

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 45/2021**

Precautionary Measure No. 649-20  
Leyner Palacios Asprilla and his nuclear family  
regarding Colombia  
June 1, 2021  
Original: Spanish

**I. INTRODUCTION**

1. On July 11, 2020, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by the Colombian Commission of Jurists (CCJ) and the Center for Justice and International Law (CEJIL) (“the applicants”), urging the Commission to request that the State of Colombia (“Colombia” or “the State”) adopt the necessary protective measures to guarantee the rights of Mr. Leyner Palacios Asprilla and his nuclear family<sup>1</sup> (“the proposed beneficiaries”). According to the request, the proposed beneficiary faces a situation placing him at risk given his particular profile and his work in the defense of human rights, in the current context after the signing of the Peace Accords in Colombia.

2. On July 22, 2020, the IACHR requested information from the State, under the terms of Article 25 of the Rules of Procedure. It responded on August 17, 2020, upon being granted a timeline extension. The applicants submitted additional information on August 13, 17, and 26, 2020. The IACHR requested information from the parties on December 4, 2020. Upon a timeline extension, the State provided information on December 18, 2020. The applicants submitted additional information on December 22, 2020. In the State’s response dated December 18, 2020, it referred to a communication of September 2020. Having verified that this communication had not been received, the Secretariat requested that the State send it again, responding on December 29, 2020, and January 12, 2021. The State submitted additional information on February 16, 2021. On March 4, 2021, information was requested from the parties. The State responded on March 9, 2021. The applicants requested a timeline extension and responded on March 12 and 15, 2021, and April 28, 2021.

3. Having analyzed the submissions of fact and law presented by the parties, the Commission considers that, from the *prima facie* standard, the proposed beneficiary and his nuclear family are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, it requests that Colombia: a) adopt the necessary measures, taking into account the corresponding ethnic and gender approach, in order to protect the rights to life and personal integrity of Mr. Leyner Palacios and his nuclear family. In particular, the State should ensure that the protection measures implemented are sufficiently effective and adequate, in light of the risks identified in the resolution and in response to the noted weaknesses; b) adopt the necessary protection measures so that Mr. Leyner Palacios can continue to carry out his activities in defense of human rights without being subjected to risk events against him; c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

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<sup>1</sup> According to the request, the nuclear family is composed of his spouse Ana Mercedes Rentería Acosta and his children Ana Luisa Palacios Rentería, A.P.P.R. and L.P.R. The identities of the last two children are kept confidential as they are still minors. The State is aware of their identities upon the forwarding of the request for precautionary measures and subsequent communications.

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

### 1. Information from the applicants

4. The proposed beneficiary identifies himself as a long-standing Afro-Colombian human rights defender in Colombia<sup>2</sup> and a surviving victim of a massacre that occurred in Bojayá in 2002. At the time of the initial request, he was serving as Secretary General of the Interethnic Commission for Truth in the Pacific Region, after having actively participated in the Peace Accords in Colombia. Under that position, he was reportedly the leader of community spaces between ex-combatants and ethnic authorities from Medio Atrato. The proposed beneficiary has carried out denunciation work against the actions of the National Liberation Army (ELN) in Medio Atrato and has also questioned the work carried out by the Public Force in the area. Similarly, the proposed beneficiary reportedly denounced the actions carried out by the organized armed group known as Gaitanist Self-Defense Forces of Colombia (AGC). Due to the foregoing, the proposed beneficiary has reportedly gained greater visibility, exposing himself to threats.

5. By way of example, the applicants referred to a denunciation made on January 3, 2020, date on which the Interethnic Commission for Truth in the Pacific Region reported the incursion of armed men from the AGC into the Pogue community and other rural communities of Bojayá in December 2019. That day a call was received from an unknown number, in which a man, who identified himself as a member of the AGC, asked for the proposed beneficiary. According to the applicants, this person considered that the proposed beneficiary was a rebel because he did not keep an appointment made for him in November 2019. During the call, the proposed beneficiary was told to leave the department of Chocó. This fact was reported to the Prosecutor's Office.

6. The proposed beneficiary indicated that he made the phone call known to the Minister of the Interior, who allegedly ordered the National Protection Unit (UNP) to reinforce his security detail by including one more man and an armored vehicle (the case file indicates that the above was fulfilled). The minister also invited the proposed beneficiary to participate in the sessions of the National Commission for Security Guarantees on January 8, 2020, in Bogotá, where he explained the situation of Chocó. At that meeting, the national police questioned the events reported by the proposed beneficiary, specifying that the threats he received apparently came from a prison located in Cómbita, Boyacá department, far from his home in Chocó, and that these had economic motivations.

7. During a visit of the President of the Republic to the municipality of Bojayá on January 11, 2020, the proposed beneficiary once again demanded compliance with the Peace Agreements and reiterated his complaints against the actions of armed groups and the military. That same day, military members handed over a right of petition to the proposed beneficiary for him to detail his complaints, the names of the military officers involved, and the dates on which the Public Force acts that he questioned took place. Later, some soldiers looked for him at his home in Quibdó. During the presidential visit, an unknown person allegedly told him that the AGC have no intention of attempting on the proposed beneficiary's life and that they are not responsible for the threats he has received.

8. The applicants continued to report several risk incidents that purportedly occurred during 2020, as well as the proceedings carried out with the internal authorities and the response obtained. Thus, on January 13, 2020, a message was published on the social media platform Twitter that linked Mr. Leyner Palacios with the ELN and indicated: "That *negro* deserves to die." The proposed beneficiary

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<sup>2</sup> *Inter alia*, it was indicated that he was nominated for a Nobel Peace Prize.

filed a complaint with the Office of the Attorney General, which was allegedly received by the Vice-Attorney General of the Nation. Days later, Mr. Palacios received a visit of a SIJIN officer, who promised to keep him informed of the progress of the investigation. In January 2020, a taxi driver reportedly told the brother-in-law of the proposed beneficiary as follows: “If that *negro* keeps talking like that, they will kill him.” Subsequently, the proposed beneficiary moved with his family to the city of Cali, Valle del Cauca.<sup>3</sup> The proposed beneficiary indicated that he received a Facebook message questioning him for his criticism of the Military Forces.

9. On March 4, 2020, the security escort of the proposed beneficiary died after unknown individuals intercepted him in the vicinity of the latter’s residence, in Cali, and shot him. Following that attack, the State ordered to reinforce his security detail again, which became composed of five men and two vans, one of them armored and the other one unarmored. Immediate relatives have been reportedly also included in the new protection detail. Notwithstanding, the applicants reported that, in May 2020, a motorcycle wandered aimlessly around the residence of the proposed beneficiary. Moreover, it was reported that the proposed beneficiary’s wife noticed the presence of a high-end van, with tinted windows, in the vicinity of their residence.

10. On June 15, 2020, a subject identified by the Office of the Attorney General as a perpetrator of the murder of the proposed beneficiary’s security escort was captured. On June 18, 2020, a neighbor told him that a stranger in a park had asked whether the proposed beneficiary lived in that residential complex. The facts were brought to the attention of the Ombudsman’s Office and the Office of the Inspector General of the Nation. The UNP was also informed to change the vehicle from his security detail. The proposed beneficiary requested authorization to travel with his family outside of his residence. Given the context of COVID-19, the processing before the UNP was reportedly delayed, which the proposed beneficiary considered a bureaucratic thing. The applicant also questioned the progress of the investigations.

11. In 2020, the applicants reported about the protection detail that the proposed beneficiary allegedly has.<sup>4</sup> The applicants indicated that his protection detail is being implemented by contractors of commercial companies that provide security services, many of which are temporary unions contracted by the UNP. In this regard, the proposed beneficiary indicated that in April 2020 he filed a complaint with the UNP stating that members of his security detail have carried out activities that he has not authorized, such as photographic records and reports. According to the proposed beneficiary, the UNP has asserted that the security detail seeks to guard people, not buildings.

12. When he is not traveling, his security detail is reduced from five to three men. At his residence, his family is accompanied by three security escorts who rotate. The proposed beneficiary purportedly asked the UNP to change one of the vehicles assigned and the request was allegedly addressed on July 7,

<sup>3</sup> Ana Luisa Palacios, daughter of Leyner Palacios, has decided to separate her place of residence from her parental home for health and emotional issues.

<sup>4</sup> The proposed beneficiary had a protection detail, since 2019, composed of “two (2) protection men, one (1) armored vehicle, one (1) communication device and one (1) armored vest and the implementation of one (1) support button, a river transport support equivalent to three (3) SMMLV, which is purportedly valid for twelve (12) months.” This detail was modified on March 13, 2020, a week after the murder of his security escort, ordering additional provisional measures of physical protection. This is how his detail was temporarily modified: one (1) armored vest, one (1) cell phone, financial support for river transport for 12 months, one (1) armored van, one (1) conventional 4x4 van and five (5) protection men. The enforcement of such protection measures is carried out through contracts with private companies, in charge of providing logistics and human resources for specific activities. Thus, one company provides the vehicles through leasing contracts and a different company hires the men who make up the security detail. The latter is called *Unión Temporal Protección VIP 2020*. Its participation is limited to mediating in the work relationship with the security escorts and not in the operation of the protection detail itself; this is the responsibility of the beneficiaries and the UNP.

2020. As part of the security protocol, the applicants indicated that the UNP requires to submit in advance written authorizations from the municipal governments of origin and destination, as well as detailed information on routes, places to visit, and times of permanence in each place. Moreover, it was indicated that the UNP does not currently cover travel costs completely, which in some cases implies an economic burden for the proposed beneficiary.

13. In 2020, it was indicated that the proposed beneficiary agreed with the persons who make up his security detail on the following operating dynamics: three men accompany them during the day and two of them rest, these two persons who rest during the day take turns at night, one night each. They also agreed to hold periodic meetings, in which they reportedly discuss issues of cohabitation and related, in a general way, to the exercise of their function. In a meeting, one of his security escorts stated that her obligation is to protect Mr. Palacios, and not his other family members. The proposed beneficiary considers that this stance is a misinterpretation of the applicable internal regulations. In August 2020, the proposed beneficiary and this security escort agreed to request the respective change given their differences. The security escort indicated that she has been receiving contradictory instructions from the proposed beneficiary and her employer (the contracting company) with regard to the persons to be protected. On August 6, 2020, the proposed beneficiary communicated with the service provider and the UNP. On August 7, 2020, the UNP requested his written version of what happened, since it was allegedly contrary to what his security escort had stated.

14. In August 2020, the applicants indicated that “the proposed beneficiary and his family have not received threats in the last month.” In their communication, the applicants reiterated his questions about the handling of information, while indicating that he knows, through a person he trusts and who has direct access to the UNP officers and the employees of the company in charge of his protection service, that the aforementioned company, by way of the men who comprise his protection detail, has made undue requests for information to his employees, relating to travel routes, routines and identification of the vehicles used by the proposed beneficiaries.

15. In December 2020, the applicants indicated that the proposed beneficiary was appointed as a member of the “Truth Commission” (CEV) of Colombia and that he still has his protection detail, as indicated by the State. The applicants reiterated previous questions, particularly regarding the fact that the protection measures are implemented by a private security company called “*Unión Temporal Protección VIP 2020*.”<sup>5</sup> The protection measures are extended to his nuclear family, as long as they are near the proposed beneficiary, which they questioned. They also questioned that trips must be previously approved. They referred to the fact that the men assigned to protect him have not always been five nor have they accompanied him in all his activities. Lastly, regarding open investigations, the applicants indicated that the Office of the Attorney General has not explained why it was decided to prioritize a hypothesis that disconnects the murder of the person from his work as a security escort for the proposed beneficiary while other elements should be considered.<sup>6</sup>

16. In regard to the return of one of his security escorts in August 2020, the applicants indicated that the State refers to a partial account, given that it consulted only one version of the facts, that of the security escort F.M.H.T. The proposed beneficiary insisted on the existence of repeated irregularities in

<sup>5</sup> In this regard, they reiterated that there are irregularities in the disposition of the members of the security detail, a lack of night protection, leaks of information about the proposed beneficiaries, their routes of travel, real-time location, and information and identification of the vehicles used by the proposed beneficiaries.

<sup>6</sup> The proposed beneficiary explained, for instance, the logistics used to carry out the follow-ups prior to the homicide, and the circumstances of it purportedly show that the murder of his security escort was motivated by his work of protection in favor of the proposed beneficiaries.

the performance of the security escort in question. The applicants indicated that the previously mentioned incident occurred during a work tour to the city of Medellín that lasted eight days. During this tour, the security escort in question was assigned the armored vehicle that the proposed beneficiary permanently required to travel. Notwithstanding, this security escort left several times without authorization, and ignored or belatedly addressed the requests of the proposed beneficiary, who had to travel in a conventional vehicle and with a reduced security detail. According to the applicants, the proposed beneficiary indicated, based on his daughter's account, that the security escort in question harassed her with telephone communications and insistent text messages that had nothing to do with her function. Moreover, the applicants continued to question the alleged leakage of information.

17. In 2021, the applicants indicated that the measures adopted by the UNP, such as patrols and the assignment of a protection man to the proposed beneficiary's eldest daughter are "incidental measures" that were implemented only once and had a strictly formal development. According to the applicants, only since September 2020, upon having forwarded the brief of the request for precautionary measures, one of these measures was activated, consisting of a night police patrol at the residence of the proposed beneficiaries. The additional protection measure, in favor of his eldest daughter, never came to fruition. In 2021, the applicants continued to question the progress of the investigations into the "threats" of January 2020 and the murder of the proposed beneficiary's security escort. Regarding the first investigation, it was indicated that the proposed beneficiary was contacted in its early stages and information was requested from him but that he is not aware of any progress. As regards the second investigation, the applicants questioned that the investigation privileges a hypothesis that separates it from the victim's relationship with Mr. Palacios.

18. In 2021, the applicants emphasized that the proposed beneficiary, as Commissioner, is leading efforts to clarify the serious human rights violations suffered by ethnic communities, especially in the Pacific and Caribbean regions of Colombia. This has implied that he travels to those regions to collect information.<sup>7</sup> According to the applicants, in the framework of the multiple days of documentation, (due to his mandate) he learned from a reliable and confidential source of "the existence of a criminal plan to attempt on his life, motivated by his constant complaints about the collusive or tolerant attitude of the Military Forces towards armed groups inherited from paramilitarism."

19. The applicants indicated that the proposed beneficiary is in charge of writing the ethnic chapter in the final report of the Truth Clarification Commission (CEV), whose mandate ends in November 2021, and anticipates that the disclosures therein will cause a significant worsening of his situation, in a context of stigmatization by highly influential public figures in Colombia and the high numbers of attacks against defenders. The applicants stated that the proposed beneficiary has "a well-founded fear" of suffering further attacks as his public profile has been raised even more and given that he has to return to Bojayá when he ceases to be Commissioner.

20. In 2021, the applicants referred to the proposed beneficiary's protection detail: five protection men and two vehicles.<sup>8</sup> In this regard, they considered that the detail has been implemented in a "irregular manner, generating fatigue and concern in the proposed beneficiary and his family and limiting his free movement." It was reported that his personal and professional relationship with the

<sup>7</sup> According to the applicants, this work has allowed him to deepen his knowledge about the criminal dynamics associated with the armed conflict and has led to findings on the systematic criminal behavior of armed actors in these regions, including members of the National Army. According to the applicants, many of these serious crimes were committed while the "democratic security policy" was in force.

<sup>8</sup> They asserted that this assignment was the result of an extraordinary decision by the director of the UNP, following the murder of the security escort.

members of his security detail has been deteriorating, presenting the following difficulties: i) some of the security escorts take on their role at their own discretion and are reluctant to heed instructions; ii) derogatory remarks against members of his family, for example by referring to the proposed beneficiary's wife in an inappropriate manner; iii) some of the security escorts share information on their social media during working hours and post real-time data about their location, sometimes accompanied by panoramic photographs; iv) even though the members of the security detail have to provide their service for 10 hours a day, some of them have opted to be available from their homes and go to service only when the proposed beneficiary so requests.

21. According to the applicants, the abovementioned has meant serious difficulties for the development of his activities, which may sometimes require untimely departures to react to specific contingencies. Sometimes, this has purportedly led him to leave without his full security detail. Furthermore, the applicants questioned that there is not an expeditious and efficient procedure that allows resolving "these disagreements."

22. Lastly, in April 2021, the applicants referred to the following events, which are reportedly related to his social leadership role and his membership in the Truth Commission (CEV) in Colombia:<sup>9</sup>

- On April 22, 2021, the AGC publicly threatened those who make up the CEV and the lawyers of former paramilitary leader Salvatore Mancuso, through a pamphlet that was spread in the Colombian media.<sup>10</sup> According to public information, the pamphlet indicates:

For us, the Gaitanist Self-Defense Forces of Colombia, this commission of the truth (sic) is a mockery, and we are not going to allow them to continue lying to the people, they will not go from villains to heroes [...].

According to the applicants, this occurred days after the CEV issued a public statement indicating that Mr. Salvatore Mancuso intended to testify to contribute to the Truth, Justice, Reparation and Non-Repetition System (SVJRNR), especially with respect to the CEV. Mancuso expressed his intention to return to Colombia and it is reportedly highly expected that the information he may provide will help to identify the political and economic actors who contributed to consolidate the paramilitary phenomenon in the northern region of the country, as well as the benefits they obtained from their criminal association. According to the applicants, this information could be key to the report that the CEV will soon make public, where it will narrate its findings on the history of the armed conflict that Colombia has suffered since the second half of the 20<sup>th</sup> century. Two of the main pending explorations and issues to be clarified have to do with the consolidation of paramilitarism in the northern part of the country and the differential effects on the Afro peoples. Both issues are led by the proposed beneficiary from the CEV.

One of Mr. Mancuso's lawyers publicly stated that the contents of the pamphlet are serious and represent a real threat against the former paramilitary member, his team of lawyers, and the CEV itself. The applicants cite: "He arrived at the house of one of the lawyers on a key day in the

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<sup>9</sup> The applicants specified that the proposed beneficiary "does not feel free to make calls in which he provides information about his movements and situations placing him at risk" to his representation, considering the complaints of telephone tapping that were filed in the country.

<sup>10</sup> According to the applicants, the proposed beneficiary "was quite hesitant to communicate [...] these facts, considering that, in addition to security issues, he was limited by the duty of confidentiality on CEV matters, for which he decided to omit references specific to places and dates."

preparation of the face-to-face meeting that they (Timochenko and Mancuso) will have with the country.”

- Recently, in April 2021, in a rural area near one of the most populated cities on the Caribbean coast, the proposed beneficiary was inspecting a remote and relevant place to clarify a systematic dynamic of forced disappearances, with the participation of a former member of an armed group. When they had been at the place for about an hour, two subjects on a motorcycle, who did not wear badges of any kind, approached them directly. At that moment, one of the security escorts of the armed group’s former member reacted and fired shots into the air as a warning. The subjects on the motorcycle stopped, stared at the persons participating in the proceedings for several seconds, and then left.
- Days later, also in April 2021, Mr. Palacios went to the municipality of Quibdó and stayed in the building that he previously used as his residence. In those days, a person who was working on some repairs to the house and taking care of it, told him that the day before a suspicious person had been hanging around the house for several minutes, at around 1:00 p.m., while Mr. Palacios was not inside the home. He also told him that the same person, at approximately 10:00 p.m. that day, approached the house and asked him that if it was Mr. Palacios’ house, please call him. Upon finding him suspicious, the housekeeper replied that he was wrong and that a young woman with her children lived in the house. The stranger, for his part, kept asking insistently and trying to persuade him to call Mr. Palacios by saying that he knew the proposed beneficiary and that he would understand. However, the housekeeper did not give in. The housekeeper also says that at the “most intense moment of the encounter,” he noticed that the stranger was carrying a firearm in his waistband. The applicants stressed that the proposed beneficiary “was at that time devoid of protection, since, as has been mentioned repeatedly, his security escort does not accompany him at night.”

## **2. Response from the State**

23. The State indicated that the proposed beneficiary, given his capacity as a leader of human rights organizations, is part of the Prevention and Protection Program to preserve the rights to life, liberty, integrity, and security of individuals, groups, and communities. Mr. Palacios is currently the beneficiary of protection measures of both a material and economic nature and these are extended to his nuclear family. Additionally, he is undergoing a risk reassessment due to supervening events.

24. Regarding the approval of trips in favor of Mr. Palacios, the State emphasized that, within the framework of the Prevention and Protection Program, with a view to improving the service provided, the procedure to request travels as part of protection details has been modified, and these changes have been made known by different means. Thus, it is currently requested that the beneficiaries provide accurate documentation whereby competent authorities (governors’ and mayors’ offices) grant the mobility permits required for such trips, in accordance with the regulations enforced during the health emergency generated by the COVID-19 pandemic. Permits requested by the proposed beneficiary have been approved upon verifying compliance with the requirements set forth in the framework of exceptionality and health emergency, also guaranteeing the protection of Mr. Palacios and his nuclear family.

25. The State explained the actions and protection measures in favor of the proposed beneficiary implemented in 2016,<sup>11</sup> 2017,<sup>12</sup> 2018,<sup>13</sup> 2019,<sup>14</sup> and 2020. Specifically, in January 2020, Mr. Palacios was the beneficiary of emergency measures, which implemented an armored vehicle and a river transportation support equivalent to three minimum wages (SMMLV, by its acronym in Spanish). These measures also ratified an armored vest, a communication device, and two men for protection, understanding that such measures are extended to his nuclear family. At the beginning of 2020, there was an active work order in favor of Mr. Palacios, for which the delegates of the Committee for Risk Assessment and Recommendation of Measures (“CERREM”) recommended protective measures at the session of February 12, 2020. Subsequently, measures were adjusted after the murder of one of the security escorts assigned to the beneficiary in the city of Cali. Once again, an emergency procedure was granted, which ratified the previously granted measures and ordered the following ones: i) an armored vehicle; ii) a conventional vehicle; iii) five protection men; iv) a communication device; v) an armored vest; vi) support for river transportation equivalent to 3 current SMMLV for a term of 12 months; and vii) a relocation support for 3 SMMLV, for a term of three months.

26. Regarding the payments or delivery of money as part of the protection program, it was indicated that the UNP has already made the three payments corresponding to the relocation support granted by the emergency procedure on January 7, 2020; and three payments corresponding to river transportation support, out of the 12 ones approved on March 13, 2020, have been made. Moreover, it was reported that Mr. Palacios has been making known to the UNP situations that the entity has been prioritizing.

27. With regard to the events that occurred on January 3, 2020, the Office of the Attorney General indicated that material evidence has been collected to establish the person responsible for the call. It was explained that proceedings such as interviews, judicial inspections, wiretapping, selective searches in databases, and document verification tasks have been carried out; and it was requested that the corresponding authorities adopt measures aimed at protecting the personal integrity of Mr. Palacios and

<sup>11</sup> Through Resolution 8336 of 10/27/2016, the level of risk to the assessed person was communicated, whose level was described as ORDINARY. In view of the assessment carried out, Mr. PALACIOS reported being subject to threats through an email linked at the time to different NGOs, who were participating in the negotiation table between the extinct FARC-EP and the National Government. Once the verifications within the risk assessment were carried out, it was determined that the described events corresponded to intimidating situations in a general way, but not directed particularly against Mr. PALACIOS. It should be noted that on this occasion the population assessed corresponded to 9.1 of Article 2.4.1.2.6 of Decree 1066 of 2015, a victim of human rights violations and violations of IHL.

<sup>12</sup> In 2017, a risk assessment was carried out again, in light of his capacity as a member of the *Atrato's Consejo Comunitario Mayor de la Asociación Campesina Integral* [population 5.2 member of Afro-Colombian communities - Article 2.4.1.2.6 Decree 1066 of 2015]. Through Resolution 6467 of 10/3/2010, a communication device, an armored vest, and river travel support were implemented in the amount of three minimum wages, with a twelve-month term. The facts presented by Mr. [Palacios] corresponded to situations of fear generated by his complaints about the presence of armed actors in Bojayá and Bajo Atrato, since, within the information provided, the public force indicated that thanks to the contributions of Mr. PALACIOS, it was possible to find the location of paramilitary members. On that date, the measures were granted, given that the GVP delegates raised the risk matrix, due to the visibility of Mr. Palacios, for his leadership in the face of the population of victims of the Bojayá massacre, the award he received at the summit of Nobel Peace Laureates, and for being a member of the Bojaya Collective Reparation Plan.

<sup>13</sup> Throughout 2018, Mr. Palacios was subject to modifications to his protection measures: · Resolution 6722 of 08/10/2018 adjusted the measures as follows: implemented a conventional vehicle and a protection man; ratified a communication device, an armored vest, and a protection man; and a river transport support was completed in the amount of three SMMLV, extended to his nuclear family. Resolution 7791 of 09/14/2018, again implemented river transport support equivalent to three minimum wages and ratified the other measures previously granted. Resolution 10161 of 11/30/2018, ratified all the measures granted above, within the temporality study carried out on Mr. Leyner Palacios. In this last study, the population quality was adjusted to 2.2. Activist of human rights organizations, given his role as a defender of human and ethnic rights in the department of Chocó. Regarding the situations that allegedly place the proposed beneficiary at risk, emphasis is made on intimidating calls, in which he was threatened with death due to the role he plays; the circulation of pamphlets apparently authored by the Gaitanist Self-Defense Forces (AGC); and the permanence of strangers in workshops that he carried out with the community, who inquired about his role as defender of the victims of the Bojayá massacre.

<sup>14</sup> In 2019, a work order was activated for temporarity, whose study result was presented in 2020.

his nuclear family. The collection of evidence continues in order to clarify the facts, a task that given the pandemic situation in the country, has been affected because in some cases investigators have to travel to other cities in the search of information.

28. The State emphasized the participation of the proposed beneficiary at the time of filing petitions or heeding the Prosecutor's Office summonses. In relation to the actions for the homicide of the security escort, an identified person has already been charged with the crimes of homicide, trafficking, and carrying firearms or ammunition, for the events that occurred on March 4, 2020, in the city of Cali (while the bringing of the indictment was pending at the time). According to the Attorney General, the reasons for the murder of the security escort are not linked to the work he carried out as a security escort for Mr. Palacios.<sup>15</sup> Lastly, the Office of the Attorney General has arranged the holding of working tables within the institution, so that, from the difficulties in the progress of the investigations, a new strategy can be generated to speed up and carry out judicial and investigative activities, in the relevant criminal news.

29. As for the events that occurred in Chocó, the Military Unit made them known to the Regional Directorate of Prosecutor's Offices of Quibdó, Chocó, the Chocó Regional Inspector General's Office [*Procuraduría Regional del Chocó*], and the Chocó Regional Ombudsman, in order to identify and individualize the members of the Public Forces who allegedly acted in collusion with organized armed groups in Bojayá, Chocó. The State emphasized the work of the Public Force in the area and the respect for human rights and international humanitarian law.<sup>16</sup>

30. With regard to the work of the police, the State reported that on June 7, 2020, personnel from the Protection and Special Services Section, the Elite Corps, and the Commander of the El Limonar Police Station (El Caney), met with the beneficiary, in order to report on the permanent patrols carried out by the area's quadrant patrols. In addition, he received the respective talk on basic self-protection standards and a guide passbook. Permanent patrols were ordered by the Cali Metropolitan Police, who expressed their commitment to meet any requirement of Mr. Palacios. For instance, they indicated that Mr. Palacios informed the police personnel of alleged follow-ups, which were made known to the Office of the Attorney General of the Nation, and are being processed by the Special Prosecutor's Office against Citizen Security Crimes, currently at investigation stage. The State indicated that the Metropolitan Police of Cali processed the queries brought by Mr. Palacios to the UNP concerning the security detail.

31. In regard to the year 2021, the State provided information about the activities carried out by the Cali Metropolitan Police ("MECAL"). By July 2020, through the staff of the Human Rights Office, the Criminal Investigation Section and other institutional agencies in charge of dealing with events against vulnerable population, it admitted the request made by the proposed beneficiary. In that request, he reported about an alleged follow-up near the residential unit where he was staying and requested the assignment of a protection man for his daughter, who allegedly traveled to continue her university studies in Quibdó, Chocó. The attention route was activated and preventive activities (patrols, talk on basic self-protection standards, and delivery of the guide passbook) by the patrols of the quadrant in the sector were reinforced. In June 2020, the mayor of Santiago de Cali was informed of the threat against

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<sup>15</sup> In 2021, the State also reported that the Cali Metropolitan Police, within the investigation activities carried out in the criminal proceeding for the homicide of the protection man assigned to Mr. Palacios, has established that the event has no relationship with the proposed beneficiary.

<sup>16</sup> The State indicated that the land, river and air operations carried out by the Joint Task Force in the department of Chocó are aimed at defending sovereignty, independence, territorial integrity, protect biodiversity and neutralize any threat that seeks to alter the security of indigenous and Afro-descendant communities in the area, as well as the civilian population in general, respecting, guaranteeing and acting within the frameworks established by international humanitarian law (IHL) and international human rights law (IHRL).

the proposed beneficiary, in order to prepare, implement, and execute the Comprehensive Prevention Plan.

32. In 2021, the State reported the following protection measures: two protection men, an armored vehicle, a communication device, an armored vest, a support button, a river transport support amounting to 3 SMMLV for 12 months as from the end of the granting through emergency procedure, and the implementation of temporary relocation support in the amount of 3 SMMLV for three months as of the date of implementation. It was decided to maintain the measures granted by “Emergency Procedure of March 4 and 5, 2020,” through which two protection men and an armored vehicle were implemented, and a protection man provided by “Emergency Procedure of 01/17/2020” was ratified. In this sense, the protection measures linked to security details (protection men and vehicles) are composed of five protection men and two vehicles assigned by the UNP, until the new risk reassessment route that the beneficiary is undergoing concludes, according to current regulations which establish the need to reassess the level of risk due to supervening events. Such protection measures are extended to his nuclear family.

33. The State referred to a security escort rotation on October 17, 2020 “due to a traffic accident.” Furthermore, the State reported that on August 13, 2020 it learned of the situation regarding “the unjustified return of the security escort [...] due to the inconvenience caused to the protégé when reminding him of the correct use of the measures assigned to him, in the specific case of traveling with his minor children without the guardianship or accompaniment of an adult other than the security escort.”<sup>17</sup> As indicated by the State, the proposed beneficiary stated that he “is fully aware of the responsibility of not complying with this guideline, but for reasons strictly linked to his and his family’s safety, he has decided to request these displacements, which he reiterates have also been carried out by the security escort [identified under F.M.H.T.], who only now has objected or refused to do it.” The information indicates that the case was transferred to the Group for the Verification of Measures due to the alleged misuse of measures for the pertinent purposes.

34. Regarding “the alleged intervention by the operator assigned by the UNP in obtaining data on the movements of the security escorts and assigned vehicles,” the State indicated in 2021 that the applicants have made “statements unrelated to reality,” given that the *Unión Temporal Protección VIP 2020* “does not leak, has not leaked, nor will it leak sensitive information about the movements of Mr. Leiner Palacios Asprilla and his family.”<sup>18</sup> Both the UNP and the *Unión Temporal* know the latter’s functions and limitations regarding the protection program, which are not limited to “mediate in the employment relationship of our security escorts,” but to verify potential irresponsible actions or improper use of measures granted, or situations that may increase the threats to those protected by them. The following reports were emphasized: displacement without protection detail Leiner Palacios Asprilla (March 7, 2020), alleged threat to Ms. Mercedes Rentería (June 7, 2020), alleged increased threat (June 19, 2020), and unjustified return of man of protection H.T.F.M. (August 6, 2020).

35. The State indicated that “it is true that the operator has requested information from the protection men regarding the exposure of minors (children of the beneficiary) traveling aboard vehicles

<sup>17</sup> According to the State, the beneficiary was reminded of the compliance with the “Manual of Use, Management and Recommendations of Prevention and Protection Measures,” specifically number 8: “Minors must not be transported in the vehicle assigned to the security detail without the company of an adult, who must have the express authorization of the beneficiary, when the measure is extended to the nuclear family. This person must be different from the security escort(s).”

<sup>18</sup> The UNP, like the operators that carry out the protection activities that have been contracted by the Entity, know, respect, and enact among their employees, compliance with the contractual conditions signed between the UNP and the Temporary Unions, respect for the task entrusted and the limitations of their functions with respect to it.

belonging to Mr. Palacios' protection detail, taking into account that there are procedures and conditions for the transportation of minors." The operator requested the intervention of the UNP, in order to tell the beneficiary, Mr. Palacios, that when his children had to move, that activity should be carried out with the constant accompaniment of a responsible adult, and not only with the protection detail. On the other hand, the security escorts that make up the protection detail of the protégé have issued a report "dismissing the statements" made by the applicants. On another note, the Cali Judicial Intelligence Section (SIJIN), which was investigating the murder of Mr. Palacios' security escort, requested that the operator provide information of his men, even more when one of them was killed while traveling aboard the vehicle assigned to Mr. Palacios. The State stressed that, thanks to this information, the investigation advanced and it contributed to the capture of the security escort's murderers. The State stressed that the UNP has been transparent in the development of its obligations and in the verification of the activities carried by the operator, who has not requested additional information other than that necessary to carry out the entrusted work, which is framed in the mission of the protection program.

36. Regarding the Office of the Attorney General, in 2021, the State referred to the investigations into the threatening call that Mr. Palacios received on January 3, 2020, emphasizing the help of the proposed beneficiary and the proceedings carried out. As for the investigation into the murder of the member of the protection detail, it was reported that Jefferson Gómez Lugo was charged with the crimes of homicide, trafficking and carrying firearms or ammunition, for the events that occurred on March 4, 2020 in Cali, while the bringing of the indictment is pending.

37. The State stressed that the UNP has adequately guaranteed protection and accompaniment for the proposed beneficiary and his nuclear family. Regarding the accompaniment of minors, the entity acts under the principle of legality and has reminded the protégé of complying with the "Manual of Use, Management and Recommendations of Prevention and Protection Measures."<sup>19</sup> Moreover, with respect to what the applicants pointed out about the "alleged leaks of information about the proposed beneficiaries, their travel routes, real-time location," the State emphasized that "they are totally devoid of factual support." In this regard, the UNP carried out the pertinent proceedings with the *Unión Temporal Protección VIP 2020*, which provides the service to the protégé, and according to the report furnished by the company, it has not leaked sensitive information about the movements of Mr. Leyner Palacios Asprilla and his family. The entity recalls its commitment, within the legal framework, for the protection of the proposed beneficiary, clarifying that this information is used for the correct implementation of the protection details.

38. Based on the applicants' briefs, the State stressed the lack of recent and specific risk events against the proposed beneficiary "since the alleged circumstances of threat against him have been stated by the applicants in an eventual or hypothetical manner, which directly implies a lack of existence of the elements of urgency, seriousness, and a potential irreparable harm coming to fruition, which are necessary for the granting of precautionary measures."

39. Lastly, the State indicated that the compliance with the requirements of Article 25 of the Rules of Procedure has not been demonstrated. The proposed beneficiary has a protection detail implemented by the UNP, which is periodically reevaluated. The State considered that the precautionary measures are ineffective, given that Mr. Palacios' risk has been recognized by the State of Colombia and, consequently, the UNP has implemented material protection measures according to his level of risk. On another note, if Mr. Palacios has been the victim of supervening events, which, to date, have not been furnished in this

<sup>19</sup> According to the State, numeral 8 provides: "Minors must not be transported in the vehicle assigned to the security detail without the accompaniment of an adult, who must have the express authorization of the beneficiary, when the measure is extensive to the nuclear family. This person must be different from the security escort(s)."

international proceeding, his representatives are respectfully invited to raise the respective request before the UNP, in order to analyze the relevance of strengthening his protection detail.

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

40. The mechanism of precautionary measures is part of the Commission's function of overseeing the compliance of Member States 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 Rules of Procedure of the Commission. 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.

41. 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>20</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>21</sup> To do this, an assessment must be made of the problem posed, the effectiveness of state actions in the face of the situation described and the level of vulnerability in which the persons for whom measures are requested would allegedly be left if they are not adopted.<sup>22</sup> Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while it is being considered by the IACHR. Their precautionary nature aims at safeguarding 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 of the case 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 allow the State concerned to comply with the final decision and, if necessary, to implement the remedies required.<sup>23</sup> For purposes of decision making, and in accordance with Article 25(2) of the Rules of Procedure, the Commission considers that:

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the Inter-American system;

<sup>20</sup> See in this regard: I/A Court H.R. [Case of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#). 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. Resolution of July 6, 2009, considerandum 16.

<sup>21</sup> See in this regard: I/A Court H.R. [Matter of El Rodeo I and El Rodeo II Capital 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.

<sup>22</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; I/A Court H.R. [Matter of El Rodeo I and El Rodeo II Capital 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.

<sup>23</sup> See in this regard: I/A Court H.R. [Matter of El Rodeo I and El Rodeo II Capital 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.

- 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.

42. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be fully proven. However, a minimum of detail and information is required to assess, from a *prima facie* standard, whether a serious and urgent situation exists.<sup>24</sup>

43. Taking into account that the matter at hand refers to the situation of a person who has served for a long time as a social leader and human rights defender in areas affected by violence and with a critical role towards the actions of the Armed Forces, who holds the position of Secretary General of the Inter-Ethnic Truth Commission for the Pacific Region (*vid. supra* paras. 4-5), and who has recently become Commissioner in the Commission for the Clarification of Truth, Coexistence and Non-Repetition (CEV) in Colombia (*vid. supra* para. 15), the Commission will proceed to analyze the elements reported by the parties in light of the context in which they are framed. Along these lines, the Inter-American Court has indicated that, at the time of the analysis, it is possible to assess the set of political, historical, cultural, or other factors or circumstances that affect the person proposed as beneficiary or place her or him in a situation of vulnerability at a certain time and expose her or him to receive injuries to her or his rights.<sup>25</sup> This situation can increase or decrease over time depending on several variables.<sup>26</sup>

44. Thus, pursuant to Article 25, paragraph 6, the Commission recalls that, in January 2021, it voiced its concern about the sustained violence against human rights defenders and social leaders that occurred in 2020 in Colombia.<sup>27</sup> Given the ongoing violence against these groups, the Commission called on the State to reinforce all the necessary measures to guarantee that human rights defenders can carry out their activities in a suitable environment free from hostilities and attacks.<sup>28</sup> The Commission also recognized the actions taken by the State to deal with the reported murders,<sup>29</sup> and provided recommendations on open investigations.<sup>30</sup>

<sup>24</sup> See in this regard, I/A Court H.R. [Matter of Inhabitants of the communities of the Miskitu indigenous people of the North Caribbean Coast Region of Nicaragua](#). Extension of Provisional Measures regarding Nicaragua. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13; 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. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

<sup>25</sup> I/A Court H.R. [Matter of Members of the Nicaraguan Center for Human Rights \(CENIDH\) and the Permanent Commission on Human Rights \(CPDH\) regarding Nicaragua](#). Adoption of Urgent Provisional Measures. Resolution of the President of the Inter-American Court of Human Rights of July 12, 2019. Considerandum 42.

<sup>26</sup> I/A Court H.R., Case of Carpio Nicolle. Provisional measures regarding Guatemala. Order of the Court of July 6, 2009, Considerandum 26, and Matter of the Members of the Indigenous Community of Choréachi regarding Mexico.

<sup>27</sup> IACHR, [The IACHR reiterates its concern about the situation of violence registered in 2020 against those who defend human rights in Colombia](#), January 22, 2021.

<sup>28</sup> *Ibid.*

<sup>29</sup> The Commission recognized the progress made by the State in the investigation into murders against defenders. However, it observes that there are still challenges to reduce impunity for these crimes, as well as for other crimes committed against them, particularly in the prosecution and punishment of those responsible. The IACHR urged the State to strengthen its capacities in the face of the high number of cases pending resolution. In this regard, it called on the State to continue adopting measures to investigate with due diligence and address the situation of impunity concerning crimes committed against human rights defenders and social leaders in the country, identifying material and intellectual perpetrators. These investigations must include the hypothesis that these murders could have been committed in connection with the work that the defenders carried out in their communities. Similarly, the State must seek the incorporation of a differentiated ethno-racial and gender approach in the investigation, prosecution, punishment, and reparation of these crimes.

<sup>30</sup> *Ibid.* See also: IACHR, [IACHR Expresses Concern over Increase in Violence in Colombia in Territories Where Illegal Armed Groups Are Operating](#), October 13, 2020.

45. At that time, the Commission observed that most of the alleged murders registered in the year were concentrated in the departments of Antioquia, Cauca, Chocó, Huila, Norte de Santander, Córdoba, Nariño and Putumayo, territories that were historically affected by the armed conflict and that the State has identified as “risk areas.”<sup>31</sup> As assessed by the IACHR, the State agreed with this information and also identified the departments of Valle del Cauca, Magdalena, Bolívar, Córdoba, Arauca and Chocó as risk areas for exercising the defense of human rights.<sup>32</sup>

46. Regarding the Commission for the Clarification of the Truth, Coexistence and Non-Repetition (CEV), which is part of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition of the Colombia Peace Agreement, it presented to the Commission –in the framework of a public hearing held on December 8, 2020– part of the results achieved at the end of 2018.<sup>33</sup> The CEV also described different challenges to the fulfillment of its mandate.<sup>34</sup> On that occasion, the IACHR expressed its concern about the impacts that these challenges may have on the drafting of the Final Report that the CEV must deliver in 2021.<sup>35</sup> In its 2020 Annual Report, the IACHR emphasized the importance of the role of the CEV as a facilitating mechanism for the truth on the facts for the victims and Colombian society as a whole.<sup>36</sup>

Based on the aforementioned context, the Commission notes, when analyzing the seriousness requirement, that the applicants have indicated that the proposed beneficiary has been the subject of various events throughout 2020. Specifically, the applicants mainly referred to the following:

- On January 3, 2020, when the proposed beneficiary received a call from an unknown person who identified himself as a member of the AGC, this person allegedly described the proposed person as a “rebellious person” for not having kept the appointment that was made for him in November 2019. In that call, the proposed beneficiary was instructed to leave the department of Chocó. That event reportedly occurred following complaints by the Inter-Ethnic Truth Commission for the Pacific Region (*vid. supra* para. 5). Subsequently, another unknown person purportedly indicated that the AGC are not responsible for the threats he has received (*vid. supra* para. 7).
- On January 13, 2020, a tweet was posted with the aim of linking the proposed beneficiary with the ELN and indicating that “That *negro* deserves to die” (*vid. supra* para. 8). Moreover, it was asserted that the proposed beneficiary received a message questioning him about his criticism of the Armed Forces (*vid. supra* para. 8).
- In January 2020, a taxi driver reportedly told the brother-in-law of the proposed beneficiary as follows: “If that *negro* keeps talking like that, they will kill him.”
- After the events, the proposed beneficiary and his family decided to move to Cali.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> IACHR, [Annual Report 2020. Chapter V](#). Follow-up on Recommendations made by the IACHR in its Country or Thematic Reports. Truth, Justice and Reparation: Sixth Report on the situation of human rights in Colombia, paragraphs 81-83.

<sup>34</sup> Ibid. Among the obstacles faced, the CEV stressed the denial of direct access to documentation, the delivery of fragmented or incomplete responses, and extemporaneous responses.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

- On March 4, 2020, one of the proposed beneficiary's security escorts was killed. The security escort was allegedly intercepted in the vicinity of his residence in Cali (*vid. supra* para. 9).
- In May 2020, a motorcycle was loitering aimlessly around the proposed beneficiary's residence. Furthermore, it was reported that the proposed beneficiary's wife indicated the presence of a high-end van, with tinted windows, in the vicinity of their residence (*vid. supra* para. 9).
- On June 18, 2020, a neighbor told him that a stranger in a park had asked whether the proposed beneficiary lived in that residential complex (*vid. supra* para. 10).
- In August 2020, the applicants indicated that the proposed beneficiary and his family have not received threats in the last month (*vid. supra* para. 14).

47. In the framework of the procedure, the IACHR requested information from the State in the terms of Article 25, paragraph 5 of its Rules of Procedure. In its communications, the Commission identifies that the State has mainly implemented the following actions and measures regarding the situation of the proposed beneficiary:

- Recognition of his status as "leader of human rights defense organizations," having been granted material and economic protection measures from 2016 to date upon risk assessments and reassessments (*vid. supra* paras. 23 and 25). Such protection measures include his nuclear family (*vid. supra* para. 25).
- In the context of COVID-19, the corresponding permits have been approved for the displacement of protection details in favor of the proposed beneficiary, according to internal regulations in force during the health emergency (*vid. supra* para. 24).
- Payments or money deliveries have been made as part of the protection program (*vid. supra* para. 26).
- Processing of the situations that the proposed beneficiary has made known to the UNP in the framework of the implementation of the protection measures (*vid. supra* para. 26).
- Protection actions taken by various entities in Chocó and Cali with a view to meeting with the proposed beneficiary, implementing prevention plans, meeting his requirements, or finding the people involved in the complaints (*vid. supra* paras. 29-31).
- Launching of investigations and strategies adopted due to the reported events, emphasizing the participation of the proposed beneficiary (*vid. supra* paras. 27 and 28). In particular, reports on the investigation into the events of January 2020 (*vid. supra* paras. 27 and 36) and that into the murder of the proposed beneficiary's security escort in March 2020 (*vid. supra* paras. 28 and 36).
- Regarding the investigation into the murder of the security escort, the State reported that charges have been brought against the person identified for the crimes of homicide, trafficking, and carrying firearms or ammunition, while the indictment is pending. The State indicated that, according to the Office of the Attorney General, the motives for the homicide were not related to the work he performed as a security escort (*vid. supra* paras. 28 and 36).

48. Based on the information provided by the State, the Commission values that the proposed beneficiary currently has a protection detail in his favor, which is extensive to his nuclear family and is periodically reassessed (*vid. supra* para. 39), which is purportedly complemented by other measures adopted by State entities. In the same way, the Commission observes that the protection detail of the proposed beneficiary has been reinforced according to various events that have occurred against him throughout 2020. For example, the available information indicates that this happened in January 2020, after an alleged call from the AGC (*vid. supra* para. 6), and in March 2020, after the murder of the proposed beneficiary's security escort (*vid. supra* para. 9).

49. On another note, the Commission observes that the applicants have referred to questions regarding the management and flow of information between the security detail, the security provider and the UNP, in the sense that "undue requirements of information" have been made (*vid. supra* para. 14). In this regard, the State disproved the allegations, stating that no information has been leaked, particularly that related to the displacements of the proposed beneficiary (*vid. supra* para. 34). The State further indicated that there have been verifications of irresponsible actions or improper use of protection measures. These have been reported through information requests to the protection detail members or through event reports (*vid. supra* paras. 34, 35 and 37). The State also indicated that information was sent to the entities that investigated the murder of the security escort, which allegedly allowed the identification and capture of those responsible (*vid. supra* para. 35). Thus, considering the information provided by the parties, the Commission does not have additional elements sufficient to indicate how the transmission of information, in the way it is questioned, represents a relevant factor to understand the risk faced by the proposed beneficiary.

50. In the same way, the Commission notes that the applicants also questioned the behavior of one of the security escorts. Thus, by August 2020, the security escort and the proposed beneficiary agreed to request the respective change and the corresponding procedure was initiated (*vid. supra* paras. 13 and 16). In this regard, the Commission observes that the applicants also raised some questions to the actions of the security escort when implementing the protection measures (*vid. supra* para. 16). For its part, the State reported that the disagreement between the security escort and the proposed beneficiary was due to a nuisance caused after the proposed beneficiary had been questioned about the correct use of the measures in trips with minors (*vid. supra* para. 33). When considering the information provided by the parties, the Commission understands that there is a dispute on the reasons that motivated the change of the security escort. However, the Commission observes that this change has already occurred, since according to the parties, the proposed beneficiary continues, in 2021, with the number of security escorts established by its protection detail.

51. Another point of discussion is related to the advances of the investigations. In the case of the investigation into the murder of one of the security escorts of the proposed beneficiary, the Commission observes that progress has been made, given that a perpetrator has been identified and the corresponding accusation is being prepared (*vid. supra* paras. 28 and 36), which might mitigate the risk in question. Regarding the motive for the murder (*vid. supra* paras. 17 and 28), the Commission observes, upon reviewing public information, that the alleged perpetrator sought to murder the brother of the proposed beneficiary's security escort, and not the security escort, who he purportedly resembled.<sup>37</sup> Having arrested the accused as responsible, measures of assurance in prison were

<sup>37</sup> EL ESPECTADOR, Murder of Leyner Palacios' security escort is purportedly not related to the social leader, August 18, 2020. Available at <https://www.elespectador.com/noticias/judicial/asesinato-de-escolta-de-leyner-palacios-no-estaria-relaciona-con-el-lider-social/>

ordered.<sup>38</sup> According to the media, the proposed beneficiary “welcomed the capture and indicated that it should serve to clarify the crime of the UNP security escort.”<sup>39</sup> By August 2020, Colombian media purportedly indicated that other persons who are involved had been captured.<sup>40</sup>

52. Taking into account the information provided as a whole and recalling that in this mechanism it is not appropriate to analyze each of the proceedings that make up an investigation in light of Articles 8 and 25 of the American Convention, the Commission recalls that the State is obliged to continue with the corresponding investigations and address the various appeals or requests filed in the framework of the criminal process. Inasmuch as it concerns the murder of a person who held the position of security escort in a protection detail for a beneficiary of the UNP, the Commission considers it relevant that within the framework of the domestic process an explanation should be given –if it has not been already given– on the reasons that led to choose one hypothesis over another, especially taking into account the particular context monitored by the IACHR about the issue of violence against human rights defenders. In any case, the Commission appreciates the progress in the investigation and calls on the State to continue with the corresponding proceedings to clarify the facts and punish those responsible.

53. Having specified the above aspects, the Commission proceeds to analyze the applicants’ questions regarding the way in which the protection detail has been implemented, especially based on the position of “Commissioner” of the CEV currently held by the proposed beneficiary, and considering that he has a vital role in the drafting of the ethnic component of the Report that the CEV will present at the end of 2021, which requires him to travel through areas affected by violence in the country.

54. In this sense, based on the importance of the role currently exercised by the proposed beneficiary in Colombia, the Commission identifies, by 2021, some indications of lack of effectiveness of the protection detail that the proposed beneficiary currently has, such as: (i) security escorts purportedly assume functions based on their own criteria and are “reluctant” to heed instructions; (ii) “derogatory remarks” towards members of the family of the proposed beneficiary; (iii) some security escorts allegedly share information on social media, such as location data and photos; (iv) the security detail is reportedly not providing the service for the corresponding hours; and (v) the security escorts purportedly come only when the proposed beneficiary so requests. Special attention should be paid to the allegations regarding the harassment purportedly suffered by the daughter of the proposed beneficiary at the hands of one of the security escorts (*vid. supra* para. 16), as well as the inappropriate expressions with which they addressed his wife (*vid. supra* para. 20), which, the Commission considers, is relevant when assessing whether the security measures implemented meet the criteria of adaptation to the population object of protection.<sup>41</sup> Such situations have taken place in what the applicants have described as a “deterioration” in the personal and professional relationship with the members of the security detail (*vid. supra* para. 20). In this regard, the applicants also indicated that, sometimes, this has implied that in the face of “untimely departures” to react to specific contingencies, the proposed beneficiary has had to leave without his full security detail (*vid. supra* para. 21).

<sup>38</sup> EL PAIS, One of the alleged murderers of Arley Chalá, security escort of the social leader Leyner Palacios, was captured, June 15, 2020. Available at <https://www.elpais.com.co/judicial/capturaron-a-uno-de-los-presuntos-asesinos-de-arley-chala-escolta-del-lider-social-leyner-palacios.html>

<sup>39</sup> BLU RADIO, Alleged responsible for the murder of the Leyner Palacios security escort is captured, June 15, 2020. Available at <https://www.bluradio.com/judicial/capturan-a-presunto-responsable-de-asesinato-del-escolta-de-leyner-palacios>

<sup>40</sup> CABLE NOTICIAS, Murder of Leyner Palacios’ security escort is said to have been a “terrible confusion” (VIDEO), August 18, 2020. Available at <https://www.cablenoticias.tv/nacionales/senalan-que-el-asesinato-del-escolta-de-leyner-palacios-fue-una-terrible-confusion-video/>

<sup>41</sup> See: IACHR. [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#). OEA/Ser.L/V/II. Doc. 262, December 6, 2019. Original: Spanish, paras. 219-221.

55. In view of the alleged situation, the Commission recalls that, when implementing protection details, “the personnel must be able to establish a relationship of trust with the persons seeking protection.”<sup>42</sup> In this regard, the IACHR has considered it essential that “the personnel who participate in security details generate trust in the beneficiaries of protection.”<sup>43</sup> For the Commission, the situation presented is of particular concern, especially given the important position currently held by the proposed beneficiary, since it is likely to place him in a vulnerable situation in the current context of the country.

56. Based on the above understanding, it is important to note that the situation may intensify as the deadline for submitting the CEV Report approaches the end of 2021 and given the work carried out by the proposed beneficiary, which is characteristic of his mandate. As an example of the above premise, the most recent events that occurred in April 2021 reflect that risk events continue to occur, mainly after his appointment as a member of the CEV in Colombia. The Commission notes that the applicants have alleged the following: (i) there is “a criminal design to attempt against his life, motivated by his constant complaints” (*vid. supra* para. 18); (ii) in April 2021, there existed a threat against the members of the CEV, following Mr. Mancuso’s intention to provide information on issues that affect the work that the proposed beneficiary has been carrying out for the CEV Final Report (*vid. supra* para. 22); (iii) in April 2021, in a rural area of the Caribbean coast, two individuals on a motorcycle, who did not wear badges of any kind, approached the proposed beneficiary directly. Such persons fled after being shot by one of the security escorts of the former member of the armed group who was accompanying him on the site (*vid. supra* para. 22); and (iv) in April 2021, after staying in the property that he previously used as his residence in Quibdó, the person who worked in the house told him that the day before a suspicious person had been hanging around the house for several minutes, at around 1:00 p.m., while the proposed beneficiary was not inside the home. According to the applicants, that the same person, at approximately 10:00 p.m. that day, approached the house and asked him that if it was Mr. Palacios’ house, please call him. According to the information reported, at the “most intense moment of the encounter,” the housekeeper noticed that the stranger was carrying a firearm in his waistband. The applicants mentioned that the proposed beneficiary “was at that time devoid of protection, since, as has been mentioned repeatedly, his security escort does not accompany him at night” (*vid. supra* para. 22).

57. In addition to the foregoing, the Commission reiterates that the prosecution of those allegedly responsible for an event that has placed a proposed beneficiary at risk, such as a threat, is likely to be a suitable means to mitigate the source of risk in question. Furthermore, to the extent that it was reported in mid-August 2020 that no new risk events had occurred, it is necessary to remember what was indicated in the *Case of Yarce et al. v. Colombia*, where the Inter-American Court, following the expert opinion offered by the Commission, recognized that it is possible that “a situation of threat against a human rights defender persists over time”<sup>44</sup> so that “within the framework of this continuity, an ‘unstable equilibrium’ may occur until certain events trigger the perpetrator to act.”<sup>45</sup> Taking the foregoing into account, the Commission notes that, in this matter, the investigation into the threats of January 2020 is underway, and that according to the information provided, no substantive advances have been made to punish those purportedly responsible for risk events, which is relevant inasmuch as specially serious events have continued to occur so close as in April 2021. The Commission holds that this situation is an important aspect when establishing the risk that the proposed beneficiary allegedly faces and the possibilities of their recurrence.

<sup>42</sup> IACHR, [Towards a comprehensive policy for the protection of human rights defenders](#), December 30, 2017, para. 248.

<sup>43</sup> IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), December 31, 2011, para. 525.

<sup>44</sup> I/A Court H.R. Yarce *et al.* v. Colombia. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 22, 2016. Series C No. 325, para. 188.

<sup>45</sup> *Ibid.*

58. Thus, and considering the specific circumstances that accompanied this matter, and in light of the analysis carried out, the Commission concludes, from the standard *prima facie* applicable and taking into account the context of Colombia, that it has been sufficiently proven that the rights to life and personal integrity of Mr. Palacios are at serious risk. In the same way, the Commission considers that the identified members of his nuclear family are at risk, insofar as they may be subjected to reprisals for their relationship with Mr. Palacios.

59. Regarding the requirement of *urgency*, the Commission considers that it is fulfilled, since the information provided suggests that the risk for the proposed beneficiary is likely to continue and exacerbate over time as the proposed beneficiary continues to carry out his duties as Commissioner of the CEV in Colombia and he is in the process of writing the Report until its presentation. Along these lines, the information available suggests that risk events have continued to occur and that there are indications of lack of effectiveness of the protection detail. Hence, there is no information to indicate that the alleged situation has been duly mitigated or has ended. In particular, the Commission considers that it is the responsibility of the State to adopt the necessary measures to ensure the suitability and effectiveness of the protection details, which requires ensuring their proper functioning. In this regard, the Commission recalls that for the measures to be adequate, by their very nature, they must be capable of protecting the person from the risk faced, and to be effective, they must produce the results in such a way that the risk is mitigated.<sup>46</sup>

60. As it pertains to the requirement of irreparable harm, the Commission finds that it is met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability. The Commission especially takes into account the importance of safeguarding his rights so that he can continue with his work as a human rights defender and as “Commissioner” of the CEV in Colombia.

#### **IV. BENEFICIARIES**

61. The Commission declares Mr. Leyner Palacios Asprilla, his spouse Ana Mercedes Rentería Acosta, and their children Ana Luisa Palacios Rentería, A.P.P.R. and L.P.R. as beneficiaries, who are duly identified in this proceeding.

#### **V. DECISION**

62. The Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of the Rules of Procedure. Consequently, the Commission requests that Colombia:

- a) adopt the necessary measures, taking into account the corresponding ethnic and gender approach, in order to protect the rights to life and personal integrity of Mr. Leyner Palacios and his nuclear family. In particular, the State should ensure that the protection measures implemented are sufficiently effective and adequate, in light of the risks identified in the resolution and in response to the noted weaknesses;

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<sup>46</sup> See: IACHR, [Resolution No. 1/18](#), PM 685-16 - Lucila Bettina Cruz and her nuclear family, Mexico, para. 35; and IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, December 31, 2011, para. 521.

- b) adopt the necessary protection measures so that Mr. Leyner Palacios can continue to carry out his activities in defense of human rights without being subjected to risk events against him;
- c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

63. 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.

64. The Commission stresses 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 protected in the American Convention and other applicable instruments.

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

66. Approved 66. Approved on June 1, 2021 by: Antonia Urrejola, Chair; Flávia Piovesan, Second Vice Chair; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; Joel Hernández; and Stuardo Ralón, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary