

Isaza Uribe et al. v. Colombia

ABSTRACT¹

This case is about the forced disappearance of an active member of trade union, while in detention in a prison, likely by right-wing paramilitary forces. Colombia admitted responsibility for several violations of the American Convention and Inter-American Convention on Forced Disappearance of Persons.

I. FACTS

A. Chronology of Events

1974-1987: Mr. Víctor Manuel Isaza Uribe, husband to Ms. Carmenza Veléz and father to

Jhony Alexander and Haner Alexis Isaza Veléz, works at Empresa Cementos Nare S.A. in La Sierra village in the municipality of Puerto Nare.² He is also an active member of the Union of Construction Materials Workers (Sindicato Único de Trabajadores de la Industria de Materiales de Construcción de Colombia; “SUTIMAC”) trade union and a supporter of the Patriotic Union (Unión Patriótica; “UP”) party.³

October 27, 1987: Police officers of La Sierra, in the Municipality of Puerto Nare, in the Province of Antioquia, arrest Mr. Isaza Uribe.⁴

October 28, 1987: A judge in the Criminal Investigation Court 64 in Puerto Nare questions Mr. Isaza Uribe and remands him to the Puerto Nare prison.⁵ The judge also issues a warrant for the preventive detention

1. Rodell Allan Tolpo Zorilla, Author; Pamela Huynh, Editor; Elizabeth Russo, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Isaza Uribe et al. v. Colombia, Report on Merits, Report No. 25/15, Inter-Am. Comm’n H.R., Case No. 10.737, ¶¶ 45-47 (July 21, 2015).

3. *Id.* ¶ 47.

4. *Id.* ¶ 45.

5. *Id.*

of Mr. Isaza Uribe relating to an investigation for the homicide of Mr. Francisco Humberto García Montoya.⁶

November 19, 1987: Eight to ten armed men enter the Puerto Nare prison.⁷ The men take Mr. Isaza Uribe and three other inmates from the prison.⁸ Mr. Isaza Uribe has been missing since then.⁹ There is no record that the police or military dispatched a search for Mr. Isaza Uribe and the others abducted from the prison.¹⁰

Criminal Investigation Court 64 orders preliminary inquiries.¹¹ Mr. Evelio Rúa testifies that he saw the opened prison gate, the guards locked in a cell, and leaflets with subversive propaganda about Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia; “FARC”) scattered on the street.¹²

January 11, 1989: Ms. Veléz files a complaint before the Office of the State Attorney for the Defense of Human Rights in relation to Mr. Isaza Uribe’s disappearance.¹³

March 10, 1989: The Office of the State Attorney for the Defense of Human Rights asks the Regional Prosecutor of Berrío to visit the Court that is overseeing the case.¹⁴

April 22, 1989: The Prosecutor of Puerto Berrío asks the Municipal Spokeswoman to evaluate the local Police Inspector’s Office’s investigation on Mr. Isaza Uribe’s disappearance.¹⁵

June 1, 1989: The Prosecutor sends his evaluation report to the State Attorney for the Defense of Human Rights indicating that the men who abducted Mr. Isaza Uribe appear to be FARC members.¹⁶

6. *Isaza Uribe et al. v. Colombia*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 363, ¶ 56 (Nov. 20, 2018).

7. *Id.* ¶ 58.

8. *Id.*

9. *Id.*

10. *Id.* ¶ 59.

11. *Id.* ¶ 61.

12. *Isaza Uribe et al. v. Colombia*, Report on Merits, ¶ 52.

13. *Isaza Uribe et al. v. Colombia*, Merits, Reparations, and Costs, ¶ 66.

14. *Isaza Uribe et al. v. Colombia*, Report on Merits, ¶ 67.

15. *Id.*

16. *Id.*

July 17, 1989: Ms. Carmenza Veléz goes to the Criminal Investigation Court 64 and is informed that the investigation has been archived because no one is willing to testify.¹⁷

July 22, 1989: Ms. Carmenza Veléz amplifies the complaint that she filed with the Attorney Delegate for the Defense of Human Rights and denounces the lack of progress in the investigation.¹⁸

August 8, 1989: Ms. Carmenza Veléz petitions the Administrative Litigation Court of the Department of Antioquia for direct reparation on behalf of herself and her children for Mr. Isaza Uribe's disappearance.¹⁹

August 19, 1990: The Administrative Litigation Court asks the Office of the State Attorney for the Defense of Human Rights for copies of the investigation materials.²⁰

December 1990: The Association of Relatives of Disappeared Detainees (Asociación de Familiares de Detenidos Desaparecidos; "ASFADDES") and the Colombian Commission of Jurists (Comisión Colombiana de Juristas) file a petition before the Commission.²¹

June 5, 1991: The Administrative Department of Security (El Departamento Administrativo de Seguridad; "DAS") provides the Office of the State Attorney for the Defense of Human Rights a report indicating that the men who took Mr. Isanza Uribe are members of FARC.²²

October 20, 1992: The Office of the State Attorney for the Defense of Human Rights archives the preliminary proceedings because of the lack of evidence connecting Mr. Isaza Uribe's disappearance to any civil servant.²³

November 26, 1993: The Administrative Court of Antioquia rejects Ms. Carmenza Veléz's petition for the direct reparation for Mr. Isaza Uribe's

17. *Id.* ¶ 66.

18. *Id.*

19. *Id.* ¶ 69.

20. Isaza Uribe et al. v. Colombia, Report on Merits, ¶ 70.

21. Isaza Uribe et al. v. Colombia, Reparations, and Costs, ¶ 2.

22. Isaza Uribe et al. v. Colombia, Report on Merits, ¶ 67.

23. *Id.* ¶ 68.

disappearance because there is no evidence linking State agents to Mr. Isaza Uribe's disappearance.²⁴

September 23, 1994: The Administrative Litigation Division of the Council of State affirms the rejection of Ms. Veléz's petition and concludes that although the prison administration failed in its surveillance of Mr. Isaza Uribe, his disappearance is a planned escape.²⁵

November 8, 1994: The Anti-Kidnapping Unit of Puerto Berrio orders the suspension of the investigation.²⁶

February 28, 1995: The Anti-Kidnapping Unit of Puerto Berrio reopens the investigation.²⁷

September 11, 1995: An arrest warrant is issued on four individuals.²⁸

September 1995: The Medellín Regional Prosecutor's Office stops the issuance of a restraining order on the basis of lack of evidence of liability.²⁹

March 19, 1996: The Medellín Regional Prosecutor's Office closes the investigation.³⁰

April 30, 1996: The Medellín Regional Prosecutor's Office terminates the investigation of the four arrested individuals because there is no direct testimony identifying the four individuals to be those who took Mr. Uribe and the three other prisoners from the Puerto Nare jail.³¹

August 25, 1997: The Medellín Regional Prosecutor's Office suspends the preliminary investigation of Mr. Isaza Uribe's disappearance because the evidence does not provide any illuminating facts.³²

24. *Id.* ¶ 71.

25. *Id.*

26. Isaza Uribe et al. v. Colombia, Reparations, and Costs, ¶ 61.

27. Isaza Uribe et al. v. Colombia, Report on Merits, ¶ 64.

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

2010: An order to reopen the investigation is issued.³³

July 22, 2011: The Commission issues its Report on Admissibility in which it determines that the petition is admissible. The State claims that the petition is inadmissible because: 1) the Regional Prosecutor's Office of Medellín did not find evidence that clarified the events, 2) that the Prosecutor's Office did not find evidence linking State agents to Mr. Isaza Uribe's disappearance, and 3) that the Administrative Court of Antioquia concluded that third parties facilitated Mr. Isaza Uribe's disappearance so he could escape his imminent homicide conviction.³⁴

The Commission rebuts the State's arguments and explains in its Report on Admissibility that 1) the Commission has a role to investigate the State's responsibility in its role as guarantor of persons who are deprived of liberty, and 2) based on *iura novit curia*, it is appropriate for the Commission to determine the State's potential violation of Article I of the Inter-American Convention on Forced Disappearance of Persons especially and of the Article 16 of the American Convention.³⁵

August 24, 2011: The office overseeing the investigation orders that a hearing be given to those availing for the benefits of Law 975 of 2005 on Justice and Peace available to those who committed crimes in Magdalena Media.³⁶ According to the State, none of the applicants referred to or confessed to facts related to Mr. Isaza Uribe's disappearance.³⁷

B. Other Relevant Facts

In 1971, SUTIMAC a trade union that organizes strikes, particularly in the cement industry, is formed.³⁸ Eventually, the Communist Party of Colombia begins to exercise influence on SUTIMAC.³⁹ Some of the union leaders become local leaders of the UP Political Party.⁴⁰ As a result, paramilitaries and defense-groups target union activists and leaders for assassinations.⁴¹

33. Isaza Uribe et al. v. Colombia, Report on Merits, ¶ 64.

34. Isaza Uribe et al. v. Colombia, Admissibility Report, Report No. 102/11, Inter-Am. Comm'n H.R., Case No. 10.737, ¶ 18 (July 22, 2011).

35. Isaza Uribe et al. v. Colombia, Admissibility Report, ¶¶ 38-40.

36. Isaza Uribe et al. v. Colombia, Report on Merits, ¶ 64.

37. *Id.*

38. Isaza Uribe et al. v. Colombia, Reparations, and Costs, ¶ 48.

39. *Id.* ¶ 49.

40. *Id.* ¶ 50.

41. *Id.* ¶ 51.

II. PROCEDURAL HISTORY

A. Before the Commission

July 22, 2015: The Commission issues Report on the Merits.⁴² The Commission finds that the State violated Articles 3 (Right to Juridical Personality), 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 16 (Right to Freedom of Association), and 25 (Right to Judicial Protection), all in relation to Articles 1(1) (Obligation to Respect Rights) and 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention to the detriment of Mr. Isaza Uribe and his family.⁴³ The Commission also finds that the State violated Articles 1(a) (Prohibition of Practicing, Tolerating or Permitting Forced Disappearances) and 1(b) (Duty to Punish Forced Disappearances) of the Inter-American Convention on Forced Disappearance of Persons.⁴⁴

The Commission recommends that the State conduct a thorough investigation of Mr. Isaza Uribe's disappearance, return his remains to his family, facilitate domestic and criminal proceedings in connection with the human rights violations and Mr. Isaza Uribe's disappearance, make reparations for violating Mr. Isaza Uribe's human rights, implement non-repetition measures to prevent the acts in connection to Mr. Isaza Uribe's disappearance, and publicly acknowledge the violations per the Commission's Reports on the Merits.⁴⁵

B. Before the Court

April 3, 2016: The Commission submits the case to the Court, after the State failed to adopt its recommendations.⁴⁶

October 29, 2016: The State answers and presents a Recognition of International State Responsibility in three parts where it acknowledges:

(a) Responsibility for violating Articles 3 (Right to Juridical Personality), 4 (Right to Life), 5 (Right to Humane Treatment), and 7

42. *Id.* ¶ 2.

43. Isaza Uribe et al. v. Colombia, Report on Merits, ¶ 1.

44. *Id.*

45. Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs, ¶ 2n.3.

46. *Id.* ¶ 3.

(Right to Personal Liberty) of the American Convention on Human Rights, to the detriment of Mr. Isaza Uribe.⁴⁷

(b) Partial responsibility for the violating Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) with respect to Article 1(1) (Obligation of Non-Discrimination) of the American Convention on Human Rights, to the detriment of Ms. Veléz, Jhony Alexander Isaza Veléz, and Haner Alexis Isaza Veléz.⁴⁸

(c) Responsibility for violating Article 5 (Right to Humane Treatment) with respect to Article 1(1) (Obligation of Non-Discrimination) of the American Convention on Human Rights, to the detriment of Ms. Veléz, Jhony Alexander Isaza Veléz, and Haner Alexis Isaza Veléz.⁴⁹

May 4, 2017: The President of the Court grants the victim's request to qualify for the Court's Legal Assistance Fund.⁵⁰

December 13, 2017: The President of the Court summons the parties and the Commission to a public hearing of the alleged victims, witnesses, and experts.⁵¹

February 14, 2018: The National Trade Union School (ENS) and the Central Union of Workers (CUT) of Colombia submit amicus curiae briefs.⁵²

1. Violations Alleged by Commission⁵³

Article 3 (Right to Juridical Personality)

Article 4 (Right to Life)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 16 (Right to Freedom of Association)

Article 8 (Right to a Fair Trial)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1 (Obligation to Respect Rights)

47. *Id.* ¶ 17.

48. *Id.* ¶ 20.

49. *Id.* ¶ 21.

50. Isaza Uribe et al. v. Colombia, Reparations, and Costs, ¶ 9.

51. *Id.* ¶ 10.

52. *Id.* ¶ 11.

53. *Id.* ¶ 4.

Article 3 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

Article 1(a) (Not to practice, permit or tolerate forced disappearance)

Article 1(b) (To punish within their jurisdictions those who commit forced disappearance)

all in relation to:

Article 1 (States to the Convention's Undertaking) of the Inter-American Convention on Forced Disappearance of Persons.

2. Violations Alleged by Representatives of the Victims⁵⁴

Same Violations Alleged by Commission, plus:

Article 17 (Rights of the Family)

Article 112 (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity) of the American Convention.

III. MERITS

*A. Composition of the Court*⁵⁵

Eduardo Ferrer Mac-Gregor Poisot, President

Eduardo Vio Grossi, Vice-President

Elizabeth Odio Benito, Judge

Eugenio Raúl Zaffaroni, Judge

L. Patricio Pazmiño Freire, Judge

Pablo Savedra Alessandri, Secretary

Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

54. *Id.* ¶ 6. The organization, Colombian Commission of Jurists (Comisión Colombiana de Juristas) submitted a power of judicial representation to represent Ms. Vélez, Mr. Johny Alexander Isaza Vélez, and Haner Alexis Isaza Vélez.

55. *Id.* n.1. Judge Humberto Antonio Sierra Porto, of Colombian nationality, did not participate in the deliberation and signing of the Judgment per Article 19(1) of the Rules of Procedure. Judge Ricardo Pérez Manrique did not participate in the deliberating and signing of the Judgment for undisclosed reasons.

November 20, 2018: The Court issues its Judgment on Merits, Reparations and Costs.⁵⁶

The Court found unanimously that Colombia had violated:

Articles 3 (Right to Juridical Personality), 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), and 7 (Right to Personal Liberty) in relation to Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligation to Give Domestic Legal Effect to Rights) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Mr. Isaza Uribe,⁵⁷ because:

Mr. Isaza Uribe was under State custody at the time of his disappearance.⁵⁸ The prison officials guarding Mr. Isaza Uribe were state agents with the responsibility to guard him.⁵⁹ Additionally, the State should have conducted a serious and diligent investigation immediately after Mr. Isaza Uribe's disappearance.⁶⁰ However, the State prolonged and delayed the investigation.⁶¹ After thirty-one years, the State had not passed its preliminary investigation.⁶² Therefore, because the State had not rebutted the presumption of its responsibility in Mr. Isaza Uribe's disappearance, the State violated Articles 3 (Right to Juridical Personality), 4 (Right to Humane Treatment), and 7 (Right to Personal Liberty) of the American Convention.⁶³

The Court dismissed the State's hypothesis that Mr. Isaza Uribe's disappearance was an orchestrated escape from custody.⁶⁴ First, the Court discussed the assumption that FARC perpetuated the abduction as evidenced by FARC propaganda pamphlets found in the prison where Mr. Isaza Uribe was forcibly taken.⁶⁵ The Court indicated that it was not clear whether the pamphlets were left by paramilitaries or that other actors planted them to divert attention.⁶⁶ Additionally, there were

56. Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs, ¶ 220.

57. *Id.*

58. *Id.* ¶ 86.

59. *Id.* ¶ 87.

60. *Id.* ¶ 93.

61. *Id.* ¶ 94.

62. Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs, ¶ 94.

63. *Id.* ¶ 95.

64. *Id.* ¶ 105.

65. *Id.* ¶ 99.

66. *Id.* ¶ 104.

*conflicting statements about the events that transpired such as: whether the captors wore FARC bracelets, whether the captors asked all detainees to leave, whether the captors targeted their victims, and whether there was violence.*⁶⁷ *Moreover, the State did not dispute the Commission's assertion that the prison officers were involved in the disappearance.*⁶⁸ *Furthermore, the State erroneously relied on the police commander's report and Mr. Isaza Uribe's criminal conviction to allege that he escaped to evade being convicted of homicide.*⁶⁹ *The Municipal Mayor of Puerto Nare stated that Mr. Isaza Uribe was "forcibly taken[.]"*⁷⁰ *Although Ms. Vélez reported there were rumors that guerillas would get Mr. Isaza Uribe out of jail, she also noted that her husband was afraid and would rather die than let himself be taken.*⁷¹ *The Court concluded that these statements suggest that Mr. Isaza Uribe was taken against his will, thus refuting the claim that Mr. Isaza Uribe's disappearance was his planned escape.*⁷²

*Additionally, the Court noted that several declarants refuted the claim that FARC members likely facilitated the abduction because there were no guerilla groups that operated in the area at the time of Mr. Isaza Uribe's abduction.*⁷³ *The presence of guerilla groups would have elicited a confrontation with the public force because Puerto Nare was heavily militarized during that time; however, there were no reports of confrontation occurring at that time.*⁷⁴ *The State also recognized that there were no reports establishing Mr. Isaza Uribe was a member of FARC.*⁷⁵

*The Court concluded that the State's responsibility in Mr. Isaza Uribe's disappearance is its acquiescence to paramilitaries' activities.*⁷⁶ *The State encouraged the proliferation of the paramilitaries to counter the "internal threat" to the national security.*⁷⁷ *The Armed Forces and the paramilitaries identified union members as "internal threats."*⁷⁸ *The*

67. *Id.* ¶ 100.

68. *Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs*, ¶ 100.

69. *Id.* ¶ 107.

70. *Id.*, ¶ 110.

71. *Id.* ¶ 110.

72. *Id.* ¶ 111.

73. *Id.* ¶ 102.

74. *Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs*, ¶ 103.

75. *Id.* ¶ 105.

76. *Id.* ¶ 143.

77. *Id.* ¶ 124.

78. *Id.* ¶ 127.

Court noted statements indicating State collaboration with the paramilitaries, such as State military senior officers participating in meetings about committing crimes against members of the UP party and social and union organizations.⁷⁹ The paramilitaries instituted a systematic pattern of violence against trade unions, including SUTIMAC.⁸⁰ Prior to and following Mr. Isaza Uribe's forced disappearance, the paramilitary had kidnapped and murdered several other members of SUTIMAC.⁸¹ Although the State began to dismantle the structures that encouraged the paramilitaries' persecution of union members in 1988 and 1989, these structures were still in effect at the time of Mr. Isaza Uribe's disappearance in 1987.⁸²

Article 16 (Right to Freedom of Association) of the Convention, to the detriment of Mr. Isaza Uribe,⁸³ because:

A judge in the Criminal Investigation Court 64 in Puerto Nare detained Mr. Isaza Uribe without a criminal conviction that limited his exercise of his freedom of association.⁸⁴ Moreover, Mr. Isaza Uribe's forced disappearance was related to his union activity.⁸⁵ The Court also presumed that Mr. Isaza Uribe's forced disappearance would have frightened and intimidated other members of the union from exercising their freedom of association.⁸⁶ Therefore, the Court held State violated Article 16 (Right to Freedom of Association) of the American Convention.⁸⁷

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25 (Right to Judicial Protection) in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Mr. Isaza Uribe, Ms. Vélez, Jhony Alexander Isaza Vélez and Haner Alexis Isaza Vélez,⁸⁸ because:

79. *Id.* ¶ 136.

80. Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs, ¶ 137.

81. *Id.* ¶ 130.

82. *Id.* ¶ 129.

83. *Id.* ¶ 220.

84. *Id.* ¶ 145.

85. *Id.*, ¶ 145.

86. Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs, ¶ 145.

87. *Id.* ¶ 145.

88. *Id.*

The State recognized its violation of Article 8.1 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection).⁸⁹ The State did not diligently investigate, prosecute, or punish Mr. Isaza Uribe's abductors.⁹⁰ Although the State alleged that it investigated the socio-political context, the potential role of paramilitaries, and the violence against union members at the time when Mr. Isaza Uribe's abduction, its efforts were non-comprehensive, ineffective, delayed, and prolonged.⁹¹ For example, The State did not: pursue FARC's alleged connection to the abduction, investigate whether the socio-political context at the time were linked to the abduction, or consider the presence of military units in the location and the actions and inactions of the jail guards during the abduction.⁹² The State also did not search for witnesses thoroughly.⁹³

Additionally the Prosecutor's Office and the Attorney General's Office did not investigate the witnesses' fear to testify.⁹⁴ Other State agencies such as the National Police, the Directorates of Naval Operations, the Disciplinary Investigations of the National Navy, and the National Army also had no information on any search nor on investigations related to Mr. Isaza Uribe's disappearance.⁹⁵ Meanwhile, thirty-one years after Mr. Isaza Uribe's forced disappearance, the State had not established the facts nor determined corresponding responsibilities related to Mr. Isaza Uribe's disappearance.⁹⁶ Therefore, the Court held the State violated Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection) of the American Convention.⁹⁷

Article 5(1) (Right to Physical, Mental, and Moral Integrity), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Ms. Vélez, Mr. Johnny Alexander Isaza Vélez and Haner Alexis Isaza Vélez,⁹⁸ because:

Although the State partially recognized that it violated Article 5 (Right to Humane Treatment), the Court presumed the family suffered profound

89. *Id.* ¶ 152.

90. *Id.* ¶ 158.

91. *Id.* ¶¶ 155-158.

92. *Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs*, ¶ 156.

93. *Id.*

94. *Id.*

95. *Id.* ¶ 157.

96. *Id.* ¶ 160.

97. *Id.* ¶ 161.

98. *Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs*, ¶ 220.

suffering and anguish because of Mr. Isaza Uribe's forced disappearance and the lack of information relating to Mr. Isaza Uribe's whereabouts.⁹⁹ Therefore, the Court held the State violated Article 5 (Right to Humane Treatment) of the American Convention.¹⁰⁰

The Court found unanimously that Colombia had not violated:

Article 17 (Rights of the Family) of the Convention,¹⁰¹ because:

Although Mr. Isaza Uribe's family members moved to another municipality because of the economic and emotional effects of Mr. Isaza Uribe's disappearance, such impacts on the family members were considered in the Court's ruling on Article 5 (Right to Humane Treatment) and on the reparations.¹⁰² Therefore, the Court did not find a violation of Article 17 (Rights of the Family) of the American Convention.¹⁰³

Article 11 (Right to Privacy) of the Convention,¹⁰⁴ because:

The State did not declare or promote facts alleging Mr. Isaza Uribe was a member of FARC, which would have stigmatized Mr. Isaza Uribe's family.¹⁰⁵ Rather, such allegations indicating Mr. Isaza Uribe's membership with FARC was a hypothesis generated during investigations the authorities conducted.¹⁰⁶ Therefore, the Court did not find that the State violated Article 11 (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity) of the American Convention.¹⁰⁷

C. Dissenting and Concurring Opinions

[None]

IV. REPARATIONS

99. *Id.* ¶¶ 165-166.

100. *Id.* ¶ 169.

101. *Id.* ¶ 220.

102. *Id.* ¶ 167.

103. *Id.* ¶ 220.

104. *Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs*, ¶ 220.

105. *Id.* ¶ 168.

106. *Id.*

107. *Id.* ¶ 220.

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

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

1. Judgment as a Form of Reparation

The Court indicated that the Judgment itself is a form of reparation.¹⁰⁸

2. Continue the Investigations and Legal Proceedings

The Court ordered the State to continue or implement a thorough investigation to determine the facts of Mr. Isaza Uribe's forced disappearance and punish those responsible.¹⁰⁹ The Court also ordered the State to investigate whether civil, police, or military authorities were involved.¹¹⁰

3. Determine the Whereabouts of Mr. Isaza Uribe

The Court ordered the State to provide adequate human, technical, and scientific resources to find Mr. Isaza Uribe especially because he has been missing for more than thirty-one years.¹¹¹ Additionally, the Court ordered the State to regularly update the family members as to the search status.¹¹² If Mr. Isaza Uribe is found dead, the State must return his remains to his relatives and pay for the funeral expenses at no cost to the family.¹¹³

4. Provide Psychological Treatment

The Court ordered the State to provide psychological treatment to the victims who timely request it for as long as it is necessary and at no cost to them.¹¹⁴

108. *Id.* "Resolution Points," ¶ 8.

109. *Id.* ¶ 180.

110. *Id.*

111. *Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs*, ¶ 182.

112. *Id.*

113. *Id.* ¶ 182.

114. *Id.* ¶ 184.

The Court ordered the State to acknowledge publicly international responsibility in Colombia of the facts related to the forced disappearance of Mr. Isaza Uribe within a year of the Judgment.¹¹⁵ State officials must attend or participate in the acknowledgement.¹¹⁶ The State should not only consult the victims regarding the planning of such event but also ensure that the victims participate or are present in the event.¹¹⁷

6. Publish the Judgment

The Court ordered the State to publish the official summary of the Court's Judgment in a nationally circulated newspaper and the official gazette within six months of the Judgment.¹¹⁸ The Court also ordered the State to publish the Judgment in its entirety within six months of the Judgment and on a homepage of an official website that the public could access for a period of one year.¹¹⁹

7. Strengthen Union Protections

The Court ordered the State to strengthen its protection of union members, union representatives, and trade unions and to coordinate with the unions so that they can develop without fear of reprisal.¹²⁰ The Court also ordered the State to report its compliance to this measure annually for three years.¹²¹

8. Report to the Court

The Court ordered the State to submit a report on the State's compliance of the Court's Judgment and a report on the state authorities responsible in implementing the measures.¹²²

B. Compensation

115. *Id.* ¶ 186.

116. *Id.*

117. *Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs*, ¶ 186.

118. *Id.* ¶ 188.

119. *Id.*

120. *Id.* ¶ 191.

121. *Id.*

122. *Id.* "Resolution Points," ¶ 16.

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded Ms. Vélez, Jhony Alexander Isaza Vélez, and Haner Alexis Isaza Vélez \$96,000 for Mr. Isaza Uribe's lost wages.¹²³

2. Non-Pecuniary Damages

The Court awarded Mr. Isaza Uribe \$100,000 as compensation for non-pecuniary damages which should be distributed to Ms. Vélez, Jhony Alexander Isaza Vélez, and Haner Alexis Isaza Vélez.¹²⁴ The Court also awarded Ms. Vélez, Jhony Alexander Isaza Vélez, and Haner Alexis Isaza Vélez \$60,000 each as compensation for non-pecuniary damages.¹²⁵

3. Costs and Expenses

The Court awarded the victims and their representatives \$20,400 for expenses and litigation costs.¹²⁶ The Court also ordered the State to reimburse the Legal Assistance Fund \$1,172.70 for expenses incurred within six months of the Judgment.¹²⁷

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

\$397,572.7

C. Deadlines

The State must continue to investigate as well as determine and punish the responsible parties within a reasonable amount of time.¹²⁸ The State must also determine Mr. Isaza Uribe's whereabouts as soon as possible.¹²⁹ The State must also publicly acknowledge international responsibility of the facts related to Mr. Isaza Uribe's disappearance

123. *Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs*, ¶¶ 195-196.

124. *Id.* ¶ 201.

125. *Id.*

126. *Id.* ¶ 212.

127. *Id.* ¶ 213.

128. *Id.* ¶ 180.

129. *Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs*, ¶ 182.

within one year from the notification of the Judgment.¹³⁰ Additionally, the State must publish the summary of the Court's judgment in the official gazette and in a large national newspaper within 6 months of the date of notification of the judgment.¹³¹ The State must also provide a report to the Court within six months listing the State authorities responsible in implementing the measures as listed in the Court's judgment and a report listing the measures the State has taken to comply with the Court's judgment within a year from the notification of the Judgment.¹³² Finally, the State must pay the pecuniary damages, non-pecuniary damages, costs, and expenses within one year of the issuance of the Judgment.¹³³

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Isaza Uribe et al. v. Colombia, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 363 \(Nov. 20, 2018\). \(Available only in Spanish\).](#)

3. Provisional Measures

[Isaza Uribe et al. v. Colombia, Provisional Measures, Order of the President, Inter-Am. Ct. H.R. \(ser. E\) \(Jan. 16, 2018\).](#)

130. *Id.* ¶ 186.

131. *Id.* ¶ 188.

132. *Id.* ¶ 220.

133. *Id.* ¶ 214.

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Isaza Uribe et al. v. Colombia, Admissibility Report, Report No. 102/11, Inter-Am. Comm'n H.R., Case No. 10.737, ¶ 1 \(July 22, 2011\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Isaza Uribe et al. v. Colombia, Report on Merits, Report No. 25/15, Inter-Am. Comm'n H.R., Case No. 10.737, ¶ 1 \(July 21, 2015\).](#)

5. Application to the Court

[None]

VIII. BIBLIOGRAPHY

[None]