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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 2/2022**

Precautionary Measure No. 243-10  
Sigifredo Espinosa Pérez and his family regarding Colombia<sup>1</sup>  
January 12, 2022  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures in favor of Sigifredo Espinosa Pérez and his family in Colombia. At the time of making the decision, the Commission assessed the actions taken by the State during implementation as well as the observations of the beneficiaries' representation. Following the several requests to have the measures lifted made by the State between 2010 and 2021, the responses from the representation received until 2020, as well as the lack of response from the representation to the request for information made in 2021 in the procedure, and upon not identifying compliance with the procedural requirements, the IACHR decided to lift these measures.

**II. BACKGROUND INFORMATION**

2. On September 13, 2010, the IACHR granted precautionary measures to Sigifredo Espinosa Pérez, then a magistrate of the Supreme Court of Justice, and his family, in Colombia. In the request, it was alleged that he was subjected to follow-ups reportedly because of his participation in investigations into purported links between public officers and illegal armed groups. The information claimed that Mr. Espinosa was the object of illegal telephone tapping and intelligence activities by officers of the Administrative Department of Security (DAS). The Commission requested that the State of Colombia: a) adopt the necessary measures to guarantee the life and personal integrity of Sigifredo Espinosa Pérez and his family; b) consult and agree upon the measures to be adopted with the beneficiary; and c) report on the actions taken to investigate the events that led to the adoption of precautionary measures.<sup>2</sup>

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

3. During the time the precautionary measures have been in force, the Commission has followed up by means of requesting information from the parties. On October 15, 2010, the State presented a report requesting the lifting of the precautionary measures. On October 27, 2010, the representation furnished a report. On November 4, 2010, the Commission forwarded the report provided by the State to the representation and requested their observations. On November 5 and 19, 2010, the representation submitted a report. On November 30, 2010, the Commission reminded the State of the need to agree upon precautionary measures. On December 6, 2010, the representation sent a report. On February 1, 2011, the State submitted a report. On February 15, 2011, the representation presented a report. On April 26 and May 25, 2011, the State provided a report. On August 29, 2011, the Commission forwarded the information to the representation so that they provide their observations. On September 5 and 28, 2011, the representation furnished additional information. On October 4, 2011, the State requested that the

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<sup>1</sup> In accordance with Article 17(2) of the IACHR Rules of Procedure, Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the debate and deliberation of this matter.

<sup>2</sup> IACHR. Precautionary Measures 2010. Available [in Spanish] at <https://www.oas.org/es/CIDH/decisiones/MC/cautelares.asp?Year=2010&Country=COL>

precautionary measures be lifted. On November 18, 2011, the Commission forwarded the request to the representation to have their observations. On December 13, 2011, the representation presented a report.

4. On June 1, 2012, the State reiterated its request to have the precautionary measures lifted. On September 18, 2012, the Commission transferred such a request to the representation so that they provide their observations. On October 22, 2012, and March 14, 2013, the representation presented a report. On May 10, 2013, the Commission requested that the State submit updated information. On May 30, 2013, the representation sent a report. On January 7, 2014, the Commission asked the representation to furnish updated information. On February 14, 2014, the representation submitted a report. On April 16, 2014, the Commission forwarded the provided information to the State. The representation sent a communication on May 29, August 18 and 30, September 29, and November 10, 2014. On December 9, 2014, the Commission reiterated to the State the request for information made on April 16, 2014. On January 18, 2015, the State requested a timeline extension.

5. On January 22, 2015, the representation presented a report. On April 6 and September 8, 2015, the State provided a report and requested that the precautionary measures be lifted. On September 22, 2015, the Commission forwarded the information to the representation to have their observations. On October 15 and December 13, 2015, the representation submitted a report. On January 6, 2016, the Commission forwarded the information to the State. On February 4, 2016, the State furnished a report. On April 3, 2016, the representation presented a report. On March 30, 2017, the State requested that the precautionary measures be lifted. On April 26, 2017, the Commission requested the parties submit updated information. On May 11, 2017, the representation presented a report. On June 6, 2017, the Commission sent the report to the State for it to provide its observations. On July 18, 2017, the State presented a report. On August 19, 2017, and January 28, 2018, the representation sent a report.

6. On May 7, 2019, the Commission requested that the parties submit updated information. On June 19, 2019, the State furnished a report. On May 14 and 28, and August 31, 2020, the representation presented a report. On September 11 and December 4, 2020, the State requested the lifting of the precautionary measures. On December 14, 2020, the representation presented a report. On January 12, 2021, the Commission made the corresponding forwarding of information and asked the representation for their observations. On March 3, 2021, the State again requested the lifting of the precautionary measures. Similarly, the State reiterated the request to have the measures lifted on April 28, June 17, September 27, and December 7, 2021. The representation has not responded to the request for information made by the IACHR in January 2021.

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

7. On October 15, 2010, the State indicated that, prior to the request for precautionary measures, the beneficiary had protection measures, which were agreed upon. In the same way, criminal and disciplinary investigations were launched to clarify the alleged facts. Additionally, the State reported that: (i) the beneficiary did not return his security detail but requested the change of the officers due to issues of trust. On June 28, 2010, the State gave the beneficiary a new protection detail, which was received without objection; (ii) the beneficiary's personal protection detail is made up of 9 National Police security escorts; (iii) the beneficiary had residential security consisting of a fixed National Police post to which three police officers are assigned, each serving 8-hour shifts; (iv) there were logistical means implemented by the Superior Council of the Judiciary for the protection of the beneficiary: a Toyota Prado truck with level-III armor, a Toyota Prado truck, two motorcycles, two bulletproof vests, and two communication radios; (v) there were logistical means implemented by the National Police: a Chevrolet pickup truck, five Avantel communication devices, a level-III armored shield, and an automatic supply of

weapons for each of the assigned security escorts; (vi) on July 16, 2010, the National Police ordered the Usaqué Police Commander to carry out continuous inspections at the residence of the beneficiary's son; and (vii) criminal and disciplinary investigations were carried out at the Office of the Attorney General of the Nation [*Fiscalía General de la Nación*] and the Office of the Inspector General of the Nation [*Procuraduría General de la Nación*] for the purportedly illegal intelligence activities carried out against the beneficiary. Within the framework of these investigations, interrogations were conducted, while measures to ensure preventive detention, disciplinary sanctions, among others, were issued.

8. On February 1, 2011, it was stated that on January 20, 2011, a meeting was held to agree on precautionary measures with the participation of the beneficiary. On April 26, 2011, the State reported that the following had been agreed: The beneficiary would send information on his children to carry out an assessment of the level of risk and the State would send information on the investigations undertaken to clarify the facts surrounding the attack on the life of the beneficiary, in which GAULA members were reportedly involved. On May 25, 2011, the State indicated that an investigation was opened regarding the attempt on the beneficiary's life, which was closed on November 24, 2009.<sup>3</sup>

9. On April 6, 2015, the State reported that: (i) regarding the death of the beneficiary's dog, the National Police contacted the beneficiary's security detail, who reported that it was most likely that the death of the animal was product of a snake bite; (ii) regarding the alleged kidnapping of the beneficiary's wife that occurred on November 4, 2014, the Police stated that the incident involved an individual who was traveling on a motorcycle and offered her transportation, and in the face of the woman's refusal, the person continued on his way; (iii) the beneficiary had a type-2 protection detail provided by the UNP, consisting of an armored vehicle, two protection men, a communication device, and a bulletproof vest; (iv) the Risk Assessment and Recommendations Committee (CERREM) was requested to study the new facts to discuss the possibility of adjusting the beneficiary's protection measures; (v) additionally, preventive and protection measures were implemented in favor of the beneficiary, consisting of patrols and permanent police inspections at the beneficiary's residence in Bogotá; (vi) the National Police implemented protection measures consisting of three protection men and a vehicle; and (vii) preventive protection measures to be implemented each time he travels to the city of Medellín and the municipality of Sopetrán were agreed with the beneficiary. During the days of the beneficiary's stay at his rest home in Sopetrán, police rounds and inspections were carried out. The State indicated that the circumstances that called for the granting of the measures have radically changed given that the beneficiary is no longer a magistrate of the Supreme Court of Justice.

10. On February 4, 2016, the State reported that: (i) the crimes of illegal wiretapping and surveillance against the beneficiary and other officers of the Supreme Court of Justice were investigated, some of them are in the oral trial stage and regarding of others there is already a conviction; (ii) on December 31, 2015, the Human Rights Coordination requested to continue implementing the protection measures in favor of the beneficiary, at his new address; (iii) on January 18, 2016, the beneficiary was informed of the security and self-protection measures, as well as the contact numbers of the Immediate Attention Command (CAI) closest to the beneficiary's home, in order to attend any requirement of the beneficiary. Lastly, the State indicated that it had investigated and punished the events that gave rise to the precautionary measures, and no new threatening events related to the subject matter of the precautionary measures have been alleged. On July 18, 2017, the State indicated that the Office of the Attorney General of the Nation is investigating the crime of threats made against the beneficiary.

<sup>3</sup> Following this decision, on July 1, 2010, the Inspector General of the Police [*Inspector General de la Policía*] asked the Inspector General of the Nation [*Procurador General de la Nación*] to take on the investigation, to which the Office the Inspector General [*Procuraduría*] refused on September 24, 2010, because partiality was reportedly not perceived in the officer who ordered the investigation file and, in that sense, the decision to file had not been arbitrary.

11. On July 19, 2019, the State reported that: (i) the Prosecutor's Office opened an investigation into the alleged extortion messages received by the beneficiary, an investigation that was archived on February 13, 2018, for noncriminal conduct; and (ii) an investigation was launched into the crime of threats made against the beneficiary, which was active and awaiting the result of the proceedings ordered on May 30, 2019. On September 11, 2020, the State reported that through a session of March 7, 2018, CERREM classified the beneficiary's risk as "ordinary," which is why the lifting of his protection measures was ordered. Subsequently, the beneficiary has not requested new protection measures and has changed residence without informing the state authorities, which allows the State to conclude that the beneficiary does not need or want protection.

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

12. On October 27, November 5, November 19, and December 6, 2010, the representation stated that: (i) he had 9 security escorts and does not trust them; (ii) no protection has been offered to the beneficiary's family; and (iii) he denounced the existence of "work and professional discrimination" against his children. On February 15 and September 28, 2011, the representation reported that on January 20, 2011, a consultation meeting was held. On September 5, 2011, the representation reported that: (i) the Office of the Attorney General of the Nation was going to archive the investigation launched to clarify the events that occurred on June 18, 2009 –regarding the attempt on his life by GAULA officers–; (ii) the Supreme Court of Justice has been questioned for decisions it has adopted; and (iii) on August 18, 2011, the former president of the Republic of Colombia was heard in a free version within the framework of the Investigation and Indictment Commission of the House of Representatives of the Congress of the Republic, and reference was made to illegal interceptions by DAS officers.

13. On October 22, 2012, the representation reported that the beneficiary is no longer a magistrate of the Supreme Court of Justice. On March 14, 2013, the representation stated that: (i) in December 2012, the beneficiary began improvements to a property he owned in the Municipality of Sopetrán, Antioquia, and was allegedly attacked by unknown persons; (ii) in January or February 2013, a group of persons in a vehicle approached the property in the Municipality of Sopetrán, and allegedly photographed the property; (iii) he is said to travel in a conventional vehicle; (iv) a patrolman was assigned to the home protection detail and was then purportedly replaced at the request of the beneficiary. On May 30, 2013, the representation reported that the beneficiary indicated that members of his security detail obtain photographic and filmic records of his actions.

14. On February 14, 2014, the representation stated that the beneficiary has a security detail made up of several National Police officers and two drivers of the National Protection Unit (UNP). On May 29, 2014, the representation broadly informed of unknown persons outside his son's apartment. It was reported that after the beneficiary's term as magistrate concluded, the National Police and the UNP maintained his security detail. However, questions about its implementation were raised. On August 18, 2014, the beneficiary reported that: (i) on June 26, 2014, when he was traveling in a police vehicle and followed by a police motor vehicle, a D-MAX van cut off their pace; and (ii) on July 21, 2014, at night, at the beneficiary's rest house, a vehicle parked in the parking lot and then abruptly rebuked the march. The beneficiary indicated that the head of his security detail behaves in a hostile manner. On August 30, 2014, the representation stated that: (i) on August 12, 2014, a bus collided with the security vehicle in which the beneficiary's wife was traveling; and (ii) on the afternoon of August 19, 2014, the beneficiary was driving home along with his security detail, when two uniformed members of the National Police stopped them and asked them if the vehicle was official and then they left. The beneficiary reiterated his mistrust of the people in charge of his security and that he does not live in peace. On November 10, 2014, the

representation stated that on November 4, 2014, at night, in the municipality of Sopetrán, they tried to kidnap the beneficiary's wife. On October 15, 2015, the representation stated that: (i) he considered it unlikely that his guard dog had been killed by a snake, referring to an event from September 2014; and (ii) in November and December 2014, there were reported criminals who had supplanted the beneficiary's identity to obtain public documents in his name to deprive him of a property he owns in Medellín.

15. On December 13, 2015, the representation reported that on December 11, at night, armed persons surrounded his high-end vehicle in the city of Medellín and told the security escort to get out of the vehicle. The criminals fired on several occasions hitting the vehicle, and the security escort acted in turn, wounding one of the strangers, which made them leave the scene. The National Police reportedly went to the scene quickly, identifying the possibility of a crime of car theft. On April 3, 2016, the representation continued to question in a general way the measures implemented. The beneficiary reported that in July 2015 the UNP had decided not to continue with the protection measures.

16. On May 11, 2017, the representation reported that: (i) on April 20, 2017, when the beneficiary was with his wife at a restaurant in Bogotá, a person stared at them and then sat at the table on the side; and (ii) the Administrative Court of Cundinamarca, by ruling of February 15, 2017, declared the State responsible for the acts carried out during 2007 to 2010 against the beneficiary and his family. On August 19, 2017, the representation stated that on August 16, unknown persons entered his home and stole valuables, private documents, and a firearm. The beneficiary questioned the actions of the National Police. On January 28, 2018, the representation reported that: (i) the investigation into the events that occurred on August 16, 2017 was archived; (ii) he was receiving messages telling him that he had been the winner of contests that do not exist; and (iii) on January 12, 2018, the husband of the beneficiary's daughter was contacted by an unknown number asking him if a specific person was his client, because they had an audio that seriously compromised him.

17. On May 14, 2020, the representation stated that: (i) by resolution of September 2019, the beneficiary and his wife were included in the Single Registry of Victims (RUV) of the armed conflict in Colombia, but no final decision regarding members of the beneficiary's family has been adopted; (ii) for over three years the security detail has been withdrawn from the beneficiary; (iii) the beneficiary and members of his family have faced health problems; (iv) on February 26, 2020, the beneficiary received an email, allegedly from his bank, informing him that his banking products have been suspended and he is given a link to restore them, which he considers a criminal modality used to steal financial and personal data; and (v) on February 23, 2019, the beneficiary was with his wife traveling by road from Sopetrán to Medellín, and an individual who was driving a motorcycle approached his vehicle and made signs to them in reference to the vehicle's tires. On May 28, 2020, the representation reported that he had received multiple emails from the telecommunications company MOVISTAR in which he is informed that he owes money for unpaid bills, which he considers a scam because the registered data does not match his.

18. Finally, on August 31, 2020, the representation reiterated their dissatisfaction with the investigative activities. Additionally, it was reported that the State had decided to reduce the beneficiary's pension allowance. On December 14, 2020, the representation stated that on November 30, 2020, the beneficiary again received emails from criminals posing as his bank to steal bank and personal data.

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

19. The precautionary measures mechanism is part of the Commission’s function of overseeing 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 IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission’s Rules of Procedure. 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 or to the subject matter of a petition or case before the organs of the inter-American system.

20. 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.<sup>4</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>5</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>6</sup> Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. The precautionary nature aims at safeguarding 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 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. 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.

21. 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 maintain, modify or lift the precautionary measures in force.” In this regard, the Commission should assess if the serious and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the

<sup>4</sup> 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](#). Precautionary Measures, Order of July 6, 2009, considerandum 16.

<sup>5</sup> 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.

<sup>6</sup> 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; 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].

Commission shall consider whether new situations have subsequently arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

22. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.<sup>7</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>8</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>9</sup>

23. In this matter, the Commission notes that the precautionary measures were granted in 2010 while the beneficiary was a magistrate of the Supreme Court of Justice in Colombia. Following the granting of the measures, the State sent reports, responding to the requests of the Commission. In the same way, the representation sent its observations throughout the time these precautionary measures have been in force. Upon analyzing the information forwarded as a whole, the Commission observes that the State adopted the following measures in favor of Mr. Espinosa and his family:

- (i) A meeting to agree on precautionary measures, such as the one that was held on January 20, 2011. Moreover, contact was maintained between the corresponding national entities and the beneficiary over time;
- (ii) A security detail in favor of the beneficiary, as well as residential security and various means of logistical protection. There were even changes of persons who acted as his security escorts, depending on the situations. Furthermore, requests were made to assess his risk based on the alleged facts, including family members;
- (iii) A security detail that was implemented while he was a magistrate of the country's Supreme Court of Justice;
- (iv) Inclusion of Mr. Espinosa and his wife in the Single Registry of Victims of the armed conflict in Colombia; and
- (v) Progress in various investigations into the alleged facts between 2010 and 2019, having issued assurance measures, archiving some, and determining convictions, as appropriate. The representation even indicated that there was a judgment of February 15, 2017, whereby an Administrative Court of Cundinamarca declared the State responsible for criminal acts carried out from 2007 to 2010 against the beneficiary and his family.

24. The Commission also notes that the State has requested the lifting of these precautionary measures on multiple occasions between 2010 and 2021, at least on 13 times. In the terms of Article 25(9) of the Rules of Procedure, the lifting requests were forwarded to the representation for the corresponding observations. The Commission identifies that the last communication received from the representation dates from 2020, and no information has been received from them in 2021, despite the request for information sent by the IACHR in January 2021 and the request made and repeated over time by the State to have the measures lifted.

25. In analyzing whether these measures should remain in force, the Commission notes, in addition to the measures detailed above, that the State maintained security measures in favor of the beneficiary and his family, even after he left the post of magistrate of the Supreme Court of Justice of Colombia. As the

<sup>7</sup> 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](http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf)

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

parties subsequently indicated, for 2018, Mr. Espinosa no longer had internal protection measures following an internal risk assessment determining that he was under “ordinary” risk. The Commission also observes that the State indicated that the beneficiary has not requested new protection measures at the domestic level and has changed his address without informing the State authorities, therefore it considered that the beneficiary does not need or want protection. Although the representation questioned over time the implementation of the security measures, it has not questioned whether they have been implemented. In any case, it is observed that questions have persisted in general terms without sufficient details to analyze their effectiveness or suitability throughout the time they have been in effect. The Commission also understands that, if new events arise, the beneficiary can request the corresponding protection at the internal level and internal authorities can also assess those deemed appropriate according to the information made available to them. Thus, the available information indicates that the State has been attentive to the situation of the beneficiary, while it became aware of his change of address and has verified that protection has not been requested recently at the domestic level.

26. 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>10</sup> By the same token, the representatives of the beneficiaries that want the measures to continue must present evidence of any reasons why.<sup>11</sup> Similarly, Article 25(11) of the Rules of Procedure sets forth that the Commission may lift or review a precautionary measure when the beneficiaries or their representatives unjustifiably fail to provide the Commission with a satisfactory response to the requests made by the State for its implementation.

27. After the various requests for information made to the representation, the Commission observes that the most recent alleged facts date from 2020 and refer to events of various kinds that are not sufficient to conclude that there exists an “imminent” risk to the rights to life and personal integrity of Mr. Espinosa pursuant to Article 25 of the IACHR Rules of Procedure. Thus, for example, the representation questioned: the “pension allowance” in December 2020; MOVISTAR emails that charged him unpaid bills in May 2020; emails with links from an alleged bank in February 2020; presence of a person near his vehicle in February 2019; a call from an unknown number in 2018 to the husband of the beneficiary’s daughter; gaze from an unknown person near his table in a restaurant in April 2017; among others. In the same way, the IACHR observes that the questions regarding the investigations have also been furnished in a general manner. On the contrary, the available information indicates that the State has promoted the corresponding investigations as they have been brought to its attention by the beneficiary. It is even observed that the State has continued to report the measures adopted in favor of the beneficiary, who has not requested protection measures or lodged complaints at the domestic level for the events that he recently alleges.

28. In this matter, the Commission notes that the representation did not respond to the request for information made in January 2021 and no situation presenting an “imminent” risk has been identified in recent years. In this sense, the information presented by the representation is not sufficient to conclude that the situation meets the requirements of Article 25 of the Rules of Procedure. Based on the analysis carried out and in view of the State’s repeated requests to lift the measures, the Commission understands that the factual circumstances that gave rise to the granting of these precautionary measures have changed significantly. Thus, the Commission deems that, based on the exceptional and temporary nature of the precautionary measures,<sup>12</sup> it is appropriate to lift these measures.

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</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



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29. Lastly, the Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State of Colombia to respect and guarantee the rights recognized therein, including the life and personal integrity of the persons identified in the matter at hand.

**V. DECISION**

30. The Commission decides to lift the precautionary measures granted in favor of Sigifredo Espinosa Pérez and his family, in Colombia.

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

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

33. Approved on January 12, 2022, by Julissa Mantilla Falcón, President; Margarete May Macaulay, First Vice-President; Esmeralda Arosemena de Troitiño, Second Vice-President; Joel Hernández García; Edgar Stuardo Ralón Orellana; and Roberta Clarke, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary