
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 4/2023**

Precautionary Measure No. 931-22
Guillermo Andrés Mosquera Miranda *et al.* regarding Colombia¹
February 6, 2023
Original: Spanish

I. INTRODUCTION

1. On November 28, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures submitted by *Corporación Justicia y Dignidad* (“the applicants”), urging the Commission to require that the State of Colombia (“Colombia” or “the State”) adopt the necessary measures to protect the rights to life and personal integrity of Carlos Mauricio Mosquera Miranda, Guillermo Andrés Mosquera Miranda, Nidia Marcela Montoya, and their family units² (“the proposed beneficiaries”). According to the request, the proposed beneficiaries are at risk as a result of threats, harassment, forced displacement, and a murder attempt against Mr. Guillermo Andrés.
2. In accordance with Article 25.5 of the Rules of Procedure, the Commission requested information from the parties on December 2, 2022. It received the information from the applicants on December 9 and 13, 2022 and from the State on December 21, 2022. The Commission received additional information from the applicants on January 17, 2023.
3. Upon analyzing the submissions of fact and law offered by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Consequently, the IACHR requests that the State of Colombia: a) adopt the necessary measures to protect the life and personal integrity of Carlos Mauricio Mosquera Miranda, Guillermo Andrés Mosquera Miranda, Nidia Marcela Montoya, and their family units; b) adopt the necessary measures to ensure that the beneficiaries can continue to carry out their activities as human rights defenders without being subjected to threats, intimidation, harassment, or acts of violence; c) consult and agree upon the measures with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of these precautionary measures, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

4. The request was filed in favor of the brothers Carlos and Guillermo Mosquera Miranda, who have allegedly been subjected to a series of threats as a result of their political activities and as community leaders in the municipality of Argelia, department of Cauca. These facts are reportedly affecting their relatives, who are also included as proposed beneficiaries: Aura María Miranda (mother), Elías Mosquera (father), Elcira Mosquera (Carlos and Guillermo’s sister), Nidia Marcela

¹ 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.

² Aura María Miranda (mother), Elías Mosquera (father), Elcira Mosquera (sister of Carlos and Guillermo), Nidia Marcela Montoya (Guillermo’s partner) and the children J.M.M.M. and A.M.M. (Guillermo and Nidia Marcela’s children).

Montoya (Guillermo's partner) and the children J.M.M.M and A.M.M. (Guillermo and Nidia Marcela's children). The specific situation of each of the proposed beneficiaries will be described herein.

Guillermo Andrés Mosquera Miranda and Nidia Marcela Montoya

5. According to the applicants, the proposed beneficiary Guillermo Andrés Mosquera Miranda is a teacher, social leader, human rights advocate, director of the Peasant Workers' Association of Argelia (*Asociación Campesina de Trabajadores de Argelia*, ASCAMTA) in the municipality of Argelia, co-founder of the Association of Producers for Community Management and Development of Argelia (*Asociación de Productores para la Gestión y Desarrollo Comunitario de Argelia*, ASPROGES), and co-founder of Peasant Movement of Coca, Poppy, and Marijuana Cultivators (*Movimiento Campesino de Cultivadores de Coca, Amapola y Marihuana*, COCCAM). His partner, Nidia Marcela Montoya, is a psychologist and teacher associated with the Secretariat of Education of the Department of Cauca. In addition, she has been a social leader in several areas for more than 22 years — she was a social leader of the displaced community of La Balsita, in Dabeiba, Antioquia, a human rights advocate in the Urabá Antioqueño area, founder of the Association of Peasant Women of Argelia (*Asociación de Mujeres Campesinas de Argelia*, AMAR) and a board member of ASCAMTA. Both are also members of the Peasant, Social, Popular and Community Board (*Mesa Campesina, Social, Popular y Comunitaria*) of the department of Cauca.
6. In light of the foregoing, the applicants stated that these organizations “have been subjected to threats, stigmatization, signaling, and continuous attacks.” Furthermore, the Early Warning System (*Sistema de Alertas Tempranas*) 010-20 of imminence, 047-20 structural and No. 004-2022 of the Ombudsperson's Office has noted “the eminent risk faced by the social leaders of Argelia that belong to these social organizations.”
7. In July 2018, Guillermo Andrés allegedly reported a massacre in the municipality of Argelia and received telephone threats by the group that committed the massacre. In September 2018, two armed individuals reportedly went searching for the proposed beneficiary and his partner, Nidia Marcela Montoya, which led to their displacement in October 2018, from the *corregimiento* (rural division) of Sinaí, municipality of Argelia, to the municipality of Popayán. On April 14, 2020, Nidia Montoya and Guillermo Mosquera reportedly received death threats via a pamphlet. Subsequently, on April 17 and 18, 2020, Nidia Montoya reportedly received threats declaring her a military target in a Facebook post. In September 2020, in the village of La Belleza, in Argelia, Cauca, a group of armed individuals allegedly surrounded their home, and forced them to return to Popayán.
8. On January 16, 2021, the Facebook profile “*Sandritacom Soloverdad*” published a pamphlet calling for a council of war against the mayor of Argelia and Guillermo Mosquera, as they were accused of being part of the National Liberation Army (*Ejército de Liberación Nacional*, ELN) and of having participated in a homicide. They also published a pamphlet where they accused Guillermo Mosquera of belonging to the ELN.
9. On March 16, 2021, the National Protection Unit reportedly issued a resolution in which it assessed that Guillermo Andrés Mosquera Miranda was at extraordinary risk in the exercise of his activities.
10. On May 21, 2021, in the municipality of Timbío, a group of hooded individuals reportedly detained the proposed beneficiary and accused him of belonging to “*Los Pocillos*”. However, the proposed beneficiary showed a credential of participation as a leader of the negotiation table and was allowed to leave. Due to the return to on-site classes at school, the proposed beneficiaries reportedly returned to the village of Sinaí. Between the months of May and July 2021, the armed group “*Frente Carlos Patiño*” allegedly met with the community “in several villages of El Plateado and La

Emboscada, where they accused ASCAMTA of being an armed group and informed that its members, sympathizers, and directors were military targets.”

11. On September 5, 2021, hooded and armed individuals allegedly surrounded Guillermo and Nidia’s home in Argelia, Cauca. On October 17, 2021, the armed group “*Frente Carlos Patiño*” allegedly carried out “several checkpoints” in the village of Sinaí, allegedly accusing Guillermo Mosquera and his family as collaborators of the armed group “Nueva Marquetalia”, “telling him to leave in order to avoid a tragedy”, which led to a new forced displacement to the municipality of Popayán.
12. On December 22, 2021, the Unit for Attention and Comprehensive Reparation of Victims (*Unidad para Atención y Reparación Integral de las Víctimas*) reportedly decided to register Guillermo Andrés, Nidia Marcela, J.M.M.M, and A.M.M. in the Official Victims’ Registry (*Registro Único de Víctimas*, RUV) and recognized the victimizing acts of threats and forced displacement. On December 27, 2021, the Ministry of National Education reportedly issued an official letter with details from the Secretariat of Education and Culture of Cauca, where the proposed beneficiaries were considered threatened civil servants. The official letter considered that the displacements were due to security reasons, therefore, they should be granted the status of threatened persons and provided with technological and administrative means to conduct their teaching activities.
13. On the other hand, the applicants mentioned that, between December 2021 and early 2022, Guillermo Andrés Mosquera Miranda “underwent displacement and threats in his place of residence and work, where his property was taken over by an illegal armed group “*Frente Carlos Patiño*” of the FARC-EP dissidents in order to displace and control the villages of La Belleza and Sinaí.” In this regard, the Municipal Ombudsperson’s Office of Argelia Cauca reportedly stated the following:

“Once on the ground, it became evident that in the Cerrito sector of the area described above, army troops were stationed at two points owned by citizen Fabiola Córdoba and citizen Guillermo Mosquera, who noticed the presence of minefields and the presence of an illegal armed group from the *Frente Carlos Patiño* of the FARC-EP dissidents, which has caused fighting and the mutilation of two soldiers who fell into anti-personnel mines. That, due to the contamination of explosive devices, the presence of illegal armed actors and direct threats against the social and community leaders Fabiola Córdoba and Guillermo Mosquera, they abandoned their properties in view of the direct impact of protecting their lives and preserving the integrity of their families, in fact, these citizens have already been displaced on several occasions and murder attempts have been made against them.”
14. On February 9, 2022, the Ministry of Education and Culture of the Government of Cauca reportedly sent a communication to Guillermo Mosquera and Nidia Marcela, whereby they requested their “urgent” presence at the Ministry of Education and Culture of the Government of Cauca, “taking into account the security situation in which they are involved as principal and guidance teacher in the educational institutions Sinaí and La Belleza, in the municipality of Argelia, Cauca” and, “in order to safeguard their lives and physical integrity.” On February 14, 2022, the proposed beneficiaries reportedly went before the entity, at which time they were informed that “from that moment on, they should report daily to the Ministry’s facilities.”
15. However, on March 29, 2022, the Governorship of Cauca, through Decree 0567, reportedly ordered the transfer of Nidia Marcela Montoya to Caldon, Cauca. In addition, the proposed beneficiary was temporarily recognized as a threatened guidance teacher, for a period of three months. According to the applicants, the municipality of Caldon is allegedly considered a red zone, which is why the proposed beneficiary did not attend and was sanctioned with the order of non-payment of salaries

for the months of May to June 2022, in addition to the opening of a disciplinary process. Lastly, on September 15, 2022, a decree reportedly annulled the temporary recognition of the threatened status and Ms. Nidia Marcela was transferred to the El Túnel Educational Institution, in the municipality of Cajibío.

16. According to the applicants, between February 14, 2022, and March 5, 2022, the corresponding procedures for the risk assessment were carried out before the National Protection Unit. Moreover, on April 6, 2022, through Decree 0640, the Governorship of Cauca temporarily recognized Guillermo Mosquera as a teacher - principal under threat, granting him secondment for a term of three (3) months, extendable for three (3) months, term in which the National Protection Unit must evaluate the level of risk. For this reason, the proposed beneficiary was transferred from the Sinai Educational Institution in the municipality of Argelia (Cauca) to the San Carlos Educational Institution in the municipality of Tambo, Cauca.
17. According to the applicants, through Early Warning (*alerta temprana*) No. 047-2020, 010-2020 and No. 004-2022, the Ombudsperson's Office recognizes the "current context of threat, as a scenario of consolidation and expansion of illegal armed groups GAOR", in the municipality of El Tambo. In addition, in this municipality there is a group called "*Coordinador de Occidente*" (Coordinator of the West), which allegedly belongs to the group that threatened Mr. Guillermo Mosquera and caused his forced displacement.
18. On April 21, 2021, Guillermo Mosquera and Nidia Marcela before the National Civil Service Commission (*Comisión Nacional del Servicio Civil*), reportedly requested the activation of the inclusion route in the data bank of career employees displaced for reasons of violence and their relocation to the city of Popayán. On May 3, 2022, it was not favorably resolved, allegedly because they did not comply with the career rights and Nidia Marcela Montoya was on probationary period. The applicants stated that, to date, the employment status of the proposed beneficiaries has not been resolved. In addition, these individuals are allegedly threatened with disciplinary sanctions if they do not report to their workplaces and allegedly "have asked the proposed beneficiaries for 10 grams of gold to be transferred to a safe location."
19. On July 12, 2022, the UNP reportedly issued resolution No. 5797 whereby it re-evaluated the situation that places Mr. Guillermo Mosquera at risk, which had been classified as extraordinary in 2021. The reassessment ratified both the risk level and the protection plan, which consisted of the following: a conventional vehicle; two security agents; means of communication; a vest; and a button to call for help. The protection measures were granted for temporary period of 12 months. The applicants stated that "despite the fact that a risk assessment has been carried out which showed an extraordinary level, the protection measures are not adequate, and no constituents have been established in a concrete plan that guarantees the mobility of the proposed beneficiaries."
20. On November 11, 2022, Guillermo Mosquera was reportedly the victim of an attack in front of the school where he worked in El Tambo. According to the information provided, Mr. Mosquera left his home in the city of Popayán at 7:10 a.m. He was reportedly travelling a vehicle that belonged to the National Protection Unit and was accompanied by two permanent security escorts from the UNP as he was heading to the San Carlos Educational Institution in El Tambo. Upon arriving to the institution, he reportedly heard a firearm being fired, turned around, and saw that a young individual fired the firearm "a few centimeters away from his face, but it did not fire" because it "jammed." Mr. Guillermo reportedly ran into the school as he heard four gunshots. According to the testimony of the proposed beneficiary, the security escorts fired back with their weapons and one of them allegedly followed the suspect, who was riding on the back of a motorcycle. Immediately, the proposed beneficiary reportedly called the commander of the El Tambo police station, who

allegedly told him that he was not working at that time. Subsequently, members of the National Police and the National Army reportedly arrived and coordinated the transfer of Mr. Mosquera from the municipality of El Tambo to Popayán. The proposed beneficiary reportedly registered a criminal report at 1:00 a.m. in El Tambo division of the Office of the Attorney General.

21. On November 11, 2022, the Cauca Regional Prosecutor's Office reportedly requested the National Protection Unit to urgently provide all protection measures in favor of the teacher Guillermo Mosquera Miranda and his family unit, as well as to study the possibility of increasing his security plan after the attempted murder he had experienced in order "to prevent the teacher from being murdered." On the same day, an appeal for protection of constitutional rights (*amparo*) was filed before the Fifth Civil Court of the Circuit against the Office of the Attorney General, the National Protection Unit, the Ministry of the Interior, the Ministry of Education, the Ombudsperson's Office, the Department of Cauca, and the Office of the Commissioner for Peace. According to the applicants, the appeal for protection of constitutional rights (*amparo*) seeks to guarantee the fundamental rights to security, life, and personal integrity of Guillermo Mosquera and his family.
22. On November 14, 2022, Mr. Guillermo Andrés reported the facts to the Governor of the Department of Cauca and the Secretary of Education and Culture of the Department of Cauca, the Ombudsperson's Office, the Ministry of the Interior, the Office of the Inspector General (*Procuraduría General de la Nación*), MAPP/OAS, the UN Verification Mission, the UNP, and the Office of the Attorney General. Through this communication, the proposed beneficiary requested the following: i. to activate the route for teachers threatened for security reasons; ii. to authorize remote work for Mr. Guillermo and Ms. Nidia before their leave for the 2022 school year, to allow the adoption of self-protection measures; iii. to take steps to "grant a paid commission" to allow their departure from the country.
23. On November 15, 2022, Guillermo Mosquera reportedly submitted a communication to the director of the UNP of Cauca, stating that, despite having four consecutive risk assessments by the UNP, all rated by CERREM as extraordinary risk, he had suffered an attack. The UNP was also requested to provide protection measures and re-evaluate the situation that places the proposed beneficiary at risk. Additionally, Mr. Mosquera indicated that, as of that date, he reportedly no longer used the conventional vehicle that was part of his security plan, as he believed that it had been identified by the perpetrator of the attack against him. Thus, the implementation of a new vehicle and the extension of protection measures for his family were requested.
24. On the same day, the Fifth Civil Court of the Circuit reportedly declared that it lacked jurisdiction to analyze the appeal for protection of constitutional rights (*amparo*) and decided to refer it to the Distribution Office, so that it could be assigned to the Superior Court of the Judicial District of Popayán or the Administrative Court of Cauca. On November 16, 2022, the Administrative Court of Cauca reportedly ordered the court of origin to hear the case, and on the same date the court reportedly heard the case and ordered the involvement of the entities concerned. On November 18, 2022, the Fifth Civil Court of the Circuit ordered the involvement of the Fifth Prosecutor's Office for Human Rights and International Human Rights Law.
25. On November 22, 2022, the declaration of impediment due to family relationship with the Head of the Judicial Office occurred, reason for which the appeal for protection of constitutional rights (*amparo*) was referred to the Sixth Civil Court of the Circuit. This Court accepted the impediment and assumed jurisdiction. On December 7, 2022, the Sixth Civil Court of the Popayán Circuit, Cauca, reportedly resolved the following: i. order the involvement of the National Civil Service Commission in the appeal for protection of constitutional rights (*amparo*); ii. order the National Civil Service Commission to provide information on "whether Mr. GUILLERMO ANDRÉS MOSQUERA has filed,

presented, or requested relocation proceedings for himself or his permanent partner MARCELA MONTROYA”; iii. to the UNP, information on whether the protection plan in favor of Mr. Guillermo Andrés has been increased, maintained, or withdrawn and whether there is a date for re-evaluation of the situation placing him at risk.

