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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 62/2021**

Precautionary Measure No. 294-07  
Rigoberto Jiménez regarding Colombia  
August 19, 2021  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Rigoberto Jiménez in Colombia. At the time of adopting this decision, the Commission observes that the beneficiary's representation has reported that it has lost contact with the beneficiary, at least since 2016, and it has not furnished specific observations on the repeated requests made by the State to lift these measures. The Commission assessed the actions taken by the State to implement these measures.

**II. BACKGROUND INFORMATION**

2. On August 21, 2007, the Commission requested the adoption of precautionary measures for Mr. Rigoberto Jiménez, president of the National Coordination of Displaced Persons (CND), and the members of the Yira Castro Legal Corporation, which provided legal assistance to victims of forced displacement in Colombia. According to the request, the beneficiaries were subjected to threats and harassment due to their work as human rights defenders. It was indicated that in July 2007 the CND received an email signed by an armed group operating outside the law, self-described as "*AUC Águilas Negras de Bosa*," which declared the beneficiaries a military target. It was further indicated that on June 22, 2007, unknown persons invaded the headquarters of the Yira Castro Legal Corporation, located in Bogotá, and seized equipment and documents used in judicial proceedings concerning victims of forced displacement.<sup>1</sup>

3. Upon analyzing the information furnished, the Commission considered that the beneficiaries were *prima facie* in a serious and urgent situation, given that their rights to life and personal integrity were purportedly at risk. Consequently, the Commission requested that the State of Colombia adopt the necessary measures to guarantee the life and physical integrity of the beneficiaries, and report on the actions taken to investigate judicially the facts that gave rise to the precautionary measures.<sup>2</sup>

4. In 2010, the IACHR decided to continue following up on Mr. Rigoberto Jiménez's situation through this precautionary measure registration number, while monitoring the situation of the Yira Castro Legal Corporation members under registration number PM-146-07, which is currently in force. The decision to disaggregate the precautionary measures' beneficiaries was communicated to the parties on December 1, 2010, in the following terms: "in view of a communication submitted by the applicant, [...] whereby it was indicated a series of obstacles in the implementation of the reference precautionary measures, due to the confluence as beneficiaries of a person –in a position as a social leader– and an organization made up of several members, the IACHR has decided to disaggregate the beneficiaries of the precautionary measure in force and continue to monitor, separately, both

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<sup>1</sup> IACHR. Precautionary Measures 2007. Available [in Spanish] at <http://www.cidh.org/medidas/2007.sp.htm>.

<sup>2</sup> Ibidem.

situations.” In this way, the Secretariat reported on the follow-up that would be carried out under two different registration numbers of precautionary measures.

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

5. Throughout the time the precautionary measures have been in force, the Commission has followed up on the situation subject matter of these measures, by means of requesting information from the parties. On October 12, 2012, the representation provided additional information, which was forwarded to the State on November 21, 2012. The State sent its response on December 18, 2012, which was forwarded to the representation on January 4, 2013. The representation’s response of August 27, 2013 was made known to the State on September 6, 2013. On September 18, 2013, the representation provided additional information, which was forwarded to the State on October 3, 2013. On September 30, 2013, the State provided observations, which were forwarded to the representation on October 16, 2013. On October 16, 2013, the State provided additional information. On October 30, 2013, the Commission forwarded the information to the representation.

6. On January 17, 2014, the representation sent a communication. On October 11, 2016, the State submitted additional information and requested the lifting of the precautionary measures. On December 8, 2016, the representation indicated that it had not been able to contact the beneficiary. On April 2, 2017, the State’s communication requesting the lifting of the measures was forwarded to the representation. On May 2, 2017, the State sent a communication. On June 5, 2017, the State reiterated its request to lift the precautionary measures, which was forwarded to the representation on August 25, 2017. On December 2, 2017, the representation reiterated that it had not been able to contact the beneficiary. On May 6, 2019, the Commission requested additional information from the representation, with no response to date.

#### **A. Information provided by the State**

7. On December 18, 2012, the State reported that according to the National Protection Unit (UNP) the beneficiary has a protection detail which included a conventional protection vehicle, two security escort units, three mobile communication devices, and three bulletproof vests. The State reported that at the session of November 1, 2012, a request to increase the number of security escort units was made. The Committee for Risk Assessment and Recommendation of Measures (CERREM) decided to keep the protection measures in force. A table was attached showing all the protection measures implemented since 2007. It was asserted that the UNP requested that the National Directorate of Prosecutors’ Offices launch an investigation into the facts claimed by the representation, as well as that the National Police implement the corresponding preventive measures.

8. On September 30, 2013, the UNP reported the adoption and implementation of various protection measures in favor of the beneficiary: a risk study was carried out on November 1, 2012, in which the beneficiary’s risk was allegedly classified as “extraordinary”; on the same date, he was granted a conventional vehicle, three cell phones, two protection men, and three bulletproof vests; and the National Police, through the Immediate Attention Command – CAI Colseguros, reportedly implemented preventive measures consisting of inspecting the headquarters of the Yira Castro Corporation, of which the beneficiary was a member. In addition, by means of a communication dated August 2, 2013, the Office of the Attorney General reported a progress in the investigations that include the beneficiary as a victim and stated that the investigations into the crimes of threats, crimes against property, and crimes of theft are at the investigation stage. On October 16, 2013, the State reported that

the National Police had undertaken various actions against illegal groups, including the group self-described as “*Los Rastrojos*”; it also emphasized the creation of the Joint Verification Mechanism (MEVEC) whereby a total of 33 criminal drug gangs were detected in various parts of the country; it was also established an Integrated Intelligence Center against Drug-Trafficking Criminal Gangs C12 BACR1M (Center that has managed to reduce the structure of these organizations from 33 in 2006 to 4 in 2013); in addition, the National Strategy against Criminal Drug-Trafficking Gangs (ENBAC) was designed.

9. On October 11, 2016, the State sent a report indicating that the National Police agreed upon with the beneficiary protection measures consisting of carrying out police rounds, patrols, and inspections. In addition, preventive self-protection measures were recommended, and the contact numbers of the Immediate Action Command were provided. The State reported that as part of the investigations into the crimes of threats, the beneficiary’s presence was required for an interview, but that he did not collaborate. The State further mentioned that on September 30, 2016, the National Army and the National Police captured 34 members of the criminal group “*Los Rastrojos*,” assuring that, with these arrests, the said group was practically dismantled. The State indicated that the beneficiary’s protection detail was ratified on May 31, 2016, and it purportedly consists of an armored vehicle, two protection men, a communication device, and an armored vest. The State requested that the precautionary measures be lifted, given that it has not been aware of any situation presenting a risk after 2013.

10. On May 2, 2017, the State asserted that on April 11, 2017, the UNP reported that the beneficiary has protection measures including a protection detail composed of two men and an armored vehicle, as well as an armored vest, and a communication device. On June 5, 2017, the State reported that on April 21, 2017, Caldas Police officers met via cell phone with the beneficiary, who indicated that he had a security detail implemented by the UNP. The State informed that the Basic Criminal Investigation Unit of the municipality of Supia verified the management file of the Unit, and on the platform of the Accusatory Oral Criminal System (SPOA) of the Office of the Attorney General there was no record mentioning that the beneficiary had filed a criminal complaint for the crime of threat. In addition, the State informed the actions undertaken as part of the investigations in which the beneficiary is registered as a victim, which are at the investigation stage. It was indicated that the investigation into the events of May 23, 2013, was closed due to acts not provided for under criminal law. The State once again reiterated its request to lift the measures.

## **B. Information provided by the representation**

11. On October 12, 2012, the representation stated that on May 7, 2012, the beneficiary received two threatening pamphlets signed by paramilitary groups self-described as “*Águilas Negras - Bloque Capital D.C.*” and “*Los Rastrojos Comandos Urbanos.*” In these communications, he was granted a term to leave the city under pain of being murdered. On July 23, 2012, beneficiary Rigoberto Jiménez returned from the Riosucio municipality in the Caldas department, along with his two assigned security escorts, and they were intercepted by a black Mitsubishi van that tried to pull them off the road. Upon having abruptly blocked them several times, the van let them continue their way after the security escort of beneficiary Diego Céspedes drew his weapon. Following the incident, the police were called, who arrived five minutes after the call. The police detained the occupants of the van who were armed. They reported that they were members of the GAULA. The beneficiary and his security escorts found the situation suspicious and therefore decided to leave the place. On July 25, 2012, in the Supía municipality of the Caldas department, a man approached Luz Evelkia Rivera Parra, couple of the beneficiary Rigoberto Jiménez. The man allegedly led her under a little-traveled pedestrian bridge and told her, “Tell your husband that we already know who he is, what he does. It took us a little while to find out who you are, but we already know. You spend all your time with a girl. Tell your husband that if he keeps bringing

those sons of bitches who accompany him, then he will see. They think that because they're armed, they can do whatever they want, if he brought them to this town, he has to get them out of here." The events of July 25, 2012, were not reported, because the beneficiary feared potential reprisals against his couple and his daughter.

12. On October 2 and 3, 2012, two threats signed by those self-described as "anti-restitution army – urban commands" and "Colombian anti-restitution army" were sent via email. In the first one, various persons and organizations were threatened and declared a military target, including the CND, of which the beneficiary is a member. The second threat was sent to the CND email, aimed at the Yira Castro Legal Corporation; the female National Coordinator of Displaced Persons; Rigoberto Jiménez; and House Representative Iván Cepeda.

13. Regarding the protection detail, it was reported that in August 2007, as part of the Program of Protection aimed at Leaders of the Displaced Population, the Ministry of the Interior and Justice provided the Board of Directors of the CND with two transport aids amounting 120 hours per month for 3 months. Similarly, beneficiary Rigoberto Jiménez received a communication device as a protection measure. Additionally, material protection was strengthened with a protection detail consisting of a car, two security escorts, a bulletproof vest, and a communication device. This protection was reportedly extended in 2011 to include flight tickets for his national trips. However, in 2012, the flight tickets were abolished and the aid for gasoline was reduced. Due to this reduction, beneficiary Rigoberto Jiménez could not use his detail for more than a third of the month, because he did not have the financial resources to pay for the car fuel. It was also reported that they had no information on the investigations.

14. On August 27, 2013, the representation informed that the CERREM did not provide the reasons why it dismissed the request to increase the number of assigned security escort units. With regard to the request made by the UNP to the National Directorate of Prosecutors' Offices and the National Police, the representation stated that it has no information on the progress of the investigation, or the preventive measures implemented by the Police. Regarding the risk, it was stated that on July 4, 2013, when the beneficiary was in the municipality of Santa Rosa de Cabal in the department of Risaralda, accompanying a family that was victim of forced displacement by illegal armed groups, three men appeared dressed in garments for the exclusive use of the military forces, with long-range weapons and armbands that identified them as members of the anti-land restitution Army. Such persons threatened those present with death and went directly to the beneficiary to tell him that the next time he appeared there "they would not respond for his life." These events were reported to the Office of the Attorney General, and on August 6, 2013, the beneficiary extended the complaint to the 32<sup>nd</sup> sectional Prosecutor of Bogotá.

15. On August 9, 2013, the beneficiary received a call to his cell phone from a number with only three digits (141) in which a male voice told him, "You're all very happy about the new legal status of the Patriotic Union (UP), if you keep doing the same thing, we already have the boss's order to go after all of you." It was noted that the beneficiary had testified before the Human Rights Prosecutor's Office of Medellín, which oversaw the investigation into the UP genocide in the Urabá region. The beneficiary reportedly denounced the former commander of the Army's 17<sup>th</sup> Brigade for his participation in systematic and selective killings of *campesino* population. The complaint purportedly resulted in paramilitaries held in the Bellavista prison in Medellín threatening him with death. Due to this situation, the *Corporación Reiniciar* allegedly arranged the transfer of the beneficiary's security detail to the defenders' detail corresponding to the Patriotic Union program. They considered that due to the threats he received, the assigned security detail should be extended or reinforced, as the measures he had were not sufficient. The representation reported that a threatening pamphlet arrived at the beneficiary's institutional mail on September 10, 2013, purportedly signed by the group "*Los Rastrojos*," whereby he

was declared a military target. The pamphlet specifically mentioned the beneficiary, declaring him a permanent enemy and permanent military target.

16. On January 17, 2014, the representation stated that the beneficiary's security detail had been reduced without having consulted him or carried out a prior procedure. It was stated that on January 13, 2014, the protection vehicle and a security escort unit had been withdrawn. On December 8, 2016, the representation reported that it had not been able to contact the beneficiary. On December 2, 2017, the representation stated that they have tried to contact the beneficiary for more than a year, but that they have failed to do so. On May 6, 2019, the Commission requested additional information from the representation, with no response to date.

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

17. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in the Charter of the Organization of American States, and in the case of the Member States that have not yet ratified the American Convention, the Declaration of the Rights and Duties of Man. These general oversight functions are established in Article 18 of the 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 irreparable harm to persons.

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

19. 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) indicates 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.

20. In analyzing the matter at hand, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie*

standard of review, keeping such measures in force requires a more rigorous evaluation.<sup>3</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>4</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>5</sup>

21. In this matter, the Commission recalls that the precautionary measures were granted in 2007 in light of the information available, which indicated that Mr. Rigoberto Jiménez, president of the National Coordination of Displaced Persons, was subjected to threats and harassment due to his work as a human rights defender. Upon the granting of the precautionary measures and throughout the follow-up by the Commission for approximately 14 years, the State sent reports referring in detail to the actions taken to ensure the life and integrity of the beneficiary, as well as the consultation actions carried out in favor of the beneficiary. Among them, the Commission emphasizes that the State reported on the implementation of a protection detail for Mr. Rigoberto Jiménez. In 2016, the State also reported on the holding of a consultation meeting in which the National Police agreed upon protection measures with the beneficiary consisting of carrying out police rounds, patrols, and inspections. Lastly, it was reported that the State has been investigating the facts alleged by the Office of the Attorney General and that the proceedings are at the investigation stage.

22. The Commission takes note of the observations provided by the representation regarding the measures implemented by the State. However, it is noted that the last specific threatening event reported purportedly dates to 2013, and that in 2014 there were only questions about the modification of the beneficiary's protection detail. Subsequently, and having requested more information and details about the beneficiary's situation, the representation reported that, at least since 2016, it has lost contact with Mr. Rigoberto Jiménez, while approximately five years have elapsed since then. In this sense, it is also observed that after the last requests for information between 2017 and 2019, the representation either reiterated having lost contact with the beneficiary or simply stopped responding to the IACHR.

23. In this matter, the Commission observes that the State has requested the lifting of the precautionary measures since October 11, 2016, reiterating the said request on June 5, 2017. In this sense, the request to lift these measures was forwarded to the representation pursuant to Article 25(9). The representation responded that they have not been able to contact the beneficiary, and therefore, his current situation is unknown. 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.<sup>6</sup> By the same token, the representatives of the beneficiaries that want the measures to continue must present evidence of any reasons why.<sup>7</sup> Similarly, according to Article 25, subparagraph 11, the Commission may lift or review a precautionary measure when the beneficiaries or their representatives unjustifiably fail to provide the Commission with a satisfactory response to the requests made by the State for its implementation.

24. Based on the analysis carried out, and in response to the State's request to lift the measures, the Commission understands that no information has been provided indicating that Mr. Rigoberto Jiménez is currently at risk. Thus, the Commission deems that according to the available information, it is not

<sup>3</sup> I/A Court H.R., Provisional Measures regarding Mexico, Order of February 7, 2017, para. 16 and 17. Available [in Spanish] at [http://www.corteidh.or.cr/docs/medidas/fernandez\\_se\\_08.pdf](http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf)

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

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possible to identify any current situation that may fulfill the requirements of Article 25 of the Rules of Procedure, while approximately more than four years have gone by and, on the representation's part, there is no information about the beneficiary. In view of the above and taking into account the exceptional and temporary nature of precautionary measures,<sup>8</sup> the Commission deems it appropriate to lift these precautionary measures.

## **V. DECISION**

25. The Commission decides to lift the precautionary measures granted to Rigoberto Jiménez in Colombia.

26. The Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1.1 of the American Convention, it is the obligation of the State of Colombia to respect and guarantee the rights recognized therein, including the life and personal integrity of Rigoberto Jiménez.

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

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

29. Approved on August 19, 2021, by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice 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

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<sup>8</sup> I/A Court H.R., Matter of Adrián Meléndez Quijano *et al.* Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 22, and Matter of Galdámez Álvarez *et al.* Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24