
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 34/2024**

Precautionary Measure No. 376-24

Sonia Chilgueso Dagua, Diana Montilla Moreno, and their families regarding Colombia¹

May 23, 2024

Original: Spanish

I. INTRODUCTION

1. On March 22, 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 *Corporación Justicia y Dignidad* (“the applicants”), urging the Commission to require that the State of Colombia (“the State” or “Colombia”) adopt the necessary measures to protect the rights of Sonia Chilgueso Dagua, Diana Montilla Moreno, and their respective families (“the proposed beneficiaries”). According to the request, the proposed beneficiaries are being subjected to intimidation, harassment, and threats by armed groups in Colombia.

2. Pursuant to the provisions of Article 25 (5) of the Rules of Procedure, the IACHR requested information from the State on March 27, 2024. The State responded on April 17 and May 3, 2024. The applicants submitted an additional communication on April 16 and 24, 2024.

3. Upon analyzing the submissions of fact and law offered by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Therefore, the Commission requests that the State of Colombia: a) adopt the necessary and culturally appropriate measures to protect the rights to life and personal integrity of the beneficiaries, in accordance with applicable international standards and obligations. In particular, to determine the situation of V.C.D., daughter of Sonia Chilgueso Dagua, whose whereabouts or fate is unknown; b) implement the measures to be adopted with the beneficiaries and/or their representatives; and c) report on the actions taken to investigate the alleged events that led to this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

4. As context, the request indicated that the 2016 Peace Accords between the government and the Revolutionary Armed Forces of Colombia (FARC) have had devastating consequences. It was reported that former combatants have not received security guarantees, and 425 of them have reportedly been murdered. This reportedly represents 3% of those who signed the agreement. There are alleged FARC mid-level commanders who remain in arms and operate as criminal groups, mostly linked to drug trafficking, such as the FARC’s Central General Staff (*Estado Mayor Central* - EMC). In the department of Cauca, the situation is aggravated by the forced recruitment of indigenous children and adolescents and territorial disputes between the National Liberation Army (ELN) and Segunda Marquetalia. The “Dagoberto Ramos”, “Carlos Patiño”, and “Jaime Martínez” Columns [a column in this context is an armed unit or group, especially one associated with guerrilla or paramilitary organizations] have reportedly expressed their intention to submit to the

¹In 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.

negotiations, within the framework of the so-called Total Peace process. Despite the above, violence continues to occur with greater intensity in the Cauca Department.

5. The applicants request the following proposed beneficiaries: Sonia Chilgueso Dagua, her daughter V.C.D. (born in 2009), and her son V.M.C.D. (born in 2007), an indigenous family from the indigenous reservation of La Cilia, municipality of Miranda, Cauca; and Diana Montilla Moreno, lawyer and human rights defender,² her daughter J.R.M. and her brother D.S.M.M.

- *Situation of Sonia Chilgueso Dagua, her daughter V.C.D., and her son V.M.C.D.*

6. In March 2022, V.C.D. was forcibly recruited by the armed structures of the “Dagoberto Ramos” column of the Central General Staff (EMC) of the FARC in the department of Cauca, which was reported to the Prosecutor’s Office on August 21, 2023. On several occasions, V.C.D. called her mother to confirm that she was okay. In early 2023, V.C.D. told her mother that she was in Nariño’s apartment. In August 2023, V.C.D. became ill and was hospitalized in the city of Pasto. She told her mother that she was with attorney Diana Montilla. V.C.D. did not inform the lawyer that she had escaped from the FARC’s armed EMC group.

7. Sonia Chilgueso urgently contacted the National Police to inform them of her daughter’s whereabouts. Hours later, she received a call from lawyer Diana Montilla, who disclosed that police officers had arrived at the hospital with the intention of taking her daughter. Amid the tension, the lawyer asked if it was true that the young woman had been recruited. The mother denied the truth due to fear of facing repercussions. Subsequently, V.C.D. fled from the hospital and stayed at lawyer Diana Montilla’s house. The situation was brought to the attention of the UN Human Rights Office, the International Committee of the Red Cross (ICRC) and the Ombudsperson’s Office of Colombia. After negotiations between attorney Diana Montilla and government institutions, it was decided that V.C.D. would be placed in the custody of the Colombian Institute of Family Welfare (*Instituto Colombiana de Bienestar Familiar*, ICBF). On August 25, 2023, after the intervention of the family defender assigned to the case, V.C.D. was transferred to the city of Armenia under the care of the ICBF for her protection.

8. During the preceding period, Sonia Chilgueso succeeded in recovering her son, V.M.C.D., who had reportedly also been recruited by the same armed actor and had managed to escape while seeking state protection. The family took refuge in a rented farm in the La Cuchilla village of the municipality of Morales, Cauca. On October 21, 2023, two armed men allegedly went to the farm, asked for V.M.C.D., and threatened the family for hiding V.M.C.D. The family was forced to move to the city of Cali. During her stay in Cali, Sonia Chilgueso traveled to the city of Armenia and visited her daughter on multiple occasions. During one of these visits, the young woman stated that she was unfairly accused of theft in the ICBF foster home. Moreover, she reportedly received racist treatment for belonging to an indigenous community, and she was not attending school, a reason for which her mother presented questions for her daughter’s lack of schooling. This incident led to her transfer to another foster home, causing further concern for the mother.

9. V.M.C.D. was taken to Armenia, Quindío, to request protection before the ICBF. The Family Ombudsperson opened a rights reinstatement proceeding and assigned her to a foster home. In December 2023, V.C.D. escaped while in the custody of the ICBF. Despite efforts to find her, no information was obtained about her whereabouts. Her brother also ran away from the foster home and stayed with relatives. The family was allegedly forcibly displaced.

10. On March 8, 2024, the mother received a call from an unknown person who claimed to know V.C.D. and told her that she had been killed during a confrontation between the ELN and members of the EMC.

²Assists in training processes with farming communities, Afro-descendant, and indigenous communities in the Nariño Department, especially in the mountain range and the Pacific Coast of Nariño.

Sonia Chilgueso immediately went to the Ombudsperson's Office in Popayán, but did not receive any help. She contacted lawyer Diana Montilla in Pasto.

11. On April 3, 2024, it was reported that a body was found in Vereda Quebraditas de Corinto. The remains were sent to the National Institute of Legal Medicine and Forensic Sciences of the city of Cali, where identification was attempted through fingerprints. However, no result was obtained. The remains of the body, presumed to be V.C.D., are unrecognizable. On April 4, 2024, the remains were transferred to the De Santander de Quilichao Prosecutor's Office.

12. On April 6, 2024, a genetic sample was collected from Sonia Chilgueso Dagua to initiate the process of full identification. Despite having contacted the governor's office of Nariño for respective support, as well as the mayor's office of Corinto, Cauca, so far no aid has been provided to aid the family of the adolescent or to activate the protection route for V.M.C.D. The request stated that the family has allegedly never been provided protection, especially in regard to her daughter and son. They considered that the institutions did not activate the appropriate protection routes and therefore left the proposed beneficiaries completely unprotected.

13. In April, it was reported that V.M.C.D. received a message through Facebook. It was allegedly from a person who belonged to the "Jaime Martínez" column. The message indicated that they were searching for him and were going to recruit him. On April 19, 2024, the proposed beneficiaries reportedly established security measures in favor of V.M.C.D. On April 20, 2024, around 6:40 p.m., Sonia Chilgueso was followed by a dark green van with a black tent and two individuals. The driver was a dark-haired, round-faced man in his 40s, and the passenger was a young man of about 16 or 17 years of age. The latter ordered her to get into the vehicle, but Sonia Chilgueso refused. The young man insisted that she comply. In an attempt to escape, Sonia Chilgueso ran and took refuge in a nearby store. The van continued to hover in the area for several minutes. After this incident, Sonia decided to move from the Cauca Department.

14. On April 19, 2024, the Fourth Family Court - Judicial Circuit of Pasto was notified of a decision regarding the appeal for protection of constitutional rights (*amparo*), which protected the rights to personal safety, life, and human dignity of Sonia Chilgueso Dagua and her family. In particular, it ordered: the Administrative Unit for the Attention and Integral Reparation of Victims (UARIV) take the necessary steps, in accordance with the return or relocation process and the conditions for self-sufficiency; that the National Protection Unit initiate the ordinary procedure of the protection program, the corresponding documentation must be submitted; and that the National Institute of Legal Medicine and Forensic Science, to identify the body presumed to be that of V.C.D. The applicants, not satisfied with the decision as they consider it insufficient to protect the proposed beneficiaries, challenged it before the second instance. This challenge is pending decision.

- *Situation of lawyer Diana Montilla and her family*

15. Attorney Diana Montilla performs her work in the Nariño Department. The presence of various armed actors has reportedly been identified in this area, including the FARC EMC, the ELN, the Second Marquetalia and various illegal groups disputing territorial control.

16. On the afternoon of November 23, 2022, attorney Diana Montilla was traveling by car with her two assigned security escort units (one fixed and one mobile) provided by the National Protection Unit (UNP). They were heading along the road that connects Tumaco with Pasto. At kilometer 102, they were allegedly approached by three men armed with rifles, who emerged from a wooded area and positioned themselves in front of the main vehicle while pointing their weapons at them. The security agent, who was driving at the time, was forced to stop the vehicle. At that moment, the men approached them in an aggressive manner and demanded that they get out of the vehicle with their hands in the air. The gunmen immediately requisitioned the escorts. They stripped them of their staff weapons and cell phones. Subsequently, they warned them that

they were not allowed to return to the road and threatened to kill them if they were seen in the area again. As they aimed their rifles, they ordered them to retreat immediately before they changed their minds.

17. The proposed beneficiary's situation has been intensifying since August 2023 after she provided legal counsel to the Chilgueso Dagua family. The request suggested that V.C.D. may have been manipulated by the armed groups to gather information about the human rights defender and orchestrate an attempt on her life. From August to December 2023, the lawyer's daughter and brother, who live with her, noticed the frequent presence of strangers near her residence located in the city of Pasto. These individuals' presence became suspicious as they constantly lingered near the house and stayed for long periods of time while observing the family's routine.

18. In this regard, on October 11, 2023, a van with armed men and equipped with communication devices parked in front of the lawyer's house. On January 30, 2024, via a *WhatsApp* text message from Ms. L.C., one of the leaders of the Alto Mira and Frontera de Tumaco territory, the lawyer was informed that members of the armed group, which currently exercises control over the territory, have prohibited her from entering Alto Mira under threat of assassination. Upon receiving these messages, she decided to call Ms. L.C. to inquire about the situation regarding her safety. She replied that, due to the union of various armed groups, including FARC EMC structures, consolidated in the Second Marquetalia, they have decided to declare her a military objective. Additionally, they warned her that she should steer clear of that territory, and if they find her, they plan to murder and dismember her.

19. On February 25, 2024, at approximately 8:54 p.m., two unknown men who were using masks to conceal their faces arrived on a high-cylinder motorcycle and stopped in front of the proposed beneficiary's residence. While they talked, they pointed towards the residence and then began taking photographs of it. Upon becoming aware of the situation, the lawyer's brother captured images of the individuals. When the men realized this, they quickly turned around on the motorcycle and left the neighborhood. On March 10, 2024, the lawyer's daughter was followed as she was returning to her residence. It was noted that this has generated fear and uncertainty for the proposed beneficiary due to the context of threats in which she operates as a human rights defender.

20. The nearest Police Station was requested to comply with the protection measures ordered by the Prosecutor's Office in order to preserve the safety of attorney Diana Montilla and her family. In April 2024, it was indicated that the lawyer continues to be monitored by civilians carrying communication radios. Outsiders are often present in her office and residence, raising concerns that she may be at risk of some form of aggression.

B. Response from the State

21. The State provided information on the actions taken in the matter at hand. In particular, the considerations of the Human Rights Commissioner for the National Police. It reported on the regulatory framework in Colombia for the protection of persons at risk, the self-protection measures implemented by the National Police, and the protection responsibilities of indigenous peoples within the framework of their autonomy. It also referred to the regulatory framework and functions of the Commission for the Search for Missing Persons, including the Urgent Search Mechanism.

22. According to the Chief of the Child and Adolescent Protection Group of the Cauca Police, the commander of the Miranda Police Station, the Nariño Police, and the Santiago de Cali Metropolitan Police, there are no documents available on the Sonia Chilgueso Dagua family. There are allegedly no records of requests for

the implementation of preventive measures or a record of threats. After consulting the website of the Ministry of the Interior for census information on V.C.D. and her mother, records were found between 2013 and 2023.³

23. The Metropolitan Police of San Juan de Pasto reported that members of the patrol responsible for cases involving children and adolescents addressed the case of the adolescent V.C.D. concerning the incidents that occurred in August 2023. Given that she was a possible victim of forced recruitment by illegal subversive groups, the police proceeded to place her under the protection of a foster home provided by the ICBF, under the care of a foster mother. Regarding the possible death of V.C.D. during a confrontation in the municipality of Cumbitara, it was indicated that the Pasto Police does not have jurisdiction and has not received any information.

24. The Office of the Attorney General detailed the files involving V.C.D. and her mother. Regarding V.C.D., they mentioned open investigations for her alleged homicide, forced displacement, and two files into illicit recruitment. In the case of Sonia Chilguese Dagua, she referred to investigations into forced displacement, threats, and illegal recruitment, and the status of the investigations was reported. The Delegate for Territorial Security allegedly developed the strategy implemented by the Office of the Attorney General in cases where the victims are human rights defenders.

25. Additionally, the Specialized Prosecutor of Popayán indicated that the complaint for the crime of forced recruitment, filed in July 2023, is currently in the investigation stage. In this crime report, Sonia Chilguese Dagua reported that an armed group took V.C.D. (then 12 years old) while she was riding a motorcycle. It also indicated that an armed group took her son V.M.C.D. in April 2023 when he was on his way to school. The Prosecutor's Office mentioned the intervention of the ICBF in response to the events of August 2023 concerning V.C.D. Analysis support was required from the Directorate of Support for Investigation and Analysis against Criminality (DAIACO). In August 2023, the Prosecutor's Office requested the reestablishment of the rights of victims of forced recruitment. It added that, if the ICBF decided to not take her under protection, and if the child was to be handed over, she should be given to whoever could prove to be her legal representative, which should be brought to the attention of the delegated Prosecutor's Office.

26. On May 3, 2024, the State submitted information from the ICBF on the applicable regulatory framework for the protection of children. The ICBF considered that the requirements of Article 25 of its Rules of Procedure are not met. Prior to the proposed beneficiaries' irregular departure from the ICBF protection programs, it was noted that both persons had been included in processes of restoration of rights, and were received under the modality of "Foster Home Tutor", which offers specialized protection. In the case of V.C.D., she was transferred to the city of Armenia, far from the area of influence of the illegal armed groups that allegedly recruited her. Protective measures included initial assessment of rights, enrollment in ICBF programs for adolescents separated from armed groups, and family contacts. It added that search protocols were activated in coordination with the National Police, but V.C.D. was not found. This resulted in the closure of her case after the maximum search period. The process for her brother, V.M.C.D., remains open. Lastly, it stated that the ICBF Family Defender responded to the guardianship action presented by the applicants.

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

27. 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

³The images provided in the State's report were not clear enough to read the text contained within them.

Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

28. 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, both protective and precautionary.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁵ 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.⁶ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under consideration by 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 guarantee the ordered reparations.⁷ In the process of reaching a decision, and 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.

29. 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*.⁸ 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 appropriate to rule on violations of rights

⁴ Inter-American Court of Human Rights (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.

⁵ 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; Matter 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.

⁶ I/A Court. Matter of Milagro Sala, Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5; Matter of Internado Judicial Capital El Rodeo I and El Rodeo II, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; Matter of Instituto Penal Plácido de Sá Carvalho, Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6.

⁷ 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.

⁸ 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; Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures, Provisional Measures regarding Brazil. Order of July 4, 2006, considerandum 23.

enshrined in the American Convention or other applicable instruments. This⁹ is better suited to be addressed by the Petition and Case system. The following study relates to the requirements exclusively set forth in Article 25 of its Rules of Procedure, which can be resolved without determining the merits.¹⁰

30. When analyzing the matter at hand, the Commission considers it relevant to understand the alleged facts in the context in which they occur. In September 2023, the Commission expressed its concern about the high levels of violence in the Pacific region of Colombia and its impact on the rights of indigenous peoples and Afro-descendant and farming communities.¹¹ According to information collected by the IACHR, the armed groups have set up camps in areas neighboring indigenous and tribal communities or cohabit in them. This has led to a strong increase in the daily control of these territories and their inhabitants which has caused serious social impacts, and has affected self-determined freedom and security.¹²

31. The actions of the armed groups have resulted in restrictions on mobility in certain areas and timetables imposed by these groups, and an impact on the governance of traditional authorities, due to the determination of these groups to influence the decisions and ancestral mechanisms of social organization of the communities.¹³ This influence is exercised through threats, harassment, and assassinations of people in leadership positions, but also through acts of corruption and financing of activities and basic needs of the communities that have no institutional means of being resolved.¹⁴ In this context, displays of power and material resources are used to present illegal armed groups as a more effective means of social and personal transformation, which is used as a strategy to recruit children and adolescents.¹⁵ More recently, during a thematic hearing held during the 189th session of the IACHR, civil society organizations denounced the persistence of forced recruitment of indigenous children and adolescents by non-state armed groups in Colombia.¹⁶

32. In this context, the Commission considers it necessary to assess the facts alleged in the matter, as they impact the seriousness of the allegations and the vulnerability that the proposed beneficiaries face.

33. Regarding the *seriousness* requirement, the Commission considers that it has been met in the matter at hand. The Commission recognizes the multiplicity of risk factors faced by both the indigenous family of Sonia Chilguese and the family of attorney Diana Montilla in the current context. Accordingly, it understands the following:

- Sonia Chilguese has faced multiple instances of forced displacement in an effort to protect herself from threats by armed actors who allegedly seek to re-recruit her children, who are under 18 years

⁹ Inter-American Commission on Human Rights (IACHR), Resolution 2/2015, Precautionary Measures No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; Resolution 37/2021, Precautionary Measures No. 96/21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

¹⁰ In this regard, the I/A Court H.R. has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See: I/A Court H.R., Matter of James et al. regarding Trinidad and Tobago, Provisional Measures, Order of August 29, 1998, considerandum 6; Matter of Barrios Family v. Venezuela, Provisional Measures, Order of April 22, 2021, considerandum 2.

¹¹I/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. IACHR. [Colombia: IACHR Expresses Concern over Violence in the Pacific Region and the Impact on Indigenous Peoples, Afro-descendant and farming Communities](#). September 1, 2023.

¹²*ibidem*

¹³*ibidem*

¹⁴*ibidem*

¹⁵*ibidem*

¹⁶ IACHR. Summaries of Public Hearings. 189th Regular Period of Sessions. [Colombia Hearing: Forced recruitment of indigenous children and adolescents in the armed conflict](#). February 26, 2024 - March 1, 2024

- of age. Recently, in April 2024, unknown persons allegedly tried to take Sonia Chilgueso against her will, which led to a new displacement;
- Sonia Chilgueso's daughter, V.C.D., reportedly managed to escape from the armed group but may have recently died in a confrontation between armed groups. It has not been possible to determine her whereabouts or concretely identify the body.
 - Sonia Chilgueso's son, V.M.C.D., is reportedly being sought by an armed group to rejoin the group after having escaped, according to a message received in April 2024;
 - After providing advice to Sonia Chilgueso's family in August 2023, lawyer Diana Montillo is reportedly being followed around her home for long periods of time. This surveillance allegedly includes the presence of armed persons equipped with communication devices, who take photographs of her residence. This situation has continued in recent months and includes the monitoring of family members who live in the same house as her;
 - Information was received indicating that lawyer Diana Montillo was declared a military target by armed groups allegedly operating in the area. She was prohibited from entering certain areas where she allegedly carried out her work, under threat of murder or dismemberment.

34. Consequently, the Commission concludes that the proposed beneficiaries are currently exposed to the following acts: threats; being declared military targets; being followed by armed groups; forced displacement; and kidnapping attempts. These risk events may have materialized in the case of the proposed beneficiary's daughter, whose whereabouts have not been determined. It is alleged that she could have died in a confrontation between armed groups.

35. Furthermore, the Commission observes the State's response and acknowledges the actions taken by the Police, the Office of the Attorney General, and the ICBF. However, the Commission considers that the available information does not provide a reasonable basis to conclude that the proposed beneficiaries' situation has been mitigated to date. In this regard, the Commission understands that the Chilgueso family is still sought by armed groups and are constantly displaced in an attempt to protect themselves and live in safe conditions. The Commission has no report on additional protection measures being adopted, after learning that armed groups recruited their children and are reportedly looking for them again. In the case of attorney Diana Montilla and her family, the Commission did not receive information from the State on the protection measures adopted in her favor. Although she may have had or currently has protection measures provided by the UNP, the Commission lacks sufficient information to assess the current measures implemented in her favor by said institution. There are also no elements to evaluate its effectiveness or suitability in light of the alleged facts.

36. In addition to the above, the Commission notes that a decision in the appeal for protection of constitutional rights (*amparo*) dated April 19, 2024, evaluated the situation and issued a series of orders to various state entities for the enhanced protection of the proposed beneficiaries. Although this decision was contested by the applicants due to being insufficient, the Commission highlights that it is aimed at ensuring that the orders provided are adequate to secure the rights of the proposed beneficiaries.

37. In sum, taking into consideration the elements assessed in light of the aforementioned context, assessed as a whole, the Commission considers that the requirement of seriousness is met and that *prima facie* the rights to life and personal integrity of the proposed beneficiaries are at serious risk.

38. Regarding the requirement of *urgency*, the Commission considers that it has been met. The Commission takes into account that the facts presented are indicative of the need to immediately implement

suitable and effective protection measures in order to prevent new risk events from materializing, and to guarantee safe conditions for the proposed beneficiaries.

39. As it pertains to the requirement of *irreparable harm*, the Commission finds it met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

IV. BENEFICIARIES

40. The IACHR considers as beneficiaries the following persons and family groups:

- Chilgueso Family: (1) Sonia Chilgueso Dagua, (2) her daughter V.C.D., and (3) her son V.M.C.D.; and
- Montilla Family: (4) Diana Montilla Moreno, (5) her daughter J.R.M., and (6) her brother D.S.M.M.

41. All these persons are duly identified in this procedure.

V. DECISION

42. Given the aforementioned background, the IACHR considers that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Colombia:

- b) adopt the necessary and culturally appropriate measures to protect the rights to life and personal integrity of the beneficiaries, in accordance with applicable international standards and obligations. In particular, to determine the situation of V.C.D., daughter of Sonia Chilgueso Dagua, whose whereabouts or fate is unknown;
- c) implement the measures to be adopted with the beneficiaries and/or their representatives; and
- d) report on the actions taken to investigate the alleged events that led to this precautionary measure, so as to prevent such events from reoccurring.

43. The Commission also requests that Colombia detail, within 15 days from the date of this communication, on the adoption of the requested precautionary measures and update that information periodically.

44. The Commission emphasizes that, pursuant to Article 25.8 of the Rules of Procedure of the Commission, the granting of precautionary measures and their adoption by the State shall not constitute a prejudgment on the possible violation of any right protected by the American Convention or other applicable instruments.

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

46. Approved on May 23, 2024, by Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice-President; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary