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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 27/2023**

Precautionary Measure No. 53-23  
Álvaro Alcides Crespo Hernández and his daughter regarding Colombia<sup>1</sup>  
May 3, 2023  
Original: Spanish

**I. INTRODUCTION**

1. On January 23, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by Jorge Andrés Hernández Martínez (“the applicant”), urging the Commission to require the State of Colombia (“Colombia” or “the State”) to adopt the necessary measures to protect the rights to life and personal integrity of Álvaro Alcides Crespo Hernández and his family unit<sup>2</sup> (“the proposed beneficiaries”). According to the request, the proposed beneficiary is at risk due to the threats and harassment, allegedly in relation to his role as governor of the La Libertad Indigenous Council in the territory of the Pica Pica Viejo district, municipality of Puerto Libertador, department of Córdoba, Colombia.

2. In accordance with Article 25.5 of its Rules of Procedure, the Commission requested information from both parties on March 9, 2023, and received information from the State on March 17, 2023 and from the applicant on March 20, 2023. The State submitted additional information on March 31, 2023.

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 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 State of Colombia is requested to: a) adopt the necessary measures, with the corresponding ethnic approach, to protect the rights to life and personal integrity of Mr. Álvaro Alcides Crespo Hernández and his daughter; b) adopt the necessary protection measures so that Mr. Álvaro Alcides Crespo Hernández can continue to carry out his leadership activities without being subject 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 applicant**

4. The proposed beneficiary is a teacher and member of the Zenú indigenous people, of the La Libertad Indigenous Council, located in the territory of the Pica Pica Viejo district, municipality of Puerto Libertador, department of Córdoba, Colombia. Mr. Crespo was reportedly elected by the community for the position of governor of the Indigenous Cabildo La Libertad for 2023. On January 1, 2023, the mayor of Puerto Libertador allegedly held this position. The aforementioned community is reportedly registered in the

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<sup>1</sup> In accordance with Article 17.2 of the Rules of Procedure of the IACHR, the Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the debate and deliberation of this matter.

<sup>2</sup> The available information is regarding his five-year-old daughter S.C.Q. No information was provided on other members of his household.

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Indigenous Information System of Colombia (*Sistema de Información Indígena de Colombia*, SIIC) of the Colombian Ministry of the Interior.

5. According to the request, the ancestral territory of the community overlaps with “the areas of exploitation of several open-pit thermal coal mining projects, which supplies the ore to generate electricity for Termo Eléctrica Gecelca 3, I and II”. Furthermore, the community allegedly has social, economic, and political relations with the citizens of the urban and dispersed population centers of the districts of Pica Pica Viejo and Nuevo, Nueva Esperanza, Torno Rojo, Puerto Libertador, and Montelíbano, through their commercial, social, and political systems via rural interconnection road networks, “which are also used as transit easements by mining exploiters.” The applicant affirmed that in the territorial area of the municipalities of Puerto Libertador and Montelíbano “state security is not only deficient, but lacks effectiveness.” The area allegedly has a special army unit in Puerto Libertador, as well as police units in the urban stations of both municipalities. In addition, several illegal armed groups are allegedly present in the territory.

6. The proposed beneficiary stated that, on December 14, 2020, a protest began at the entrance of the road of the Gecelca No. 3, when two subjects on a motorcycle asked about him and other indigenous leaders. They then threaten them by ordering them to leave the road or “face the consequences”. Subsequently, the proposed beneficiary was reportedly monitored at night when he travelled from the municipality of Puerto Libertador to his place of residence. These facts were allegedly reported to the Attorney General’s Office, on December 26, 2020.

7. On October 28, 2022, the proposed beneficiary allegedly received a threatening call in which he was told “to stop bothering or involving [himself] in things that do not [concern] him” as otherwise “they were going to fight him” and that they were going to kill his daughter, S.C.Q., aged five. The proposed beneficiary reportedly filed a complaint with the Attorney General’s Office on October 29, 2022. In this complaint, the proposed beneficiary stated that, as governor of the La Libertad council, he has had several meetings with “the mining complexes”. These demanded greater investment from indigenous communities on dates prior to the alleged threat. On November 12, 2022, the proposed beneficiary reportedly received a call where the individuals allegedly identified him by name and told him to “stop complaining because if you don’t, we will kill you and your daughter. Drop the leader act and stop defending fags” as well as “don’t complain because otherwise we will kill you”.

8. On November 13, 2022, the proposed beneficiary reportedly filed an application for protection with the National Protection Unit (*Unidad Nacional de Protección*, UNP). The proposed beneficiary stated that he was reportedly involved in claims for alleged non-compliance with environmental compensation payments due from companies in the region in favor of the indigenous community. The proposed beneficiary also allegedly claimed that, in 2020, he was an advisor to three *mingas* [*Minga* is a word of Quechua origin that refers to a collective effort for the common good], that sought indigenous peoples’ rights in investment and prior consultation. He indicated that he was reportedly forced to withdraw from the case due to persecution and intimidation. On November 20, 2022, the proposed beneficiary was reportedly elected governor of the Indigenous Cabildo La Libertad. On November 23, 2022, the proposed beneficiary allegedly reported the events that occurred on November 12, 2022 before the Attorney General’s Office.

9. On December 20, 2022, the proposed beneficiary allegedly received a text message that stated the following: “see here loudmouth son of a bitch accept that we are going to kill you and we are giving you 72 hours to leave the area, otherwise we’ll kill you and your daughter, you’ve already been warned, don’t get killed for problems that aren’t even yours, big-mouth, we already know what you reported and that will weigh on you”. Mr. Crespo then reportedly received a call with the same contents as the text message. On January 11, 2023, the proposed beneficiary allegedly received another message that said “big-mouthed son of a bitch, leave the area, we will burn it with family and all, all those big mouths that are with you, we are going to break them”.

Subsequently, the same number called him to threaten him. On January 13, 2023, the proposed beneficiary allegedly filed a crime report form before the Judicial Police.

10. On March 3, 2023, the proposed beneficiary reportedly filed a new complaint regarding the events that occurred on February 24, 2023. According to the document, the proposed beneficiary was in the Pica Pica Viejo educational institution when two armed subjects arrived asking for him. They then ordered him to leave the facilities in order to talk to them. The proposed beneficiary allegedly sent a colleague to verify and asked him to lock the door so that they could not access the school. The individuals reportedly waited there for about half an hour and then left.

11. On March 17, 2023, the proposed beneficiary reportedly sent a communication to the President of the Republic, the Ministry of the Interior, the Ombudspersons' Office, and the National Protection Unit. In this document, the proposed beneficiary stated that, although he issued a request for protection to the UNP on November 13, 2022, to date, he reportedly did not receive a response. In this regard, the proposed beneficiary again requested the State, as a matter of urgency, "to adopt immediate and effective protection measures in order to prevent irreparable damage to [his] life and integrity [...] and also to the members of [his] family unit".

#### **B. Response from the State**

12. On March 17, 2023, the State reported seven complaints filed by the proposed beneficiary before the Attorney General's Office: i. complaint for acts of threats occurred on May 13, 2014, inactive due to procedural connection; ii. complaint for threats on November 12, 2022, active; iii. complaint for threats against human rights defenders, October 14, 2020, active; iv. complaint threats against human rights defenders, October 28, 2022, active; see complaint for threats against human rights defenders, December 20, 2022, inactive due to procedural connection; vi. complaint for threats against human rights defenders, January 5, 2023, active; vii. threats against human rights defenders, February 24, 2023, active. According to the State, the foregoing shows that "the Attorney General's Office is working on the pertinent investigations in order to clarify the facts denounced by Mr. Álvaro Alcides Crespo".

13. The State indicated that actions are being carried out to implement protection measures through the National Protection Unit (UNP). According to the State, the UNP reported that "it was aware of the risk circumstances of the precipitate through a request for protection dated November 13, 2022, for which a technical risk level study was activated on November 17, 2022, in its capacity as Governor of the Local Indigenous Cabildo Zenú la Libertad vereda Pica Pica". In that sense, the case was allegedly scheduled before the Committee for Risk Assessment and Recommendation of Measures (*Comité de Evaluación del Riesgo y Recomendación de Medidas*, CERREM). The State reported that the deliberation and recommendation is in the process of projection and review "for adoption as soon as possible through an administrative act that will be issued by the UNP". In this regard, the State affirmed that "it is possible to show that the State initiated the deployment of necessary actions in order to notify Mr. Crespo Hernández, as soon as possible, the result of the technical study of the level of risk conducted in his favor".

14. In addition, the State reported that "the deployment of actions was initiated from a regional level that would guarantee his life and integrity." Thus, the Mayor's Office of Puerto Libertador, department of Córdoba, reportedly activated "the respective route and the respective security councils have been developed, as well as the presentation of its case to the departmental Unified Command Post for Life" (*Puesto de Mando Unificado por la Vida*, PMVU)." In this regard, the State claimed that during 2022 and 2023, two Security Councils were held. During these, it was agreed to present the matter before the PMUV, "with the aim of informing the corresponding entities of the situation of risk to which the [proposed beneficiary] was exposed."

15. Additionally, the State reported that the Córdoba Police Department had taken measures in favor of the proposed beneficiary. In that sense, the Protection and Special Services Division (*Seccional de Protección y Servicios Especiales*) allegedly ordered the commander of the Puerto Libertador Police Station to implement preventive protection measures in favor of Mr. Crespo Hernández. Moreover, on November 11, 2022, he allegedly requested the UNP to carry out the risk level study. According to the State, on November 18, 2022, the commander of the Puerto Libertador Police Station “implemented the protection measures and gave a workshop on self-protection measures for [the proposed beneficiary].”

16. The State states that, on January 17, 2023 and March 10, 2023, the Protection and Special Services Division reiterated the order to the commander of the Puerto Libertador Police Station to carry out concertation and implementation of preventive security measures. The body allegedly also reiterated the request for a risk level study to the UNP on March 14, 2023. On March 9, 2023, the Human Rights Group reportedly requested the Operational Commander of Citizen Security; Commander Montelíbano of the Police District; the Divisional Head of Intelligence; the Divisional Head of Criminal Investigation; the Divisional Head of Protection and Special Services; and the Commander of the Puerto Libertador Police Station to deploy actions to implement urgent protection mechanisms in favor of the proposed beneficiary. The Human Rights Group reportedly reiterated the request on March 16, 2023.

17. On March 13, 2023, the head of the Division for Criminal Investigation allegedly reported that the investigation of the facts is waiting for the methodological program to be carried out and for the orders to be issued to the judicial police. On March 17, 2023, the commander of the Puerto Libertador Police Station reportedly reiterated “the implementation of preventive measures in favor of Mr. Álvaro Alcides Crespo Hernández, and he also gave a workshop on self-protection measures.”

18. Lastly, the State affirmed that this request should be rejected as it does reportedly not comply with the requirements pursuant to Article 25 of the IACHR and in light of the principle of subsidiarity. In this sense, it pointed out “the willingness of the State to enable the necessary mechanisms and channels so that the proposed beneficiary can inform the competent authorities of the reported facts and thus deploy the measures to investigate the relevant actions in order to carry out the corresponding investigations to prosecute and punish those responsible for the reported facts”.

#### **IV. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABILITY**

19. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the Inter-American system.

20. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>3</sup> Regarding the protective nature, these

<sup>3</sup> See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16. [only in Spanish].

measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>4</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.<sup>5</sup> 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.<sup>6</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

21. 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*.<sup>7</sup> 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.<sup>8</sup> This is better suited to be addressed by the Petition and Case system. The analysis performed herein is exclusively related to

<sup>4</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [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].

<sup>5</sup> See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [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].

<sup>6</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 [only in Spanish]; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

<sup>7</sup> 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.

<sup>8</sup> 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.

the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>9</sup>

22. When analyzing the situation, the Commission considers it relevant to understand the facts alleged in the context in which they are inserted. In this regard, the Commission has been closely monitoring the structural violence in Colombia, and the situation occurring in the department of Córdoba, in particular.<sup>10</sup> In May 2022, the IACHR expressed concern regarding acts of violence in Colombia related to the actions of non-state armed groups, aggravated by the weak presence of the State in these territories.<sup>11</sup>

23. Regarding the particular situation of indigenous peoples, on December 29, 2021, the IACHR expressed its concern regarding the persistence of structural challenges for the consolidation of peace in the territories of ethnic peoples. It also 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 an intercultural and collective approach.<sup>12</sup> Furthermore, 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, as well as harassment of the members of indigenous peoples and ethnic communities.<sup>13</sup> In April 2022, the Commission condemned violence against these groups and identified the special impact on their leaders.<sup>14</sup>

24. When analyzing the requirement of *seriousness*, the Commission considers it pertinent to take into account the context, as well as the particular situation of the proposed beneficiary. He is a member of the Zenú indigenous people, governor of the La Libertad Indigenous Council, located in the territory of the district of Pica Pica Viejo, municipality of Puerto Libertador, Córdoba, and a teacher (see *supra* para. 4). As a proposed beneficiary who holds leadership positions, the IACHR recalls that, in its 2019 *Report on the situation of human rights defenders and social leaders in Colombia*, indigenous leaders are particularly vulnerable in Colombia.<sup>15</sup>

25. When analyzing its specific situation alleged by the applicant, the Commission observes the nature of the reported events and identifies the occurrence of the following events, at least, between 2020 and 2023: death threats to the proposed beneficiary; being followed; threatening calls, accompanied by text messages with death threats; and the presence of armed subjects in the educational institution asking for the proposed beneficiary. The Commission notes with concern that the threats received over time refer to intentions to kill the proposed beneficiary and his daughter, as well mentioned a desire to burn them. The Commission also emphasizes that the threats allegedly aim for the proposed beneficiary to leave the area in

<sup>9</sup> 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 Caso Familia Barrios Vs. Venezuela H.R. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

<sup>10</sup> IACHR. [IACHR, IACHR Reiterates Its Concern over the Violence Recorded in 2020 against Human Rights Defenders in Colombia](#), January 22, 2021.

<sup>11</sup> IACHR. The IACHR expresses concern about acts of violence in Colombia related to the actions of non-state armed groups. May 20, 2022.

<sup>12</sup> IACHR, IACHR calls on Colombia to adopt urgent measures to guarantee the rights of indigenous peoples and Black, Afro-Colombian, Root and Palenquera communities, December 29, 2021.

<sup>13</sup> IACHR. The IACHR calls on Colombia to adopt urgent measures to guarantee the rights of indigenous peoples and black, Afro-Colombian, indigenous, and indigenous communities. December 29, 2021.

<sup>14</sup> IACHR. The Commission calls on the State of Colombia to investigate cases of violence against ethnic-racial groups and peasant communities. April 12, 2022.

<sup>15</sup> 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. 56.

which he exercises his leadership and limit his claims which are reportedly linked to demands for greater investment in indigenous communities from the extractive sector.

26. In line with the above, the Commission also stresses that there is a situation that has been exacerbating over time. It is noted that initially, the proposed beneficiary received death threat messages in various forms against himself and his daughter. Subsequently, and more recently this year, there was an alleged presence of armed people in the educational institution where the proposed beneficiary was located. This reportedly forced them to lock the door to prevent their entry. Considering the seriousness of the situation that the proposed beneficiary is facing, the Commission recalls that the attacks against authorities and indigenous leaders, “not only seriously affect the cultural integrity of their people but also break down the sense of community that binds them together in their struggle to defend their human rights.”<sup>16</sup>

27. According to the information available, the Commission warns that the proposed beneficiary’s situation has been brought to the attention of various state entities, at least since 2020. In this regard, the Commission identifies the following complaints or communications: i. on December 26, 2020; October 29, 2022; November 23, 2022; and March 3, 2023 before the Attorney General’s Office (see *supra* paras. 6, 7, and 10); ii. on November 13, 2022, before the UNP (see *supra* para. 8); iii. on January 13, 2023, before the Judicial Police (see *supra* para. 9); iv. on March 17, 2023 the proposed beneficiary reportedly sent a communication to the President of the Republic, the Ministry of the Interior, the Ombudsperson’s Office, and the UNP (see *supra* para. 11). In this sense, it is a situation that has been presented over time to various State entities with powers to adopt measures or actions from their sectors.

28. Upon requesting information from the State in the terms of Article 25 of the Rules of Procedure, the Commission notes that, over time, the risk situation alleged by the proposed beneficiary has been registered by different State entities, which reportedly requested his protection, as appropriate. The IACHR particularly warns that during the years of 2022 and 2023, the Mayor’s Office of Puerto Libertador allegedly carried out two security councils and presented the proposed beneficiary’s matter before the departmental Unified Command Post for Life (see *supra* para. 14). In this sense, the Protection and Special Services Division of the Córdoba Police Department reportedly requested the implementation of preventive protection measures on January 17, 2023 and March 10, 2023. In addition, on November 11, 2022 and March 14, 2023 it requested the UNP to carry out the risk level study (see *supra* para. 15). In addition, the Human Rights Group has twice requested different bodies to implement urgent protection mechanisms in favor of the proposed beneficiary (see *para.* 16).

29. The State reported that, on November 17, 2022, a technical risk level study was reportedly activated. This study was allegedly scheduled before CERREM and “is in the process of projection and review” (see *supra* para. 13). In addition, the Protection and Special Services Division had twice ordered the commander of the Puerto Libertador Police Station to carry out the implementation of “preventive protection measures” in favor of Mr. Crespo and requested the UNP to carry out a risk study (see *supra* para. 15). On two different occasions, The Human Rights Group requested different authorities to take action to implement urgent mechanisms (see *para.* 16). Additionally, the Córdoba Police Department reportedly implemented preventive measures and provided workshops on self-protection measures for the proposed beneficiary (see *supra* para. 17).

30. The Commission acknowledges the State’s response and the measures taken with regard to the proposed beneficiary’s situation. However, while the State indicated that a technical risk level study from UNP is reportedly under way, the Commission does not have specific information on when the process would be completed. The foregoing is especially relevant to the extent that the risk level study is allegedly in progress

<sup>16</sup> 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.

since November 2022 and that Mr. Crespo Hernández continued to experience repeated death threats during that time. These have even been exacerbating over time, including the presence of armed men in the educational center where the proposed beneficiary was present on February 24, 2023 (see *supra* para. 10). The Commission notes that UNP was reportedly aware of the proposed beneficiary's situation and therefore reportedly scheduled the case with CERREM for notification of the outcome of the technical study "as soon as possible" (see *para.*13). However, the IACHR notes that there is still no result for this study, despite it being in process since November 2022.

31. In addition, based on the information available, the IACHR identifies that the commander of the Puerto Libertador Police Station was requested, on at least two occasions, to implement preventive protection measures in favor of the proposed beneficiary. While the State indicates that it has implemented preventive protection measures in favor of the proposed beneficiary (see *supra* para. 17), the IACHR has no information on what these measures reportedly consist of. The Commission also understands that, to the extent that the State has not reported on the possible implementation of concrete protection measures in favor of the proposed beneficiary, there are no elements that allow analyzing its suitability and effectiveness in the face of the situation presented. Furthermore, the Commission notes that the information provided by the State focuses on preventive workshops on self-protection measures and no information is available on any other measures that were reportedly taken. In this regard, the Commission observes that despite having frequently reported the risk situations that the proposed beneficiary faced, to date, he allegedly does not have a risk assessment nor the corresponding safety detail for his specific situation. In this regard, it is vital for the Commission that the protection measures enforced enable the human rights defender to carry on with his work.<sup>17</sup> In order for the measures to be suitable, they must be tailored to the work of the subject being protected and must be able to be adapted as the danger that the activities of defending and promoting human rights may vary in intensity over time.<sup>18</sup> Special care should also be taken to reinforce those measures when a human rights defender is at a critical stage in defending his or her cause.<sup>19</sup>

32. With regard to the investigations, the Commission notes that the State reported the existence of seven investigations before the Attorney General's Office (see *para.* 12). However, the Commission has no information on the possible identification of those responsible for the threats against the proposed beneficiary, which is important to consider when assessing the proposed beneficiary's safety. The above is a relevant aspect to mitigate the risk that the proposed beneficiary allegedly faces and the possibilities of their reoccurrence.

33. In short, taking into account the elements analyzed in the light of the aforementioned context, assessed as a whole, the Commission considers that the requirement of seriousness is met and the rights to life and personal integrity of Mr. Crespo Hernández are *prima facie* at serious risk. The Commission also understands that his daughter is at risk, given the nature of the death threats and the possible reprisals against her.

34. Regarding the requirement of *urgency*, the Commission observes that it has been met given the imminent materialization of the possible impact on the life and integrity of the proposed beneficiaries. In this regard, the Commission considers that the facts presented are indicators of the need to adopt urgent measures of individual protection, considering that the proposed beneficiary's current safety conditions could not handle a possible attempt of aggression against his life and personal integrity. The above has the aim of preventing new risk events from materializing, which could even include fatal consequences for the proposed beneficiary or his daughter. In addition, these measures are necessary in order to ensure that the proposed

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

<sup>18</sup> IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OEA/Ser.L/V/II., Doc. 207/17, December 29, 2017, para. 291

<sup>19</sup> IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OEA/Ser.L/V/II., Doc. 207/17, December 29, 2017, para. 291

beneficiary can continue with his activities as governor of the La Libertad Indigenous Council, a position he currently holds.

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

36. Lastly, in relation to the State's observation 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.<sup>20</sup> However, the Commission considers that appealing to the principle of complementarity to argue that the adoption of precautionary measures is unwarranted requires that the State to fulfill the burden of proof to show that the applicants are no longer in the situation established in Article 25 of the Rules of Procedure. It should demonstrate that the measures adopted by the State have had a substantive impact in reducing or mitigating the risk, in such a way that there no longer exists a situation that meets the requirement of seriousness and urgency that requires international intervention to prevent irreparable damage.<sup>21</sup>

37. In this matter, although the Commission takes into account the actions taken by the State to protect the proposed beneficiary's rights, upon analyzing the situation, it deems that the requirements set forth in Article 25 of the Rules of Procedure met, and therefore considers that the adoption of precautionary measures is appropriate.

## V. BENEFICIARIES

38. The Commission declares that the beneficiaries of this precautionary measure are Álvaro Alcides Crespo Hernández and his daughter, who are duly identified in this procedure under the terms of Article 25 of the Rules of Procedure.

## VI. DECISION

39. The Inter-American Commission on Human Rights concludes that the present matter meets *prima facie* the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Accordingly, 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. Álvaro Alcides Crespo Hernández and his daughter;

b) adopt the necessary protection measures so that Mr. Álvaro Alcides Crespo Hernández can continue to carry out his leadership activities without being subject 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

<sup>20</sup> 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.

<sup>21</sup> Ibid.

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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.

40. The Commission requests the State of Colombia to inform, within a period of 15 days from the date of this resolution, on the adoption of the precautionary measures requested and to update such information periodically.

41. 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.

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

43. Approved May 3, 2023, by Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Joel Hernández García; y Julissa Mantilla Falcón, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary