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REPORT No. 175/24
PETITION 399-14
REPORT ON ADMISSIBILITY

BLADIMIR DIAZ LEÓN AND RELATIVES
COLOMBIA

Approved electronically by the Commission on October 25, 2024.

Cite as: IACHR Report No. 175/24, Petition 399-14. Admissibility. Bladimir Díaz León. Colombia.
October 25, 2024.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Bladimir Díaz León
Alleged victim:	Bladimir Díaz León, Hilda Beatriz Bermúdez, Eduard Alexander Díaz León, Diana Patricia Prada Díaz, Gonzalo Pinto Dulcey, Oswaldo Ortíz Díaz, and Emerson Andrés Calderón Fuentes
Respondent State:	Colombia ¹
Rights invoked:	Articles 4 (life), 5 (humane treatment), 8 (fair trial), 11 (privacy), 21 (property), 24 (equal protection), and 25 (judicial protection) of the American Convention on Human Rights ² ; and articles I, II, V, IX, XIV, XVII, and XXIII of the American Declaration of the Rights and Duties of Man ³

II. PROCEEDINGS BEFORE THE IACHR⁴

Filing of the petition:	March 20, 2014
Additional information received at the review stage:	July 28, 2014, March 29, 2017, April 3, 2017, December 5, 2019, December 9, 2019, December 26, 2019, December 26, 2019, December 31, 2019, January 8, 2020, January 9, 2020, January 29, 2020, February 18, 2020, May 26, 2020, July 1, 2020, August 7, 2020, November 11, 2020, and February 26, 2021
Notification of the petition to the State:	March 2, 2020
State's first response:	April 15, 2021.
Additional comments from the petitioner:	October 23, 2021, November 3, 2021, February 10, 2022, February 21, 2022, March 28, 2022, May 10, 2022, June 30, 2022, August 22, 2022, September 13, 2022, January 12, 2023, March 3, 2023, August 29, 2023, November 16, 2023, and August 19, 2024

III. COMPETENCE

Competence <i>ratione personae</i>:	Yes
Competence <i>ratione loci</i>:	Yes
Competence <i>ratione temporis</i>:	Yes
Competence <i>ratione materiae</i>:	Yes, American Convention (ratification instrument deposited on July 31, 1973)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES, AND TIMELINESS OF THE PETITION

Duplication of procedures and international <i>res judicata</i>:	No
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¹ Commissioner Carlos Bernal Pulido, of Colombian nationality, did not participate in the deliberations nor in the decision in this matter, in keeping with the provisions of Article 17(2)(a) of the Rules of Procedure of the Commission.

² Hereinafter "the American Convention" or "the Convention."

³ Hereinafter "the American Declaration."

⁴ The observations presented by each party were duly transmitted to the opposing party. With the initial petition, the petitioner also asked that the Inter-American Commission grant precautionary measures; this request was filed under process MC-94-14 and was denied on April 9, 2019. On May 5, 2024, the petitioner again asked that precautionary measures be granted; this request was filed under process MC-527-24, which was again rejected by the Commission on August 6, 2024, on the grounds that a situation of imminent risk had not been proven.

Rights declared admissible:	Articles 5 (humane treatment), 8 (fair trial), 11 (privacy), 21 (property), 22 (freedom of movement and residency), and 25 (judicial protection) of the American Convention, read in conjunction with its Article 1(1) (obligation to respect rights)
Exhaustion of domestic remedies or applicability of an exception to the rule:	Yes, pursuant to the terms of Section VI
Timeliness of the petition:	Yes, pursuant to the terms of Section VI

V. FACTS ALLEGED

The petitioner

1. The petitioner claims that he and his family were forcibly displaced from a piece of land in their possession as a result of acts of violence committed by third parties, along with the consequent failure of the Colombian State to return the land to them and to protect them despite having filed several complaints with the police before the displacement.

2. The petitioner states that since 1999, his family had exercised the right of possession over a property called "Ararat," located within a larger plot of land called "Lote Edén" in the Guatiguará district of the municipality of Piedecuesta, Santander department. He states that he performed his economic activity there and lived there with his family. However, he indicates that between August and November 2012, he and his family were victims of multiple attacks, incidents of harassment, and death threats from neighbors in the area. They reported them to the police and the public prosecutor's office on several occasions for disturbing the property.

3. Specifically, he alleges that the acts of harassment included death threats, shooting at his residence, and following and surveillance by armed persons, and that his neighbors entered the lot and put up fences and removed others, and stole construction materials and livestock. The petitioner indicates that, in response to his repeat complaints, on November 28, 2012, police officers with the Judicial Investigation Section (hereinafter "SIJIN") conducted an inspection of the farm and found firearms, ammunition and clothing reserved for armed forces use only, but did not arrest the alleged perpetrator for "some procedural flaw". As a result of this finding, a criminal investigation was opened under criminal report number 680016105866201200029 before the 30th Bucaramanga Sectional Prosecutor's Office. He reports that, in 2018, two of the invaders were charged by the prosecutor's office, and accepted the charges; however, he says that despite this, the lot was never restored to him.

4. Instead, Mr. Díaz León states that as a result of this, the harassment increased until, on December 10, 2012, a group of more than 80 people belonging to criminal gangs in the area violently invaded his property and held the petitioner and his relatives—along with residents Diana Patricia Prada Díaz, Gonzalo Pinto Dulcey, and Oswaldo Ortiz Díaz—hostage on the lot for several hours. They also injured Emerson Andrés Calderón Fuentes. Eventually, two Bucaramanga police officers arrived, and they were allowed to leave.

5. The petitioner claims that since that moment, they have remained displaced from their residence. He states that he filed a suit for constitutional protection against the police and the mayor's office of Piedecuesta and Bucaramanga for failing to take action to protect the property from invasion. He indicates that on January 29, 2013, the Thirteenth Administrative Court of Bucaramanga issued a decision to protect the fundamental rights of Bladimir Díaz León and ordered the police to take control of the situation. He states that the judgment was upheld on appeal by the Administrative Court of Santander on March 12, 2013, but to date it has not been complied with. In response to this non-compliance, he highlights that he filed a complaint alleging contempt for the judgment of constitutional protection, but the complaint was rejected in a ruling handed down on January 30, 2015, wherein the Administrative Court of Santander overturned the order of protection issued by a court on December 3, 2014, finding the municipal mayor of Piedecuesta to be in contempt. He states that

on June 24, 2015, the court brought a new contempt action, but it did nothing to guarantee compliance with the judgment of constitutional protection.

6. He also claims to have been the victim of an attempt on his life on October 22, 2013, in which a group of men tried to attack him in the Bucaramanga public square, but he managed to escape. The petitioner reports that as a result of this attack, criminal proceedings were brought against him for the crime of personal injury for allegedly injuring two of the men who took part in the lynching attempt. However, he states that he was acquitted in 2023 by judgment of the First Municipal Criminal Court of Piedecuesta, which found that he had been the victim of a premeditated attack in which he received a near-fatal stab wound to his neck and shoulder. He claims that, as a result of the incident, he was left with post-traumatic stress disorder and serious mental and physical health problems, to the point of having lost his ability to work.

7. He also highlights other actions he took to recover the land. On January 21, 2014, the police inspector of Piedecuesta rejected outright a criminal complaint brought by Mr. Díaz León for disturbance of possession. Additionally, he states that he went to the Integrated Victims' Support Unit (hereinafter "UARIV") to report his forced displacement, which decided to add him and his family to the Unified Victims Registry (hereinafter "RUV") on May 9, 2014, but did not recognize his partner, Diana Patricia Prada Díaz, as a victim. With respect to another process filed by the petitioner against the invaders on January 2, 2013, this one of an administrative nature for land use infractions, he indicates that an order was issued to demolish the homes built illegally on the property. He also notes that on September 12, 2014, a judgment of constitutional protection was issued protecting Mr. Díaz León from the demolition order by exempting his home from the demolition.

8. The petitioner indicates that subsequently, on March 5, 2015, he filed a complaint with the Colombian Institute of Rural Development (hereinafter "INCODER") over the incidents of violence that led to his forced displacement from the property and the illegal construction of housing by the invaders. As a result of this complaint, INCODER launched an ownership forfeiture process with respect to the property, the outcome of which is unknown.

9. Among other processes initiated, the petitioner indicates having filed: suit against the State for direct reparation, which was found inadmissible on December 14, 2015, by the Administrative Court of Santander; a complaint to the National Mining Agency on January 25, 2016, rejected on February 2, 2016, due to the existence of mining rights in Lote Edén; a complaint dated February 1, 2016 before the Corporación Autónoma Regional para la Defensa de la Meseta de Bucaramanga over the granting of mining rights to the invaders; a complaint before the Bucaramanga Provincial Attorney General's Office, which was ordered definitively archived on August 2, 2016; and a suit for compliance, rejected on appeal by the Administrative Court of Santander on December 7, 2016.

10. Thus, the petitioner alleges that the State is responsible for failure to comply with the judgment of constitutional protection that ordered several entities—including the police—to take action to evict the invaders from the lot, something they have not done for 11 years.

The Colombian State

11. The State, for its part, argues that the petition is inadmissible since it does not posit facts that amount to violations of the American Convention. Subsidiary to this, it asserts that the petitioner has not exhausted domestic remedies and intends to use the IACHR as a court of fourth instance.

12. With respect to the facts alleged, Colombia clarifies that since the filing of the police complaint for disturbance of possession, the authorities have taken actions including an inspection of the petitioner's land lot and a summons to arbitration, and protective measures have been issued in favor of Mr. Díaz León. Indeed, it emphasizes that the National Police arrested several people who violently entered the property and summoned the alleged victim to arbitration with them in order to reach a peaceful agreement to settle the dispute. However, it explains that the enforcement process is suspended due to an ownership forfeiture process

impacting the land. Regarding the constitutional protection proceeding and the contempt action, Colombia states that on March 1, 2014, non-compliance with the judgment was declared.

13. Additionally, it indicates that the petitioner filed the complaint that he was forcibly displaced before the Piedecuesta Municipal Prosecutor's Office on January 8, 2014, in order to be included in the Unified Victims List, and initially, his status and that of his family group as victims were recognized. However, the decision was later reversed when irregularities were found in the evidence submitted, and the administrative procedure therefore remains in progress. Regarding the criminal proceedings opened as a result of the complaints the petitioner filed with the prosecutor's office, it indicates that seven investigations were opened there, five of which are inactive because they have been joindered, with the remaining two in the investigation stage for the crimes of criminal conspiracy and forced displacement.

14. It also notes that Mr. Díaz León is currently the subject of measures of protection from the National Police that include patrols at his residence and accompanying him to the judicial proceedings related to the disturbance of possession process. Regarding the petitioner's claim of direct reparations, Colombia reports that it was ongoing before the Administrative Court of Santander as of April 2021, and four appeals filed by Mr. Díaz León and a motion for annulment filed by the Attorney General's Office had been ruled upon.

15. Regarding the admissibility of the petition, the Colombian State argues that the facts set forth therein do not amount to human rights violations in the terms of Article 47(b) of the American Convention, since the authorities have acted diligently within the scope of their competence. In this regard, it reiterates that the obligation to investigate and punish human rights violations is one of means and not ends, and in this sense, it is up to the State to demonstrate that it has taken the actions necessary to achieve this objective.

16. From this perspective, it argues that multiple authorities have sought to protect the rights of the alleged victim through the ownership forfeiture process carried out by the National Land Agency, the inspection of the land lot by the police, and the protection patrols granted. It specifically highlights that on December 28, 2012, the National Police's Terrorism Investigation Group conducted an operation in the place where the invasion occurred, where it found weapons and ammunition. Those were turned over voluntarily by the man alleged to be the invader. The State also indicates that the Office of the Public Prosecutor launched an investigation into the crime of the manufacture, trafficking, and illegal possession of firearms or ammunition, and four people were arrested for the alleged crime of illegal land use on surrounding properties. In addition, it indicates that between 2015 and 2016, the authorities attempted to conduct a visual inspection of the property, but the procedure was suspended on three occasions due to the presence of more than 200 people opposing it. Lastly, on June 21, 2017, the Police Inspectorate decided to suspend the process until the National Land Agency ruled on the merits of the ownership forfeiture process regarding the "Parcela 7 La Vega" lot on the "Ararat" property.

17. In view of these actions, the State argues that the authorities have provided protection to Mr. Díaz León and his family with due diligence, responding to the attacks and threats suffered by investigating the facts, launching a police process, and implementing measures of protection. It therefore asks the Commission to declare this matter inadmissible based on the grounds that the violations alleged by the petitioner are attributable to third parties who have no connection to the State, and without the possibility of arguing that public bodies committed an act or omission in addressing the violations alleged.

18. On the other hand, subsidiary to this, should the Commission decide to consider the petition, Colombia argues it is inadmissible on the grounds of a failure to exhaust domestic remedies. It alleges that the petition does not comply with the requirement established in Article 46(1)(a) of the Convention because the direct reparation process filed by the petitioner and the investigations of the prosecutor's office remain ongoing. Indeed, the State indicates that the adversarial administrative process began with the filing of the lawsuit on November 25, 2015, which the Administrative Court of Santander declared inadmissible on December 14, 2015. This decision was subject to motions of reconsideration and appeal until the claim was corrected by the petitioner. Even so, the Attorney General's Office sought nullification of the proceedings. This request was denied, but in response, it subsequently filed a motion for reconsideration and a motion of appeal. The case file was therefore sent before the Council of State for its ruling. The Council of State ruled to overturn

the finding of inadmissibility and admit the suit on July 24, 2019. Based on the course of this process, the State argues that there has not been an unjustified delay. Rather, the delay in processing the petitioner's suit has been a result of the filing of a series of remedies, meaning the petitioner himself has prolonged the process. Consequently, it asks that this petition be declared inadmissible because domestic remedies were not exhausted before the case was brought before the inter-American system.

19. Regarding the criminal investigations, the State indicates that although they are still in progress, this does not *per se* amount to a violation of the alleged victims' rights to defense and due process. It recalls that the investigation into the crime of forced displacement was launched on September 12, 2012. A series of procedures was carried out to identify those allegedly responsible. Then, field reports were prepared, the alleged victim was interviewed, and on December 18, 2017, the public prosecutor's office filed charges against one of the alleged perpetrators. The arraignment was held on January 22, 2019, and a date was set for the next hearing of evidence from the defense, although this date has been pushed back three times. Regarding investigation of criminal conspiracy, the State indicates that 12 people have been implicated and a number of investigative steps have been taken to locate witnesses, identify those allegedly responsible, and collect evidence. Currently, an investigator needs to be appointed to deliver the results. It therefore argues that the authorities have acted with due diligence, the investigation has not yet concluded, and the petitioner has not exhausted this internal remedy.

20. Additionally, the Colombian State contends that the petitioner is attempting to apply the so-called "fourth international instance formula" given that he filed for a writ of constitutional protection with respect to the invasion of his land, the writ was granted, and later, during the contempt action, the court sanctioned the Piedecuesta police commander. In making this argument, the State remarks that the judicial decisions adopted in this context were issued by competent judges who acted in observance of the guarantees of due process. This means that the argument is that the petitioner's treaty rights were violated by actions taken in the domestic jurisdiction, and it is the State's contention that the petitioner seeks for the IACHR to review issues already resolved domestically. It thus argues that this petition should be declared inadmissible, pursuant to Article 47(b) of the American Convention, because it amounts to seeking review of a fourth international instance.

21. Lastly, Colombia argues that the Commission lacks *ratione materiae* competence to hear the alleged violations of Articles I, II, V, IX, XIV, and XVII of the American Declaration, since it is not part of the *corpus iuris* of the Inter-American Human Rights System, and the IACHR can only refer to it as a criterion for interpretation.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

22. This petition concerns the forced displacement of the petitioner and his family from the land where they had been living since 1999 and the alleged inaction of the authorities to restore possession to them. The State raises the exception of non-exhaustion of domestic remedies because the direct reparation action and the criminal investigations remain ongoing.

23. Article 46(1)(a) of the American Convention provides that for a petition to be admitted, the following is required: "that the remedies under domestic law have been pursued and exhausted in accordance with generally recognized principles of international law." For the purposes of assessing the suitability of the remedies available in the domestic legal system, the Commission usually establishes the specific claim that has been made and then identifies the judicial remedies provided by the domestic legal system that were available and adequate to air that particular claim. This is precisely where the suitability and effectiveness of each remedy, considered specifically, lies, in that it should provide a real opportunity for the alleged human rights

violation to be remedied and resolved by the national authorities before a victim can turn to the Inter-American human rights protection system.⁵

24. In the instant case, the Commission notes that the petitioner resorted to multiple mechanisms to obtain restitution of the land where he and his family lived, including a police complaint, a complaint to the Public Prosecutor's Office, a suit for constitutional protection and then a complaint to the National Land Agency, a claim for direct reparation, and registration in the Unified Victims Registry. Of these, it notes that the police complaint is suspended as a result of an ownership forfeiture process underway before the National Land Agency; also, several investigations are still being processed in connection with the complaints filed with public prosecutors. The suit for constitutional protection produced a final judgment on March 12, 2013, but according to information provided by the parties, the contempt action has not yet been resolved. The other two processes—adversarial administrative and administrative compensation—are awaiting issuance of a decision.

25. In this regard, the IACHR reiterates that the requirement of exhaustion of domestic remedies does not mean that the alleged victims are required to exhaust all possible remedies available to them. In fact, if the alleged victim raised the issue through one of the valid and adequate alternatives under the domestic legal system, and the State had the opportunity to remedy the issue in its jurisdiction, the international standard has been met in its aim.⁶ In the same sense, the Inter-American Court of Human Rights has found that "it is not necessary to exhaust domestic remedies with respect to all or any of the available remedies. Rather, [...] the remedies that must be exhausted are those appropriate to the specific situation of the alleged human rights violation."⁷

26. Thus, the Commission notes that none of the remedies sought by the petitioner has effectively restored his land to him, despite the fact that several of them are intended to do so, including the criminal investigation, the police complaint, and the suit for constitutional protection that ordered the authorities involved to reestablish the rights of the alleged victims. And twelve years after the facts took place, none of these proceedings have reached a conclusion.

27. Consequently, it falls to the IACHR to decide whether the exception provided for in Article 46(2)(c) of the Convention applies to this delay in adopting a final decision that guarantees compliance with the order to restore the land. On this point, the Commission recalls that Article 46(2) of the Convention, given its nature and purpose, is a provision whose content is autonomous vis-à-vis the substantive provisions of the American Convention. Therefore, the determination of whether exceptions to the rule of exhaustion of domestic remedies are applicable to the case in question must be carried out prior to and apart from the analysis on the merits of the matter, as it depends on a standard of examination that is different from the one used to establish a possible violation of Articles 8 and 25 of the Convention. In other words, it is not up to the Commission to analyze at this stage whether the actions of the State agencies have been carried out with due diligence.

28. The IACHR has also emphasized that there are no provisions in the Convention or in the Rules of Procedure spelling out specifically the period of time that would constitute an unjustified delay, for which reason the Commission conducts its review on a case-by-case basis to establish if such a delay has taken place.⁸ Along these lines, the Inter-American Court has held as a guiding principle for the analysis of possible unjustified delay as an exception to the rule of exhaustion of domestic remedies that "the rule of prior exhaustion must never lead to a halt or delay that would render international action in support of the defenseless victim ineffective."⁹ In the Commission's opinion, the complementary nature of the international protection provided for in the American Convention also implies that the intervention of the bodies of the Inter-

⁵ IACHR Report No. 279/21, Petition 2106-12, Admissibility, Huitosachi, Mogótavo and Bacajípare communities of the Rarámuri indigenous people, Mexico. October 29, 2021, para. 29.

⁶ IACHR Report No. 16/18, Petition 884-07, Admissibility, Victoria Piedad Palacios Tejada de Saavedra, Peru, February 24, 2018, para. 12.

⁷ Inter-Am. Ct. H.R., *Case of Olivera Fuentes v. Peru*, Preliminary Objections, Merits, Reparations and Costs, Judgment of February 4, 2023, Series C No. 484, para. 25; *Case of Cortez Espinoza v. Ecuador*, Preliminary Objections, Merits, Reparations, and Costs, Judgment of January 18, 2022, Series C No. 468, para. 24; and Inter-American Court, *Case of Escher et al. v. Brazil*, Preliminary Objections, Merits, Reparations and Costs, Judgment of July 6, 2009, Series C No. 200, para. 38.

⁸ IACHR Report No. 14/08, Petition 652-04. Admissibility, Hugo Humberto Ruiz Fuentes, Guatemala, March 5, 2008, para. 68.

⁹ IACHR Report No. 14/08, Petition 652-04. Admissibility, Hugo Humberto Ruiz Fuentes, Guatemala, March 5, 2008, para. 68.

American System must be timely such that it can have some kind of useful effect on the protection of the rights of the alleged victims.

29. In light of the above, the IACHR notes that 12 years have passed since the violent displacement of the alleged victims, with neither possession of the property being restored nor the facts of the case established, while several criminal, constitutional, police and administrative proceedings remain open. Consequently, the Commission finds that the exception to exhaustion of remedies for unjustified delay in the resolution of domestic remedies, provided for in Article 46(2)(c) of the American Convention, is applicable. Also, given that the petition was filed on March 20, 2014, it is considered to have been filed within a reasonable period of time, in accordance with Article 32(2) of the IACHR Rules of Procedure.

VII. ANALYSIS OF COLORABLE CLAIM

30. Regarding the alleged lack of competence to hear the claim of an alleged violation of Articles I, II, V, IX, XIV, XVII and XXIII of American Declaration, although this instrument does form part of the *corpus iuris* of the inter-American system, once the American Convention enters into force for a State, it is the Convention, not the Declaration, that becomes the primary source of a right applicable by the IACHR, as long as the petition refers to the alleged violation of rights that are identical in both instruments.

31. That said, the Commission notes that this petition includes allegations regarding violation of the rights to life, humane treatment, protection of privacy, private property, equal protection, and access to justice as a consequence of the failure to reinstate the possession of the “Ararat” lot to the alleged victims. The State argues that the petitioner does not put forward facts that would amount to the alleged violations, since the authorities have acted diligently, and because he is seeking review of the constitutional protection suit judgment in his favor.

32. For purposes of admissibility, the Commission must decide whether the facts alleged tend to establish a violation of rights, as provided for in Article 47(b) of the American Convention, or whether the petition is “manifestly groundless” or “obviously out of order,” as per Article 47(c) of the American Convention. In this regard, the Commission reiterates that the level of conviction of the admissibility stage is different from what is required when deciding on the merits of a complaint; at this stage, the IACHR must perform a summary *prima facie* evaluation—not to establish the existence of a violation, but to examine if the petition declares grounds for the apparent or potential violation of a right guaranteed by the Convention. Determining the colorable claim of the violations of the American Convention involves a summary analysis, which does not imply a prejudgment or advance opinion on the merits of a matter.

33. The IACHR finds that the effects of non-compliance with the measures granted in favor of the displaced population—taking into consideration their situation of vulnerability—may amount to violations of the rights to humane treatment, freedom of movement and residency, and judicial protection and guarantees.¹⁰ In fact, this Commission has specified that States have four specific obligations with regard to the displaced population, as set forth in the United Nations Guiding Principles on Internal Displacement: (i) the obligation to prevent displacement; (ii) the obligation to protect the displaced during the displacement; (iii) the obligation to lend and facilitate humanitarian assistance; and (iv) the obligation to facilitate the return, resettlement, and relocation of the internally displaced.¹¹

34. The Colombian State itself has recognized its specific obligations towards the displaced population as a consequence of the internal armed conflict the country has been experiencing for more than five decades, doing so through domestic legislation and through a variety of judgments and rulings of the Constitutional Court, based on which it has adopted a series of measures aimed at guaranteeing the forcibly-

¹⁰ See: IACHR, Report 75/18. Petition 442-07. Admissibility. José Humberto Gómez Herrera *et al.* Colombia. June 21, 2018, para. 15.

¹¹ IACHR, Truth, Justice, and Reparation: Fourth Report on the Human Rights Situation in Colombia. December 31, 2013, para. 137, citing, in turn, UN, Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39 of the Commission on Human Rights, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2 of 11 February 1998, Introduction: Scope and Purpose.

displaced population's effective enjoyment of its rights. This has included comprehensive and adequate public policies for addressing the special needs and rights of this population and for addressing the grave humanitarian situation.¹²

35. In this case, the IACHR finds that the failure of domestic remedies to provide resolution and the lack of compliance with the orders handed down in the suit for constitutional protection, in the context of the conditions facing the alleged victim as a consequence of the loss of all his material possessions as a result of a situation of public order in his place of residence are facts that could amount to a violation of the rights to humane treatment (Article 5), judicial guarantees (Article 8), privacy (Article 11), private property (Article 21), freedom of movement and residency (Article 22), and judicial protection (Article 25) of the American Convention.

36. Regarding the claim of alleged violation of articles 4 (life) and 24 (equal protection) of the American Convention, the Commission observes that the petitioner has not submitted pleadings or sufficient evidence to support the *prima facie* conclusion that a violation is possible.

VIII. DECISION

1. To find this petition admissible in relation to articles 5, 8, 11, 21, 22, and 25 of the American Convention.

2. To declare this petition admissible with respect to articles 4 and 24 of the American Convention and articles I, II, V, IX, XIV, XVII y XXIII of the American Declaration.

3. To notify the parties of this decision; continue with analysis of the merits of the matter; and publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 25th day of the month of October, 2024. (Signed:) Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice President; Arif Bulkan, and Gloria Monique de Mees, Commissioners.

¹² IACHR, Truth, Justice, and Reparation: Fourth Report on the Human Rights Situation in Colombia. December 31, 2013, paras. 564-566.