26. On December 9, 2022, the applicants reported that on that same day, at 8:30 a.m., a graduation ceremony was held at the San Carlos Educational Institution in El Tambo, Cauca. On that occasion, armed individuals on motorcycles allegedly arrived at the school, questioned some individuals who were passing by, and asked for the school principal, Guillermo Andrés Mosquera Miranda, who had not attended the event for security reasons. According to the applicants, the facts were reported to the National Police “who arrived two hours after the facts.”
27. Additionally, it was stated that the elderly Elías Mosquera and Aura María Mosquera (father and mother of Carlos and Guillermo) “have been harassed by strangers, who question them in the city of Popayán, in the house where they are temporarily sheltered as forcibly displaced persons.” The applicants stated that “they have also been surrounded by individuals on motorcycles.” On the other hand, it was indicated that Mr. Guillermo Andrés was receiving calls from people claiming to be agents of the Technical Investigation Corps (*Cuerpo Técnico de Investigación*), trying to carry out alleged interviews in different places other than the Prosecutor’s Office and without written summons. Therefore, it is feared that “an ambush is being prepared for a new attack.” In addition, Mr. Guillermo Andrés has been in Bogota for three weeks, attempting to get help from several agencies. This is considered to put the other proposed beneficiaries at high risk, and it is feared that if Guillermo Andrés Mosquera is not found, they will be attacked.”
28. On December 9, 2022, the Sixth Civil Court of the Popayán, Cauca Circuit decided to protect the fundamental rights to life and personal integrity, and to security of Mr. Guillermo Andrés Mosquera Miranda. In this regard, it was ordered, *inter alia*: i. the UNP, to carry out a new risk assessment within ten days and “jointly evaluate the possibility of increasing the safety plan for him and his family unit.” In addition, to maintain permanently and as a priority, within 24 hours, the security plan for the proposed beneficiary; ii. the Secretary of Education of the Department of Cauca, to initiate the relocation of Mr. Guillermo Andrés within 15 days; iii. the Commander of the Cauca Police Department and the Commander of the Metropolitan Police of Popayán, to provide an alternative security plan for the proposed beneficiary and his family; and iv. the Office of the Attorney General to continue with the investigative process.
29. However, the parties reportedly challenged the appeal for protection of constitutional rights (*amparo*), which was granted on December 15, 2022, by the Sixth Civil Court. On December 19, 2022, the Superior Court of the Judicial District of Popayán, Civil - Family Chamber, reportedly issued a second instance decision declaring the nullity of the first instance proceedings, since the order admitting the appeal for protection of constitutional rights (*amparo*). In this regard, it was ordered to return the case file to the court of origin.
30. On January 11, 2023, the Sixth Civil Court of the Circuit of Popayán decided to admit the appeal for protection of constitutional rights once again. On January 17, 2023, the Court decided to request the UNP to provide information on the security plan assigned to the proposed beneficiary, considering that, according to Mr. Mosquera, to date he does not have a security plan. Furthermore, the UNP was requested to provide information on the re-evaluation of the proposed beneficiary’s risk and, within three hours, to comply with the protection measures set forth in the resolution to guarantee the life of the proposed beneficiary.

31. Lastly, the applicants stated that in the appeal for protection of constitutional rights (*amparo*) “many judicial errors have been committed, [and] it is inconceivable that an appeal for protection of constitutional rights that was filed on November 11 has been pending for more than 64 days without a judicial decision.” On the other hand, it was alleged that “all the measures of the National Protection Unit were dismantled for the proposed beneficiaries, and they therefore do not have any protection measures to guarantee their fundamental rights to safety and life.”

Carlos Mauricio Mosquera Miranda

32. The proposed beneficiary is a farmer, lawyer, member of ASPROGES, and member of ASCAMTA. The proposed beneficiary has reportedly received threats as a candidate for the House of Representatives in the legislative elections for the peace jurisdiction (*Jurisdicción Especial para la Paz*, JEP) in 2022.
33. On March 7, 2022, the armed group “*Frente Carlos Patiño*”, a dissident of the FARC-EP, allegedly denied him entry to the village of El Plateado, municipality of Argelia, Cauca, through audio messages allegedly stating that “he was denied entry because he belonged to ASCAMTA and therefore coordinated with “*Los Pocillos*” and “*Segunda Marquetalia*”. They also told him that if he entered any territory where the different fronts and columns of the *Coordinadora de Occidente* were operating, he would be executed along with the entire campaign team.” Additionally, in the four weeks prior to the elections, the same illegal group allegedly sent him death threats, through calls to residents and leaders of several municipalities who supported his candidacy.
34. On March 13, 2022, election day in Balboa, Cauca, the “*Frente Carlos Patiño*” reportedly informed the community “that they could not support the candidacy of Carlos Mauricio Mosquera Miranda, and whoever did not comply with the order should leave the territory or face the consequences.” At the same time, in the villages of El Plateado and La Emboscada, 66 campaign collaborators were allegedly approached by the armed groups “*Frente Carlos Patiño*” and the “*Columna Móvil Jaime Martínez*”, who allegedly told them that they could not carry out their campaign activities and that they should face the consequences. On the same day, in the municipality of Patía, Cauca, 47 campaign collaborators reportedly withdrew from their activities after two young members of the team were allegedly detained, tied up and taken away in vehicles belonging to the “*Frente Carlos Patiño*.” The youths were reportedly released by the armed group, due to pressure from the community, around 4:00 p.m.
35. On March 20, 2022, a peasant social leader who supported the proposed beneficiary’s campaign was reportedly murdered. On May 1, 2022, locals reported that people on motorcycles allegedly went around a commercial establishment after the proposed beneficiary and the mayor of Argelia held a meeting. On May 2, 2022, a car bomb detonated approximately 45 meters from the home and business premises of the proposed beneficiary, causing “psychological and health damages as well as material damages.” On May 10, 2022, the “*Frente Carlos Patiño*” reportedly stated that the proposed beneficiary should abide by the consequences for having provided recordings from the cameras of his store to the Prosecutor’s Office, in order to clarify the facts of the car bomb.
36. Regarding the appeals filed, it is reported that a complaint was filed on March 22, 2022, and an extension thereof on November 17, 2022, before the Office of the Attorney General. It reiterated the events that occurred during the political campaign for which members of the “*Frente Carlos Patiño*” were allegedly responsible.
37. Regarding the protection measures, they state that during the electoral process the proposed beneficiary was assigned a security plan in the Democracy Plan (*Plan Democracia*) of the National

Protection Unit (*Unidad Nacional de Protección*). However, these were removed despite knowing the aforementioned facts, which have been aggravated due to the proposed beneficiary's political participation. The applicants stated that "despite the fact that a risk assessment has been carried out which showed an extraordinary level, the protection measures are not adequate, and no constituents have been established in a concrete plan that guarantees the beneficiaries' mobility".

B. Response from the State

38. On December 21, 2022, the State indicated that, according to the Colombian legal system, mayorships and governorships are "the first responders to guarantee and safeguard the fundamental rights of all their citizens." In that sense, the Government of Cauca reported the following: i. on January 3, 2022, a report submitted by Guillermo Andrés was received "in which special treatment is requested in the face of continuous threats against his life and his family"; ii. on February 6, 2022, Guillermo Mosquera and Nidia Marcela were requested to go before the Ministry of Education and Culture; iii. on April 6, 2022, the temporary status of threatened teacher/principal was allegedly granted in favor of Guillermo Mosquera, who was commissioned at the San Carlos Educational Institution in the municipality of El Tambo, Cauca; iv. Nidia Marcela was reportedly granted a commission of services at the Susana Trochez de Vivas Educational Institution, in the municipality of Caldon, Cauca; v. on September 15, 2022, Executive Order 1725 annulled the temporary recognition of the threatened status of Nidia Marcela, the commission of services was terminated, and Nidia Marcela was definitively transferred via situation of displacement to the municipality of Cajibío.
39. On November 21, 2022, the educational human talent management leader of the Ministry of Education and Culture reportedly informed Mr. Guillermo Andrés, *inter alia*, of the following: i. the need to submit documentation to carry out the procedure for the application of Executive Order 1075 of 2015; ii. remote work was authorized from December 12, 2022, to January 15, 2023, in favor of Mr. Guillermo and Ms. Nidia; iii. once Mr. Guillermo Andrés meets the requirements of Executive Order 1278 of 2002, the legal feasibility study for granting a paid license may be carried out. The State affirmed that the Ministry of Education and Culture "has not been negligent, inoperative, or indolent" when addressing the situation faced by Guillermo Andrés Mosquera and Nidia Marcela Montoya.
40. On the other hand, the State reported that Mr. Guillermo Mosquera has the following protection measures from the UNP: a bulletproof vest; means of communication; a button to call for help; two protection agents; and a conventional vehicle. These measures were allegedly approved by the director of UNP via Resolution 5797 of July 12, 2022. The State affirmed that the foregoing demonstrates its commitment to the implementation of protection measures with the aim of guaranteeing the life and integrity of the proposed beneficiaries. Moreover, the State affirmed that, on October 22, 2021, Mr. Guillermo Andrés made a statement before the Mobile Ombudsman of the Municipality of Popayán for registration in the Official Victims' Registry. Thus, through Resolution of December 22, 2021, they were recognized as beneficiaries in the RUV: i. due to nine threatening events and three situations of forced displacement; ii. in regard to Ms. Nidia Montoya, due to the victimizing threats and forced displacement; iii. in favor of J.M.M.M. and A.M.M., due to acts of forced displacement.
41. Therefore, the State alleged that "it has adopted measures to protect the life and personal integrity of the proposed beneficiary and his family unit." In this sense, it was affirmed that "once the State became aware of Mr. Mosquera's situation, it activated the necessary actions to safeguard the life and integrity of the proposed beneficiaries." It further affirmed that "the pertinent actions are being carried out in the implementation of material protection measures with the objective of

guaranteeing the life and integrity of Mr. Mosquera”. Lastly, the State requested that, taking into account the principle of subsidiarity, the IACHR reject this request for precautionary measures.

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

42. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18(b) of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Commission’s Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.
43. The Inter-American Commission and the Inter-American Court of Human Rights (“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.³ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁴ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.⁵ 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.⁶ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

³ 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].

⁴ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

⁵ 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].

⁶ 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.

- 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.
44. 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 to determine whether a serious and urgent situation exists.⁷ 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.⁸ This is better suited to be addressed by the Petition and Case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.⁹
45. When analyzing the situation, the Commission considers it relevant to understand the alleged facts in the context in which they are framed. In this regard, the Commission has been closely monitoring the general exacerbation of structural violence in Colombia, and the situation in the department of Cauca, in particular.¹⁰ In May 2022, the IACHR expressed concern regarding the acts of violence in Colombia related to the actions of non-state armed groups.¹¹ In addition, the Commission noted that half of the homicides in 2021 transpired in the departments of Cauca, Chocó, Nariño, Valle del Cauca, Antioquia, and Norte de Santander.¹² This situation is exacerbated by the weak presence of the State in these territories.¹³ The acts of violence in these regions are particularly connected with the actions of non-state armed groups that disproportionately affect peasant, indigenous, Afro-

⁷ 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.

⁸ 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.

⁹ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

¹⁰ IACHR. The IACHR expresses concern about acts of violence in Colombia related to the actions of non-state armed groups. May 20, 2022.

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

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

¹³ IACHR. The IACHR expresses concern about acts of violence in Colombia related to the actions of non-state armed groups. May 20, 2022.

descendant people, as well as those who act in defense of rights or with social and/or community leadership.¹⁴

46. When analyzing the requirement of *seriousness*, the Commission considers it relevant to take into account the context, as well as the specific characteristics of the proposed beneficiaries who exercise different social functions as community leaders in the municipality of Argelia, department of Cauca. According to the information available, the Commission understands that Guillermo Andrés, Nidia Marcela, and Carlos Mauricio are members of the Association of Producers for Community Management and Development of Argelia (*Asociación de Productores para la Gestión y Desarrollo Comunitario de Argelia*, ASPROGES) and the Peasant Workers' Association of Argelia (*Asociación Campesina de Trabajadores de Argelia*, ASCAMTA) (see *paras.* 5 and 32). Mr. Carlos Mauricio was an alleged candidate for the House of Representatives of the legislative elections for the Jurisdiction of Peace (*Jurisdicción de Paz*, JEP) during 2022 (see *supra* para. 32). Mr. Guillermo Andrés is an alleged teacher, social leader, human rights defender, and co-founder of the Peasant Movement of Coca, Poppy, and Marijuana Cultivators (*Movimiento Campesino de Cultivadores de Coca, Amapola y Marihuana*, COCCAM) (see *supra* para. 5), and his partner, Nidia Marcela, was reportedly a social leader of the displaced community of Balsita Dabeiba, a human rights defender in the Urabá Antioqueño area, and founder of the Association of Peasant Women of Argelia (*Asociación de Mujeres Campesinas de Argelia*, AMAR) (see *supra* para. 5).
47. In that sense, the applicants reported a series of events that have reportedly been occurring since 2018. In this regard, the Commission understands the seriousness of the situation presented in view of the following elements:
- i. in July 2018, Guillermo Andrés allegedly reported a massacre in the municipality of Argelia and received telephone threats from the group that committed the massacre (see *supra* para. 7);
 - ii. in September 2018, armed men allegedly went searching for Guillermo Andrés and Nidia Marcela Montoya, and they, therefore, had to move (see *supra* para. 7);
 - iii. on April 14, 2020, Nidia Marcela Montoya and Guillermo Mosquera allegedly received death threats via a pamphlet (see *supra* para. 7);
 - iv. on April 17 and 18, 2020, Nidia Marcela Montoya reportedly received threats that declared her a military target through a Facebook post (see *supra* para. 7);
 - v. in September 2020, a group of armed men allegedly surrounded Guillermo and Nidia's house, and they were forced to relocate once again (see *supra* para. 7);
 - vi. on January 16, 2021, a Facebook profile allegedly published a pamphlet in which they requested a court-martial against the mayor of Argelia and Guillermo Mosquera, since they accused them of belonging to the National Liberation Army (*Ejército de Liberación Nacional*, ELN) (see *supra* para. 8);
 - vii. on May 21, 2021, in the municipality of Timbío, a group of hooded individuals reportedly detained Mr. Guillermo Mosquera and accused him of belonging to "*Los Pocillos*" (see *supra* para. 10);
 - viii. between May and July 2021, the illegal group "*Frente Carlos Patiño*", met with the community. It stated that ASCAMTA is a reported armed group and informed that its members, sympathizers, and managers were military targets (see *supra* para. 10);
 - ix. on September 5, 2021, hooded and armed individuals allegedly surrounded Guillermo and Nidia's residence (see *supra* para. 11);
 - x. on October 17, 2021, the "*Frente Carlos Patiño*" Group reportedly deemed Guillermo Mosquera and his family as collaborators of the armed group "*Nueva Marquetalia*" (see *supra* para. 11);

¹⁴

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

- xi. between December 2021 and early 2022, the Mosquera Miranda family estate was allegedly taken over by an illegal armed group (see *supra* para. 13);
 - xii. on March 7, 2022, the armed group “*Frente Carlos Patiño*” allegedly denied Carlos Mauricio entry to the El Plateado settlement via threatening messages (see *supra* para. 33);
 - xiii. in the last four weeks before the elections, Carlos Mauricio allegedly received a death threat from the same illegal group (see *supra* para. 33);
 - xiv. on March 13, 2022, the “*Frente Carlos Patiño*” reportedly informed the community “that they could not support the candidacy of Carlos Mauricio Mosquera Miranda, and whoever did not comply with the order should leave the territory or face the consequences” (see *supra* para. 34).
 - xv. on March 13, 2022, 66 of Carlos Mauricio’s campaign collaborators were approached by the armed groups “*Frente Carlos Patiño*” and the “*Columna Móvil Jaime Martínez*”. On the same day, two young members of the campaign team were detained, tied up, and taken away in vehicles (see *supra* para. 34);
 - xvi. on March 20, 2022, a peasant social leader who supported the campaign of the proposed beneficiary, Carlos Mauricio, was reportedly murdered (see *supra* para. 35);
 - xvii. on May 1, 2022, locals reportedly stated that individuals on motorcycles allegedly circled Carlos Mauricio’s commercial premises (see *supra* para. 35);
 - xviii. on May 2, 2022, a car bomb detonated approximately 45 meters from Carlos Mauricio’s home and business premises (see *supra* para. 35);
 - xix. on May 10, 2022, the “*Frente Carlos Patiño*” group allegedly stated that Carlos Mauricio must comply with the consequences of having provided the Prosecutor’s Office with recordings from his business cameras (see *supra* para. 35);
 - xx. on November 11, 2022, Guillermo Mosquera was allegedly the victim of attempted murder in front of the school where he worked in El Tambo (see *supra* para. 20);
 - xxi. on December 9, 2022, armed men asked bystanders about the proposed beneficiary, Guillermo Andrés Mosquera Miranda (see *supra* para. 26);
 - xxii. Elías Mosquera and Aura Maria Mosquera, Carlos Mauricio and Guillermo Andrés’ parents, are allegedly being harassed by strangers and have also been surrounded by individuals on motorcycles (see *supra* para. 27);
 - xxiii. Mr. Guillermo Andrés has recently been receiving suspicious calls and there are fears that an ambush is being prepared for a new attack (see *supra* para. 27).
48. The Commission understands that the alleged facts, assessed as a whole, allow it to identify a continuity of threats, aggressions, and events of violence against Carlos Mauricio Mosquera Miranda, Guillermo Andrés Mosquera Miranda, and Nidia Marcela Montoya, over time. The culmination being the recent murder attempt against Guillermo Andrés. The IACHR specifically observes that illegal armed groups have told ASCAMTA, an organization of which Carlos Mauricio, Guillermo Andrés, and Nidia Marcela are members, that it is an armed group. They reported that ASCAMTA members, sympathizers, and managers are reportedly considered a military target. This allegedly also impacted the proposed beneficiaries’ family unit, who were allegedly displaced and included in the Official Victims’ Registry (see *supra* para. 12), which included the children J.M.M.M. and A.M.M. Furthermore, Elías Mosquera and Aura María Mosquera, Carlos Mauricio and Guillermo Andrés’ parents, were allegedly harassed by strangers and surrounded by individuals who travel on motorcycles (see *supra* para. 27).
49. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, it was reported that, by Executive Order of July 12, 2022, the UNP granted protection measures in favor of Mr. Guillermo Andrés, including the following: a bulletproof vest; means of communication; a button to call for help; two protection agents, and a conventional vehicle (see *supra* para. 40). The State also indicated that it had included Guillermo Andrés, Nidia Marcela and their two children in

the Official Victims' Registry (see *supra* para. 40) and affirmed that the Ministry of Education and Culture adopted the relevant measures in accordance with the Colombian legal system for the protection of Guillermo Andrés and Nidia Marcela (see *supra* para. 39). Lastly, the State alleged that it has taken measures to protect the life and personal integrity of Guillermo Andrés and his family unit, and requested the IACHR to reject the request for precautionary measures upon taking into consideration the principle of subsidiarity (see *supra* para. 41). The State did not submit information regarding the situation of Carlos Mauricio Mosquera Miranda.

50. The Commission acknowledges the State's response and the material protection measures implemented in favor of Guillermo Andrés, Nidia Marcelo, and their children. However, it notes that they have not been able to mitigate the situation that places the proposed beneficiaries at risk. In this regard, the Committee observes that Nidia Marcela was reportedly declared a military objective (see *supra* para. 7). In addition, a car bomb approximately detonated approximately 45 meters from Carlos Mauricio's house (see *para.* 35). Recently, Mr. Guillermo Andrés experienced attempted murder in which the perpetrator shot at him several times. However, gun did not fire, which possibly saved his life (see *supra* para. 20). In that sense, the Commission notes the ongoing events against the family, especially the armed attack that allegedly materialized in November 2022, despite having a protection plan at that time. According to the information received from the applicants, currently none of the proposed beneficiaries have a protection plan in place. This was reportedly communicated to the judicial authorities (see *supra* para. 31).
51. The Commission observes that the proposed beneficiaries have been informing the competent authorities about their situation before various State entities: Carlos Mauricio allegedly filed a complaint on March 22, 2022, and an extension of it on November 17, 2022, before the Office of the Attorney General; ii. on March 16, 2021, the UNP reportedly issued a Resolution in which it assessed that Guillermo Andrés is facing an extraordinary risk; iii. on February 14, 2022, the proposed beneficiaries presented themselves before the Ministry of Education and Culture of the Governorate of Cauca; iv. between February 14, 2022, and March 5, 2022, the corresponding procedures were carried out for the risk assessment before the UNP; v. on April 21, 2021, Guillermo Mosquera and Nidia Marcela reportedly requested the National Civil Service Commission to activate the route of inclusion in the database of career employees who have been displaced for reasons of violence; vi. on November 11, 2021, Guillermo Andrés reported a criminal act before the Office of the Attorney General, El Tambo section; vii. on the same day, Guillermo Andrés reportedly filed an appeal for protection of constitutional rights (*amparo*); viii. on November 14, 2022, Mr. Guillermo Andrés allegedly reported the facts to the governor of the Department of Cauca and to the Secretary of Education and Culture of the Department of Cauca, to the Ombudsperson's Office, Ministry of the Interior, the Office of the Inspector General, MAPP – OAS, UN Verification Mission, UNP and to the Office of the Attorney General; and ix. on November 15, 2022, Guillermo Mosquera allegedly sent a communication to the director of the UNP of Cauca.
52. Regarding the investigations, the Commission notes that the State did not provide information on the status of the ongoing investigations into the attacks suffered by Guillermo Andrés and Carlos Mauricio, in addition to the various facts reported by the applicants. The aforementioned is a relevant aspect when establishing the risk that the proposed beneficiaries would face and the possibilities of their recurrence. In this matter, the Commission has no information on the possible identification of those responsible for the attempted murder of Mr. Guillermo Andrés. This information is crucial when assessing the proposed beneficiary's safety conditions and the risk to the other members of the ASCAMTA organization.
53. Lastly, the Commission takes note of the information provided by the applicants regarding Mr. Guillermo Andrés and Nidia Marcela having to adopt self-protection measures, such as remote

workstations as a result of the lack of implementation of effective measures in their favor. Guillermo Andrés also reportedly spent at least three weeks in the city of Bogotá, attempting to obtain protection measures from the competent authorities (see *supra* para. 27). The Committee notes the information provided by the applicants which states that the proposed beneficiary is allegedly responsible for his current safety situation, as a result of the alleged dismantling of all UNP measures (see *supra* para. 31). In this regard, the Commission reiterates that it is vital that the enforced protection measures enable human rights defenders to carry on with their work.¹⁵ In order for the measures to be suitable, they must be tailored to the work needs of the subject being protected and should be able to be adjusted as the danger that the activities of defending and promoting human rights may vary in intensity over time.¹⁶ Special care should be taken to reinforce those measures when a human rights defender is at a critical stage in defending his or her cause.¹⁷

54. Considering Mr. Guillermo Andrés' particular situation, the attacks on November 11, 2022, and the subsequent new threats, the Commission understands that, within the last two months, there is no concrete information on a possible modification or strengthening of the current protection measures. On the contrary, on January 17, 2023, Mr. Guillermo Andrés stated that he allegedly did not have any protection measures in his favor. This is especially serious considering that, on January 11, 2023, the Sixth Civil Court requested UNP information on the proposed beneficiary's risk reassessment and ordered compliance with the protection measures to guarantee the proposed beneficiary's life (see *supra* para. 30), which was allegedly not fulfilled. Thus, the Commission understands that, to the extent that the new risk assessment and the possible implementation of new concrete protection measures by the UNP are still pending, there are no sufficient elements to analyze their adequacy and effectiveness in the face of the situation presented.
55. In short, taking into account the alleged background and the indicated context, when assessed as a whole, the Commission considers that the requirement of seriousness is met and that, under the *prima facie* standard, the rights to life and personal integrity of Carlos Mauricio, Guillermo Andrés, and Nidia Marcela, as well as their respective family units, are at serious risk. In making this consideration, the Commission takes into account the following: i. the applicable context of the alleged situation which signifies special seriousness to the allegations presented; ii. the repeated death threats by illegal armed groups; iii. the murder attempt against Guillermo Andrés Mosquera Miranda, in November 2022; iv. the absence of adequate and effective protection measures for the identified risk situation; and v. the lack of information on progress in identifying those responsible for the risk events that the proposed beneficiaries faced.
56. Regarding the requirement of *urgency*, the Commission notes that it has been met given the imminent materialization of a possible impact on the life and integrity of the proposed beneficiaries, since the threats and harassment were maintained over time, and in November 2022 a murder attempt against Guillermo Andrés reportedly materialized. In this regard, the Commission takes into account that the facts presented are indicators of the need to strengthen their protection plans, considering that the proposed beneficiaries' current safety situation could not prevent the possible endangerment of their life and personal integrity. The above, with the aim of preventing new risk events from materializing.

¹⁵ IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OEA/Ser.L/V/II., Doc. 207/17, December 29, 2017, para. 291

¹⁶ *Ibidem*

¹⁷ *Ibidem*

57. As it pertains to the requirement of *irreparable harm*, the Commission finds it met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.
58. In relation to the arguments of the State regarding the principle of subsidiarity, 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.¹⁸ However, the Commission considers that invoking the principle of subsidiarity to support that the adoption of precautionary measures is unwarranted requires that the State concerned satisfy the burden of proving that the applicants are no longer in the situation established in Article 25 of the Rules of Procedure, in the sense that the measures adopted by the State have had a substantive impact in reducing or mitigating the risk, 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 harm.¹⁹
59. In this matter, although the Commission takes into account the actions taken by the State, upon analyzing the situation, it deems that the requirements set forth in Article 25 of the Rules of Procedure are met, and therefore considers that the adoption of precautionary measures is appropriate.

V. BENEFICIARIES

60. The Commission declares that the beneficiaries of this precautionary measure are Carlos Mauricio Mosquera Miranda, Guillermo Andrés Mosquera Miranda, Nidia Marcela Montoya, and their family units, who are duly identified in this procedure.

VI. DECISION

61. The Inter-American Commission on Human Rights considers that the matter at hand meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Accordingly, the IACHR requests that Colombia:
- a) adopt the necessary measures to protect the life and personal integrity of Carlos Mauricio Mosquera Miranda, Guillermo Andrés Mosquera Miranda, Nidia Marcela Montoya, and their family units;
 - b) adopt the necessary measures to ensure that the beneficiaries can continue to carry out their activities as human rights defenders without being subjected to threats, intimidation, harassment, or acts of violence;
 - c) consult and agree upon the measures with the beneficiaries and their representatives; and
 - d) report on the actions taken to investigate the alleged events that led to the adoption of these precautionary measures, so as to prevent such events from reoccurring.

¹⁸ 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.

¹⁹ *Ibid.*

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62. 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.
 63. The IACHR 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.
 64. The Commission instructs its Executive Secretariat to notify this resolution to the State of Colombia and the applicants.
 65. Approved on February 6, 2023, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Roberta Clarke, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary