
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 55/2022**

Precautionary Measure No. 261-22
A.A.V.B and his immediate family members¹ regarding Colombia²
October 15, 2022
Original: Spanish

I. INTRODUCTION

1. On April 11, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by the International Institute on Race, Equality and Human Rights (“the applicants”), urging the Commission to require that the State of Colombia (“Colombia” or “the State”) adopt the necessary measures to protect the rights to life and personal integrity of Mr. A.A.V.B. and his immediate family members (“the proposed beneficiaries”). According to the request, the proposed beneficiaries are at risk as a result of threats, harassment, and acts of violence against Mr. A.A.V.B., due to his social, environmental, and community leadership, especially in favor of the Afro-Colombian population.
2. In accordance with Article 25(5) of its Rules of Procedure, the Commission requested additional information from the applicants on May 10, 2022, and received the information requested on May 19, 2022. The Commission requested information from the State on June 17, 2022, and received its report on June 27, 2022. The Commission requested information from both parties on July 19, 2022, and received the required information from the applicants on July 26, 2022, and from the State on July 29, 2022. The Commission requested updated information from the applicants on September 13, 2022, and received it on September 22, 2022.
3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Consequently, the IACHR requests that the State of Colombia: a) adopt the necessary measures, with the appropriate ethnic-racial and gender-based approach, to protect the rights to life and personal integrity of Mr. A.A.V.B. and his immediate family members; b) adopt the necessary protection measures so that Mr. A.A.V.B. can continue to carry out his activities in defense of human rights without being subjected to threats, intimidation, harassment, or acts of violence; c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

4. The proposed beneficiaries are A.A.V.B. and his partner D.C.D.A., who live in the same house. According to the request, Mr. A.A.V.B. is an Afro-Colombian youth, social, environmental and community leader,

¹ At the request of the applicants, the Commission decided to withhold the identities of the proposed beneficiaries, who are nevertheless fully accredited in these proceedings and in the documents forwarded to the State.

² 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.

president of the citizen movement “Orientados” in Cali, made up of approximately 12 community-based organizations and grassroots housing organizations. In addition, Mr. A.A.V.B. is reportedly a victim of forced displacement and threats in the municipality of López de Micay, Cauca, included in the Single Registry of Victims (*Registro Único de Víctimas*, RUV). In November 2021, he was elected as District Youth Counselor, for a four-year term. His leadership would focus on the promotion of ancestral knowledge of planting and harvesting, the integral protection of wetlands and their water flow that are connected to the Cauca River, and especially in the demand for the restitution of lands to the Afro-Colombian population victims of the armed conflict and protection of human rights settled in the rural area of Navarro and East of Cali.

5. According to the applicant, A.A.V.B. participated in the protests of the 2021 National Strike, from the citizen movement “Orientados.” The applicants affirmed that during the demonstrations, the proposed beneficiary was the spokesperson of the resistance point³ located in the area of the Educational Institution “Nuevo Latir” and was part of the front and second lines of resistance, “being one of the most visible leaders of the “Nuevo Latir” or “Nuevo Resistir” resistance point. His participation is reportedly aimed at “putting into the public debate the demands associated with land restitution, the protection of wetlands and the work carried out in the Return to the Countryside Ethnic Garden (*Huerta Étnica Retorno al Campo*) which is projected as a center of socio-environmental and agroecological innovation in eastern Cali.”
6. In the first days of May 2021, while the proposed beneficiary was present at the resistance point, individuals who identified themselves as Revolutionary Armed Forces of Colombia-People’s Army (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*, FARC-EP) dissidents reportedly offered them “financing, drugs, weapons and resources so that they did not leave the resistance point.” Following the rejection of the proposal, the “Orientados” movement reportedly began to suffer reprisals by armed groups with a presence in the area – sometimes, they allegedly passed by and shouted that they were going to kill them.
7. On May 9, 2021, the proposed beneficiary and other members of the “Orientados” movement reportedly signed an agreement with the Mayor’s Office of Cali and the Public Prosecutor’s Office to hand over the resistance point and cease the blockades. From the agreement, “they began to unblock the resistance point for specific periods of time to ensure that civilians and vehicles could pass through.” The applicants stated that this led to people from other sectors of the resistance to point to the citizen movement “Orientados” as “enemies of the process,” which purportedly generated threats against its members.
8. According to the applicants, the members of the resistance point agreed that no one could leave before dawn for safety. However, on May 22, 2021, one of the young members of the “Orientados” movement and the resistance point was “shot dead in his head by strangers who fled on a motorcycle,” upon leaving the resistance point a little earlier. On May 28, 2021, the “Nuevo Latir” resistance point was carrying out activities to celebrate a month of the National Strike, when “some people walking and others on motorcycles began shooting firearms indiscriminately.” In this attack, a second member of the “Orientados” movement and the resistance point, who was also an Afro-Colombian leader, was reportedly killed.
9. On June 4, 2021, the proposed beneficiary allegedly led the filing of a class action with the Office of the Attorney General, through the Security Policy Secretariat of the Mayor’s Office of Cali, signed by leaders of the front and second lines of the “Nuevo Latir” resistance point for the acts of risk, threat, harassment

³ According to the request, the resistance points “were geographic locations where assembly and peaceful protest took place, while resisting repressive actions.” Around 26 resistance points were organized collectively in the Union of Cali Resistances (URC), “integrating more than 70 people spokespersons of the resistance points to build consensus on the demands of the National Strike.”

and murders mentioned above. According to the applicants, “to date, no progress has been made in the investigation into the facts denounced.”

10. On June 5, 2021, the “Orientados” movement lifted the resistance point and its members reportedly moved to live in hotels in the region, as part of the agreement signed with the Mayor’s Office of Cali and with the support of the Archdiocese of Cali.⁴ The applicants stated that, in June, they had to move to more than four different hotels due to “security reasons, because of the risks they were facing and the murders of leaders in previous days.” In one of the hotels, accommodation with the family was allegedly not allowed for security reasons. In that context, a member of the “Orientados” movement was reportedly killed while visiting his family. Because of this, between June and October 2021, the members of “Orientados” who participated in the “Nuevo Resistir” resistance point are said to have adopted self-protection measures.
11. On September 21, 2021, the proposed beneficiary purportedly forwarded the complaint to the Mayor of Cali to activate protection routes in favor of the members of the “Orientados” movement. According to the request, on September 23, 2021, the Undersecretary of Security Policy of the Mayor’s Office of Cali asked the National Protection Unit for protection measures in favor of A.A.V.B., which was allegedly reported to the Office of the Attorney General and the National Police. On the same day, the coordinator of the human rights group MECAL of the Police of Cali, reportedly requested the proposed beneficiary his residence and contact information for “consultation of preventive measures in order to minimize the risk of the citizen.” The applicants stated that, following the murders, “many people decided to leave the organizational process for fear of reprisals and risks to their lives.”
12. On October 21, 2021, a fourth member of the “Orientados” movement, Víctor Orlando Mosquera, who was coordinator of the Return to the Countryside Ethnic Garden, was reportedly killed after leaving classes at the Nuevo Latir Educational Institution. His body was said to be found three days later, buried in an area of the Ethnic Garden, located on the border between the city and the rural area of Navarro. According to the applicants, this fact sends “a message that it was a matter of retaliation for the work that was being carried out in the aforementioned garden”, and is under investigation by the Office of the Attorney General. The applicants stated that, as a consequence, the articulation and work of the citizen movement “Orientados” have been affected – after the murders, “they had to stop meeting as a collective and could not carry out any activity in any of their lines of work.”
13. On November 27, 2021, A.A.V.B. and his partner D.C.D.A. were allegedly “victims of a burglary in their place of residence.” The applicants consider it suspicious, insofar as they reportedly took only “the computer where all the *Orientados* information was, a camera, a video beam, and a microphone.” The proposed beneficiaries immediately called the Office of the Attorney General; however, a judicial police officer allegedly did not apply “any protocol for the collection of evidentiary material.” “In the first days of December 2021,” the Office of the Attorney General reportedly indicated that ‘as the procedure for receiving the complaint had not been carried out correctly [...] the procedure did not continue,’ and noted that it would be necessary to submit it again. The persons proposed as beneficiaries are said to have resubmitted the complaint for the acts of aggravated theft on December 28, 2021. They also reportedly relocated their place of residence.
14. On November 28, 2021, the National Protection Unit (*Unidad Nacional de Protección*, UNP) conducted the interview to start the protection route to A.A.V.B. Similarly, the proposed beneficiary allegedly

⁴ According to the applicants, this measure is said to be part of the “shock plan” to “be implemented by the Archdiocese of Cali, with the support of the Mayor’s Office of Cali, to guarantee a route of protection and social stabilization; as part of the fulfillment of the Agreement for Life and Rights of *Nuevo Resistir*. This agreement allegedly established in its point 3: “Develop actions to protect life, human security, and guarantees of participation of the team of leaders of the front and second lines of the *Nuevo Resistir* (*Nuevo Latir*) Committee.”

requested the implementation of the Public Policy of Guarantees and Respect for the Work of Human Rights Defenders and Social Leadership before the UNP on January 20, 2022, and before the Ministry of the Interior, the Ombudsperson's Office, and the Office of the Attorney General on January 23, 2022. On another note, the applicants affirmed that those who were leaders during the mobilizations, especially those who belonged to the front and second lines of resistance, are suffering stigmatization and being singled out. In this regard, on January 21, 2022, the Minister of Defense reportedly expressed during a visit to Cali that "the front lines belong to organized crime and committed terrorist attacks, based on their alliances with illegal armed groups such as the National Liberation Army (*Ejército de Liberación Nacional*, ELN) and the dissidents of the FARC-EP."

15. On February 6, 2022, a threatening pamphlet allegedly signed by the Central Command of the Black Eagles was found at the door of the house of a member of the Bureau of the Union of Cali Resistances (*Mesa de la Unión de Resistencias Cali*, URC), where the proposed beneficiary participated. This pamphlet aimed "at those who have participated in the demonstrations as leaders of resistance points, spokespersons, and members of the front lines of resistance - as in the case of [A.A.V.B.]," allegedly stated: "our weapons will do the justice that others have been unable to assume... death... death to the leaders [...] we swear by the homeland that we will annihilate every leader who collaborates with the URC. Be warned, it is the first and only warning, you defenders of human rights [...], are our military objective."
16. On March 23, 2022, another pamphlet was circulated, signed by the Gaitanist Self-Defense Forces of Colombia (*Autodefensas Gaitanistas de Colombia*), also addressed to leaders and members of the front lines of resistance in the context of the National Strike, whereby it was allegedly claimed to have managed to "individualize and detect the political orientation of the guerrillas in the city of Cali." It declared two people a military target, who, according to the illegal group, were part of the resistance and Front Line of Cali. As a result of the threats, members of the URC Bureau are said to be "moving in a forced and intra-urban way to mitigate the risks." The applicant affirmed that the threats are endangering the people proposed as beneficiaries and "all the people who make up *Orientados*," especially A.A.V.B. "for being a spokesperson of the 'Nuevo Latir' or 'Nuevo Resistir' resistance point and for having participated in the URC."
17. On March 23, 2022, the UNP reportedly notified the proposed beneficiary of the Resolution issued by the Committee for Risk Assessment and Recommendation of Measures (*Comité de Evaluación del Riesgo y Recomendación de Medidas*, CERREM), whereby the level of risk was labeled as "ordinary." The applicants stated that in cases of ordinary risk, CERREM only validates the risk and decides not to recommend protective measures.
18. On April 4, 2022, the proposed beneficiary allegedly filed an appeal requesting the revocation of the said Resolution. In his appeal for reconsideration, the proposed beneficiary pointed out the alleged failure to apply the jurisprudential framework on the protection of the rights of Afro-Colombian human rights defenders, social leaders and victims of the armed conflict, since, according to the applicant, "the National Protection Unit had not applied the presumption of risk established by the Constitutional Court in Order 200 of 2007."⁵ In this document, the proposed beneficiary highlighted his status as a displaced person, his social leadership in the Citizen Movement "Orientados" in Cali, in the "Nuevo Resistir" resistance point, his election as District Youth Counselor and his work in the Return to the

⁵ According to the applicants, the conditions that trigger the presumption of risk are: (a) the submission of a request for protection to the authority by a displaced person, (b) the request was effectively known by the competent authority, (c) the request presents information that demonstrates, prima facie, that the person is actually displaced by violence, for which the referrals made to the Healthcare Provider Institutions in which the registration in the Single Registry of Displaced Population is accredited are sufficient, and (d) the information presented specifically refers to a specific threat to the life and integrity of the petitioner or his family, or to an act of violence against them, relating concrete facts that indicate that he was subject to threats or attacks.

Countryside Ethnic Garden. The murders that occurred in the last year were also stressed, especially the murder of Mr. Orlando Mosquera, and the alleged existence of threatening pamphlets in the territory.

19. Likewise, the proposed beneficiary is said to have taken over the leadership of the Ethnic Garden, after the murder of Mr. Mosquera, and is currently the representative of the Ethnic Collective Organization Return to the Countryside and spokesperson of the Local Youth Platform of Commune 15, where the Garden is located. According to the applicant, the proposed beneficiary carries out community work and must constantly attend the Garden. However, in this area there is an irregular settlement of people of African descent, mostly in condition of forced displacement, called Brisas del Norte, and it has been the target of armed groups and organized crime. In this regard, the applicant stressed that “the type of Afro-descendant leadership exercised by Mr. [A.A.V.B.] is different from that of the Afro-Colombians who participated in the National Strike as part of the URC, because it is “a leadership aimed at guaranteeing the environment and food security for Afro-Colombian communities displaced in areas of irregular settlements. “The role of the proposed beneficiary would be “affecting different interests of armed groups and organized crime throughout the city.”
20. The applicants reported that on April 28, 2022, the Committee of the “Nuevo Resistir” resistance point, led by A.A.V.B. held an event to commemorate one year from the 2021 National Strike and that during the activities they began to receive insults and stigmatizing comments from people who apparently passed by the place saying “they will continue messing in the streets.” It was alleged that since then his comrades informed him that “armed groups began to monitor the planting process that takes place in the Garden, with interest in the land.” In this sense, when he went to the Garden on April 30, 2022, the proposed beneficiary purportedly noticed that “armed men warned by radio that he had arrived” and two men armed with radios were watching him. Subsequently, they allegedly told him to “tell [A.A.V.B.] not to come here,” and “it is better if you leave.” According to the applicants, these events have not been reported “due to the strong fear generated by the direct link between the threats, the murder of Mr. Víctor Mosquera, and the reprisals that those responsible may take.” The applicant stated that “[A.A.V.B.] is afraid to denounce the risks he faces in relation to his work at the Ethnic Garden, because of the reprisals that these complaints may generate in relation to the threats he faces and the relationship with the case of Víctor Mosquera.”
21. On the other hand, the National Police initiated “police rounds” as a police measure, which would consist of attending the house of the proposed beneficiary and requesting him to sign a record of the visit. However, this measure would be insufficient considering that the work carried out by Mr. A.A.V.B. is outside his house, in the area of the Return to the Countryside Ethnic Garden and in other areas of the city where he does not have a protection measure.
22. On July 26, 2022, the applicants reported that Mr. A.A.V.B. filed a complaint for collective threats on June 4, 2021, which was in the investigation stage. However, the only actions reported would be the construction of the methodological program on June 29, 2021, and, seven months later, a judicial police order of February 11, 2022, to conduct an interview. In this regard, the proposed beneficiary has not been interviewed to date. On another note, the applicants stated that the persons proposed as beneficiaries reported the aggravated theft of their residence to the Office of the Attorney General and that no progress had been made in the investigation. The applicants reported that Ms. D.C.D.A. is currently pregnant and is therefore in a “greater state of vulnerability.”
23. On September 22, 2022, the applicants submitted additional information. In this regard, it was stated that the context and the facts that gave rise to the request for precautionary measures persist, without the Colombian State providing the protection measures that A.A.V.B. would require to continue his leadership work. On July 28, 2022, the UNP reportedly notified the resolution of the appeal for

reconsideration filed on April 4, 2022, “confirming the refusal to grant protection measures in favor of [A.A.V.B.]”. Due to this, the proposed beneficiary would have been “forced to reduce his activities” and adopt self-protection measures, for example, he would be developing his studies at night “in order to prevent those possibly responsible for the threats against him and murders of his classmates from knowing his location”, he would no longer be publishing about his activities on social networks and the media simultaneously, but days after his activities. Currently, Mr. A.A.V.B. is “denouncing the environmental impact of a large infrastructure project near the wetland located next to the Return to the Countryside Ethnic Garden.” Consequently, he would have perceived surveillance actions when he is in the Ethnic Garden by police officers and others, who allegedly take photographs of him without his consent, on the grounds that the area is “troubled.”

24. The applicants reiterated that none of the complaints lodged by the proposed beneficiary has had any progress to date. Furthermore, the police rounds carried out by the National Police were reportedly suspended “about four months ago, without any communication or notification to the proposed beneficiary.” On August 16, 2022, the proposed beneficiary allegedly requested the issuance of an early warning to the *Personería* de Santiago de Cali “in order to protect the activities and leadership they carry out from the Citizen Oriented Movement.”
25. On September 1, 2022, Mr. A.A.V.B. reportedly requested a meeting with the Secretary of Security and Justice of the Mayor’s Office of Cali, where he initially made the request for protection, to denounce the security situation that he and other people of the *Orientados* Citizen Movement would face, allegedly without receiving a response to date. On September 7 and 13, 2022, he would have reiterated this request, without receiving a response again. Thus, the applicant affirmed that Mr. A.A.V.B. and his family “are in a situation of absolute lack of protection against the risks and threats they face,” which has also generated “a situation of institutional distrust, due to the lack of investigation of the facts and [...] the lack of follow-up to all the complaints and requests he has filed with the local authorities.”

B. Response from the State

26. On June 27, 2022, the State reported that a criminal investigation was underway in which Mr. A.A.V.B. is listed as the victim for the alleged crime of threats, which occurred on June 16, 2021. In this investigation, it is alleged that on June 29, 2021, the Prosecutor dealing with the case established the methodological program for the investigation, and on February 11, 2022, the Judicial Police was ordered to conduct an interview. The State affirmed that the Prosecutor’s Office “is verifying” whether the facts described in the request for precautionary measures are related to the threats under investigation, in order to ensure that they are part of the same process, “or otherwise, proceed with the opening of the respective criminal report.”
27. On the other hand, the State reported that, once the databases of each of the different dependencies of the National Protection Unit (*Unidad Nacional de Protección*, UNP) had been verified, it was found that Mr. A.A.V.B. does not have protection measures before this entity. In this regard, the State indicated that it is necessary for “the person interested in accessing the Protection Programs to express their consent to start the protection route, either individually or collectively.” In response to the foregoing, the Colombian State urged the IACHR to “inform the proposed beneficiaries of the route for joining the programs run by the UNP.”
28. The State submitted additional information on July 28, 2022, and affirmed that, once it became aware of the situation of the proposed beneficiary, the National Police of Colombia by means of an official communication of September 27, 2021, ordered the activation of preventive measures in favor of A.A.V.B. Also, by means of the minutes of October 1, 2021, the Commander of the San

Nicolas Immediate Attention Center (*Centro de Atención Inmediata*, CAI) in the city of Cali-Valle del Cauca, reportedly implemented the respective security measures.

29. In addition to the foregoing, the State affirmed that on June 24, 2022, it ordered the Valle del Cauca Police Intelligence Regional Office, the Valle del Cauca Criminal Investigation Regional Office, and the Valle del Cauca Protection and Special Services Regional Office to carry out the following activities:
- Police Intelligence Regional Office: to determine possible situations of imminent harm against the proposed beneficiary and develop the actions in accordance with the Institutional Action Route established in Directive 0254.
 - Criminal Investigation Regional Office: Judicial police activities, verification of the complaints filed by the proposed beneficiary. An order was also made to deploy, in conjunction with the Office of the Attorney General of the Nation of investigative activities aimed at clarifying the threats and other criminal conduct allegedly deployed against him, generating the respective reports and making the corresponding record of the proceedings in the Comprehensive Human Rights System (*Sistema Integral de Derechos Humanos*, SIDEH-5).
 - Protection and Special Services Regional Office: to promote, articulate and coordinate the actions of competence with the National Protection Unit (*Unidad Nacional de Protección*, UNP) for the activation of the corresponding protection route. Also, to coordinate talks on self-protection measures in accordance with Directive 025. In this regard, the Metropolitan Police of Santiago de Cali (*Policía Metropolitana de Santiago de Cali*, MECAL) states that it is important to take into account that the institutional routes activated and preventive measures are socialized at a technical monitoring table led by the Human Rights Coordination Office on the 20th of each month, attended by officials from each area responsible for verifying each case. Subsequently, the Tactical Advisory Council on Human Rights is held, in accordance with Transitional Operational Directive 0256.
30. The State reported that on July 28, 2022, Mr. A.A.V.B. was notified of the appeal for reversal resolution, by means of which it was ordered not to reconsider Resolution No. 1582 of March 4, 2022. According to the Colombian State, the protection measures may only be modified by the Committee for Risk Evaluation and Recommendations for Measures (*Comité de Evaluación de Riesgos y Recomendaciones de Medidas*, CERREM) when there is a change in the situations that originated the risk level. Nonetheless, Mr. A.A.V.B. has not reported “any new situation presenting a risk or vulnerability that could affect his safety and that would merit to initiate a new protection route” The State reported that the decision not to reconsider the Resolution of March 4, 2022, took into account that:
- The situation of Mr. A.A.V.B. was evaluated by the Prevention and Protection Program of the National Protection Unit.
 - The Preliminary Assessment Group (*Grupo de Valoración Preliminar*, GVP) of the National Protection Unit, guided by the elements compiled and included in the technical tool that classifies risk in percentage levels, determined the risk as ordinary with a weighting of 43.88% in the matrix.⁶ In this sense, an individual who is subject to ordinary risk cannot demand special protection measures.
 - This analysis was presented to the members of CERREM, where the case was analyzed, validated, and it was recommended to the Director General of the Unit “to “communicate the result of the risk level study.”

⁶ According to the State, the risk matrix can yield three types of results: Ordinary Risk: scale from 0 to 49; Extraordinary Risk: scale from 50 to 79; and Extreme Risk: scale from 80 to 100.

- This led to the conclusion that, according to the objective criteria that measures risk, the proposed beneficiary has no real threat that can be objectively assessed.
 - Even though the result is contrary to the interests of the proposed beneficiary, the risk assessment procedure was carried out in an appropriate manner and respecting the parameters for the adequate risk assessment of Mr. A.A.V.B.
31. In view of the foregoing, the State emphasized that the risk assessment corresponds to a technical study carried out by specialists in compliance with the provisions of Decree 1066 of 2015, as amended by Decree 567 of 2016. Thus, the State affirmed that, within the framework of the filed appeal for reversal, the UNP “acted in accordance with due process, respecting the legal parameters to address the case” and analyzed different elements “at the time of weighing the risk level, which were taken into account in the study of the situation.”
32. The State also noted that the UNP would have found that the facts of threat that were brought to its attention in the appeal for reversal filed had already been subject to assessment in the risk level study; therefore, they do not constitute new evidence in this case. Finally, the State indicated that if new risk events were to arise, the proposed beneficiary could again turn to the UNP in order to gain access to the Protection Programs.

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

33. 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 18(b) of the Statute of the IACHR, while 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.
34. 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, protective and precautionary.⁷ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights⁸. 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.⁹ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They

⁷ 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.

⁸ 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].

⁹ 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].

aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.¹⁰ 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.

35. In analyzing these requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.¹¹ Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.¹² This is better suited to be addressed by the Petition and Case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.¹³

36. When analyzing compliance with the regulatory requirements of a request for precautionary measures, Article 25(6) establishes that the Commission shall take into account the context of the request. In this regard, it proceeds to analyze the elements reported by the parties in light of the context in which they are inserted. The foregoing, considering that in the instant matter the proposed beneficiary is a young Afro-Colombian social, environmental, and community leader

¹⁰ 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; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

¹¹ 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. 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. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

¹² IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. [Matter of Nestora Salgado](#) regarding Mexico. January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. [Gustavo Adolfo Mendoza Beteta and family](#) regarding Nicaragua. April 30, 2021, para. 33.

¹³ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. [Matter of James et al.](#) regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. [Case of Barrios Family v. Venezuela](#). Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

and human rights defender for displaced Afro-Colombian communities in areas of irregular settlements in Cauca, Colombia (see *supra* paras. 4 and 19).

37. The Commission emphasizes that it has been closely monitoring the worsening of structural violence in Colombia, in general, and the situation reportedly experienced in the department of Cauca. In May 2022, the IACHR expressed concern about acts of violence in Colombia related to the actions of non-state armed groups.¹⁴ In addition, the Commission observed that half of the homicides in 2021 were concentrated in the departments of Cauca, Chocó, Nariño, Valle del Cauca, Antioquia and Norte de Santander.¹⁵ The acts of violence in these regions are particularly connected to the actions of non-state armed groups that disproportionately affect peasants, indigenous people, Afro-descendant people, as well as those who work in the defense of rights or with social and/or community leadership.¹⁶ In January 2022, the Colombian Ombudsperson's Office acknowledged that the leaders and human rights defenders who promoted the National Strike in Cali are in a particularly vulnerable situation, "in view of successive threatening actions against them by illegal armed actors."¹⁷
38. As the proposed beneficiary is an Afro-Colombian social leader and human rights defender of Afro-descendant communities, the Commission has identified that these groups are subject to a greater situation of vulnerability due to the existing structural problems, as well as the persistence of institutional and social discrimination and historical exclusion¹⁸. Regarding the particular situation of Afro-Colombian communities, in December 2021, the IACHR expressed its concern over the persistence of structural challenges for the consolidation of peace in the territories of the peoples and ethnic communities of Colombia and urged the State to take urgent measures to safeguard their survival and guarantee the lives and personal integrity of their members, considering the intercultural and collective approach¹⁹. Likewise, according to the information received by the IACHR, the confrontation generated by the dispute over these territories has resulted in an increasing number of murders, massacres, and threats against the life and integrity, and harassment of the members of ethnic peoples and communities²⁰. In April 2022, the Commission condemned the violence against these groups, identifying the special impact on their leaders.²¹
39. Based on this context, the IACHR proceeds to analyze the regulatory requirements in relation to the persons proposed as beneficiaries, A.A.V.B. and his immediate family members in Colombia.
40. The Commission considers that the requirement of *seriousness* has been met. In evaluating this requirement, the IACHR takes into consideration the various leaderships that Mr. A.A.V.B. has exercised over time. According to the information available, the Commission understands that the proposed beneficiary is a young Afro-descendant person who is a member, or has been a member, of the following groups and institutions, under the positions indicated below:

¹⁴ IACHR. IACHR expresses concern about acts of violence in Colombia related to the actions of non-State armed groups. May 20, 2022

¹⁵ IACHR. The IACHR reiterates its concern about the increase in structural violence in Colombia. February 25, 2022

¹⁶ IACHR. The IACHR reiterates its concern about the increase in structural violence in Colombia. February 25, 2022

¹⁷ Office of the Ombudsperson of Colombia. [Early Warning No. 001-22](#). January 13, 2022, p. 36.

¹⁸ IACHR. [Report on the situation of human rights defenders and social leaders in Colombia](#). OEA/Ser.L/V/II. Doc. 262, December 6, 2019, para. 65 and IACHR. Truth, Justice and Reparation: Fourth Report on the Situation of Human Rights in Colombia. OEA/Ser.L/V/II. Doc. 262, 31 December 2013, para. 615.

¹⁹ IACHR. IACHR Calls on Colombia to Take Urgent Measures to Guarantee the Rights of Indigenous Peoples and Black, Afro-Colombian, Raizal and Palenquera Communities. December 29, 2021.

²⁰ IACHR. IACHR Calls on Colombia to Take Urgent Measures to Guarantee the Rights of Indigenous Peoples and Black, Afro-Colombian, Raizal and Palenquera Communities. December 29, 2021.

²¹ IACHR. The Commission calls on the State of Colombia to investigate cases of violence against ethnic-racial groups and peasant communities. April 12, 2022.

-
- He is president of the Citizen Movement “Orientados” in Cali (“Orientados” movement) from where he leads approximately 12 community and grassroots organizations;
 - As a member of the “Orientados” movement, he was a spokesperson and visible leader of the resistance point “Nuevo Latir” or “Nuevo Resistir” during the 2021 National Strike, which involved accompanying the work carried out in the “Return to the Countryside Ethnic Garden”;
 - Since the end of 2021, he assumed the leadership of the Return to the Countryside Ethnic Collective Organization, following the murder of its coordinator, and is a spokesperson for the Local Youth Platform of Commune 15, where the “Return to the Countryside Ethnic Garden” is located; and
 - Since November 2021, he has been a District Youth Counselor.
41. In this regard, the Commission identifies that the proposed beneficiary has exercised various leadership roles in Cali at various times that are not limited solely to the timeframe of the 2021 National Strike in Colombia. This is particularly relevant when addressing the sources of risk alleged, since the available information indicates that illegal armed groups and organized crime would have an interest in the areas where the proposed beneficiary would carry out his work. For example, during the National Strike, in the areas of the so-called “resistance points,” or in the area of the Return to the Countryside Ethnic Garden, after the National Strike.
 42. Thus, the Commission identifies with particular concern that, according to the information available, in the span of approximately six months, four members of the “Orientados” movement presided over by the proposed beneficiary were murdered: on May 22, 2021, a member was shot in the head by unknown persons on a motorcycle after leaving early the so-called “resistance point”; on May 28, 2021, a second member of the “Orientados” movement was killed after being shot indiscriminately by motorcyclists and unidentified persons at a time when the so-called “resistance point” was carrying out activities to celebrate one month after the National Strike; in June 2021, a third member of the aforementioned “Movement” was killed after the so-called “resistance points” had been lifted, and after visiting his family; and on October 21, 2021, a fourth member was killed after leaving an educational institution.
 43. Following these events, the Commission notes that, according to the applicants, various members decided to leave the movement. They also reportedly stopped meeting as a group, which limited their lines of work, and adopted self-protection measures. In this regard, the Commission understands that, in effect, the four reported murders had an intimidating effect on the members of the “Orientados” movement.” In this context, the Commission understands that the proposed beneficiary continued as the visible figure and president of the “Orientados” movement, and also assumed the leadership of the Return to the Countryside Ethnic Garden after the murder of its coordinator in October 2021.
 44. It is clear that the existence or continuity of the organizational processes led by the proposed beneficiary have resulted affected by the situation of violence that they face. In this regard, the Commission warns that the murders perpetrated against Afro-descendant leaders, while seriously altering the integrity of the groups, break the cohesion of organizational processes and communities around the defense of their human rights. In this case, what happened not only has a collective and direct impact on the rights of the people who benefited from such organizations. It also has an individual impact on the proposed beneficiary, who has seen his vulnerability increased. The foregoing, on the understanding that, as president of “Orientados” movement,” he

has been running out of members to accompany him and without the possibility of collective articulation. Also, as the new leader of the Return to the Countryside Ethnic Garden, which is located in an area of interest to irregular armed groups and organized crime.

45. In light of the previous assessments, the Commission notes that the proposed beneficiary's place of residence was subsequently robbed "with suspicious characteristics" in November 2021. More recently, the Commission notes that, given the leadership exercised by the proposed beneficiary, he is said to be particularly exposed to threats from illegal armed groups, such as those that allegedly occurred in February and March 2022. Similarly, the IACHR notes that the area of the Ethnic Garden is reportedly under surveillance by armed persons, who allegedly indicated, by way of warning, that the proposed beneficiary should leave the area and that the people of the Ethnic Garden too. The Commission also notes that, in September 2022, unidentified persons, including an alleged police officer, reportedly took photographs at the Ethnic Garden, indicating that it would be a "conflict zone." For the Commission, the previous allegations acquire special seriousness given the murder of the then coordinator of the Garden, and considering that the proposed beneficiary would be leading the initiative in the area, which has given him a new leadership role and visibility in addition to the previous tasks and positions he exercised in Cali.
46. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, the State informed that the National Protection Unit (UNP) decided, in early 2022, not to activate a protection route after conducting a technical assessment (see *supra paras.* 27 and 30-32). However, it was indicated that the proposed beneficiary may submit a new request to the UNP if new facts are presented (see *supra para.* 32). The State activated the implementation of preventive measures from the National Police since 2021, after becoming aware of the situation of the proposed beneficiary (see *supra para.* 28). Similarly, the State claimed to have ordered on June 24, 2022, to the Valle del Cauca Police Intelligence Regional Office, the Valle del Cauca Criminal Investigation Regional Office, and the Valle del Cauca Protection and Special Services Regional Office to carry out activities to protect Mr. A.A.V.B. (see *supra para.* 29). Finally, in June 2022, the State reported on a criminal investigation for the threat crimes of events occurred in 2021, and explained its status. It also reported that, after this request for precautionary measures was forwarded, the Prosecutor's Office is evaluating whether the facts narrated by the applicants would be related to the threats under investigation, so that they could be part of the process or to proceed with the opening of a criminal report (see *supra para.* 26).
47. The Commission appreciates the State's response and the measures implemented in favor of the proposed beneficiary. However, it observes that the material protection measures implemented, and by the National Police, have not mitigated the risk situation of the proposed beneficiary. In this regard, the Commission notes that the applicants have referred to the ongoing threats from illegal armed groups and the presence of armed persons in the area where the proposed beneficiary would be present. Similarly, the applicants indicated that the measures implemented would consist of attending the home of the proposed beneficiary and requesting him to sign the record of the visit (see *supra para.* 21). The applicant submitted that the police rounds would be "insufficient", taking into account that the work carried out by Mr. A.A.V.B. is outside his house (see *supra para.* 21) and, according to the latest communications from 2022, were suspended "about four months ago" (see *supra para.* 24).
48. The Commission notes that the proposed beneficiary has been reporting his situation, and that of the groups he leads, between 2021 and 2022 to various state entities: on June 4, 2021, with the filing of a class action with the Office of the Attorney General (see *supra para.* 9); on September 21, 2021, with the submission of a class action to the Mayor's Office of Cali to activate protection routes in favor of the members of the "Orientados" movement (see *supra para.* 11); on November

27, 2021, complaint to the Prosecutor’s Office for a robbery at his place of residence, which was again reported on December 28, 2021 (see *supra* para. 13); on November 28, 2021, through an interview with the UNP (see *supra* para. 14); on 4 April 2022 through an appeal to the UNP (see *supra* para. 18); and on August 16, 2022, the proposed beneficiary allegedly requested the issuance of an early warning to the Municipal Ombudsperson’s Office of Santiago de Cali (see *supra* para. 24). Moreover, in the context of these proceedings, the State indicated that the Prosecutor’s Office has been evaluating whether there is a relationship between the facts narrated in the request and the threats that it is investigating. Notwithstanding, and in line with the allegations made by the applicants regarding the complaints, the Commission recalls that, in its 2019 *Report on the Situation of Human Rights Defenders and Social Leaders in Colombia*, it identified that, following attacks on ethnic groups, the Ombudsperson’s Office noted that “in some areas, codes of silence have been implemented as the only method of self-protection, on the grounds that filing complaints would create a greater risk.”²²

49. With regard to the investigations, the Commission observes that, according to the information provided, no substantive progress has been made in order to punish those responsible for the threatening events. This is relevant at the time of determining the risk that the proposed beneficiary purported faces or the likelihood of a recurrence. In this particular case, the Commission has no information on the possible identification of those responsible for the murder of four members of the “Orientados” movement, an important aspect to know at the moment of assessing the security conditions of the proposed beneficiary, who is allegedly the president of that organization. Similarly, in response to the threats made, and which are under investigation, the Commission notes that proceedings have been carried out, but no progress has been reported in identifying those responsible, and an interview with the proposed beneficiary is pending. For the Commission, there is a possibility that a threat may persist over time, and there may be an “unstable balance” until certain events trigger the perpetrator’s actions²³, even more so in a context of the presence of illegal armed groups and murders of members of the Movement with unidentified perpetrators to date.
50. Finally, the Commission notes that, according to the applicants, the proposed beneficiary had to adopt self-protection measures, due to the lack of implementation of effective measures in his favor. Thus, he has reduced his activities, reportedly carrying out his studies at night, and no longer be publishing about his activities on social networks and in the media simultaneously (see *supra* para. 23). The Commission then notes that the current security conditions would be the responsibility of the proposed beneficiary, a situation that, in addition to relying on his material possibilities to maintain them, does not resolve the alleged risk situation and limits his actions as a social leader and human rights defender in Cali. In this regard, for the Commission, it is vital that the protection measures applied allow the human rights defender to continue his work.²⁴ In order for the measures to be appropriate, they must be tailored to the work needs of the protected person and must be able to be adjusted if the danger posed by the activities they carry out in defense of human rights varies in intensity over time.²⁵ Particular attention should also be paid to reinforcing measures when the human rights defender is at a critical stage in the defense of his case.²⁶

²² IACHR. Report on the Situation of Human Rights Defenders and Social Leaders in Colombia. OAS/Ser.L/V/II. Doc. 262. December 6, 2019, para. 67 and footnote 92.

²³ I/A Court H.R., Case of Yarce et al. v. Colombia. Preliminary objection, merits, reparations, and costs. Judgment of November 22, 2016. Series C No. 325, para. 188.

²⁴ IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OEA/Ser.L/V/II, Doc. 207/17, December 29, 2017, para. 291

²⁵ Ibidem

²⁶ Ibidem

51. In sum, considering the alleged background and the context indicated, assessed as a whole, the Commission considers that the requirement of seriousness is met and that *prima facie* the rights to life and personal integrity of Mr. A.A.V.B. are at serious risk. When making this consideration, the Commission takes into account: i. the applicable context to the alleged situation and that lends special seriousness to the allegations presented; ii. the situation of vulnerability in which he finds himself following the dismantling of the groups he is part of, and the new leadership assumed; iii. the murder of four members of the group presided over by the proposed beneficiary; iv. the reported incidents that refer to threats and intimidation by illegal armed groups or armed persons in a “conflict zone”; v. the absence of suitable and effective protection measures for the identified risk situation; vi. the lack of progress in identifying those responsible for the risk events to which the proposed beneficiary has been exposed and for the four murders reported; and vii. the current security situation of the proposed beneficiary in view of his leadership in the “Ethnic Garden Return to the Countryside”, which is located in an area of interest to irregular armed groups and organized crime. The Commission also considers that the proposed beneficiary’s family members are at risk of possible reprisals against them.
52. Regarding the *urgency* requirement, the Commission notes that it has been met given the imminent materialization of the possible impact on the life and integrity of the proposed beneficiaries. Therefore, the Commission takes into account that the facts presented are indicators of the need to adopt urgent individual protection measures, considering that the current security situation of the proposed beneficiary could not withstand a possible attempt of aggression against his life and personal integrity. The foregoing, with the aim of preventing new risk events from materializing, even with fatal consequences, given that the four reported murders are still under investigation and that the perpetrators of the threats against the proposed beneficiary have not been identified to date. In addition, such measures are necessary in order to guarantee that Mr. A.A.V.B. can continue with his activities, and taking into account that the “Orientados” movement ceased to meet as a collective and that many people decided to leave the organizational process for fear of reprisals and risks against their lives over time (see *supra* para. 11).
53. As for the requirement of *irreparable harm*, the Commission considers that it has been met, inasmuch as the possible impact on the right to life and personal integrity constitutes the maximum situation of irreparability.

IV. BENEFICIARIES

54. The Commission declares that the beneficiaries of this precautionary measure are A.A.V.B. and his immediate family members, who are determinable under the terms of Article 25 of the Rules of Procedure.

V. DECISION

55. The Inter-American Commission on Human Rights 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, the IACHR requests that Colombia:
- a) adopt the necessary measures, with the appropriate ethnic-racial and gender-based approach, to protect the rights to life and personal integrity of Mr. A.A.V.B. and his immediate family members;

-
- b) adopt the necessary protection measures so that Mr. A.A.V.B. can continue to carry out his activities in defense of human rights without being subjected to threats, intimidation, harassment, or acts of violence;
 - c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
 - d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.
56. The Commission requests the State of Colombia to report, within 15 days as from the date of this resolution, on the adoption of the precautionary measures requested and to update that information periodically.
57. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute prejudgment of any violation of the rights protected in the applicable instruments.
58. The Commission instructs its Executive Secretariat to notify this resolution to the State of Colombia and the applicants.
59. Approved on October 15, 2022, by Julissa Mantilla Falcón, President; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Roberta Clarke, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary