
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 80/2021**

Precautionary Measure No. 491-21

S.G.R.Q. and her nuclear family¹ regarding Colombia

October 4, 2021

Original: Spanish

I. INTRODUCTION

1. On June 3, 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 the International Institute on Race, Equality and Human Rights (“the applicants”), urging the Commission to request that the State of Colombia (“the State” or “Colombia”) adopt the necessary measures to protect the rights to life and personal integrity of Ms. S.G.R.Q. (“the proposed beneficiary”) and her nuclear family.² According to the request, the proposed beneficiary is at risk because she is suffering acts of violence, threats, and harassment given her work as a community leader and human rights defender in Colombia.

2. On June 11, 2021, the IACHR requested information from the State and the applicants, pursuant to Article 25(5) of its Rules of Procedure. Upon being granted a timeline extension on June 28, the State sent the requested information on July 1 and 2. For its part, upon the granting of a timeline extension on June 29, the applicants provided additional information on July 1, 2021.

3. Upon analyzing the submissions of fact and law provided by the parties, the Commission considers that the information presented shows *prima facie* that Ms. S.G.R.Q. and her 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, it requests that Colombia: a) adopt the necessary measures to protect the rights to life and personal integrity of Ms. S.G.R.Q. and her nuclear family. In particular, the State must ensure that the protection measures implemented are sufficiently effective and adequate, with the corresponding ethnic, racial, and gender approach, in light of the risks identified in the resolution and responding to the shortcomings indicated; b) adopt the necessary protection measures so that Ms. S.G.R.Q. can continue to carry out her activities as a community leader and human rights defender without being subjected to threatening events against her; 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 facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

4. S.G.R.Q., a 63-year-old Afro-descendant woman from Tumaco, Nariño, who was a victim of the Colombian internal armed conflict and displaced from her place of origin in 2001, is a community leader, belonging to the Association of Displaced Afro-Colombians (AFRODES).³ Currently, she is President of the

¹ In response to the request of the applicants, the Commission decided to maintain in reserve the identities of the beneficiaries, who nevertheless are fully accredited in this proceeding and in the documents forwarded to the State.

² H.A.R.R. (husband), Á.S.R.Q. (daughter).

³ According to the applicants, the Association of Displaced Afro-Colombians (AFRODES) is an organization that provides guidance, support, accompaniment, advice, training, and dialogue in defense of the rights and cultural identity of the Afro-Colombian population in a situation of forced displacement. Since 1990, it has played a role in defending the human rights and cultural identity of the displaced Afro-descendant population in Colombia and has been exposed to a series of attacks against the life and integrity of those who make it up.

Community Action Board (JAC) of the Villa San Marcos neighborhood of the city of Cali⁴ and legal representative of the Art and Office Foundation attached to AFRODES.

5. A.S.R.Q., from Cali, Valle del Cauca, daughter of Ms. S.G.R.Q., is a social and community leader of AFRODES Cali. Since 2019, she has been the Gender Coordinator of AFRODES Cali, where she assists victims of the Colombian armed conflict. She is also the coordinator of COMADRE⁵ of AFRODES Cali and her activities consist of accompanying the drafting of reports that detail the situations of Afro-descendant women who are victims of forced displacement. In May and June 2021, she also participated in the coordination of activities within the framework of the national strike.

6. In May 2020, the proposed beneficiary S.G.R.Q. was threatened with death. Ms. S.G.R.Q. was waiting for public transportation when she received a call to her cell phone from an unknown person who told her to “*count her days*” as president of the Community Action Board. According to the applicants, her reaction to this was to panic, but she decided not to report the threat out of fear and to avoid further exposing herself.

7. Subsequently, on December 10, 2020, while Ms. S.G.R.Q. was in the *Arte y Oficio* soup kitchen,⁶ located in Cali, an unknown young man came to request lunch. The proposed beneficiary told the young man that the lunches had already been finished, so he asked her if there was a bakery nearby. Faced with this question, the proposed beneficiary left the soup kitchen to indicate the location of the bakery. As she walked, the young man caught up with her and took out a weapon from her waistband, to which she reacted by asking: “*Mijo, are you going to kill me?*” He replied: “*Yes, I’ve come to kill you.*” They struggled and he managed to change the direction of the weapon, which he triggered and hit the leader in her neck just to the right side of the aorta.

8. Fortunately, Ms. S.G.R.Q. survived. She was urgently treated at the Carlos Holmes hospital and later, transferred at dawn on December 11, 2020, to the emergency clinic of her Health Provider Entity (EPS SANITAS). The applicants reported that, currently, the proposed beneficiary is pending to receive therapies to regain mobility in her left arm, because the insurance company has not yet approved such care and she does not have the financial resources to pay for the therapies. In addition to the physical damage caused by the attack and the exposure in which she finds herself due to her work, after this incident, Ms. S.G.R.Q. suffers from permanent post-traumatic stress, which requires psychosocial attention, since this is affecting not only the leadership tasks that she performs, but also the capacity with which she measures the danger.

9. The applicants indicated that, due to these events, the Office of the Attorney General of the Nation unofficially opened a criminal notice for attempted murder. However, to date, the material and intellectual perpetrators have not been identified, and progress in the investigation is unknown.

10. Faced with the attack against Ms. S.G.R.Q., since December 2020, her daughter A.S.R.Q. had to assume the responsibilities of her mother in person in the soup kitchen, exacerbating the risk she faces. Thus, the applicants pointed out that, on different occasions, a person came to the soup kitchen, who, from Ms. A.S.R.Q.’s perception, could be identified as someone with military or intelligence training, although always dressed in civilian clothes. On December 12, 2020, Ms. A.S.R.Q. was in the soup kitchen around 8:00 p.m., when two unknown persons arrived, whom she said she had not seen before. These people settled outside the soup kitchen waiting for Ms. A.S.R.Q. to leave and once she did, they approached her asking: “*The soup kitchen will*

⁴ According to the applicants, the Community Action Board of the Villa San Marcos neighborhood is a social, civic, and community organization, of a solidarity, non-profit, private, autonomous nature, with legal status, and with its own assets, composed of the and the inhabitants over 14 years of age in a neighborhood, village, or territory, who organize themselves with the aim of solving the most serious problems of their community, made up of people in a condition of forced displacement by the armed conflict.

⁵ According to the applicants, COMADRE is an autonomous organization of Afro-descendant women victims of the armed conflict, organized to carry out advocacy actions that lead the Colombian government to implement public policies with an ethnic and gender approach, which guarantee reparation for the rights violated during the armed conflict.

⁶ The applicants pointed out that the *Arte y Oficio* soup kitchen is the product of an agreement between the Archdiocese and the Mayor’s Office of Cali. Among the tasks that Ms. S.G.R.Q. carried out was the care of this soup kitchen.

continue to function?” She answered, *“I do not know.”* According to information from the neighbors of the soup kitchen, these two people remained on the outskirts of the place and around 3 a.m. they fired three shots at the wall of the soup kitchen. Likewise, between December 11 and 15, several unknown persons asked the neighbors of the soup kitchen about Ms. S.G.R.Q. and Ms. A.S.R.Q.

11. Subsequently, on December 20, 2020, at 7:00 p.m., two unknown persons appeared suspiciously at the house where Ms. S.G.R.Q. lived before. They asked a neighbor: *“This neighborhood is Puertas del Sol?”*, to which she answered negatively. After a few minutes, these people said to the neighbor: *“We are looking for Ms. Silvia because she suffered an attack, and we want to know where she and the daughter are. We need to speak directly with Silvia’s daughter as we also need her.”*

12. Due to the attack on the life of Ms. S.G.R.Q., protection measures were requested from the National Protection Unit (UNP) on December 23, 2020. Moreover, the Social Leaders Program of the Cali Mayor’s Office, Secretary of Security and Justice, gave the proposed beneficiary thirty days in a foster home, from December 12 to January 12, 2021, but as of this date, she had to resort to self-protection strategies that were available to her without the intervention of state institutions.

13. Between January 15-20, 2021, an unknown man constantly followed Ms. A.S.R.Q., forcing her to change her routes to get to and from the soup kitchen. Also, at the end of the month, while sweeping the soup kitchen platform, an unknown man with a military appearance approached Ms. A.S.R.Q. asking: *“Is there a soup kitchen here? When do they open it?”* To this, she replied: *“We do not know yet.”*

14. On January 27, 2021, the UNP informed Ms. S.G.R.Q. that, as the only protection measure, she would receive the value corresponding to two minimum monthly wages for a period of three months (around 468 USD per month). Faced with this decision, the proposed beneficiary filed a protection action on February 17, which was resolved favorably on the 25th of the same month, ordering the UNP to immediately install a security detail. Thus, on March 4, the UNP determined that Ms. S.G.R.Q. had an “extraordinary” level of risk, considering her to be a “Leader and/or representative of Community Organizations” linked to the Villa San Marcos neighborhood, but not because of the work that also carried out at the regional level within the framework of its work with AFRODES and COMADRES. A protection detail was implemented, made up of an armored vehicle and two protection men, as well as a communication device and a bulletproof vest, which would have a temporary period of twelve months. Regarding these measures, the applicants stated that they are ineffective, because Ms. S.G.R.Q., as well as her relatives, continued to receive threats and harassment after their implementation.

15. Thus, on April 13, 14 and 15, 2021, Ms. S.G.R.Q.’s husband, Mr. H.A.R.R., received several calls on his personal cell phone from numbers that he could identify as “red numbers.”⁷ In these calls, unknown people told him: *“Take care of yourself, take care of yourself a lot,”* and immediately afterwards, they hung up the phone.

16. About a week later, on April 23, 2021, when Ms. A.S.R.Q. opened the soup kitchen, an unknown man with characteristics similar to those mentioned above appeared again, asking for her and her mother: *“I need you to sell me a lunch, but please sell it to me inside.”* Ms. A.S.R.Q. replied: *“We sell you lunch, but it must be outside for pandemic reasons, and you must bring the containers to serve you.”* Before this, the man replied, looking at how he could open the padlock: *“Let me in, find a plate to serve me inside.”* She answered: *“People regularly bring their food racks since those are the biosecurity rules now in the soup kitchen, if you bring them, we will serve you.”*

⁷ According to the applicants, Mr. H.A.R.R. was able to identify the numbers from where the calls were made, because his cell phone has the application “Thread Alert” installed, which identifies as red numbers those who have been reported as dangerous or which are apparently operated from jail.

After a while the man left and Ms. A.S.R.Q. took the opportunity to go quickly to a friend's house. The man returned to the soup kitchen, but was attended to by other persons and, upon not seeing Ms. A.S.R.Q., he left.

17. In this regard, the applicants reported that, according to Ms. A.S.R.Q., the persons who go to the soup kitchen generally show that they require community help. However, this unknown man who has been attending with a suspicious attitude does not seem to be a person who needs it. She also pointed out that the man seems to know the dynamics with which the soup kitchen operates, because he always showed up at the same time of the day in which Ms. S.G.R.Q. had been shot, which is usually the time when both she and Ms. A.S.R.Q. were there. Consequently, Ms. A.S.R.Q. has not returned to the soup kitchen because she fears for her life.

18. In May 2021, Ms. A.S.R.Q. was persecuted on two occasions by two different persons in the San Marcos neighborhood in Cali, where her organization's headquarters are located. As a consequence, she has chosen not to be present in the neighborhood, which has had negative effects on the organizational process she leads. During this same month, she received seven calls from unknown numbers, in which no one spoke. Ms. S.G.R.Q.'s husband also received several calls during the month of May, in which they only told him to take care of himself and to take good care of his wife.

19. Then, on June 6, 2021, at noon, Ms. S.G.R.Q.'s brother suffered an attack at his place of residence, which is the same place where the soup kitchen is located. In this incident, unknown persons broke the windows of the house and threatened the man with burning down the house saying that *"They don't want toads on the site."*

20. A few days later, on June 10, 2021, at 11 a.m., Ms. S.G.R.Q. received a call from a woman who was working as a soup kitchen assistant. She informed her that a man, who had never been seen in the sector, came to the soup kitchen to ask insistently for the telephone number and address of the proposed beneficiary, expressing in a threatening tone *"Give me such information by hook or by crook."*

21. On the morning of June 15, 2021, Ms. S.G.R.Q. and her husband were traveling in the vehicle assigned by the UNP as part of the security detail, when her husband received a call from a person who identified himself as an employee of the package delivery company Servientrega, to confirm in which address a parcel would be delivered for Ms. S.G.R.Q. Faced with this, the husband asked who was making the shipment and its guide number, to which the person did not respond, which made them suspicious of the call. Finally, the address of where they formerly lived at the time of the attack was given, and later it was found that the alleged delivery did not take place.

22. About two weeks later, on June 29, 2021, at 5:45 p.m., while Ms. S.G.R.Q. was traveling through Cali in the vehicle with her protection detail, it was hit by a motorcycle that caused damage to the vehicle and then fled. The bodyguards of the security detail sent a report of the events to the UNP in which they indicated that "the beneficiary was the object of a hit man attack." The applicants stated that, after this incident, the proposed beneficiary is without a security detail since the UNP bodyguards told her that the security detail only operates in mobility, so they have not been present at her residence, and that she also does not have a vehicle to attend her leadership activities.

23. On June 30, 2021, Ms. S.G.R.Q. formally reported the acts of threats and harassment to the Attorney General's Office.

24. The applicants stated that the protection measures adopted by the State are neither effective nor suitable. In this regard, it was reported that, in their implementation, the UNP has rejected any opinion or participation of Ms. S.G.R.Q., particularly, on the people who would be suitable to provide security services, also ignoring her cultural identity and need for the adoption of these measures with a differential approach. In addition, the applicants stated that, as a form of discrimination due to structural racism, cars in poor technical-mechanical conditions have been assigned to her, for which reason they must be in maintenance due to failures

on a recurring basis, hindering Ms. S.G.R.Q. on many occasions from dealing with situations related to her work as a community leader. Similarly, the proposed beneficiary faces obstacles at the institutional level since the authorities of the UNP do not issue the authorizations to mobilize in a precise time, even though the mobility restrictions are adopted to control excessive traffic flow. For this reason, many times the assigned drivers refuse to transport her, and she cannot attend to her community responsibilities since her requests are not authorized for a reasonable time. Thus, there was also a lack of willingness on the part of the bodyguards to adapt to the leadership activities developed by Ms. S.G.R.Q., which, on many occasions, require work during weekends and nights, as well as that, in many cases, unexpected events emerge that require attention.

25. Furthermore, the bodyguards refuse to accompany the proposed beneficiary's husband when he needs to travel, even though, as has been indicated, he has received threats on various occasions. In the same vein, the applicants reported that the UNP denied assigning an additional and independent protection detail for the proposed beneficiary's daughter, Ms. A.S.R.Q., although she is suffering from threats and harassment.

26. On the other hand, it was reported that as a result of the attempt on the life of Ms. S.G.R.Q. in December 2020, she was forced to leave the house where she lived and that was owned by her husband, and was confined for a month in a foster home subsidized by the Mayor's Office of Cali. Subsequently, Ms. S.G.R.Q. had to rent a house in another neighborhood, where she is living with her husband, isolated from their community. The applicants indicated that she currently lives in an urbanization on the outskirts of Cali and that, in order to attend her leadership activities, she must travel for approximately one hour. Before, she did not have to carry out this trip. In this same sense, it was reported that this forced displacement has implied that Ms. S.G.R.Q. has to spend more time and money in transfers to be able to access the health services that correspond to her and to be able to treat the physical sequelae of the attack. Thus, before, it took her between 15 to 20 minutes to get to the clinic, while now it takes her between an hour and an hour and 20 minutes. In addition, she currently does not receive an income and both she and her husband have been surviving thanks to an emergency fund granted by the organization Front Line Defenders and managed by COMADRES. However, it was indicated that this fund was granted from December 31, 2020, for a period of four months, and no longer have it.

27. In addition to the above, Ms. S.G.R.Q. told the applicants that "she lives very anguished and depressed because she cannot see her daughter, so as not to expose her, and because she is so far away, and that being displaced again has generated the feeling of having to start her life again." In addition, she stated that "she has a lot of stress and anxiety to know that her attackers are still looking for her, and that as these feelings increase, the pain in her arm hit by the bullet increases."

28. On the other hand, the applicants reported that, during 2021, Ms. A.S.R.Q. had to change her residence on three occasions as a measure of self-protection, given the continuation of threats and harassment.

B. Information provided by the State

29. On July 1, 2021, a report was received from the State with information from the Ministry of National Defense and the Attorney General's Office. The current status of the complaints filed by the proposed beneficiary S.G.R.Q. and her family members was reported. In this regard, it was reported that the complaint of attempted homicide is in charge of the 32nd Prosecutor's Office of the Crimes Against Life Unit of Cali, and is in the investigation stage, with various orders to the judicial police, without specifying which. Meanwhile, it was reported that the criminal news about the threats to Ms. S.G.R.Q. that occurred during the month of December 2020 was inactivated due to accumulation given the procedural connection with the homicide investigation.

30. Likewise, the State indicated that the investigation of the threats to Ms. S.G.R.Q. and Ms. A.S.R.Q., which occurred on April 21, 2021, is inactive due to non-criminal behavior. Regarding the threats to the husband of the proposed beneficiary, Mr. H.A.R.R., which occurred on April 13, 14 and 15, 2021, it was reported that the

information was sent to the Cali Sectional Directorate to create the criminal notice and carry out the corresponding investigation for these facts.

31. Subsequently, on July 2, 2021, a report was received from the State with information from the National Protection Unit. Thus, in relation to the protection measures provided to the proposed beneficiary S.G.R.Q., it was reported that, on December 18, 2020, the Protection and Special Services Section of the Metropolitan Police of Santiago de Cali (MECAL) contacted Ms. S.G.R.Q. to provide her with basic self-protection recommendations. Subsequently, on January 11, 2021, units from the Los Mangos Police Station visited the home of Ms. S.G.R.Q., but were attended to by her daughter, who told them that the proposed beneficiary had to leave this address for safety reasons.

32. The State also indicated that the Director General of the UNP, through the Risk Assessment Subdirectorate, assigned a professional analyst from the Technical Information Collection and Analysis Corps (CTRAI) in favor of Ms. S.G.R.Q. in order to carry out the respective compilation and analysis of the information related to her level of risk. Subsequently, the case was presented before the Preliminary Assessment Group and the Committee for Risk Assessment and Recommendation of Measures, in a session of March 3, 2021, who validated the risk and issued the following recommendations: "Implement a protection detail made up of one (1) armored vehicle and two (2) protection men. Implement one (1) communication device and one (1) armored vest," for a period of twelve months or until the result of the risk level study is provided. The State indicated that these recommendations were adopted by the Director General of the UNP by means of a resolution dated March 4, 2021 and were communicated by mail to Ms. S.G.R.Q. that same day.

33. By virtue of the foregoing, the State considered that the requirements of urgency, seriousness, and the need to avoid irreparable harm are not met in this international procedure. For this reason, the IACHR was asked to close and file this request for precautionary measures.

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

34. The precautionary measures mechanism is part of the Commission function of overseeing compliance with human rights obligations, as established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18 (b) of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the 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.

35. 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.⁸ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁹ 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

⁸ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures presented by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considering paragraph 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Order of July 6, 2009, considerandum 16.

⁹ 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, Considering clause 8; I / A Court HR. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala, Order of the Court of January 27, 2009, Considering 45; I / A Court HR. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, Considering clause 5; I / A Court HR. [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.

proposed as beneficiaries would be left in case the measures are not adopted.¹⁰ With respect to the precautionary nature, the precautionary measures are intended to preserve a legal situation while it is being considered by the organs of the inter-American human rights system. The precautionary character 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 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 in question to comply with the final decision and, if necessary, to implement the ordered reparations.¹¹ In the process of reaching a decision, and according to 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;
- 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.

36. 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.¹² Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not called upon to find any violation of rights enshrined in the American Convention or other applicable instruments.¹³ The analysis performed herein relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.¹⁴

37. Furthermore, the Commission notes that the proposed beneficiary, as a human rights defender and community leader, faces a noticeable risk due to gender stereotypes, historical discrimination, and prejudices

¹⁰ 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, considering paragraph 5; I / A Court HR. [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, Considering 9; I / A Court HR. [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, considering clause 6.

¹¹ 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, Considering 7; I / A Court HR. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela, Order of the Court of November 25, 2008, Considering clause 23; I / A Court HR. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela, Order of the Court of January 27, 2009, Considering clause 19.

¹² 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](#). Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures, Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

¹³ IACHR. [Resolution 2/2015](#). Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and his family regarding Nicaragua. April 30, 2021, para. 33 [only in Spanish].

¹⁴ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. [Matter of James et al. regarding Trinidad and Tobago](#). 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](#). Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

related to the way she should dress and act or the roles that women should play in society.¹⁵ Thus, the Commission has observed that women human rights defenders are particularly exposed to violations of their rights to life and personal integrity, including various forms of violence against their families in retaliation for their work, and that deeply rooted gender stereotypes are repeatedly used against them to delegitimize their work.¹⁶ Furthermore, in this matter, the situation of particular vulnerability of the proposed beneficiary is accentuated by being an Afro-descendant woman and an elderly person, in a situation of forced displacement and, in consequence, the specific risks she faces due to the combination of these factors. This implies, therefore, approaching the situation of the proposed beneficiary from a perspective that is appropriate to her condition, as well as in view of the differentiated impact that the risk factors faced purportedly have on her, an assessment that the Commission has in fact already made in the context of other situations that require a differentiated analysis in view of the circumstances.¹⁷

38. Considering that in the matter at hand the proposed beneficiary is an Afro-descendant woman, community leader, and human rights defender in a situation of forced displacement, 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 any other factors or circumstances that affect the person proposed as beneficiary or place them in a situation of vulnerability at a given moment and expose them to injury to their rights.¹⁸ This situation may increase or decrease over time depending on innumerable variables.¹⁹

39. Thus, following the terms of Article 25 (6) of its Rules of Procedure, the Commission recalls that, in January 2021, it expressed its concern about the sustained violence against human rights defenders and social leaders that occurred during the year 2020 in Colombia, indicating that those persons who exercise some type of community leadership, such as being a member of the Community Action Board (JAC) of their community, and those who have representation of an indigenous or Afro-descendant leadership are those who are part of the highest percentage of the total cases registered during the year.²⁰ In this same sense, the department of Valle de Cauca, among other departments, was identified as a risk zone to exercise the defense of human rights.²¹ Additionally, the Commission has indicated that women Afro-descendant and defenders who work with displaced persons in the country are among the group of defenders at special risk.²²

¹⁵ IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OEA/Ser.L/V/II., Doc. 207/17, December 29, 2017, paras. 43 & 146; IACHR. Second Report on the Situation of Human Rights Defenders in the Americas. OEA/Ser.L/V/II., Doc. 66, December 31, 2011, para. 283.

¹⁶ IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OEA/Ser.L/V/II., Doc. 207/17, December 29, 2017, para. 303; IACHR. Violence and discrimination against women, girls and adolescents: Good practices and challenges in Latin America and the Caribbean. OEA/Ser.L/V/II., Doc. 233, November 14, 2019; IACHR. Report on the Situation of Human Rights Defenders and Social Leaders in Colombia. OEA/Ser.L/V/II., Doc. 262, December 6, 2019, paras. 68-69.

¹⁷ As an example, the Commission has considered the differentiated risk that pregnant women, women in labor and in puerperium allegedly face within the framework of their best interests, as well as the migrant or displaced population, and people with disabilities. See in this regard: IACHR. Resolution 13/2019. Precautionary Measure No. 150-19. Concepción Palacios Maternity Hospital regarding Venezuela. March 18, 2019.

¹⁸ I/A Court HR. Matter of Members of the Nicaraguan Center for Human Rights (CENIDH) and the Permanent Commission on Human Rights (CPDH) regarding Nicaragua. Order of the President of the Inter-American Court of Human Rights on July 12, 2019, considerandum 42.

¹⁹ I/A Court HR. Caso of Carpio Nicolle. Provisional Measures regarding Guatemala, Order of the Court of July 6, 2009, Considering 26; I / A Court HR. Matter of Members of the Indigenous Community of Choréachi. Request for provisional measures regarding Mexico, Order of the Inter-American Court of Human Rights of March 25, 2017, paragraph 19.

²⁰ IACHR. Press Release No. 13/2021. The IACHR reiterates its concern about the situation of violence registered during 2020 against human rights defenders in Colombia. January 22, 2021.

²¹ IACHR. Press Release No. 13/2021. The IACHR reiterates its concern about the situation of violence registered during 2020 against human rights defenders in Colombia. January 22, 2021.

²² IACHR. Report on the Situation of Human Rights Defenders and Social Leaders in Colombia. OEA/Ser.L/V/II., Doc. 262, December 6, 2019, paras. 47-65; IACHR, Observations and recommendations of the IACHR's working visit to Colombia held from June 8 to 10, 2021, July 7, 2021, para. 29.

40. In this vein, the Commission recalls that the State has the particular duty to protect those people who work in non-governmental organizations, as well as other groups or individuals who work in favor of the defense of human rights, since the work they carry out constitutes a positive and complementary contribution to the efforts made by the State by virtue of its position as guarantor of the rights of the people under its jurisdiction.²³

41. In light of the indicated context, in assessing the requirement of seriousness, the Commission observes that the proposed beneficiary identifies herself as a victim of the Colombian armed conflict, being displaced from Tumaco, Nariño, in 2001, and that she currently belongs to AFRODES, is President of the Community Action Board (JAC) of the Villa San Marcos neighborhood of the city of Cali and is the legal representative of the Art and Office Foundation attached to AFRODES. In this regard, the Commission notes that it has already granted precautionary measures in favor of Afro-descendant social leaders in Colombia,²⁴ including members of AFRODES.²⁵

42. The Commission observes that, during the last year and a half, the proposed beneficiary, her husband, and her daughter have been subjected to various acts of violence, threats, and harassment, constantly and progressively: (i) in May 2020, Ms. S.G.R.Q. was threatened with death via telephone call; (ii) on December 10, 2020, the proposed beneficiary suffered an attempt on her life, being shot in the neck just to the right side of the aorta while she was in the soup kitchen; (iii) on December 12, 2020, the soup kitchen where the proposed beneficiary and her daughter worked was fired with three shots; (iv) on December 20, 2020, two suspicious persons appeared at the former residence of the proposed beneficiary asking the neighbors about her and her daughter; (v) between January 15 and 20, 2021, the daughter of the proposed beneficiary was constantly persecuted by an unknown man; (vi) from April 13 to 15, 2021, the husband of the proposed beneficiary received threats via phone calls; (vii) in May 2021, the daughter of the proposed beneficiary was persecuted twice in the San Marcos neighborhood of Cali; (viii) in May 2021, the daughter and husband of the proposed beneficiary received several threats via telephone calls; (ix) on June 6, 2021, the brother of the proposed beneficiary was threatened and his home, which is reportedly located in the same place as the soup kitchen, was attacked; (x) on June 10, 2021, an unknown man threatened the persons who were in the soup kitchen, while asking about the proposed beneficiary; (xi) on June 15, 2021, the husband of the proposed beneficiary allegedly received a call asking for his address in order to deliver a package, which was never carried out; and, (xii) on June 29, 2021, the proposed beneficiary suffered an attack while traveling through Cali in the vehicle with her protection detail.

43. In this regard, the Commission observes that the incidents against the proposed beneficiary and her family members have increased during 2020 and 2021, from which it can be inferred that they are being followed and monitored constantly, with two worrisome events materializing. First, the attempt on the life of the proposed beneficiary in December 2020, and second, the attack against the vehicle in which she was traveling to carry out her work as a community leader in June 2021. Furthermore, it should be noted that, in the reported threatening events, reference was made to the work of the proposed beneficiary in defense of

²³ See in this regard: I/A Court H.R. Matter of Alvarado Reyes et al. regarding Mexico. Provisional Measures. Order of the Inter-American Court of Human Rights of November 26, 2010, para. 68; I/A Court H.R. Matter of the Forensic Anthropology Foundation regarding Guatemala. Provisional Measures. Order of the President of the Inter-American Court of Human Rights of April 21, 2006, para. 9.

²⁴ See in this regard: IACHR. Resolution 45/2021. Precautionary Measure No. 649-20 Leyner Palacios Asprilla and his nuclear family regarding Colombia. June 1, 2021. Resolution 6/2018. Precautionary Measure No. 140-14. Afro-descendant communities, leaders, and women leaders from Jiguamiandó, Curvaradó, Pedeguita and Mancilla regarding Colombia. (Extension). February 7, 2018. Resolution 22/2014. Precautionary Measure No. 140-14. Yomaira Mendoza et al. regarding the Republic of Colombia. August 13, 2014.

²⁵ See in this regard: IACHR. Resolution 63/2016. Precautionary Measure No. 658-16. Matter of Erlendy Cuero Bravo et al. regarding Colombia. December 6, 2016.

human rights, or they purportedly occurred in the places where Ms. S.G.R.Q. carried out the said work, such as, for example, in the *Arte y Oficio* soup kitchen of the *Arte y Oficio* Foundation attached to AFRODES.

44. The Commission considers that the aforementioned threatening events reflect that the proposed beneficiary has been seriously limited in her ability to freely carry out her activities as a social leader and human rights defender. In this regard, the IACHR takes note of the information provided by the applicants that, as a result of the attempt on the life of the proposed beneficiary in December 2020, she was forced to leave the place where they were living, being subjected forced displacement for the second time in her life. In this same sense, during 2021, the proposed beneficiary's daughter allegedly had to change her residence three times as a measure of self-protection against the ongoing threats and harassment. It is also observed that the proposed beneficiary has purportedly expressed that "she lives very anguished and depressed because she cannot see her daughter so as not to expose her and because she is so far away, and that being displaced again has generated the feeling of having to start her life again [...] She has a lot of stress and anxiety to know that her attackers are still looking for her and that, as these feelings increase, the pain in her arm hit by the bullet increases."

45. The Commission values the information provided by the State regarding the current status of the complaints filed by the proposed beneficiary and her relatives in relation to the incidents of violence that they have suffered. However, beyond stating that the investigations are at the investigation stage, no detailed or specific information was provided on the proceedings carried out or concrete progress in them, which is relevant insofar as threatening events have continued to occur. In addition, although the State reported that the proposed beneficiary has protection measures provided by the UNP since March 4, 2021, no information was provided regarding the claims of the applicants that these are not effective or suitable. In this same sense, the State did not provide information on the fact that the proposed beneficiary allegedly continues to be subjected to acts of violence despite the granting of the protection detail by the UNP, as well as that she is reportedly without this detail since June 29, 2021.

46. On the other hand, the IACHR observes that the proposed beneficiary was allegedly granted protection measures by the UNP on March 4, 2021, consisting of an armored vehicle and two protection men, as well as a communication device and a bulletproof vest, which allegedly have a period of twelve months. At the same time, note is taken of the applicants' statement that these measures are not effective or suitable, because the proposed beneficiary and her relatives have continued to receive threats and harassment after their implementation, as well as that: (i) the UNP allegedly rejected any opinion or participation of the proposed beneficiary in the implementation of her protection detail; (ii) the assigned vehicles are reportedly in poor conditions; (iii) the drivers purportedly refuse to transport the proposed beneficiary, resulting in her not being able to comply with her community responsibilities; (iv) there is reportedly a lack of willingness on the part of the bodyguards to adapt to the leadership activities developed by the proposed beneficiary; and, (v) the protection measures are allegedly not being implemented with an ethnic, racial, and gender perspective. In addition, the Commission notes that, since June 29, 2021, the bodyguards have told Ms. S.G.R.Q. that the security detail only operates in mobility, and therefore, they are not present at her residence, and she does not have a vehicle to appear at her leadership activities.

47. The Commission stresses that, according to the information presented by the parties, to date, those responsible for the acts of violence and intimidation against Ms. S.G.R.Q. have not been identified, even though these acts have persisted and worsened over time. Similarly, the various incidents reported by the applicants indicate that these persons have access to personal and professional information about the proposed beneficiary, and that they can easily locate her and her family members. Similarly, the Commission observes that, given the alleged lack of State actions, the proposed beneficiary was forced to move from the place where she lived to a more distant municipality.

48. Taking into account the foregoing, the Commission considers, from the standard *prima facie* and in the described context of human rights defenders and social leaders in Colombia, it is sufficiently proven that the rights to life and personal integrity of Ms. S.G.R.Q. are at serious risk.

49. Regarding the requirement of urgency, the Commission considers that it has been met, given that the facts described suggest that the risk is likely to continue and exacerbate over time, in such a way that, given the imminent materialization of the risk, and over all given the current lack of adequacy of the protection detail, as well as regarding the gender and ethnic-racial approach, it is necessary to immediately adopt measures to safeguard the rights to life and personal integrity of the proposed beneficiary. At the time of undertaking such assessments, the Commission notes that the risk that Ms. S.G.R.Q., her daughter, and her husband have faced have increased since April 2018 to date, while there are no sufficient elements of assessment to indicate that the risk factors identified over time have been duly mitigated. In this same sense, it is noted that, despite the implementation of a protection detail in favor of the proposed beneficiary since March 2021, so far in 2021, she and her relatives have continued to be subjected to threats, harassment, and other acts of violence, which alludes to the ineffectiveness and inappropriateness of this detail.

50. 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.

51. Lastly, the Commission reiterates the importance of the work of human rights defenders in the region, with special emphasis on the fact that acts of violence, criminalization, and other attacks against them not only affect the guarantees of every human being, but also undermine the fundamental role that human rights defenders play in society and leave all those for whom they work defenseless.²⁶

V. BENEFICIARIES

52. The Commission declares as beneficiaries Ms. S.G.R.Q., her daughter A.S.R.Q., and her husband H.A.R.R., who are duly identified in this proceeding.

VI. DECISION

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

- a) adopt the necessary measures to protect the rights to life and personal integrity of Ms. S.G.R.Q. and her nuclear family. In particular, the State must ensure that the protection measures implemented are sufficiently effective and adequate, with the corresponding ethnic, racial, and gender approach, in light of the risks identified in the resolution and responding to the shortcomings indicated;
- b) adopt the necessary protection measures so that Ms. S.G.R.Q. can continue to carry out her activities as a community leader and human rights defender without being subjected to threatening events against her;
- c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and

²⁶ IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OEA/Ser.L/V/II., Doc. 207/17, December 29, 2017, para. 8; IACHR. Situation of Human Rights in Cuba. OEA/Ser.L/V/II., Doc. 2, February 3, 2020, para. 172.

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- d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

54. The Commission requests as well that the State of Colombia report, within 15 days as from the day after this resolution, on the adoption of the required precautionary measures and to update that information periodically.

55. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected in the applicable instruments.

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

57. Approved on October 4, 2021, by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarete May Macaulay; Edgar Stuardo Ralón Orellana; and, Joel Hernández García, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary