
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 70/2022**

Precautionary Measures No. 822-22
Jhon Anderson Ipia Bubu regarding Colombia¹
December 11, 2022
Original: Spanish

I. INTRODUCTION

1. On October 25, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures from Yeni Yinet Trochez Panche (indigenous authority of the reservation Kwe'sx Yu Kiwe) and Jhon Anderson Ipia Bubu (“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. Jhon Anderson Ipia Bubu (“the proposed beneficiary”). According to the request, the proposed beneficiary is at risk as a result of threats, harassment, and an assassination attempt in the context of his work as an indigenous leader of the Nasa People in Colombia.
2. In accordance with Article 25(5) of its Rules of Procedure, the Commission requested information from both parties on October 28, 2022, receiving information from the applicants on November 2, 2022 and from the State on November 4, 2022. The Commission received additional information from the applicants on November 4, 2022.
3. Upon analyzing the submissions of fact and law offered by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Therefore, the IACHR requests that State of Colombia: a) adopt the necessary measures, with the corresponding ethnic approach, to protect the rights to life and personal integrity of Mr. Jhon Anderson Ipia Bubu; b) adopt the necessary protection measures so that Mr. Jhon Anderson Ipia Bubu can continue to exercise his indigenous leadership without being subjected to threats, intimidation, harassment, or acts of violence; c) consult and agree upon the measures to be implemented with the beneficiary and his 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 beneficiary is an indigenous leader of the Nasa People, from the Kwe'sx Yu Kiwe Indigenous Reservation.² In addition, he is allegedly an ethno-educational teacher at the Kwe'sx Nasa Ksxa'wnxi IDEBIC Educational Institution “*El Gran Sueño de los Indios*” (“The Great Indian Dream”) and delegate of the Nasa people as political coordinator of the Nasa people of the indigenous reservations of the municipalities of Florida, Pradera and Santiago de Cali, part of the Regional Indigenous Organization of Valle del Cauca (ORIVAC) and the National Indigenous

¹ 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.

² The Reservation is located in the municipality of Florida, Department of Valle del Cauca, Colombia. Currently, the Reservation is made up of seven communities, with a population of approximately 2,200 people.

Organization of Colombia (ONIC), representative and Political Spokesperson in the framework of the Social Popular and Community Minga of the Southeastern Nasa People of the Department of Valle del Cauca.

5. On September 2, 2019, the Third Civil Court of the Specialized Circuit in Land Restitution of Santiago de Cali reportedly issued a ruling in favor of the Kwe'sx Yu Kiwe Reservation, ordering, *inter alia*, that the National Protection Unit (UNP) "carry out the assessment of the risk and security situation of the leaders of the Central Cabildo Kwe'sx Yu Kiwe and carry out the construction of a protection strategy plan that includes effective measures in accordance with their risk, with the area of the work they perform, their uses and customs, and with the mechanisms defined in the Safeguard Plan for the Nasa people, in agreement with the authorities of the cabildo, considering the collective and individual dimension that the measures must incorporate. In order to comply with the above, a term of two (2) months is granted".
6. According to the request, as a result of the National Strike of 2021, the proposed beneficiary began to receive death threats from illegal armed groups, which would be known to the Office of the Attorney General (*Fiscalía General de la Nación*), in addition to anonymous calls. Thus, he purportedly received a death threat from the armed group called *Águilas Negras* (Black Eagles) through an email sent to ONIC on August 23, 2021, in the following terms: "Under our fire, we declare military objective to the following people inciting the protests in the southwest and who are behind the crumb and that historical Castro-Chavist pact, people who only seek to destabilize the country and harm the people who do produce. We know that there are a few who have been moving and meeting along the roads of Cauca, Huila, and Valle and we have them in our sights, dogs that harm the region, we want them out of here and they are a military objective. Go with your talk to the hole and let them put flowers in your mouths. You are death targets [...] Anderson Ipia [...]" [sic].
7. The threats were reportedly repeated on November 27, 2021, by means of a pamphlet with the following content: "Several months ago we warned you all not to continue with this story of the Indigenous Minga, today we have you fully identified, we told you not to continue sabotaging the country's economy and much less to continue promoting this historic Castro-Chavist pact. [...] You're military objectives [...] Anderson Ipia [...]".
8. On September 10, 2021, the Office of the Attorney General requested police protection measures from the National Police and asked the Ombudsperson's Office (*Defensoría del Pueblo*) of Florida, Valle, to designate a victims' representative to the proposed beneficiary. On the same date, the Ombudsperson's Office of Santiago de Cali reportedly sent a communication to the proposed beneficiary stating that "[t]he Valle Regional Ombudsperson's Office received information regarding threats that occurred in August through pamphlets and face-to-face conversations to some members and leaders of the Regional Indigenous Organization of Valle del Cauca (ORIVAC)". It also reported having transferred the information to the Office of the Attorney General and the National Protection Unit (UNP).
9. On December 1, 2021, the proposed beneficiary reportedly informed the Office of the Attorney General that he received "during the last few months constant threats" from the armed group calling itself the Black Eagles, who also send intimidating messages against other indigenous and social leaders in the departments of Valle, Cauca and Huila". According to the proposed beneficiary, the threats have arrived on August 23, 2021 and November 27, 2021 to the emails of the organizations CRIC (Regional Indigenous Council of Cauca), CRIDEC (Regional Indigenous Council of Caldas), CRIHU (Regional Indigenous Council of Huila) and ORIVAC (Regional Indigenous Organization of Vall del Cauca).

10. The said threats have reportedly increased in 2022, allegedly due to his political activism for promoting in the department of Valle del Cauca the candidacy to the Senate of Indigenous Senator Aida Quilcue Vivas and Representative to the House Norman David Bañol, as well as for promoting the candidacy of President Gustavo Petro. On January 28, 2022, the proposed beneficiary was purportedly notified of the issuance of Resolution no. 10846 of 2021 of the UNP by which the entity ordered the allocation of a bulletproof vest and a communication device. The applicant argues that these measures do not guarantee the effective protection of his life due to “the high rates of violence currently being experienced in the department of Cauca, Valle and the southwest of Colombia, where murders of social leaders are recurrent”.
11. On April 30, 2022, people from the Regional Indigenous Council of Cauca (CRIC) reportedly informed the proposed beneficiary of the receipt of threatening pamphlets in the emails of these indigenous organizations, which allegedly mention the name of Jhon Anderson Ipia and “other comrades from southwestern Colombia”, who had been declared military targets and threatened with death “for inciting social mobilization and supporting the presidential campaign of Gustavo Petro”. The proposed beneficiary reported the facts on May 5, 2022, to different bodies, including the Office of the Attorney General, the National Protection Unit, and the Ombudsperson’s Office. He also stated in his complaint that the protection measures assigned by the UNP were “incomprehensible” and “negligent”. The applicants alleged that no notification of receipt was received from the Prosecutor’s Office.
12. On May 3, 2022, the Elder Authority of the Kwe’sx Yu Kiwe Indigenous Reservation reportedly sent a request for protection of the proposed beneficiary to the UNP. On May 10, 2022, the Ombudsperson’s Office reportedly sent a communication to the proposed beneficiary, in which it acknowledged receipt of his complaint and stated that it sent the UNP a request for the implementation of protection measures with an urgent message, “due to the systematic nature of the threats”.
13. On July 6, 2022, the proposed beneficiary reportedly sent a communication to the Valle Regional Ombudsperson’s Office “to request accompaniment in making an Early Alert on the public order situation that occurred in the indigenous community of La Rivera, Reservation Kwe’sx Yu Kiwe, municipality of Florida Valle”, between July 4 and 5, 2022. According to the communication, on those dates “there was the presence of an armed group that identified itself as Black Eagles and that intimidated some inhabitants of the community under the argument that they ‘came [to] clean up, since they are not happy with the presidential elections’” [sic]. In this regard, the proposed beneficiary reportedly informed the Ombudsperson’s Office that, due to the presence of the group in the community where he lives with his relatives, he had to move to the urban area of the municipality of Florida, Valle, for safety.
14. The applicant asserted that, after the supervening facts, the UNP issued Resolution No. 8083 of September 7, 2022, in which it ratified the same protection measures granted previously, consisting of a bulletproof vest and a communication device.
15. On September 18, 2022, the proposed beneficiary allegedly received a gunshot wound to his right arm while traveling from the municipality of Miranda Cauca to the municipality of Florida Valle. According to the applicants, the proposed beneficiary “automatically hid in a nearby house, where he received protection from its inhabitants and was then transferred to the emergency unit of the Benjamín Barney Gasca Hospital of the Municipality of Florida Valle”. There he was attended by the doctors on duty and “some agents of the National Police of Florida Valle who accompanied him”.

16. On October 20, 2022, the Ombudsperson's Office reportedly informed the proposed beneficiary of the transfer of the information to the Office of the Attorney General and the UNP. In addition, the fact was allegedly reported on October 21, 2022, to the Office of the Attorney General by the proposed beneficiary and other indigenous authorities of the Southeastern Valle Nasa People. The applicants reportedly received notification from the Prosecutor's Office on October 24, 2022 and it was mentioned that the case was forwarded to the Cali Regional Office, which would be in charge of creating the complaint in the information systems of the Office of the Attorney General and a Unique Criminal Notification Number (NUNC) would be assigned.
17. On November 2, 2022, the applicant affirmed that "in some cases" the Office of the Attorney General has been slow in taking the complaints and transmitting them. Likewise, the applicant reiterated that the ratification of the protection measures by the UNP "in a context of physical and cultural extermination of indigenous peoples" is negligent, due to the high-risk situation and "ignoring the history of violence that has occurred in this area of the country."
18. On November 4, 2022, the applicant reported that the proposed beneficiary and other indigenous leaders received a new death threat through a pamphlet. The said threat was allegedly made by FARC-EP Mobile Column "Dagoberto Ramos". The pamphlet, provided by the applicants, stated that the group began "the eradication of all types of illicit crops" and issued a "warning to all those supposed leaders who allow their lobbyists to plant this type of products in different reserves [...], we reiterate once again that we are not playing tricks disguised as leaders such as [...] Jhon Anderson [...]. We have them in our sights, and we know the movements of each one of them".

B. Response from the State

19. On November 4, 2022, the State reported that it has adopted measures to guarantee the rights to life and personal integrity of the proposed beneficiary. Initially, the State referred to the functioning of the individual protection route for material protection measures. In this regard, it affirmed that Mr. Ipia Bubu³ has been a beneficiary of the individual route of the Prevention and Protection Program since 2021. Likewise, the State has reportedly advanced two risk level studies, which were presented before the respective collegiate body, "adopting and implementing the protection measures recommended by Resolution No. 8083" of September 7, 2022.
20. The State indicated that the protection measures determined by the UNP consist of a bulletproof vest and a communication device. According to the State, Resolution No. 8083 was not appealed by the proposed beneficiary, and therefore "the Colombian State was not aware of the proposed beneficiary's disagreement with the protection measures granted".
21. The State affirmed that, in 2021, the Ministry of National Defense responded to a request from the UNP to implement preventive measures, taking into account that the entity was in the process of assessing the level of risk. Due to this, the National Police of the Valle Police Department reportedly instructed the Florida Police Station to implement preventive measures in favor of the proposed beneficiary. Likewise, it reportedly did the following: i. established direct contact with Mr. Ipia Bubu "in order to contribute to his safety"; ii. coordinated with the Military Forces the deployment of preventive measures in rural areas and the delivery of self-protection measures; and iii. coordinated with the Municipal Mayor's Office the protection strategies for particular risk situations as set forth in Decree 1066 of 2015.

³ The State identifies the proposed beneficiary as Jhon Alexander Ipia Bubu.

22. On the other hand, on April 30, 2022, a complaint was received from the Indigenous Authorities of Colombia (AICO) regarding a threatening pamphlet that pointed to Mr. Ipia Bubu. For this reason, “the Human Rights Group activated on May 4, 2022 the institutional route in favor of the proposed beneficiary”. Likewise, a Technical Roundtable was coordinated with the Pradera and Florida Police Stations, held on May 8 and 10, 2022, to activate the route in favor of the proposed beneficiary. The State indicated that, on May 6, 2022, “the National Army was informed of the alleged threat presented to the proposed beneficiary, in order to implement preventive actions”. Additionally, the information would have been forwarded to the Office of the Attorney General and to the Municipal Mayor requesting the convening of an Extraordinary Security Council.
23. The State indicated that, following the events of September 18, 2022, the UNP activated a new risk assessment for supervening events. This procedure is currently underway, in order to take measures to protect the proposed beneficiary, “in accordance with the technical results of the risk analysts and the recommendations issued by CERREM. Additionally, the State affirmed that, since the request for protection was made to the UNP, “the necessary inter-institutional coordination has been carried out with the Ministry of National Defense and with the Mayor’s Office of Florida - Valle del Cauca”.
24. Therefore, on September 29, 2022, the UNP reportedly sent a letter to the commander of the Florida Police Station and ordered the implementation of preventive measures, taking into account the Strategy for Attention to Population in Situations of Vulnerability (ESPOV). According to the State, the steps taken show that the State has made available its resources and institutional capacity to provide the proposed beneficiary with “the appropriate protection mechanisms, aimed at safeguarding his integrity”.
25. Regarding the ongoing investigations, the Office of the Attorney General reportedly informed that a criminal investigation is active in which Mr. Ipia Bubu appears as a victim for the events that took place on September 18, 2022. The investigation for the crime of aggravated personal injury is being conducted by the 110th Prosecutor’s Office, Local Unit of Cali and is currently under investigation. The State affirmed that “the Prosecutor in charge of the case has already prepared the methodological program of investigation”.
26. Finally, the State affirmed that, in accordance with the principle of subsidiarity, “it considers that the granting of precautionary measures is not appropriate, since the measures adopted by this State have been suitable to mitigate the risk of the proposed beneficiary”. In this sense, it requested the Commission to dismiss the request for precautionary measures.

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

27. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are in turn established in Article 18(b) of the IACHR Statute, while the precautionary measures mechanism is described in Article 25 of the Commission’s Rules of Procedure. Pursuant to that Article, the Commission grants precautionary measures in serious and urgent situations, in which such measures are necessary to prevent irreparable harm.
28. 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 double nature, both protective and precautionary.⁴ Regarding the protective nature, the measures seek to avoid irreparable harm and protect the exercise of human rights.⁵ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.⁶ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁷ 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.

29. In analyzing those 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.⁸ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to

⁴ 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.

⁵ 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. Case 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].

⁶ 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].

⁷ 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.

⁸ 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 the children and adolescents deprived of their 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.

rule on violations of rights enshrined in the American Convention or other applicable instruments.⁹ This is better suited to be addressed by the Petition and Case system. The analysis performed herein 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.¹⁰

30. At the time of analyzing compliance with the procedural 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 sense, the Commission will analyze the elements reported by the parties in light of the context in which they take place. The foregoing, considering that in the instant matter the proposed beneficiary is an indigenous leader of the Nasa People, delegate of the Nasa people as political coordinator in different spaces, and ethno-educational teacher (see *supra* para. 4).
31. The Commission notes that it has been closely monitoring the worsening structural violence in Colombia, in general, and the situation in the department of Valle del Cauca, in particular. In May 2022, the IACHR expressed concern about acts of violence in Colombia related to the actions of non-state armed groups.¹¹ In addition, the Commission noted that half of the homicides in 2021 occurred in the departments of Cauca, Chocó, Nariño, Valle del Cauca, Antioquia, and Norte de Santander.¹² The acts of violence in these regions are particularly connected to the actions of non-state armed groups that disproportionately affect rural people, indigenous people, Afro-descendants, as well as those who act in the defense of rights or with social and/or community leadership.¹³
32. With regard to the particular situation of indigenous peoples, on December 29, 2021, the IACHR expressed its concern over the ongoing structural challenges to the consolidation of peace in the territories of ethnic peoples and urged the State to take urgent measures to safeguard the survival of these peoples and communities and guarantee the life and personal integrity of their members, considering the intercultural and collective approach.¹⁴ Likewise, according to 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 lives and integrity and harassment of the members of indigenous peoples and ethnic communities.¹⁵ In April 2022, the Commission condemned the violence against these groups, identifying the special impact on their leaders.¹⁶

⁹ 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.

¹⁰ 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].

¹¹ IACHR. IACHR expresses concern over acts of violence in Colombia related to the actions of non-state armed groups. May 20, 2022.

¹² IACHR. The IACHR reiterates its concern over the increase in structural violence in Colombia. February 25, 2022.

¹³ IACHR. The IACHR reiterates its concern over the increase in structural violence in Colombia. February 25, 2022.

¹⁴ IACHR, IACHR Calls on Colombia to Take Urgent Measures to Protect the Rights of Indigenous Peoples and Black, Afro-Colombian, Raizal, and Palenquero Communities, December 29, 2021.

¹⁵ IACHR. IACHR Calls on Colombia to Take Urgent Measures to Protect the Rights of Indigenous Peoples and Black, Afro-Colombian, Raizal, and Palenquero Communities. December 29, 2021.

¹⁶ IACHR. IACHR Calls on State of Colombia to Investigate Violence Against Ethnoracial Groups and Peasant Communities. April 12, 2022.

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33. Based on this context, the IACHR proceeds to analyze the procedural requirements in relation to the proposed beneficiary, Jhon Anderson Ipia Bubu, in Colombia.
34. The Commission considers that the *seriousness* requirement has been met. In evaluating this requirement, the IACHR takes into consideration the various leadership roles that Mr. Ipia Bubu has exercised over time, as well as the specific characteristics of the proposed beneficiary, who is a member of the Nasa people of the Kwe'sx Yu Kiwe Reservation, located in the Department of Valle del Cauca. According to the information available, the Commission understands that the proposed beneficiary is an indigenous leader of the Nasa People, of the Kwe'sx Yu Kiwe Indigenous Reservation. Moreover, he is said to be an ethno-educator teacher of the Kwe'sx Nasa Ksxa'wnxi Educational Institution and delegate of the Nasa people as political coordinator of the Nasa people of the indigenous reservations of the municipalities of Florida, Pradera, and Santiago de Cali, part of the Regional Indigenous Organization of Valle del Cauca (ORIVAC) and the National Indigenous Organization of Colombia (ONIC), representative and political spokesperson in the framework of the Popular and Community Social Minga of the Southeastern Nasa People of the Department of Valle.
35. In this regard, the applicants reported a series of events that would have occurred between 2021 and 2022. In this regard, the Commission understands the seriousness of the situation presented in view of the following elements:
- I. As a result of the 2021 National Strike, the proposed beneficiary began receiving death threats from illegal armed groups, as well as anonymous phone calls (see *supra* para. 6);
 - II. On August 23, 2021, the proposed beneficiary received a death threat from the armed group known as Black Eagles (see *supra* para. 6);
 - III. On November 27, 2021, the illegal group known as Black Eagles reiterated the threats (see *supra* para. 7);
 - IV. On April 30, 2022, the proposed beneficiary was declared a military target and threatened with death through a pamphlet (see *supra* para. 11);
 - V. Between July 4 and 5, 2022, members of the armed group Black Eagles told people in the community that they were going to “clean out” people involved in the presidential elections (see *supra* para. 13);
 - VI. The proposed beneficiary had to move to the urban area of the municipality of Florida, Valle, for safety reasons (see *supra* para. 13);
 - VII. On September 18, 2022, the proposed beneficiary received a gunshot wound to his right arm (see *supra* para. 15);
 - VIII. On November 4, 2022, the proposed beneficiary was again threatened with death through a pamphlet authored by FARC-EP Mobile Column “Dagoberto Ramos” (see *supra* para. 18).
36. The Commission understands that the alleged facts are sufficient to identify ongoing events of aggression and violence over time, reaching the climax of a recent attempt on the life of the proposed beneficiary. In this regard, the IACHR has stated that indigenous women leaders are in a

particularly vulnerable situation in Colombia.¹⁷ In addition, attacks against their authorities, male leaders, and female leaders “have an impact not only on the direct victim, but also on the peoples and communities themselves, given the important functions they perform and their central role in the defense and preservation of ancestral culture.”¹⁸

37. After requesting information from the State in the terms of Article 25 of the Rules of Procedure, the State informed that Mr. Ipia Bubu is a beneficiary of the individual route of the Prevention and Protection Program, as of 2021, and that the National Protection Unit (UNP) conducted two risk-level studies (see *supra* para. 19). In this regard, the proposed beneficiary was offered a bulletproof vest and a communication device (see *supra* para. 20). The State activated the implementation of preventive measures by the National Police since 2021, after becoming aware of the situation of the proposed beneficiary (see *supra* para. 21). Similarly, the State affirmed to have coordinated with the Military Forces the deployment of preventive measures in rural areas and the delivery of self-protection measures; and coordinated with the Municipal Mayor’s Office “protection strategies” (see *supra* para. 21).
38. Likewise, the State indicated that on May 4, 2022, the Human Rights Group activated the institutional route in favor of the proposed beneficiary (see *supra* para. 22). Additionally, on May 8 and 10, 2022, a Technical Roundtable was held to activate the route in favor of the proposed beneficiary (see *supra* para. 22). Finally, after the events of September 18, 2022, the UNP activated a new risk assessment for supervening events and ordered the commander of the Florida Police Station and the implementation of preventive measures (see *supra* para. 24).
39. The Commission appreciates the State’s response and the measures implemented in favor of the proposed beneficiary. However, it notes that the material protection measures implemented (a bulletproof vest and a communication device) have not mitigated his risk situation. In this regard, the Commission notes that Mr. Ipia Bubu was shot with a firearm in his arm (see *supra* para. 15) and the applicants have referred to the ongoing threats from illegal armed groups (see *supra* para. 18). In this regard, given the ongoing events against the proposed beneficiary, which have purportedly materialized in an armed attack in September 2022, despite having a protection detail in place, the Commission considers that the material measures adopted to date have not mitigated the risk that has persisted over time.
40. The Commission notes that the applicants have reported the situation of the proposed beneficiary repeatedly between 2021 and 2022, to various State entities: in September 2021, to the Office of the Attorney General (see *supra* para. 8); on December 1, 2021, with the filing of a new complaint with the Office of the Attorney General (see *supra* para. 9); on May 3, 2022, a request for protection of the proposed beneficiary was submitted to the UNP (see *supra* para. 12); on May 5, 2022 to different bodies, including the Office of the Attorney General, the National Protection Unit, and the Ombudsperson’s Office (see *supra* para. 11); on July 6, 2022 requested support from the Valle Regional Ombudsperson’s Office to make an early warning (see *supra* para. 13); and on October 21, 2022 submitted a new complaint to the Office of the Attorney General (see *supra* para. 16).
41. With regard to the investigations, the Commission notes that, according to the information provided, a criminal investigation is active for the crime of aggravated personal injury, in which Mr. Ipia Bubu appears as the victim. This investigation is reportedly in a state of investigation (see *supra* para. 25). The Commission notes that the State did not provide information on the existence of other

¹⁷ 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. 56.

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. 67.

ongoing investigations into the other threats that were reported to the authorities since September 2021.

42. Likewise, although the State indicated that the National Protection Unit activated a new risk assessment due to supervening events, as a result of the attack suffered by the proposed beneficiary (see *supra* para. 23), the Commission does not have concrete elements as to when the process would be completed. This is especially relevant insofar as Mr. Ipia Bubu recently suffered a new death threat (see *supra* para. 18). The Commission considers that the measures currently underway (bulletproof vest and a communication device) (see *supra* para. 20) were clearly insufficient, given that the proposed beneficiary suffered, according to the applicants, “an assassination attempt” while these measures were underway.
43. The Commission also understands that, to the extent that the new risk assessment and the eventual implementation of other concrete protection measures by the UNP are still pending, there are no elements available to analyze their suitability and effectiveness in light of the situation presented. On the other hand, although the State indicated that it had taken steps to implement preventive measures, such as, for example, holding a Technical Roundtable, sending an official letter to the Florida Police Station and “inter-institutional coordination” with the Ministry of National Defense and the Florida Mayor’s Office, the Commission does not have information on the possible results of these steps. Nor did the State report whether, following the aforementioned coordination, it had implemented other protection measures, in addition to those already in place.
44. Considering the particular situation of the proposed beneficiary due to his leadership and visibility, the attack suffered on September 18, 2022 and the new death threats received in November 2022, the Commission understands that, in the last two months, there is no concrete information about an eventual modification or reinforcement of the current protection measures. This is particularly serious, considering that the proposed beneficiary had to move from the Reservation to the urban area, as a self-protection measure. In this sense, for the Commission it is vital that the protection measures applied allow the defender to continue carrying out his work¹⁹ and that adopt an ethnic perspective. For the measures to be appropriate, they must be tailored to the needs of the protected person’s work and must be able to be adjusted if the danger posed by the activities he/she carries out in defense of human rights varies in intensity over time.²⁰ Special attention should also be paid to the reinforcement of measures when the defender is at a critical stage in the defense of his cause.²¹
45. In sum, taking into consideration the alleged background and the context indicated, assessed as a whole, the Commission considers that the requirement of seriousness has been met and that *prima facie* Mr. Ipia Bubu’s rights to life and personal integrity are at serious risk. In making this consideration, the Commission takes into account: i. the context applicable to the alleged situation and which lends particular seriousness to the allegations presented; ii. the repeated death threats by illegal armed groups; iii. the “assassination attempt” suffered by Mr. Ipia Bubu in September 2022; iv. the absence of suitable and effective protection measures for the risk identified; and v. the lack of information on progress in identifying those responsible for the risk events to which the proposed beneficiary has been exposed.
46. As for the *urgency* requirement, the Commission notes that it has been met in view of the imminent materialization of a possible threat to the life and integrity of the proposed beneficiary, given that

¹⁹ IACHR. Towards a comprehensive policy for the protection of human rights defenders. OEA/Ser.L/V/II., Doc. 207/17, December 29, 2017, para. 291.

²⁰ Ibidem

²¹ Ibidem

an armed attack against him had already taken place in September. In this regard, 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 cope with a possible attempt of aggression against his life and personal integrity. The above, with the objective of preventing the occurrence of new risk events, even with deadly consequences, given that the proposed beneficiary has been declared a “military objective” by illegal armed groups. In addition, such measures are necessary in order to guarantee that the proposed beneficiary can continue with his activities and return safely to the Kwe’sx Yu Kiwe Indigenous Reservation (see *supra* para. 13).

47. As for the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.
48. In relation to the arguments of the State regarding the principle of complementarity, the Commission considers it pertinent to recall that, in effect, the State, through its domestic authorities, is primarily responsible for protecting the human rights of the persons under its jurisdiction; in this regard, the nature of international jurisdiction is “auxiliary” or “complementary,” without replacing it.²² The Commission notes, however, that invoking the principle of complementarity to support that the adoption of precautionary measures is unwarranted requires that the State concerned satisfy the burden of proving that the proposed beneficiaries are no longer in a serious and urgent situation pursuant to Article 25 of the Rules of Procedure, in the sense that the measures adopted by the State have had a substantive impact in reducing or mitigating the risk, so that compliance with the procedural requirements is no longer fulfilled and therefore international intervention to prevent irreparable harm is not required.²³
49. In the matter at hand, although the Commission takes into account the actions taken by the State to protect the rights of the proposed beneficiary, upon analyzing the situation, it observes that the requirements established in Article 25 of the Rules of Procedure have been met, so that the adoption of precautionary measures is appropriate.

V. BENEFICIARY

50. The Commission declares that the beneficiary of this precautionary measure is Jhon Anderson Ipia Bubu, who is duly identified in these proceedings.

VI. DECISION

51. The Inter-American Commission on Human Rights considers that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the IACHR requests that Colombia:
 - a) adopt the necessary measures, with the corresponding ethnic approach, to protect the rights to life and personal integrity of Mr. Jhon Anderson Ipia Bubu;

²² See *inter alia*: IACHR, Francisco Javier Barraza Gómez regarding Mexico (PM-209-14), Resolution of August 15, 2017, para. 22. IACHR, Paulina Mateo Chic regarding Guatemala (PM 782-17), Resolution of December 1, 2017, para. 34; and IACHR, Santiago Maldonado regarding Argentina (PM 564-2017), Resolution of August 22, 2017, para. 16.

²³ *Ibidem*

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- b) adopt the necessary protection measures so that Mr. Jhon Anderson Ipia Bubu can continue to exercise his indigenous leadership without being subjected to threats, intimidation, harassment, or acts of violence;
 - c) consult and agree upon the measures to be implemented with the beneficiary and his 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.
52. The Commission requests that the State of Colombia report, within 15 days from the date of this resolution, on the adoption of the precautionary measures requested and to update this information periodically.
 53. 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 a prejudgment of any violation of the rights protected in the applicable instruments.
 54. The Commission instructs its Executive Secretariat to notify this resolution to the State of Colombia and the applicants.
 55. Approved on December 11, 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