
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 23/2025**

Precautionary Measure No. 833-24
Adolescent S.J.C.A. regarding Colombia¹
March 1, 2025
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decided to lift these precautionary measures in favor of the adolescent S.J.C.A. with respect to Colombia. At the time of making the decision, the Commission considered the State's request to lift and the observations provided by the representation. The Commission warned that the location of the beneficiary represents a significant change in the factual circumstances. Consequently, the IACHR decided to lift these precautionary measures.

II. BACKGROUND INFORMATION

2. On August 24, 2024, the IACHR granted precautionary measures in favor of the adolescent S.J.C.A., in Colombia. According to the request, the beneficiary had been missing since April 20, 2024, after allegedly being recruited by the illegal armed group of the Second Marquetalia. It was alleged that she communicated with her parents through audio messages and messages, in which she detailed that she was ill, had injuries on her body, and suffered unspecified punishments for attempting to escape. In addition, the attached medical reports indicated that she had health issues and required special care. Although reports have been made to various bodies, it has been alleged that there have been no search actions. Given the lack of response from the State, the Commission had no elements to assess the actions that may have been initiated in her favor.

3. The IACHR considered the seriousness of the passage of time under the alleged conditions, the context in which she was immersed, as well as the deterioration of her health and the potential fatal consequences. Consequently, under the terms of Article 25 of the Rules of Procedure, Colombia was requested to: 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.²

4. The Corporación Justicia y Dignidad, the Baluarte Campesino Juana Julia Guzmán, and the Movimiento Nacional de Madres y Mujeres por la Paz exert representation before the Commission.

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

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

² IACHR, [Resolution 57/2024](#), Precautionary Measure No. 833-24, Adolescente S.J.C.A. regarding Colombia, August 27, 2024.

5. During the time the precautionary measures were in force, the Commission followed up on this situation by requesting information from the parties, on the following dates:

	State	Representation	IACHR
2024	September 4 and 11; October 31; December 19	September 6, 9 and 20; October 23; December 11	October 9 and 31; November 19
2025	January 23	No response was submitted	January 6

6. On December 19, 2024, the State requested the lifting of the precautionary measures. On January 6, 2025, the Commission forwarded the State’s request to the representatives and requested their pronouncement on the matter. No response has been received from the representation, following the request for information of November 19, 2024, which was reiterated on January 6, 2025.

A. Information provided by the State

7. In September 2024, the State reported that the Commission for the Search for Missing Persons carried out a review of databases and no registration was evidenced with respect to the beneficiary. Subsequently, the State reported that the adolescent S.J.C.A. was recovered and was healthy and with her family. It was noted that the Prosecutor’s Office initiated an investigation for the crime of illicit recruitment for the reported facts and that on September 3, 2024, an approach meeting was held with the representation.

8. In October 2024, the State indicated that it would guarantee the rehabilitation of the beneficiary through the Psychosocial Care and Comprehensive Health Program for Victims (PAPSIVI), which aims to mitigate the possible damage caused due to a victimizing event, through the construction of a Psychosocial Care Plan that responds to the damage and particular needs of the victim. On September 10, 2024, the Family Commissariat of the Convention of the North of Santander explained to the beneficiary’s father about the disengaged program for minors of the Colombian Institute of Family Welfare (ICBF) and the modalities from which the adolescent S.J.C.A. could benefit. However, it was revealed that it was not possible to complete the initial stage of verification of the rights of the beneficiary due to the impossibility of establishing contact and communication with her father. The National Police requested the start of a protection route in favor of the adolescent S.J.C.A. and her family unit; however, it was not possible to establish communication with the identified persons.

9. In December 2024, the State requested to lift the precautionary measures because the beneficiary was found alive. Therefore, it considered that her rights to life and personal integrity were guaranteed. On the other hand, it considered that the requests presented by the representation exceed the precautionary measures. Finally, it noted that a follow-up and consultation meeting was held on September 9, 2024.

10. In January 2025, the State reported that the investigation for the crime of illicit recruitment was active and under investigation. In particular, the Prosecutor’s Office reported that an interview with the beneficiary was obtained. The Convention Family Commissariat was consulted if the beneficiary attended an interdisciplinary assessment and protection of fundamental rights. Regarding the protection programs, the Prosecutor’s Office indicated that the father expressed his desire not to be linked to the witness program. Finally, the ICBF detailed that the parents did not accept the inclusion of the beneficiary in the modalities of the disengaged program offered by the entity, as well as that the beneficiary did not appear before the respective commissioner.

B. Information provided by the representation

11. In September 2024, the representation indicated that, thanks to the efforts of the *Movimiento Nacional de Madres y Mujeres por la Paz*, it was possible to find the whereabouts of the adolescent S.J.C.A. The representation requested that the precautionary measures be maintained. In addition, the duty of the State to guarantee the rehabilitation and social reintegration of the adolescent S.J.C.A.

12. In October 2024, the representation denounced the problem of forced recruitment of minors in southwestern Colombia and regretted the lack of efficient actions by the State. In November 2024, the representation warned of threatening calls against one of the lawyers of the *Movimiento Nacional de Madres y Mujeres por la Paz*. Finally, they considered that the families of minors subjected to forced recruitment do not have protection measures in a climate of harassment by armed groups.

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

13. The precautionary measures mechanism is part of the Commission's functions of overseeing compliance with the human rights obligations established 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 Statute of the IACHR; while the mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

14. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.³ Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.⁴ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁵ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. Their precautionary nature aims at safeguarding 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 of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

³ 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.

⁴ 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.

⁵ 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).

- 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.

15. 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 meet the requirements outlined in Article 25 of its Rules of Procedure.

16. 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.⁶ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁷ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.⁸

17. In this matter, the Commission recalls that the precautionary measures were granted in August 2024, as the whereabouts of the adolescent S.J.C.A. have not been known since April 20, 2024, after allegedly being recruited by the illegal armed group of Segunda Marquetalia. Consequently, the Commission requested the State to adopt the necessary measures to determine the situation and whereabouts of the beneficiary, as well as the corresponding investigation. In this sense, the reason for the precautionary measures focused on the whereabouts of the beneficiary.

18. After reviewing the information available in the file, the Commission understands that the parties agree that the whereabouts of the beneficiary have been determined and she is currently with her family. In this regard, the Commission agrees with the State that the factual framework that led to the granting of the precautionary measures has changed significantly. Consequently, it is considered that it is appropriate to proceed with the lifting of this matter.

19. The Commission observes that the representation requested that the precautionary measures be maintained. However, they did not provide specific and detailed information on the situation of the beneficiary under the terms of Article 25 of the Rules of Procedure. Given this situation, the Commission has no additional elements of assessment. On the contrary, the State reported on various rehabilitation programs and protection measures that are at its disposal and require the will of the family.

⁶ I/A Court H.R., [Case of Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17.

⁷ I/A Court H.R., [Case of Fernández Ortega et al.](#), previously cited.

⁸ I/A Court H.R., [Case of Fernández Ortega et al.](#), previously cited.

20. In addition to the above, the Commission notes that the State initiated an investigation into the facts. Notwithstanding this decision, the Commission urges that the State of Colombia continue the investigations and clarify the circumstances related to these precautionary measures, if appropriate, establishing the liabilities that may arise, regardless of their nature.

21. In summary, in the absence of specific information on threatening events against the beneficiary after being located, and taking into account the exceptional and temporary nature of precautionary measures,⁹ the Commission understands that it is appropriate to lift these precautionary measures. Notwithstanding the foregoing, 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 of Colombia to respect and guarantee the rights recognized therein, including the life and personal integrity of the beneficiary, and the duty to investigate and punish human rights violations.

V. DECISION

22. The Commission decides to lift the precautionary measures granted in favor of the adolescent S.J.C.A., in Colombia.

23. 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.

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

25. Approved on March 1, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Edgar Stuardo Ralón Orellana; Roberta Clarke; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary

⁹ I/A Court H.R., Matter of Adrián Meléndez Quijano et al., Provisional Measures regarding El Salvador, Order of the Court of August 21, 2013, para. 22; Matter of Galdámez Álvarez et al., Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24.