
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 73/2023**

Precautionary Measure No. 737-23

**Identified relatives of Daniela Santiago Díaz and Nicolás Aristizábal Gómez
regarding Colombia¹**

December 4, 2023

Original: Spanish

I. INTRODUCTION

1. On September 14, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by United 4 Justice - *Unidos por la Justicia* (“the applicant”), urging the Commission to require that the State of Colombia (“the State” or “Colombia”) adopt the necessary measures to protect the rights to life and personal integrity of Daniela Santiago Díaz and Nicolás Aristizábal Gómez and their relatives² (“the proposed beneficiaries”). According to the request, Daniela Santiago and Nicolás Aristizábal were missing and their families were reportedly receiving threats due to their search actions.

2. In accordance with Article 25(5) of its Rules of Procedure, the IACHR requested information from the State and the applicant on September 15, 2023. The applicant responded on September 22 and submitted additional information on October 10, 23 and 29, 2023. The Commission reiterated the request for information to the State on September 28. The State sent a response on September 29 and October 2, 2023. The Commission transferred the information between the parties on November 2, 2023. The State responded on November 13, 2023, and the representation sent a response on November 14 and 23, 2023.

3. Upon analyzing the submissions of fact and law provided by the parties, the Commission considers that the information presented shows *prima facie* that the relatives of Daniela Santiago Díaz and Nicolás Aristizábal Gómez are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Consequently, it requests that Colombia: a) adopt the necessary measures to protect the rights to life and personal integrity of the identified relatives of Daniela Santiago Díaz and Nicolás Aristizábal Gómez; b) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and c) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

4. The request reported that young Daniela Santiago Díaz and Nicolás Aristizábal Gómez had been missing since June 3, 2023, after leaving their homes located in the municipality of Cartago, Valle del Cauca. As background, the request referred to events involving State agents, the proposed beneficiaries and their families that occurred in April and June 2023.³

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

² Relatives of Nicolás Aristizábal Gómez: Lina Maria Gómez Castrillón (mother) and Nicolás Albeiro Aristizábal Gómez (father). Relatives of Daniela Santiago Díaz: Juan Pablo Santiago Rendon (father) and Yamilena Díaz Cano (mother).

³ On April 18, 2023, at around 10:30 p.m., Nicolás Aristizábal was involved in an incident with a neighbor, for which the police reportedly arrived on the scene and proceeded to identify Nicolás and a friend who was with him. According to the applicant,

5. On June 3, 2023, at 7:30 p.m. Nicolás reportedly asked his mother Lina Maria Gómez for permission to go out with friends and left his home on his motorcycle. In the early morning of June 4, the mother reportedly called her son several times without receiving an answer. That same day at 7:00 p.m., Daniela also asked her mother for permission to go to a friend's house and was to return at 10 p.m. Daniela's parents tried to contact their daughter by phone that night and noticed that at 10:10 p.m. the phone was already turned off. According to the information provided by a friend of Daniela, after she left the motorcycle she was riding at her home, she had gone to meet with Nicolás Aristizábal Gómez and was scheduled to return before the time she was allowed to do so.

6. The relatives of Daniela and Nicolás reportedly began an exhaustive search in different places without finding any information about their whereabouts. On June 4, 2023, they filed complaints with the Police Command. On June 6, a photograph of the motorcycle on which Nicolás was riding on the day of his disappearance, which was found in the "Cañada" lagoon, was published on social networks. The message asked if anyone knew the owner. A police officer reportedly contacted Lina Maria Gomez indicating that the motorcycle was at the Police Command. On June 7, 2023, Civil Defense and the Police reportedly conducted a search in the area where the motorcycle was found. Nicolas' mother reportedly questioned a police officer about the reasons for washing the motorcycle due to the possible loss of important evidence for the case. The governor of Valle del Cauca summoned Lina Maria Gómez to several security councils, where she was informed that the investigation was ongoing without giving her concrete answers or details. The investigation was allegedly conducted by a prosecutor of the municipality of Buga (Valle del Cauca).

7. Daniela's parents filed a complaint with the Office of the Attorney General for the crime of forced disappearance on June 4, 2023. On July 21, 2023, Juan Pablo Santiago Rendon, Daniela's father, filed a complaint before the Office of the Inspector General against the commander of the operation and personnel of the Investigation and Interpol Directorate of the National Police –DIJIN [in Colombia this acronym refers to *Dirección de Investigación e Interpol de la Policía Nacional*] for events that occurred in June 2023. On August 30, 2023, Nicolás Aristizábal's mother filed a complaint before the National Police pointing out their irregular procedures at the time of recovering her son's motorcycle.

8. In the absence of a response from the authorities, the parents of the proposed beneficiaries reportedly led marches, caravans and protests to prevent the case from going unpunished. As a result of these activities, the parents began to receive death threats and extortion. As an example, messages received by Lina Maria Gómez on June 4, 7, 12, 16 and 24, 2023 were reported. Such messages indicated the following: which part of her son's body she likes the most; that they had information of the proposed beneficiaries and asked her for 5 million pesos, giving her an account number to deposit money or else they would harm Nicolás or her; that her son owed money and that she should pay if she did not want to see him dead; or that she should give 2,000 dollars for each minor and that they would give it to her.

9. Daniela Santiago Diaz's father reportedly received a WhatsApp message on June 7, 2023, in which he was told that if he did not hand over 5 million pesos he would be given his dead daughter and that he should not make any more "noise" in the media. Another message on June 10 told him that he should leave Cartago, that they had already disappeared one of that family and that they would disappear two or three more. On June 9, another message reportedly said that a commander in Cartago had Daniela asking her for money, which the father of the proposed beneficiary agreed to deposit in a bank account. On June 22, 2023, another message

the police officers allegedly handcuffed, pointed their guns at the young persons, beat them and threatened them, telling them that "if it was the case they would not hesitate to end their lives". It was indicated that, on June 3, 2023, at approximately 2:30 p.m., when Yamile Díaz Cano, mother of Daniela Santiago Díaz was at her residence together with Daniela, another of her daughters and a nephew, all minors, a group of agents of the Gaua of the National Police entered the house heavily armed, breaking the doors and pointing their weapons against Ms. Yamile and her little nephew. They made the two young women come down from the second floor of the house with their hands up, while they pointed their firearms at them. Then, the agents went through the house leaving it to move to the residence across the street where they also entered by force and found the people they were allegedly looking for, whom they took out handcuffed. At the moment of taking them out of the house, one of the detainees allegedly looked at Daniela and smiled at her, so the young woman got scared and hid.

reportedly said: “don’t look for them again if you don’t want the same thing to happen to you, that they were buried where Nicolás’ motorcycle had been found”. On August 10, 2023, through a phone call from a private number, Daniela’s father was told to “stop making so much noise, because if not, they will not respond”. The threats and extortion were reported to the Office of the Attorney General.

10. On August 13, 2023, Daniela’s father received a call from a private number informing him about the presence of a body floating in a lagoon located in the direction of the battalion towards Cartago. The family reportedly found the upper part of a human body in the lagoon, so they alerted the authorities and requested help from the mayor’s office, the Civil Defense and the fire department. When the authorities did not show up, the parents decided to rent motor pumps to try to drain the lagoon and recover the bodies, but they were unsuccessful. That night they remained guarding the site and continued to work by their own means to drain the lagoon. Three days later, the authorities arrived at the site indicating that they had to obtain permits to allow Forensic Medicine personnel to recover the bodies. Witnesses reportedly indicated that the site appeared to be a mass grave as human remains such as skulls and femurs were found. Despite the efforts, the authorities did not manage to drain the lagoon completely. The evidence has allegedly been taken to the city of Cali and wait for Forensic Medicine to determine if the recovered remains correspond or not to the proposed beneficiaries.

11. On August 28, 2023, the relatives reportedly met with officials from the national government, the Ministry of Defense and the Ministry of the Interior. It was agreed that the case would be investigated by a prosecutor from the Human Rights Unit and that all the authorities involved would be investigated for alleged negligence. On September 5, 2023, the families reportedly received threats asking them to delete the missing person’s report from social networks, “otherwise they will kill them and disappear their bodies”.

12. On October 23, 2023, it was reported that family members have received threatening and extortive phone calls informing them that the bodies found do not correspond to those of their children. They gave as an example that Lina Maria Gómez has received up to ten calls in one day. This information was reportedly brought to the attention of the Prosecutor’s Office. They also indicated that, on October 3, 2023, the cell phone belonging to Daniela left the family WhatsApp group, which showed that the cell phone was still active and was being manipulated. The same allegedly happened with Nicolás Aristizábal’s cell phone, which left the WhatsApp group he had with his siblings on October 12, 2023. The relatives requested the Prosecutor’s Office to carry out traceability of the missing youths’ cell phones. The applicant added that disappearances have continued to occur in the municipality, giving as an example that on October 22 the bodies of two young men reported missing on October 19, 2023 were found.

13. On October 29, 2023, the relatives reportedly painted murals with the purpose of recovering the memory of their children, demanding justice and asking for an end to disappearances in Cartago. That same day, the parents received a threat through a pamphlet allegedly from the Gaitanist Self-Defense Forces of Colombia. The pamphlet contained photographs of the parents with the following message:

“The names of the people on this list have 24 hours to leave Cartago and areas where we know they frequent along with their families because they will be military targets and our men have the order to execute such as Mr. Juan Pablo Santiago, Lina Maria Gomez, Angie Diaz, Andres Castro Rendon. Not one step back...liberation or death. GAO -Flacos (Cartago, Valle del Cauca)- October/28/2023”.

14. It was added that, despite the complaints and requests, to date no risk assessment has been carried out on the family members, who do not have security measures. Nor has the Office of the Attorney General informed them of the results of the investigations regarding the threats and extortion received. This despite having provided the telephone numbers from which they have received such messages.

15. On November 11, 2023, the representation reported that Daniela's family had been forced to move. They added that, in a meeting with the National Police, their immediate intervention had been requested in view of the serious situation. On November 20, 2023, at 4:00 p.m., Ms. Lina Maria Gómez reportedly left her house when she realized that she was being pursued by two men on a motorcycle, both of whom were wearing closed helmets, which made it impossible to identify them. It was reported that these two men made sure that Ms. Lina realized that she was being followed. It was indicated that Ms. Lina María Gómez and her family have not been able to move, because she does not have the economic resources to be able to move and change her life.

16. In her last communication, the applicant indicated that she had two conversations with the Office of the Attorney General in which they committed to provide her with the requested information. On October 10, 2023, the applicant filed a right of petition. Subsequently, she filed an appeal for protection that was admitted by the Superior Court of the Judicial District of Buga - Criminal Chamber Secretary, who gave the Office of the Attorney General 24 hours to respond. The applicant raised questions regarding administrative procedures, such as the constant presentation of power of attorney.

17. Finally, on November 17, 2023, the Office of the Attorney General reportedly coordinated a meeting with the purpose of having the Institute of Legal Medicine and Forensic Sciences present the conclusions of its forensic report to the families. The main conclusions of the explanation of the forensic report consisted in revealing that Daniela was beaten to death, and Nicolás was stabbed to death, then they were dismembered and thrown into the lagoon, where their parents found them.

B. Information provided by the State

18. The State reported that the human rights group of the DST Territorial Security Delegate of the Office of the Attorney General of the Nation reported that for the events that occurred on June 3, 2023, there is an active investigation for the crime of forced disappearance conducted by Prosecutor 11 of the Buga Specialized Investigation Group of Valle del Cauca Sectional Directorate, which is in the investigation stage. The Ministry of National Defense submitted a report on September 20, 2023, in which it indicated that on June 3, 2023, the disappearance of two young people was reported, who were apparently seen for the last time in Bellavista neighborhood of the municipality of Cartago on a NKD motorcycle. Once the fact was known, the Unified Action Group for Personal Liberty [in Colombia: GAULA which refers to *Grupo de Acción Unificada por la Libertad Personal*] reportedly contacted the mothers of the young people, informing them of the measures to prevent the crimes of kidnapping and extortion, in addition to providing accompaniment and advice to the families. A visit was made with Nicolás Aristizábal's mother in order to establish a possible route and locate cameras according to the information gathered by the police during the neighborhood work.

19. The Criminal Investigation Department - SIJIN reported that since the case became known, several interviews were conducted with family members establishing that the teenagers had been in a relationship for approximately two years. Likewise, a record of the case was created in the SIRDEC missing persons platform. On June 6, 2023, the police were informed by an inhabitant of the rural area of the municipality of Cartago about the discovery of a motorcycle that was submerged in a pipe. After transferring the motorcycle to the Cartago - Valle del Cauca police station, the license plates were verified and it was established that it was the same motorcycle on which the missing youths were riding. The place of the finding was then secured and the Technical Investigation Corps - [in Colombia: CTI which refers to *Cuerpo Técnico de Investigación*] was contacted in order to carry out a judicial inspection of the place. Although the CTI indicated that it was on its way to the place, the police together with the civil defense and the relatives waited until 19:00 hours on June 9, 2023, without the CTI showing up at the place.

20. On June 6, 2023, a teenager was identified who had been mentioned in an interview by the sister of the missing Daniela Santiago, and a photographic record was made of the motorcycle found to be placed at the disposal of the Specialized Prosecutor's Office 11 of the municipality of Buga. On June 7, 2023, with the support

of the Civil Defense, investigators and canine guides of the CTI, police agents and relatives of the missing persons, search work was carried out in the sectors of San Pablo, Santana and rural area of the municipality of Cartago Valle. The authorities conducted voluntary searches of several nearby farms and found “drops of blood that were found on the banks of the Cauca river approximately 10 minutes from the place where the motorcycle was found”.

21. That same day, a reconstruction of the possible route taken by the missing persons was carried out by collecting video material from different cameras in the surrounding areas and from the road leading to Ansermanuevo. On June 8, 2023, work continued in the neighborhood and a farm was verified. On June 16, 2023, other search tasks were carried out in the sugar cane fields where workers were asked about the presence of the missing youths. On June 17, a farm in the municipality of Cartago, Valle del Cauca, was verified, where the missing youths had allegedly been at a party. There they were informed that the place is rented for events promoted through social networks and that the proposed beneficiaries had not been seen. Security cameras could not be located as it is a wooded area.

22. For its part, the Child and Adolescent Protection Group - GINAD reported that after the disappearance of the young people was reported, the urgent search mechanisms were activated through the WhatsApp police group of the National Model of Community Surveillance by quadrants the data of the proposed beneficiaries for their location. Likewise, a search *poligrama* [which refers to a police document for internal distribution] was prepared and sent nationwide. Likewise, the families were accompanied in the field in the Guayabal village, where the motorcycle was found, as well as in the search carried out on June 7, 2023. On June 8, 2023, the specialized Prosecutor 11 of Buga summoned the search group integrated by the different authorities, carrying out a voluntary search of a farm where evidentiary material elements were found and collected.

23. On June 14, 2023, an extraordinary security council was held with the participation of different authorities. It addressed the issue of offering a 50 million reward for providing information that would help locate the missing youths. On June 15, 2023, a technical meeting was held with the District police commander, Secretary of government, Chiefs of Police; SIJIN; GAULA, and Lina Maria Gómez Castrillón to inform her about self-protection measures after she announced that she was a victim of threats received due to the search for her son Nicolás Aristizábal. On June 19 and 20, flyers were distributed in different sectors of the municipality of Cartago alluding to the reward offered by the municipal administration. On June 21, the residences of Lina Maria Gómez Castrillón and Yamilena Díaz Cano were visited and informed about the distribution of the reward flyers.

24. The Cartago Police Station informed that orders were given to the personnel to constantly check the residences of the family members. On July 2 and 6, 2023, the National Police checked the residences of Lina Maria Gomez and Yamilena Díaz Cano and made contact with the family and provided them with the police quadrant contact numbers. During August 13, 14, 15 and 17, 2023, the police accompanied the families of the missing youths during the search efforts carried out in the wetland and the march called “For life and hope” called by the families from July 31 to August 4, 2023. Likewise, preventive plans were executed in the sector such as identification and registration of persons, vehicles, motorcycles, preventive campaigns to receive information and police presence to dissuade the commission of crimes to the families.

25. On August 25, 2023, the operational and citizen security commander of the police attended the state roundtable on forced disappearances convened by the governor of Valle del Cauca to follow up on the case of the missing youths. The National Ombudsperson’s Office addressed an official letter to the municipal mayor of Cartago - Valle del Cauca, the police commander, the sectional director of prosecutors, among other officials to inform them about the receipt of a complaint and/or request for specialized attention by Lina Maria Gomez Castillo. The complaint pointed out that the prosecutor in charge of the investigation was not present when the collection of the lower part of an unidentified body by the CTI took place on August 13, 2023. Due to the lack of police personnel for custody, the [victim’s] relatives had to guard the site for three days without receiving any response to their request for the police to be present to stand watch, as investigative evidence that allegedly

clarify the disappearance of their relative was reportedly found there. Moreover, the relatives pointed out that they had to rent motor pumps to extract water from the lake because the Civil Defense pump was damaged, they criticized the lack of response from the police commander regarding the progress of the investigation and the strange circumstances that affected the chain of custody of the evidence, since the missing young man's motorcycle was washed after it was found. The National Ombudsperson's Office requested that the victim be provided with counseling and accompaniment, in addition to guaranteeing the right to life, liberty and justice. On August 24, 2023, the Cartago police command responded to the request of the National Ombudsperson's Office indicating the actions of accompaniment that were carried out from August 13 to August 17, 2023. They reported that investigation included interviews, location requests and verification, obtaining video recordings, collection of information, activation of the urgent search mechanism at the national level as well as the implementation of the working table with different authorities.

26. The National Institute of Legal Medicine and Forensic Sciences - INMLCF reported on September 20, 2023, that a multidisciplinary forensic study was carried out on the human remains found from an exhumation carried out in a wetland in the Santa Ana, Cartago, Valle del Cauca. This included the matching of genetic profiles of the relatives of the missing youths with the genetic profiles obtained from the analyzed body parts. The results of the genetic tests were sent to the Director of Prosecutor's Offices of Valle del Cauca. The Institute indicated that the delivery of the bodies will be made once the Office of the Attorney General orders it. On September 20, 2023, the Office of the Attorney General informed that it had been notified by the INMLCF of the identification of the victims through a forensic genetics report dated September 15, 2023. Regarding Daniela Santiago Díaz, it was informed that she was found on August 13, 2023, and that the finding "only pertains to lower limbs". On August 16, 2023, another part of a body corresponding to Nicolás Aristizábal was found in the same wetland. On September 20, 2023, the relatives of the victims were notified of the identification made by the INMLCF. The State finally stated regretting the events that led to the disappearance of the young people and the circumstances in which their bodies were found.

27. On November 13, 2023, the State indicated that, on November 3, 2023, the National Protection Unit (UNP) reported that no record was found of protection requests made by the proposed beneficiaries to them. In this regard, the UNP emphasized that the protection programs are based on the principle of voluntariness and are not initiated informally. The State attached the documents "Application form for registration for the prevention and protection program individual route" and the guide "ABC for accessing the individual and collective protection routes", requesting the Commission to forward these documents to the proposed beneficiaries and petitioners, indicating the need to fill them out and make the respective request to the UNP. With regard to the search measures, the State indicated that the National Institute of Legal Medicine and Forensic Sciences reported the completion of the forensic medical procedures to the competent authority and that the bodies will be handed over once the Office of the Attorney General orders the appropriate action. The State clarified that the expert reports issued by the National Institute of Legal Medicine and Forensic Sciences are only delivered to the authority in charge of the proceedings of the case, that is, the Office of the Attorney General. Therefore, in the event that the petitioning organization needs the genetic expert reports, the request must be made directly to the aforementioned authority.

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

28. The precautionary measures mechanism 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 functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the 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.

29. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter “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.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve 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 the vulnerability to which the proposed beneficiary would be exposed if the measures are not adopted.⁶ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. The object and purpose of precautionary measures is to preserve 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.⁷ 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 of 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.

30. In the analysis of the aforementioned requirements, the Commission reiterates that the facts that motivate a request for precautionary measures do not need to be fully proven. The information provided in order to identify a serious and urgent situation must be assessed from a *prima facie* standard.⁸ The Commission also recalls that, by its own mandate, it is not its responsibility to determine criminal liability for the facts denounced. Furthermore, in the present proceeding, it is not for the Commission to rule on violations of rights

⁴ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Order of July 6, 2009, considerandum 16.

⁵ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#) [only in Spanish]. Provisional measures regarding Guatemala, Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#) [only in Spanish]. Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

⁶ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#) [only in Spanish]. Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 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 the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#) [only in Spanish]. Provisional Measures regarding Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

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

⁸ See in this regard: I/A Court H.R. [Matter of Inhabitants of the Communities of the Miskitu Indigenous People of the Northern Caribbean Coast Region regarding Nicaragua](#). Extension of Provisional Measures, Order of the Inter-American Court of Human Rights of August 23, 2018, Considerandum 13; I/A Court H.R. [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of Fundação CASA](#). Request for extension of provisional measures, Provisional Measures regarding Brazil. Judgment of the Inter-American Court of Human Rights of July 4, 2006, Considerandum 23.

enshrined in the American Convention or other applicable instruments.⁹ The analysis that follows refers exclusively to the requirements of Article 25 of the Rules of Procedure, which can be carried out without the need to enter into assessments on the merits.¹⁰

31. As a preliminary matter, the Commission notes that the initial request for precautionary measures focused on the disappearance of Daniela Santiago Díaz and Nicolás Aristizábal Gómez since June 2023. In the initial request, protection was also requested for the families of both young people. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, and after receiving additional information from the parties, the Commission understands that, following the actions implemented by the State entities and the work of accompanying the families, human parts were identified, which, after undergoing the corresponding verifications, have allegedly coincided with the identity of the two missing youths. According to the applicant, on November 17, 2023, the Institute of Legal Medicine and Forensic Sciences informed the families of the conclusions of its forensic report and how the youths had been murdered.

32. Considering the foregoing, the Commission regrets and condemns the violent murder of young Daniela Santiago Díaz and Nicolás Aristizábal Gómez. At the same time, the Commission recognizes the search actions implemented to find their bodies, identify them, and inform their families. The Commission calls on the State to continue with the corresponding investigations to clarify the facts and determine responsibilities. It also calls on the State to keep the families informed of the progress of the corresponding investigations.

33. The Commission understands that, given the factual change in the initial request, it is appropriate to analyze the current situation of the families of the two murdered youths. The Commission focuses on the situation of the fathers and mothers of the two young people, given that they have been given public visibility in the complaints about what happened to their children and there is more information about their situation.

34. With regard to the *seriousness* requirement, the Commission considers that it has been met. At the time of making this determination, the Commission was informed of the repeated extortive and threatening calls and messages that the next of kin had allegedly received as a result of the search actions they had undertaken to find the whereabouts of the young people. In this regard, it was stated that Lina Maria Gómez received messages and calls on June 4, 7, 12, 16 and 24, 2023. In them someone demanded money from her in order to return her son or to not harm her. Juan Pablo Santiago, Daniela's father, also reportedly received calls on June 7, 9, 10, and 22, and August 10, 2023, in which he was asked for money in exchange for not returning his daughter dead, stating that they should leave the municipality, that "he should stop looking for her if he did not want the same thing to happen him, that they were buried where Nicolás' motorcycle had been found," "that he should not look for them anymore if he did not want the same thing to happen to him", or that he should "stop making a fuss, because if not, they would not respond". On September 5, 2023, the families once again received threats demanding that they remove the missing persons report from social media, "otherwise they will kill them and disappear their bodies". Likewise, on October 23, 2023, it was reported that the families continued to receive calls informing them that the remains found in the lagoon did not correspond to the missing youths. On one occasion, it was reported that Lina Maria Gomez received up to ten calls in a single day.

35. For the Commission, the threat received on October 29, 2023, is of particular seriousness. The threat was received through a pamphlet in which the Gaitanist Self-Defense Forces of Colombia -GAO *Los Flacos*- have reportedly labeled the family members as "military targets" informing them that its members have orders to

⁹ IACHR. [Resolution 2/2015](#). Precautionary Measures No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. [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 Court has indicated that it "cannot, in a provisional measure, consider the merits of any relevant argument other than those strictly related to extreme gravity, urgency and the need to avoid irreparable harm to persons." See in this regard: I/A Court H.R. [James et al. v. Trinidad and Tobago](#). Provisional Measures, Order of the Inter-American Court of Human Rights of August 29, 1998, Considerandum 6; I/A Court H.R. [Case of the Barrios Family v. Venezuela](#) [only in Spanish]. Provisional Measures, Order of the Inter-American Court of Human Rights of April 22, 2021, Considerandum 2.

“execute them”. This threat also contained photographs of the parents and gave them a deadline to leave the city. The Commission notes that the organization claiming responsibility for the threat has been identified by the Colombian Ombudsperson’s Office as an organized crime organization dedicated to drug trafficking with a presence in several municipalities in the Valle del Cauca, including Cartago, and has been identified as responsible for homicides, threats, and extortion.¹¹ Considering the above, the Commission finds that the threat allegedly comes from a recognized criminal organization in the territory where the disappearance and murder of the two young people occurred. This organization reportedly has the proposed beneficiaries’ personal information and has already committed threats, extortion and homicides as part of its actions.

36. After requesting information from the State, the Commission notes that protection measures were implemented by the Police in favor of the family members of the two young people. Such measures include visits to family residences and accompaniment to marches. Also, it was reported that preventive plans were implemented in the sector such as identification and registration of persons, vehicles, motorcycles, preventive campaigns to receive information and police presence to deter the commission of crimes against the families. The Commission notes that, according to the State, the National Protection Unit has no record of protection requests on behalf of family members, considering that protection programs are based on the principle of voluntariness and are not initiated informally.

37. The Commission understands that the State is aware, through the denunciations and complaints filed, of the extortion and death threats against the proposed beneficiaries. Furthermore, according to the information available, the National Ombudsperson’s Office has also called for their protection. Such knowledge triggers the State’s duty to protect them from the alleged situation of risk. In this regard, the Commission considers important to recall that when an authority becomes aware of a situation of risk to the life of a person, it is the responsibility of the said authority to “identify or assess whether the person subject to threats and harassment requires protection or to refer the matter to the competent authority to do so”, an authority who must “provide the person at risk with timely information on the measures available”.¹² The Commission has emphasized the importance of national mechanisms or programs for the protection of human rights defenders, since they can favor a timely and specialized intervention, considering the set of contextual and specific aspects when analyzing the risk situation.¹³

38. The Commission considers that, despite the protection measures implemented, the events against the proposed beneficiaries have continued to occur. In November 2023, Ms. Lina María Gómez, Nicolás’ mother, identified that she was being followed by two unidentified men on motorcycles. According to the proposed beneficiary, these individuals had made sure that she was aware that she was being followed. That same month, Daniela’s family reportedly decided to leave the area. These events have occurred after the death threat from the group linked to organized crime and drug trafficking in the area.

39. Regarding the status of the investigations into the threats, the Commission has no additional elements of assessment. For the Commission, this aspect is important insofar as the investigation and eventual determination of responsibilities has an impact on the possibilities of the events happening again. In this regard, the Commission notes that, according to the information provided by the parties, to date, those responsible for the threats and extortion against the parents of Daniela Santiago and Nicolás Aristizábal have not been identified, despite the continuity of these events.

¹¹ Early Warning Card No. 021-22 of August 19, 2022 “The risk scenario is configured by the internal dispute between members of the Organized Crime Group “*Los Flacos*” for the control of drug trafficking and drug retail distribution that has caused homicides, threats and extortion”. See in respect: [Alertas Tempranas - Early Warnings - Early Warnings File \(defensoria.gov.co\)](#) [only in Spanish].

¹² I/A Court H.R.. *Case of Luna López v. Honduras*. Merits, Reparations, and Costs. Judgment of October 10, 2013. Series C. No. 269, para. 127.

¹³ IACHR, “Second Report on the Situation of Human Rights Defenders in the Americas,” OEA/Ser.L/V/VII, Doc. 66, December 31, 2011, para. 484.

40. Taking into account the foregoing, the Commission considers, from a *prima facie* standard and taking into account the threats received by the proposed beneficiaries, the absence of information on progress in the investigative processes, as well as the need to reinforce the protection measures in favor of the proposed beneficiaries, that the serious risk to the rights to life and personal integrity of the relatives of Daniela Santiago Gómez and Nicolás Aristizábal Díaz is sufficiently proven.

41. As for the *urgency* requirement, the Commission considers that it has been met, since the threats and extortive acts that the next of kin have faced have not ceased, and there is no sufficient information to confirm that the risk factors identified over time have been duly mitigated. This situation is likely to continue to the extent that the families are still denouncing and seeking justice for the murder of their children, given the imminent materialization of the risk and the lack of protection measures, it is necessary to immediately adopt measures to safeguard the rights to life and personal integrity of the proposed beneficiaries.

42. As for the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the possible impact on the right to life and personal integrity constitutes the maximum situation of irreparability.

V. BENEFICIARIES

43. The Commission declares as beneficiaries the father and mother of Daniela Santiago Gómez, as well as the father and mother of Nicolás Aristizábal Gómez. These persons are duly identified in this proceeding.

VI. DECISION

44. The Inter-American Commission considers that the instant matter meets *prima facie* the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, it requests that Colombia:

- a) adopt the necessary measures to protect the rights to life and personal integrity of the identified relatives of Daniela Santiago Díaz and Nicolás Aristizábal Gómez;
- b) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- c) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

45. The Commission requests the State of Colombia to report, within 15 days from the day following notification of this resolution, on the adoption of the precautionary measures requested and to update this information on a regular basis.

46. 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 applicable instruments.

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

48. Approved on December 4, 2023, by Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; and José Luis Caballero Ochoa, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary