Court of Colombia, [Court Order 004/09](#), January 26, 2009 (Available only in Spanish).

<sup>20</sup> Constitutional Court of Colombia, [Court Order 266/17](#), June 12, 2017 (Available only in Spanish).

<sup>21</sup> Constitutional Court of Colombia, [Judgment T-341/22](#), October 3, 2022, para. 84 and 149 (Available only in Spanish).

<sup>22</sup> See in this regard: Ombudsperson's Office, [Early Warning No.013-2021, July 1, 2021; and, Ombudsperson's Office, Early Warning No. 019-2023, national early warning of risk on the work of human rights defenders, \(PDDH\), social leaders, their organizations and collectives](#), May 19, 2023 (Available only in Spanish).

<sup>23</sup> IACHR, [Preliminary Observations, On-site Visit to Colombia, April 15-19, 2024](#), page 1 (Available only in Spanish).

<sup>24</sup> IACHR, [Preliminary Observations, On-site Visit to Colombia, April 15-19, 2024](#), page 3 (Available only in Spanish).

<sup>25</sup> IACHR, [Preliminary Observations, On-site Visit to Colombia, April 15-19, 2024](#), page 3 (Available only in Spanish).

<sup>26</sup> IACHR, [Preliminary Observations, On-site Visit to Colombia, April 15-19, 2024](#), page 3 (Available only in Spanish).



affects the decisions and ancestral mechanisms of social organization of these communities through threats, harassment, disappearance, and murders of people with leadership. [...]

In this regard, the IACHR observed that indigenous peoples and communities of African descent in the departments of [...] Putumayo [...] are exposed to situations of forced displacement and mass confinement. [...]”<sup>27</sup>

48. As a result, the Commission recommended that the State establish collective protection mechanisms for ethnic communities exposed to vulnerability due to armed violence. These mechanisms should incorporate their own community self-protection methods and guarantee them a life free from all forms of violence within their territories.<sup>28</sup>

#### - **Continuity of the risk faced by the beneficiaries pursuant to Article 25 of the IACHR Rules of Procedure**

49. In this matter, the Commission observes that the situation that places the beneficiaries at risk, identified in 2018, remains in force. The information presented by both parties reflects that illegal armed actors continue to operate in the territories of the Reservations.<sup>29</sup> Threats, intimidation, declarations of ‘military objectives’, illegal occupations of community locations, armed confrontations, limitations on the free movement of Siona people, confinement, presence of anti-personnel mines or explosive devices, recruitment of youths, injured individuals, among other violent events previously assessed at the time the precautionary measures were granted, continue to occur.<sup>30</sup> The State itself has confirmed the levels of violence that the area experiences. For example, in 2023, it referred to a ‘public order and safety situation’ that involved the displacement of more than 220 families from the Buenavista and Santa Cruz de Piñuña Blanco Reservations. These events were considered a “massive displacement” of the beneficiaries.

50. The Commission understands that the reported events are part of the illegal armed groups’ actions to consolidate their presence in the Reservations and gain control over the indigenous authorities. In this regard, it has been reported that death threats are directed at individuals holding positions of authority within the Reservations. These territories are alleged areas of conflict between illegal armed groups, where the beneficiaries live. This situation reportedly undermines their ability to maintain safe conditions for their physical and cultural subsistence activities. All the elements available in the file, when considered as a whole, indicate that the ongoing armed violence, having been reconfigured, continues to impact indigenous organization and leadership even more. This also affects community life and the life plans of beneficiaries as members of an indigenous people. As was assessed at the time the precautionary measures were granted, the Commission also considers that there is a particular risk towards certain Siona leaders due to their role within the traditional, political, and guardianship system of the indigenous people.<sup>31</sup>

51. Consequently, the Commission expresses its highest and deepest concern about the levels of violence reported and which continue to affect the beneficiaries and which place them at risk under the terms

<sup>27</sup> IACHR, [Preliminary Observations, On-site Visit to Colombia, April 15-19, 2024](#), page 9 (Available only in Spanish).

<sup>28</sup> IACHR, [Preliminary Observations, On-site Visit to Colombia, April 15-19, 2024](#), page 33, recommendation 11.

<sup>29</sup> [Inter-American Commission on Human Rights \(IACHR\), Resolution 53/18, Authorities and members of the Gonzaya \(Buenavista\) and Po Piyuya \(Santa Cruz de Piñuña Blanco\) Reservations of the Siona People \(ZioBain\) regarding Colombia, July 14, 2018, para. 25 \(Available only in Spanish\).](#)

<sup>30</sup> [Inter-American Commission on Human Rights \(IACHR\), Resolution 53/2018, Authorities and members of the Gonzaya \(Buenavista\) and Po Piyuya \(Santa Cruz de Piñuña Blanco\) Reservations of the Siona People \(ZioBain\) regarding Colombia, July 14, 2018, para. 26 \(Available only in Spanish\).](#)

<sup>31</sup> [Inter-American Commission on Human Rights \(IACHR\), Resolution 53/2018, Authorities and members of the Gonzaya \(Buenavista\) and Po Piyuya \(Santa Cruz de Piñuña Blanco\) Reservations of the Siona People \(ZioBain\) regarding Colombia, July 14, 2018, para. 27 \(Available only in Spanish\).](#)

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of Article 25 of its Rules of Procedure. This situation is ongoing despite the intervention of various national entities, such as the Colombian Constitutional Court, the Colombian Ombudsperson's Office, and this Commission, at the Inter-American level.

- **Considerations regarding concertation actions**

52. Given the nature of the information presented, the Commission considers it crucial that dialogue spaces continue between the parties to reach concrete agreements to address the situation of risk that the beneficiaries face. In this regard, the Commission values the various spaces opened internally for the purpose of agreeing on actions for the implementation of these precautionary measures. In addition, the Commission understands that various obstacles reported at the beginning have been overcome, and that proposals and actions were carried out over time. In view of the foregoing, the Commission recalls that agreement on the measures to be implemented is vital for the effective implementation of precautionary measures. In the terms of the Inter-American Court, the Commission recalls that the *effet útil* of international protection measures:

“depends, in large part, on the real possibility that these will be implemented.<sup>13</sup> Upon ordering the State to adopt the necessary measures to protect the life and personal integrity of the beneficiaries, the Court did not determine the particular protective measures that are required. However, it ordered that said protective measures shall be implemented in an effective manner and, in particular, through the mechanisms of participation that are generated among the beneficiaries or their representatives, and the state authorities charged with the planning and implementation of the same.”<sup>32</sup>

53. The Commission calls on the parties to continue with the spaces for dialogue and consultation, bearing in mind the construction of stable, respectful, and constructive meetings aimed at protecting the beneficiaries. In order for the consultation spaces to fulfill their purpose, the willingness of all the parties involved is required. For this reason, it is important to have a space for mutual communication with a view to achieve an understanding towards the protection of beneficiaries.

54. Having clarified the above, the Commission considers it important to address two aspects in order to support the positive construction of spaces for concertation. Firstly, the Commission recommends holding dialogue spaces without unilateral impositions on the other party, as this discourages dialogue and delays the establishment of communication channels for implementing precautionary measures. The Commission understands that the parties may present proposals for action to implement the precautionary measures, which may become the subject of the consultation process to be held. Secondly, the Commission acknowledges that it is understandable for some dialogue spaces to include individuals who do not have decision-making power due to various reasons. This case may be presented with representatives of the State as well as with persons representing the beneficiaries. Should this be the case, it is imperative that the proposed action or implementation measure be assessed by the parties and that a timely response be provided, as well as a mechanism for monitoring the agreements. The Commission also notes that it may be necessary for beneficiaries to have prior or subsequent deliberation spaces within the Reservations, in accordance with their own decision-making rules.

55. In line with the last point, the Commission recalls that, in the initial granting of the precautionary measures, the State was requested to ensure that the measures were agreed ‘in accordance with its own forms of decision-making and system of self-government’. This implies understanding that there are deliberative processes within the Reservations, which must be taken into account when planning spaces for

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<sup>32</sup> I/A Court H.R., Matter of the Peace Community of San José de Apartadó regarding Colombia, Provisional Measures, Order of the Inter-American Court of Human Rights of August 30, 2010, considerandum 35.

consultation. This may mean that representatives who do not necessarily have decision-making power of the beneficiaries participate.

- **Implementation of the precautionary measures**

56. The Commission recalls that it made several requests to the State of Colombia when granting the resolution. These focused on the protection of the rights to life and personal integrity of the beneficiaries, implementing ‘culturally appropriate protection measures’ in view of the factual allegations of armed violence in the area. In the case of the Siona authorities, it requested that the State ‘take culturally appropriate measures to protect’ their life and integrity ‘so that they can fulfil their mandate according to their own rules and system of governance in safety’.

57. The Commission recalls that these precautionary measures did not focus on the analysis of allegations related to the environmental, territorial, and mining and energy sectors that impact the beneficiaries. In this sense, the Commission understands that these allegations can be addressed internally by the parties, according to the internal regulations or the agreements reached. However, they are not suited to be analyzed in these precautionary measures, nor has sufficient information been presented to allow for an analysis of factual allegations in this regard and their impact on the rights of the beneficiaries. In any case, the Commission considers it important to emphasize that, regardless of the precautionary measures in force, the State is obliged to comply with the corresponding obligations in the environmental, territorial, and mining-energy sectors.

58. Having specified the above, the Commission notes that the State has implemented various measures focused on safety issues and culturally appropriate measures that take into account the practices of the communities. In this regard, the Commission highlights, for example, the following:

- In terms of safety, the State increased river controls on the Putumayo River and military oversight in the area; conducted military operations against drug trafficking; implemented preventive safety measures including patrols; carried out perimeter actions to prevent forced recruitment, as well as police rounds and checks at the residences and workplaces of various indigenous leaders; established a collective protection route; initiated demining by identifying 10 areas in Puerto Silencio, one area in the Buenavista Reservation, and three areas in Piñuña Blanco Reservation; and provided protective equipment for collective safety and the Indigenous Guard, such as boots, flashlights, GPS devices, etc., as part of protection agreements between the communities and the UNP, among other actions. In order to evaluate the protection measures implemented, several risk assessments were carried out during the time these precautionary measures were in force.
- In cultural matters, the construction of *Casas de pensamiento* and yagé and medicinal chagras was agreed upon. To transmit cultural self-protection practices to children and adolescents, four new workshop schools were established, and 200 school workshops were implemented between 2019 and 2022.
- To guarantee connectivity, it was agreed to install digital centers in the Buenavista Reservation. In addition, 20 fences were allegedly installed in the Buenavista Reservation and 25 in the Piñuña Blanco Reservation.
- Regarding investigations for the events of risk related to the precautionary measures, the active investigations were reported.
- To address the displacement situation in 2023, the State indicated that the UARIV provided two 50-unit housing kits, as well as 19 food and toilet kits. It also carried out the following measures: aerial reconnaissance of the affected area was conducted, along with military operations, checkpoints on roads leading to the docks in Puerto Asís, police inspections at the “Casa Campesina” establishment, 23 integrated action activities, and 11 training sessions.

59. The Commission calls on the State to continue implementing the measures agreed upon with the representation and beneficiaries. However, it understands that, given the level of violence reported in the area, it is necessary to reinforce state action with a view to achieving effective protection of people. To date, and despite all the efforts and actions promoted by the state, the situation of risk, which arises from the actions of illegal armed groups, continues to exist. The need to strengthen the state response must take into account that, according to the Colombian Constitutional Court, the beneficiaries are an indigenous people at risk of extermination. In line with the above, and taking into account the cultural approach, the Commission considers it necessary that the measures adopted by the State take into account the geographical particularities of the area.

- **Request for extension of precautionary measures**

60. The Commission recalls that a requirement for the extension of precautionary measures is that the facts alleged in the extension request have a “factual connection” with the events that justified the initial adoption of the precautionary measures.<sup>33</sup> Regarding the situation of L.M.E.V., the Commission observes that she works as a human rights defender within the framework of the persistent situation of risk faced by the beneficiaries. In the Commission’s opinion, the work carried out by L.M.E.V. in liaison with the beneficiaries results in compliance with the requirement of “factual connection”. The Commission notes that it has an on-site presence in the territory of both Reservations and has been following the implementation of these precautionary measures. In view of the above, the Commission proceeds to analyze the situation of the proposed beneficiary in the light of the context in which the facts take place and in the light of the assessment made regarding the implementation of the precautionary measures.

61. As for the requirement of *seriousness*, the Commission considers that it has been met. At the time of making this determination, the Commission assesses the information submitted by the State, in particular, the information referring to the protection plan in favor of the proposed beneficiary. In this regard, the Commission notes that a protection route was initiated before the UNP, which assessed her risk as ‘extraordinary’ and implemented protection measures in her favor. The Commission understands that her risk situation is in a reevaluation process.

62. The Commission is particularly concerned about the situation of the proposed beneficiary in view of the continuous death threats from armed groups operating in the territory of the Indigenous Reservations, an area she constantly visits for her defense work. The death threats have been ongoing for at least the last two years, and there are no elements that indicate that they have ceased. It is even noted that, on one occasion, members of an armed group allegedly directly threatened her while she was visiting the territory. In addition to the above, the Commission warns that the threats are not only focused on temporary occasions when she visits the indigenous territories. According to the available information, there were reports of the proposed beneficiary being followed near her office and home, which may have led to her displacement. All of the above elements, along with the level of violence in the area, reflect the fact that, despite the measures implemented, the alleged situation of risk that the proposed beneficiary faces has not ceased and continues to exist.

63. Considering that the proposed beneficiary is often present in the area, and in light of her role in this procedure as the beneficiaries’ representation, the Commission also notes that any risk against her would prevent or delay the ability to continue receiving timely information on this matter. In view of the described elements and considering them together in light of the specific context of the area, and the assessments made in this matter, the Commission believes, based on the applicable *prima facie* standard, that the proposed beneficiary is in a situation of *serious risk* to her rights to life and personal integrity.

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<sup>33</sup> In this regard, see: IACHR, Resolution 10/17, Precautionary Measure No. 393-15, Detainees in “Punta Coco” regarding Panama, March 22, 2017, para. 28; and I/A Court H.R., Fernández Ortega et al. regarding the United Mexican States, Resolution of Provisional Measures of November 23, 2010, considerandum 19 (Available only in Spanish).

64. Regarding the *urgency* requirement, the Commission observes that the ongoing sources of risk and their connection to the events that L.M.E.V. is currently facing indicate that her situation requires immediate action by the State. Her situation will otherwise continue to intensify to the extent that the actions she supports hinder the development of activities carried out in the territory by armed groups operating in the area.

65. Regarding the requirement of *irreparable harm*, the Commission considers that it is met, given that the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

## **V. DECISION**

66. Pursuant to Article 25 of its Rules of Procedure, the Commission:

- a. Requires the State to strengthen the implementation of necessary measures to effectively protect the life and personal integrity of the groups of beneficiaries identified in Resolution 53/2018, taking into account the assessments made in this Resolution;
- b. Requests the State to extend the precautionary measures in favor of L.M.E.V. In this regard: (i) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary; (ii) implement the necessary protection measures so that the beneficiary can continue to carry out her human rights defense work, without being subject to threats, intimidation, harassment, and acts of violence; and (iii) report on the actions taken to investigate the alleged events that led to the adoption of measures in favor of L.M.E.V., so as to prevent such events from reoccurring;
- c. Exhorts the parties to submit specific, detailed, and updated information on the situation of the beneficiaries with the aim of continuing to analyze their situation pursuant to Article 25 of its Rules of Procedure. At the time of providing this information, the Commission requests that they specify the situation of the beneficiaries or groups of beneficiaries, so that the Commission can adequately identify how these precautionary measures are being implemented with respect to each of the three groups. This includes, among other actions, reporting on individual and collective protection measures in place, concerted actions and agreements reached; and
- d. Urges the parties to continue with the consultation and coordination spaces at the domestic level within the framework of the implementation of these precautionary measures.

67. The Commission decides to continue to carry out the appropriate follow-up measures in terms of Article 25(10) and other provisions of its Rules of Procedure.

68. The Commission requests the State of Colombia to continue updating the actions taken periodically.

69. The Commission instructs its Executive Secretariat to notify this Follow-up and Extension Resolution to the State of Colombia and the representation.

70. Approved on August 21, 2024, by Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; and Andrea Pochak, members of the IACHR.

Jorge Meza Flores



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Assistant Executive Secretary