

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 47/2024**

Precautionary Measure No. 261-16

Daniel Ernesto Prado Albarracín regarding Colombia¹

August 12, 2024

Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Daniel Ernesto Prado Albarracín. The Commission evaluated the actions taken by the State during the time the measures were in force. Despite several requests for information, the representation has not provided a substantial response since the precautionary measures were granted in 2017. Upon being notified that an assessment was to be carried out to determine whether the risk persisted, the representation did not reply. Consequently, upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

II. BACKGROUND INFORMATION

2. On November 20, 2017, the IACHR granted precautionary measures in favor of Daniel Ernesto Prado Albarracín. The request for precautionary measures stated that the beneficiary was at risk due to his human rights defense activities, particularly his involvement in the criminal case known as ‘The 12 Apostles’, which investigated crimes committed by a paramilitary group. Upon analyzing the submissions of fact and law, the Commission considered that the presented information showed, *prima facie*, that the beneficiary was in a serious and urgent situation. Consequently, pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requested that Colombia adopt the necessary measures to preserve the life and personal integrity of Daniel Ernesto Parado Albarracín; take the necessary measures so that he can carry out his activities as a human rights defender without being subjected to threats, harassment, and acts of violence in the exercise of his functions; and consult and agree upon the measures to be adopted with the beneficiary and his representatives.²

3. The Inter-Ecclesial Commission on Justice and Peace (CIJP) exerts representation before the Commission.

III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES WERE IN FORCE

4. During the time the precautionary measures were in force, the Commission has followed up on the situation through requests for information from the parties and a thematic hearing.³ In this regard, communications have been received from the parties and from the IACHR on the following dates:

	State	Representation	IACHR
2017	December 6	No communications	
2018	January 24	No communications	

¹ In accordance with Article 17.2 of the Rules of Procedure of the IACHR, the Commissioner Carlos Bernal Pulido, of Colombian nationality, did not participate in the debate and deliberation of this matter.

² Inter-American Commission on Human Rights (IACHR), [Resolution 47/2017, Precautionary Measure No. 261-16, Daniel Ernesto Prado Albarracín regarding Colombia](#), November 20, 2017 (Only available in Spanish).

³ IACHR, 185th Regular Sessions, [Hearing No. 15. Implementation of Precautionary Measures for Human Rights Defenders in Colombia](#), October 27, 2022 (Spanish audio, automatically generated subtitles in English available).

2019	No communications	No communications	June 6
2020	No communications	August 30	August 27
2022	No communications	No communications	December 21
2023	No communications	No communications	December 22
2024	July 9	No communications	June 10

5. On December 22, 2023, the Commission requested information from the representation in order to evaluate keeping the precautionary measures in force. The request was reiterated on June 10, 2024. Since 2020, the Commission has not received communications from the representation, and all the granted deadlines have since expired.

A. Information provided by the State

6. On December 6, 2017, the State reported that the Human Rights Directorate of the Ministry of Foreign Affairs arranged a meeting with the beneficiary and the representation for December 7, 2017. The aim of the meeting was to discuss protection measures.

7. In January 2018, it was confirmed that the conciliation meeting was held on December 7, 2017, and it was announced that, via Resolution 8285 of December 6, 2017, the Committee for the Evaluation of Risk and Recommendation of Measures (CERREM) assessed an extraordinary risk level and recommended a Type 2 protection detail. This entails two protection agents, an armored vehicle, communication equipment, and a bulletproof vest. The recommended measures were implemented on December 14, 2017. Moreover, it was reported that there was an ongoing investigation into the crime of threats, in which Daniel Ernesto Prado Albarracín is identified as a victim. The State specified that after the December 2017 conciliation meeting, it did not receive any new requests from the beneficiary or his representation and reaffirmed its commitment to fulfilling the safety requirements.

8. In 2024, the State reported that an investigation into threats against the beneficiary is ongoing and is currently at the investigation stage with directives for the judicial police.

B. Information provided by the representation

9. On August 30, 2020, the “José Alvear Restrepo” Lawyers’ Collective (CAJAR) requested that the Commission remove them as the applicants from the case file, due to their lack of regular contact with the beneficiary. CAJAR indicated that the Inter-Ecclesial Commission on Justice and Peace was to exert representation before the Commission.

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

10. 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 provided for in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the Statute of the IACHR; while the mechanism of precautionary measures is set forth in Article 25 of the Commission’s Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

11. 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.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁵ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁶ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. They aim to safeguard the rights at risk until the petition 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. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

12. In this sense, Article 25(7) of the Commission’s Rules of Procedure establishes 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 shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may comply with the requirements outlined in Article 25 of its Rules of Procedure.

13. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping such measures in force requires a more rigorous evaluation.⁷ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁸ The Inter-American Court has indicated that the passage of a reasonable period of time without threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.⁹

⁴ I/A Court H.R., *Matter of the Yare I and Yare II Capital Region Penitentiary Center*, Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; *Case of Carpio Nicolle et al. v. Guatemala*, Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

⁵ I/A Court H.R., *Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center*, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; *Case of Bámaca Velásquez*, Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; *Matter of Fernández Ortega et al.*, Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; *Matter of Milagro Sala*, Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish).

⁶ I/A Court H.R., *Matter of Milagro Sala*, Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); *Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center*, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; *Matter of the Criminal Institute of Plácido de Sá Carvalho*, Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

⁷ I/A Court H.R., *Matter of Fernandez Ortega et al.*, Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17.

⁸ I/A Court H.R., *Matter of Fernandez Ortega et al.*, Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17.

⁹ I/A Court H.R., *Matter of Fernandez Ortega et al.*, Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17.

14. In this matter, the Commission recalls that the precautionary measures were granted in 2017. Following the granting of the precautionary measures, the Commission made several requests for information to both parties. However, the representation has not provided substantial information on the beneficiary since the measures were granted. In 2020, the IACHR received the only communication submitted by the representation requesting that it be removed from the file due to the lack of contact with the beneficiary.

15. The Commission understands that protection measures were implemented in favor of the beneficiary. The measures consisted of a Type 2 protection detail made up of two protection agents, an armored vehicle, communication equipment, and a bulletproof vest. The IACHR values the actions taken by the State, as well as its willingness to arrange protection measures through a meeting on December 7, 2017. It also acknowledges the State's commitment to investigating the circumstances that led to the granting of these measures and urges the State to continue investigating related matters in line with inter-American standards to clarify these issues.

16. Consequently, the Commission also acknowledges the State's ongoing commitment to implementing protection measures and its responsiveness to the beneficiary's needs. Upon forwarding the information between the parties, the Commission did not receive information on new facts against the beneficiary since the precautionary measures were granted in 2017. Despite informing the representation that a risk assessment was to be conducted, the Commission did not receive a response. In this regard, the Commission recalls that the representatives of the beneficiaries who wish the measures to continue must present proof of reasons for doing so.¹⁰

17. In this regard, and in light of the analysis previously carried out, the Commission considers at this time it does not have the necessary information to identify a situation of risk pursuant to the provisions of Article 25 of its Rules of Procedure. Given the above, and taking into account the exceptional and temporary nature of precautionary measures,¹¹ the Commission considers that it is appropriate to lift these measures.

V. DECISION

18. The Commission decides to lift the precautionary measures granted in favor of Daniel Ernesto Prado Albarracín in Colombia.

19. 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 beneficiary.

20. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures should they consider that there is a situation that meets the requirements established in Article 25 of its Rules of Procedure.

21. The Commission instructs the Executive Secretariat of the IACHR to notify this resolution to the State of Colombia and the representation.

22. Approved on August 12, 2024, by Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; and Andrea Pochak, members of the IACHR.

¹⁰ IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II, December 31, 2017, paras. 28-30 (Available only in Spanish).

¹¹ I/A Court H.R., Matter of Adrián Meléndez Quijano et al., Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; Matter of Galdámez Álvarez et al., Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24.

Tania Reneaum Panszi
Executive Secretary