

Pueblo Bello Massacre v. Colombia

ABSTRACT¹

This case is about the abduction, killing and enforced disappearance of a group of thirty-seven farmers from the village of Pueblo Bello, in Colombia, by paramilitary-groups retaliating for the alleged rustling of cattle. Although the massacre took place in 1990, after more than 22 years only a few of the bodies have been found and only some of the culprits have been prosecuted. Eventually, the Court found the violation of several articles of the Convention.

I. FACTS

A. Chronology of Events

December 1989: Guerrilla members steal Fidel Antonio Castaño Gil's cattle from his *Santa Maria* ranch and transport them through the Pueblo Bello village.² Mr. Castaño Gil decides to retaliate.³

January 13 and 14, 1990: Mr. Castaño Gil organizes a paramilitary group of about sixty men, named the "*Tangueros*."⁴ The men depart from Mr. Castaño Gil's *Santa Mónica* ranch to raid the village of Pueblo Bello and to abduct people allegedly in collaboration with guerrilla groups.⁵

In the evening on January 14, 1990, Mr. Castaño Gil's paramilitary group enters Pueblo Bello in two large trucks.⁶ They are assigned to occupy the village, capture the suspects, cover escape routes from Pueblo Bello, and block roads to Turbo and San Pedro de Urabà.⁷

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2. Pueblo Bello Massacre v. Colombia, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 140, ¶ 95(31) (Jan. 31, 2006).

3. *Id.*

4. *Id.* ¶ 95(30).

5. *Id.*

6. *Id.* ¶ 95(32).

7. *Id.*

The paramilitary group ransacks homes and forces men from their houses to the village's central square.⁸ Based on a list of guerrilla sympathizers,⁹ the paramilitary members choose forty-three men, tie them up, gag them, and force them onto the two trucks.¹⁰ Of those captured, thirty-seven men are forcibly disappeared and six are murdered.¹¹

Around 11:30 p.m., the two trucks drive to the *Santa Mónica* ranch through "an emergency and military operations [zone]."¹² As a part of military protocol, there is a checkpoint between Pueblo Bello and San Pedro de Urabá, which inspects and searches vehicles and individuals.¹³

January 15, 1990: In the early morning, the two trucks reach the *Santa Mónica* ranch, where Fidel Castaño sends the abducted men to a sandbank on the Sinú River in *Las Tangas*.¹⁴ Once they reach the river, Fidel Castaño divides the detainees into groups of three to five people.¹⁵ He orders the groups to be interrogated about his missing livestock.¹⁶

During the interrogations, the paramilitary group severs some of the abductee's veins, ears, genital organs, or gouged out their eyes.¹⁷ As a result, twenty individuals died.¹⁸ The survivors are transferred to a wooded area where the interrogations continue.¹⁹ They are kicked and beaten to death.²⁰

Afterward, the paramilitary group moves the corpses to *Las Tangas*, where around twenty-two corpses are transported to and buried at different sandbanks off the Sinú River.²¹

The next morning, the abductees' next of kin seek information at the San Pedro de Urabá military base, where Lieutenant Fabio Enrique

8. *Id.* ¶ 95(33).

9. *Id.* ¶ 95(30).

10. *Id.* ¶ 95(33).

11. *Id.* ¶ 95(35).

12. *Id.* ¶ 95(36).

13. *Id.* ¶ 95(37). These inspections occur during armed strikes and operate from 6 a.m. to 6 p.m., at which point the roads are closed until the next day. The State Military Criminal Court would later investigate how the trucks passed through this checkpoint on their return to the *Santa Monica* ranch, even though the checkpoints were allegedly closed for the day. *See id.* ¶¶ 95(37), 95(47)–95(55).

14. *Id.* ¶ 95(38).

15. *Id.*

16. *Id.*

17. *Id.* ¶ 95(39).

18. *Id.* ¶ 95(40).

19. *Id.*

20. *Id.*

21. *Id.* ¶ 95(41).

Rincón Pulido informs them that the trucks have not passed through the roadblock.²² The Lieutenant mentions that the Pueblo Bello inhabitants had “exchanged people for cattle.”²³

January 26, 1990: The Attorney General’s Office orders a search of the *Las Tangas* ranch and the municipalities of Moñitos, Las Cruces, and El Pescadito.²⁴

January 29, 1990: The Judicial Police Technical Corps of Antioquia reports that the vehicles used to transfer the abductees were stolen.²⁵

January 30, 1990: The 21st Military Criminal Trial Court (“military court”) opens a preliminary inquiry to determine whether San Pedro de Urabá troops broke any laws in connection with the missing persons.²⁶ The court also investigates whether the perpetrators could have used alternate roads to avoid the military checkpoint.²⁷

January 31, 1990: The Medellín Fourth Public Order Court (“Medellín court”) orders the military to search the *Las Tangas* ranch.²⁸ The military reports that it did not find anything suspicious.²⁹

February 1, 1990: The Córdoba Police Department locates the two trucks used in the abductions.³⁰ However, a forensic examination does not find blood or other evidence of illegal activity.³¹

February 1, 1990, and February 3, 1990: Two witnesses report to the Medellín court that the *Tangueros* paramilitary group spoke with San Pedro soldiers on the day of the disappearances.³²

February 5, 1990: The State Army reports that it did not find any evi-

22. *Id.* ¶ 95(42).

23. *Id.*

24. *Id.* ¶ 95(126).

25. *Id.* ¶ 95(63).

26. *Id.* ¶ 95(46).

27. *Id.* ¶ 95(47).

28. *Id.* ¶¶ 95(64), 95(66).

29. *Id.*

30. *Id.* ¶ 95(65).

31. *Id.* ¶ 95(65).

32. *Id.* ¶ 95(67).

dence after searching *Las Tangas* ranch.³³

February 6, 1990: The Medellín court orders searches of the *Linares*, *Villa Nueva*, *Quetendama*, and *Las Tangas* ranches and opens an investigation into violations of Decree No. 180, which prohibits civilians from taking up arms in paramilitary groups.³⁴

February 22, 1990: In a report to the Medellín court, the Urabá Military Headquarters claims that Lieutenant Rincón Pulido was not at the checkpoint on the day in question.³⁵

April 4, 1990: Rogelio de Jesús Escobar Mejía confesses to participating in the Pueblo Bello massacre as a member of the *Tangueros* paramilitary group.³⁶ He reveals that corpses are buried on the *Las Tangas* and *Jaraguay* ranches.³⁷

Later, other members of the *Tangueros* group are captured at *Las Tangas*.³⁸

April 10, 1990: The police exhume four skeletons on the *Jaraguay* ranch.³⁹

April 12, 1990: The Seventh Criminal Court (“criminal court”) exhumes four additional corpses on *Las Tangas*.⁴⁰

April 16, 1990: The criminal court exhumes skeletons from eight trenches on *Las Tangas*.⁴¹

Ultimately, twenty-four corpses are exhumed from the *Las Tangas* and *Jaraguay* ranches and transported to San Jerónimo Hospital for identification.⁴² The corpses are thrown onto the hospital floor, and the victims’ next of kin are left to identify the remains without assistance from State authorities or hospital personnel.⁴³ Any unidentified bodies

33. *Id.* ¶ 95(127).

34. *Id.* ¶¶ 95(12), 95(68).

35. *Id.* ¶ 95(69).

36. *Id.* ¶ 95(70).

37. *Id.*

38. *Id.* ¶ 95(77).

39. *Id.* ¶ 95(71).

40. *Id.* ¶ 95(72).

41. *Id.* ¶ 95(73).

42. *Id.* ¶ 95(74).

43. *Id.*

are buried in a mass grave in Montería.⁴⁴

April 19, 1990: Pueblo Bello residents identify the bodies of Ricardo Bohóquez, Andrés Manuel Peroza Jiménez, Juan Luis Escobar Duarte, Leonel Escobar Duarte, Ovidio Carmona Suárez and Jorge David Martínez Moreno.⁴⁵

April 20, 1990: The military court finds that since the empty trucks passed the roadblock between San Pedro de Urabá and Pueblo Bello, they could have been stolen by a paramilitary group, and the group could have taken a different route with the abductees using another means of transport.⁴⁶ The court declines to open a criminal investigation into the matter because it believes that no military personnel were involved in the illegal activities.⁴⁷

April 21, 1990: A national newspaper publishes an article alleging the Army's involvement in the massacres, based on a letter from Corporal Edison Silva Molina.⁴⁸ The letter, dated January 14, 1990, declares that Silva's superior officers ordered him to leave the area where the forty-two peasants were found, and he speculates that the peasants must have passed through the Puerto Bello roadblock.⁴⁹

April 26, 1990: Former *Tanguero* Rogelio de Jesús Escobar Mejía details the massacre before the Medellín court.⁵⁰

April 30, 1990: The Office of the Delegate Attorney opens an investigation into the conduct of the National Army in charge of the San Pedro de Urabá military base and roadblock.⁵¹

May 1990: The First Public Order Court decides the following: (1) to refrain from ordering preemptive detention of the six captured *Tangueros* suspects based on a lack of evidence that they were involved in the massacre, and (2) to order the Director of the Las Mercedes Na-

44. *Id.* ¶ 95(76).

45. *Id.* ¶ 95(75).

46. *Id.* ¶ 95(48).

47. *Id.*

48. *Id.* ¶ 95(49).

49. *Id.*

50. *Id.* ¶¶ 84, 95(70), 95(78).

51. *Id.* ¶ 95(129).

tional Prison to release the suspects.⁵² However, they are not released, as the Medellín court summons them for violating Decree No. 180 through “abduction[s], multiple murders, and aggravated theft.”⁵³ The Medellín court also orders the capture of Mr. Castaño Gil.⁵⁴ At the behest of a habeas corpus petition submitted by the suspects’ lawyers, the Second Superior Court of Montería orders the release of the detainees.⁵⁵ The Medellín court disagrees with this judgment and orders the capture of the following suspects: Ramiro Enrique Álvarez Porras, Héctor de Jesús Narváez Alarcón, Luis Ángel Gil Zapata, Pedro Hernán Ogaza Pantoja, Elkin de Jesús Tobón Zea, and Rogelio de Jesús Escobar Mejía.⁵⁶

August 1990: The military court revokes its decision not to investigate the Pueblo Bello events and launches an inquiry into the massacre.⁵⁷

September 1990: The Headquarters of the General Directorate of Intelligence of the Administrative Department of Security (“DAS”) sends the First Public Order Court a report by former *Tanguero* Mr. Escobar Mejía detailing the operational structure of the paramilitary group and the Pueblo Bello massacre.⁵⁸ The DAS indicates that based on this information, further exhumations are necessary on the *Las Tangas* ranch,⁵⁹ and the Elite National Police Corps should undertake the investigation, as the authorities in Urabá and Córdoba are involved with Mr. Castaño Gil’s paramilitary group.⁶⁰

October 1990: The Apartadó Provincial Attorney’s Office inspects the San Pedro military base, and an expert opinion is prepared.⁶¹ The Medellín court merges the investigation of Manuel Alfonso Ospina Ospina’s⁶² abduction with the investigation of the Pueblo Bello events

52. *Id.* ¶ 95(84).

53. *Id.* ¶¶ 95(84)–(85).

54. *Id.* ¶ 95(86).

55. *Id.*

56. *Id.* ¶ 95(87).

57. *Id.* ¶ 95(50).

58. *Id.* ¶ 95(79).

59. *Id.*

60. *Id.*

61. *Id.* ¶ 95(130).

62. Manuel Alfonso Ospina Ospina was a member of Mr. Castaño Gil’s paramilitary group, who was abducted and murdered some time after the Pueblo Bello events. *Id.* ¶¶ 95(93), (99).

due to the connection.⁶³

November and December 1990: The military court holds Corporal Silva Molina's statement failed to provide sufficient evidence to continue the proceedings, and because a member of the Armed Forces did not commit the murders, the investigation must be suspended.⁶⁴ The First Public Order Court grants conditional release to Mr. Escobar Mejía for his help in identifying the perpetrators.⁶⁵

July through November 1991: The Attorney General grants the Special Investigations Office authority to investigate the various ways to travel between Pueblo Bello and San Pedro de Urabá, to identify alternate roads.⁶⁶ Based on its findings, the Attorney General's Office decides to drop the charges against National Army Captain Álvaro Gómez Luque and National Army Lieutenant Néstor Enrique Barrera Vega.⁶⁷

Between November 1991 and May 1993: Amnesty International members implore the Attorney General's Office and several Ministries of the Executive Branch to continue investigating the Pueblo Bello massacre.⁶⁸

March 1992: The 83rd Public Order Examining Magistrate requests the arrest of twelve possible paramilitary members.⁶⁹

Summer 1992: The Delegate Attorney discovers that the witnesses who linked the National Army to the paramilitary groups are no longer in Pueblo Bello; their locations are unknown.⁷⁰ Lieutenant Rincón Pulido confirms that he spoke with the victims' next of kin after the massacre but denies stating that the inhabitants "exchanged people for cattle."⁷¹

The *Asociación de Familiares de Detenidos y Desaparecidos* ("ASFADDES") requests exhumation of the remaining corpses in the mass grave on the *Las Tangas* ranch.⁷²

63. *Id.* ¶ 95(89).

64. *Id.* ¶ 95(52).

65. *Id.* ¶ 95(90).

66. *Id.* ¶ 95(133).

67. *Id.* ¶¶ 95(135)–(136).

68. *Id.* ¶ 95(137).

69. *Id.* ¶ 95(91).

70. *Id.* ¶ 95(138).

71. *Id.* ¶ 95(139).

72. *Id.* ¶ 95(140).

March 1993: The Medellín Regional Court (“regional court”) convicts José Otoniel Vanegas Pérez for the kidnapping and murder of Mr. Ospina Ospina.⁷³ The Regional Prosecutor orders Mr. Castaño Gil into preventive detention, without parole, and finds him responsible for violating Decree No. 180.⁷⁴ The Medellín Delegate Regional Prosecutor (“Medellín Prosecutor”) also orders the embargo and seizure of his *Jaraguay* and *Las Tangas* ranches.⁷⁵

August 1993: The Medellín Prosecutor additionally charges Mr. Castaño Gil with multiple abductions under Decree No. 180.⁷⁶

November 1993: The Medellín Prosecutor orders the preventive detention of Mr. Castaño Gil and reorders his arrest.⁷⁷

February 4, 1994: The Medellín Regional Directorate of the Prosecutor General’s Office urges the Army High Command to investigate the possibility of Army members’ responsibility for the Pueblo Bello events.⁷⁸

March 1994: The Commander of the National Army writes an official communication to the Commander of the 17th Brigade of Carepa in Antioquia, providing case files from the previously mentioned domestic cases that show the military personnel who manned the roadblock, in allowing the passage of the stolen trucks with the abducted individuals from Pueblo Bello, are criminally responsible for their actions.⁷⁹

October 1994: The Prosecutor General’s Office begins to remove the corpses from the Montería cemetery, but suspends the process because the land is unsuitable for excavation.⁸⁰

Between March and April 1995: The Bogotá Forensic Division resumes the exhumation and identifications stopped in 1994, and the

73. *Id.* ¶ 95(93).

74. *Id.* ¶ 95(94).

75. *Id.*

76. *Id.* ¶ 95(95).

77. *Id.* ¶ 95(96).

78. *Id.* ¶ 95(97).

79. *Id.* ¶ 95(53).

80. *Id.* ¶ 95(80).

Technical Corps exhumes thirteen bodies.⁸¹

September 1995: The military court decides not to open an investigation because it believes there has been no established violation of criminal law.⁸²

November 1995: The Medellín Prosecutor decides to file charges against Mr. Castaño Gil and Mr. Escobar Mejía for Mr. Ospina Ospina's abduction, other abductions, and multiple counts of murder.⁸³

November 1996: The regional court finds José Aníbal Rodríguez Urquijo guilty of participating in Mr. Ospina Ospina's abduction and murder.⁸⁴

May 1997: The regional court delivers a joint judgment that further addresses the abduction of Mr. Ospina Ospina, and also and the disappearance of the Pueblo Bello.⁸⁵ In the judgment, the court decides to hold six men criminally responsible: “[Mr.] Castaño Gil, [Mr.] Escobar Mejía, Héctor de Jesús Narváez Alarcón, Pedro Hernán Ogaza Pantoja, John Darío Henao Gil and Manuel Salvador Ospina,” who are sentenced to twenty-five to thirty years imprisonment for “abduction, multiple murders,” improper use of a military uniform, “terrorism and belonging to an armed group,” among other charges.⁸⁶

The defense lawyers of the convicted file an appeal.⁸⁷

June 1997: The Technical Investigation Corps' Forensic Division issues a report stating that of the thirteen corpses exhumed in 1995, twelve belonged to men.⁸⁸ The report also assesses “the approximate age, sex, cause of death, height, and dental plates of the corpses.”⁸⁹ Drawings are made of the reconstructed craniums and DNA testing is recommended, but nothing on the record shows that the corpses were

81. *Id.* ¶¶ 95(81)–(82).

82. *Id.* ¶ 95(55).

83. *Id.* ¶ 95(99).

84. *Id.* ¶ 95(102).

85. *Id.* ¶ 95(103).

86. *Id.*

87. *Id.* ¶ 95(104).

88. *Id.* ¶ 95(83).

89. *Id.*

the missing Pueblo Bello inhabitants.⁹⁰

December 1997: The Sentencing Chamber of the *Tribunal Nacional* issues a ruling on the appeal of the May 26, 1997 judgment.⁹¹ The ruling partially annuls the original judgment, since the corpses found were not unequivocally identified as the people kidnapped from Pueblo Bello, and accordingly, reduces the sentences of the convicted.⁹² The Sentencing Chamber also revokes the decisions that absolved some of the individuals of theft and arson, and that ordered the investigation of Mr. Castaño Gil for terrorism.⁹³ It also orders three of the convicted to pay a Pueblo Bello inhabitant jointly and severally for the arson damage.⁹⁴

February 1998 through August 1998: The Office of the Delegate Attorney orders clarification of the Pueblo Bello events, which includes a request to the Prosecutor General's Office, the Forensic Medicine Institute, and the Delegate Attorney to locate the mass grave and exhume the corpses.⁹⁵

The Office of the Delegate Attorney orders a disciplinary investigation against Lieutenant Rincón Pulido regarding the forced disappearance of the Pueblo Bello victims.⁹⁶

March 1999: The Office of the Delegate Attorney charges Lieutenant Rincón Pulido for collaborating with the kidnappers, a charge of which he was later absolved.⁹⁷

December 2001: Some of the victims' next of kin create a claim for direct reparation against the State Ministry of Defense before the Administrative Affairs Court of Antioquia.⁹⁸

September 2002: ASFADDES requests that the Coordination Office of the Human Rights and International Humanitarian Law Unit of the Prosecutor General's Office ("Human Rights Unit") take over the inves-

90. *Id.*

91. *Id.* ¶ 95(105).

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.* ¶ 95(142).

96. *Id.* ¶ 95(143).

97. *Id.* ¶ 95(144)–(145).

98. *Id.* ¶ 95(148).

tigation of the Pueblo Bello massacre.⁹⁹

January 2003: An additional request is made for the First Criminal Court of the Medellín Specialized Circuit to order the Forensic Division in Bogotá to exhume the corpses from the mass grave in Montería for identification.¹⁰⁰ The exhumation request is urgent because the area where the grave is located is the site of a future paving project.¹⁰¹

February 2003: The Office of the First Prosecutor of the Human Rights Unit requests more information on the mass grave from ASFADDES.¹⁰²

The Prosecutor General's Office orders measures to understand what really happened.¹⁰³ It orders the collection of information from the cemetery and National Forensic Directorate to decide whether to exhume the corpses.¹⁰⁴ The order also reactivates the arrest warrants for the perpetrators.¹⁰⁵

May 2003: Because the conditions of the collective grave sites are not suitable for the exhumation planned for May 20, 2003, ASFADDES, the *Comisión Colombiana de Juristas*, and the *Corporación "Opción Legal"* request a meeting with the Human Rights Unit.¹⁰⁶

January 2004: The Administrative Affairs Court of Antioquia orders the gathering of evidence, but the case does not progress past this point.¹⁰⁷

February 2004: The 42nd Prosecutor of the Human Rights Unit reactivates the arrest warrants for Mr. Escobar Mejía, Mr. Castaño Gil, Mario Alberto Álvarez Porras, Ramiro Enrique Álvarez Porras, Francisco Javier Álvarez Porras, Elkin Henao Cano, Jhon Darío Henao Gil, Manuel Salvador Ospina Cifuentes and Elkin de Jesús Tobón.¹⁰⁸

99. *Id.* ¶ 95(108).

100. *Id.* ¶ 95(109).

101. *Id.*

102. *Id.* ¶ 95(110).

103. *Id.* ¶ 95(111).

104. *Id.*

105. *Id.*

106. *Id.* ¶ 95(112).

107. *Id.* ¶ 95(151).

108. *Id.* ¶ 95(115).

May 2004: No corpses are found during further excavations at the Montería cemetery.¹⁰⁹

August 2004: Investigators go to the cemetery to supervise the construction, transfer, and demolition of vaults.¹¹⁰ The investigators from the Technical Investigation Corps of the Human Rights Unit report that during excavation work, evidence is found, including black plastic bags with bone remains similar to the bodies exhumed from the *Las Tangas* ranch.¹¹¹

May 2005: The 36th Prosecutor of the Human Rights Unit requests more information about the possible death of Mr. Escobar Mejía, an eyewitness to the Pueblo Bello Events.¹¹² It also seeks a statement from an informant who can pinpoint the location of the river sandbanks where the victims were taken.¹¹³

June 2005: The Technical Investigation Corps Investigators report on the steps taken to find the abducted victims' bodies, and to determine whether Mr. Escobar Mejía was deceased.¹¹⁴

August 2005: The Human Rights Unit attempts exhumations at *Las Tangas*, but is forced to stop due to poor weather conditions.¹¹⁵ Although there are no official records, a Colombian website cites Amnesty International reports stating that the 2005 exhumation attempt was put on hold and resumed in 2006, but additional victims' bodies have not been found.¹¹⁶

B. Other Relevant Facts

To restore public order in Urabá Antioqueño, an area affected by violent criminal activities,¹¹⁷ the State passes a decree declaring the

109. *Id.* ¶ 95(116).

110. *Id.* ¶ 95(117).

111. *Id.*

112. *Id.* ¶ 95(121).

113. *Id.*

114. *Id.* ¶ 95(122).

115. *Id.* ¶ 95(123).

116. *Pueblo Bello*, AMNESTY INTERNATIONAL PUBLIC STATEMENT, <http://www.amnesty-colombia.dk/29377914> (last visited Jan. 24, 2016).

117. *Pueblo Bello Massacre v. Colombia*, Merits, Reparations, and Costs, ¶ 95(6).

Urabá Antioqueño region a zone of emergency and creates Military Headquarters in the region.¹¹⁸ In 1989, the State suspends Article 33(3) of Decree No. 3398 of 1965, which allowed private individuals to carry military weapons, and establishes the Special Armed Corps to defend against criminal paramilitary groups.”¹¹⁹ The Supreme Court of Justice overturns Article 33(3) of Decree No. 3398 criminalizing the civilian use of military weapons.¹²⁰

Pueblo Bello is historically a small agricultural village located in the Urabá Antioqueño area.¹²¹ In the 1950s, a highway is built connecting Medellín to the Gulf of Urabá, which increases land value in the region and spurs economic activity for timber, livestock, and bananas.¹²² This economic convergence ultimately affects the region’s political and social situation, as individuals acquire land for cattle ranching, displacing the previous inhabitants.¹²³ In the 1960s, a large banana company arrives, and the area becomes a large center for production.¹²⁴ However, this causes cattle ranchers to migrate to bordering areas, including Pueblo Bello.¹²⁵

As a result of this change in economic and social structure, peasant political movements emerge in the 1960s with the goal of agrarian reform and improved State services.¹²⁶ The movements are supported by the Revolutionary Armed Forces of Colombia (“FARC”) and the Popular Liberation Army (“ELP”), who view the region as strategically important because, in addition to collecting “war taxes” from the region’s population, it serves as a passageway to the banana production center, which is heavily influenced politically and economically by the guerrillas.¹²⁷

Paramilitary groups move into the Urabá region in response to the guerrilla groups.¹²⁸ Mr. Castaño Gil, a landowner and rancher, emerges as the leader of some local paramilitary groups.¹²⁹ From 1988 to 1990, paramilitary groups participate in over twenty massacres of peasants

118. *Id.*

119. *Id.* ¶ 95(10).

120. *Id.* ¶ 95(9).

121. *Id.* ¶ 95(21).

122. *Id.* ¶ 95(22).

123. *Id.*

124. *Id.* ¶ 95(23).

125. *Id.*

126. *Id.* ¶ 95(24).

127. *Id.*

128. *Id.* ¶ 95(25).

129. *Id.*

and trade unionists, including several surrounding Mr. Castaño Gil's properties.¹³⁰

II. PROCEDURAL HISTORY

A. Before the Commission

February 12, 1990: The Commission receives an informal communication from a woman, regarding the suspicious disappearance of thirty-three peasants in Pueblo Bello.¹³¹ The Commission requests more information from the State.¹³²

May 10, 1990: The State submits a reply.¹³³

December 6, 1990: The Commission receives more information about the situation from a different, unnamed source, which is sent to the State.¹³⁴

June 9, 1993 and January 18, 1994: The Commission attempts to communicate with the complainant, who does not respond.¹³⁵

May 5, 1997: The petitioners, Colombian Jurists Commission (*Comisión Colombiana de Juristas*) and the Association of Next of Kin of the Detained/Disappeared (*Asociación de Familiares de Detenidos Desaparecidos*), file a new petition with the Commission.¹³⁶

May 28, 1997: The Commission merges the case files of the original communication and the new petition from May 1997, and proceeds under case file No. 11,748.¹³⁷

October 9, 2002: The Commission adopts Admissibility Report No. 41/02.¹³⁸

130. *Id.* ¶ 95(27).

131. *Id.* ¶ 5.

132. *Id.*

133. *Id.* ¶ 6.

134. *Id.* ¶ 7.

135. *Id.* ¶ 8.

136. *Id.* ¶ 9.

137. *Id.* ¶ 11.

138. *Id.* ¶ 13.

October 8, 2003: The Commission adopts Report on Merits No. 44/03¹³⁹ and recommends that the State investigate, prosecute, and punish the individuals responsible, as well as find and identify the victims' remains and return them to their next of kin.¹⁴⁰ The Commission also recommends the State make reparations to the next of kin and adopt measures to dissolve paramilitary groups in accordance with the American Convention and Colombian Constitutional Court rule of law in order to avoid similar events in the future.¹⁴¹

B. Before the Court

March 23, 2004: The Commission submits the case to the Court after the State failed to adopt its recommendations.¹⁴²

1. Violations Alleged by Commission¹⁴³

Article 4 (Right to Life)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 19 (Rights of the Child)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1(1) (Obligation to Respect Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims¹⁴⁴

Same Violations Alleged by Commission, plus:

139. Pueblo Bello Massacre v. Colombia, Admissibility Report, Report No. 41/02, Inter-Am. Comm'n H.R., Case No. 11.748, ¶ 1 (Oct. 9, 2002).

140. *Id.* ¶ 14.

141. *Id.*

142. *Id.* ¶ 20.

143. Pueblo Bello Massacre v. Colombia, Merits, Reparations, and Costs, ¶ 2. Susana Villarán and Lilly Ching served as representatives of the Commission. *Id.* ¶ 20.

144. *Id.* ¶¶ 101(c), 213–14. Colombian Jurists Commission, ASFADDES, and CEJIL served as representatives for the victims and their next of kin. *Id.* ¶ 22.

Article 13 (Freedom of Thought and Expression)
Article 22 (Freedom of Movement and Residence)
both in relation to:

Article 1(1) (Obligation to Respect Rights) of the American Convention.

August 23, 2004: The State appoints Juan Carlos Esguerra Portocarrero as judge *ad hoc*.¹⁴⁵

October 25, 2004: The State objects to admissibility on two grounds.¹⁴⁶ First, the State alleges that the representatives did not exhaust domestic remedies, and that the Commission's holding to the contrary was based on an insufficient and dismissive analysis of the domestic proceedings.¹⁴⁷ Second, the State argues that the Commission was untimely in admitting the petition approximately seven years after the events of the massacre occurred.¹⁴⁸ The State acknowledges that the Commission's Rules of Procedure allow it to present a petition within a reasonable period of time if the victims are unable to exhaust domestic remedies; however, it argues that seven years is unreasonable, and that the Commission failed to account for the delay in its petition and the Admissibility Report.¹⁴⁹

January 31, 2006: On the issue of exhaustion of domestic remedies, the Court notes that this issue is "clearly related to the alleged violation of the rights to a fair trial and to judicial protection," and that it is a "central element of the dispute."¹⁵⁰ As such, the Court decides to analyze this issue within its decision on the merits.¹⁵¹

With regard to the timeliness objection, the Court holds that the admissibility of the case before the Commission is to be determined by the Commission itself, and that it is irrelevant to the merits of the case before the Court.¹⁵² Therefore, the Court declined the State's request to address this issue in its Judgment on the Merits.¹⁵³

145. *Id.* ¶ 23.

146. *Id.* ¶ 40.

147. *Id.* ¶ 41.

148. *Id.* ¶ 42(c).

149. *Id.* ¶ 42.

150. *Id.* ¶ 49.

151. *Id.*

152. *Id.* ¶ 50.

153. *Id.*

III. MERITS

A. Composition of the Court

Sergio García Ramírez, President
Alirio Abreu Burelli, Vice President
Oliver Jackman, Judge
Antônio A. Cançado Trindade, Judge
Cecilia Medina Quiroga, Judge
Manuel E. Ventura Robles, Judge
Diego García-Sayán, Judge
Juan Carlos Esguerra Portocarrero, Judge *Ad Hoc*

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

January 31, 2006: The Court issues its Judgment on Merits, Reparations and Costs.¹⁵⁴

The Court found unanimously that Colombia had violated:

Article 4(1) (Prohibition of Arbitrary Deprivation of Life), Article 5(1) (Right to Physical, Mental, and Moral Integrity), Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), Article 7(1) (Right to Personal Liberty and Security), and Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law) in relation to Article 1(1) of the Convention, to the detriment of the victims,¹⁵⁵ because:

While a state is not responsible for every human rights violation committed by third persons, the State must adopt measures of protection to safeguard the lives of those within its jurisdiction through legislative provisions and law enforcement mechanisms.¹⁵⁶ The Court emphasizes the importance of the right to life as a precondition for enjoying all of

154. Pueblo Bello Massacre v. Colombia, Merits, Reparations, and Costs.

155. *Id.* ¶ 153.

156. *Id.* ¶ 123–24.

*the other rights set forth in the Convention.*¹⁵⁷ As such, it posits that a state has an obligation to initiate an immediate, impartial and effective investigation in any case involving “extrajudicial executions, forced disappearances and other grave human rights violations.”¹⁵⁸ The State’s investigation must use all available legal means to determine the truth while pursuing the perpetrators of the crimes, especially if State agents might have been involved.¹⁵⁹ In addition, the victims and next of kin are entitled to participate and be heard throughout the process.¹⁶⁰

*First, with regard to the State’s responsibility for the paramilitary groups, the Court acknowledged that the State had taken measures to prevent and punish the activities of paramilitary groups, including in Pueblo Bello’s jurisdiction.*¹⁶¹ However, these measures were not very effective in mitigating the dangerous situation of paramilitary groups, which the State had initially encouraged.¹⁶² In this regard, because the State created the dangerous situation, it has a specific obligation to protect civilians from paramilitary members, which includes investigating civilian attacks by such groups.¹⁶³ The State’s lack of effectiveness in ameliorating the situation is seen in the growing number of human rights violations enacted by paramilitary groups.¹⁶⁴

*Though the massacre was perpetrated by paramilitary group members, the Court established that the 1990 massacre in Pueblo Bello would not have occurred if the State had adequately protected its civilians.*¹⁶⁵ Thus, the Court concluded that the State did not comply with the prevention and protection obligations embodied in Articles 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 7(1) (Right to Personal Liberty and Security), and 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law) of the Convention.¹⁶⁶

157. *Id.* ¶ 143.

158. *Id.*

159. *Id.*

160. *Id.* ¶ 144.

161. *Id.* ¶ 125.

162. *Id.* ¶ 126.

163. *Id.*

164. *Id.* ¶ 127.

165. *Id.* ¶ 140.

166. *Id.*

Second, with regard to the investigation and prosecution of the perpetrators, the Court found that the State did not diligently investigate the situation and thus failed to punish those responsible.¹⁶⁷ The Court also concluded that the State's proceedings in the civilian and military jurisdictions were ineffective and resulted in impunity for the perpetrators of the massacre.¹⁶⁸ As such, the Court concluded that the State did not satisfy its obligations under 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 7(1) (Right to Personal Liberty and Security), and 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law).¹⁶⁹

Article 5(1) (Right to Physical, Mental and Moral Integrity), in relation to Article 1(1) of the Convention, to the detriment of the victims' next of kin,¹⁷⁰ because:

Article 5 (Right to Humane Treatment) of the Convention stipulates that everyone is entitled to respect of their physical, mental and moral integrity.¹⁷¹ Under Article 5(1) (Right to Physical, Mental and Moral Integrity), victims' next of kin can also be considered victims when their right to mental and moral integrity has been violated through the traumatic experience of observing relatives suffer human rights violations due to the State's actions or omissions.¹⁷² The Court found that the next of kin's physical, mental and moral integrity were negatively impacted when their family members disappeared and, due to the State's delay in finding the bodies and bringing those responsible to justice, still suffer from the irresolution and uncertainty of the events that occurred.¹⁷³

Because some of the next of kin of the deceased witnessed the paramilitary group raid Pueblo Bello, mistreat the residents, and force men from their homes, the Court determined that the victims' next of kin

167. *Id.*

168. *Id.* ¶ 148.

169. *Id.* ¶ 150.

170. *Id.* ¶ 162.

171. *Id.* ¶ 107.

172. *Id.* ¶ 154.

173. *Id.* ¶¶ 160–62.

were treated inhumanely.¹⁷⁴ The Court stated that in situations involving forced disappearances, it has often found that the victims' next of kin suffer greatly, as the act of forcibly disappearing someone's loved one generally results in a violation of his or her right to mental and moral integrity.¹⁷⁵ Further, this suffering is increased by not knowing the truth about the events, as happened here.¹⁷⁶ As such, the next of kin experienced serious harm from both fearfully living in Pueblo Bello and not knowing the location of the disappeared victims' bodies.¹⁷⁷ The Court therefore determined that the State violated the victims' next of kin's right to humane treatment embodied in Article 5(1) (Right to Physical, Mental and Moral Integrity) of the Convention.¹⁷⁸

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25 (Right to Judicial Protection) in relation to Article 1 of the Convention, to the detriment of the victims' next of kin,¹⁷⁹ because:

Article 25 (Right to Judicial Protection) establishes that States must provide judicial recourses to victims of human rights violations embodied in Article 8 (Right to a Fair Trial).¹⁸⁰ A state must provide these judicial recourses within a reasonable time.¹⁸¹ The Court considers the case's complexity, the parties' procedural activity, and the judicial authorities' conduct when considering whether judicial proceedings occurred within a reasonable time.¹⁸² In the case of extrajudicial executions, domestic courts ought to employ certain procedures, which the State did not effectively enact here.¹⁸³

First, the domestic criminal courts provided ineffective criminal proceedings.¹⁸⁴ Although sixty men participated in the massacre, most of them have not been identified or prosecuted.¹⁸⁵ Moreover, the convicted

174. *Id.* ¶ 155.

175. *Id.* ¶ 161.

176. *Id.*

177. *Id.* ¶ 160.

178. *Id.* ¶ 162.

179. *Id.* ¶ 212.

180. *Id.* ¶ 169.

181. *Id.*

182. *Id.* ¶ 171.

183. *Id.* ¶ 177.

184. *Id.* ¶ 187.

185. *Id.*

members of the group did not fulfill their sentences and remain at large.¹⁸⁶ Further, the State has not put forth any other measures to capture the remaining suspects.¹⁸⁷ Therefore, the Court determined that the investigation and criminal proceedings were neither effective nor timely.¹⁸⁸

Second, with respect to military criminal jurisdiction, the State's military courts operate to serve and protect only the special interests of the military forces.¹⁸⁹ Therefore, only military personnel who have committed crimes against these special interests are tried.¹⁹⁰ Between January 1990 and February 1994, the military court decided to open, abstain from opening, and later re-open an investigation into the Pueblo Bello events.¹⁹¹ The State court ultimately did not open a criminal investigation because it found that a State soldier did not commit the massacre.¹⁹² The slow pace with which the minimal investigations were processed reflected the military criminal jurisdiction's apathy in investigating the events.¹⁹³ Furthermore, the military court did not open a formal investigation.¹⁹⁴ The Court therefore determined that the military proceedings were ineffective, negligent, and failed to appropriately investigate members of the Armed Forces.¹⁹⁵

Third, the State must completely investigate public officials' responsibilities and obligations.¹⁹⁶ The Attorney General's Office in particular should investigate human rights violations.¹⁹⁷ The Office of the Delegate Attorney investigated only three Army officers and ignored the possibility that other Army members were responsible.¹⁹⁸ The Office did not investigate possible torture or multiple homicides, which the Office deemed time-barred.¹⁹⁹ Moreover, these investigations unreasonably

186. *Id.*

187. *Id.*

188. *Id.* ¶ 188.

189. *Id.* ¶ 189.

190. *Id.*

191. *Id.* ¶ 191.

192. *Id.*

193. *Id.* ¶ 193.

194. *Id.* ¶ 192.

195. *Id.*

196. *Id.* ¶ 203.

197. *Id.*

198. *Id.* ¶ 200.

199. *Id.* ¶ 201.

*spanned eleven years.*²⁰⁰ *As such, Office of the Delegate Attorney did not completely investigate the events.*²⁰¹

*Fourth, with respect to the administrative proceedings, the next of kin filed claims in 2001 before the Administrative Court of Antioquia for reparations and declaratory relief, over a decade after the events.*²⁰² *Because this lengthy period was not the State's fault, the Court determined that it is irrelevant to look at the reasonableness of time as to when the facts occurred and when the next of kin filed claims.*²⁰³ *Additionally, the length of time that passed prohibited the State from fulfilling its obligation to provide reparations.*²⁰⁴ *Thus, because the administrative proceedings were ongoing at the time the Court issued its Judgment, the Court found it irrelevant to look at whether these proceedings provided effective recourse.*²⁰⁵

*Accordingly, the domestic proceedings were not effective recourses.*²⁰⁶ *They did not guarantee access to justice, identify the disappeared victims, establish the factual truth, effectively investigate those responsible, or provide reparations.*²⁰⁷ *The Court therefore concluded that the State violated Articles 8(1) (Right to a Hearing Within Reasonable Time Before a Competent and Independent Tribunal) and 25 (Right to Judicial Protection).*²⁰⁸

The Court found unanimously that Colombia had not violated:

Article 13 (Freedom of Thought and Expression), in relation to Article 1(1) of the Convention, to the detriment of the victims' next of kin and Colombian society,²⁰⁹ because:

The representatives did not specifically prove that the State infringed on the next of kin's right to freedom of expression by limiting it beyond

200. *Id.* ¶ 198.

201. *Id.* ¶ 204.

202. *Id.* ¶ 205.

203. *Id.*

204. *Id.*

205. *Id.* ¶ 209.

206. *Id.* ¶ 212.

207. *Id.*

208. *Id.*

209. *Id.* ¶ 220.

*what is reasonably allowed.*²¹⁰

Article 13 (Freedom of Thought and Expression) is violated when the State's action denies individuals freedom of expression or imposes unauthorized or unlawful restrictions on expression.²¹¹ This right cannot be indirectly restricted by the government.²¹²

The victims' next of kin's "right to truth" had already been addressed in Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection).²¹³ Moreover, the right to truth is not a free standing right under Article 13 (Freedom of Thought and Expression), but is included in the right to effective judicial recourse.²¹⁴ Therefore, the Court concluded that there was no violation of Article 13 (Freedom of Thought and Expression) of the Convention, and that the right to truth has already been considered in this Judgment in determining the violations of Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25 (Right to Judicial Protection), as well as in the reparations section.²¹⁵

The Court did not rule on:

Article 19 (Rights of the Child), in relation to Article 1(1) of the Convention, to the detriment of the victims' children,²¹⁶ because:

The Court held that the violations of the rights of the child had been fully analyzed under Articles 4(1) (Prohibition of Arbitrary Detention of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 7(1) (Right to Personal Liberty and Security), and 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), and accordingly did not rule on the merits of the Article 19 claim.²¹⁷

210. *Id.*

211. *Id.* ¶ 218.

212. *Id.* ¶ 216(3).

213. *Id.* ¶ 219.

214. *Id.*

215. *Id.* ¶ 220.

216. *Id.* ¶ 163.

217. *Id.*

Article 22 (Freedom of Movement and Residence), in relation to Article 1 of the Convention, to the detriment of the victims' next of kin,²¹⁸ because:

The facts necessary to determine whether the next of kin were internally displaced were not included in the Commission's Court application.²¹⁹ Because the representatives first asserted the alleged violation during final oral arguments and the Commission did not timely allege the violation, the Court did not examine or rule on the allegations.²²⁰

C. Dissenting and Concurring Opinions

1. Separate Opinion of Judge A. A. Cançado Trindade

In a separate opinion, Judge Cançado Trindade discussed the broad scope of the guarantees established in Article 1(1) of the Convention in addition to the obligation *erga omnes*, which are international legal obligations that apply to every state.²²¹ Judge Trindade analyzed the central elements of the case, including the right of access to justice and due process of law guarantees.²²² Judge Trindade emphasized the importance of Article 1(1) of the Convention, stating that it encompassed all the other rights protected by the Convention, and human rights treaties give the legal framework for meeting obligations *erga omnes*.²²³

Judge Trindade argued that the developments in the Court's case law should put forth more concrete obligations to provide adequate and effective remedies.²²⁴ Judge Trindade advocated for the continuation of advancing Articles 25 and 8 in case law because they constitute the rule of law in democratic societies.²²⁵

In his conclusion, Judge Trindade reiterated the important points about access to justice and its implications, which includes means of effective recourse and guarantees of due process.²²⁶ He further restated the

218. *Id.* ¶ 225.

219. *Id.*

220. *Id.*

221. Pueblo Bello Massacre v. Colombia, Merits, Reparations, and Costs, Separate Opinion of Judge A.A. Cançado Trindade, Inter-Am. Ct. H.R. (ser. C) No. 140, ¶ 1 (Jan. 31, 2006).

222. *Id.*

223. *Id.* ¶ 5.

224. *Id.* ¶ 21.

225. *Id.* ¶ 48.

226. *Id.* ¶ 63.

interconnection between Articles 25 and 8 of the Convention, their placement in the sphere of *jus cogens*, and their guarantees, which are common to international human rights law and humanitarian law.²²⁷ Judge Trindade ends his separate opinion with a statement of hope for the future of the Court's case law, in which he desired continuation of forward-thinking law that expands *jus cogens* material content.²²⁸

IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Identify, Prosecute and Sanction Those Responsible

The Court ordered the State to implement necessary measures within a reasonable time.²²⁹ The investigation must identify the perpetrators of the Pueblo Bello massacre, and must complete the criminal proceedings in domestic criminal court to clarify the facts and appropriately sentence those responsible.²³⁰ The Court ordered the results of the proceedings be publicized to inform the State's citizens of the facts.²³¹

In order to comply with the Court's order, the State must: (a) remove obstacles that maintain impunity; (b) expedite the investigation and proceedings; and (c) guarantee security to the next of kin, investigators, witnesses, human rights defenders, judicial employees, prosecutors and other agents of the justice system, along with the former and current Pueblo Bello inhabitants.²³²

The State must adopt administrative, legislative and other measures to avoid the repetition of events like the Pueblo Bello massacre.²³³ In addition, the State is required to inform the Court of the measures adopted and results.²³⁴

227. *Id.* ¶ 64.

228. *Id.* ¶ 65.

229. Pueblo Bello Massacre v. Colombia, Merits, Reparations, and Costs, ¶ 266.

230. *Id.* ¶ 267.

231. *Id.*

232. *Id.* ¶ 268.

233. *Id.* ¶ 269.

234. *Id.*

2. Locate, Identify, and Bury the Victims

The State must locate and identify the disappeared victims through any technical and scientific means.²³⁵ It must also guarantee that its officials follow United Nations norms and standards.²³⁶

To encourage the public to come forward with information, the State must broadcast the names of authorities on one radio station, one television channel and in one newspaper.²³⁷ Once the remains are found, the State must return them to the victims' next of kin as soon as possible and pay for the burial expenses of the victims.²³⁸

3. Provide Medical and Psychological Care

The Court ordered the State to provide free medical and psychological treatment, including medication, for the next of kin.²³⁹

4. Guarantee Security to the Next of Kin and Pueblo Bello Residents

Because some of the next of kin do not wish to return to Pueblo Bello out of fear of regional paramilitary groups, the State must guarantee their security if and when they return to the region.²⁴⁰ The State must send official representatives to ensure order and consult with the inhabitants; if concerns about safety arise, the State must adopt necessary measures to guarantee their safety.²⁴¹ The Court also stated that the State must establish a housing program for the next of kin who choose to return.²⁴²

5. Publicly Apologize and Acknowledge International Responsibility

The State must publically acknowledge its international responsibility for the events of Pueblo Bello.²⁴³ It must also issue an apology to

235. *Id.* ¶ 270.

236. *Id.*

237. *Id.* ¶ 272.

238. *Id.* ¶ 273.

239. *Id.* ¶ 274.

240. *Id.* ¶ 275.

241. *Id.*

242. *Id.* ¶ 276.

243. *Id.* ¶ 277.

the next of kin for the violation of their guaranteed human rights and those of the disappeared victims.²⁴⁴

6. Erect a Monument

The State must erect a monument in a public place in Pueblo Bello to prevent the reoccurrence of events like the Pueblo Bello massacre.²⁴⁵

7. Publish the Judgment

The State must publish the Proven Facts and the Operative Paragraphs of the Judgment in the Official Gazette and another daily newspaper with national circulation.²⁴⁶

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded \$5,000 to each family for burial expenses.²⁴⁷ Due to the lack of evidence of income, the Court did not grant compensation to the next of kin of the thirty-seven disappeared and the six deprived of life for any other material losses.²⁴⁸ However, the Court did not preclude the next of kin from filing relevant domestic claims for damages.²⁴⁹

2. Non-Pecuniary Damages

The Court ordered the State to compensate the victims for non-pecuniary damages as follows: (a) \$30,000 for each of the thirty-seven victims disappeared and the six deprived of life; (b) an additional \$5,000 more for the three victims who were minors because the suffering felt was particularly intense.²⁵⁰ For the immediate next of kin, the

244. *Id.*

245. *Id.* ¶ 278.

246. *Id.* ¶ 279.

247. *Id.*

248. *Id.* ¶¶ 247, 250.

249. *Id.*

250. *Id.* ¶ 258.

Court awarded non-pecuniary damages as follows: (a) \$10,000 for mothers, fathers, wives, or permanent companions and each child of the disappeared; (b) \$8,000 for mothers, fathers, wives or permanent companions and each child of the six victims deprived of life; (c) \$500 for each sibling of those disappeared and deprived of life; and (d) an additional \$2,000 to the next of kin who were pregnant when their spouses disappeared.²⁵¹

3. Costs and Expenses

The Court ordered the State to reimburse \$15,000 for the costs and expenses incurred in the domestic system and international proceedings before the Inter-American System; \$10,000 to ASFADDES for costs and expenses; and \$8,000 for the costs and expenses incurred in the international proceedings.²⁵²

4. Total Compensation (including Costs and Expenses ordered):

\$ 3,357,000

C. Deadlines

All pecuniary, non-pecuniary, costs, and reparations must be paid within one year of notification of the Judgment.²⁵³ The State must publish the Court's Judgment within six months of notification of the Judgment.²⁵⁴ Every six months, the State must inform the Court of measures taken to properly investigate and safeguard against human rights abuses by paramilitary groups.²⁵⁵

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

251. *Id.*

252. *Id.*

253. *Id.* ¶ 286.

254. *Id.*

255. *Id.* ¶ 287.

VI. COMPLIANCE AND FOLLOW-UP

July 9, 2009: The Court found that the State failed to comply with its obligation to investigate and punish those responsible.²⁵⁶ The State had not yet investigated the facts of the Pueblo Bello massacre or punished the perpetrators.²⁵⁷ The Court required that the State present updated information every six months regarding the progress of the investigations, including relevant evidence regarding why the perpetrators have yet to be captured.²⁵⁸

The Court found that the State failed to comply with its obligation to provide medical assistance to the victims' next of kin.²⁵⁹ The Court noted the State should have complied with this order immediately, yet the next of kin's diagnosis took more than three years.²⁶⁰ The Court ordered the State to continue to implement the medical assistance program, and inform the Court of its progress.²⁶¹

The Court found that the State partially complied with its obligation to provide housing, security, and financial aid to victims' next of kin. The State offered housing to those wanting to return to Pueblo Bello, however many of the displaced did not wish to return.²⁶² The Court considered this an adequate form of compliance so long as the victims support this kind of reparation.²⁶³ The Court ordered the State to continue to ensure the safety of those who returned to Pueblo Bello, and provide aid to the victims who settled elsewhere.²⁶⁴

The Court found that the State fully complied with its obligation to issue a public apology and acknowledge its international responsibility.²⁶⁵ Likewise, the Court found that the State fully complied with its obligation to publish the judgment.²⁶⁶

The Court found that the State failed to comply with its obligation to construct a monument to the victims.²⁶⁷ As a result, the Court urged

256. Pueblo Bello Massacre v. Colombia, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Having Seen" ¶ 18 (July 9, 2009).

257. *Id.*

258. *Id.*

259. *Id.* ¶ 30.

260. *Id.*

261. *Id.*

262. *Id.* ¶ 38.

263. *Id.*

264. *Id.*

265. *Id.* ¶ 45.

266. *Id.* ¶ 52.

267. *Id.* ¶ 49.

the State to continue with the process for erecting a monument and inform the Court of its progress and results.²⁶⁸

Finally, the Court determined that the State has partially complied with its obligations to pay the amounts decided for pecuniary and non-pecuniary damage and required the continuance of monitoring the matters pending compliance.²⁶⁹

February 8, 2012: The Court decided that a private hearing with the State, the Commission, and the victims' representatives and next of kin was necessary to obtain information on the State's compliance with the ordered medical and psychological attention.²⁷⁰

2012: Twenty-two years after the events of Pueblo Bello, the disappeared victims' family members arranged a commemorative event to honor the victims and strengthen their community.²⁷¹ A nondenominational ceremony was held in the Pueblo Bello church, where the victims' names and a short narrative for each were read aloud.²⁷² The commemoration ended with a request for the State to comply with the Court's judgment.²⁷³

May 13, 2014: State officials arrest a senior paramilitary member, Vicente Castaño, who flees after being found guilty for participating in the Pueblo Bello massacre.²⁷⁴ Mr. Castaño is sentenced in absentia to thirty years in prison for his role in the massacre.²⁷⁵

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

268. *Id.*

269. *Id.* ¶¶ 2(a)–(b).

270. *Id.* ¶ 14.

271. *Pueblo Bello – Searching for Justice for 22 Years*, PEACE BRIGADES INTERNATIONAL (Feb. 24, 2012), http://www.peacebrigades.org/newsroom/news-item/?no_cache=1&L=&tx_ttnews%5Btt_news%5D=3335&cHash=4c5caa627a207cdcb003cc3db1be9f13.

272. *Id.*

273. *Id.*

274. *Colombian Police Arrest Paramilitary Leader 'Movil 5'*, BBC (May 13, 2014), <http://www.bbc.com/news/world-latin-america-27389851>.

275. *Id.*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Pueblo Bello Massacre v. Colombia, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 140 \(Jan. 31, 2006\).](#)

[Pueblo Bello Massacre v. Colombia, Merits, Reparations, and Costs, Separate Opinion of Judge A.A. Cançado Trindade, Inter-Am. Ct. H.R. \(ser. C\) No. 140 \(Jan. 31, 2006\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[Pueblo Bello Massacre v. Colombia, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(July 9, 2009\).](#)

[Pueblo Bello Massacre v. Colombia, Monitoring Compliance with Judgment, Order of the President, Inter-Am. Ct. H.R. \(Feb. 8, 2012\).](#)

5. Review and Interpretation of Judgment

[Pueblo Bello Massacre v. Colombia, Interpretation of the Judgment of Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 159 \(Nov. 25, 2006\).](#)

B. Inter-American Commission

1. Petition to the Commission

[José Del Carmen Álvarez Blanco v. Colombia, Petition No. 11.748, Inter-Am. Comm'n H.R. \(Mar. 23, 2004\).](#)

2. Report on Admissibility

[José Del Carmen Álvarez Blanco v. Colombia, Admissibility Report, Report No. 41/02, Inter-Am. Comm'n H.R., Case No. 11.748 \(Oct. 9, 2002\).](#)

3. Provisional Measures

[None]

4. Report on Merits

José Del Carmen Álvarez Blanco v. Colombia, Report on Merits, Report No. 44/03, Inter-Am. Comm'n H.R., Case No. 11.748 (Oct. 8, 2003).

5. Application to the Court

[Not Available]

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Pueblo Bello, AMNESTY INTERNATIONAL PUBLIC STATEMENT, <http://www.amnesty-colombia.dk/29377914> (last visited Jan. 24, 2016).

Pueblo Bello – Searching for Justice for 22 Years, PEACE BRIGADES INTERNATIONAL (Feb. 24, 2012), <http://www.peacebrigades.org/newsroom/news-item/>

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