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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 111/2021**

Precautionary Measure No. 1113-21  
Abencio Caicedo Caicedo and Edinsón Valencia García<sup>1</sup>  
regarding Colombia  
December 31, 2021  
Original: Spanish

**I. INTRODUCTION**

1. On December 7, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by Berenice Celeita Alayon, director of Nomadesc Association, and Mario Angulo Sanclemente, coordinator of the Black Communities Process PCN, (“the applicants”),<sup>2</sup> urging the IACHR to require that the State of Colombia (“the State” or “Colombia”) adopt the necessary protection measures to safeguard the rights to the life and personal integrity of Abencio Caicedo Caicedo and Edinsón Valencia García (“the proposed beneficiaries”). According to the request, the proposed beneficiaries, leaders of the Black Communities process of *Palenque Regional El Congal* of the ancestral territory of Yurumanguí, have been missing since November 28, 2021, after leaving their homes to carry out activities related to their work of leadership and territorial organization.<sup>3</sup>

2. In accordance with Article 25(5) of its Rules of Procedure, the Commission requested additional information from the applicants on December 10, 2021, and from the State on December 15, 2021. The applicants submitted the required information on December 15. On December 17, 2021, the State requested a time extension, which was granted on December 21. The State sent its response on December 11, 2021.

3. Upon analyzing the submissions of fact and law provided by the parties, the Commission considers that the information presented demonstrates *prima facie* that Abencio Caicedo Caicedo and Edinsón Valencia García are in a serious and urgent situation, since their whereabouts have not yet been determined. Consequently, based on Article 25 of its Rules of Procedure, the Commission requests that the State of Colombia: a) adopt the necessary measures to determine the situation and whereabouts of Abencio Caicedo Caicedo and Edinsón Valencia García, in order to protect their rights to life and personal integrity, and b) report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES**

**A. Information provided by the applicants**

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<sup>1</sup> In the information provided, both by the applicants and by the State, Edinsón Valencia García, Édison Valencia García, and Édinson Valencia García are used interchangeably. For the purposes of this document, “Edinsón Valencia García” will be used to refer to the aforementioned proposed beneficiary.

<sup>2</sup> The applicants sent the consent of the legal representative of the Yurumanguí River Basin Community Council, on December 13, 2021.

<sup>3</sup> In the same way, they requested the protection of members of the Palenque Regional El Congal Black Communities Process, and of the Community Council of Yurumanguí, Raposo, Cajambre, Naya, Mayorquín, Calima, and Anchicayá.

4. About 3,000 inhabitants allegedly live in the Yurumanguí river basin in thirteen villages (*veredas*),<sup>4</sup> organized in the Community Council of the Yurumanguí River Basin. The applicants indicated that for more than two decades they had been able to prevent the use of crops for illicit use, which has led to threats, persecution, and harassment by armed actors. According to the applicants, in order 005 of 2009 of the Constitutional Court of Colombia, through the Second Review Chamber, it was emphasized that the collective territories on the Yurumanguí River are part of a group that must be guaranteed specific plans for prevention, care, and protection. According to the applicants, it was indicated that they are “subjects of special protection” within the framework of the public policy of attention to internal forced displacement.

5. According to the request, the proposed beneficiaries are identified as leaders of the Black Communities process *Palenque Regional el Congal*, highly recognized for their leadership and territorial defense in the rural area of Buenaventura:

- Abencio Caicedo Caicedo is delegate by the Governing Board of the Yurumanguí River Community Council to the Conflict Resolution Team; and
- Edinsón Valencia García is Coordinator of Control and Surveillance of the APONURY Territorial Ethnic Organization of the Yurumanguí River.

6. According to the applicants, the two identified persons have been reported missing since November 28, 2021, when they left their homes to carry out activities related to their leadership and territorial organization work and have not returned to date. The request states that the Black Communities Process (PCN) and the Afro-Colombian National Peace Council (CONPA) issued a public statement on December 1, 2021, informing the national and international community requesting “any actor that for any circumstance has withheld them returning them to their territory and in the same way, the competent bodies take the pertinent steps to safeguard the life and honor of the members of the Yurumanguí Community Council.”

7. On December 2, 2021, the case was reported to the Office of the Attorney General of the Nation, the Office of the Ombudsperson, the Office of the Inspector General, and the Presidency of the Republic, in order to carry out urgent search efforts and activate the Urgent Search Mechanism. Similarly, the multilateral organizations that have followed up on the situation in the Pacific, the Buenaventura district, and especially the ancestral riverside territories such as the Yurumanguí River were also alerted. On December 6, 2021, the nation’s Deputy Attorney General was asked to activate the urgent search mechanism. According to the applicants, there exists information that purportedly indicates that the bodies of the proposed beneficiaries are in the Micay river, Zaragoza village.

8. The request specifies that the rural area of Buenaventura has conditions of vulnerability due to the increasing conflict that places the lives of the civilian population at risk, a situation that has been denounced and alerted by various national and international entities. As a background, it was indicated that between January 30 and February 2, 2020, a “Humanitarian Mission Buenaventura 2020”<sup>5</sup>

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<sup>4</sup> El Encanto, Barranco, Primavera, Veneral, Papayo, San Miguel, San Jerónimo, El Queso, San José, San Antonio, Águila, San Antoñito, and Juntas.

<sup>5</sup> According to the applicants, this Mission had the participation of the *Somos Defensores* Programs, the Observatory of Social Realities of the Archdiocese of Cali, the Peace and Reconciliation Foundation Pacific Office, the Association of Afro-descendant Women of North Cauca - ASOM, the Association of Community Councils of Norte del Cauca - ACONC, Group of Academics in Defense of the Pacific, the Naya River Community

verified the conditions of vulnerability due to the increasing conflict resulting from the presence of the ELN, the FARC dissidents, paramilitary groups, the National Army, and unidentified war actors.

9. From January to March, 2021, territorial, regional, national, and international organizations reportedly warned about the confinement and possible displacement of the communities of the Community Council of the Yurumanguí River, as a result of the escalation of the conflict that has been going on since the signing of the Peace agreement. Between February 22 and 23, 2021, a “National and International Mission for On-Site Verification S.O.S. Buenaventura” was developed,<sup>6</sup> which allegedly found:

“[I]n relation to the armed structures, testimonies and evidence were received that account for the permanence of paramilitary structures and organized armed groups linked to these structures, the collusion and tolerance of the Police and the Marine Corps with them, and the armed presence of the FARC dissidents and the ELN denounced for violations of IHL. During the meetings, mention was reiterated about the historical factors in the political and economic sphere that determine the violence in Buenaventura, the notion of development based on the business of port expansion and associated megaprojects that threaten social and community life, cultural identity, territorial autonomy, natural resources, and territories won from the sea.”

10. More recently, a “Humanitarian Accompaniment Mission in the Yurumanguí, Cajambre and Raposo Rivers,” carried out from November 17 to 20, 2021, reportedly verified the direct attacks on the leaderships that exercise governance and autonomy in the territory. For its part, the Office of the Ombudsperson of Colombia has reiterated in recent years, in at least 8 early warnings, the risk experienced by the Buenaventura territory in its urban and rural areas as the ancestral territory of Yurumanguí. According to early warning 003 of 2021 of the Ombudsperson’s Office, it was found that human rights defenders, indigenous persons, and Afro-descendant social leaders are purportedly subjected to various forms of violence. According to the request, despite the work of verification, monitoring, and especially reporting by the communities, human rights organizations, and the Black Communities Process, their recommendations have not been taken into account, formulated, or executed by the Colombian State.

## **B. Response from the State**

11. The State of Colombia reported that, when searching the mission systems, it was verified that, with respect to the facts alleged by the applicants, an investigation is being carried out into the crime of forced disappearance (Art. 165 of the Criminal Code of Colombia), which is in the active investigation stage and under the charge of the Specialized Prosecutor (4) assigned to the Valle del Cauca Directorate.

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Council, the Calima River Community Council, the Cajambre River Community Council, the Association of Territories Gained from the Sea, Hearth Alliance, Consorcio Mapa, Red of brotherhood and solidarity with Colombia, Indigenous and Black Women Returning Together to the Root, Ethnic Commission for Peace and the Defense of Territorial Rights, Cimarrona Guard, Telepacífico. As companions, the Pacific Regional Ombudsman, MAPP OEA, and the Office of the Attorney General of the Nation attended.

<sup>6</sup> According to the applicants, the mission was coordinated by social organizations, human rights organizations, and International Peace Brigades, in which delegates from the diplomatic missions of the European Union, United Kingdom, Norway, France, Germany, Sweden, and Ireland, the Colombian office of the United Nations High Commissioner for Human Rights, together with representatives of the United Nations Verification Mission II, the international organizations OXFAM, ACT Swedish Church, Peace with Dignity, Lawyers Without Borders - Canada and the Network of Brotherhood and Solidarity with Colombia Redher.

12. The National Protection Unit (UNP) reported that the work order that was developed within the framework of the risk reassessment of the proposed beneficiary Abencio Caicedo Caicedo, to determine if he required protection measures, was definitively inactivated due to the lack of response to the request to interview him. Thus, the UNP explained having carried out a set of actions during the months of May and June 2021 to continue with the process, but without success, according to the following detail:

- On May 18, 2021, the proposed beneficiary Abencio Caicedo Caicedo was contacted by telephone. The presentation of the UNP officer was made and the procedure to be carried out for the risk assessment was explained. In response, the proposed beneficiary claimed to be in the San José village of the Yurumanguí River Basin Community Council, with signal problems due to the rain. Therefore, he allegedly indicated that, over the next few days, when the signal was better, he would communicate.
- After days without obtaining news of the referred proposed beneficiary, on May 25, 2021, through a WhatsApp message, he reportedly expressed having connectivity problems and not wanting an assessment of the individual risk level, arguing that the Community Council of the Basin of Rio Yurumanguí would send a protocol to the UNP, with a list of leaders to evaluate them and that the interviews with leaders at risk be only one, so as not to turn this process into disorder. However, at the same time he clarified that with this, “we are not withdrawing from the measure, we only want to be responsible so that the measures reach those who really need it and in the most efficient way, to safeguard life.” In view of this, the UNP reportedly responded that the risk level re-evaluation work order is individual and not collective.
- Efforts continued through telephone calls on different dates and times in order to schedule the day of the interview, without obtaining any response.
- On May 28, 2021, an email was sent to the proposed beneficiary Abencio Caicedo, with the request for an interview, without obtaining a response.
- Also, on June 4 and 6, 2021, an attempt was made to contact the assistant of the referred proposed beneficiary, Ms. W.A.L., by telephone, but it was allegedly not possible because the calls were going to voicemail.
- On June 4, 2021, the document “Duties of the Assessed” was sent to the proposed beneficiary Abencio Caicedo Caicedo by certified mail to his place of residence,<sup>7</sup> without getting any kind of response.
- The State indicates that until the moment of the request for inactivation, no request has been made to the UNP by the Afro communities of the Yurumanguí River Basin Community Council for the study of the level of collective risk, as expressed by the proposed beneficiary Abencio Caicedo.

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<sup>7</sup> Located at Carrera 64 No. 3-61 Barrio Panamericano (Buenaventura Valle).

13. By virtue of the foregoing and not having been able to carry out the corresponding interviews, on June 15, 2021, the UNP filed a request for the definitive inactivation of the aforementioned risk reassessment, which was allegedly admitted.

14. The State also reported that the Commission for the Search for Disappeared Persons requested information from the Office of the Attorney General of the Nation on the process of activating the Urgent Search Mechanism and, in the absence of a response, forwarded the request to the Delegate for Citizen Security of this entity to verify the status of the activation of the referred mechanism in favor of the proposed beneficiaries. Furthermore, it noted that no report was found in the National Registry of Disappeared persons in the name of the proposed beneficiaries, for which the National Institute of Legal Medicine and Forensic Sciences was requested to coordinate the entry of the case to that system, in order to be able to carry out consultations and technical crossings with corpse files submitted to a medical-legal autopsy, which may contribute to the location of the victims. Along these lines, the State also reported having communicated the case to the Department of Government and Citizen Security of the Buenaventura Valle del Cauca District, so that the pertinent actions be adopted by this entity and that this contribute to verifying the facts, provide the contact details of the next of kin, as well as all the documentation that supports the search process for the proposed beneficiaries.

15. Finally, the State stated that it had asked the Black Communities Process and the Afro-Colombian National Peace Council to send the contact details of the relatives of the disappeared persons in order to obtain additional information on the facts and advance the entry of the case into the National Registry of Missing Persons.

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

16. The mechanism of precautionary measures 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 Statute of the IACHR. 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 to persons.

17. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>8</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>9</sup> 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

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<sup>8</sup> See in this regard: I/A Court H.R. 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.

<sup>9</sup> 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 regarding Guatemala](#). Provisional Measures. 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].

are not adopted.<sup>10</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. The precautionary nature aims at safeguarding 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.<sup>11</sup> In the process of reaching a decision, and according to Article 25(2) of the Rules of Procedure, the Commission recalls 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 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 of review to determine whether a serious and urgent situation exists.<sup>12</sup> In the same way, according to its mandate, the Commission is not called upon to find any individual liabilities or to determine whether there have been human rights violations regarding the applicable instruments, since this would demand an analysis on the merits, which is better suited to a petition or case. The following analysis relates exclusively to the elements established in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>13</sup>

19. When analyzing the requirement of *seriousness*, the Commission deems it pertinent to take into account the context, as well as the specific characteristics of the proposed beneficiaries, who are Afro-descendants and exercise a leadership role and defend the human rights of their communities in the rural area of Buenaventura and in the basin of the Yurumanguí river.

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<sup>10</sup> 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].

<sup>11</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

<sup>12</sup> In this regard, for instance, referring to provisional measures, the Inter-American Court has indicated that a minimum of detail and information is required to assess, *prima facie*, whether an extremely serious and urgent situation exists. 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.

<sup>13</sup> In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertinent to issues other than those which relate strictly to the extreme gravity, 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](#). 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].

20. Thus, in the first place, the Commission recalls that, since the beginning of the negotiations for the signing of the Peace Agreement in Colombia, the situation of human rights defenders and social leaders in the country has been monitored. In this way, in its 2019 report it has observed that after the signing of the recent Peace Agreement, violent and deadly attacks, particularly assassinations and threats against leaders and human rights defenders, have increased steadily. This trend has been reflected both in the figures of civil society, the Office of the High Commissioner for Human Rights (OHCHR), and even state institutions.<sup>14</sup> Such institutions have identified that one of the sources of violence is precisely the presence of conflict actors who have not demobilized,<sup>15</sup> which coincides with what is alleged by the applicants. Moreover, it is noted that, according to the applicants, the situation of violence in the area where the proposed beneficiaries exercised their leadership has been the subject of public complaint to various state entities, and even to other civil society actors, as well as to the international community (see *supra* paras. 8-10).

21. Second, the Commission observes that the proposed beneficiaries are Afro-descendant social leaders, whose situation is said to be related to their efforts to defend Afro-descendant communities and their territories in the region. The Commission takes into account that, as identified in its monitoring work, Afro-descendant defenders are exposed to a greater risk and additional forms of discrimination,<sup>16</sup> which translates into a differentiated risk compared to other groups of defenders. The foregoing is of special importance to the extent that, according to the applicants, the proposed beneficiaries carry out activities inherent to their territorial organization. Along the same lines, the applicants alleged that the Constitutional Court of Colombia considered that the inhabitants of the Yurumanguí river basin are part of special protection groups in response to the issue of internal forced displacement (see *supra* para. 4).<sup>17</sup>

22. In addition to this, as a third element, the Commission has identified that people of African descent who have adopted measures against illegal uses of their territories are who have been most affected by violence in Colombia.<sup>18</sup> The foregoing provides important contextual elements to understand the situation of the proposed beneficiaries, since, according to the applicants, for more than two decades the inhabitants of the Yurumanguí river basin have been able to prevent the use of illicit crops, and as a consequence they have been exposed to specially serious events (see *supra* para. 4).

23. The contextual elements show the vulnerability to which people of African descent are exposed in the area. In particular, those who exercise leadership tasks, such as the one exercised by the two proposed beneficiaries in the community processes of the Yurumanguí river basin (see *supra* para. 5). In this particular matter, the Commission notes that the two identified persons have been missing since November 28, 2021, after leaving their homes to carry out activities related to their leadership and territorial organization (see *supra* para. 6). In this regard, the applicants indicated that they reported the case in December 2021 to various internal institutions, including the Prosecutor's Office, with the aim of

<sup>14</sup> IACHR. [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#). 2019, paragraphs 42 and 43.

<sup>15</sup> *Ibid*, paragraph 44.

<sup>16</sup> *Ibid*, paragraph 65.

<sup>17</sup> The IACHR takes note that the aforementioned order, No.005 of 2009 of the Constitutional Court, reinforces the protection of the fundamental rights of the Afro-descendant population in the framework of the unconstitutional state of affairs, declared in judgment T-025 of 2004; and it particularly emphasizes the extraordinary, accentuated, and aggravated risks faced by black communities due to the exacerbation of racism and racial discrimination in the context of forced displacement. Similarly, that court urges the need for a differential approach that recognizes the diversity of Afro-descendant victims of the armed conflict. See: Constitutional Court of Colombia, MP: Manuel José Cepeda Espinosa, Order No. January 26, 2009

<sup>18</sup> *Ibid*, paragraph 51.

adopting the corresponding measures, such as the activation of the Urgent Search Mechanism (see *supra* para. 7).

24. In this regard, the State reported that an investigation is being carried out for the crime of forced disappearance, under the terms of the domestic criminal law of Colombia. The State specified that the investigation is in the “active investigation” stage (see *supra* para. 11). At the same time, the State also reported on the actions taken by the National Protection Unit to contact the proposed beneficiary Abencio Caicedo Caicedo between May and June 2021 with a view to carrying out a risk assessment, as well as the responses obtained from him (see *supra* para. 12). In addition to this, the State stated that the Commission for the Search for Disappeared Persons has requested information on the activation of the Urgent Search Mechanism from the Delegate for Citizen Security of the Attorney General’s Office; that the National Institute of Legal Medicine and Forensic Sciences has been required to coordinate the admission of the case of the proposed beneficiaries to that system; that the case has also been brought to the attention of the Department of Government and Citizen Security of the District of Buenaventura Valle del Cauca; and that the Black Communities Process and the Afro-Colombian National Peace Council have been requested to send the contact details of the relatives of the disappeared persons (see *supra* paras. 14 and 15).

25. However, after assessing all the information as a whole, the Commission understands that it is not controversial that the two proposed beneficiaries remain missing, according to the applicants, since November 28, 2021. Also, there are no details on whether the Urgent Search Mechanism has been effectively activated, and the verification of its activation status is in process, as well as the actions carried out in this regard, and there are also no indications leading to find his whereabouts. Previous evaluations are worrisome considering that the applicants indicated that “the corpses” of the proposed beneficiaries could be found in the Micay river, Zaragoza village (see *supra* para. 7). The Commission also notes that on December 3, 2021, the Commission for the Clarification of Truth, Coexistence, and Non-Repetition of Colombia vehemently rejected the disappearance of the leaders of Yurumanguí, Valle del Cauca, Abencio Caicedo Caicedo and Edinsón Valencia García.<sup>19</sup> As indicated, both are members of the Committee for the Promotion of Collective Reparation of the Yurumanguí River Basin and subjects of special protection.<sup>20</sup> Subsequently, on December 9, 2021, the Comprehensive System for Peace, made up of the Unit for the Search of Persons Presumed Disappeared, the Truth Commission, and the Special Jurisdiction for Peace, called to respect the lives of both persons and a call to the corresponding authorities to take measures to guarantee the non-repetition of these events.<sup>21</sup>

26. Based on the previous considerations and in light of the *prima facie* standard, the Commission considers that the rights to life and personal integrity of Abencio Caicedo Caicedo and Edinsón Valencia García are at serious risk, to the extent that since On November 28, 2021, to date there have been no news about their fate or whereabouts.

27. Regarding the requirement of *urgency*, the Commission deems that it has been met, inasmuch as the passage of time without establishing their whereabouts is likely to generate greater impacts on the rights to life and personal integrity of the proposed beneficiaries. In this sense, more than a month has passed since the proposed beneficiaries disappeared, and despite an investigation in the

<sup>19</sup> Truth Commission, [On the disappearance of leaders in Yurumanguí](#), December 3, 2021.

<sup>20</sup> *Ibidem*

<sup>21</sup> Truth Commission, [Comprehensive System for Peace calls for respecting the lives of the leaders of Yurumanguí](#), December 9, 2021.



active investigation stage, the Commission observes that there is still no substantial information on their whereabouts or fate.

28. As it pertains to the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

29. Finally, the Commission observes that the applicants also required the protection of all the leaders of the Black Communities Process *Palenque Regional El Congal*, and that of the Community Council of Yurumangui, Raposo, Cajambre, Naya, Mayorquín, Calima, and Anchicayá. However, although the Commission identifies that this request is purportedly framed in the situation of Afro-descendant human rights defenders described previously, only information of a general nature has been presented without identifying specific persons and details about their current situation. Therefore, the Commission considers that it is not possible to identify, with respect to this universe, compliance with the requirements of Article 25 of the Rules of Procedure. In any case, the Commission recalls that the State maintains its obligations under the terms of Article 1(1) of the American Convention and applicable standards.

#### **IV. BENEFICIARIES**

30. The Commission declares as beneficiaries of this precautionary measure Messrs. Abencio Caicedo Caicedo and Edinsón Valencia García, who are fully identified in this proceeding.

#### **V. DECISION**

31. The Inter-American Commission on Human Rights concludes that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the Commission requests that Colombia:

- a) adopt the necessary measures to determine the situation and whereabouts of Abencio Caicedo Caicedo and Edinsón Valencia García, in order to protect their rights to life and personal integrity, and
- b) report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

32. The Commission requests that the State of Colombia kindly inform the Commission, within a period of 15 days as of the date of this communication, on the adoption of the precautionary measures that have been agreed upon and to periodically update this information.

33. The Commission emphasizes that pursuant to Article 25(8) of the Commission's Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights safeguarded in the American Convention and other applicable instruments.

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

35. Approved on December 31, 2021, by Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarete May Macaulay; Esmeralda Arosemena de Troitiño; and Joel Hernández García, members of the IACHR.

Maria Claudia Pulido  
Assistant Executive Secretary