
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 66/2023**

Precautionary Measure No. 973-22
Fabián Andrés Cáceres Palencia *et al.* regarding Colombia¹
November 20, 2023
Original: Spanish

I. INTRODUCTION

1. On December 12, 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 Fabián Andrés Cáceres Palencia (“the applicant”), urging the Commission to require that the State of Colombia (“Colombia” or “the State”) adopt the necessary measures to protect the rights of the members of the board of directors of the Association of Displaced Persons of Catatumbo - *Asociación de Desplazados del Catatumbo*, ASODESCAT (“proposed beneficiaries”). According to the request, the proposed beneficiaries are at risk within the framework of the activities they carry out in Norte de Santander, Colombia.

2. Under the terms of Article 25(5) of its Rules of Procedure, the Commission requested additional information from the applicant on February 6, 2023, and received the required information on February 17, 2023. The IACHR requested information from both parties on July 26, 2023. On August 7, 2023, the State requested a time extension, which was granted by the IACHR on August 9, 2023. On August 8, 2023, the applicant submitted information. On August 17, 2023, the State requested a new time extension. On August 28, 2023, the IACHR granted it. The State has not submitted information to date.

3. Upon analyzing the submissions of fact and law offered by the applicant, the Commission considers that the information provided 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 serious risk of irreparable harm. Consequently, the IACHR requests that the State of Colombia: a) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiaries identified in this resolution; b) adopt the necessary protection measures so that the beneficiaries can continue to carry out their 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 events that led to the adoption of this resolution, so as to prevent such incidents from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

4. ASODESCAT is an organization composed of 800 people, with its main headquarters in the municipality of Ocaña, Norte de Santander. The new board of directors, which was elected on January 8, 2023, is composed as follows: Fabian Andrés Cáceres Palencia (president and legal representative); Jaider José Santiago Contreras (first vice president); Alonso Pérez Rojas (second vice president); José Edinson Quintero Ascanio (third vice president); Edy Torcoroma Vega Flórez (secretary); Elida Rosa Ascanio Rodríguez Flórez

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 or deliberation of this matter.

(first assistant secretary); Andrea Sánchez Quintero (second assistant secretary); Amparo Pallares Rodriguez (third assistant secretary); Luz Adriana Umaña Cáceres (treasurer); Indre Marcela Pallarez Rodriguez (fiscal officer); Silfredo Santiago Contreras (sub fiscal); Yeferson Danilo Quintero (second subfiscal); Willinton Quintero Ascanio (subfiscal officer). It was indicated that the organization seeks protection, truth, justice, reparation, and guarantees of non-repetition of forced displacement.

5. According to the applicant, alleged events occurred against several members of the board of directors of ASODESCAT over time:

- On May 20, 2013, the treasurer of ASODESCAT, Mr. Rubel Simon Covo, was reportedly murdered. The investigation is reportedly inactive due to the impossibility of finding the perpetrator;
- In 2017, Fabián Andrés Cáceres Palencia was reportedly attacked while traveling in the municipality of Aguachica. During this incident, he allegedly received a shot to his car and in the thigh, which resulted in the loss of sensitivity and damage to his left lateral femoral nerve. As a result, is reportedly unable to walk without a cane for support and has hearing problems that require him to use cochlear implants. A complaint has been filed, but it has since been shelved;
- On September 15, 2020, and November 3, 2020, Dubin Santiago Contreras, father of the first vice president, and Jorge Solano Vega, one of ASODESCAT leaders, were killed. The investigation into the murder of Mr. Santiago Contreras was reportedly assigned to the Norte de Santander Sectional Directorate on April 27, 2021, and is still active. With regard to the murder of Mr. Solano, a complaint was filed and is reportedly still active. In this regard, it was reported that the National Liberation Army (*Ejército de Liberación Nacional*, ELN) had pressured ASODESCAT board of directors to resign from their posts;
- On November 5, 2020, a pamphlet circulated that had photographs of several leaders of the Catatumbo region, including Fabián Andrés Cáceres Palencia as a possible target of a violent act. A complaint was filed, but is currently inactive due to the accumulation of links between the proceedings of cases;
- On September 15, 2021, Fabián Andrés Cáceres Palencia reportedly received a call from a member of the ELN. The individual communication his intention to assassinate him, which led him to file a criminal complaint. The investigation is allegedly still active. The threatening calls allegedly continued through 2022;
- On February 10, 2022, a member of the ELN reportedly stated that they already had information on the addresses of the ASODESCAT leaders and that they would kill them unless they ceased their efforts to seek justice in relation to the murder of Mr. Dubin Santiago Contreras Contreras, which the applicant claims they are responsible for. The investigation is allegedly still active;
- On March 16, 2022, the proposed beneficiary reportedly heard gunshots, one of which entered the ASODESCAT office and led to the filing of a criminal complaint. The investigation is allegedly still active;
- On March 19, 2022, while Fabián Andrés Cáceres Palencia was traveling from the village of Guamalito to the city of Ocaña, the vehicle of the National Protection Unit (*Unidad Nacional de Protección*, UNP) was reportedly hit by gunfire. The security agents reportedly reacted in

defense of his safety. The investigation, which is still active, was allegedly assigned to the Norte de Santander Sectional Directorate on March 19, 2022.

6. On July 25, 2022, the UNP reportedly adopted the recommendations of the Committee for Risk Evaluation and Recommendation of Measures (*Comité de Evaluación de Riesgo e Recomendación de Medidas*, CERREM), which understood that the members of ASODESCAT are in an alleged situation of “extraordinary” risk. According to the report signed by the analysts of the Technical Body of Collective Risk Analysis (*Cuerpo Técnico de Análisis de Riesgo Colectivo*, CTARC), the following was presented before the delegates of the Collective CERREM on May 28, 2022:

“the Association of Displaced Persons of Catatumbo promotes the defense of human rights in a region that has historically been stricken by the armed conflict, the presence in the Catatumbo subregion places them in a strategic position. Therefore, the armed groups have positioned themselves in this area, making it a strategic mobility corridor to the border area with Venezuela, a situation that facilitates its extraction and subsequent international trafficking, which has favored the effective control of the ELN, EPL, Pelusos, and FARC dissidents. These seek to have territorial control over the region, with interests in access to Venezuela, through the so-called ‘informal crossings’ that form the final link in the mobility corridor that links the country from the region of Urabá, in the west of the territory, passing through the departments of Antioquia and Chocó, crossing the south of the department of Córdoba, the Bajo Cauca Antioqueño, the south of Bolívar and Cesar, and finally connecting to Catatumbo.”

7. In this regard, in the collective risk assessment workshop conducted by CTARC on July 28 and 29, 2021, ASODESCAT members reported that, as of the date of the workshop, “more than 8 murders, 85 threatened [and] 105 forced displacements” had been recorded. The CTARC identified possible causes and drivers of risk,² and hazards, risks, and vulnerabilities.³ On July 25, 2022, the UNP decided to adopt the protection measures recommended by the collective CERREM, for a period of one year, consisting of 30 cell phone-type means of communication; conducting a security study in the headquarters facilities and implementing recommendations of specialists; as well as implementing two protection plans consisting of a conventional vehicle and two protection agents each, in order for the collective’s leaders to be able to travel.

8. On December 7, 2022, a pamphlet arrived at the ASODESCAT offices from the United Self-Defense Forces of Colombia (*Autodefensas Unidas de Colombia*, AUC), an international terrorist organization, addressed to the board of directors. The pamphlet allegedly gave clear instructions that they should resign from their positions and their work in the Catatumbo area, which led to the resignation of ASODESCAT secretary and second vice president. On January 24, 2023, a new pamphlet reportedly arrived in which the

² i. limitations in the exercise of leadership and its functions towards the defense of human rights; ii. deficiencies in training processes for the Association’s youth; iii. lack of knowledge of mechanisms for the protection of sensitive and confidential information of the Association’s members; iv. presence of Antipersonnel Mines (*Minas Antipersonal*, MAP), Unexploded Ordnance (*Municiones sin Explosión*, MUSE) and Improvised Explosive Devices (*Artefactos Explosivos Improvisados*, AEI) in the municipalities of the Catatumbo area where the Association does not operate; v. obstacles to the Association’s access to justice mechanisms; vi. scarce communication mechanisms among the Association’s members; vii. unsafe conditions in the collective’s main headquarters.

³ i. Threats: direct threats through telephone calls, letters, and reasons to Association leaders by illegal armed groups; disputes and armed confrontations; ii. Risks: presence of illegal armed groups; homicides; presence of antipersonnel mines; presence of illicit crops; individual and collective forced displacement; confinement; territorial control by illegal armed groups; iii. Vulnerabilities: weakness in the organizational process; stigmatization of the members of the collective; insufficient internal communication mechanisms within the collective; lack of means of transportation for collective use; unsafe conditions at the Association’s meeting location.

death threats to all members of the board of directors was reiterated. The pamphlet allegedly came from the ELN and stated that they would be killed if they continued their work in the Catatumbo area.

9. On February 17, 2023, the applicant indicated that the protection measures have not been implemented to date. Moreover, the vehicle assigned by the UNP had allegedly been in the workshop for over a month without being repaired, which caused lack of transportation service. Multiple requests have been sent to the UNP to replace this vehicle. On April 17, 2023, the proposed beneficiary sent a communication to various authorities including the Office of the Attorney General, the Presidency of the Republic of Colombia, Ministry of the Interior, Ministry of National Defense, National Protection Unit, National Police, Office of the Inspector General, National Ombudsperson's Office. In this complaint, the company reports "the constant death threats that they receive on a daily basis" through telephone calls, the last one on April 17, 2023.

10. Fabián Andrés Cáceres Palencia reported that, during the call, he was told that they are aware that he is authorized to defend the case related to the land dispossession of Ms. S.S.G. and he was requested to withdraw from that case. They allegedly told him that they would attack him and his work team (the board of directors of ASODESCAT) if he continues as the attorney-in-fact of this case. They also reportedly prohibited him from continuing with the activities and actions to recover these dispossessed lands. The caller reportedly identified himself as a member of the ELN and indicated that these lands already have new owners. The proposed beneficiary allegedly communicated that, at that time, the land was in the hands of many people who refused to return the land on the property and that it was registered in the Registry of Forcibly Dispossessed and Abandoned Lands (*Registro de Tierras Despojadas y Abandonadas Forzadamente*).

11. On April 28, 2023, Fabián Andrés Cáceres Palencia was the victim of an attack. According to the complaint filed with the Judicial Police on the same day of the events, the proposed beneficiary was in a commercial establishment when individuals in a vehicle arrived with explosives and long weapons. They allegedly fired shots, and the UNP escorts responded to the attack while Mr. Cáceres Palencia remained in the establishment. As a result of this attack, on May 2, 2023, the proposed beneficiary requested the UNP to perform an emergency procedure in order to reinforce his protection detail.

12. On May 4, 2023, the National Police allegedly issued security recommendations and self-protection measures in favor of Mr. Cáceres Palencia. On the same day, the Presidency of the Republic reportedly requested the Office of the Attorney General to carry out the corresponding investigations, as well as forwarded requests to the UNP and the Land Restitution Unit "to review the situation, their requests and complaints, to carry out the corresponding actions and investigations and to communicate the results of the actions taken."

13. On May 5, 2023, the Human Rights Commissioner for the National Police sent an official letter to Mr. Cáceres Palencia. In it, he indicated that, on April 24, 2023, the Ocaña Police Station Command registered the implementation of preventive security measures in favor of ASODESCAT members. On April 27, 2023, communications were issued to various authorities: i. to the Mayor and the Secretary of Government of the municipality of Ocaña, "in order to activate the different governance bodies, especially to adopt a public policy to prevent violations of the rights to life, integrity, freedom, and security of persons, groups, and communities"; ii. to the Ocaña Municipal Ombudsperson, as part of the Public Prosecutor's Office; iii. to the Director of the National Protection Unit, in order to carry out a study of the level of risk and assessment of the degree of threat; iv. to the 12th Sectional Prosecutor, in order to promote actions to prevent the violation of the rights to life, integrity, freedom, and security of persons, groups, and communities. a request was made to the director of the National Protection Unit, in order to advance the study of the level of risk and assessment of the degree of threat; iv. to the 12th Sectional Prosecutor, in order to promote the proceedings for the clarification of the alleged facts; v. to the commander of the Infantry Battalion No. 15 General Santander.

14. On May 15, 2023, the UNP reportedly sent a communication to the 12th Sectional Prosecutor assigned to investigate threats against Human Rights Defenders and Public Servants, informing them that the entity “is carrying out a reevaluation for temporality, the result of the study will be communicated to the interested party through the notification of the administrative act.” On May 17, 2023, the Office of the Attorney General Office reportedly requested that “immediately the pertinent actions be carried out in accordance with its competence in order to guarantee the fundamental rights of Mr. Cáceres Palencia.” On May 20, 2023, the Presidential Council of Human Rights and IHL of the Presidency of the Republic reportedly sent, on the same date, requests to the UNP and the Office of the Attorney General.

15. On May 4, 2023, the Sixth Civil Court of the Circuit of Cúcuta ruled in favor of the members of the board of directors of ASODESCAT. The Court understood that the obligation of the UNP is not exhausted with the definition of the risk and the adoption of security measures, “but that said entity must implement them in a timely manner according to the level of danger detected, of which there is no evidence in the file, to the point that from July 25, 2022, date on which the respective administrative act was issued, to the date of filing this constitutional action, that is, April 20, 2023, a term of more than eight (08) months has elapsed, without said entity proving to have carried out the activities tending to materialize them.” Consequently, it ordered the UNP to carry out procedures aimed at materializing the protection measures adopted through Resolution No. 6490, within 48 hours.

16. This decision was confirmed at second instance on June 23, 2023 by the Superior Court of the Judicial District of Cúcuta Civil Family Chamber. The High Court stated that:

[...] from the evidence in the file, it can be seen that the National Protection Unit, by means of Resolution No. 6490 of July 25, 2022, adopted collective protection measures in favor of the plaintiffs, consisting of the implementation of 30 cell phone type means of communication, carrying out a security study of the facilities of the main headquarters of the association, implementing the recommendations made by the specialists according to the competence of the UNP, and implementing two type-1 protection plans, consisting of a conventional vehicle and two security guards each, for the displacement of the leaders of the collective; measures against which the entity did not provide any evidence of their materialization, despite the time elapsed since the issuance of the aforementioned administrative action, a situation that ends up violating the right to personal security of the plaintiffs, who given the condition they hold and their level of risk classified as extraordinary, require the implementation of the aforementioned measures.

17. However, the proposed beneficiary stated that “the Colombian State does not want to comply with court rulings,” and indicated that it would have no further domestic remedies to exhaust. According to the proposed beneficiary, the court ordered the Unit of Attention and Integral Reparation to Victims (*Unidad de Atención y Reparación Integral a las Víctimas*, UARIV) to pay the guarantees of participation such as food expenses, gas for transportation, and lodging in order to attend the meetings on behalf of ASODESCAT. However, this court order has reportedly not been complied with.

18. On August 7, 2023, Fabián Andrés Cáceres Palencia stated that on April 5, 2023 he received a call from a person who identified himself as a member of the ELN and stated that “[he] has orders to assassinate [his] family and the other members of the ASODESCAT association. On the other hand, the following facts related to members of ASODESCAT were reported:

- On March 29, 2023, four individuals who were armed and in a vehicle, who were allegedly part of the ELN, threatened to kill Luz Adriana Umaña Cáceres, treasurer of ASODESCAT, if she did not leave the municipality of Tibú. She was forcibly displaced the same day.

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- On April 5, 2023, two members of the ELN who were armed and hooded reportedly arrived at the residence of Jaider José Santiago Contreras, first vice president of ASODESCAT, and communicated death threats which caused him to relocate to the municipality of Ocaña.
 - On April 20, 2023, three armed men, members of the ELN, reportedly threatened to kill Indre Marcela Pallarez Rodriguez, a fiscal officer for ASODESCAT, who had gone with her son to the city of Ocaña. This situation was allegedly brought to the attention of the Unit of Attention and Integral Reparation to Victims.
 - On July 19, 2023, Andrea Sánchez Quintero, second assistant secretary of ASODESCAT left the office of the Association of Displaced Persons of Catatumbo and was allegedly approached by two armed individuals. These persons allegedly told her that the entire board of directors would be killed if they continued with the work in the Catatumbo area. After learning of this situation, an attempt was made to contact the police, but no response was received.
 - On July 23, 2023, Mr. Jesús Iván Santiago Contreras, member of ASODESCAT and who had been leading the denunciation of the murder of his father, Dubin Santiago Contreras, was reportedly murdered.
 - On July 1, 2023, Yeferson Danilo Quintero, second subfiscal officer of ASODESCAT, reportedly received a threatening call from a member of the ELN. He was communicated the individual's intention to carry out an attack against all the members of the Association's board of directors.
 - On July 30, 2023, an armed man in a vehicle reportedly arrived at the residence of Elida Rosa Ascanio Rodriguez, ASODESCAT first assistant secretary. This individual allegedly told her that she and her family would be killed if they continued their human rights work and if they continued their work with the Catatumbo association of displaced persons.
 - On August 3, 2023, Mr. Silfredo Santiago Contreras, first fiscal officer, reportedly received a call from a ELN commander, who allegedly told him that his days were numbered and that they were going to assassinate him in the same way as his father, Dubin Santiago Contreras, and his brother, Iván Santiago Contreras. Moreover, that they already knew that he and his brother, Jaider Santiago Contreras, are part of ASODESCAT "and that they would also be killed if they continue with these activities or work in the Catatumbo area."
 - Alonso Pérez Rojas, second vice president of ASODESCAT, has reportedly issued statements to the Public Prosecutor's Office and the Ocaña Municipal Prosecutor's Office for threats and forced displacement. He allegedly stated that he was followed by people in vehicles on several occasions.
 - Edy Torcoroma Vega Flórez, secretary of ASODESCAT, has reportedly issued statements to the Public Prosecutor's Office and the Ocaña Municipal Prosecutor's Office for alleged threats and forced displacement. She and her husband, Jaider José Santiago Contreras, reportedly received numerous death threats. Her husband reportedly reported the threats to the competent state authorities.
 - Willinton Quintero Ascanio, third subfiscal officer of ASODESCAT, reportedly filed a complaint with the Public Prosecutor's Office for alleged threats and forced displacement due to his position as third subfiscal officer of the Association of Displaced Persons of Catatumbo. He also reportedly received phone calls with death threats "several times."

- José Edinson Quintero Ascanio, third vice president of the Association of Displaced Persons of Catatumbo, has reportedly experienced multiple threats and displacements, which he has denounced to the Ocaña Municipal Ombudsperson's Office.
- Amparo Pallares Rodriguez, third assistant secretary, reportedly received threats by telephone on several occasions. She allegedly presented these before the corresponding authorities, including the Unit for Victims of the Armed Conflict (*Unidad para las Víctimas del Conflicto Armado*).

19. The applicant affirmed that the proposed beneficiaries do not have protection measures, since the UNP allegedly failed to comply with the ruling of *amparo* in favor of all members of ASODESCAT.

B. Response from the State

20. The IACHR requested information from the State on July 26, 2023; August 9, 2023; and August 28, 2023. However, the State has not submitted information to date.

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

21. Precautionary measures are one of the mechanisms of the Commission for the exercise of its function of overseeing compliance with human rights obligations, as established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. 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 situations that are serious and urgent, and in which such measures are necessary to prevent irreparable harm to persons or to the object of a petition or case before the organs of the inter-American system.

22. 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.⁴ As regards the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.⁵ To do this, the IACHR shall assess the problem raised, the effectiveness of State actions to address the described situation and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁶ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are being considered by the IACHR. Their precautionary nature aims to safeguard the rights at risk until the request under consideration in the inter-American system is resolved. Their object and

⁴ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#). 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. (Available only in Spanish)

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. [Matter 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.

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. 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. [Matter of the Plácido de Sá Carvalho Criminal Institute](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

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 allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations.⁷ Regarding the process of decision making and, according to Article 25(2) of the Rules of Procedure, the Commission considers that:

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

23. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.⁸ Similarly, the Commission recalls that, in this proceeding, it is not called upon to analyze alleged human rights violations in light of the American Convention and the applicable standards. Similarly, by its own mandate, the Commission is not called upon to make any determinations on the criminal liabilities of specific persons in light of the alleged facts. The Commission establishes that the following analysis is exclusively related to the requirements established in Article 25 of its Rules of Procedure, which can be resolved without making any determinations on the merits.

24. The IACHR recalls that, according to Article 25(6) of the Rules of Procedure, the Commission “shall take into account the context” in which a request is made. In this regard, the Commission has considered that the assessment of the context of the facts informs, illustrates, or guides the verification of the requirements of Article 25 of the Rules of Procedure. The Commission stresses that it has been closely monitoring the worsening structural violence in Colombia, in general, and the situation in the department of Norte de Santander, in particular. In May 2022, the IACHR expressed concern about acts of violence in Colombia related to the actions of non-state armed groups.⁹ 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.¹⁰ The acts of violence in these regions are particularly connected to the actions of non-state armed groups that disproportionately affect those who act in the defense of rights or with social and/or community leadership.¹¹

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 In this regard, for example, referring to provisional measures, the Inter-American Court has considered that this standard requires a minimum of detail and information that allows a *prima facie* appreciation of the situation of risk and urgency. 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.

⁹ IACHR. The IACHR expresses concern about acts of violence in Colombia related to the actions of non-state armed groups. May 20, 2022.

¹⁰ IACHR. The IACHR reiterates its concern about the increase in structural violence in Colombia. February 25, 2022.

¹¹ *Ibidem*.

25. In the matter at hand, in relation to the requirement of *seriousness*, the Commission takes into account, based on the information available, the repeated episodes of violence against members of the Association of Displaced Persons of Catatumbo (ASODESCAT) and, in particular, members of its board of directors. The IACHR notes with extreme concern that, as of July 2022, ASODESCAT members have reportedly been subjected to murders, threats, and forced displacement. Subsequently, the applicant reported that, between 2022 and 2023, there have been constant death threats, monitoring of motorized people, and presence of armed people at the headquarters of the organization. These acts were particularly focused against members of the ASODESCAT board of directors with a view to make them abandon their positions and their activities. It is noted that, on July 23, 2023, it was reported that an ASODESCAT member was killed, which shows the recent materialization of the threats. The Commission understands that the alleged facts, and taken as a whole, allow identifying a continuity of threats, aggressions, and events of violence over time against the members of ASODESCAT, especially the members of the board of directors.

26. Upon requesting information from the State under the terms of Article 25 of the Rules of Procedure, the Commission regrets the lack of response to the request for information made in the matter at hand on July 26, 2023, followed by two time-extensions granted by the IACHR on August 9 and 28, 2023. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, the lack of a response from the State prevents the Commission from knowing the measures adopted that are being implemented to address the risk that the proposed beneficiaries face and to dispute the facts alleged by the applicant. Therefore, the Commission does not have information to assess whether the alleged risk has been mitigated. The above is especially relevant considering that there is a judgment to grant protection in favor of the members of ASODESCAT board of directors, which has been confirmed in the second instance, which reportedly calls for their protection.

27. In this regard, the Commission notes that, according to the second instance court decision of June 2023, the protective measures have not been implemented. In this regard, the Commission notes that between June and August 2023, the proposed beneficiaries continued to face situations that put them at risk. The failure to implement protective measures is of concern despite the fact that, according to the internal risk assessment, the proposed beneficiaries are at an extraordinary risk.

28. The Commission understands that, to the extent that the State has not reported on the eventual implementation of concrete protection measures in favor of the proposed beneficiaries, there are no elements available to analyze whether they were actually implemented, which would allow it to consider their suitability and effectiveness in light of the situation presented. The information in the file shows that no protection measures have been implemented despite the fact that they were ordered internally. With respect to death threats against human rights defenders, the IACHR has emphasized that it is necessary for the State to diligently handle this type of aggression, both in the preventive sphere through the effective investigation of the responsibility for these acts, and in the reactive sphere through the granting of adequate and effective protection measures.

29. With regard to the investigations, according to the information available, the Commission notes that the situation that the proposed beneficiaries face has been brought to the attention of various state entities over time. Given the lack of response from the State, the Commission notes that it has no information on the possible identification of those responsible for the murders, threats, and forced displacements against the proposed beneficiaries, which is important to know when assessing the safety conditions. This is a relevant aspect for the mitigation of the risk that the proposed beneficiaries face and the possibilities of recurrence.

30. In sum, taking into consideration the elements assessed in light of the aforementioned context, 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 the proposed beneficiaries are at serious risk.

31. Regarding the requirement of *urgency*, the Commission observes that it is met in the face of the imminent materialization of a possible impact on the life and integrity of the proposed beneficiaries, given that the threats and monitoring of armed persons have continued over time, having materialized the risk with the murder of a member of the organization. In this regard, the Commission takes into account that the facts presented are indicators of the need to, first, implement protection details and strengthen them, as appropriate, in order to prevent new risk events from occurring.

32. As for the requirement of *irreparable harm*, the Commission considers that it has been met, to the extent that the possible impact on the right to life and personal integrity constitutes the maximum situation of irreparability.

IV. BENEFICIARIES

33. The Commission declares that the beneficiaries of this precautionary measure are the members of the board of directors of the Association of Displaced Persons of Catatumbo: Fabian Andrés Cáceres Palencia (president and legal representative); Jaider José Santiago Contreras (first vice president); Alonso Pérez Rojas (second vice president); José Edinson Quintero Ascanio (third vice president); Edy Torcoroma Vega Flórez (secretary); Elida Rosa Ascanio Rodríguez Flórez (first assistant secretary); Andrea Sánchez Quintero (second assistant secretary); Amparo Pallares Rodríguez (third assistant secretary); Luz Adriana Umaña Cáceres (treasurer); Indre Marcela Pallares Rodríguez (fiscal officer); Silfredo Santiago Contreras (sub fiscal); Yeferson Danilo Quintero (second subfiscal); Willinton Quintero Ascanio (subfiscal officer).

V. DECISION

34. 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. Accordingly, the IACHR requests that Colombia:

- a) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiaries identified in this resolution;
- b) adopt the necessary protection measures so that the beneficiaries can continue to carry out their 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 events that led to the adoption of this resolution, so as to prevent such incidents from reoccurring.

35. The Commission requests the State of Colombia to report, within 15 days from the date of this resolution, on the adoption of the precautionary measures requested and to update that information periodically.

36. 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 on any violation of the rights protected in the applicable instruments.

37. The Commission instructs its Executive Secretariat to notify this Resolution to the State of Colombia and the applicant.

38. Approved on November 20, 2023, by Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; and José Luis Caballero Ochoa, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary