
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 53/2021**

Precautionary Measure No. 552-21

Yiner Hernán Quiguntar Cortés regarding Colombia

July 15, 2021

Original: Spanish

I. INTRODUCTION

1. On June 16, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission,” or “the IACHR”) received a request for precautionary measures filed by Sergio Alejandro Rodriguez Diaz and Angela Margarita Rey Anaya, from United 4 Justice/ Unidos por la Justicia (“the applicants”), urging the IACHR to request that the State of Colombia (“the State” or “Colombia”) adopt the necessary protection measures to guarantee the life and personal integrity of Yiner Hernán Quiguntar Cortés (“the proposed beneficiary”). According to the request, the young man proposed as beneficiary is being subjected to constant threats, harassment, and acts of violence, due to his activities as a political, indigenous, youth leader.

2. The Commission requested information from the State on June 23, 2021, pursuant to Article 25(5) of its Rules of Procedure, and forwarded the initial request and additional information from the applicants received the same day. Upon having granted a timeline extension on July 1, 2021, the State provided its report on July 8, 2021.

3. Upon analyzing the submissions of fact and law offered by the parties, the Commission considers that the proposed beneficiary is, *prima facie*, in a serious and urgent situation, given that his rights to life and personal integrity are at risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requests the State of Colombia: a) adopt the necessary measures to protect the rights to life and personal integrity of Yiner Hernán Quiguntar Cortés. In particular, the State must ensure that the protection measures implemented are sufficiently effective, adequate, and culturally appropriate, in light of the risks identified in the resolution, so that he can continue to carry out his activities as a youth leader and human rights defender, without being subjected to threatening events against him; b) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and c) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES

A. Information provided by the applicants

4. According to the request, the proposed beneficiary is 22 years old, he is a member of the Totoroez indigenous reservation and a student at the University of Cauca. It was indicated that he has served as a social leader since he was young, he has been a member of the Liberal Party of Colombia since 2019, a member of the Assembly of liberal youths of Cauca, and director of the east of the Department of Cauca of the Departmental Network of Young People of Cauca. In addition, it was reported that he participates in the National Team “Never again war for the youth,” in the Global Alliance of Young Politicians of Colombia AGLOJOVEN at the peace and post-conflict table, he belongs to the social process and student movement “Unicauca Unida” (“United Unicauca”) and the National Team “Young people who bear the opposite in Colombia,” and he supports municipal youth platforms. It was further indicated that he is the

spokesperson for the Southwest of Colombia for the youth and students in the framework of the “National Strike,” before the “Indigenous Minga,” and the “consolidation of the Great Pact towards a new country.”

5. With regard to events that have purportedly put him at risk, the following was noted:
 - a. In October 2019, Yiner Hernán was threatened through the social media platform Facebook, receiving a message from an unknown profile that referred to his work and political campaign, telling him to stop performing his work in public spaces and specifying the clothes he was wearing.¹
 - b. In February 2020, while the proposed beneficiary was heading towards the town of Gabriel López, in Totoró, Cauca, he was approached by two persons who were traveling on motorcycles, who shouted rude words at him and said, “You are a toady, and you kneel in front of people... Why do you waste your time when you won’t achieve anything?” In addition, he was warned that he had to leave his work to preserve his life.
 - c. On January 18, 2021, the facade of young Quiguntar’s house, where he lives with his parents, was sprayed with the message, “Yiner Dog SoB (son of a bitch), Yiner SoB, your change does not exist SoB,”² a situation that was even recorded by the press.³
 - d. On March 18, 2021, the young man received threats in one of his posts on the social media platform Twitter, which read, “That’s why they appear in bags.”⁴
 - e. On May 13, 2021, around 7:00 a.m., the proposed beneficiary was traveling by taxi from his home to the Normal Superior School of Popayán, when the driver realized that he was being followed and asked him to take another transport; then, he took another car. Upon arrival at the school, “a ‘Toyota’ truck passed by without visible license plates or identification, and two persons got out from it and approached him with a firearm and a knife (large dagger).” The individuals allegedly asked for his cell phone. He indicated that he did not have it and offered them his wallet instead. They did not accept it and, after searching him and finding his cell phone, they took it away from him. It was indicated that the phone contained important information on community and political processes, in files and conversations, including peace tables and post-conflict in Cauca, routes of social processes, documents from the Liberal Party, and data on former FARC combatants.⁵ On the same day, the situation was reported to the Ombudsperson’s Office of Popayán (*Personería de Popayán*), without having received any response.

¹ Annex 3. Complaint before the Rural Police Inspector of the municipality of Totoro, Department of Cauca. February 1, 2021.

² Annex 3. Complaint before the Rural Police Inspector of the municipality of Totoro, Department of Cauca. February 1, 2021. Annex 9. Photographs of the proposed beneficiary’s address from January 18, 2021, along with screenshots from media covering the event.

³ *Proclama Cauca y Valle*, “[New Threat to Youth Leader](#)”, January 18, 2021 [in Spanish].

⁴ Twitter. Yiner Quiguntar (@YinerQuiguntar) Dictator #Uribism does not fit in our memories, F*** his damn dictatorship @AlvaroUribeVel #CoupD’État I’m going to the streets, Let’s fight!!... <https://twitter.com/YinerQuiguntar/status/1372562051030265868>. March 18, 2021 [in Spanish]. It is possible to see a response to his tweet, from the @maxchacon account, which includes an image with the message, “That’s why they wake up in bags,” along with the image of an animated person smoking a cigar, followed by a discussion of political stances.

⁵ Annex 4. Complaint filed by Yiner Hernán Quiguntar Cortés regarding the events of May 13, May 16, May 25, and June 11 before the Entrance Early Intervention Unit of Popayán, from the Office of the Attorney General. June 12, 2021.

- f. On May 16, 2021, young Yiner allegedly received threats from two persons on motorcycles, who referred to his community work and told him, “You son of a bitch, gonorrhoea, we’re going to see you all kneeling.”⁶
- g. On May 25, around 10:00 a.m., while the proposed beneficiary was on public transport, a woman warned him that a motorcycle was following them. When the car stopped, young Yiner noticed that an unidentified motorcycle was taking photos of him.⁷
- h. On June 11, 2021, around 11:30 p.m., upon participating in the demonstrations within the framework of the National Strike, while leaving the University accompanied by a female friend, he realized that an individual was waiting for him. The individual purportedly remained checking their route, even when they changed direction. They allowed this person to pass them so that they could walk behind him, but the subject kept turning stealthily to confirm that they were still there. Yiner Hernán said goodbye to his female friend and continued alone towards his house, turning onto a main road when he saw a white Toyota vehicle. At that moment, the subject who was following him surprised him from behind, grabbed him by the shoulder to turn him around, and punched him on his face. Yiner fell to the ground, this person approached him, grabbed his neck, and told him that he was going to give him one last message: “Stop messing around, because they know who Yiner Hernán is.” He then named students from the “process of youth in Cauca” and the “Pact towards a new country” and told him that the blows were a gift and that the next time it would not be a message. This individual hit Yiner on his face two more times and then got into the white Toyota that was there. Due to these events, young Yiner had to go to the hospital on June 13 to receive medical care.

6. As for complaints and actions brought before the State, it was indicated that the intimidating events of January 18, 2021 (stripes painted at his home) were brought to the attention of the Ombudsperson’s Office of Popayán, thus launching a procedure to request protection measures before the National Protection Unit (UNP).⁸ However, it was indicated that there is no information about any investigations carried out into those threats. On that date, Yiner was asked to fill out a form in order to start the risk assessment,⁹ and on January 22, 2021, the Municipal Ombudsperson’s Office notified him that a risk assessment would be.¹⁰

7. On May 4, 2021, the UNP issued Resolution 3317 of 2021, classifying the risk of the proposed beneficiary as extraordinary, assessing as a special and specific condition his activities as “leader and/or representative of social organizations,” as well as his residence in the Department of Cauca.¹¹ The resolution ordered the granting of a bulletproof vest and a communication device,¹² but the applicants indicated that this order has not been fulfilled.

⁶ Annex 4. Complaint filed by Yiner Hernán Quiguntar Cortés regarding the events of May 13, May 16, May 25, and June 11 before the Entrance Early Intervention Unit of Popayán, from the Office of the Attorney General. June 12, 2021.

⁷ Annex 4. Complaint filed by Yiner Hernán Quiguntar Cortés regarding the events of May 13, May 16, May 25, and June 11 before the Entrance Early Intervention Unit of Popayán, from the Office of the Attorney General. June 12, 2021.

⁸ Annex 3. Complaint before the Rural Police Inspector of the municipality of Totoro, Department of Cauca. February 1, 2021.

⁹ Annex 6. Form submitted to the National Protection Unit on January 18, 2021.

¹⁰ Annex 7. Email from the Municipal Ombudsperson of Totoro dated January 22, 2021, which included information from the National Protection Unit.

¹¹ Annex 8. Resolution 3317 of May 5, 2021, of the National Protection Unit.

¹² Annex 8. Resolution 3317 of May 5, 2021, of the National Protection Unit.

8. Furthermore, on June 12, 2021, a complaint was filed with the Office of the Attorney General for the acts of intimidation and attacks on June 11, 2021, as well as “other acts of threats received.”¹³

9. Additionally, the applicants referred to the context of violence in the Department of Cauca, indicating that this is a territory historically affected by armed conflict, which continues to be a violence focus despite the peace accords. Similarly, they referred to the violence situation against human rights defenders in Colombia and, particularly, against social leaders and defenders in the Department of Cauca. In this vein, the applicants seek the recognition of the fact that the situation of young Yiner Hernán is framed in a particular context, given the area where he exercises leadership.

10. Regarding the risk factors, the applicants indicate that it should be taken into account the work carried out by the proposed beneficiary as an indigenous social, community, political, and youth leader, which has been accentuated in the framework of the demonstrations that began since April 28, 2021. It was alleged that the situation placing him at risk was already acknowledged by the State and that there is a causal link between this situation and his activities. It was further indicated that the attacks received have increased, while on June 11, 2021, there was even a physical attack with an ultimatum. The applicants also indicated that the proposed beneficiary has a group of factors that make him vulnerable, such as the fact that he is a young, indigenous, human rights defender, which demands special protection from the State, in addition to the lack of investigations even when his situation has been brought to the state authorities’ attention since January 2021.

11. The applicants indicated that the measures ordered by the UNP, in addition to not being adopted or delivered, are inappropriate, based on the attacks on his head and face occurred on June 11, 2011, against which a bulletproof vest and telephone, in case they had been implemented, would have not protected him.

12. On June 23, 2021, the Commission received additional information from the applicants. They reported that, as of June 15, 2021, different student and youth leaders at the University of Cauca received a threatening statement via email that allegedly comes from the Gaitanist Self-Defense Forces of Colombia (AGC).¹⁴ They particularly indicated that the mail was received in the account of the “Social, humanitarian, popular, student camp of the University of Cauca,” in which the proposed beneficiary exercises leadership activities. Hence, this group has not held meetings since June 16.

B. Observations provided by the State

13. On July 8, 2021, the State report was received, including information from the Ministry of National Defense and the National Protection Unit. In this regard, the Ministry of Defense provided information from the Cauca Police Department, indicating, in a general way, that on January 19, 2021, police stations and specialties were ordered to implement the “parameters of police action from the strategy for the protection of populations in vulnerable situations, ESPOV.” It was also indicated that the Comprehensive

¹³ Annex 4. Complaint filed by Yiner Hernán Quiguntar Cortés regarding the events of May 13, May 16, May 25, and June 11 before the Entrance Early Intervention Unit of Popayán, from the Office of the Attorney General. June 12, 2021.

¹⁴ In this regard, the AGC statement was attached, which reads: “We declare a military objective all the Castro-Chavista guerrilla snitches, supporters of the FARC disguised as *Unicauca* students who believe they have the power to continue destabilizing the country, who do not want that the students go back to class, appointed spokespersons for each of the University’s career, they have 24 hours to dismantle this strike circus. Death to the snitches.” Moreover, a statement on the facts by the Human Rights Commission of the University of Cauca, dated June 17, 2021, and a different statement on the facts by the student organization “Territorio Libre,” non dated, were attached.

Plan for Citizen Security and Coexistence of the municipality of Totoró has been reviewed, prioritizing the implementation of a security system through the installation of security cameras in the municipality.

14. Regarding the proposed beneficiary, they indicated that on January 18, 2021, the Commander of the Totoró Police Station reported that he has self-protection measures and that procedures were being brought before the UNP for it to carry out the respective risk assessment. The situation was also brought to the National Army's attention in order for it to carry out the corresponding actions. On another note, on the same day, the Municipal Mayor of Totoró requested that an Extraordinary Security Council be held to analyze the situation of the youth leader.

15. Moreover, on January 20, 2021, the Sectional Chief of Criminal Investigation allegedly reported on the investigators' actions concerning the threats against the proposed beneficiary (without specifying them). For his part, on January 26, 2021, the Commander of the Piendamó Police Station announced the self-protection measures in favor of Yiner Hernán Quiguntar and made them come to fruition. In turn, the Human Rights Group of the Cauca Police Department conducted an interlocution to analyze the threat against the proposed beneficiary, which was purportedly recorded in the minutes of January 19, 2021.

16. For its part, the National Protection Unit reported that the case of young Yiner Hernán Quiguntar Cortés was submitted to CERREM in March 2021, having recommended the implementation of an armored vest and a communication device, while the enforcement of the work order is pending. On June 23, 2021, a different work order "due to supervening events" was activated, with no details having been provided in that regard.

17. Lastly, the State provided its considerations on the procedural requirements for granting precautionary measures, deeming "that the proposed beneficiary has not proven that the intensity of the acts of violence and threats against him show a "serious" and "urgent" situation, and therefore, the requirements are purportedly not met. In addition, it was noted that the State has taken the necessary actions to address the risks, achieving the restoration of the proposed beneficiary's rights.

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

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

19. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.¹⁵ Regarding the protective nature, these

¹⁵ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16.

measures seek to avoid irreparable harm and protect the exercise of human rights.¹⁶ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.¹⁷ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the request 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.¹⁸ In the process of reaching a decision, and according to Article 25(2) of the Rules of Procedure, the Commission recalls that:

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

20. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. However, a minimum of detail and information is required to determine, from a *prima facie* standard of review, whether a serious and urgent situation exists.¹⁹

21. Taking into account that, in the matter at hand, the proposed beneficiary is a social, indigenous young leader and human rights defender in areas affected by violence (see *supra* para. 4), the Commission will proceed to analyze the elements reported by the parties in light of the context in which they are

¹⁶ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

¹⁷ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

¹⁸ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 [only in Spanish]; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

¹⁹ See in this regard, I/A Court H.R. [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#). Extension of Provisional Measures regarding Nicaragua. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

framed. In this vein, the Inter-American Court has indicated that, at the time of analysis, a set of political, historical, cultural, or other factors or circumstances that affect the proposed beneficiaries or place them in a situation of vulnerability at a certain time and expose them to receive injuries to their rights should be taken into account.²⁰ This situation can grow or decrease over time depending on several variables.²¹

22. In this way, pursuant to the terms of Article 25, paragraph 6, the Commission recalls that, in January 2021, it expressed its concern about the sustained violence against human rights defenders and social leaders that was registered during 2020 in Colombia.²² Given the ongoing violence against these groups, the Commission called on the State to reinforce all necessary measures to guarantee that human rights defenders can carry out their activities in a conducive environment, free from hostilities and attacks.²³ The Commission also recognized the actions taken by the State to face the reported murders,²⁴ and provided recommendations regarding the open investigations.²⁵

23. On that occasion, the Commission observed that most of the alleged murders registered in the year took place in the departments of Antioquia, Cauca, Chocó, Huila, Norte de Santander, Córdoba, Nariño, and Putumayo, territories that were historically affected by the armed conflict and which the State has identified as “risk areas.”²⁶ The IACHR observed that the State agreed with this information and also identified the departments of Valle del Cauca, Magdalena, Bolívar, Córdoba, Arauca, and Chocó as areas of risk for the defense human rights.²⁷

24. In this sense, the Commission recalls that

the State has the particular duty to protect those people who work in non-governmental organizations, as well as other groups or individuals who work in favor of the defense of human rights, since the work they carry out constitutes a positive and complementary contribution to the efforts

²⁰ I/A Court H.R. [Matter of Members of the Nicaraguan Center for Human Rights \(CENIDH\) and the Permanent Commission on Human Rights \(CPDH\) regarding Nicaragua](#). Adoption of Urgent Provisional Measures. Resolution of the President of the Inter-American Court of Human Rights of July 12, 2019. Considerandum 42.

²¹ I/A Court H.R., Case of Carpio Nicolle. Provisional measures regarding Guatemala. Order of the Court of July 6, 2009, Considerandum 26, and Matter of Members of the Choréachi Indigenous Community regarding Mexico.

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

²³ IACHR, [IACHR Reiterates Its Concern over the Violence Recorded in 2020 against Human Rights Defenders in Colombia](#), January 22, 2021.

²⁴ The Commission recognized the progress made by the State in the investigation of the murders of human rights defenders. However, it observes that challenges persist to reduce impunity for these crimes, as well as for other crimes committed against them, particularly in the prosecution and punishment of those responsible. The IACHR urged the State to strengthen its capacities in the face of the high number of cases pending resolution. In this regard, it called on the State to continue adopting measures to investigate with due diligence and address the situation of impunity with respect to crimes committed against human rights defenders and social leaders in the country, identifying material and intellectual perpetrators. These investigations must include the hypothesis that these murders may have been committed in connection with the work that the defenders carried out in their communities. The State must also seek to incorporate a differentiated ethnic-racial and gender approach in the investigation, prosecution, punishment, and reparation for these crimes.

²⁵ IACHR, [IACHR Expresses Concern over Increase in Violence in Colombia in Territories Where Illegal Armed Groups Are Operating](#), October 13, 2020.

²⁶ IACHR, [IACHR Expresses Concern over Increase in Violence in Colombia in Territories Where Illegal Armed Groups Are Operating](#), October 13, 2020.

²⁷ IACHR, [IACHR Expresses Concern over Increase in Violence in Colombia in Territories Where Illegal Armed Groups Are Operating](#), October 13, 2020.

made by the State by virtue of its position as guarantor of the rights of the people under its jurisdiction.²⁸

25. Additionally, the Commission has identified, in accordance with Early Alerts from the Colombian Ombudsperson's Office, that the risks of violence and the presence of armed actors have a different impact on indigenous peoples and Afro-descendant communities.²⁹ On the other hand, the Commission has observed that polarization and stigmatization, within the framework of the National Strike, have had a strong impact on the protesters.³⁰

26. In light of this context, when assessing the requirement of seriousness, the Commission notes that the proposed beneficiary is part of the Totoroez indigenous reservation and is the spokesperson in the Southwest of Colombia for the youth and students in the framework of the National Strike, before the "Indigenous Minga" and the "consolidation of the Great Pact towards a new country." He reportedly received threats through social media in October 2019, and later, in February 2020, he was approached by two motorcyclists who allegedly insulted him; in both incidents, the perpetrators made comments about his work (see *supra* para. 5.a, b). Subsequently, during 2021, different incidents directed specifically at him reportedly took place constantly and progressively: (i) On January 18, the house where he lives with his parents was spray-painted with insults and references to his work (see *supra* para. 5.c); (ii) on March 18, he received threats through a post on Twitter (see *supra* para. 5.d); (iii) on May 13, he was followed by a truck and approached by subjects in possession of a firearm and a dagger, and his phone was taken away while his wallet was rejected. The telephone contained information on his work (see *supra* para. 5.e); (iv) on May 16, he received threats from two motorcyclists (see *supra* para. 5.f); (v) on May 25, he was followed by an individual on a motorcycle, and he was photographed (see *supra* para. 5.g); (vi) on June 11, after participating in demonstrations of the National Strike, he was followed by a subject and, later, he was struck in the face, he was given an ultimatum and told that they knew who he was (see *supra* para. 5.h).

27. In this regard, the Commission observes that the recent incidents have continued throughout 2021, which show that he is being followed and monitored constantly, while two worrisome events have come to fruition. The first time he was approached by armed individuals, while the second time he was attacked by a person and was threatened. Moreover, it is worth noting that during the reported incidents, the perpetrators have constantly commented on his work or activities and have denigrated or told him to stop, which is a key factor in the source of the reported situations.

28. Based on the information provided by the State, the Commission acknowledges the general security measures implemented in the municipality of Totoró (see *supra* para. 13), and that the situation of the proposed beneficiary has been addressed by various authorities, mainly police, investigators, and administrative authorities of the municipality of Totoró (see *supra* paras. 14 and 15), including the intervention of the Piendamó police commander to implement self-protection measures (see *supra* para. 15).

²⁸ See, for instance: I/A Court H.R. *Matter of Alvarado Reyes et al. regarding Mexico*. Provisional Measures. Order of the Inter-American Court of Human Rights of November 26, 2010, para. 68; and I/A Court H.R. *Matter of the Forensic Anthropology Foundation regarding Guatemala*. Provisional Measures. Order of the President of the Inter-American Court of Human Rights of April 21, 2006, para. 9.

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

³⁰ IACHR, [Observations and recommendations of the IACHR's working visit to Colombia held from June 8 to 10, 2021](#), July 7, 2021, para. 29 [in Spanish].

29. On another note, the Commission observes that, according to the State, the proposed beneficiary has not proven that the intensity of the acts of violence and threats against him show a “serious” and “urgent” situation. In this regard, the Commission takes into special consideration that, through resolution 3317 of 2021, the competent authority in the matter, the National Protection Unit, when assessing the situation of Yiner Hernán in light of the applicable context, acknowledged the existence of an extraordinary risk and ordered the application of protection measures in his favor, consisting of a communication device and a bulletproof vest, while it is not a matter of dispute the fact that to date no protection measures have been implemented beyond the “self-protection measures” indicated by the Piendamó police (see *supra* para. 6 and 16). The Commission also observes that complaints have been filed at the domestic level regarding the vast majority of the events, the respective documentation having been provided to the request; however, there is no specific information on progress in this regard.

30. Considering the risk aspects raised, in relation to the described context, which permeates in a special way the Department of Cauca, the Commission considers that the situation of Yiner Hernán Quiguntar Cortés is sufficient to deem that his rights to life and integrity are, *prima facie*, in a serious situation.

31. Regarding the urgency requirement, the IACHR observes that, according to the information provided, the proposed beneficiary has constantly faced risk incidents, the last ones in June 2021. Thus, attacks have recently come to fruition, which makes it foreseeable that risk events may continue happening, even of greater intensity, in the face of the latest threats received in the form of an ultimatum. In turn, the situation presenting a risk is likely to persist over time, insofar as the proposed beneficiary continues his work as a social leader and human rights defender.

32. Furthermore, the Commission emphasizes that, given the complaints filed and the risk classified as extraordinary, the ordered measures consisting of a bulletproof vest and a communication device have not been implemented to date. In addition to the foregoing, the Commission takes note of the applicants’ allegations stating that those measures are not adequate, based on the direct attacks to which Yiner Hernán has been subjected, such as being hit in his face or being approached with a dagger and a firearm, from which the measures ordered would have not protect him. In this regard, the Commission recalls that protection measures must be suitable and effective, in the sense that they should enable the human rights defender to face the risk and mitigate it, while focusing special relevance on the principle of consultation.³¹

33. In view of the foregoing, given the ongoing risk events and the new threats and attacks against him recently coming to fruition, coupled with the alleged lack of suitable and effective protection measures, the Commission considers that it is urgent to adopt immediate measures to safeguard the life and personal integrity of the proposed beneficiary.

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

³¹ See, in this regard: IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), December 31, 2011, paras. 521-524.

IV. BENEFICIARY

35. The IACHR considers young Yiner Hernán Quiguntar Cortés, fully identified in the request, to be the beneficiary of this precautionary measure.

V. DECISION

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

- a) adopt the necessary measures to protect the rights to life and personal integrity of Yiner Hernán Quiguntar Cortés. In particular, the State must ensure that the protection measures implemented are sufficiently effective, adequate, and culturally appropriate, in light of the risks identified in the resolution, so that he can continue to carry out his activities as a youth leader and human rights defender, without being subjected to threatening events against him;
- b) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- c) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

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

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

39. The Commission instructs its Executive Secretariat to notify the State of Colombia and the applicants of this Resolution.

40. Approved on July 15, 2021, by: Antonia Urrejola Noguera, President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay, Esmeralda Arosemena de Troitiño, Joel Hernández García and Edgar Stuardo Ralón Orellana, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary