
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 5/2022**

Precautionary Measure No. 858-21
**Families of the *Río Murindó* and *Río Chageradó* Reservations
of the Embera Eyábida Indigenous People
regarding Colombia¹
February 1, 2022
Original: Spanish**

I. INTRODUCTION

1. On September 16, 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 Interchurch Justice and Peace Commission (“the applicants”),² urging the IACHR to require that the State of Colombia (“the State” or “Colombia”) adopt the necessary protection measures to safeguard the rights to life and personal integrity of the families that make up the *Río Murindó* and *Río Chageradó* Reserves of the Embera Eyábida Indigenous People (“the proposed beneficiaries”). According to the request, the proposed beneficiaries are at risk, because they are being subjected to acts of violence, in addition to threats, harassment, displacement, and murders due to the presence of armed groups in the area.

2. Pursuant to Article 25(5) of its Rules of Procedure, the Commission requested additional information from both parties on October 7, 2021. The applicant submitted information on October 20, 2021. On October 15, 2021, the State requested a timeline extension, which was granted on November 9. The State sent a response on November 10, 2021. The State submitted additional information on November 17 and December 24; and the applicant, on December 30, 2021.

3. Upon analyzing the submissions of fact and law offered by the parties, the Commission considers that the information provided shows *prima facie* that the rights to life and personal integrity of the proposed beneficiaries are at serious and urgent risk of irreparable harm. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests that the State of Colombia: a) adopt the necessary and culturally appropriate measures to safeguard the life and personal integrity of the families of the *Río Murindó* and *Río Chageradó* Reservations; b) consult and agree upon the measures to be adopted with the beneficiaries and/or their representatives; and c) report on the actions taken to investigate the alleged facts that gave rise to this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES

A. Information provided by the applicants

¹ Pursuant to Article 17(2) of the IACHR Rules of Procedure, Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the debate and deliberation of this matter.

² According to the request, the 1,276 people who make up the *Río Murindó* and *Río Chageradó* Indigenous Reservations of the Embera People, through their governor Dobaybi Sinigui Bailarin, have expressly stated their consent so that, through the Interchurch Justice and Peace Commission, the request for precautionary measures for the benefit of the families that make up the aforementioned indigenous reservations can be processed.

4. The *Río Murindó* and *Río Chageradó* Reserves are adjacent and are part of the Embera Eyábida indigenous people and are located in the municipality of Murindó, Antioquia. To date, there are 1,276 people who make up 566 family units. The *Río Murindó* Reserve has an area titled in its favor of 18,270 hectares and is made up of the communities Isla, Caredó, Guagua, Chimiadó Gorrojo, and Bichidubi – Rancho Quemado. The *Río Chageradó* Reservation has a titled area in its favor of 19,730 hectares, which was later expanded to 22,500 hectares. The communities of Chageradó, Turriquitado Alto, Turriquitado Bajo, Turriquitado Llano, Chigadó y Narañé are in this reservation. It was reported that, within the framework of the unconstitutional state of affairs declared in judgment T-025 of 2004, the Colombian Constitutional Court issued order 004 of 2009 and recognized the differential impact to which the indigenous peoples are subjected by the armed conflict, identifying 34 ethnic groups that are at risk of being physically and culturally exterminated, among which are the Embera indigenous people.

5. According to the applicants, the territories occupied by the proposed beneficiaries are being occupied by armed groups such as the “Gaitanista Self-Defense Forces of Colombia” (*Autodefensas Gaitanistas de Colombia*, AGC) and the “National Liberation Army” (*Ejército de Liberación Nacional*, ELN). In this framework, a set of events that they have experienced³ since 2020 were reported. *Inter alia*, the following were highlighted:

- a. On February 10, 2020, O.C.D. was purportedly killed by members of the ELN, in the Isla community, while he was bathing in the *Río Murindó*, since the ELN accused him of being an informer for the AGC paramilitaries.
- b. On March 15, 2020, 15 AGC paramilitaries reportedly entered the village of Chimiadó, *Río Murindó* Reservation, threatening the population to kill them and forbidding them to move around to walk, hunt, and gather food during the day and at night, as they stated that they would take control of the indigenous territory with the support of the military operating in the area.
- c. On May 7, 2020, AGC men allegedly arrived in the community of Chimiadó, Reservation of the *Río Murindó*, and occupied the community house for eight hours and, later, reportedly fired rifle bursts into the air for 20 minutes.
- d. On May 8, 2020, an armed confrontation reportedly took place between ELN units and the AGC near the community of Chimiadó, *Río Murindó* Reservation. The AGC allegedly asked the community to treat an injured person, which put them at risk of death from the ELN.
- e. On May 18, 2020, the ELN and the AGC reportedly clashed 50 meters from the Isla community, *Río Murindó* Reservation. They pointed out that since November 2019 the community has not been able to move freely around the territory due to clashes and mined roads.
- f. On June 9, 2020, six armed men from the AGC entered the Isla community, *Río Murindó* Reservation, asking for the indigenous leader, J.H.S., whom they approached and physically assaulted while he was on the floor.
- g. On June 16, 2020, there was an alleged confrontation between the AGC and the ELN in the vicinity of the headwaters of the *Río Murindó*.
- h. On October 9, 2020, in the *Río Murindó* Reservation, Antioquia, the indigenous L.H.R. was reportedly released after being detained by AGC paramilitaries on September 6, who accused him of belonging to the ELN.
- i. On November 22, 2020, men from the AGC reportedly entered the Chimiadó community, *Río Murindó* Reservation, asking for E.D.B., a member of the community. They allegedly beat him and threatened to kill him, accusing him of supporting the ELN guerrillas.
- j. On February 2, 2021, the Embera indigenous community of the *Río Murindó* and *Río Chageradó* reservations reportedly received an audio message from a man who identified himself as “Andrés,” a member of the ELN, announcing the installation of anti-personnel mines on main roads to confront the AGC and the military that support them. In the message, entry and exit to or from the Reservations of the Murindó municipality was reportedly prohibited. It was reported that days ago, in the surroundings of the Reservations, the AGC purportedly located their units with the complicity of the Armed Forces.
- k. On February 6, 2021, in the *Río Murindó* and *Río Chageradó* Reservations, a sound communication was reportedly received from an alleged ELN commander operating in the region, indicating that from February 7 at 2:00 p.m. no one would be able to travel along the trails or the Chibirico plantations, due to the installation

³ The applicants also generally questioned certain business activities in the area, and their relationship with the right to consultation and socio-environmental impacts.

of antipersonnel mines. Similarly, they are said to have prohibited the population from searching for a signal to communicate.

- i. On February 8, 2021, a total of 104 people from the community of Chimiadó, *Río Murindó* Reservation, reportedly had to take refuge in the community school due to an armed confrontation between the AGC and the ELN, 500 meters from the community.
- m. On February 24, 2021, four ELN armed men reportedly entered the Isla community, *Río Murindó* Reservation, accusing four members of the community of being members of the AGC. One of these was purportedly retained and tied up, while the others were able to take refuge. Two days later, the ELN allegedly managed to tie up and retain the rest of the members mentioned.
- n. On February 28, 2021, 500 meters to the east of the Isla community, Murindó, two people were reportedly affected by the explosion of an antipersonnel mine installed by members of the ELN. It was noted that a 13-year-old boy lost his right leg and a teacher was less seriously injured.
- o. On April 12 and 13, 2021, in Murindó, Embera leaders were purportedly followed by members of the AGC who are said to control the urban area, amid police presence in development of their activities with community delegates.
- p. On September 13 and 14, 2021, Embera leaders were reportedly followed by members of the AGC, in the midst of police presence during their activities.
- q. They reported that, during August and September 2021, armed actors recruited 12 children, who were used as “informants.”

6. The applicants alluded to the existence of testimonies about the pregnancy of 6 young women between the ages of 12 and 18 by armed actors who are said to use them to initiate social controls of the communities. They also reported that there is a total of six confined communities and three displaced communities in the *Río Murindó* and *Río Chageradó* indigenous Reservations. In particular, they reported two large displacements. The first, in October 2019, when eleven families, made up of 60 people, moved to the urban area of Murindó, as a result of clashes between the AGC and the ELN, leaving 2,122 indigenous people in Murindó and 768 in Dabeiba in a situation of confinement. The second occurred on February 4, 2021, affecting 179 people (about 40 families). It was alleged that the aforementioned scenario generated a humanitarian crisis in the *Río Chageradó* and *Río Murindó* Reservations, in terms of food, health, education, and protection. It was noted that the food supply reportedly decreased, with an increase in child malnutrition. In this regard, according to the applicants, the state authorities announced humanitarian food aid for only 50% of the population, even though malaria symptoms in 30% of the Embera are verifiable, as well as the levels of malnutrition of the kids. The applicants also alleged situations of violence that had occurred in other nearby territories, such as Chocó, where there were also members of the Embera people, alleging the existence of the same context.⁴

⁴ The following facts were alleged: a. On January 3, 2020, the AGC group once again carried out armed operations in the territory of Jiguamiandó; b. On January 5, 2020, the AGC reportedly entered the Embera community of Dearade, Carmen del Darién, which is part of the Cabildo Mayor Embera de Urada-Jiguamiandó. The AGC reportedly asked for the names of the leaders, affirming that they should be linked to the coca crops and allow the deforestation of the territory. They also reportedly claimed to have control of the territory; c. On January 6, 2020, the AGC group reportedly carried out armed operations in the Alto Guayabal Environmental Humanitarian Reserve; d. On January 8, 2020, ten AGC paramilitaries dressed in civilian clothes entered the property of an indigenous person from the community of Nuevo Cañaveral, Jiguamiandó, destroying 600 plantain plants with four months of production. The productive project was driven by Embera indigenous people supported by the international community; e. On February 11, 2020, armed men from the AGC reportedly entered the Nuevo Cañaveral reservation, Jiguamiandó, shooting those who were there; f. On March 25, 2020, it was learned that the Embera community of Ibudó and Padado, of the Urada-Jiguamiandó Reservation, is still pressured by the AGC to possess their territories; g. On March 26, 2020, an armed confrontation between AGC and ELN took place for 25 minutes near the community of Coredó; h. On April 4, 2020, a group of AGC paramilitaries entered the house of an Embera family in Jaiba-Coredocito, Jiguamiandó, and arbitrarily searched the house; i. On July 19, 2020, coca growers associated with the AGC allegedly threatened the Embera indigenous person and governor L.S. in his home in the Padadó Reservation, holding him responsible for the eradication of coca crops carried out in the Urada Reservation by Army units. They reported that on July 29, 2020, indigenous communities mobilized demanding sanitation of the Reservation property, in the face of the intervention of foreign coca growers who are supported by armed groups in the development of these crops. The coca growers have threatened to kill the indigenous leaders who are demanding respect for their territory, their uses and customs; j. On August 7, 2020, the leader and governor L.S. traveled to Mutatá, Antioquia, after threats and accusations by lime settlers who had illegally occupied the land in the Reservation of Urada, Jiguamiandó. They accused him of promoting the eradications in the territory carried out by the Embera indigenous people and Army units; k. On October 26, 2020, in the vicinity of the Alto Guayabal and Bidoquera Reservation, Jiguamiandó,

7. In the information provided by the applicants on October 20, 2021, it was noted that on September 10, 2021, through an official letter, the Attorney General's Office expressed its concern upon learning that during 2021 the High Commissioner for Peace allegedly registered 18 accidents due to explosive devices in the Embera community of Antioquia and Chocó. In this regard, the applicants indicated that, since February 2021, it has been reported that the armed groups of the ELN and the AGC are mining within the territories of the Reservations, and that the clashes have intensified in this area. In particular, information was reported on three victims in the municipality of Murindó in 2021: 13-year-old P.D.M. from the Islas community, who was injured and lost his right leg after stepping on an explosive mine; 26-year-old D.B.C. from the community of Turriquitado Alto, who was injured on his left extremity and lost his leg when he stepped on the explosive device; and 26-year-old RBD, who died instantly after stepping on the explosive device.

8. It was also reported that, after a communication from the Ombudsperson's Office on April 28, 2021, in which the will to replace crops for illicit use is expressed, no answers on the merits have been obtained on the situation alleged by the different state entities. Moreover, it was reported that until October 19, 2021, no opening of any type of judicial process on the alleged facts has been notified and that there are no protection measures.

9. The Commission received additional information on December 30, 2021. The applicants reported that on December 22, 2021, the indigenous leaders H.B. and R.B.D. were intercepted by 20 men from the AGC, when they were on their way to a football match organized by the community of Turriquitado Llano. The latter was reportedly released stating: "this Embera has a problem with us. You go, you have no problem with us. But your partner stays, he doesn't go with you or to the community, he stays with us. The only thing we tell you is that no one can find out. Don't report anything." Then, on December 23, 2021, the lifeless body with signs of torture of the indigenous leader H.B. was found, hanged with a rope from a tree. In this regard, it was noted that on December 28, 2021, the AGC claimed liability for the murder. They argued that the murder of H.B. leaves his family unprotected and the communities of the *Río Murindó* and *Río Chageradó* indigenous reservations terrified.

B. Response from the State

10. On November 10, 2021, the State of Colombia reported on the actions carried out by the Colombian National Army. Thus, it pointed out that the Voltígeros Infantry Battalion No. 46 constantly maintains military operations in the general area of the municipality of Murindó with the military units that are deployed in that sector, carrying out a territorial control operation and military operations for security and defense, in order to counteract the criminal actions of the armed groups in the area. Along these lines, they explained that they are carrying out military operations aimed at continuing the military demining in the area, where several improvised explosive devices have already been destroyed. They

soldiers reportedly detained Embera indigenous people when they returned to their community with survival supplies, arguing that the food was destined for the guerrillas; l. On November 9, 2020, the Embera indigenous people of Bajo Atrato reportedly indicated that the AGC exerts very strong pressure on the indigenous communities, recruiting some young people who are offered between 400,000 and 800,000 pesos (USD 100 and USD 200) to enter to their ranks; m. On December 8, 2020, in Riosucio, Chocó, two Embera leaders were declared a military target and received telephone death threats from the AGC, pointing them out as responsible for guiding coca eradication in the Urada Reservation, Jiguamiandó. Three days later, on December 11, 2020, it was confirmed that there is a plan by the AGC to attack the leaders of Alto Guayabal and members of the Environmental Guard; n. On January 8, 2021, an Embera teacher was allegedly intimidated by an AGC paramilitary, in the town of Pavarandó Grande, Antioquia; o. On January 17, 2021, 200 meters from the Pavarandó river bridge, Mutatá, eight AGC paramilitaries kidnapped the leader Embera J.B., an environmental guard from Nuevo Cañaveral, who, after four hours in prison, was released by the paramilitaries; p. On February 2, 2021, a member of the Urada Reservation, Jiguamiandó was allegedly beaten, ill-treated and robbed by AGC paramilitaries between Mutatá and Pavarandó, at a checkpoint a few minutes from a police post and military forces mobility site.

reported that throughout 2021 they carried out 8 military operations in the area (4 territorial control and 4 offensive operations).

11. They reported that, as a result of their operations against the armed groups that commit crimes in the municipality of Murindó, the following complaints had been filed against the Manuel Hernandez Front of the ELN, alias “El Boche,” before the 76th Specialized Prosecutor of Medellín:

- a. On June 26, 2021, for harm to an indigenous child from the community of Amparradó Medio due to the activation of an explosive device.
- b. On July 16, 2021, due to the affectation of a member of the community of Turriquitado Alto, because of the activation of an explosive device.
- c. On September 16, 2021, due to the confinement and displacement of the members of the indigenous communities of the municipality of Murindó.
- d. On September 22, 2021, 3 complaints, for the use of illicit means and methods of warfare (planting of antipersonnel mines).
- e. On October 20, 2021, for the crime of using illicit means and methods of warfare (planting of anti-personnel mines).

12. Additionally, they reported that no complaints and/or requirements have been received from the judicial authorities and the Public Ministry related to the alleged coexistence of the police with the illegal armed groups. On the other hand, it was pointed out that the Human Rights Directorate attached to the Government of Antioquia has carried out different actions to deal with the humanitarian emergency caused by the actions of illegal armed groups, among which the following stand out:

- a. Rescue and accompaniment of indigenous victims of antipersonnel mines, following the attention route established for these cases.
- b. Adaptation of the mine risk education (MRE) pedagogical material to the Embera language.
- c. Advice and technical assistance to municipalities and local authorities with jurisdiction on the matter, on the attention route for victims of accidents with MAP3, MUSE4 and AEI5.
- d. Management at the Unit for Attention and Reparation to Victims, for the delivery of food packages to the affected families.
- e. Processing before international cooperation organizations, for the provision of humanitarian aid consisting of food packages, as well as kits for primary health care.
- f. In August 2020, the rapid response plan was structured for the indigenous communities of Murindó, Dabeiba, Frontino, and Urrao, including emergency MRE sessions, health brigades, agricultural and food security projects, improvements in educational infrastructure, provision and strengthening of the indigenous guard.
- g. Within the framework of the Antioquia Social Air Program, MRE actions are carried out in prioritized ethnic communities.

13. Furthermore, it was reported that the humanitarian missions of verification and accompaniment have been documenting the violations of Human Rights and infractions of International Humanitarian Law of which the communities are victims, updating the population censuses by community, for the processing of humanitarian aid at the Comprehensive Care and Reparation Unit for Victims, among other actions. Regarding the work of the National Protection Unit, it reported, through a communication dated October 27, 2021, that the *Río Murindó* Reservation and the *Río Chageradó* Reservation have work orders No. 311 and 312, respectively, which are active, pending Risk Assessment Workshop.

14. On November 17, 2021, the State reported that there are 11 active investigations in the investigation stage before the Office of the Attorney General of the Nation, in 9 of which the perpetrators are still being investigated. The complaints relate to the following facts:

- a. Alleged acts of terrorism committed on April 4, 2019, against the communities belonging to the *Río Murindó* and *Río Chageradó* Indigenous Reservations were reported.
- b. The incursion of the AGC armed group, led by alias “Pica,” into the Isla Indigenous Community in the *Río Murindó* Reservation, on July 11, 2019, was reported. In this regard, they reported that the person responsible was identified, but, on October 25, 2021, the preclusion of the investigation was requested due to the impossibility of continuing with the exercise of the criminal action due to the death of alias “Pica.”
- c. The forced displacement of families from the community of Chageradó to the urban center of Murindó was reported on September 1, 2019.
- d. The murder of a member of the indigenous community of Alto Guayabal, in the indigenous community of Isla in *Río Murindó* Reservation, was reported on February 10, 2020.
- e. It was reported that on November 22, 2020, a member of the Islas community was reportedly threatened by the AGC group. It was reported that on May 6, 2021, a protection measure was issued; on June 15, 2021, the Methodological Program was carried out and since that date an investigative activity has been carried out.
- f. The displacement of the civilian population in the municipality of Murindó was denounced, which reportedly occurred on November 25, 2020, due to the actions of the Clan del Golfo group.
- g. On December 31, 2020, it was reported that 5 indigenous deserters from the armed groups are being threatened by them.
- h. It was reported that on March 2, 2021, the Indigenous Community of Caredó were threatened to be killed if they did not vacate their territories within one day. It was also reported that 47 families from the Alto indigenous community, *Río Chageradó* Reservation, were collectively displaced to the Turriquitadó Llano community of the same indigenous reservation.
- i. On May 4, 2021, it was reported that a member of the Isla community received death threats in November 2020 by the ELN, accusing him of working for the AGC group; and, later, on February 25 and 26, 2021, the ELN came to his community to look for him and other young people.
- j. On May 28, 2021, it was denounced that on February 25 armed men, presumably ELN members, arrived at the indigenous community of Islas, Reservation *Río Murindó*, in order to take a young man from the community. In view of this, the Indigenous Guard members objected and were threatened in response. It was reported that on June 2, 2021, a protection measure was issued. On June 9, 2021, the Methodological Program was carried out and since that date, 1 investigative activity has been carried out.
- k. On May 31, 2021, it was reported that A.B. was threatened by the AGC group, accusing him of belonging to the ELN,⁵ and was told that if he did not provide information about the ELN, they were going to burn his entire family. It was reported that the “indicted ones” are the Commander of the AGC alias “Tuto,” alias “Pastrana” and Wilmar Balarín. Similarly, regarding the advanced judicial proceedings, it was noted that on June 2, 2021, a protection measure was issued, on June 9, 2021, the Methodological Program was carried out and since that date an investigative activity has been carried out.

15. Moreover, the State detailed the set of actions that the National Police and the Army have been deploying to guarantee the protection of the population in general and safeguard the national territory.⁶ On December 24, 2021, it was reported that throughout 2021 there were 6 victims of antipersonnel mines in the municipality of Murindó, one of whom died; and the actions carried out for their attention were detailed, such as the activation of the Comprehensive Attention Route for Victims (*Ruta de Atención Integral a Víctimas*) and the monitoring and accompaniment of municipal officials in

⁵ According to the information provided, they accused him of doing so because on June 15, 2020, the ELN had camped on his property located in the territory of the Bachidubi community of the *Río Murindó* Reservation.

⁶ The National Police-Urabá Police Department has a Tactical and Operational Deployment of the Police Service, in the jurisdiction, in order to help strengthen the conditions required by the general public and be able to neutralize any actor and/or factor that could negatively affect citizen coexistence. Moreover, bulletins No. 007-2020, 008-2020, 010-2020 and 001-2021 were issued, in order to alert about the public order situation that affects the indigenous communities of the municipality of Murindó. In addition to this, from the intelligence section, the situational analysis was carried out to guide the command in decision-making in order to anticipate and prevent damage to people and property; from the criminal investigation section, a criminal investigation was opened ex officio, against the leadership of the ELN guerrilla; from the protection and special services section, the National Protection Unit was requested to carry out a security study of the indigenous communities at risk, among other actions. The Armed Forces, for their part, continued with demining activities in the affected areas and/or surrounding territories. Additionally, through the Voltigeros Battalion and the Marine Infantry Battalion, they managed to establish preventive and control plans to guarantee the safety of the population of Murindó – Antioquia.

order to guarantee the delivery of emergency aid kits. The actions carried out by the Office of the High Commissioner for Peace were reported, highlighting Mine Risk Education activities, and humanitarian demining and territorial management operations.⁷

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

16. The mechanism of precautionary measures is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. The precautionary measures mechanism is described in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

17. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.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 proposed as beneficiaries would be left in case the measures are not adopted.¹⁰ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply

⁷ The Office developed an MRE workshop in October 2020 for the municipality of Murindó specifically, benefiting the communities of Rio Murindó and Rio Chageradó, and achieving the appropriation of safe behaviors in the face of the risk of contamination by mines. Regarding the demining operations, four requests were sent (on March 2, March 4, April 15, and June 23, 2021) for verification of the territory to the General Command of the Military Forces (*Comando General las Fuerzas Militares*, CGFEM), for the municipality of Murindó, so that the verification in the territory of the presence of anti-personnel mines or other explosive devices is carried out by the police. Moreover, on July 26, 2021, the CGFEM was asked to verify the security conditions of the municipality of Murindó to determine the feasibility of carrying out humanitarian demining tasks in a micro-zoned manner in the area, and on October 26, 2021, it was again urged to perform the inspection of the military forces, to determine the feasibility of resuming humanitarian demining operations. Regarding territorial management, the Office allegedly supported the government of Antioquia in the centralization of the follow-up and monitoring of the Comprehensive Action against Antipersonnel Mines; it technically assisted in the Expanded Security Council, held on July 21, 2021, and convened by the Departmental Security and Coexistence Secretariat of Antioquia; it analyzed the persistent challenges in the cases of rescue and evacuation of victims, proposing agreements in this regard.

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

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, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez regarding Guatemala](#). Provisional Measures. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

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, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

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 recalls that:

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

18. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.¹² Similarly, it is pertinent to clarify that, according to its mandate, the Commission is not called upon to find individual liabilities. Nor, in this proceeding, does it correspond to determine whether there were human rights violations of the applicable instruments, since the foregoing would require an analysis on the merits, which is better suited to a petition or case. The following analysis relates exclusively to the elements established in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.¹³

19. When analyzing the situation presented, the Commission considers it relevant to understand the alleged facts in their context. In this regard, on November 24, 2021, the Commission reiterated its concern about the structural persistence of violence in Colombia and called on the State to reinforce all measures and actions to address the structural causes of violence in the country.¹⁴ On that occasion, the IACHR indicated that there are acts of violence in the departments of the Pacific region, including Antioquia, which disproportionately affect, among others, indigenous peoples.¹⁵ As background information, the Commission also recalls that, in 2020, most of the murders that occurred during that semester were recorded in territories that were historically affected by the armed conflict and that the State has identified as “Risk Zones,” as the department of Antioquia.¹⁶

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, 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.

¹² In this regard, for instance, referring to provisional measures, the Inter-American Court has indicated that a minimum of detail and information is required to assess, *prima facie*, whether an extremely serious and urgent situation exists. I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of 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 In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertinent to issues other than those which relate strictly to the extreme gravity, urgency, and the necessity to avoid irreparable damage to people.” See in this regard: I/A Court H.R. [Matter of James et al. regarding Trinidad and Tobago](#). Provisional Measures, Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Provisional Measures, Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish]. [Case of Barrios Family v. Venezuela](#). Provisional Measures, Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

¹⁴ IACHR, [The IACHR reiterates its concern over the structural persistence of violence in Colombia](#), November 24, 2021

¹⁵ *Ibidem*

¹⁶ IACHR, [The IACHR expresses its concern over murders against human rights defenders and social leaders during the first half of the year in Colombia 2020](#), July 23, 2020.

20. Regarding the particular situation of indigenous peoples, on December 29, 2021, the IACHR expressed its concern over the ongoing structural challenges to peacebuilding in the territories of ethnic peoples and urged the State to take urgent measures to safeguard the survival of these communities and to guarantee their life and personal integrity, taking into consideration an intercultural and collective perspective.¹⁷ The Commission also notes that, as indicated by the applicants, the Constitutional Court of Colombia has assessed that the Embera are among the indigenous communities at risk of being physically and culturally exterminated in Colombia (see *supra* para. 4).

21. In analyzing the requirement of *seriousness*, the Commission considers it relevant to take into account the context, as well as the specific characteristics of the proposed beneficiaries, who are members of communities living in two neighboring Reservations of the Embera Eyávida indigenous people in the municipality of Murindó in the department of Antioquia. In this regard, the applicants reported on a series of events that purportedly occurred between 2019 and 2021, both in communities of the *Río Murindó* Reservation and the *Río Chageradó* Reservation. In this regard, the Commission understands the seriousness of the situation raised in attention to the following elements:

- Presence of armed groups, such as the AGC and the ELN, in the territories of the identified Reservations, who allegedly also carry out death threats and physical aggressions, including the use of firearms (see *supra* para. 5);
- Clashes between the armed groups in the territories of the Reservations, which would place the proposed beneficiaries in a delicate situation in the face of armed violence (see *supra* para. 5);
- Proposed beneficiaries are reportedly accused of belonging to the opposing side of the groups in confrontation, which has led to detentions and attacks against them by members of such armed groups in the context of an alleged dispute between them (see *supra* para. 5);
- Installation of anti-personnel mines in the area, which the applicants attributed to the armed groups present in their territories, affecting the proposed beneficiaries after these were activated and exploded (see *supra* para. 5);
- Prohibitions that the armed groups allegedly imposed on the proposed beneficiaries in terms of displacement and subsistence activities, which the applicants described as intentions of territorial control by the armed groups (see *supra* para. 5);
- Complaints about recruitment of indigenous children as “informants” of an armed group (see *supra* para 5.);
- Complaints of pregnancy of young women by armed actors, which were described by the applicants as the initiation of social controls in the communities (see *supra* para. 6);
- Displacements of the proposed beneficiaries as a result of armed violence, which they described as a “humanitarian crisis” (see *supra* para. 6);

¹⁷ IACHR, *IACHR calls on Colombia to adopt urgent measures to guarantee the rights of indigenous peoples and black, Afro-Colombian, Raizal and Palenquera communities*, December 29, 2021

- Murders in the communities of the identified Reservations, such as the one that occurred on February 10, 2020, in Isla, Reservation *Río Murindó* (see *supra* para. 5); or the one that took place on December 23, 2021, in Turriquitado Llano, Reservation *Río Chageradó* (see *supra* para 9).

22. The Commission understands that the alleged facts, understood as a whole, make it possible to identify ongoing acts of aggression and violent events over time, which has an impact on the members of the identified Indigenous Reservations who cannot live peacefully on their native lands. In some cases, the Commission notes that the armed groups are particularly focused on taking action against the indigenous leaders of the area (see *supra* paras. 5f and 9), who are exposed due to their leadership and visibility, and in the event of being attacked, they would be prevented from fulfilling the mandate granted by their people, according to their own norms. In addition, the Commission notes that the presence of armed third parties, who presumably seek to impose a form of organization different from the original one, can affect the very forms of indigenous organization and their leadership, affect community life, and alter their life plans.¹⁸

23. The Commission considers it important to recall that indigenous peoples have a special and intrinsic relationship with the territory in which they live, which can materialize in various ways depending on the community in question and the specific circumstances in which they find themselves.¹⁹ The Inter-American Court has indicated that “Indigenous groups, by virtue of their very existence, have the right to live freely in their own territories; [since] the close ties of indigenous people with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival.”²⁰ In addition, the Commission considers that the lack of free access to various areas of indigenous people’s territory may prevent them from the use and enjoyment of their land in accordance with their culture,²¹ as well as the effective control thereof.²² This might expose them to precarious living conditions or greater vulnerability, as they are unable to carry out their physical and cultural subsistence activities, as well as subject them to situations of “extreme vulnerability.”²³

24. After forwarding the request to the State in accordance with the terms of Article 25 of the Rules of Procedure, the Commission values the security measures deployed by the Colombian National Army, which reportedly maintains constant military operations in the municipality of Murindó, as well as the actions of the National Police to guarantee the protection of the population, continue with the military demining in the area, and safeguard the national territory (see *supra* paras. 10 and 15). The Commission also notes that according to the National Protection Unit, the indigenous Reservations *Río Murindó* and

¹⁸ I/A Court H.R. Case of the Plan de Sánchez Massacre v. Guatemala Guatemala. Reparations. Judgment of November 19, 2004. Series C No. 116, para. 49.16. See also: IACHR, Right to self-determination of Indigenous and Tribal Peoples, OEA/Ser.L/V/II, Doc. 413 December 28, 2021, paras, 360-362

¹⁹ I/A Court H.R. Case of Pueblo Indígena Kichwa de Sarayaku v. Ecuador. Ecuador. Merits and reparations. Judgment of June 27, 2012. Series C No. 245, para. 148.

²⁰ I/A Court H.R. Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua Nicaragua Merits, Reparations, and Costs. Judgment of August 31, 2001. Series C No. 79, para. 149.

²¹ I/A Court H.R. Case of the Afro-descendant communities displaced from the Cacarica River Basin (Operation Genesis) Vs. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 20, 2014. Series C No. 270, para. 354.

²² I/A Court H.R. Case of the Garífuna Community of Punta Piedra and its members v. Honduras. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 5, 2015. Series C No. 304, para. 233; and Inter-American Court. Case of the Saramaka People v. Suriname Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 21, 2007. Series C No. 172, para. 115 and 194.c).

²³ I/A Court H.R. Case of the Afro-descendant communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 20, 2014. Series C No. 270, para. 354.

Río Chageradó, have active work orders No. 331 and 312, respectively, pending the Risk Assessment Workshop (see *supra* para. 13).

25. The Commission values the actions taken by the Government of Antioquia (see *supra* para. 12), the humanitarian verification and accompaniment missions (see *supra* para. 13) carried out by the Office of the High Commissioner for Peace (see *supra* para. 15), among other institutions, to address the humanitarian emergency in the area. These include mine-risk education activities, such as the adaptation of mine risk pedagogical material to the Embera language; the rescue and accompaniment of indigenous victims of antipersonnel mines, following the Route of Attention established for these cases; the documentation of Human Rights violations and breaches of International Humanitarian Law to which the communities are allegedly victims; the updating of the population censuses by community, for the processing of emergency humanitarian aid by the Unit for the Attention and Integral Reparation to the Victims; among others. The Commission also notes that the State reported on complaints against the ELN Manuel Hernandez Front, alias “El Boche,” before the 76th Specialized Prosecutor of Medellín (see *supra* para. 11). In addition, on November 17, 2021, the State reported on 11 active inquiries at the investigation stage before the Office of the Attorney General of the Nation (see *supra* para. 14).

26. In assessing the information provided, the Commission understands that the State has been taking a series of actions in favor of the safety of the population in the area of the municipality of Murindó, as well as humanitarian measures adopted by various national State entities. However, it also notices that, with regard to the issue of security, the specific situation of violence in the territories of the Reservations *Río Murindó* and *Río Chageradó* reportedly persist despite the measures adopted by the State. This affects particularly the members of the Embera people identified in these proceedings. Moreover, while it is noted that the State reported that, the National Protection Unit, has work orders in favor of the Reservations, the Commission does not have elements of assessment that indicate that the protection measures are currently being implemented, or specific elements on when the process of the Risk Assessment Workshop would end. The foregoing is particularly relevant given that the situation of threats, harassment, and violence in the area has purportedly continued for at least the last two years, according to the information available. The Commission also understands that, insofar as the implementation of specific protection measures by the UNP is still pending, there are no elements to analyze their suitability and effectiveness considering the situation presented.

27. Regarding the issue of humanitarian aid, on the one hand, the applicants generally questioned the aid received. On the other hand, the State reported on the measures implemented in this regard. On this subject, the Commission understands that, although it does not have sufficient elements to assess the suitability of the humanitarian aid that the State has been providing, the information available shows that the aid is indeed being provided as a result of the emergency created by the of illegal armed groups. The foregoing is in line with the assessments made regarding the security situation that impacts the Embera members of the two identified Reservations. In this regard, the Commission recalls that there have been allegations of displacement, death threats, harassment, aggressions, and murders that have generated the aforementioned humanitarian situation.

28. Regarding the investigations, the Commission observes that the State has reported complaints of particular concern, which are in line with the allegations made by the applicants in these proceedings. In this regard, it is noted that there are investigations into complaints between 2019 and 2021, such as those related to: inflicting harm on individuals due to the activation of explosive devices, confinement and displacement, use of illicit means and methods of warfare (planting of antipersonnel mines), acts of terrorism, murder, threats, displacement, among others. The Commission notes that protection measures were activated as a result of certain complaints. However, no information was

presented on the scope of these measures nor on the measures adopted in this regard in favor of the persons involved in the events. Regarding the planting of antipersonnel mines, the Commission notes that, according to the State, by 2021 there had been 6 victims of antipersonnel mines in the municipality of Murindó, one of whom died. Although information was presented on the measures adopted in response of such events, the activation of antipersonnel mines reflects the exposure of the Embera population to them, to the extent that the armed groups are reportedly making use of them in the area as part of their actions against the civilian population.

29. The Commission notes that the State determined the liability of a member of the armed group for events in 2019. However, in view of the recently reported events, the Commission notes that the facts have yet to be clarified or responsibilities determined. However, in this regard, the Commission finds that, according to the information provided, no substantive progress has been made in sanctioning those responsible for the threatening events, which is relevant when establishing the risk that the proposed beneficiaries are purportedly facing and the possibility their recurrence. In relation to the foregoing, the Commission notes that the alleged situation presenting a risk is reportedly related to the actions of illegal armed groups, which, according to the information available, continue to operate in the area.

30. In sum, taking into consideration the alleged background and the indicated context, assessed as a whole, the Commission considers that the requirement of seriousness has been met and that, *prima facie*, the rights to life and personal integrity of the inhabitants of the communities of the *Río Murindó* and *Río Chageradó* indigenous reservations of the Embera People are at serious risk. In making this consideration, the Commission takes into account: i) the context monitored by the Commission regarding the particular situation in the department of Antioquia, as a presumed result of the presence of illegal armed actors and territorial disputes between these; ii) the recognized special vulnerability of the indigenous communities and their leaders who live in territories historically affected by the armed conflict, such as the Embera people; and iii) the information indicating that the risk factors are present and are currently materializing, with reported assaults, harassment, and even murder, which have allegedly led some of the proposed beneficiaries having to move out from their community to safeguard their lives in the presence of irregular armed actors in their communities.

31. Regarding the requirement of urgency, the Commission notes that it has been fulfilled given the imminent materialization of a possible impact on the life and integrity of the proposed beneficiaries. In this regard, the Commission takes into account that the facts furnished are indicators of the need to adopt and strengthen immediate measures, including individual protection details, which are necessary, and those of a collective nature in favor of the proposed beneficiaries, as well as adopting the corresponding concertation measures. The foregoing, with the aim of preventing new threatening events from materializing, including deadly consequences, considering that in December 2021, it was reported the murder of a person with signs of torture allegedly committed by the AGC, one of the illegal armed groups.

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

IV. BENEFICIARIES

33. The Commission declares that the beneficiaries of this precautionary measure are the families that make up the *Río Murindó* and *Río Chageradó* Reservations of the Embera Eyábida People. In

this regard, the applicants submitted a population census of the families that make up such Reservations. In any case, understanding the collective scope of these precautionary measures, the Commission identifies that its members are susceptible to identification in the terms of subsections 3, 4, and 6(b) of Article 25 of its Rules of Procedure.

V. DECISION

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

- a) adopt the necessary and culturally appropriate measures to safeguard the life and personal integrity of the families of the *Río Murindó* and *Río Chageradó* Reservations;
- b) consult and agree upon the measures to be adopted with the beneficiaries and/or their representatives; and
- c) report on the actions taken to investigate the alleged facts that gave rise to this precautionary measure, so as to prevent such events from reoccurring.

35. The Commission also 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.

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

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

38. Approved on February 1, 2022, by Julissa Mantilla Falcón, President; Margarete May Macaulay, First Vice-President; Esmeralda Arosemena de Troitiño, Second Vice-President; Joel Hernández García; and Roberta Clarke, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary