

COLOMBIA

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: DECEMBER 7, 1951

RATIFIED AMERICAN CONVENTION: MAY 28, 1973

Recognition of competence (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

On 21 June 1985 presented an instrument of acceptance by which recognizes the competence of the Inter-American Commission on Human Rights for an indefinite time, on the condition of strict reciprocity and nonretroactivity, for cases involving the interpretation or application of the Convention, and reserves the right to withdraw its recognition of competence should it deem this advisable. The same instrument recognizes the jurisdiction of the Inter-American Court of Human Rights, for an indefinite time, on the condition of reciprocity and nonretroactivity, for cases involving the interpretation or application of the Convention, and reserves the right to withdraw its recognition of competence should it deem this advisable.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS” (ART. 45): JULY 31, 1973

ACCEPTED JURISDICTION OF IACHR (ART. 62): JUNE 21, 1985

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Caballero Delgado and Santana v. Colombia

On February 7, 1989, Mr. Isidro Caballero Delgado, leader of the Teachers’ Union of Santander and militant member of the guerilla group M-19, and Ms. María del Carmen Santana, were captured, detained, and disappeared by a military patrol unit composed of members of the Colombian Army. The Court found that the State violated the American Convention on Human Rights and the American Convention to Prevent and Punish Torture.

Key Words: *Forced Disappearances; Extrajudicial Killing; Political Organizations*

Merits

Judgment of December 8, 1995. Series C No. 22

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 27, 2002 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of November 27, 2003
- 3) Order of the President of the Inter-American Court of Human Rights of December 10, 2007 (Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of February 6, 2008

- 5) Order of the Inter-American Court of Human Rights of November 17, 2009
- 6) Order of the Inter-American Court of Human Rights of February 27, 2012

II) Case of Las Palmeras v. Colombia

On January 23, 1991, the Putumayo Departmental Police Commander ordered members of the National Police to conduct an armed operation in Las Palmeras, Municipality of Mocoa, Department of Putumayo. The armed forces opened fire from a helicopter, wounding a six-year old boy on his way to school. Police then detained several bystanders in the nearby area and extrajudicially executed at least six of these people. The National Police officers and the Army troopers took several measures in an attempt to justify their action, including putting military uniforms on the bodies of some of those killed and threatening witnesses in the case. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Extrajudicial Killing; Access to Legal Procedures; Compensation and Remedies (Right to); Criminal Justice; Due Process Rights; Civil War and Unrest; Life (Right to)*

Merits

Judgment of December 6, 2001. Series C No. 90

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 17, 2004
- 2) Order of the Inter-American Court of Human Rights of August 4, 2008
- 3) Order of the President of the Inter-American Court of Human Rights of December 7, 2009
(Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of February 3, 2010

III) Case of the 19 Tradesmen v. Colombia

This case deals with the disappearance and execution of nineteen tradesmen on October 6, 1987 at the hands of an alleged paramilitary group that exercised firm control over the municipality of Boyacá. The Court found that the State violated the victims' rights to personal liberty, humane treatment, and life as well as the victims' rights to a fair trial and judicial protection under the American Convention on Human Rights.

Key Words: *Forced Disappearances; Extrajudicial Killing; Life (Right to)*

Merits, Reparations and Costs

Judgment of July 5, 2004. Series C No. 109

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 2, 2006
- 2) Order of the Inter-American Court of Human Rights of July 10, 2007
- 3) Order of the President of the Inter-American Court of Human Rights of November 26, 2008
(Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of July 8, 2009
- 5) Order of the President of the Inter-American Court of Human Rights of February 8, 2012

6) Order of the Inter-American Court of Human Rights of June 26, 2012

IV) Case of Gutiérrez Soler v. Colombia

On August 24, 1994, Wilson Gutiérrez Soler was detained and taken to a basement, in the National Anti-Extortion and Kidnapping Unit, by Colonel Luis Gonzaga Enciso Barón and Army Lieutenant Colonel Ricardo Dalel Baró. Mr. Gutiérrez Soler was tortured for three hours and forced to confess to a crime that he did not commit. The State failed to sanction those responsible for Mr. Gutiérrez Soler's injuries. The Court found that the state violated the American Convention on Human Rights and the Convention to Prevent and Punish Torture.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Due Process Rights; Judicial Protection (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of September 12, 2005. Series C No. 132

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of January 31, 2008
- 2) Order of the President of the Inter-American Court of Human Rights of December 3, 2008 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of June 30, 2009
- 4) Order of the President of the Inter-American Court of Human Rights of February 8, 2012

V) Case of the Mapiripán Massacre v. Colombia

On July 15 and 20, 1997, approximately one hundred members of the Autodefensas Unidas de Colombia, with the collaboration and acquiescence of State agents, tortured and murdered at least forty-nine civilians, destroyed their bodies, and threw their remains into the Guaviare River in Mapiripán. The Court found that the State violated the victims' rights to life, humane treatment, personal liberty, freedom of movement and residence, and judicial protection under the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Forced Disappearances; Life (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Crimes Against Humanity; Extrajudicial Killing*

Merits, Reparations and Costs

Judgment of September 15, 2005. Series C No. 134

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of November 26, 2008 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of July 8, 2009
- 3) Order of the President of the Inter-American Court of Human Rights of February 8, 2012

- 4) Order of the Inter-American Court of Human Rights of November 23, 2012 (Available only in Spanish)

VI) Case of the Pueblo Bello Massacre v. Colombia

In January 1990, Paramilitary groups, led by Fidel Castaño in the Department of Córdoba, perpetrated, with the acquiescence of State agents, the forced disappearance of 37 persons and extrajudicially executed six peasants from the village of Pueblo Bello. Almost 15 years had elapsed since the disappearance of the victims at the time of judgment, and, owing to the action of many civilian and State actors, the domestic courts have clarified the fate of six of the 43 disappeared persons, while only 10 of the approximately 60 individuals involved have been tried and sentenced. Accordingly, the Court found that the State violated the American Convention on Human Rights.

Key Words: *Life (Right to); Access to Legal Procedures; Criminal Justice; Internally Displaced Persons; Extrajudicial Killing*

Merits, Reparations and Costs

Judgment of January 31, 2006. Series C No. 140

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of November 26, 2008 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of July 9, 2009
- 3) Order of the Inter-American Court of Human Rights of February 8, 2012

VII) Case of Ituango Massacres v. Colombia

On June 1996 and October 1997, in districts La Granja and El Aro, members of law enforcement and paramilitary groups killed unarmed civilians, robbed others, and caused overall panic and displacement. These events devastated and overwhelmed the region. The State failed to investigate the acts, punish those responsible and provide damages to the victims and their family members. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Internally Displaced Persons; Arbitrary Arrest and Detention; Criminal Justice; Housing, Land, and Property Rights; Extrajudicial Killing; Crimes Against Humanity*

Preliminary Objection, Merits, Reparations and Costs

Judgment of July 1, 2006. Series C No. 148

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of July 7, 2009
- 2) Order of the President of the Inter-American Court of Human Rights of December 22, 2010
- 3) Order of the Inter-American Court of Human Rights of February 28, 2011
- 4) Order of the President of the Inter-American Court of Human Rights of February 8, 2012
- 5) Order of the Inter-American Court of Human Rights of May 21, 2013

VIII) Case of La Rochela Massacre v. Colombia

On January 18, 1989, a paramilitary group with the cooperation of state agents killed judicial officials while they were carrying out their duty to investigate the responsibility of civilians and army personnel in the massacre of the 19 tradesmen (see 19 Tradesman case) and other violent acts perpetrated in the Magdalena Medio region. These deaths underwent no criminal investigation, and no one was ever implicated for the crime or punished. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Amnesty, Pardon, and Commutation of Sentence (Right to Seek); Criminal Justice; Due Process Rights; Judicial Protection (Right to); Life (Right to)*

Merits, Reparations and Costs

Judgment of May 11, 2007. Series C No. 163

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of August 26, 2010
- 2) Order of the President of the Inter-American Court of Human Rights of February 8, 2012
- 3) Order of the Inter-American Court of Human Rights of August 31, 2015 (Available only in Spanish)

IX) Case of Escué Zapata v. Colombia

In 1988, Colombian Military Forces murdered Germán Escué-Zapata, a leader in the indigenous Paez or Nasa community. Interestingly, the State acknowledged international responsibility for violating Articles 4(1) (Prohibition of Arbitrary Deprivation of Life), 5 (Right to Humane Treatment), and 7 (Right to Personal Liberty) in relation to Article 1(1) (Obligation to Respect Rights) of the American Convention on Human Rights. In the Court's decision, it discussed whether violations of Article 1(1) (Obligation to Respect Rights) may be invoked separately from violations of other Articles of the Convention, and found that killing a community leader is not, per se, a violation of Article 23 (Right to Participate in Government). The Court found, however, that the State violated the American Convention on Human Rights.

Key Words: *Life (Right to); Forced Disappearances; Judicial Protection (Right to); Indigenous Peoples' Rights; Extrajudicial Killing; Arbitrary Arrest and Detention; Access to Legal Procedures*

Merits, Reparations and Costs

Judgment of July 4, 2007. Series C No. 165

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of May 18, 2010
- 2) Order of the Inter-American Court of Human Rights of February 21, 2011
- 3) Order of the President of the Inter-American Court of Human Rights of February 8, 2012

X) Case of Valle Jaramillo et al. v. Colombia

On February 27, 1998, two armed men entered Jesús María Valle Jaramillo's, a human rights defender, office in Medellín and took him hostage and killed him. It was speculated that the crimes were perpetrated by members of paramilitary forces with members of the Army in order to silence Mr. María Valle Jaramillo from speaking out about the human rights abuses that took place in Ituango. After nine years, three civilians had been convicted in absentia, and there are no judicial investigations underway to determine whether State agents bore any responsibility. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Association (Freedom of); Movement and Residence; Housing, Land, and Property Rights Family; Judicial Protection (Right to); Life (Right to)*

Merits, Reparations and Costs

Judgment of November 27, 2008. Series C No. 192

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of December 21, 2010
- 2) Order of the Inter-American Court of Human Rights of February 28, 2011
- 3) Order of the Inter-American Court of Human Rights of May 15, 2011
- 4) Order of the President of the Inter-American Court of Human Rights of February 8, 2012

XI) Case of Manuel Cepeda Vargas v. Colombia

On August 9, 1994, Senator Manuel Cepeda Vargas was murdered in Bogotá. His murder was followed with a lack of due diligence in the investigation and punishment of all those responsible. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Extrajudicial Killing*

Preliminary Objections, Merits, Reparations and Costs

Judgment of May 26, 2010. Series C No. 213

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 30, 2011
- 2) Order of the President of the Inter-American Court of Human Rights of February 8, 2012

XII) Case of Vélez Restrepo and Family v. Colombia

On August 26, 1996, there was an attack by the soldiers of the Colombian National Army against Mr. Luis Gonzalo "Richard" Vélez Restrepo, a journalist filming a protest demonstration. There were death threats made against Mr. Vélez Restrepo and his family, which intensified when Mr. Vélez Restrepo tried to advance domestic judicial proceedings against his attackers and finally resulted in Mr. Vélez Restrepo leaving Colombia to go into exile. A thorough investigation into the acts of violence and harassment against Mr. Vélez Restrepo was made impossible on the domestic level. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Freedom of Expression; Family; Judicial Protection (Right to); Movement and Residence; Minors/Children*

Preliminary Objection, Merits, Reparations and Costs

Judgment of September 3, 2012. Series C No. 248

Monitoring Compliance with Judgment

[None]

XIII) Case of the Santo Domingo Massacre v. Colombia

On December 13, 1998, the Colombian Air Force bombarded the village of Santo Domingo, which resulted in the deaths of seventeen civilians, including six children, and injuries of twenty-seven civilians, including nine children. Following the explosion, the survivors were machine-gunned from a helicopter when they tried to assist the injured and flee the village. After this, the victims' empty homes were pillaged. This case deals with the State's lack of judicial protection and its failure to observe judicial guarantees.

Key Words: *Access to Legal Procedures; Minors/Children; Civil and Political Rights; Economic, Social, and Cultural Rights; Movement and Residence; Housing, Land, and Property Rights; Family; Physical, Mental, and Moral Integrity (Right to)*

Preliminary Objections, Merits and Reparations

Judgment of November 30, 2012. Series C No. 259

Monitoring Compliance with Judgment

[None]

XIV) Case of the Displaced Communities of African Descent of the Basin of the River Cacarica (Operation Genesis) v. Colombia

Operation Genesis, a counterinsurgency operation, took place from February 24 through February 27, 1997 in the Saliquí River and the Truandó River. This was a zone near the territories of Afro-descendent communities of the Cacarica River Basin. The State had allegedly violated the right to collective property of these communities because it permitted and tolerated their displacement and illegal exploitation of natural resources by companies. The operation resulted in the death and forced displacement of hundreds of people living in this region. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Physical, Mental, and Moral Integrity (Right to); Life (Right to); Property; Housing, Land, and Property Rights; Internally Displaced Persons; Movement and Residence; Judicial Protection (Right to)*

Preliminary Objections, Merits, Reparations and Costs

Judgment of November 20, 2013. Series C No. 270

Monitoring Compliance with Judgment

[None]

XV) Rodríguez Vera et al. (Missing Persons of the Palace of Justice) v. Colombia

This case is about one of the most notorious events in modern Colombian history. In 1985, the Palace of Justice, Colombia's Supreme Court, was stormed and seized by members of the M-19 guerilla group. State security forces used disproportionate and excessive force in their fight to retake the Palace of Justice. As a result, many hostages in the building were killed by the use of automatic weapons, grenades, bombs, and the fires that ensued. Further, once the Palace of Justice had been retaken, special forces detained many innocent survivors, and transferred them to military locations, where they were tortured, beaten, and ultimately executed. The Court found that the State violated the American Convention, the Inter-American Convention to Prevent and Punish Torture, and the Inter-American Convention on Forced Disappearance of Persons.

Key Words: *Forced Disappearances; Judicial Protection (Right to); Life (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Physical, Mental, and Moral Integrity (Right to); Privacy; Prison and Detention Conditions*

Preliminary Objections, Merits, Reparations and Costs

Judgment of November 14, 2014. Series C No. 287

Monitoring Compliance with Judgment

[None]

B) Provisional Measures (Art 63.2)

- 1) Matter of Giraldo Cardona regarding Colombia [October 28, 1996]
- 2) Matter of Giraldo Cardona regarding Colombia [February 5, 1997]
- 3) Matter of Giraldo Cardona regarding Colombia [March 18, 1997]
- 4) Matter of Giraldo Cardona regarding Colombia [April 16, 1997]
- 5) Matter of Clemente Teherán et al. regarding Colombia [March 23, 1998]
- 6) Matter of Giraldo Cardona regarding Colombia [June 19, 1998]
- 7) Matter of Clemente Teherán et al. regarding Colombia [June 19, 1998]
- 8) Matter of Giraldo Cardona regarding Colombia [November 27, 1998]
- 9) Matter of Clemente Teherán et al. regarding Colombia [January 29, 1999]
- 10) Matter of Giraldo Cardona regarding Colombia [September 30, 1999]
- 11) Matter of Clemente Teherán et al. regarding Colombia [August 12, 2000]
- 12) Matter of the Peace Community of San José de Apartadó regarding Colombia [October 9, 2000]
- 13) Matter of the Peace Community of San José de Apartadó regarding Colombia [November 24, 2000]
- 14) Matter of Giraldo Cardona regarding Colombia [December 3, 2001]
- 15) Matter of the Peace Community of San José de Apartadó regarding Colombia [June 18, 2002]
- 16) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [March 6, 2003]
- 17) Matter of Clemente Teherán et al. regarding Colombia [December 1, 2003]
- 18) Matter of Pueblo Indígena de Kankuamo regarding Colombia [July 5, 2004]
- 19) Matter of the Peace Community of San José de Apartadó regarding Colombia [November 17, 2004] (Available only in Spanish)

- 20) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [November 17, 2004] (Available only in Spanish)
- 21) Matter of the Peace Community of San José de Apartadó regarding Colombia [March 15, 2005] (Available only in Spanish)
- 22) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [March 15, 2005] (Available only in Spanish)
- 23) Matter of the Peace Community of San José de Apartadó regarding Colombia [February 2, 2006]
- 24) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [February 7, 2006]
- 25) Matter of Mery Naranjo et al. regarding Colombia [July 5, 2006]
- 26) Matter of Mery Naranjo et al. regarding Colombia [September 22, 2006]
- 27) Matter of Giraldo Cardona regarding Colombia [November 29, 2006]
- 28) Matter of Pueblo Indígena de Kankuamo regarding Colombia [January 30, 2007]
- 29) Matter of the Peace Community of San José de Apartadó regarding Colombia [December 17, 2007]
- 30) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [December 17, 2007]
- 31) Matter of Mery Naranjo et al. regarding Colombia [January 31, 2008]
- 32) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [February 5, 2008]
- 33) Matter of the Peace Community of San José de Apartadó regarding Colombia [February 6, 2008]
- 34) Matter of Pueblo Indígena de Kankuamo regarding Colombia [October 7, 2008] (Available only in Spanish)
- 35) Matter of Pueblo Indígena de Kankuamo regarding Colombia [April 3, 2009]
- 36) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [November 17, 2009]
- 37) Matter of Giraldo Cardona regarding Colombia [December 18, 2009] (Available only in Spanish)
- 38) Matter of Giraldo Cardona regarding Colombia [February 2, 2010]
- 39) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [May 3, 2010] (Available only in Spanish)
- 40) Matter of the Peace Community of San José de Apartadó regarding Colombia [August 30, 2010]
- 41) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [August 30, 2010]
- 42) Matter of Comisión Intereclesial de Justicia y Paz regarding Colombia [November 22, 2010]
- 43) Matter of Mery Naranjo et al. regarding Colombia [November 25, 2010]
- 44) Matter of Colombian Commission of Jurists regarding Colombia [November 25, 2010]
- 45) Matter of Giraldo Cardona regarding Colombia [February 22, 2011]
- 46) Matter of Mery Naranjo et al. regarding Colombia [March 4, 2011]
- 47) Matter of Pueblo Indígena de Kankuamo regarding Colombia [June 7, 2011]
- 48) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [June 7, 2011] (Available only in Spanish)
- 49) Matter of Pueblo Indígena de Kankuamo regarding Colombia [November 21, 2011]
- 50) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [November 25, 2011]
- 51) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [February 27, 2012] (Available only in Spanish)
- 52) Matter of Giraldo Cardona regarding Colombia [February 8, 2013]

- 53) Matter of Álvarez et al. regarding Colombia [May 22, 2013]
- 54) Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia [May 22, 2013]
- 55) Case of Ávila Moreno et al. (Case of Operation Genesis) regarding Colombia [May 30, 2013]
- 56) Matter of Danilo Rueda regarding Colombia [May 28, 2014] (Available only in Spanish)
- 57) Matter of Giraldo Cardona and others regarding Colombia [January 28, 2015] (Available only in Spanish)