
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 42/2021**

Precautionary Measure No. 240-09
Mauricio Meza Blanco regarding Colombia
May 13, 2021
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures as no information that would support the requirements of Article 25 of the Rules of Procedure was identified. Considering that the State has filed and reiterated a request to lift precautionary measures, and given that the beneficiary's representation has not provided any information on the situation in the last seven years, the IACHR lacks specific and current elements of assessment regarding the situation of Mr. Meza.

II. BACKGROUND INFORMATION

2. On November 18, 2009, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures to protect the life and personal integrity of Mauricio Meza Blanco, in Colombia. The request alleged that Mr. Meza, a human rights defender and environmentalist, returned to work in September 2009 upon having left his family and his work in order to reduce the level of risk he faced. The request indicated that at a public environmental hearing held on October 23, 2009, security guards followed Mr. Meza and took photographs of him, and that a car belonging to the Judicial Investigation Section (SIJIN) followed him. On October 25, 2009, a stranger shot a firearm at his home, and on October 31, 2009, he was subjected to harassment, allegedly by intelligence agents. Upon analyzing the information available, the IACHR requested that the State of Colombia adopt the necessary measures to guarantee the life and personal integrity of Mauricio Meza Blanco and report to the IACHR on the actions taken to investigate the events that gave rise to the adoption of precautionary measures.¹

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

3. During the time the precautionary measures were in force, the Commission followed up on the situation, requesting information from both parties.² From 2012 to 2021, the State has requested that the IACHR rule on the whether these precautionary measures should remain in force or, else, that they be lifted. All requests to lift precautionary measures were forwarded to the representation. In particular, on January 19, 2021, the IACHR requested the representation's observations about the request to lift such measures filed in 2020, which is also a reiteration of prior requests to lift precautionary measures. On March 3 and April 29, 2021, the State again reiterated its request to lift the measures. The representation has not provided a response and the timelines granted have expired. The last communication from the representation dates from 2015.

A. Information provided by the State

¹ Available [in Spanish] at <http://www.cidh.org/medidas/2009.sp.htm>

² The IACHR made requests for information to the parties on October 21, 2013; December 4, 2013; January 24, 2014; February 19, 2014; March 27, 2014; November 7, 2014; April 24, 2015; October 10, 2017; and January 19, 2021.

4. The State indicated that in 2009 a national flight ticket and temporary relocation support were approved by emergency procedure to facilitate his transfer and settlement in the city of Bogotá, given the need for Mr. Meza to leave the area. Moreover, through an emergency procedure on June 24, 2009, the Protection Program purportedly approved an ordinary vehicle, including fuel, for two months; and an escort unit for the same period. On July 28, 2009, again as an emergency procedure, it was recommended that Mr. Meza be assigned an Avantel radio communication device. The National Police reportedly implemented a protection detail consisting of rounds and patrols at his place of residence and at his workplace.

5. The State indicated that Mr. Meza's risk was related to his participation in the study to grant the environmental license for the "Angosturas Project" for gold mining in the Páramo de Santurbán. In the State's opinion, from the moment the project was rejected, the risk disappeared. In a similar vein, the State stressed that no risk events have been reported since 2010. The State reported that in 2013 it performed another risk assessment on the beneficiary, which yielded a result classified as "ordinary," which is why the protective material measures were lifted. However, the State indicated that the beneficiary continues to have the preventive and security measures implemented by the National Police. In 2015, the National Police allegedly indicated that Mr. Meza has not reported the existence of any threats currently taking place.

6. The State emphasized that the Prosecutor's Office has fulfilled its duty to investigate upon having carried out activities to find the truth of what happened, such as the alleged threats received, as well as the individualization and identification of the alleged perpetrators. It was indicated that the type of conduct and the meager information available to find those responsible have not allowed for satisfactory progress in the investigation.

7. In 2020, the State recalled that in 2013 a risk assessment was carried out, which yielded an "ordinary" risk, considered as "that to which all persons are subjected, under equal conditions, due to the fact of belonging to a specific society; it creates an obligation for the State to adopt public security measures and does not entail an obligation to adopt protection measures." Additionally, it was indicated that, since then, no additional requests by Mr. Meza have been noted. The State emphasized that it has continued implementing the necessary measures to guarantee his rights. Furthermore, the Office of the Attorney General of the Nation has carried out the pertinent investigative activities.³

B. Information provided by the representation

8. Until 2014, the representation considered, in general terms, that the precautionary measures were not being complied with. According to the representation, on October 10, 2012, two members of *Corporación Compromiso* (Commitment Corporation) where Mauricio Meza works in defense of the environment, received a threat in their emails. The representation further states that the perpetrator of the threat called himself an "anti-restitution group."

9. In 2013 and 2014, the representation submitted questions to the risk assessment that classified Mr. Meza as at "ordinary" low risk and the decisions adopted in this regard. In that year, the representation indicated that the State did not consider that the beneficiary's risk revolved around his role as a human rights defender, which was not limited to the defense of the Páramo de Santurbán but

³ The investigation for the crime of attempted simple kidnapping ended with a decision to file with an order issued on February 17, 2017. The investigation into the crime of threats has as its last recorded action a filing order dated July 23, 2012.

also includes other environmentally threatened areas by macro-projects such as the Sogamoso River Hydroelectric or coal mining in El Carmen de Chucurí. The representation reported on the complaint actions carried out by the beneficiary regarding such projects. The representation also indicated that with the closure of the Angostura gold mining project, the difficulties have not been overcome. On the contrary, it indicated that a strong opposition between the interests of mining exploitation and the defense of the ecosystem for the protection of water sources continued. The representation questioned the investigations carried out. In 2015, the representation indicated that they were seeking to communicate with Mr. Meza, who at that time was in an area of difficult communication.

10. Subsequently, on October 10, 2017 and January 19, 2021, the IACHR requested information and observations from the representation. To date, the representation has not submitted its response, and the timelines granted have expired.

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

11. 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 Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

12. The Inter-American Commission and the Inter-American Court of Human Rights have repeatedly established that the precautionary and provisional measures have a double character, both precautionary and protective. As regards the 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. Regarding the process of decision making and 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 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.

13. With respect to the foregoing, Article 25(7) of the Commission's Rules of Procedure establishes that "the decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions." Article 25(9) establishes that "the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to keep, modify or lift the precautionary measures in force." In this regard, the Commission should assess whether 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.

14. In this matter, the Commission notes that the State has requested between 2012 and 2021 –that is, 9 years– to assess whether these precautionary measures should remain in force or be lifted. Such requests have been forwarded to the representation with a view to obtaining its observations on various occasions, the most recent ones being in 2017 and 2021. The representatives have not provided a response since their last communication in 2015. Additionally, the Commission recalls that when a State requests the lifting of a precautionary measure, it must present sufficient evidence and arguments to support its request.⁴ In the same way, the representatives of the beneficiaries that want the measures to continue must present evidence of the reasons why.⁵ Taking into account that there is a request to lift precautionary measures that has been reiterated over time, the Commission proceeds to assess whether, in this matter, the precautionary measures should remain in force.

15. The Commission recalls that these precautionary measures were granted in view of the information received, according to which Mr. Mauricio Meza Blanco was subjected to threats, harassment, and acts of violence, allegedly due to his role as a defender of human and environmental rights due to events that occurred in 2009.

16. During the follow-up of the precautionary measures, the Commission observes that the State indicated that in 2009 protection measures were implemented in favor of the beneficiary, and, subsequently, in 2013 a risk assessment was carried out that classified him as at “ordinary” risk, then lifting the protective material measures and keeping the preventive and security measures by the National Police. The State also indicated that the beneficiary’s risk revolved around the “Angosturas Project,” and therefore, as it had been rejected, the circumstances have changed. The Commission notes that the representation furnished its observations about what was reported by the State up to 2015 and emphasized the work of Mr. Meza in the environmental context.

17. In this regard, the Commission observes that, despite various requests made, the representation has not provided specific or updated information on new events against Mr. Meza. In 2015, the representation indicated that they were seeking to contact Mr. Meza, without providing additional details. Following subsequent requests for information in 2017 and 2021, the Commission has not received a response from the representation, while nearly seven years have elapsed without a response. The most recent information available dates from 2014, which revolved around questions from the 2013 risk assessment and the complaint actions that Mr. Meza allegedly carried out with respect to other projects. Although the representation submitted questions to the investigations, the Commission observes that no information was provided on the occurrence of new specific risk events concerning Mr. Meza.

18. In these circumstances, given the lack of response from the representation, the Commission does not identify any updated information on new risk events that would allow to consider that the requirements of seriousness, urgency, and the need to avoid irreparable harm to the life and integrity of Mauricio Meza Blanco are currently met. In that sense, and taking the foregoing into account, the Commission deems it appropriate to lift these precautionary measures.

19. In performing this analysis, the Commission recalls that 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.⁶ In this sense, the burden of proof

⁴ I/A Court H.R. Provisional measures regarding Mexico. Order of February 7, 2017, paras. 16 and 17. Available [in Spanish] at http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf

⁵ Ibid.

⁶ Ibid.

and argument increases as time goes by and there is no imminent risk.⁷ The Inter-American Court has indicated that the passage of a reasonable period of time without threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.⁸

V. DECISION

20. The Commission decides to lift the precautionary measures in favor of Mauricio Meza Blanco.

21. The Commission deems it appropriate to recall that, in accordance with Articles 4 and 5 of the American Convention in relation to Article 1.1. of the same instrument, the State of Colombia is obligated to respect and guarantee the rights of Mauricio Meza Blanco, regardless of the lifting of these measures.

22. This decision does not preclude the IACHR from assessing a new request in accordance with the provisions in Article 25 of its Rules of Procedure.

23. The Commission instructs the Executive Secretariat of the IACHR to notify the State of Colombia and the representation of this resolution.

24. Approved on May 13, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice President; Flávia Piovesan, Second Vice President; Margarete May Macaulay; Edgar Stuardo Ralón Orellana; and, Joel Hernández García, members of the IACHR.

María Claudia Pulido
Acting Executive Secretary

⁷ Ibid.

⁸ Ibid.