

Las Palmeras v. Colombia

ABSTRACT¹

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.

I. FACTS

A. Chronology of Events

January 23, 1991: The Putumayo Departmental Police Commander orders members of the National Police and army troopers to conduct an armed operation in the village of Las Palmeras, Guainia, Colombia.²

The morning begins at Las Palmeras without incident.³ Children walk to the local school and wait for classes to begin; laborers Julio Milciades Cerón Gómez and Artemio Pantoja Ordóñez work on a septic tank; brothers Wilian Hamilton Cerón Rojas and Edebraes Norveto Cerón Rojas herd cattle at a nearby hillside; and teacher Hernán Javier Cuarán Muchavisoy arrives at the schoolhouse to begin work.⁴

Proceeding according to orders, army forces begin shooting from a helicopter over Las Palmeras and injure six-year old Enio Quinayas

1. Alessa Jonas, Author; Elise Cossart-Daly and Sarah Frost, Editors; Sarah Frost, Chief Articles Editor; Cesare Romano, Faculty Advisor.

2. *Las Palmeras v. Colombia*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 90, ¶ 2 (Dec. 6, 2001).

3. *Id.*

4. *Id.*

Molina as he walks to school.⁵ At the local schoolhouse, police detain teacher Hernán Javier Cuarán Muchavisoy, workers Julio Milciades Cerón Gómez and Artemio Pantoja Ordóñez, Wilian Hamilton and Edebraes Norveto Rojas, as well as an unidentified person (N.N./ Moisés or N.N./ Moisés Ojeda).⁶ National Police officers then execute Mr. Cuarán Muchavisoy, Mr. Cerón Gomez, Mr. Pantoja Ordóñez, Mr. Hamilton Cerón Rojas, Mr. Norveto Cerón Rojas, and are suspected of executing either N.N./ Moisés or N.N./ Moisés Ojeda and Hernan Lizcano Jacanamejoy.⁷ In an attempt to justify their actions, army officials and police officials dress the corpses in military uniforms and threaten witnesses to remain quiet.⁸

Subsequently, the Putumayo National Police conduct disciplinary investigations, which clear all members of the operation of any blame.⁹

January 29, 1991: The State initiates military criminal proceedings.¹⁰ Members of National Police are appointed as judges in the case.¹¹ The military justice system does not identify, prosecute, or convict any responsible party.¹²

April 15, 1993: The Nariño Administrative Law Court finds the State liable for the deaths of Mr. Pantoja Ordóñez and Mr. Cuarán Muchavisoy, and orders the State to pay Mr. Pantoja Ordóñez and Mr. Cuarán Muchavisoy's families for moral and material damages.¹³

February 19, 1995: The Nariño Administrative Law Court finds the State responsible for the deaths of Mr. Julio Milciades Cerón Gómez, Mr. Wilian Hamilton Cerón Rojas, and Mr. Edebraes Norveto Cerón Rojas.¹⁴ The court orders the State to compensate the victims' next of kin for moral and material damages.¹⁵

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.* ¶ 50.

11. *Id.*

12. *Id.* ¶ 53.

13. *Id.* ¶ 32. *But see id.* "Declares" ¶ 1, where the Court notes that the Nariño Administrative Law Court found the State responsible for the victims' deaths in December 14, 1993 and January 15, 1996 judgments.

14. *Id.*

15. *Id.*

January 15, 1996: The Administrative Law Court of the Council of State affirms the Nariño Administrative Law Court's February 19, 1995 decision.¹⁶

March 25, 1998: The State transfers the case from the military courts to the civilian criminal justice system.¹⁷

May 14, 1998: The Human Rights Unit of the Office of the Prosecutor General of the Nation takes the case.¹⁸ At the time of judgment, the civilian proceedings are still open.¹⁹ The State has not identified, prosecuted, or punished any individual for the victims' deaths.²⁰

B. Other Relevant Facts

[None]

II. PROCEDURAL HISTORY

A. Before the Commission

January 27, 1994: A petition is presented to the Inter-American Commission of Human Rights alleging human rights violations committed by Colombia against Mr. Cuarán Muchavisoy, Mr. Cerón Gomez, Mr. Pantoja Ordóñez, Mr. Hamilton Cerón Rojas, Mr. Norveto Cerón Rojas, and two unidentified persons also involved in the massacre.²¹

February 20, 1998: The Commission approves Merits Report No. 10/98.²² The Commission recommends that Colombia investigate the facts of the January 23, 1991 killings, try those responsible, and take measures to redress the violations.²³

May 26, 1998: Colombia proposes negotiating a friendly settlement

16. *Id.* ¶ 30.

17. *Id.* ¶ 50.

18. *Id.* ¶ 55.

19. *Id.*

20. *Id.*

21. *Id.* ¶ 5.

22. *Id.* ¶ 8.

23. *Id.*

between the petitioners and the State.²⁴ In the proposal, Colombia indicates that it does not agree with all of the Commission's observations or the conclusion of the Merits Report.²⁵ In particular, Colombia maintains that the petitioners have not exhausted domestic remedies and that humanitarian law does not apply.²⁶ The State declares that it plans to form a committee to ensure that the criminal investigation progresses.²⁷

B. Before the Court

July 6, 1998: The Commission submits the case to the Court after the State failed to adopt its recommendations.²⁸

September 14, 1998: Colombia files five preliminary objections with the Court.²⁹ It alleges, first, a violation of due process for serious omissions of information;³⁰ second, that the Commission is not competent to apply international humanitarian law;³¹ third, that the Court is not competent to adjudicate on violations of the Geneva Conventions of 1949;³² fourth, the Court is not competent to hear the case because petitioners have not exhausted domestic remedies;³³ fifth, if the Court hears this case, it will impermissibly act as a trial court for individual facts.³⁴

December 11, 1998: Judge Carlos Vicente de Roux Rengifo, a Colombian national, excuses himself from the case.³⁵ The Court invites Colombia to appoint a judge *ad hoc* to replace him.³⁶

December 15, 1998: The State acknowledges responsibility for violating Article 4 (Right to Life) of the American Convention with

24. *Id.* ¶ 10.

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.* ¶ 13.

29. *Las Palmeras v. Colombia*, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 67, ¶ 16 (Feb. 4, 2000).

30. *Id.*

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. *Id.* ¶ 18.

36. *Id.*

respect to the murders of Mr. Cuarán Muchavisoy, Mr. Cerón Gomez, Mr. Pantoja Ordóñez, Mr. Hamilton Cerón Rojas, and Mr. Norveto Cerón Rojas.³⁷ It declines to acknowledge responsibility for the deaths of N.N./ Moisés or N.N./ Moisés Ojeda or Hernan Lizcano Jacanamejoy, who may be the two unidentified persons murdered on January 23, 1991.³⁸

January 12, 1999: The State appoints Julio A. Barberis as Judge *ad hoc*.³⁹

February 4, 2000: The Court rules on all five of Colombia's preliminary objections.⁴⁰ It dismisses the first preliminary objection regarding a violation of due process.⁴¹ Colombia objects that the Commission did not tell the Court that the domestic case had passed from military criminal jurisdiction to the Human Rights Unit of the Office of the Prosecutor General and, therefore, the Court could not make an accurate and complete decision as to whether the case should have been accepted.⁴² The Court determines that the Commission's failure to mention specific facts does not impede the State's ability to present and allege corresponding evidence.⁴³

The Court admits Colombia's second preliminary objection of the Commission's lack of competence to apply international humanitarian law and other international treaties.⁴⁴ The Court notes that the fact that a state is a party to the Geneva Conventions and must, in good faith, observe the Geneva Conventions, and adapt domestic legislation in accordance with the Geneva Conventions, does not mean that the Commission can infer state responsibility based on them.⁴⁵ The Court notes that contentious cases, beginning at the Commission and ending at the Court, should refer specifically to rights protected by that Convention.⁴⁶

The Court admits Colombia's third preliminary objection that the

37. *Id.* ¶ 19.

38. *Id.*

39. *Las Palmeras v. Colombia, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 90, ¶ 20 (Dec. 6, 2001).*

40. *Las Palmeras v. Colombia, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 67, ¶ 16 (Feb. 4, 2000).*

41. *Id.* ¶ 27.

42. *Id.*

43. *Id.*

44. *Id.* ¶ 34.

45. *Id.*

46. *Id.*

Court lacks competence to determine Colombia's adherence to articles of the Geneva Conventions of 1949.⁴⁷ The Court notes that it may determine whether Colombia's actions are compatible with the American Convention but does not have jurisdiction to determine if Colombia's acts are compatible with the Geneva Conventions.⁴⁸

The Court dismisses Colombia's fourth preliminary objection regarding the failure to exhaust domestic remedies.⁴⁹ The Court notes that the events took place in January 1991 and the State failed to explain measures taken to investigate the case between 1991 and 1998.⁵⁰ Though Colombia indicated that from 1991 to 1998 they investigated the deaths, the Court found that their explanation was insufficient.⁵¹

Finally, the Court dismisses Colombia's fifth preliminary objection that the Court may not determine individual facts.⁵² Colombia alleges that the Court is not competent to determine who is criminally responsible for the death of the seventh unnamed person.⁵³ However, the Court explains that it will not determine an individual's criminal responsibility; rather, it will determine the international responsibility of the State.⁵⁴

May 28, 2001: In a public hearing, the State admits responsibility for N.N. Moisés or N.N. Moisés Ojeda's death and for violating his Article 4 Right to Life.⁵⁵

1. Violations Alleged by Commission⁵⁶

Article 4 (Right to Life)

Article 8 (Right to a Fair Trial)

Article 25 (Right to Judicial Protection)

all in relation to:

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

47. *Id.* ¶¶ 28, 33.

48. *Id.*

49. *Id.* ¶ 39.

50. *Id.* ¶ 38.

51. *Id.*

52. *Id.* ¶ 40.

53. *Id.* ¶ 41.

54. *Id.*

55. *Las Palmeras v. Colombia, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 90, ¶ 37 (Dec. 6, 2001).*

56. *Id.* ¶ 22.

2. Violations Alleged by Representatives of the Victims⁵⁷

Same Violations Alleged by Commission.

III. MERITS

A. *Composition of the Court*⁵⁸

Antônio A. Cançado Trindade, President
Máximo Pacheco Gómez, Vice-President
Hernán Salgado Pesantes, Judge
Alirio Abreu Burelli, Judge
Sergio García Ramírez, Judge
Julio A. Barberis, Judge *ad hoc*

Manuel E. Ventura Robles, Secretary

B. *Decision on the Merits*

December 6, 2001: The Court issues its Judgment on Merits.⁵⁹

The Court found unanimously that Colombia had violated:

Article 4 (Right to Life) of the American Convention, to the detriment of N.N. Moisés or N.N. Moisés Ojeda,⁶⁰ because:

The State admitted responsibility for N.N. Moisés or N.N. Moisés Ojeda's death and for the violation of N.N. Moisés or N.N. Moisés Ojeda's Right to Life enshrined in Article 4 of the American

57. *Id.* The Colombian Commission of Jurists and the Center for Justice and International Law ("CEJIL") represented the victims.

58. Judge Carlos Vicente de Roux Rengifo did not participate in the case because he is a Colombian national. *Id.* at n.*. Judge Oliver Jackman was also unable to participate in the decision. *Id.*

59. *Las Palmeras v. Colombia, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 90 (Dec. 6, 2001)*. The Court noted that Administrative Law Court of the Council of State established the State's responsibility for the deaths of Mr. Pantoja Ordóñez, Mr. Cuarán Muchavisoy, Mr. Julio Milciades Cerón Gómez, Mr. Wilian Hamilton Cerón Rojas, and Mr. Edebraes Norverto Cerón Rojas in judgments dated December 14, 1993 and January 15, 1996. *Id.* "Declares" ¶ 1.

60. *Id.* "Decides" ¶ 2. The Merits Judgment does not indicate that Article 4 (Right to Life) was violated in relation to Article 1 (Obligation to Respect Rights). *Id.*

Convention.⁶¹

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25(1) (Right of Recourse Before a Competent Court) of the Convention, to the detriment of the relatives of Mr. Pantoja Ordóñez, Mr. Cuarán Muchavisoy, Mr. Cerón Gómez, Wilian Hamilton Cerón Rojas, Edebraes Norverto Cerón Rojas, N.N. Moisés or N.N. Moisés Ojeda, and Hernán Lizcano Jacanamejoy,⁶² because:

Colombia has not concluded proceedings for this case in the ordinary criminal justice system.⁶³ Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court) of the Convention gives families the right to have State authorities investigate the victim's deaths, and prosecute and punish those responsible within a reasonable amount of time.⁶⁴

The Court found that National Police Officers have not been cooperative in the investigation, and either tampered with or destroyed evidence.⁶⁵ Additionally, these proceedings began in May of 1998, and as of 2001, there is no definitive judgment regarding who is responsible.⁶⁶ The criminal investigation has been underway for over ten years, which indicates that the administration of justice is neither effective nor rapid.⁶⁷ The Court noted that this ten-year period "exceeds the parameters of reasonability" referenced in Article 8(1)(Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) of the Convention.⁶⁸

The Court found unanimously that Colombia had not violated:

Article 4 (Right to Life) of the Convention, to the detriment of

61. *Id.* ¶ 37.

62. *Id.* ¶ 66. The Court did not indicate that these Articles were violated in relation to Article 1 (Obligation to Respect Rights). *Id.* "Decides" ¶ 4.

63. *Id.* ¶ 55.

64. *Id.* ¶¶ 63, 65.

65. *Id.* ¶ 57.

66. *Id.* ¶ 55.

67. *Id.*

68. *Id.* ¶ 64.

Hernán Lizcano Jacanamejoy,⁶⁹ because:

*The evidence was not sufficient to determine that State forces executed Mr. Jacanamejoy.*⁷⁰

*The Court rejected all three of the Commission's arguments as to why Colombia should be held liable under Article 4 (Right to Life) of the Convention.*⁷¹

*The Commission first argued that, since the circumstances surrounding Mr. Jacanamejoy's death are unclear, the State should prove that it was not responsible for Mr. Jacanamejoy's death.*⁷² *The Court rejected this argument because the Commission did not present compelling arguments that the burden of proof should shift to the State.*⁷³

*Second, the Commission argued that the State should assume responsibility for the death of Mr. Jacanamejoy because it had not conducted a serious investigation into who caused Mr. Jacanamejoy's death.*⁷⁴ *The Court rejected this argument because the evidence indicated that the State conducted a serious investigation, as Colombia investigated Mr. Jacanamejoy's death prior to the Commission's application to the Court and identified individuals responsible for the death of five other victims.*⁷⁵

*Finally, the Commission argued that the Court should find that the State violated Mr. Jacanamejoy's right to life because police officers' testimony was not credible, and State investigators failed to collect shells and bullets at the crime scene.*⁷⁶ *The Commission presented expert testimony to prove that State agents executed Mr. Jacanamejoy while he was unarmed.*⁷⁷ *The Court determined, however, that the expert testimony did not establish that the State executed Mr. Jacanamejoy.*⁷⁸

69. *Id.* "Decides" ¶ 3. The Court did not indicate that the State violated Article 4 (Right to Life) in relation to Article 1 (Obligation to Respect Rights). *Id.*

70. *Id.* ¶ 47.

71. *Id.* ¶ 40.

72. *Id.* ¶ 41.

73. *Id.*

74. *Id.* ¶ 42.

75. *Id.*

76. *Id.* ¶ 43.

77. *Id.*

78. *Id.* ¶ 46.

*The Court found that the evidence was insufficient to determine that State forces executed Mr. Jacanamejoy in violation of Article 4 (Right to Life).*⁷⁹

C. Dissenting and Concurring Opinions

1. Separate Opinion of Judges Antônio A. Cançado Trindade and Máximo Pacheco Gómez

In a separate opinion, Judges Cançado Trindade and Pacheco Gómez disagreed with the Court's decision to note that a State court found Colombia responsible for the deaths of Mr. Pantoja Ordóñez, Mr. Cuarán Muchavisoy, Mr. Julio Milciades Cerón Gómez, Mr. Wilian Hamilton Cerón Rojas, and Mr. Edebraes Norverto Cerón Rojas, rather than find that the State violated Article 4 (Right to Life) with respect to Mr. Pantoja Ordóñez, Mr. Cuarán Muchavisoy, Mr. Julio Milciades Cerón Gómez, Mr. Wilian Hamilton Cerón Rojas, and Mr. Edebraes Norverto Cerón Rojas.⁸⁰

Judges Cançado Trindade and Pacheco Gómez explained that a State's responsibility under domestic law does not necessarily coincide with a State's responsibility under international law.⁸¹ They asserted that the Court must determine whether the State violated international law in order to guarantee the rights protected by the American Convention.⁸²

They concurred with the Court's determination that the State violated Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25(1) (Right of Recourse Before a Competent Court), but explained that they believe the Court should have found that these Articles were violated in relation to Article 1(1) (Obligation to Respect Rights).⁸³ They explained that Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25(1) (Right of Recourse Before a Competent Court) are closely tied to Article 1(1) (Obligation to Respect Rights) because State must enact and apply

79. *Id.* ¶ 47.

80. *Las Palmeras v. Colombia, Merits, Separate Opinion of Judges Antônio Augusto Cançado Trindade and Máximo Pacheco Gómez, Inter-Am. Ct. H.R. (ser. C) No. 90, ¶ 1 (Dec. 6, 2001).*

81. *Id.* ¶ 3.

82. *Id.* ¶¶ 5, 6, 9, 10.

83. *Id.* ¶ 14.

legislation that ensures recourse before competent judicial authorities.⁸⁴

2. Separate Opinion of Judges Sergio García Ramírez, Hernán Salgado Pesantes, and Alirio Abreu Burelli

In a separate opinion, Judges García Ramírez, Salgado Pesantes, and Abreu Burelli asserted that the State violated Article 4 (Right to Life) with respect to Mr. Pantoja Ordóñez, Mr. Cuarán Muchavisoy, Mr. Julio Milciades Cerón Gómez, Mr. Wilian Hamilton Cerón Rojas, and Mr. Edebraes Norverto Cerón Rojas.⁸⁵ The three judges noted it was clear that State agents killed these men and the State accepted responsibility.⁸⁶ However, they stated that the Court must only rule upon the unlawfulness of acts if a state fails to do so.⁸⁷ The Court, therefore, correctly abstained from finding that the State violated Article 4 (Right to Life).⁸⁸

The three judges agreed that the State violated Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the Convention, as it did not comply with its duty to investigate, prosecute and punish those responsible.⁸⁹

IV. REPARATIONS

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

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

84. *Id.* ¶¶ 17, 18.

85. *Las Palmeras v. Colombia*, Merits, Separate Opinion of Judges Sergio García Ramírez, Hernán Salgado Pesantes, and Alirio Abreu Burelli, Inter-Am. Ct. H.R. (ser. C) No. 90, ¶ 1 (Dec. 6, 2001).

86. *Id.* ¶¶ 2, 5, 6, 7.

87. *Id.* ¶ 4.

88. *Id.* ¶ 8.

89. *Id.* ¶ 9. Though Court found that the State violated Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25(1) (Right of Recourse Before a Competent Court); Judges Sergio García Ramírez, Hernán Salgado Pesantes, and Alirio Abreu Burelli specifically referenced Articles 8 and 25. *See Las Palmeras v. Colombia*, Merits, Separate Opinion of Judges Sergio García Ramírez, Hernán Salgado Pesantes, and Alirio Abreu Burelli, Inter-Am. Ct. H.R. (ser. C) No. 90, ¶ 9 (Dec. 6, 2001); *Las Palmeras v. Colombia*, Merits, Inter-Am. Ct. H.R. (ser. C) No. 90, “Decides” ¶ 4 (Dec. 6, 2001).

1. Continue to Investigate Those Responsible

The Court ordered Colombia to identify, prosecute, and punish the parties responsible for, and accessories to, the victim's deaths, as well as any aiders and abettors.⁹⁰

2. Exhume and Identify N.N./ Moisés or N.N./ Moisés Ojeda

The Court ordered Colombia to investigate the identity of N.N./ Moisés or N.N./ Moisés Ojeda, find and exhume his body, and deliver his remains to his next of kin.⁹¹ The Court ordered the State to identify and locate N.N./ Moisés or N.N./ Moisés Ojeda's next of kin.⁹²

3. Publish the Merits Judgment

The Court ordered Colombia to publish the Merits judgment in the State's official gazette and in press releases from the National Police and the Armed Forces of Colombia.⁹³

4. Return the Remains of Mr. Jacanamejoy

The Court ordered Colombia to return the remains of Mr. Jacanamejoy to his next of kin.⁹⁴

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

If the State finds N.N./ Moisés or N.N./ Moisés Ojeda's next of kin, Colombia must pay them \$100,000.⁹⁵

Colombia must pay \$139,000 to the next of kin of Julio Milciades, Cerón Rojas Wilian Hamilton Cerón Rojas, Edebraes Norverto Cerón Rojas, Hernán Javier Cuarán Muchavisoy, and Artemio Pantoja

90. *Las Palmeras v. Colombia, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 96, "Decides" ¶ 1 (Nov. 26, 2002).*

91. *Id.* "Decides" ¶ 2.

92. *Id.*

93. *Id.* "Decides" ¶ 3.

94. *Id.* "Decides" ¶ 4.

95. *Id.* "Decides" ¶ 5.

Ordóñez.⁹⁶

Colombia must pay \$14,500 as compensation for damages to the next of kin of Hernán Lizcano Jacanamejoy.⁹⁷

Colombia must pay \$6,000 as compensation for damages to the victims' parents and children that were not specifically identified in the judgment.⁹⁸

Colombia must pay \$2,500 as compensation for damages to any siblings of the victims who were not specifically identified in the judgment.⁹⁹

2. Non-Pecuniary Damages

[None]

3. Costs and Expenses

Colombia must pay \$50,000 to the Colombian Commission of Jurists as reimbursement for legal costs and expenses.¹⁰⁰ Colombia must pay \$1,000 to CEJIL.¹⁰¹

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

\$313,000

C. Deadlines

Colombia must notify the Court of its compliance with this judgment within one year.¹⁰²

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

November 17, 2004: The Court found Colombia in compliance with the

96. *Id.* "Decides" ¶ 6.

97. *Id.* "Decides" ¶ 7.

98. *Id.* ¶ 61.

99. *Id.*

100. *Id.* "Decides" ¶ 8.

101. *Id.* "Decides" ¶ 9.

102. *Id.* "Decides" ¶ 12.

order to publish the Merits in an official gazette and to issue press release detailing the Merits judgment in this case.¹⁰³ Colombia also returned the remains of Mr. Lizcano-Jacanamejoy to his next of kin.¹⁰⁴

The Court ordered Colombia to submit a report detailing its efforts to investigate the facts, determine responsibility for the human rights violations, and punish those responsible no later than January 31, 2005.¹⁰⁵ Finally, the Court ordered Colombia to continue proceedings to identify N.N./ Moisés or N.N./ Moisés Ojeda and to locate, exhume and deliver his remains to his next of kin.¹⁰⁶

August 4, 2008: The Court found that Colombia complied with its obligation to pay the next of kin of Mr. Julio Milciades Cerón Rojas, Mr. Wilian Hamilton Cerón Rojas, Mr. Cerón Rojas, Mr. Cuarán Muchavisoy, and Mr. Pantoja Ordóñez \$139,000.¹⁰⁷ Colombia also paid the next of kin of Hernán Lizcano Jacanamijoy \$14,500 and paid CEJIL \$51,000.¹⁰⁸

Colombia also partially complied with its obligation to continue to search for the parties responsible for the violations of the Convention.¹⁰⁹ However, the Court ordered the State to continue identifying, locating, and prosecuting those responsible, and to identify N.N./ Moisés or N.N./ Moisés Ojeda.¹¹⁰ Additionally, the State must submit a report to the court by January 12, 2009 indicating all measures it has taken to comply with the remaining reparations.¹¹¹

February 3, 2010: The Court declared that it will continue to monitor the steps taken by Colombia to investigate the instant case as well as the steps taken to identify N.N./ Moisés or N.N./ Moisés Ojeda.¹¹² The Court ordered Colombia to submit information regarding the Centro Único Virtual de Identificación, the arrangements made to publish the results of the proceedings and potential mechanisms to move the

103. *Las Palmeras v. Colombia, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Declares" ¶ 1 (Nov. 17, 2004)*

104. *Id.* ¶ 3.

105. *Id.* "Decides" ¶ 2.

106. *Id.* "Declares" ¶ 2.

107. *Las Palmeras v. Colombia, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. ¶ 1 (Aug. 4, 2008).*

108. *Id.*

109. *Id.* ¶ 2.

110. *Id.* ¶ 3.

111. *Id.* ¶ 2.

112. *Las Palmeras v. Colombia, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. ¶ 1 (Feb. 3, 2010).*

investigation forward by March 9, 2010.¹¹³ The State must inform the Court of outstanding arrest warrants, whether criminal actions are barred by the statute of limitations; and the investigation and actual progress made in identifying N.N./ Moisés or N.N./ Moisés Ojeda and paying his next of kin by March 9, 2010.¹¹⁴

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[Las Palmeras v. Colombia, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 67 \(Feb. 4, 2000\).](#)

2. Decisions on Merits, Reparations and Costs

[Las Palmeras v. Colombia, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 90 \(Dec. 6, 2001\).](#)

[Las Palmeras v. Colombia, Reparations and Costs, Inter-Am. Ct. H.R. \(ser. C\) No. 96 \(Nov. 26, 2002\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[Las Palmeras v. Colombia, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Feb. 3, 2010\).](#)

[Las Palmeras v. Colombia, Monitoring Compliance with Judgment, Order of the President of the Court, Inter-Am. Ct. H.R. \(Dec. 7, 2009\) \(Available only in Spanish\).](#)

[Las Palmeras v. Colombia, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Aug. 4, 2008\).](#)

113. *Id.* ¶ 2.

114. *Id.*

[Las Palmeras v. Colombia, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 17, 2004\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

Las Palmeras v. Colombia, Petition No. 11.237, Inter-Am. Comm'n H.R. (Jan. 27, 1994).

2. Report on Admissibility

[None]

3. Provisional Measures

[None]

4. Report on Merits

[None]

5. Application to the Court

[None]

VIII. BIBLIOGRAPHY

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JO M. PASQUALUCCI, *THE PRACTICE AND PROCEDURE OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS* 125-126 (2nd ed. 2013).