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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 36/2024**

Precautionary Measure No. 382-12  
Héctor Sánchez and four other persons regarding Colombia<sup>1</sup>  
June 3, 2024  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of Héctor Sánchez, Alexander Castrillón Cubides, Hugo Mejía, Claudia Fierro Camacho, and Neiret Escobar Vela, in Colombia. In the process of reaching a decision, the Commission evaluated the actions taken by the State during implementation as well as the observations submitted by the beneficiaries' representation. Despite several requests for updates, the representation has not sent any information to the Commission since 2020. Upon being notified that the current risk would be assessed, the representation still did not provide a response. Consequently, upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these precautionary measures.

**II. BACKGROUND INFORMATION**

2. On December 17, 2016, the Commission granted precautionary measures in favor of (1) Héctor Sánchez, (2) Alexander Castrillón Cubides, (3) Hugo Mejía, (4) Claudia Fierro Camacho, and (5) Neiret Escobar Vela, then members of the Community Action Board of the rural subdivision Rubiales (*Junta de Acción Comunal de la vereda Rubiales*). The request for precautionary measures alleged that they were subject to threats, harassment, and acts of violence by security agents hired by a private company (which allegedly controlled the area), police agents, and illegal groups.

3. Upon analyzing the submissions of fact and law, the Commission considered that the information presented showed that the beneficiaries were in a serious and urgent situation. Consequently, and pursuant to Article 25 of the Rules of Procedure of the IACHR, the Commission requested that Colombia adopt the necessary measures to allow the beneficiaries to carry out their activities as human rights defenders and to protect their lives and personal integrity; consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and 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.<sup>2</sup>

4. The José Alvear Restrepo Lawyers Collective Corporation (*Corporación Colectivo de Abogados José Alvear Restrepo* - CAJAR) exerts representation before the Commission.

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

5. During the time the precautionary measures were in force, the Commission submitted requests for information to both parties. It also held a thematic hearing on the matter.<sup>3</sup> Following the granting of the precautionary measures, communications were received on the following dates:

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<sup>1</sup> In accordance with Article 17.2 of the Rules of Procedure of the IACHR, the Commissioner Carlos Bernal Pulido, a Colombian national, did not participate in the debate and deliberation of this matter.

<sup>2</sup> IACHR, [Resolution 65/2016](#), Precautionary Measure No. 382-12, Matter of members of the Community Action Board of the rural subdivision Rubiales regarding Colombia, December 17, 2016 (Only available in Spanish).

<sup>3</sup> IACHR, 185th Regular Sessions, [Hearing No. 15. Implementation of precautionary measures for human rights defenders in Colombia](#), October 27, 2022 (Spanish audio, automatically generated subtitles in English available).

	<b>State</b>	<b>Representation</b>
2016	December 27	No communications
2017	January 19	No communications
2018	April 30	January 19, February 22, June 6, August 14
2019	February 6, April 12, August 15, October 1	January 25, April 8
2020	May 29, November 3	April 6
2021	July 29, August 13	No communications
2024	April 24	No communications

6. The Commission forwarded the communications sent by the parties and requested relevant information between 2017 and 2022.<sup>4</sup> On December 20, 2023, the Commission requested an update from the representation in order to evaluate keeping the precautionary measures in force. The request was reiterated on April 4, 2024. The representation did not reply to the IACHR, and all the granted timelines have since expired.

**A. Information provided by the State**

7. On December 26, 2016, the State and the representation held a concertation meeting. In 2017, the adoption of preventive security measures for the beneficiaries was reported, and allegedly included police inspections at their homes and workplaces. Mr. Héctor Sánchez was provided with a self-protection guide and the contact numbers of police units to facilitate ongoing communication.

8. In 2018, the National Protection Unit (UNP) allegedly implemented measures in favor of Héctor Sánchez. The Unit indicated that they did not have a “request to start a protection route” in favor of Alexander Castrillón Cubides, Hugo Mejía, Claudia Fierro Camacho, and Neiret Escobar Vela. The State reported that there were four active investigations in which Héctor Sánchez was listed as the complainant, and three other investigations in which he is listed as a defendant. In the follow-up and concertation meeting of January 31, 2018, Héctor Sánchez stated that it has been impossible to establish contact with the remaining beneficiaries, but he was reportedly aware that they resigned from their work as social leaders.

9. In 2019, the State reported that Héctor Sánchez had a protection detail that consisted of a security agent, means of communication, and a bulletproof vest. On January 23, 2019, the Commander of the Meta Police Station was ordered to adopt preventive security measures in his favor, including his family unit. Additionally, six ongoing investigations were reported for the crime of threats where Héctor Sánchez was identified as a victim. In 2020, the State indicated that, following the arrest of Héctor Sánchez, the Technical Investigation Corps (CTI) carried out the judicial proceedings and placed him at the disposal of the Guarantee Control Judge in the terms established by law.

10. In 2021, the State detailed that self-protection guides and police inspections were carried out in the residences of Neiret Escobar Vela, Claudia Fierro Camacho, and Alexander Castrillón Cubides. No action could be taken in favor of Hugo Mejía, as they allegedly do not have any information on his place of residence. The State recalled that the aforementioned beneficiaries are no longer members of the Community Action Board of the rural subdivision Rubiales.

11. In 2024, the State stated that there are no active investigations for the crime of threats in which Héctor Sánchez Gómez appears as a victim and presented information on general measures that are being adopted to improve the protection system in Colombia. In particular, it referred to the consultation

<sup>4</sup> On January 26, 2017; April 18, 2018; January 2, July 19, and September 10, 2019; May 4 and October 15, 2020; July 21, 2021, and July 21, 2022.

process between the Ministry of the Interior and civil society with a view to formulating, adopting, implementing, and evaluating a public policy on human rights aimed towards achieving comprehensive peace. The initiative reportedly foresees the implementation of a public policy on human rights and ordered that the public policy on security prevention and collective individual protection be updated. It also calls for the strengthening and modernization of the National Protection Unit.

#### **B. Information provided by the representation**

12. In 2018, the representation reported the circulation of threatening pamphlets. In particular, on July 6, 2017, a threatening pamphlet against Héctor Sánchez was being distributed. It was reportedly signed by the armed group *Autodefensas del Estado Mayor del Bloque M-V-J* (Self-Defense Forces Associated with the High Command of Bloc M-V-J). On June 3, 2018, Héctor Sánchez reportedly received a threatening call in which the individual stated: “we are from the Meta Bloc and we are giving you 24 hours to vacate the rural division Rubiales, otherwise we will kill your whole family, do you understand Mr. Héctor?”. The next day they called from the same number and the message was repeated.

13. In 2019, the representation questioned Héctor Sánchez’s protection detail due to shortcomings in the protection vehicle and the lack of authorization to transfer his security escorts. They also expressed their disappointment regarding the lack of concrete progress in the investigations. On February 21, 2019, there were reports of individuals wearing civilian clothing and carrying rifles near Héctor Sánchez’s residence. On April 2, 2019, he received a threatening message allegedly signed by the “central command of the bloke [sic] Meta” declaring him a military target. On August 21, 2019, the Committee for Risk Assessment and Recommendation of Measures (*Comité de Evaluación de Riesgo y Recomendación de Medidas*) modified Héctor Sánchez’s protection detail, and lifted the assignment of a protection vehicle and a security agent. The assessment reportedly concluded that the threats received were not real or concrete.

14. On February 21, 2020, Héctor Sánchez was arrested in compliance with a warrant issued by the Municipal District Court of San Carlos de Guaroa in the Meta Department, under the criminal charge of aggravated conspiracy to commit a crime for the purpose of extortion, illegal coercion, and obstruction of public roads. Subsequently, the beneficiary was released by a Guarantee Control Judge.

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

15. 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 provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission’s Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

16. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>5</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>6</sup> To do this, the IACHR shall assess the

<sup>5</sup> I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#), Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Matter of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

<sup>6</sup> I/A Court H.R., [Matter of the Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Matter of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order

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.<sup>7</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study 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 with the final decision and, if necessary, to implement the ordered reparations.<sup>8</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

17. In this sense, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions “granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25 (9) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may comply with the requirements outlined in Article 25 of its Rules of Procedure.

18. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping such measures in force requires a more rigorous evaluation.<sup>9</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>10</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>11</sup>

19. In this matter, the Commission recalls that the precautionary measures were granted on December 17, 2016, in favor of the following five persons: (1) Héctor Sánchez, (2) Alexander Castrillón Cubides,

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of January 27, 2009, considerandum 45; [Matter of Fernández Ortega and others](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish).

<sup>7</sup> I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of the Capital Judicial Boarding School El Rodeo I and El Rodeo II](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Plácido de Sá Carvalho Criminal Institute](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6, (Available only in Spanish).

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

<sup>9</sup> I/A Court H.R., [Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17 (Available only in Spanish).

<sup>10</sup> I/A Court H.R., [Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17 (Available only in Spanish).

<sup>11</sup> I/A Court H.R., [Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17.

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(3) Hugo Mejía, (4) Claudia Fierro Camacho, and (5) Neiret Escobar Vela. In that year, it was reported that they were members of the Community Action Board of the rural subdivision Rubiales.

20. Following the granting of the precautionary measures, the Commission has assessed the information available to the parties. In this regard, it understands, on the one hand, that protective measures were implemented in favor of the beneficiaries and, on the other hand, that the factual circumstances that motivated the granting in 2016 have changed, and that the representation has not replied in the last four years.

21. The information available on the measures in favor of each of the beneficiaries and their current situation is detailed below:

- i. *Héctor Sánchez*: Protection measures were implemented in his favor until 2019. His measures included a security agent, a means of communication, and a bulletproof vest. Preventive security measures were also adopted. Since 2019, the representation has not reported any concrete facts against him. In 2020, it was reported only that the beneficiary was deprived of his liberty and had regained his freedom following a court decision.
- ii. *Alexander Castrillón Cubides*: In 2018, it was indicated that he allegedly does not continue to carry out his work as a social leader. In 2021, the State alleged that it had implemented police inspections at his home and was provided a self-protection guide. The information available shows that he is no longer a member of the Community Action Board of the rural subdivision Rubiales. During the time these precautionary measures were in force, no new incidents were reported against him.
- iii. *Hugo Mejía*: In 2018, it was stated that he allegedly does not continue to carry out his work as a social leader. In 2021, the State indicated that it has no information regarding his residence and that Mr. Héctor Sánchez has reportedly ceased communication. The information available shows that he is no longer a member of the Community Action Board of the rural subdivision Rubiales. During the time these precautionary measures were in force, no incidents were reported against him.
- iv. *Claudia Fierro Camacho*: In 2018, it was stated that she allegedly does not continue to carry out her work as a social leader. In 2021, the State alleged that it had implemented police inspections at her home and had delivered a self-protection guide. The information available shows that she is no longer a member of the Community Action Board of the rural subdivision Rubiales. During the time these precautionary measures were in force, no incidents were reported against her.
- v. *Neiret Escobar Vela*: In 2018, it was stated that this person allegedly does not continue to carry out their work as a social leader. In 2021, the State alleged that it had implemented police inspections at their home and had delivered a self-protection guide. The information available shows that this person is no longer a member of the Community Action Board of the rural subdivision Rubiales. During the time these precautionary measures were in force, no incidents were reported against them.

22. The Commission notes that the representation never provided information on the situation of four beneficiaries, instead concentrating solely on the beneficiary Héctor Sánchez. In addition to the security measures that were implemented, the Commission observes that two conciliation meetings were held: on December 26, 2016 and on January 31, 2018. With regard to the investigations, the Commission acknowledges that the State reported the existence of various inquiries, and that in the latest communications there were no longer any reports of allegations of events that could have placed the beneficiaries at risk.



23. Given the lack of response from the representation, the Commission sent several requests for information in the framework of this procedure. Specifically, in the communications during 2023 and 2024, a response was requested as the Commission was to evaluate keeping these precautionary measures in force. The representation did not reply to the Commission's communications, and four years have elapsed without any updates. Consequently, the Commission also recalls that the representatives of the beneficiaries who wish the measures to continue must provide proof of the reasons for doing so.<sup>12</sup>

24. Given the preceding circumstances, the Commission considers that it has no elements to indicate that the requirements of Article 25 of its Rules of Procedure continue to be met. The factual elements of 2016 are not the same today, given that Alexander Castrillón Cubides, Hugo Mejía, Claudia Fierro Camacho, and Neiret Escobar Vela are no longer part of the Community Action Board of the rural subdivision Rubiales. In addition, there is reportedly no information on the current situation of Héctor Sánchez. The Commission emphasizes that the lack of communication from the representation has persisted, despite repeated requests over time, even after being informed that it would evaluate keeping these precautionary measures in force. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,<sup>13</sup> the Commission considers that it is appropriate to lift these measures.

## **V. DECISION**

25. The Commission decided to lift the precautionary measures granted in favor of Héctor Sánchez, Alexander Castrillón Cubides, Hugo Mejía, Claudia Fierro Camacho, and Neiret Escobar Vela, in Colombia.

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

27. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures should they consider that there is a situation that meets the requirements established in Article 25 of its Rules of Procedure.

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

29. Approved on June 3, 2024, by Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary

<sup>12</sup> IACHR, [Basic Guidelines for the Investigation of Violations of the Rights of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II., December 31, 2017, paras. 28-30.

<sup>13</sup> I/A Court H.R., [Matter of Adrián Meléndez Quijano et al.](#), Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; [Matter of Galdámez Álvarez et al.](#), Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24 (Only available in Spanish).