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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 13/2022**

Precautionary Measure No. 368-10  
María Tirsá Paz *et al.* regarding Colombia<sup>1</sup>  
March 7, 2022  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of María Tirsá Paz *et al.* in Colombia. At the time of making the decision, the Commission assessed the actions taken by the State within the framework of these measures, as well as the request made by the Stated to lift the measures, along with the observations from the representatives. The Commission understands that, based on the information available, at present, the situation does not meet the requirements of Article 25 of the Rules of Procedure.

**II. BACKGROUND INFORMATION**

2. On July 29, 2011, the Commission requested the adoption of precautionary measures for María Tirsá Paz and 26 other women in Colombia.<sup>2</sup> The request alleged the existence of a threatening situation for 27 Afro-Colombian women and their displaced families from the municipalities of El Charco, Barbacoas, and La Tola, in the department of Nariño. It was alleged, among other facts, that in June 2011, in the neighborhood where four of the beneficiaries are staying, four young men were killed, and six others were wounded in an alleged confrontation between illegal groups.

3. Upon analyzing the information furnished and considering the threatening situation in which the beneficiaries found themselves, the Commission requested that the State adopt the necessary measures to protect the lives and physical integrity of the 27 Afro-Colombian women and their families, agree on the measures to be adopted with the beneficiaries and their representatives, and report on the actions taken to investigate the facts that led to the adoption of this precautionary measure.<sup>3</sup>

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

4. Throughout the time the precautionary measures have been in force, the Commission has followed-up on the situation that is the subject matter of this resolution through the request for information from the parties. It also convened a working meeting at the 144th Period of Sessions of the IACHR. On August 16, 2011, the Commission requested information from the State. On August 31, 2011, the State provided the requested information. On September 26, 2011, the State provided updated information. On September 28, 2011, the Commission forwarded the State's report to the representatives to provide any observations deemed relevant. On October 15, 2011, the representatives provided

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

<sup>2</sup> The beneficiaries are: (1) María Tirsá Paz, (2) María Edel Hernández Hurtado, (3) Edilma Micolta Obando, (4) Matilde Illera Micolta, (5) Jaqueline Illera Micolta, (6) Ester Julia Caicedo Moran, (7) Ingrid Cabeza Micolta, (8) Maragarita Paz Valencia, (9) María Nancy Erazo, (10) Berta Camacho, (11) Carmen Tulia Camacho, (12) Alicia Sinisterra, (13) Emilsen Micolta, (14) Presentación Banguera Hurtado, (15) María Cristina Cortez Quiñonez, (16) Mirian Cabeza Cuero, (17) Cecilia Cabeza Cuero, (18) Yuli Paola Banguera Camacho, (19) Sandra Liliana Cortes, (20) Doris Mercedes Olave Cuero, (21) Ana Gloria Cabeza Cuero, (22) Diana Milena Prado Segura, (23) Carmen Salamanca, (24) Evelin Esterilla Paz, (25) Danny Banguera, (26) Eliza Amelia Prado, and (27) América Bravo Micolta, and their respective families.

<sup>3</sup> IACHR. Precautionary measures 2011. Available [in Spanish] at <https://www.oas.org/es/cidh/decisiones/MC/cautelares.asp?Year=2012&Country=MEX>

information. On December 15, 2011, the Commission forwarded the information provided by the representatives to the State. On January 11, 2012, the State provided updated information. On January 18, 2012, the Commission forwarded the information to the representatives, requesting their comments. On February 22, 2012, the Commission convened a working meeting for the 144th Period of Sessions, scheduled for March 2012.

5. On July 22, 2012, the representatives provided additional information. On August 13, 2012, the Commission forwarded the information to the State. On August 16, 2012, the State provided updated information. On August 30, 2012, the Commission forwarded the State report to the representatives. On November 6, 13, and 21, 2012, the representatives submitted various reports. On November 14, 2012, the Commission requested information from the State. On December 1, 2012, the representatives contacted the Commission again. On June 18, 2013, the representatives provided additional information. On August 16 and October 21, 2013, the representatives submitted information. On November 26, 2013, the Commission requested updated information from the representatives. On December 31, 2013, the representatives provided updated information. On January 15, 2014, the Commission forwarded such information to the State. On February 12, 2014, the State submitted a report. On March 5, 2014, the representatives requested an internal consultation meeting. On March 7, 2014, the Commission forwarded the report submitted by the State to the representatives.

6. On May 5, 2014, the representatives provided updated information. On September 7, 2014, the representatives contacted the Commission. On December 18, 2014, the Commission forwarded the information to the State. On January 30, 2015, the State requested a timeline extension, which was granted on February 5, 2015. On February 11, 2015, the State provided the requested information. On April 2, 2015, the Commission forwarded the response to the representatives to present updated information on the beneficiaries' situation.

7. On September 1, 2015, the State presented a report. On December 21, 2015, the Commission requested the representatives to provide updated information. On April 24, 2017, the representatives provided information. On April 26, 2017, the Commission requested information from the representatives on the situation that was placing the beneficiaries at risk. On August 1, 2017, the representatives provided information, as well as on March 8, 2018. On April 5, 2018, the Commission requested updated information from the State. On November 29, 2018, the representatives submitted a report. On May 7, 2019, the Commission forwarded such a report to the State to make the observations deemed pertinent. On June 6, 2019, the State requested a time extension, which was granted. On July 25, 2019, the State submitted a report and requested that the precautionary measures be lifted. On July 31, 2019, the State sent another communication. On August 5, 2019, the Commission forwarded it to the representatives to provide their observations. On December 3, 2019, the State presented a report.

8. On January 22, 2020, the Commission requested the representatives to provide an update on the beneficiaries' status. On September 11, 2020, the State submitted a communication in which it reiterated its request for the precautionary measures to be lifted. On October 27, 2020, the representatives provided information. On December 3, 2020, the State reiterated its request to lift the measures. On January 8, 2021, the representatives provided information. The State reiterated its request to lift the measures on March 3, April 29, June 17, September 27, and December 7, 2021. On January 14, 2021, the Commission forwarded the State's request for comments to the representatives. On February 18, 2022, the Commission requested again its comments from the newly accredited representatives. However, no response has been received.

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

9. On August 31, 2011, the State reported that on September 9, 2011, a meeting would be held with the beneficiaries, their representatives, and the different state institutions concerned. On September 26, 2011, the State reported that the meeting was attended by 18 of the 27 beneficiaries. At that meeting, the representatives presented a list of proposed measures such as comprehensive humanitarian assistance, protection of their fundamental rights, health care for the beneficiaries and their families, relocation of the families, and the implementation of a socioeconomic project, among others. The State reported that there are two investigations: one concerning the displacement of the 27 beneficiaries and their families and the other concerning the threats against the beneficiary Presentación Bonguera. The State also reported on the humanitarian care provided to the beneficiaries. Specifically, it was referred to the fact that 22 of the 27 beneficiaries have been included in the Unified Registry of Displaced Population (*Registro Único de Población Desplazada*, RUPD) and have benefited from emergency humanitarian aid. Regarding the matter regarding the return requested by the beneficiaries, the State informed that the case must be analyzed by the Departmental Committee for Attention to the Displaced Population of Valle del Cauca (*Comité Departamental de Atención para la Población Desplazada del Valle del Cauca*) so that the appropriate measures can be adopted. It was reported that the Commander of the Cali Metropolitan Police contacted the representatives to discuss protective material measures. A meeting was held on August 5, 2011, at which the individual self-protection measures were presented.

10. On January 11, 2012, the State submitted a report confirming that it had received the applicant's right of appeal requesting information on the measures adopted in relation to the precautionary measures and informing that the request had been forwarded to the relevant authorities. It was reported that December 1, 2011, was proposed as the date for a consultation meeting, and that the proposal was neither accepted nor rejected by the applicants. Therefore, the required procedures to ensure the presence of the beneficiaries were not carried out. The Secretariat of Ethnic Affairs of the Government of Valle de Cauca expressed its willingness to accompany the various processes aimed at ensuring dignified living conditions for the beneficiaries; the Secretariat of Territorial Development and Social Welfare, together with the Ombudsperson's Office, the *Personería Municipal*, and the Attorney General's Office are working to implement material protection measures; and the Colombian Institute for Family Welfare (ICBF) is working in coordination with the Secretariats of Education to ensure continuity in the school system. The State conducted a follow-up on the situation of the beneficiaries and has initiated activities aimed at addressing the requests for the implementation of the precautionary measures made by the applicants. The State stated that the National Police is prepared to take the necessary measures to guarantee the rights of the beneficiaries.

11. On August 16, 2012, the State reported that the Unit for Attention and Reparation to Victims (UARIV) provided a forum for consultation on March 29, 2012, so that the representatives could report on the situation of the beneficiaries. At this meeting, it was agreed to hold a workshop to learn about the conditions of each nuclear family and thus be able to implement the most appropriate measures to guarantee the rights of the beneficiaries. The workshop was held on April 26 and 27, 2012. The situation of the beneficiaries who were not registered in the Unified Registry of Victims was verified and 26 of the 27 families have now regularized their records. It is reported that the registry of one of the beneficiaries has not been possible because there is a mismatch between the documents sent and those in the national databases, and due to the fact that it has not been possible to contact this person. Regarding the return proposal, it was indicated that the area does not have the necessary security levels to allow the displaced persons to return to their residences. In addition, it was reported that the beneficiaries did not express a

shared interest in returning or relocating, and therefore an individualized process would have to be carried out. Information on the material protection measures was also reported, among which they state: (i) constant communication of the Head of the Human Rights Office of the Cali Metropolitan Police with certain beneficiaries; (ii) occasional visits to the places of residence; and (iii) activation of the “Plan Padrino”, a deployment of police personnel to carry out direct accompaniment with the beneficiaries. With regard to the investigations carried out in order to clarify the facts that gave rise to the precautionary measures, the State reports that the Attorney General’s Office has initiated five investigations for the crimes of forced displacement, threats and theft.

12. On February 12, 2014, the State informed that certain beneficiaries have received a rental subsidy and that the inclusion of the beneficiaries in the free housing program in the Municipality of Santiago de Cali is being negotiated. As a result of this action, four houses have reportedly been allocated. It is also reported that the Secretariat of Government has provided the beneficiaries with accommodation vouchers valued at approximately US\$200. The State reported that there are internal problems with the beneficiaries, due to disagreements regarding who would be named as beneficiaries, as well as the fact that the beneficiaries themselves state that they do not require material protection measures because these generate possible retaliation by the illegal armed groups that control the area in which the beneficiaries live. It is reported that (i) the Mayor’s Office of Cali has begun to take steps so that the beneficiaries can benefit from the Family Housing Subsidy; (ii) the National Protection Unit has implemented protective material measures in the form of relocation support. It was also reported that the Committee for Risk Evaluation and Recommendation of Measures (CERREM) conducted a risk assessment, classifying most of the beneficiaries within the ordinary risk category, and Presentación Banguera within the extraordinary risk category. It is important to point out that during the month of November 2013, the Regional Ombudsperson’s Office held several meetings that had to be suspended due to the non-attendance and lack of availability of the beneficiaries. The State concludes that it has provided the beneficiaries with all the institutional support available regarding humanitarian assistance related to displacement, as well as the implementation of measures for prevention and protection by the National Protection Unit. In addition, the State has submitted a report which provides an overview of the situation of each of the beneficiaries and the specific measures taken in favor of each of them.

13. The State reported that consultation meetings were held: (i) on May 15, 2012 in which the delivery of dwellings to the beneficiaries was discussed; (ii) on February 7, 2013 in which they reviewed compliance with the commitments that the different entities made to the beneficiaries; (iii) on May 7, 2013 in which information on the inter-institutional and intersectoral assistance provided to the beneficiaries was discussed; and (iv) on May 28, 2013 in which the scope of the precautionary measures and the risk level assessment carried out by the National Protection Unit were explained. It is alleged that at no time has the accompaniment of the beneficiaries in the working meetings been prevented and that the minutes of the meetings confirm that the beneficiaries attended the meetings on May 7 and 28, 2013. Material protection measures have also been taken, such as the granting of relocation support in 2012 equivalent to one legal monthly minimum wage (SMLMV) for a three-month period until a risk assessment is carried out; the assessment classified most of the beneficiaries as being at ordinary risk category and, therefore, no additional measures were granted. The risk of the beneficiary Presentación Banguera was qualified as extraordinary reason why the following measures were granted: (i) a transport subsidy of 3 SMLMV for a period of six months, (ii) a means of communication, and (iii) a vest for a period of 12 months. Additionally, a new risk assessment is presented in which the risk category of the beneficiary Presentación Banguera was rated as ordinary and the risk category of the beneficiaries Edilma Micolta Obando and Doris Mercedes Olave Cuero was rated as extraordinary. Due to the new risk assessment, the beneficiaries have received protective measures such as temporary relocation subsidies, relocation assistance, and means of communication, among others.

14. On September 1, 2015, the State provided a report in which it informs the Commission regarding the death of the beneficiary Maria Tirsa Paz on June 6, 2015, as a result of cancer. On July 25, 2019, the State submitted a report in which it states that the National Protection Unit conducted a risk assessment in 2013, the result of such information was the rating of an ordinary risk, furthermore, that the beneficiaries have not requested an assessment to be conducted again. The Ministry of National Defense reported that in 2011, police patrols were conducted at the beneficiaries' homes and that the Human Rights Office was in permanent communication with the beneficiary Maria Tirsa Paz. She reportedly informed them that since 2014 she has not had any contact with the other beneficiaries due to a problem with the applicant organization. Such communication ended in 2015 due to the death of Ms. Tirsa. It was reported that the National Protection Unit requested the Metropolitan Police of Cali to take preventive protection measures while a risk assessment of beneficiary Presentación Banguera is being conducted. It was also reported that the beneficiaries are included in the official victims' registry. Finally, it is reported that the State does not know the whereabouts of the beneficiaries and their willingness to continue being beneficiaries of the precautionary measures; therefore, they request that the precautionary measures be lifted.

15. On July 31, 2019, the State referred to the investigations being carried out regarding the crime of forced displacement, stating that the Prosecutor's Office is monitoring the progress of the investigations and the development of the peace agreements with the operation of transitional justice in the post-conflict framework. On December 3, 2019, the State submitted a report in which it encloses information on the humanitarian aid provided to the beneficiaries, the information refers to the humanitarian aid payments granted to the beneficiaries and the administrative proceedings issued in their favor. On September 11, 2020, the State provided additional information, noting that: (i) the National Protection Unit adopted emergency assistance in favor of the beneficiaries consisting of a relocation support amounting a minimum wage for three months; (ii) in 2013, a risk level assessment was carried out, resulting in the categorization of ordinary risk for the beneficiaries Alicia Sinisterra Góngora, Presentación Banguera Hurtado, Carmen Tulia Camacho Micolta, Bertha Camacho Hurtado, América Bravo Micolta, Jackeline Llera Micolta, Danny Banguera Camacho, Yuli Paola Banguera Camacho, Miriam Cabezas Cuero, María Tirsa Paz Ordoñez, Evelin Ivani Esterilla Paz, Sandra Liliana Cortés, Ana Gloria Cabezas Cuero, María Nancy Erazo Castillo, María Edel Hernández Hurtado, and Margarita Paz Valencia; (iii) with respect to the beneficiaries Doris Mercedes Olave Cuenú and Edilma Micolta Obando, protective measures are implemented: Ms. Micolta has been granted temporary relocation assistance in the amount of two Minimum Wages for three months, transportation support, a means of communication and a bulletproof vest for twelve months; and Ms. Obando has been granted transportation support equivalent to a Minimum Wage, a communication device and a bulletproof vest for twelve months; (iv) on April 2, 2020, the National Protection Unit requested the Cali Metropolitan Police Command to implement preventive measures, while the risk level assessment process is being carried out in favor of Ms. Presentación Banguera Hurtado; and (v) at the beginning of 2014, Ms. María Tirsa announced that she was incommunicado with the other beneficiaries; also, the Justice and Dignity Corporation sent a statement informing that they did not represent María Tirsa Paz or Evelin Estrilla Paz and indicating that she does not know the whereabouts of María Cristina Cortés Quiñonez, Sandra Liliana Cortés, Margarita Paz Valencia or María Nancy Erazo, and therefore, they were unaware of their willingness to continue as beneficiaries of the precautionary measure.

16. Finally, between 2020 and 2021, the State reiterated its request to have the measures lifted through various communications.



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

17. On October 15, 2011, the representatives provided information which indicated that only two beneficiaries had the service of protection rounds, a service provided by the Human Rights Section of the National Police. They reported that no comprehensive protection plan has been organized for the beneficiaries. It was reported that only one consultation meeting on precautionary measures had been held and that the beneficiaries had not received a response to the requests made in the context of that meeting. The representatives indicated that they had filed a right to petition, so a meeting was held on December 1, 2011, in the city of Bogotá. Regarding the investigations that led to the precautionary measures, it was reported that there is an investigation at the Sectional Prosecutor's Office (*Fiscalía Seccional*) in Tumaco. Regarding threatening events, they reported that the beneficiaries Presentación Banguera and Rosa Mila Micolta are constantly "harassed" by the gangs that control their place of residence (*invasión Brisas de la Paz*). Police presence was requested, but this allegedly worsened the situation, which led to death threats. Accordingly, a request was made to reduce the police presence. It was stated that some beneficiaries allegedly had to leave their homes and had no way to pay for accommodation.

18. On July 22, 2012, the representatives stated that two conciliation meetings had been held: on September 9, 2011, and on March 9, 2012. At those meetings, no information was provided on the actions taken to comply with the measures. It was reported that at the working meeting held on March 26, 2012, the State made a commitment to submit a relocation and return plan. They reported that the beneficiaries were in a situation of "extreme poverty" and danger due to the area where they live. On November 6, 2012, the representatives stated that the State entities have informed the beneficiaries about the institutional offer, but such institutional services have not materialized. They reported that, at the working meeting of September 7, 2012, it was established that a meeting would be held where an action plan would be presented to address the situation of the beneficiaries. They indicated that the meeting had not been held. The beneficiaries stated that they are subject to "threats."

19. On November 13, 2012, the representatives reported that six of the 27 beneficiaries had been declared a "military target" by the gangs that control the Agua Blanca district in Cali, the area where the beneficiaries resided. Additionally, they reported that: (i) on October 28, 2012, gang members took the 3-year-old grandson of the beneficiary Presentación Banguera and began practicing target shooting, the child was returned to his grandfather due to the insistence of the community and before retiring the gang members told the beneficiary "old snitch, we are going to kill you and your family"; (ii) on November 1, 2012, the beneficiaries Rosa Mila Micolta and her 11-year-old son saw the gang members shooting and tried to flee the place, the gang members intercepted them, put a gun to her head and told the beneficiary "those who run are snitches, and here snitches die"; (iii) on November 1, 2012, gang members tried to forcibly enter the home of the beneficiary Presentación Banguera; (iv) the beneficiary Ana Gloria Cabeza has received death threats for not paying the "tax" charged by the gangs and since October 28, 2012 her 16-year-old daughter has received death or rape threats for not wanting to join the gang; (v) on November 5, 2012, there was a confrontation between gang members and the house of the beneficiary Ana Gloria Cabeza received several bullet hits; (vi) on November 8, 2012 the 12-year-old son of the beneficiary was threatened in the following terms: "son of a bitch we are going to cut you in little pieces and your whole family, you have to leave here because the order is to kill the snitches"; (vii) on November 11, 2012 gang members gave one day to the beneficiaries Ingrid Micolta and Rosa Mila Micolta to leave the area because "here the snitch leaves or we kill it"; (viii) on November 12 the minor Diana Cabeza Cuero was physically assaulted; and (ix) the 13-year-old girl, M.E.M., was recruited by the gangs, and her 'family's attempts to

recover her have only brought about more death threats to her family. On December 1, 2012, the representatives reported that the State adopted urgent measures for the relocation of the beneficiaries and their families. It was indicated that the State undertook to submit a permanent relocation plan.

20. On June 18, 2013, the representatives reported that the beneficiaries and their families were still in a situation of displacement. They reported that on May 18, 2013, the beneficiaries and their families were abruptly removed by the National Police's anti-riot section, the Mobile Anti-Riot Squad (*Escuadrón Móvil Antidisturbios*, ESMAD), from the Cali Housing Secretariat (*Secretaría de Vivienda*), where they went to demand shelter. On August 16, 2013, the representatives requested that a working meeting be held to submit to the State a request for return to the Pacific Coast of Nariño. On October 21, 2013, the representatives attached a right to petition dated October 8, 2013, in which they requested compliance with the precautionary measures. On December 31, 2013, the representatives reported on the dangerous situation in the Agua Blanca area where the beneficiaries lived. The beneficiaries reportedly had to flee their homes and live in the corridors of the Housing Secretariat. The applicants stated that they heard that government entities were giving "donations" to the beneficiary Maria Tirsá Paz to convince the other beneficiaries to renounce the precautionary measures. Moreover, they stated that they do not have contact with four beneficiaries and, consequently, do not know if they still want to be beneficiaries of the precautionary measures.

21. On March 5, 2014, the representatives requested an internal consultation meeting. On May 5, 2014, the representatives reiterated previous allegations. It reported that they received help for three months. Regarding the free housing program, it was indicated that two beneficiaries allegedly had access, pending the delivery of the houses. On September 7, 2014, the representatives questioned the implementation of the precautionary measures. On April 24, 2017, the representatives contacted the Commission to report on a change in representatives. On August 1, 2017, the representatives reiterated the change in the representatives. On March 8, 2018, one of the beneficiaries reported that she still does not have "decent housing". On November 29, 2018, the representatives questioned the State, reiterating previous allegations, and indicated that the risk assessment had not been carried out. Subsequently, they stated that police protection had allegedly been taken away from them and that risk assessments indicated an "ordinary" risk.

22. Finally, on October 27, 2020, the representatives again reported on the change in representatives and stated that the situation of the beneficiaries is "critical" (without details). On January 8, 2021, the beneficiaries reiterated previous allegations.<sup>4</sup>

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

23. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in the Charter of the Organization of American States, and in the case of the Member States that have not yet ratified the American Convention, the Declaration of the Rights and Duties of Man. These general oversight functions are established in Article 18 of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

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<sup>4</sup> It was indicated that they are unemployed. They have no money. They have no place to live.

24. The Inter-American Commission and the Inter-American Court of Human Rights have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary. Regarding their protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are under consideration by the IACHR. In the process of reaching a decision, 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 of 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.

25. With respect to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establish that “decisions granting, extending, modifying, or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) sets forth that “the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force.” In this regard, the Commission should assess if the serious and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider whether new situations have subsequently arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

26. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.<sup>5</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>6</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>7</sup>

27. In this matter, the Commission recalls that the precautionary measures were granted in 2011 in light of the available information, which indicated that the beneficiaries were at risk due to the situation of violence in the area. After the approximately 11 years these precautionary measures have been in force, the Commission notes that the State implemented a series of measures in favor of the beneficiaries, including the following:

- Consultation meetings with interested parties with a view to addressing proposals for assistance to beneficiaries (see *supra* paras. 9, 10, 11, 12 and 13);
- Humanitarian care and inclusion measures of the beneficiaries in the Unified Registry of Displaced Population (see *supra* paras. 9 and 15), as well as those other measures adopted by several competent bodies (see *supra* para. 10);
- Inclusion of beneficiaries in the free housing and other economic subsidies program (see *supra* paras. 12 and 13);

<sup>5</sup> I/A Court H.R., Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17. Available [in Spanish] at [http://www.corteidh.or.cr/docs/medidas/fernandez\\_se\\_08.pdf](http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf)

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*



- Study for the possible return of the beneficiaries by the Departmental Committee for Attention to the Displaced Population of Valle del Cauca (see *supra* para. 9), it had been indicated that the security levels would not allow this. In this regard, it was indicated that there was no collective request for return and that an individualized process had to be promoted (see *supra* para. 11);
- Material protection measures by the National Police (see *supra* para. 11), as well as economic support for relocation (see *supra* paras. 12 and 13);
- Scope on the status of open investigations related to this matter (see *supra* paras. 9, 11 and 15).

28. The Commission welcomes the actions taken by the State in the framework of the implementation of these precautionary measures. The Commission also notes that the State conducted risk assessments of the beneficiaries with a view to identifying the specific security measures to be implemented. In this regard, the information available indicates that by 2014 most of the beneficiaries were at “ordinary” risk, and another at “extraordinary” risk (see *supra* para. 13). Subsequently, by 2019, the risk assessments carried out indicated an “ordinary” risk (see *supra* para. 14). In any case, the Commission observes that, whether under “ordinary” or “extraordinary” risk, the State implemented security measures in favor of the beneficiaries as appropriate (see *supra* para. 13).

29. Regarding the situation of the beneficiaries, the Commission notes that the representatives provided substantial information until 2012, and subsequently, by 2014, they presented general questions on how the precautionary measures were being implemented by the State. At later dates, the representatives continued questioning in a general way the implementation of the precautionary measures. However, they did not provide detailed and individualized information on each of the beneficiaries, despite the requests made by the Commission over time. The above information was necessary since the State has reported on a series of actions that have been implemented in favor of the beneficiaries. The most recent reports of the representatives do not provide chronological, detailed, and individualized information on the situation of the beneficiaries, but focus on reiterating previous and general allegations about the poverty situation of the beneficiaries.

30. Even despite this, the Commission notes that, according to the information available, the representatives or beneficiaries have not filed complaints or requested a risk assessment to determine protection measures to be implemented (see *supra* para. 14). In this regard, the representatives did not provide information on new events that could account for an “imminent” risk under the terms of Article 25 of the Rules of Procedure. The representatives also did not explain why no protection was requested or why no internal complaints were made against alleged ongoing threatening events. The most recent events that have been provided by the representatives date from 2012 and 2013, while approximately 9 years have elapsed since then. In addition to the above, on September 1, 2015, the State reported that the beneficiary Maria Tirsa Paz died on June 6, 2015, as a result of cancer (see *supra* para. 14); that it was not aware of the willingness of the beneficiaries to continue with protection measures (see *supra* para. 14); and that one of the representatives reportedly indicated that she did not have contact with certain beneficiaries (see *supra* para. 15). The Commission understands that this matter is related to the absence of complaints or requests for protection from the beneficiaries. Recently, the representatives also failed to report on new facts that could be classified as “imminent” risk against the beneficiaries, which is especially relevant in view of the repeated request to lift the precautionary measures by the State.

31. In this regard, the Commission emphasizes that the State has requested the lifting of the precautionary measures since July 25, 2019, and has reiterated such a request on September 11, 2020, December 3, 2020, March 3, April 29, June 17, September 27, and December 7, 2021. After forwarding the

request for withdrawal to the representatives under the terms of Article 25(9), the Commission notes that general information continued to be submitted without details on the situation of each of the beneficiaries. Given the lack of detailed information on the part of the representatives, the Commission does not have any assessment elements to continue to determine compliance with the requirements of Article 25 of the Rules of Procedure.

32. The Commission recalls that when a State requests the lifting of a precautionary measure, it must present sufficient evidence and arguments to support its request.<sup>8</sup> By the same token, the representatives of the beneficiaries that want the measures to continue must present evidence of any reasons why.<sup>9</sup> Similarly, Article 25(11) of the Rules of Procedure sets forth that the Commission may lift or review a precautionary measure when the beneficiaries or their representatives unjustifiably fail to provide the Commission with a satisfactory response to the requests made by the State for its implementation.

33. Considering the analysis carried out, and in response to the State's request to lift the measures, the Commission understands that, on the basis of the available information, it does not identify a situation that indicates compliance with the requirements of Article 25 of the Rules of Procedure at present, since more than 9 years have elapsed and there is a lack of information on a specific and imminent risk to the detriment of the beneficiaries, including details on their current situation in the procedural terms. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,<sup>10</sup> the Commission deems it appropriate to lift these measures.

34. Finally, the Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State of Colombia to respect and guarantee the rights recognized therein, including the life and personal integrity of the persons who at the time were beneficiaries of precautionary measures.

## **V. DECISION**

35. The Commission decides to lift the precautionary measures granted in favor of all the beneficiaries identified under the matter "*María Tirsa Paz et al.*" in Colombia.

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

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

38. Approved on March 7, 2022, by Julissa Mantilla Falcón, President; Esmeralda Arosemena de Troitiño, Second Vice-President; Joel Hernández García; Edgar Stuardo Ralón Orellana; and Roberta Clarke, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> I/A Court H.R., Matter of Adrián Meléndez Quijano et al. Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 22, and Matter of Galdámez Álvarez et al. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24