

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 76/2024**

Precautionary Measure No. 9-02

Afro-Colombian families in 49 hamlets in the Naya River basin in Colombia¹

October 24, 2024

Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of the Afro-Colombian families living in 49 hamlets located in the Naya River basin in Buenaventura. The Commission assessed the actions taken by the State during implementation, as well as the observations of the beneficiaries' representation. After several requests for information, the representation has failed to send a response since 2020. In this regard, given the nature of the precautionary measures mechanism and considering the information available, the Commission deemed that it did not have the elements to find compliance with the requirements of Article 25 of the Rules of Procedure. Consequently, the IACHR has decided to lift these precautionary measures and continue to follow up on the situation through its monitoring mechanisms.

II. BACKGROUND INFORMATION

2. On January 2, 2002, the IACHR granted precautionary measures in favor of the Afro-Colombian communities that inhabit 49 hamlets located in the Naya River basin in Buenaventura. The request referred to a series of threats against the population, as well as the presence of paramilitaries and of the United Self-Defense Forces of Colombia (AUC, by its Spanish initialism), which allegedly seek to force the beneficiaries to vacate the area. The Commission requested that the State of Colombia: a) adopt unarmed civil protective measures and effective perimeter control actions taken by the public forces to prevent armed incursions into the Naya and Yurumanguí basins through the Pacific Ocean's estuaries, in consultation with the Naya Community Council and the applicants; b) implement prevention measures that should include: (1) the presence of public force in the estuaries of Yurumanguí and Naya Rivers as a control mechanism to prevent the entry of illegal actors into the hamlets where the Afro-Colombian communities live; (2) the immediate and continuous presence of entities such as the Office of the Inspector General and the Ombudsperson's Office, based in Puerto Merizalde, in coordination with the National Ombudsperson's Office in Bogotá, as deterrent and preventive mechanisms; c) the strengthening of the early warning system through the implementation of effective communication systems; and d) the investigation of the serious threats on which the present request is based, the prosecution and punishment of those responsible.²

3. Representation is exercised by the Inter-Church Commission for Justice and Peace.

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

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 Inter-American Commission on Human Rights (IACHR), Annual Report 2002, [Precautionary Measures granted by the IACHR during 2002](#), Colombia. (Available only in Spanish)

4. During the time the measures were in force, the Commission sent requests for information to both parties, held three working meetings³ and a thematic hearing⁴. In recent years, there have been communications from the parties and from the IACHR on the following dates:

	State	Representation	IACHR
2011	July 29, August 15, September 30	May 13, July 5, August 8 and 19, December 12	June 14, July 21, August 1 and 31, October 5
2012	February 13	No communications	January 11, March 5
2013	June 6 and 17 (request to lift), July 8	No communications	April 25
2014	May 7	February 24	March 13
2015	June 12 and 24, October 23	May 19 and 21, July 23 and 29, October 13	May 28, June 10, September 16, October 14
2016	January 8	No communications	No communications
2017	No communications	No communications	May 30
2018	May 25, June 21, August 24, September 19, October 11	April 23, May 9 and 23	May 9, August 29, November 28
2019	August 16	No communications	
2020	August 21	April 17, May 14, July 7	February 21, July 23
2022	April 13	No communications	July 5
2023	No communications	No communications	December 22nd
2024	June 26	No communications	June 10

5. In June 2013, the State requested the lifting of these precautionary measures in the absence of communication on factual elements. On December 22, 2023, the Commission requested information from the representation in order to evaluate whether the precautionary measures should remain in force. The request was reiterated on June 10, 2024. To date, no response has been received from the representation and all the deadlines have expired. The last communication from the representation is dated 2020.

A. Information provided by the State

6. In July 2011, the State notified that Isabelino Valencia, Nelson Angulo, José Medina, and Manuel Garcés had protective measures consisting of four cellphones, two satellite phones, four bulletproof vests and a boat with an outboard motor. On March 18, 2011, the National Navy along with the International Red Cross delivered 32,000 shopping baskets to the community. On May 19 and 20, 2011, follow-up and consultation meetings were held. On May 21, a risk level study was conducted for the community. It was also reported that the Pacific Naval Force and the Marine Infantry Brigade No. 2 were present in the area in order to dismantle drug trafficking and provide protection to strategic areas of the Department of Valle del Cauca.

³ Working meeting held on October 26, 2011, within the framework of the 143rd Session. Working meeting held on October 21, 2015, within the framework of the 156th Session; and Working meeting held on July 9, 2020, within the framework of the 176th Session.

⁴ IACHR, 185th Period of Sessions, [Hearing No.15. Implementation of precautionary measures for defenders in Colombia](#), October 27, 2022.

The State declared that there were eight investigations for acts of risk that have taken place (criminal acts of threats, forced displacement, torture, aggravated homicide, sexual assault, forced disappearance, aggravated robbery, and conspiracy to commit a crime). On September 15, 2011, a follow-up and consultation meeting was held.

7. In January 2012, the State informed about the request to the Colombian Institute for Rural Development (INCODER, by its Spanish initialism) to advance the collective titling of the Community Council of Bajo Naya. It was notified that Manuel Garcés enjoyed preventive measures implemented by the Police of López de Micay and material measures of protection by the National Protection Unit (UNP, by its Spanish initialism) consisting of a cell phone, a satellite phone, an armored vehicle and water transport support. On June 17, 2013, the State requested the lifting of the precautionary measures considering that many years had passed and no new information on risk events was provided.

8. On March 6, 2014, a follow-up and consultation meeting was held. The UNP initiated steps to conduct risk level assessments regarding Isabelino Valencia, Rodrigo Castillo, Manuel Garcés and Orlando Castillo. In June 2015, the State declared that, in response to the disappearance of Edison Torres, the Commission for the Search of Disappeared People was created. On July 30, 2015, the State held a follow-up and consultation meeting. The UNP described in detail the protective measures applied to Isabelino Valencia,⁵ Rodrigo Castillo,⁶ and Manuel Garcés.⁷

9. In 2018, the State reported that they were still searching and investigating to find the whereabouts of Obdulio Angulo Zamora, Hermes Angulo Zamora, Simeón Olave Angulo and Iber Angulo Zamora. On May 12, 2018, a meeting of consultation and logistical organization of the verification mission to the area was held with the Community Council. Likewise, spaces for monitoring and consultation of precautionary measures were developed on April 12 and May 17, 2018. The State indicated that the Fluvial Marine Infantry Battalion carried out actions in the territory in order to counteract the criminal actions of illegal armed groups. In 2018, the military presence seized approximately two tons of narcotics, weapons and explosives, and they were able to capture individuals belonging to illegal armed groups, continuing with the eradication of coca crops. On May 25, 2018, the UNP approved, via emergency proceedings, protective measures in favor of Ángel Angulo Zamora and Nayibe Valencia Angulo, siblings of Iber Angulo.⁸ The UNP exposed that there were individual (Rodrigo Castillo, Wilson Rodallega, and Orlando Castillo) and collective measures in force in favor of the Community Council.⁹

10. On May 31 and June 1, 2018, a verification mission was conducted in the Naya territory. Subsequently, a workshop was held to update the Buenaventura District Prevention Plan. On June 9, 2018, the National Ombudsperson's Office issued an Early Warning due to the special threatening situation of the inhabitants of the municipalities of Buenaventura, Buenos Aires and López de Micay. On July 18, 2018, a body was exhumed in the rural area of the municipality of López de Micay. Local authorities believed that the body belonged to one of the four missing persons. In August 2019, the State communicated the binding of Mr. Hebert Veloza García as a defendant in his capacity as head of the Calima Bloc in the criminal proceedings for events that took place in April 2001, when AUC troops entered the Naya River basin and perpetrated indiscriminate killings against members of communities that inhabited the area. In August 2020, the State declared that four people related to the forced disappearance of Obdulio Angulo Zamora, Hermes Angulo Zamora, Simeón Olave

⁵ He was provided with a means of communication, a bulletproof vest and a boat for the basin of the Community Council of the Black Community of the Naya River basin.

⁶ He had a means of communication, a bulletproof vest and transportation support in the amount of two legal monthly minimum wages (SMMLV, by its Spanish initialism).

⁷ As a candidate for mayor of López de Micay, he allegedly has a bulletproof vest and two bodyguards.

⁸ The measures granted were a bulletproof vest, a means of communication and relocation support of two SMMLV for three months each.

⁹ Rodrigo Castillo had a type 2 protection detail consisting of an armored vehicle, two bodyguards, a bulletproof vest and a means of communication. Wilson Rodallega had a bulletproof vest and a support button. Orlando Castillo had a type 2 protection detail consisting of an armored vehicle and two bodyguards. The Community Council had a type 2 protection detail consisting of an armored vehicle with back-up fuel and two bodyguards assigned to Isabelino Castillo.

Angulo and Iber Angulo Zamora were captured. On August 3, 2020, a new follow-up and consultation meeting was held.

11. On April 13, 2022, the State requested an updated census of the beneficiaries of the measures in question. In June 2024, the State recalled that, on August 14, 2020, the Committee for Risk Assessment and Recommendation of Collective Measures (CERREM Collective) conducted a risk assessment of the members of the Community Council of the Black Community of the Naya River, determining an extraordinary level of risk. In this sense, protection measures were implemented since that year, consisting of a boat, two protection men, two means of communication, two outboard motors and an armored vehicle.

B. Information provided by the representation

12. In 2011, the representation referred to the murder of five people by the Revolutionary Armed Forces of Colombia (FARC, by its Spanish initialism) and the ongoing threats. On May 19, 2011, a follow-up and consultation meeting was held. On May 20, 2011, a risk assessment was conducted with respect to Isabelino Valencia, Manuel Garcés, Nelson Angulo and Candelario Angulo. In August 2011, the representation confirmed the delivery of four bulletproof vests and three cell phones on July 15, 2011. The representation corroborated that a follow-up meeting was held on September 15, that of satellite phones were delivered to Manuel Garcés and Nelson Angulo and, referred to the development of another space for consultation on October 5, 2011.

13. In 2014, the representation reported that, on February 21, 2014, Isabelino Valencia was threatened with death. On May 19, 2015, the representation reported that Manuel Garcés knew of a plan to attempt against his life. It was alerted about the murder of a relative of Manuel Garcés and a member of his campaign team. On May 21, 2015, the representation warned of the disappearance of Edison Torres, who belonged to the working group of candidate Manuel Garcés. It was indicated that on July 3, 2015, Javier Medina disappeared. On July 7, 2015, a plan to assassinate the legal representative of the Community Council of the Black Community of the Naya River, Rodrigo Castillo, was uncovered. On October 13, 2015, the representation stated that on September 7, five armed men from paramilitary groups boarded two boats, threatened the passengers and forced them to hand over all their belongings. In this event, two elderly adults were reportedly killed.

14. On December 6, 2016, the president of the Community Council of the Naya River was threatened. In 2017, the representation questioned the actions of the military in the area. On August 13, Amparo Zamora, Afro-Colombian leader, member of the Community Council and of *Huellas del Pacífico y Marcha Patriótica* (footprints of the pacific and patriotic march), was threatened through a phone call. It was added that, on April 17, 2018, the following members of the Community Council disappeared: Obdulio Angulo Zamora, Hermes Angulo Zamora and Simeón Olave Angulo. On May 2, 2018, 15 armed men entered the Juan Santos Community looking for Iber Angulo Zamora, brother of Obdulio and Hermes Angulo Zamora. As a result of the raid, 15 families left the community of Juan Santos. On May 5, Iber Angulo Zamora was kidnapped. It was reported that on April 12, 2018, a meeting was held to follow up and consult on the present precautionary measures.

15. In 2020, the representation noted the presence of illegal armed groups in the area. It was pointed out that the communities lacked drinking water, were afraid to carry out their hunting, fishing and harvesting activities, and suffer from diseases due to the lack of sanitation. They reported the continuity of paramilitary groups seeking to control the area, and threats, harassment, acts of aggression and homicides in the area.

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

16. 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 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. 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.

17. 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.¹⁰ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.¹¹ 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.¹² Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration 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.

18. 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 evaluate 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.

19. 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

¹⁰ 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](https://www.corteidh.or.cr/docs/medidas/carpio_se_14.pdf), https://www.corteidh.or.cr/docs/medidas/carpio_se_14.pdf Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

¹¹ 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)

¹² 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).

evaluation.¹³ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.¹⁴ The Inter-American Court has indicated that the passage of a reasonable time without any threats or intimidation, in addition to the lack of imminent risk, may lead to lifting international protection measures.¹⁵

20. In the instant matter, the Commission highlights that the precautionary measures were granted in 2002. After the granting of the precautionary measures, the Commission corroborated, among other initiatives, as follows:

- i. Protection measures were implemented in favor of the beneficiaries, following risk assessments, at different times and according to the factual circumstances that arose. In this sense, the measures adopted in favor of the Community Council of the Naya River and the individual measures in favor of, for example, the following persons stand out: Isabelino Valencia, Nelson Angulo, José Medina, Manuel Garcés, Rodrigo Castillo, Ángel Angulo, Nayibe Valencia Angulo, Wilson Rodallega, and Orlando Castillo.
- ii. At least ten consultation meetings have been held¹⁶ in recent years.
- iii. Investigations were advanced and certain persons involved in the alleged facts were arrested.
- iv. Military personnel were deployed in the area to confront the illegal armed structures, seizing narcotics, eradicating coca crops, and capturing individuals belonging to the armed structures.
- v. The Colombian Ombudsperson's Office continued to accompany the process by issuing Early Warnings.

21. Through its monitoring work, and the recent on-site visit to the country, the Commission understands that there continue to be security challenges for the population.¹⁷ For example, the Commission observed that indigenous peoples and Afro-descendant communities in the departments of Antioquia, Cauca, Cesar, Chocó, La Guajira, Magdalena, Nariño, Putumayo and Valle del Cauca are exposed to situations of forced displacement and mass confinement. At the same time, information was received on the re-planting of anti-personnel mines to hinder access to the territory and of persons who have acquired a disability because of the activation of these weapons. Similarly, information was received, particularly in Buenaventura and Quibdó, on extortion practices.¹⁸

22. Notwithstanding the monitoring work that the Commission continues to carry out, for the purposes of this precautionary measure proceeding, it is noted that the representation has not provided a response since 2020 with concrete factual elements on the situation of the beneficiaries, and approximately four years have passed without any information from their part. This lack of response has continued even though the Commission indicated that an analysis on whether these precautionary measures should remain in force would be carried out and after the State's request to lift them. In this regard, the Commission recalls that the representatives of the beneficiaries who wish the measures to continue must present proof of the reasons for this.¹⁹

¹³ I/A Court H.R., [Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17 (Available only in Spanish).

¹⁴ I/A Court H.R., [Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17 (Available only in Spanish).

¹⁵ I/A Court H.R., [Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17 (Available only in Spanish).

¹⁶ Dates of consultation meetings: May 19 and 20, September 15 and October 5, 2011; March 6, 2014; July 30, 2015; April 12, May 12 and 17, 2018; August 3, 2020.

¹⁷ IACHR, [Preliminary Observations, on-site visit to Colombia](#), April 15-19, 2024.

¹⁸ IACHR, cited above, pp. 9-10.

¹⁹ IACHR, [Basic Guidelines for the Investigation of Violations of the Rights of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. 31 December 2017, paras. 28-30.

23. The Commission notes that this matter has been monitored by the Commission through the mechanism for approximately 22 years. In this regard, it appreciates the State's willingness to implement actions during the time these measures have been in force, to conduct risk analyses and to adopt internal measures for the protection of the beneficiaries. Notwithstanding the lifting of the precautionary measures at hand, the Commission calls on the State to continue implementing the security measures it has been deploying, as well as the relevant investigations.

24. The Commission takes into consideration the fact that the representation did not submit any additional information between 2020 and 2024. Nor did it respond to the Commission's communications, despite the State's request to lift the measures and having been informed that the IACHR would proceed to analyze whether these precautionary measures should continue in place. In response to the State's request to obtain an updated census of the beneficiaries, the representatives also failed to respond, which is relevant for continuing with the implementation of these precautionary measures. In this regard, the Commission recalls the provisions of Article 25(11) of its Rules of Procedure:

"11. In addition to the terms of subparagraph 9 above, the Commission may lift or review a precautionary measure when the beneficiaries or their representatives, without justification, fail to provide a satisfactory reply to the Commission on the requirements presented by the State for their implementation."

25. Considering the previous analysis carried out, the Commission understands that it does not have the necessary information to identify a threatening situation that would support compliance with the requirements of Article 25 of the Rules of Procedure at present. In view of the above, and taking into account that exceptionality and temporality is a characteristic of the precautionary measures,²⁰ the Commission considers that these precautionary measures should be lifted. In addition to the foregoing, the Commission decides to continue monitoring the human rights situation in Colombia through the competent Rapporteurships.

26. Lastly, the Commission recalls that the lifting of the measures at hand does not prevent the representation from filing a new request for precautionary measures if it considers that there is a situation presenting a risk that meets the requirements set forth in Article 25 of the Rules of Procedure.

V. DECISION

27. The Commission decides to lift the precautionary measures granted in favor of the Afro-Colombian families living in 49 hamlets located in the Naya River basin in Buenaventura, Colombia.

28. The Commission emphasizes that, regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the State's obligation to respect and guarantee the rights recognized therein, including the life and personal integrity of persons.

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

30. Approved on October 24, 2024, by Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; and Andrea Pochak, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary

²⁰ I/A Court H.R., Case of Adrián Meléndez Quijano et al., Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; Case of Galdámez Álvarez et al., Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24.