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**REPORT No. 54/15**  
**PETITION 467-97**  
ADMISSIBILITY REPORT

CAMPAMENTO MASSACRE  
COLOMBIA

Adopted by the Commission at its 2046th session, held on October 17, 2015  
156<sup>th</sup> Period of Session.

**Cite as:** IACHR, Report No. 54/15, Petition 467-97. Admissibility. Campamento Massacre.  
Colombia. October 17, 2015.



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OCTOBER 17, 2015

**I. SUMMARY**

1. On August 8, 1997, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the IACHR”) received a petition lodged by the Comisión Colombiana de Juristas [Colombian Commission of Jurists] (CCJ) and the Asociación de Familiares de Detenidos Desaparecidos [Association of Family Members of Disappeared Detainees] (ASFADDES)<sup>1</sup> (hereinafter “the petitioners”) in which is alleged the international responsibility of the Republic of Colombia (hereinafter “the State” or “Colombia”) for the massacre perpetrated on June 5, 1990 by paramilitary groups acting with the tolerance of the State, to the detriment of the Duque López family, in La Solita District, Campamento Municipality, Antioquia Department, and for failure to punish the instigators and perpetrators of the massacre.<sup>2</sup>

2. The petitioners allege that the State is responsible for the violation of Articles 4 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 13 (right to freedom of thought and expression), 17 (right to constitute a family), 19 (rights of the child), and 25 (right to judicial protection), read in conjunction with the obligation to respect and ensure the exercise of the rights enshrined in the American Convention on Human Rights (hereinafter the “American Convention” or “Convention”), contained in Article 1.1 thereof. With regard to the exhaustion of domestic remedies, they allege that to date, the facts denounced remain in impunity, for which reason they invoke the application of the exception to that requirement established in Article 46(2)(c) of said instrument.

3. The State requested the Commission to declare the case inadmissible based on failure to satisfy the requirement of prior exhaustion of domestic remedies established in Article 46(1)(a) of the American Convention, and because the facts cannot be characterized as alleged violations of the Convention.

4. Having examined the positions of the parties, the Commission concluded, without prejudging the merits of the case, that it has jurisdiction to consider the petition presented by the petitioners, and that the case is admissible under Articles 46 and 47 of the American Convention, to examine the allegations of violations of the rights enshrined in Articles 4, 5, 8, 16, 17, 19, 23 and 25 of that instrument, read in conjunction with Article 1.1 thereof. The Commission decides to declare the petition inadmissible where it pertains to violations of Articles 7 and 13, invoked by petitioners. Lastly, the Commission decides to notify both parties of that decision, to order the publication of this report, and to include it in its Annual Report to the General Assembly of the Organization of American States.

**II. PROCESSING BEFORE THE IACHR**

5. The petition was received on August 8, 1997, and recorded under No. 11.794. On August 22, 1997, the relevant parts were forwarded to the State, granting it a period of three months to submit its observations. The State submitted its observations on April 18, 2001, as well as, on November 1, 2013, notes, which were forwarded to the petitioners. For their part, on March 27, 2000, the petitioners added representatives, and, on November 3, 1997, March 2, 2001, January 12, 2007, June 5, 2012, May 9, 2013 and

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<sup>1</sup>On March 27, 2000, the CCJ reported that it was incorporating the Center for Justice and International Law (CEJIL) as co-petitioner in the instant case.

<sup>2</sup>The petition was also lodged in representation of two other alleged victims. As indicated in paragraph 7 of this report, the IACHR decided to divide the petition and process as a separate case the situation regarding those alleged victims

November 19, 2013, submitted observations or additional information. These communications were forwarded to the State.

6. During the processing before the IACHR, a public hearing was held on February 27, 2001 (110th Period of Sessions), at which the State proposed merging the instant case with the friendly settlement process of the Unión Patriótica under way before the IACHR (Case 11.227). On January 12, 2007, the petitioners indicated their wish for the IACHR to continue to process the case individually, and, on March 25, 2009, requested that the petition be processed as two separate cases.

7. On June 2, 2012, the IACHR decided, based on Article 29(1)(c) of its Rules of Procedure, to divide Case 11.794, since in the petition are alleged different sets of facts that had occurred on different dates and in different places, processing separately the allegations contained in the instant Petition 467-97. The IACHR decided that the part of the petition referring to the alleged forced disappearance of two individuals, on March 28, 1990, in Yarumal Municipality, would thereafter be processed as Case No. 11.794<sup>3</sup>; and that Case No. 467-97 would thereafter refer to the facts concerning the Campamento Massacre, which took place on June 5, 1990, in La Solita District, Campamento Municipality.

### III. POSITIONS OF THE PARTIES

#### A. The petitioners

8. As regards the context of the massacre, the petitioners recite that from 1986 to 1988, the political movement *Unión Patriótica* [Patriotic Union] (hereinafter “UP”) appeared in the northern area of Antioquia Department as a partisan political organization and found support among the inhabitants and social and rural movements. They allege that in parallel to the appearance of the UP, massacres were systematically occurring in different communities in the area where the UP exerted strong political influence. They allege that, as of the 1980s, the presence and action of paramilitary groups became evident in the area through a series of violent acts,<sup>4</sup> and that in the 1990s, a local paramilitary group known as “the Twelve Apostles” established a presence, which was responsible for many extrajudicial executions of inhabitants, including that of the victims in the instant case.<sup>5</sup> They allege that this group was composed of the armed forces and former members of the “Municipal citizen order section” [*Sección de orden ciudadano municipal*] (SOC), a “legal” paramilitary group, subsequently disbanded.

9. As background information, the petitioners indicate that, at the time the facts occurred, Francisco Luis Duque Pino, Marta María López Gaviria, Luis Gildardo López Gaviria, Oscar Duque, and María Eugenia López were all militant members of the UP. Francisco Luis Duque Pino and Marta María López Gaviria were also members of the Communist Party of Colombia. Francisco Luis Duque Pino, a miner, worked in small-scale mining, together with his brother-in-law Luis Gildardo López Gaviria, and Hernán Quintero (“El Chato”). They allege that, owing to their militancy in the UP, the Duque López family was subjected to persecution by military members. They allege that in late 1985, Francisco Luis Duque was arbitrarily arrested by army members and tortured. In 1986, the family received written death threats (“Boletas” [tickets]), signed by the paramilitary group “Death to Kidnappers” (M.A.S), announcing that they were going to exterminate them all. Owing to these threats, the Duque López family abandoned their farm in Yondó Municipality, and moved several times, living in different places in Antioquia Department. The petitioners allege that on January 9, 1990, members of the IV Army Brigade, whose jurisdiction was Antioquia, raided without a warrant the home of María Eugenia López, located in Medellín. Subsequently, María Eugenia López

<sup>3</sup>IACHR, Report No. 47/15, Petition 11.794, Admissibility, *Olga Luz Echavarría et al.*, Colombia, July 28, 2015.

<sup>4</sup>Secretariado Nacional de Pastoral Social [National Secretariat Social Pastoral] and the University of Antioquia, *Desplazamiento Forzado en Antioquia 1985-1998. Conflicto armado en la subregión norte de Antioquia entre 1985 y 1998*, op.cit., pp. 31-32; and Centro de Investigaciones y Educación Popular (CINEP): Banco de Datos, *Noche y Niebla - Deuda con la Humanidad - Paramilitarismo de Estado en Colombia 1988-2003 - Banco de datos de violencia política*, (Bogotá, CINEP, 2004).

<sup>5</sup>The petitioners cite Olga Behar: *El clan de Los Doce Apóstoles Conversaciones con el mayor Juan Carlos Meneses* (Bogotá: Editorial Icono, 2011), pp. 49 ff.

received three threatening phone calls, in January, February, and May 1990, warning her that “we know where they are.”

10. Regarding the events of June 5, 1990, the petitioners allege that near midnight, in La Solita District, Campamento Municipality (Antioquia), a group of men dressed in clothes used exclusively by the armed forces burst into the house of the López Duque family, firing weapons and launching grenades. The attack on the rural home lasted some two hours, during which the neighbors heard much gunfire and many explosions.

11. The petitioners allege that as a result, Marta María López Gaviria, Luis Gildardo López Gaviria, Elvia Rosa Velásquez Espinoza, Hernán Quintero, and the two girls Ana Yoli Duque López (age 12) and Marta Milena López (age 7) were shot dead. The two boys, Darwin Cristóbal López (age 8) and Renso Antonio Duque Velásquez (two months old), were wounded. Francisco Luis Duque managed to flee from the home by firing on the assailants.

12. The petitioners indicate that in his statement, Darwin Cristóbal López maintained that the group that perpetrated the massacre was composed of 12 individuals, some in uniforms of the armed forces of Colombia, and others in civilian clothing. According to his statement, one of them called him “corporal,” a sub officer rank of the armed forces and national police. He also indicated that the attackers asked him repeatedly where the weapons were hidden and beat him on the head with a stick. Finally, having discussed whether or not to kill him, they decided to let him live, telling him, “If they ask you, tell them we are ELN [National Liberation Army] members.” The two surviving children were found by neighbors the following morning.

13. The petitioners allege that, on June 6, 1990, the Campamento (Antioquia) Municipal Inspector performed at-the-scene examinations of the bodies, finding multiple gunshot wounds and wounds from exploding grenades: some bodies showed evidence of fire from close-range. The bodies of Marta María López Gaviria and of the girls Ana Yoli Duque López and Marta Milena López were found under a bed. The room’s walls were full of bullet holes and the roof was partially destroyed from the deflagration of an explosive.

14. As for the investigations conducted, the petitioners consider that these actions consisted primarily of collecting information regarding the family and its activities. However, they did not delve into the question as to whether paramilitary groups of the area were responsible for the massacre, with the support—if not the direct participation—of State agents, despite awareness of the violence exercised against members of the Unión Patriótica movement. They further allege that a reasonable period has been exceeded, since it is now over 25 years since the massacre occurred. They allege that, although evidence exists tending to establish the responsibility of security forces members, the investigations remain at the preliminary stage, or have been closed without the perpetrators having been identified. Therefore, with regard to satisfying the requirement of prior exhaustion of domestic remedies, they allege the exception established in Article 46(2)(c) applies.

15. As regards the proceedings begun at the domestic level, on June 7, 1990, a preliminary multiple homicide investigation was opened in the Municipal Mixed Court of Campamento (Antioquia) as Case No. 016. The petitioners indicate that the investigation was successively reassigned to different judicial authorities and, thus far, the criminal proceedings remain at the preliminary investigation stage, as Case No. 202 of Specialized Public Prosecutor 3 of the Human Rights and International Humanitarian Law Unit of the Office of the Prosecutor General of the Nation.

16. The petitioners add that on July 25, 1997, María Eugenia López received an anonymous letter indicating that the perpetrators of the massacre were various National Army members belonging to the military base located in Yarumal, subordinate to the “General Pedro Nel Ospina” combat Engineers Battalion

No. 4 and “Colonel Atanasio Girardot” Infantry Battalion No. 10, in coordination with paramilitary groups.<sup>6</sup> They indicate that for that reason, in November 1997, the Human Rights Unit of the Office of the Prosecutor General of the Nation ordered judicial inspections to identify the personnel assigned to those institutions from February to August 1990. They indicate that the judicial attempts in the criminal investigation to establish the responsibility of security forces members were continually impeded by members of the armed forces and National Police. First, in the judicial inspection conducted in the “Pedro Nel Ospina” Battalion, the files corresponding to 1990 could not be located. Secondly, the Girardot Battalion did not forward the information on the résumés of the military members related to the anonymous letter because they had been burned in a fire in February 1998. Third, the Yarumal Police Command did not forward the information on its personnel from February to August 1990, because in burning useless Command items, books in poor condition had been destroyed, among them the 1990 staff book. And, fourth, contradictory information was provided by different areas of the armed forces as to whether those related to the anonymous letter were military members.

17. The petitioners also indicate that, during the at-the-scene examinations, fundamental evidence was collected for use by the judiciary in establishing the facts, as well as firearm projectiles. However, this evidentiary material had been lost.

18. The petitioners further indicate that the Code of Criminal Procedure in force at the time the facts occurred provided that while the case was at the preliminary stage, no civil action would be admitted, and that only in 2002 had that provision had been amended. They indicate that Maria Eugenia López was included in the preliminary investigation in January 2003, as a civilian, so that for the first 12 years of the criminal proceedings, the family members of the alleged victims had been unable to participate or have access to the relevant information.

19. The petitioners also allege that disciplinary proceedings had been launched in connection with the complaint filed by Maria Eugenia López with the Office of the Departmental Prosecutor of Antioquia and the Office of the Assistant Public Defender for Human Rights. Based on those complaints, on November 11, 1992, the Office of the Assistant Public Defender for Human Rights opened the preliminary disciplinary action as Case No. 008-134403. On February 22, 1995, that office closed the investigation as without merit.

20. Based on these elements, the petitioners allege that the State violated Articles 1.1, 4, 5, 7, and 19 of the Convention to the detriment of the alleged victims, as well as Articles 5, 8, 13, 17, and 25 of the Convention, read in conjunction with Article 1.1 thereof, to the detriment of the family members of the alleged victims. They further allege violation of Article 4 to the detriment of the three surviving victims, since the perpetrators had not originally intended to let them live. They indicate that the facts, the firepower used, and the use of grenades show that the perpetrators did everything they deemed necessary to execute everyone found in the Duque López family home. In that regard, they indicate that the Inter-American Court, in the Case of La Rochela, held that the right to life was violated in cases of massacre where some individuals escaped with their lives when those survivors were victims of an act which, by its nature, constituted a serious risk to their lives, notwithstanding the fact that they survived.

## **B. The State**

21. The State considers that the observations of the petitioners regarding the context of the instant case are related to substantive matters, and indicate that they reserve the opportunity to submit considerations at that stage. However, they allege that the petitioners have not provided information that would make it possible to establish the alleged membership of the UP of Francisco Luis Duque Pino, Marta Maria López Gaviria, Luis Gildardo López Gaviria, Oscar Duque, and Maria Eugenia López, and that their membership of that political group is supported only by the statement made by Maria Eugenia López to the

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<sup>6</sup> The petitioners allege that a prisoner at Medellín’s Bellavista Prison, a former military member who was present in the region at the time of the massacre, sent this anonymous letter following an interview with María Eugenia López broadcast on the regional television channel Teleantioquia during the commemoration of Disappeared Detainees Week, in May 1997.

Office of the Prosecutor General of the Nation. The State alleges that therefore, it cannot be assumed that militancy in said party was a motive for the alleged execution, nor can the responsibility of the State for those facts be analyzed in the context cited by the petitioners. In that regard, the State reiterates its demands regarding the evidence of the alleged militancy in the political party Unión Patriótica that it is making to the IACHR in Case 11.227, Unión Patriótica, and extends them to the alleged membership of that party of the alleged victims in the instant case.

22. The State argues that the instant case should be declared inadmissible because it does not satisfy the requirement of prior exhaustion of domestic remedies established in Article 46(1)(a) of the Convention. It also considers that the exceptions to the requirement of exhaustion of domestic remedies contained in Article 46(2)(b) and c) do not apply.

23. In that regard, the State alleges that criminal proceedings are under way at the domestic level, so that the petitioners have not exhausted the criminal action. It alleges that the criminal investigation recorded as Case No. 202 has been heard by different authorities, both jurisdictional and investigative, who made numerous efforts to clarify the facts and, thus far, were still carrying out ongoing evidentiary activity.

24. The State alleges in that regard that the investigations were conducted with due diligence and within a reasonable period given the complexity of the case and bearing in mind that, in the area and on the date on which the facts occurred, illegal armed groups were present, such as the FARC and the self-defense forces, and, given the factual basis of the case submitted, it has thus far been impossible clarify which armed actor might have carried out the attack.

25. The State alleges that if the petitioners consider that State agents were responsible for the acts, they should have brought an action for direct reparation in the administrative courts, and therefore requests the Commission to reject the claims of the petitioners regarding reparations for material and moral harm because they did not bring an action for direct reparation at the domestic level.

26. As regards the activity of the judicial authorities, the State alleges that in both the criminal and the disciplinary proceedings, many proceedings have been conducted to clarify the facts. It indicates that, despite the intensive investigative activity—it provides a long list of these proceedings—it has not been possible to obtain evidence tending to establish the perpetrators of the massacre of the alleged victims.

27. The State also argues that the execution of the alleged victims could not be characterized as a violation of the Convention. It alleges that this fact cannot be imputed to the State, since thus far there is no evidence proving the participation of public authority members of the Colombian State, whether by action or omission, in the alleged massacre. It adds that the word “corporal” used by one of the alleged perpetrators of the facts does not imply his membership of the National Army or the National Police, since in many cases, members of illegal armed groups use these types of appellations. Furthermore, it might also reflect a strategy of illegal armed groups designed to create confusion, or to throw judicial investigation authorities off track. This being the case, the State alleges that there is no connection at all between the execution of the alleged victims and the international responsibility of the State.

#### **IV. ANALYSIS**

##### **A. Competence**

28. The petitioners are authorized, in principle, by Article 44 of the American Convention to file petitions with the Commission. The petition notes as the alleged victims individual persons with regard to whom the Colombian State undertook to respect and ensure the rights enshrined in the American Convention. As regards the State, the Commission notes that Colombia has been a State Party to the American Convention since July 31, 1973, the date on which it deposited its instrument of ratification; therefore, the Commission is competent *ratione personae* to examine the petition. In addition, the Commission is competent *ratione loci* to take cognizance of the petition, insofar as it alleges violations of rights protected in the American Convention in the territory of Colombia, a State Party to that treaty.

29. The Commission is competent *ratione temporis* insofar as the obligation to respect and ensure the rights protected in the American Convention were already in force for the State on the date the facts alleged in the petition are said to have taken place. Finally, the Commission is competent *ratione materiae*, because the petition alleges possible violations of human rights protected by the American Convention.

## **B. Admissibility requirements**

### **1. Exhaustion of domestic remedies**

30. Article 46(1)(a) of the American Convention requires the pursuance and prior exhaustion of remedies available in the domestic jurisdiction in keeping with generally recognized principles of international law in order for the Commission to admit a claim concerning an alleged violation of the American Convention. For its part, Article 46(2) of the Convention provides that the requirement of prior exhaustion of domestic remedies does not apply when: (a) the domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated; (b) the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; (c) or there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

31. The State alleges that the petition does not satisfy the requirement of prior exhaustion of domestic remedies, since proceedings are under way in the ordinary criminal courts, and the family members of the victim should bring an action in the administrative courts for direct reparation. It further alleges that given the complexity of the matter and the action taken by domestic authorities, the exceptions contained in Article 46(2) of the Convention do not apply. For their part, the petitioners argue that the exception contained in Article 46(2)(c) of the Convention applies considering that the facts occurred and the criminal investigation was launched more than 25 years ago but the corresponding criminal responsibilities have not yet been established.

32. In view of the parties' arguments, one must first clarify what domestic remedies need be exhausted in a case such as this, in light of the case-law of the inter-American system. The Commission observes that the object of the instant petition refers to the facts related to the alleged massacre of six individuals, two of whom were minors, and the alleged deficiencies of the investigation of the circumstances surrounding those facts. The precedents established by the Commission indicate that whenever an alleged offense is perpetrated that is prosecuted by a private actor, the State has an obligation to set the criminal law system into motion and to process the matter until the end<sup>7</sup> and that, in such cases, the criminal courts are those most appropriate for clarifying the facts, trying the perpetrators, and imposing the corresponding criminal sanctions, as well as any other type of monetary reparation.

33. The Commission has indicated that, as a general rule, a criminal investigation must be undertaken promptly in order to protect the interest of the victims, preserve the evidence and safeguard the rights of any person deemed a suspect in the context of the investigation.<sup>8</sup> The Commission observes that the information provided by the two parties indicates that an investigation intended to clarify the facts remains open, and that the responsibility of the instigators and perpetrators of the facts of the instant petition is not yet established. Therefore, in view of the characteristics of the petition and the time that has passed since the facts of the complaint occurred, the Commission considers applicable the exception established in Article 46(2)(c) of the Convention regarding unwarranted delay in rendering a final judgment under the remedies of domestic law, and that the requirement of prior exhaustion of domestic remedies cannot be invoked.

<sup>7</sup>IACHR, Report No. 52/97, Case 11.218, Merits, Arges Sequeira Mangas, Nicaragua, Annual Report of the IACHR 1997, pars. 96 and 97. See also Report No. 55/97, Case 11.137, Merits, Abella et al., Argentina, par. 392.

<sup>8</sup>IACHR, Report No. 151/11, Petition 1077-06, Admissibility, Luis Giován Laverde Moreno et al., Colombia, November 2, 2011, par. 28.

34. Invoking exceptions to the rule of prior exhaustion of domestic remedies provided for in Article 46(2) of the Convention is closely linked to the determination of potential violations of certain rights enshrined therein, such as the fair trial guarantees of access to justice. However, by its very nature and purpose, Article 46(2) is a norm whose content is independent from the substantive rules of the Convention. Therefore, it must be determined in advance and separately from the analysis of the merits of the case whether or not exceptions to the prior exhaustion of domestic remedies requirement are applicable to the case in question, since it relies on a standard of evaluation different from the one used to determine a possible violation of Articles 8 and 25 of the Convention. It is important to clarify that the causes and the effects preventing exhaustion of domestic remedies will be analyzed in the report adopted by the Commission on the merits of the dispute, in order to ascertain whether or not they constitute violations of the Convention.

## **2. Timeliness of the petition**

35. Article 46(1)(b) of the American Convention establishes that in order for a petition to be found admissible by the Commission it must be submitted within six months of the date on which the alleged injured party has been given notice of the final decision., Article 32 of the Commission's Rules of Procedure establishes that in those cases in which the exceptions to the prior exhaustion of domestic remedies apply, the petition must be submitted within a reasonable time, to be judged by the Commission. To that end, the Commission must consider the date of the alleged violation of rights and the circumstances of each case.

36. In the complaint under study, the Commission has concluded that it is appropriate to apply the exception to the requirement of exhaustion of domestic remedies. Therefore, the IACHR must analyze whether the petition was lodged within a reasonable period, in the specific circumstances. In the instant case, the petition was received on August 8, 1997, the alleged facts of the complaint began on June 5, 1990 and their effects in terms of lack of results in the administration of justice extend to the present day. Therefore, in view of the context and characteristics of the instant petition, and the fact that the criminal proceedings remain pending, the Commission considers that it was lodged within a reasonable period and that the admissibility requirement regarding the timeliness of the petition has been satisfied.

## **3. Duplication of proceedings and *res judicata***

37. It does not appear from the record that the subject matter of the petition is pending another procedure for international settlement, or that it reproduces a petition already examined by this or any other international organ. Therefore, the requirements established at Articles 46(1)(c) and 47(d) of the Convention have been satisfied.

## **4. Characterization of the facts alleged**

38. For purposes of admissibility, the Commission must decide whether the alleged facts could constitute a violation of rights pursuant to the provisions of Article 47(b) of the American Convention, or if the petition is "manifestly groundless" or "obviously out of order," pursuant to Article 47(c). The criteria for evaluating those requirements differ from the ones used to rule on the merits of a petition; the Commission must conduct a *prima face* evaluation to determine whether the petitioners establishes the grounds for the apparent or potential violation of a right guaranteed by the Convention, but not to establish the existence of a violation of rights. Such determination constitutes a preliminary analysis, but does not prejudice the merits of the case.

39. Neither the American Convention nor the IACHR's Rules of Procedure require the petitioner to identify the specific rights allegedly violated by the State in the matter submitted to the Commission, although petitioners may do so. Rather, it falls to the Commission, based on the system's jurisprudence, to determine in its admissibility reports what provision of the relevant inter-American instruments applies and could establish a violation in the facts are proven sufficiently.

40. First, the IACHR considers that the allegations of the petitioners regarding the violation of the right to life (Article 4) and to humane treatment (Article 5) as a result of the massacre of the Duque López



family—with the tolerance, if not the direct participation, of State agents—and owing to the violence inflicted prior to the massacre, could be characterized as possible violations of Articles 4 and 5 of the Convention to the detriment of the alleged victims in this petition, read in conjunction with Article 1.1 thereof.

41. Regarding violations of the right to a fair trial and the right to judicial protection (Articles 8 and 25), the petitioners allege that these were violated to the detriment of the survivors and family members of the victims owing to the lack of due diligence in establishing the truth and to the unwarranted delay in that regard. Regarding this point, the State alleges that it has taken all steps necessary to conduct an effective investigation. If the respective complaints are verified, they could constitute violations of Articles 8 and 25 of the Convention, read in conjunction with Article 1.1 thereof, to the detriment of the survivors of the massacre and the family members of the alleged victims.

42. Moreover, the allegations of the petitioners regarding the violation of the right to humane treatment (Article 5) to the detriment of the family members of the victims, owing to their suffering as a result of the ongoing impunity in the investigation of the facts could be characterized, to their detriment, as a possible violation of Article 5 of the American Convention, read in conjunction with Article 1.1 thereof.

43. The complaints of the petitioners regarding the alleged violation of the right to constitute a family (Article 17), in view of the constant threats and persecution of the members of the Duque López family, and since the action of the group that perpetrated the massacre allegedly resulted in the destruction of that nuclear family, could be characterized as violations of Article 17 of the Convention, read in conjunction with Article 1.1 thereof, to the detriment of the members of the Duque López family.

44. Additionally, the facts alleged could constitute violations of Article 19 of the American Convention, read in conjunction with Article 1.1 thereof, to the detriment of Ana Yoli Duque López and Marta Milena López, girls killed in the massacre, and of Darwin Cristóbal López and Renso Antonio Duque Velásquez, boys who survived the massacre.

45. Furthermore, the IACHR considers that the allegations regarding the possible connection between the execution of the victims and their association with the Unión Patriótica political party, as well as the failure of the judiciary to clarify these facts, if established, could constitute a violation of Article 16 of the American Convention. In the merits stage the Commission will also analyze the potential applicability of Article 23 of the Convention, as appropriate.

46. Lastly, the IACHR decides to declare inadmissible the complaints regarding the alleged violation of Articles 7 and 13 of the American Convention since it does not observe elements tending to establish prima facie their possible violation.

## **V. CONCLUSIONS**

47. Based on the foregoing arguments of fact and law, and without this representing any prejudgment of the merits of the matter, the Commission concludes that the instant case meets the admissibility requirements contained in Articles 46 and 47 of the American Convention,

### **THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,**

#### **DECIDES:**

1. To declare this petition admissible with regard to Articles 4, 5, 8, 16, 17, 19, 23 and 25 of the American Convention, read in conjunction with Article 1.1 thereof.

2. To declare this petition inadmissible insofar as it refers to the alleged violation of Articles 7 and 13 of the American Convention.

3. To notify the Colombian State and the petitioners of this decision.

4. To continue the analysis of the merits.
5. To publish this decision and to include it in its Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 17<sup>th</sup> day of the month of October, 2015. (Signed):  
Rose-Marie Belle Antoine, President; James L. Cavallaro, First Vice President; José de Jesús Orozco Henríquez,  
Second Vice President; Felipe González, Rosa María Ortiz and Tracy Robinson, Commissioners.