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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 57/2024**

Precautionary Measure No. 833-24  
Adolescent S.J.C.A. regarding Colombia<sup>1</sup>  
August 27, 2024  
Original: Spanish

**I. INTRODUCTION**

1. On August 2, 2024, 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 *Corporación Justicia y Dignidad*, the *Baluartes Campesino Juana Julia Guzmán*, and the *Movimiento Nacional de Madres y Mujeres por la Paz* (“the requesting party” or “the applicants”) urging the Commission to require that the State of Colombia (“the State” or “Colombia”) adopt the necessary measures to protect the rights to life, personal integrity, and health of the adolescent S.J.C.A. (“the proposed beneficiary”).<sup>2</sup> According to the request, the beneficiary has been missing since April 20, 2024, after allegedly being recruited by the illegal armed group of *Segunda Marquetalia*.

2. Pursuant to Article 25 (5) of the Rules of Procedure, the Commission requested additional information from the applicants, who submitted a response on August 9, 2024. On August 13, 2024, the Commission requested information from the State. To date, no response has been received.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that her current location is unknown to date. Consequently, pursuant to Article 25 of its Rules of Procedure, it requests that Colombia: a) adopt the necessary measures to determine the situation and whereabouts of the beneficiary, in order to protect her rights to life, personal integrity, and health, and; b) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicants**

4. The request indicated that the adolescent S.J.C.A. is 14 years old and part of a low-income farming family that resides in the village of Gramales in the municipality of Convención, in the department of Norte de Santander, Catatumbo. It was highlighted that this region, historically affected by violence and the presence of armed groups, faces an alarming increase in the forced recruitment of children and adolescents. Despite the Peace Agreement signed in 2016, the situation allegedly worsened in areas such as Catatumbo, where restrictions imposed by armed groups reportedly limit access to basic resources and perpetuate the vulnerability of the area’s residents. In this context, the request reported that the beneficiary has been missing since April 20, 2024 after being recruited by the illegal armed group of *Segunda Marquetalia*. Her situation is described as a “forced disappearance”.

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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, of Colombian nationality, did not participate in the debate and deliberation of this matter.

<sup>2</sup> The following family members were added as proposed beneficiaries: i. E.C.A., 3 years old; ii. J.A.C.A., 6 years old; iii. B.C.A., 11 years old; iv. Y.C.A., 13 years old; v. Sandra Arenas, mother of the children; and vi. Diomedes Carrascal Durán, father of the children.

5. According to the request, the proposed beneficiary left her home on April 20, 2024, without informing her parents of her destination. Four days later, she sent a message through a neighbor, stating that she had found a good job and had been offered a course and employment as a nurse. Two months later, the proposed beneficiary secretly sent an audio message in which she was heard crying and pleading for help. In the message she expressed that she had been deceived, that she did not want to be where she was, that she was very ill, and had injuries on her body. She also stated that she required medical attention that was not being provided to her. She added that her situation was so unbearable that she had even thought about taking her own life. After learning of the adolescent's situation, family members filed complaints with the Municipal Ombudsperson's Office of Convención and with the Ombudsperson's Office in Ocaña, Norte de Santander. However, according to the officers, they did not receive formal documentation due to security concerns. It was reported that the case was not referred to the Office of the Attorney General and, therefore, no search actions were initiated. The request also included a copy of an email addressed to the Specialized Directorate against Human Rights Violations, in which the recruitment of the proposed beneficiary was reported. On August 8, 2024, the aforementioned body submitted an acknowledgment of receipt, indicating that there was an ongoing criminal investigation.

6. On July 9, 2024, the proposed beneficiary sent a new audio in which she asked her father to help her, as she planned to escape on July 11 or 12 of the same year. She requested that he go to Maicao and wait in a specific residence. The father obtained the resources and went to this municipality in the department of La Guajira. He waited two days in Maicao, following his daughter's instructions, but she did not appear. On August 5, 2024, the proposed beneficiary sent a message to her mother informing her that she had been punished for attempting to escape and that she was being made to carry out cleaning duties. She continued to beg her parents to rescue her.

7. The request also noted that the adolescent has acute bronchitis and Tietze's syndrome. She therefore allegedly requires special care and continued medical examinations to determine an appropriate treatment. It was alleged that Tietz chondrocostal joint syndrome causes pain and inflammation in the chest and can worsen without adequate treatment and rest, while unspecified acute bronchitis requires continued medical attention to avoid serious complications such as lung infections. A medical report dated February 27, 2024 was attached, confirming the reported diagnosis.

8. Due to the lack of activation of search mechanisms by the competent authorities, on August 9, 2024, the proposed beneficiary's representation filed an appeal for protection of constitutional rights (*tutela*) action with the 27th Criminal Court of Bogotá. The aforementioned proceeding is still pending decision.

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

9. The Commission requested information from the State on August 13, 2024. To date, no response has been received, and the granted deadlines have expired.

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

10. 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.

11. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly stated that precautionary and provisional measures have a dual nature, one protective and the other precautionary.<sup>3</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>4</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.<sup>5</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, in this way, 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>6</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.

12. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>7</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not called upon to determine through this mechanism any violation of the rights enshrined in the American Convention or other applicable instruments.<sup>8</sup> This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the

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<sup>3</sup> I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; Case of Carpio Nicolle et al. v. Guatemala, Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

<sup>4</sup> I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), 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>5</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 Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

<sup>6</sup> I/A Court H.R., [Matter of 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 (Available only in Spanish).

<sup>7</sup> I/A Court H.R., [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#), Extension of Provisional Measures, Order of August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

<sup>8</sup> IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96-21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

requirements of Article 25 of its Rules of Procedure, which can be resolved without entering into determinations on the merits.<sup>9</sup>

13. In accordance with the terms of paragraph 6 of Article 25, the Commission highlights that it has been closely monitoring the escalation of structural violence in Colombia in general, and the situation in the department of Norte de Santander in particular. In May 2022, the IACHR expressed concern regarding the acts of violence in Colombia related to the actions of non-state armed groups.<sup>10</sup> In its 2023 Annual Report, the Commission identified the persistence of acts of violence derived from armed conflicts in Colombia, with a special impact on certain groups, such as farming communities.<sup>11</sup> Additionally, an increase in the disappearances of children and adolescents was reported.<sup>12</sup> This situation is allegedly concentrated, among other areas, in the Norte de Santander region, where the proposed beneficiary and her family reside.

14. Following its on-site visit to Colombia in April 2024, in its Preliminary Observations, the Commission evaluated the information received regarding the recruitment of children and adolescents in Colombia by non-state armed groups and criminal organizations. During the visit, the IACHR received with deep concern information about the severe issue of forced recruitment of indigenous, Afro-descendant, and rural adolescents, children, and teenagers by non-state armed groups and criminal organizations.<sup>13</sup> According to reports, armed groups and criminal organizations have developed various recruitment methods, including kidnapping, monitoring of children and adolescents in educational centers, and coercive persuasion.<sup>14</sup> In this latter case, within the context of a lack of opportunities and widespread poverty, displays of power and material resources are used as a strategy to attract and support families in the recruitment of children and adolescents.<sup>15</sup>

15. According to the information received by the IACHR, armed groups often relocate victims of forced recruitment to areas far from their communities and familiar territories, making it more difficult for their families to search for them and for efforts to secure their disengagement.<sup>16</sup> In addition, other armed groups keep recruitment victims in their territories to ensure greater control of community spaces, including schools.<sup>17</sup> In this context, victims of recruitment were allegedly found after being brutally murdered.<sup>18</sup>

16. In this vein, the Commission identified that there are challenges in the protection of children who are separated from their families, which puts their lives at risk.<sup>19</sup> The Commission observed that, in addition to poverty and the lack of opportunities for youth, this critical issue persists due to several reasons, including: the lack of state authority presence in the territories; deficiencies in technical capacities and coordination for implementing public policies to address this grave situation; and impunity.<sup>20</sup>

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<sup>9</sup> In this regard, the Court has stated 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.” I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

<sup>10</sup> IACHR, Press Release 109/22, [IACHR Concerned About Violence Linked to the Actions of Non-State Armed Groups in Colombia](#), May 20, 2022.

<sup>11</sup> IACHR, 2023 Annual Report, Ch. IV.a, Colombia.OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, para. 252.

<sup>12</sup> *Ibidem*, para. 253.

<sup>13</sup> *Ibidem*.

<sup>14</sup> *Ibidem*.

<sup>15</sup> *Ibidem*.

<sup>16</sup> *Ibidem*.

<sup>17</sup> *Ibidem*.

<sup>18</sup> *Ibidem*.

<sup>19</sup> *Ibidem*.

<sup>20</sup> *Ibidem*.

17. These contextual elements are relevant to the extent that they show seriousness and consistency in the allegations presented regarding the proposed beneficiary.

18. In analyzing the requirement of *seriousness*, in addition to the indicated context, the Commission takes into account the situation faced by the proposed beneficiary, a 14-year-old girl allegedly recruited by illegal armed groups and who has been missing with no information on her health since April 20, 2024. In this regard, the Commission takes note of the information provided by the applicants, which state that the adolescent has managed to secretly send text messages and audio messages to her parents. In these messages, she requested aid for her rescue and stated that she is ill, has injuries on her body, and is not receiving medical attention. This situation is reported to have led the proposed beneficiary to consider taking her own life. The information available shows that the adolescent's last reported contact was on August 5, 2024. In that message, she warned that she had been punished for attempting to escape and continued to plead with her parents to rescue her. In view of the foregoing, the Commission considers the current situation of the adolescent S.J.C.A. is extremely serious, since approximately four months have passed since she has been in the alleged conditions.

19. In this matter, the Commission notes that the adolescent's situation has been reported to the state authorities through multiple channels. For example: i. complaint to the Municipal Ombudsperson's Office of Convención; ii. complaint to the Ombudsperson's Office in Ocaña, Norte de Santander; iii. email addressed to the Specialized Directorate against Human Rights Violations, in which the recruitment of the proposed beneficiary is reported; and iv. Filing of an appeal for protection of constitutional rights (*tutela*), filed with the 27th Criminal Court of Bogotá. Given the lack of response from the State, the Commission has no elements to assess the actions that may have been initiated in her favor. The Commission recalls the special reinforced protection that must be adopted for children who are direct or collateral victims of violence; this reinforced protection should translate into specific and concrete actions by the State.<sup>21</sup>

20. The Commission also regrets the lack of response from the State of Colombia to the request for information, despite the seriousness of the allegations. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, it does prevent the Commission from having observations from the State and therefore from analyzing whether the allegations of the applicants may be disproved. This is especially relevant given the seriousness of the situation, which is further amplified by the context in which it is occurring. According to the allegations, the proposed beneficiary was recruited on April 20, 2024 and, since this time, her whereabouts have been unknown. Reports from July and August 2024 indicate that she has been attempting to escape from the armed group that recruited her.

21. Under these circumstances, and based on the *prima facie* standard applicable to precautionary measures, the Commission concludes that it is sufficiently established that there is a serious risk to the proposed beneficiary's rights to life, personal integrity, and health, given the situation she has been facing since April 20, 2024.

22. Regarding the *urgency* requirement, the Commission considers that it has been fulfilled since, given the circumstances that the proposed beneficiary faces, the passage of time in itself is likely to lead to the materialization of further violations of her rights. Additionally, as previously mentioned, there is no information on her current health. Information supported by medical reports indicate that she has health issues that require specific medications and care, which are reportedly not being provided by the alleged recruiters. In this regard, the Commission expresses concern regarding the information received in July and August 2024 that state the adolescent is ill, has injuries on her body, and has suffered unspecified punishments for attempting to escape from the location where she is being held. In these circumstances, the Commission

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<sup>21</sup> IACHR, [Violence and discrimination against women, girls and adolescents: Good practices and challenges in Latin America and the Caribbean](#). OEA/Ser.L/V/II, November 14, 2019, para. 77.

understands that the immediate adoption of measures to safeguard the proposed beneficiary's rights is imperative.

23. As it pertains to the requirement of *irreparable harm*, the Commission considers that it is met, to the extent that the possible impact to the rights to life, personal integrity, and health, by its very nature, constitutes a maximum situation of irreparability.

24. Lastly, regarding the proposed beneficiary's family members mentioned in the request, the Commission believes it currently lacks sufficient information to assess their specific situation. As mentioned in the request, the reported events of risk pertain to the situation of the adolescent S.J.C.A. Should new developments arise, the applicants may submit a new request for precautionary measures, which will be examined according to the provisions of Article 25 of the Rules of Procedure. Without prejudice to this decision, the Commission recalls all the State's international obligations in light of the American Convention and applicable international standards, such as those referring to the duty to protect persons at risk, remain in force.

#### **IV. BENEFICIARY**

25. The Commission declares the adolescent S.J.C.A. as the beneficiary of the precautionary measures, who is duly identified in this proceeding.

#### **V. DECISION**

26. The 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, the Commission requests that Colombia:

- a) adopt the necessary measures to determine the situation and whereabouts of the beneficiary, in order to protect her rights to life, personal integrity, and health, and;
- b) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

27. The Commission requests that Colombia report, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

28. 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 of any violation of the rights protected in the American Convention and other applicable instruments.

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

30. Approved on August 27, 2024, by Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice President; Arif Bulkan; Andrea Pochak; Edgar Stuardo Ralón Orellana; and Gloria Monique de Mees, members of the IACHR.

Jorge Meza Flores  
Deputy Executive Secretary