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**REPORT No. 109/17**  
**PETITION 795-08**  
REPORT ON ADMISSIBILITY

ROSALÍA BENAVIDES FRANCO ET AL.  
COLOMBIA

Approved by the Commission at its session No. 2098 held on September 7, 2017.  
164<sup>th</sup> Special Period of Sessions.

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**REPORT No. 109/17<sup>1</sup>**  
**PETITION 795-08**  
 ADMISSIBILITY REPORT  
 ROSALÍA BENAVIDES FRANCO ET AL.  
 COLOMBIA  
 SEPTEMBER 7, 2017

**I. INFORMATION ON THE PETITION**

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| <b>Petitioner:</b>      | Walter Mondragón Delgado, Alexander Montaña Narvaez, and Corporación Justicia y Dignidad  |
| <b>Alleged victims:</b> | Rosalía Benavides Franco et al. <sup>2</sup>  |
| <b>State denounced:</b> | Colombia  |
| <b>Rights invoked:</b>  | Article 1(1) (obligation to respect rights), 3 (recognition of juridical personality), 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (right to a fair trial), 11 (protection of honor and dignity), 17 (family), 19 (rights of the child), 22 (freedom of movement and residence), and 25 (judicial protection) of the American Convention on Human Rights <sup>3</sup> ; Articles 3, 4, 5, 6, 7, and 8 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Convention of “Belém do Pará” <sup>4</sup> ; and rights protected under other international treaties <sup>5</sup> |

**II. PROCEDURE BEFORE THE IACHR<sup>6</sup>**

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| <b>Date on which the petition was received:</b>                 | July 1, 2008   |
| <b>Date on which the petition was transmitted to the State:</b> | July 26, 2010  |
| <b>Date of the State’s first response:</b>                      | November 17, 2010  |
| <b>Additional observations from the petitioner:</b>             | January 13, 2011, September 28, 2012, December 27, 2012, November 1, 2013, and March 4, 2014 |
| <b>Additional observations from the State:</b>                  | April 12, 2011 and January 17, 2014  |

**III. COMPETENCE**

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| <b>Competence <i>Ratione personae</i>:</b> | Yes |
| <b>Competence <i>Ratione loci</i>:</b>     | Yes |
| <b>Competence <i>Ratione temporis</i>:</b> | Yes |

<sup>1</sup> In keeping with Article 17(2)(a) of the Commission’s Rules of Procedure, Commissioner Luis Ernesto Vargas Silva, of Colombian nationality, did not participate in the debate or decision in this matter.

<sup>2</sup> The petition was submitted in representation of Rosalía Benavides Franco, her son Luis Estiven Ortiz Benavides, Juan Guillermo Gutiérrez Sánchez, and the family groups of both, as well as Gloria Nancy Sánchez Zuluaga, Luceny Guali Guzmán, Florencia Cortés Cruz, Nubia Esther González, Elvira González, and a woman by the name of Adela (her last name is not indicated).

<sup>3</sup> Hereinafter the “Convention” or “American Convention.”

<sup>4</sup> Hereinafter “Convention of Belem do Pará.”

<sup>5</sup> The petitioners allege violations of the Convention on the Rights of the Child.

<sup>6</sup> All the observations were duly forwarded to the opposing party.

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| <b>Competence <i>Ratione materiae</i>:</b> | American Convention (instrument of ratification deposited July 31, 1973); Inter-American Convention on Forced Disappearance of Persons (instrument of ratification deposited February 11, 2004); Inter-American Convention to Prevent and Punish Torture (instrument of ratification deposited January 19, 1999); Convention of Belém do Pará (instrument of accession deposited November 15, 1996) |
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**IV. ANALYSIS OF DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF PETITION**

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| <b>Duplication of procedures and international <i>res judicata</i>:</b>              | No  |
| <b>Rights declared admissible:</b>   | Articles 3 (recognition of juridical personality), 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (right to a fair trial), 11 (protection of honor and dignity), 17 (family), 19 (rights of the child), 22 (freedom of movement and residence), and 25 (judicial protection) of the Convention in relation to Article 1(1) (obligation to respect the rights); Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture; Article I of the Inter-American Convention on Forced Disappearance of Persons; and Article 7 of the Convention of Belém do Pará |
| <b>Exhaustion of domestic remedies or applicability of an exception to the rule:</b> | Yes, Article 46(2)(c) of the American Convention on Human Rights applies  |
| <b>Timeliness of the petition:</b>   | Yes, in the terms explained in section VI   |

**V. ALLEGED FACTS**

1. This petition refers, *inter alia*, to the alleged disappearance and subsequent execution of Rosalía Benavides Franco and Juan Guillermo Gutiérrez Sánchez, 15 years of age, as well as the illegal deprivation of liberty, torture, and sexual violence against six women, committed by members of the Autodefensas Unidas de Colombia (AUC), led by a second sergeant of the National Army, in the department of Putumayo.

2. The petitioners indicate that at approximately 6:00 a.m. on October 25, 2004, two pickup trucks arrived at the Inspección Arizona (police post in the rural district of Arizona), in the municipality of Puerto Caicedo, Putumayo, with members of the AUC, led by a second sergeant of the National Army, who brought together the members of the community to inform them that the Army was working with the AUC and that if anyone denounced them they could kill them. Petitioners allege that they then went to a hotel in the sector and detained Ms. Rosalía Benavides Franco, who was with her son Luis Estiven Ortiz Benavides, two years old, and Gloria Nancy Sánchez Zuluaga. They indicate that they also detained Juan Guillermo Gutiérrez Sánchez, 15 years of age, who was sleeping at the home of a woman from the community. They note that they put these persons in a vehicle; and that subsequently the adolescent Gutiérrez Sánchez and Ms. Benavides Franco were removed and assassinated by the second sergeant, in the company of paramilitaries and a group of soldiers. They note that the child Luis Estiven was turned over by the soldiers to Ms. Sánchez Zuluaga who, upon being released after having been kidnapped for three days gave him to his family members. In this regard, they allege that the “illegal retention” of the child “to then pretend to give him to persons other than his relatives” constitutes a violation of Article 17 of the Convention.

3. They state that the second sergeant ordered one of the persons with them to place the bodies in a cistern and to cover them with various objects to hide them, which he did in the company of other paramilitaries. They indicate that Ms. Benavides Franco’s body was found the next day with signs of torture,

but the official act of removing the body, and the recovery of the body, occurred on October 28, 2004, for the second sergeant did not allow anyone to approach it. They add that there are indicia that she was the victim of rape. They indicate that the body of the adolescent Gutiérrez Sánchez was found by members of the Junta de Acción Comunal (community-level governance body) in the rural district of Arizona, with the participation of a second lieutenant of the National Army on November 10, 2004, with signs of torture.

4. They argue that as these events unfolded, for several days the same victimizers kidnapped, tortured, and sexually abused Luceny Guali Guzmán, Florecide Cortés Cruz, Nubia Esther González, Elvira González, and a woman by the name Adela (hereinafter Ms. Adela), in addition to Ms. Sánchez Zuluaga, from October 25 to 28, 2004. They indicate that they were subsequently turned over by the members of the military to the Junta de Acción Comunal, at which time they were forced to sign a document stating they had been treated well. Finally, according to the information provided by the petitioners, some family members of the alleged victims were forcibly displaced because of the threats they suffered stemming from the alleged facts. They also indicate that the family members were afraid to undertake the search for the alleged victims. In this regard, they indicate that the mother of Juan Guillermo Gutiérrez refrained from continuing the search of his son for fear, and that uniformed men made threats to the relatives so that they did not denounce the facts.

#### *Criminal proceedings*

5. According to the documentation produced by the petitioners, a member of the Army reported to the 58<sup>th</sup> Military Court of Criminal Investigation the events of October 2004 that involved the participation of the then-second sergeant, including the homicides of the adolescent Gutiérrez Sánchez and of Ms. Benavides Franco, and “the illegal deprivation of liberty for several days of Nubia and Elvira González ... and their being taken to the Mansoyá Military Base, where they were released.” The 58<sup>th</sup> Court began the criminal investigation on November 23, 2004, and on November 28, 2004 it ordered the pretrial detention of the second sergeant for the crimes of conspiracy to engage in criminal conduct (*concierto para delinquir*), abuse of authority, aggravated homicide, carnal access with inability to resist, and arbitrary detention. On December 10, 2004, the 58<sup>th</sup> Court referred the investigation to the Specialized Office of the Attorney General in Puerto Asís, on jurisdictional grounds. On March 7, 2005, Ms. María Doris Sánchez Murcia, the mother of the adolescent Gutiérrez Sánchez, reported his death to Section 44 of the Office of the Attorney General (Fiscalía Seccional 44) of the Sectional Unit of Prosecutors (Unidad Seccional de Fiscalías), which on August 10, 2005, asked that it be handled in the same proceeding before the 58<sup>th</sup> Court.

6. According to the information provided, on June 29, 2005, the Office of the Prosecutor before the Criminal Court of the Specialized Circuit accused the second sergeant of being the perpetrator of the series of offenses of aggravated conspiracy to engage in criminal conduct, aggravated homicide, and arbitrary detention, and declared that the investigation for the crimes of sexual act with a person rendered incapable of resisting was precluded, as it was not shown in the preliminary investigation, and the investigation with respect to the crime of abuse of authority, since the appropriate charge was arbitrary detention.

7. According to the documentation received, on March 6, 2007, the Criminal Court of the Specialized Circuit convicted Second Sergeant Juan Pablo Sierra Daza for the crimes of unaggravated homicide (*homicidio simple*) to the detriment of the adolescent Gutiérrez Sánchez and Ms. Benavides Franco, and conspiracy to engage in criminal conduct and arbitrary detention to the detriment of Nubia and Elvia González, and sentenced him to a prison term of 23 years and 3 months, a fine of 2,000 times the legal minimum monthly salary, disqualification from exercising public rights and functions for the same period of time, and the payment of 50 times the legal minimum salary in force to Nubia and Elvia González, and 250 times the minimum salary to the families of the adolescent Gutiérrez Sánchez and Ms. Benavides Franco. He appealed and the Chamber for Decisions (Sala de Decisión) of the Superior Court of the Judicial District of Pasto upheld the conviction on November 21, 2007.

8. The petitioners allege that the evidence collected in that criminal proceeding indicates clearly that the second sergeant acted together with four paramilitaries who were partially identified in the proceeding, despite which no charges were ever brought against them. They also note that there was no

finding of individual responsibility of any of other the members of the military, whether superiors of the second sergeant, or those acting under his orders, who participated in the arbitrary detention.

9. The petitioners note that on September 3, 2010, they filed a petition (*un derecho de petición*) with the Attorney General of the Nation requesting “that the investigation go forward with respect to the other human rights violations and those responsible for them.” On October 27, 2010, the Office of the Second Specialized Prosecutor of Puerto Asís (Putumayo) reported that it began an investigation (case 8711) “into the acts committed by the second sergeant.” They further note that Ms. Sánchez Zuluaga filed a complaint alleging sexual violence, torture, and kidnapping with the Justice and Peace jurisdiction on February 13, 2012, in which she stated that she had not filed a complaint previously out of fear, and that she would not return to Putumayo.

#### *Disciplinary proceedings*

10. The petitioners allege that on February 8, 2005, the Office of Delegate Disciplinary Procurator for the Defense of Human Rights (*Procuraduría Delegada Disciplinaria para la Defensa de los Derechos Humanos*) began a preliminary inquiry and on August 20, 2010, imposed sanctions on the second sergeant, removing him from his position and disqualifying him from performing public duties for 20 years, “for having committed a serious violation of international humanitarian law, in having held and subsequently killed [Rosalía Benavides Franco and Juan Guillermo Gutiérrez Sánchez].” They indicate that in that judgment, which became final on February 24, 2011, it was declared that the limitations period had run in respect of the conduct related to the presumption of having collaborated with an illegal group, since more than five years had elapsed since the date on which it occurred.

#### *Contentious-administrative proceeding*

11. The petitioners argue that on March 1, 2010, they filed a request for prejudicial conciliation with the Office of the Second Delegate Judicial Procurator (18<sup>th</sup>) before the Court for Contentious-Administrative Matters (*Procuraduría 18 Judicial II Delegada ante el Tribunal Contencioso Administrativo*) of Valle del Cauca, and on May 27, 2010, an extrajudicial conciliation hearing was held before the Office of the Second Judicial Procurator (35<sup>th</sup>) for Administrative Matters (*Procuraduría 35 Judicial II Administrativa*) of Pasto, at which the next-of-kin of Ms. Benavides Flores and of the adolescent Gutiérrez Sánchez demanded of the Ministry of Defense-National Army integral reparation for the harm caused by their executions. They indicate that on May 25, 2012, the Administrative Tribunal of Nariño approved a conciliation reached by the parties according to which the State recognized compensation for the moral damages caused.

12. In this respect, they indicate that the State recognized it owed compensation for the moral damages caused to the family groups of Benavides Franco and Gutiérrez Sánchez. They further note that according to the conciliation agreement, the complainants said that they accepted the State’s offer because of their deplorable socioeconomic and family situation, reserving the right to have all other rights whose violation was not recognized by that administrative mechanism brought before the IACHR through this petition, for it to order integral reparation. According to the petitioners, therefore, what was agreed upon in conciliation is not part of the international litigation before the inter-American system, but the rest of the claim remains and continues before that system.

#### *Other steps taken*

13. The petitioners allege that on September 13, 2010 they asked the director of the National Prison Institute (INPEC: Instituto Nacional Penitenciario) for information about all the places and dates of confinement of the second sergeant. They note that on September 24, 2010, the INPEC answered that as a matter of security and information being under seal, it was not possible to provide that information, thus in a judgment on an *acción de tutela* handed down October 26, 2010, the 20<sup>th</sup> Criminal Court for the Circuit of Cali ordered INPEC to answer the request. They note that nonetheless, on November 4, 2010, the INPEC reiterated its refusal. On December 15, 2010, they again filed a motion for contempt (*incidente de desacato*) against the director of the INPEC; to date there has been no response.



14. The petitioners concluded that that as regards the requirements for exhausting domestic remedies, the exception set forth at Article 46(2)(b) of the Convention applies, since the alleged victims and their next-of-kin have invoked and pursued domestic remedies, but did not exhaust them entirely due to the conditions of generalized violence directed against them. They indicate that this situation has not made possible effective access to domestic remedies. They argue that the exception provided for at Article 46(2)(c) of the Convention also applies given that while the investigative authorities individually identified the paramilitaries and some soldiers who were said to have participated in the facts, none was ever investigated.

15. The State notes that the facts alleged have given rise to two criminal proceedings in the regular criminal jurisdiction. One culminated in the conviction of a state agent; the second is in the investigative phase.

16. The State reiterates the information provided by the petitioners with respect to the criminal proceeding brought against the then-Second Sergeant Juan Pablo Sierra Daza, who was convicted on March 6, 2007, and sentenced to 280 months in prison for the crimes of conspiracy to engage in criminal conduct, unaggravated homicide, and arbitrary detention of Juan Guillermo Gutiérrez and Rosalía Benavides Franco, Elvira González, Nubia González, and Florecide Cortés. That judgment was affirmed on November 21, 2007 by the Criminal Chamber of the Superior Court of the Judicial District of Pasto. The State indicates that, therefore, as a result of the complaint filed, a criminal proceeding was conducted before the regular criminal courts that yielded specific results. It further states in this respect that the petitioners intend to use the inter-American system as a fourth instance to call into question the domestic criminal court rulings that they did not call into question in the domestic jurisdiction.

17. The State also indicates that on August 3, 2010, a complaint was received from petitioner Alexander Montaña Narváz by virtue of which a preliminary investigation was opened on October 27, 2010 by the Office of the Second Specialized Prosecutor of Puerto Asís, Putumayo, for the crimes of sexual act and abusive carnal access, committed allegedly by state agents, in conjunction with torture and kidnapping. On December 4, 2012, the investigation was reassigned to the Office of the 70<sup>th</sup> Specialized Prosecutor of the Human Rights and International Humanitarian Law Unit. The State indicates that the resolution by which the investigation was reassigned states expressly that the homicides of Benavides and Gutiérrez Sánchez were not being investigated, for they were the subject of judgments already handed down. It adds that on March 5, 2013 it was ordered that the investigation begin against Sierra Daza and that the judicial police were furthering investigations to identify the paramilitaries who were in the zone as well as the military personnel of the "Austria 2" company, to consider their possible involvement. According to the information provided, that proceeding is pending resolution. The State concludes that domestic remedies have not been exhausted with respect to the alleged acts of torture, kidnapping, and abusive carnal access against Gloria Nancy Sánchez Zuluaga, Nubia Esther González Sánchez, Florecide Cortés, Elvira Marroquín, and Ms. Adela.

18. With respect to the alleged participation of other members of the military, whether superiors or persons of lower rank, the State affirms that despite the arduous investigative and judicial work done, the Office of the Attorney General and the judges did not find sufficient evidence to prosecute them. In addition, it indicates that neither the family members nor their representatives pursued any remedy against the rulings of the Office of the Attorney General on the legal situation of Sierra Daza or against the judgment of first instance; those would have been the suitable mechanisms for questioning and seeking to tie other members of the military who may have been responsible to the investigation and the criminal prosecution.

19. In addition, the State indicates that neither the next-of-kin of Juan Guillermo Gutiérrez Sánchez and Rosalía Benavides Franco nor the petitioners filed any action for direct reparation within the two years set by law. Given that, according to the State, the action for direct reparation is the suitable remedy for obtaining integral monetary and non-monetary reparation, operating as a supplement to the reparation granted in a criminal or civil action; and exhaustion of the action for direct reparation should be required for the purposes related to obtaining integral institutional reparation. It states in this respect that not exhausting the action for direct reparation renders the petition inadmissible, and is tantamount to a tacit waiver of the right to claim institutional economic reparation before the inter-American system. With respect to the process before the disciplinary jurisdiction, the State confirms the information submitted by the petitioners

and asks the IACHR to dismiss the petitioners' claims that seek to call into question domestic judicial decisions that have been adopted legitimately.

20. The State argues that the exception to the prior exhaustion requirement provided for at Article 46(2)(b) of the Convention does not apply and that the petitioner asks that it be applied by putting forth a generalized discourse, without showing concretely and objectively the existence of the elements needed to apply that exception. It also notes that the exception provided for at Article 46(2)(c) of the Convention does not apply, among other reasons since it is a complex matter due to the many types of criminal conduct alleged and of individuals said to have participated, and that there has been intense investigative and judicial activity.

21. Finally, the State asks the IACHR to limit the exercise of its competence to take stock of possible violations of the American Convention, discarding from the outset any pronouncement on possible violations of any other provision of domestic law cited by the petitioners, due to the lack of competence to do so. It also argues that the Commission is not competent to hear argument on possible violations of Articles 3, 4, 5, and 6 of the Convention of Belém do Pará, based on Article 12 of that Convention.

## **VI. EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION**

22. The petitioners argue that more than 12 years have elapsed without all the participants in the human rights violations committed to the detriment of the alleged victims having been individually identified, investigated, and punished, and without integral reparation having been made to the alleged victims. The State argues that neither the alleged victims nor their representatives appealed the rulings of November 28, 2004 and June 29, 2005, or the guilty verdict of March 6, 2007, not that the opportunity to appeal offered them a forum for raising questions and seeking inclusion in the criminal investigation and prosecution of other members of the military allegedly responsible. It also argues that domestic remedies were not exhausted with respect to the alleged acts of torture, kidnapping, and abusive carnal access, for the criminal investigation has continued its course. With respect to the rest of the conduct examined in the disciplinary proceeding, the State indicates that the limitations period ran as a result of the application of the domestic law. Finally, it argues that the alleged victims' next-of-kin did not file an action for direct reparation in a timely manner before the contentious-administrative jurisdiction. The State concludes that on requesting the application of the exception provided for at Article 46(2)(b) of the Convention, the petitioners have put forth a general discourse, without showing concretely and objectively the existence of the elements required for that exception to apply. It also argues that the exception provided for at Article 46(2)(c) does not apply considering the complexity of the case and the intensive investigative and judicial activity.

23. In situations such as this one, which includes allegations of forced disappearance followed by execution, torture, and sexual violence, the domestic remedies that must be taken into consideration for the purposes of admissibility of the petition are those related to the criminal investigation and punishment imposed on the persons responsible for those facts, which in the domestic legislation are crimes that must be investigated at the initiative of the prosecutorial authorities. In this respect, the Commission notes that one of those responsible for the facts alleged was criminally convicted. Nonetheless, the Commission observes that more than 12 years after the criminal investigations began it does not have information indicating that the State has completed an investigation into all the persons allegedly responsible and a criminal investigation continues to be ongoing in the investigative phase. Accordingly, the Commission concludes that the exception to the prior exhaustion requirement provided for at Article 46(2)(c) of the Convention applies, with the caveat that the causes and effects that have impeded the exhaustion of domestic remedies in the instant case will be analyzed, as relevant, in the report that the Commission adopts on the merits so as to determine whether the conduct actually entails violations of the Convention.

24. In addition, the Commission recalls that the disciplinary jurisdiction is not a suitable forum for prosecuting, punishing, or making reparation for the consequences of human rights violations. As regards the contentious-administrative jurisdiction, the Commission reiterates that for the purposes of determining

the admissibility of a claim such as this one, it is not a suitable forum nor must it be exhausted, since it does not provide for integral reparation and justice for the next-of-kin.<sup>7</sup>

25. In terms of the time for filing, as it has been established that the above-noted exception to the prior exhaustion rule applies, and that the petition to the IACHR was received on July 1, 2008, and the alleged facts that are the subject matter of the claim began on October 25, 2004, and their effects extend to the present day, considering the context and characteristics of the instant case the Commission finds that the petition was submitted within a reasonable time.

## VII. COLORABLE CLAIM

26. In view of the elements of fact and law set forth by the parties and the nature of the matter before it, the Commission considers that if the alleged disappearance and subsequent execution of Rosalía Benavides Franco and Juan Guillermo Gutiérrez Sánchez are shown, as well as the alleged failure to punish the persons responsible, these facts could tend to establish violations of the rights recognized in Articles 3 (recognition of juridical personality), 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (right to a fair trial), and 25 (judicial protection) of the Convention all in relation to the obligations contained in Article 1(1) (obligation to respect rights), Article I of the Inter-American Convention on Forced Disappearance of Persons, and Articles 5, 8, and 25 of the American Convention in light of Article 1(1), in relation to their next-of-kin. In addition, as Juan Guillermo Gutiérrez Sánchez was allegedly 15 years old at the time of his death, the facts alleged, if proven, also tend to establish a violation of Article 19 (rights of the child) of the Convention in relation to the obligations contained in its Article 1(1), to his detriment.

27. In addition, the alleged deprivation of liberty and torture committed against Rosalía Benavides Franco, Gloria Nancy Sánchez Zuluaga, Luceny Guali Guzmán, Florecide Cortés Cruz, Nubia Esther González, Elvira González, and Ms. Adela tend to establish possible violations of the rights recognized in Articles 5 and 7 of the American Convention in relation to the obligations contained in Article 1(1), as well as Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture, and the alleged detention of Luis Estiven Ortiz Benavides could tend to establish a violation of Articles 7 and 19 of the Convention in relation to the obligations contained in its Article 1(1). In addition, the alleged impunity of for these facts could tend to establish a violation of Articles 8 and 25 of the Convention, in relation to its Article 1(1).

28. In addition, the alleged sexual violence committed against Gloria Nancy Sánchez Zuluaga, Luceny Guali Guzmán, Florecide Cortés Cruz, Nubia Esther González, Elvira González, and Ms. Adela, if proven, would tend to establish a violation of Articles 5, 11 (protection of honor and dignity), 8 and 25 of the Convention in relation to its Article 1(1), as well as Article 7 of the Convention of Belém do Pará. Finally, if the alleged threats against the relatives of the alleged victims not to denounce de alleged facts as well as the displacement of the family members in the wake of those threats are proven, it could constitute a violation of Articles 17 (family) and 22 (freedom of movement and residence) of the American Convention, in relation to its Article 1(1).

29. In terms of the alleged violation of Article 17 (rights of the family) of the Convention, the Commission observes that the petitioners have not offered arguments or sufficient support that would allow one its consider, *prima facie*, its possible violation.

30. As regards the other provisions contained in the Convention of Belém do Pará and with respect to the Convention on the Rights of the Child, the IACHR observes that while it is not competent to find a possible violation of those provisions, it is authorized to turn to the standards established in those provisions to interpret the provisions of the American Convention.

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<sup>7</sup> IACHR, Report No. 72/16. Petition 694-06. Admissibility. Onofre Antonio de La Hoz Montero and family. Colombia. December 6, 2016, para. 32.



## **VIII. DECISION**

1. To find this petition admissible in relation to Articles 3, 4, 5, 7, 8, 11, 17, 19, 22, and 25 of the American Convention in relation to the obligations contained in Article 1(1) of that instrument; Article I of the Inter-American Convention on Forced Disappearance of Persons; Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture; and Article 7 of the Convention of Belém do Pará;

2. To find this petition inadmissible in relation to Article 17 of the American Convention;

3. To notify the parties of this decision;

4. To continue with the analysis of issues on the merits; and

5. To 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 in the city of México, on the 7 day of the month of September, 2017. (Signed): Francisco José Eguiguren, President; Margarette May Macaulay, First Vice President; Esmeralda E. Arosemena Bernal de Troitiño, Second Vice President; José de Jesús Orozco Henríquez, Paulo Vannuchi, and James L. Cavallaro, , Commissioners.