

Pueblo Bello Massacre v. Colombia

I. COMPLIANCE AND FOLLOW-UP ADDENDUM¹

September 3, 2020: The Court considered a request for provisional measures and gave an update on the State’s compliance.² The representatives for the Pueblo Bello Massacre victims asked the Court to order the State to request expeditiously the extradition of Mr. Salvatore Mancuso Gómez from the United States.³ The representatives urged that Mr. Salvatore Mancuso Gómez’s participation in the judicial process is vital because he was a top leader of United Self-Defense Forces of Colombia and it was very well-established that the group was involved in the massacre.⁴

The Court declared the provisional measures request inadmissible because the subject matter was outside the scope of the judgment and requests should be considered within the framework of supervising compliance with the judgment.⁵ The Court required the State to provide a detailed report by September 7, 2020 about Mr. Salvatore Mancuso Gómez’s extradition status and actions taken by authorities to expedite the process, considering that Mr. Salvatore Mancuso Gómez was subject to deportation to Italy within days of the compliance update.⁶ Finally, the Court ordered the victims’ representatives and the Inter-American Commission of Human Rights to respond to the State’s report regarding the extradition process within established deadlines.⁷

November 18, 2020: The Court gave an update on the State’s compliance with the following reparations: (1) investigation and prosecution of the perpetrators; (2) safe and secure conditions and adequate housing for

1. Sean Whitney, Author; Patricia Kim, Editor; Gabrielle Szlachta-McGinn, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Pueblo Bello Massacre v. Colombia, Request for Provisional Measures and Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. “Considering That” ¶¶ 2, 5 (Sept. 3, 2020).

3. *Id.* ¶ 3.

4. *Id.* ¶¶ 5(b), 5(b.2).

5. *Id.* “Resolves” ¶ 1.

6. *Id.* “Considering That” ¶ 29; “Resolves” ¶ 2.

7. *Id.* “Resolves” ¶ 3.

families who return to the City of Pueblo Bello; (3) monument construction; (4) compensation; and (5) payment of costs and expenses.⁸

The Court found that the State partially complied with its duty to investigate and prosecute those responsible for the Pueblo Bello Massacre.⁹ The Court found that only six individuals, out of sixty who were linked to the events, were prosecuted and found guilty of kidnapping and homicide.¹⁰ Moreover, the State failed to conduct a serious investigation into the Colombian Military Forces' potential involvement.¹¹ Additionally, at least eleven defendants and one person convicted have either fled the country or cannot be located.¹² For this, the Court requested the State report on the: (1) sentences given for the extrajudicial killings and forced disappearances of the forty-three victims; (2) status of open investigations and criminal proceedings against those accused or tied to the investigation, and the procedures underway before the Special Jurisdiction for Peace; and (3) actions taken and those planned to be taken to locate the convicted and accused who have evaded justice.¹³ The Court kept open the proceeding for monitoring compliance with this reparation.¹⁴

The Court also found that the State partially complied with its obligation to: (1) take the necessary steps to guarantee secure conditions in Pueblo Bello for the relatives of the victims and displaced former residents to return to Pueblo Bello if they wish, and (2) implement an adequate housing program.¹⁵ The State reported its activities to date included targeting organized armed groups, conducting numerous arrests, and leading a series of military operations to combat gangs.¹⁶ The Court ordered the State to report about (1) the security conditions in Pueblo Bello and (2) the current and planned measures to protect the relatives and former residents of Pueblo Bello who decide to return.¹⁷ The Court also ordered the State to design these security measures by consulting with the beneficiaries of these reparations and to propose dates to conduct a meeting with the victims and their representatives within one month from

8. *Pueblo Bello Massacre v. Colombia*, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering That" ¶ 5 (Nov. 18, 2020).

9. *Id.* ¶ 17.

10. *Id.* ¶ 7.

11. *Id.*

12. *Id.* ¶ 16.

13. *Id.* "Considering That" ¶ 18.

14. *Pueblo Bello Massacre v. Colombia*, Monitoring Compliance with Judgment, Order of the Court, "Resolves" ¶ 3(a).

15. *Id.* "Considering That" ¶¶ 19, 31.

16. *Id.* ¶ 22.

17. *Id.* ¶ 32.

notice of this Resolution.¹⁸ Finally, the State must report information on whether the beneficiaries with a specific housing destination received the appropriate sums in the July 28, 2016 Resolution, No. 0587.¹⁹ The Court kept open the proceedings for monitoring compliance with this reparation.²⁰

The State failed to comply with its duty to construct a monument in memory of the Pueblo Bello Massacre within one year of the Judgment.²¹ The Court acknowledged the State's progress to date, including: (1) hiring an artist, (2) creating a foundation to preserve the monument's cultural heritage, and (3) securing the property with fences.²² The Court, however, made a point to note that this obligation is independent of other resolutions and more than fourteen years have passed since notice of the Judgment.²³ Therefore, the Court ordered the State to continue executing the project and provide the Court with a schedule, indicating the start date and expected timeframe to complete it.²⁴ The Court kept open proceedings for monitoring compliance with this reparation.²⁵

The Court determined the State fully complied with its obligations to pay both pecuniary and non-pecuniary damages to relatives of the victims.²⁶ However, the State only partially complied with its duty to pay for costs and expenses to the victims' representatives.²⁷ The Court acknowledged that the State paid one of the three victims' representatives the required costs and expenses, but there was no evidence that the State paid the required costs and expenses to the remaining two organizations.²⁸ Therefore, the Court kept open the proceeding for monitoring compliance with this reparation.²⁹

18. Pueblo Bello Massacre v. Colombia, Monitoring Compliance with Judgment, Order of the Court, ¶ 32.

19. *Id.*

20. *Id.* "Resolves" ¶ 3(f).

21. *Id.* "Considering That" ¶ 39.

22. *Id.* ¶¶ 35-36.

23. *Id.* ¶¶ 34, 39.

24. Pueblo Bello Massacre v. Colombia, Monitoring Compliance with Judgment, Order of the Court, ¶ 39.

25. *Id.* "Resolves" ¶ 3(g).

26. *Id.* "Considering That" ¶¶ 40, 44.

27. *Id.* ¶ 48.

28. *Id.* "Considering That" ¶ 48.

29. *Id.* "Resolves" ¶ 3(j).