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**REPORT No. 47/15**

**CASE 11.794**

REPORT ON ADMISSIBILITY

OLGA LUZ ECHAVARRÍA AND ELIÉCER PÉREZ MORALES  
COLOMBIA

Adopted by the Committee at its session No. 2044, held on July 28, 2015  
155<sup>th</sup> Regular Period of Session.

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**ADMISSIBILITY**

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**COLOMBIA**

**JULY 28, 2015**

**I. SUMMARY**

1. On August 8, 1997, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the IACHR”) received a petition submitted by the Colombian Commission of Jurists (CCJ) and the *Asociación de familiares de detenidos desaparecidos* (Association of Relatives of Disappeared Detained Persons, or ASFADDES)<sup>1</sup> (hereinafter “the petitioners”), which alleges that the Republic of Colombia (hereinafter “the State” or “the Colombian 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), 13 (freedom of thought and expression), 19 (rights of the child), and 25 (right to judicial protection), with respect to the obligation to respect and safeguard rights set forth in Article 1(1) of the American Convention on Human Rights (hereinafter the “American Convention” or “Convention”); as well as Articles I and III of the Inter-American Convention on Forced Disappearance of Persons (hereinafter “CIDFP”), to the detriment of Olga Luz Echavarría, Eliécer Pérez Morales, and their relatives.<sup>2</sup>

2. The petitioners maintain that, on March 28, 1990, in the municipality of Yarumal (Antioquia), the forced disappearance of Olga Luz Echavarría and Eliécer Pérez Morales (hereinafter “the alleged victims”) was committed by alleged government agents and that, to date, the parties responsible have not been tried, nor have reparations for the reported acts been made. They invoked the exceptions, set forth in Article 46(2) of the American Convention, to the requirement of prior exhaustion of domestic remedies.

3. The State requested that the Commission declare the case inadmissible for failure to meet the requirement of prior exhaustion of domestic remedies set forth in Article 46(1)(a) of the American Convention, and for failure to show that the acts were violations of the Convention.

4. After studying the positions of the parties, the Commission concluded, without prejudging the merits, that it is competent to rule on the complaint submitted by the petitioners, and that the case is admissible under Articles 46 and 47 of the American Convention, as regards the alleged violations of rights enshrined in Articles 3, 4, 5, 7, 8, 16, 19, and 25 of that instrument, with respect to Article 1(1) of the same, as well as Articles I and III of the Inter-American Convention on Forced Disappearance of Persons. The Commission finds inadmissible the petitioners’ claim regarding Article 13. Lastly, the Commission has decided to notify both parties of this decision and to order that this report be published and included in its Annual Report to the General Assembly of the Organization of American States.

**II. PROCEEDINGS BEFORE THE IACHR**

5. The petition was received on August 8, 1997, and recorded under No. 11.794. On August 22, 1997, the pertinent sections were transmitted to the State, which was granted a period of three months in which to submit its observations. The State submitted its observations on April 18, 2001, and on November 1, 2013, these notes were transmitted to the petitioners. For their part, the petitioners, on March 27, 2000, added representatives and presented observations or further information on November 3, 1997, March 2,

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<sup>1</sup> On March 27, 2000, the Center for Justice and International Law (CEJIL) reported that it had joined the action as co-petitioner.

<sup>2</sup> The petition was submitted also on behalf of eight other alleged victims. As indicated in paragraph 7 of this report, the IACHR decided to divide the petition and process as a separate matter the situation of those alleged victims.

2001, June 5, 2012, and November 19, 2013. These communications were transmitted to the State. Finally, a communication from the petitioners was received on July 23, 2015<sup>3</sup>.

6. During the proceedings, the IACHR held a public hearing, on February 27, 2001 (110th regular period of sessions), at which the State proposed incorporating this case into the friendly settlement process concerning the *Unión Patriótica* that was then under way before the IACHR (case 11.227). On January 12, 2007, the petitioners expressed their wish to continue the separate processing of this case and, on March 25, 2009, they requested that the case be divided into two separate proceedings.

7. On June 2, 2012, the IACHR decided, on the basis of Article 29(1)(c) of its Rules of Procedure, to divide this petition and process separately the allegations made concerning the Campamento Massacre, issuing petition 467-97, since this petition dealt with alleged acts occurring on June 5, 1990, in the municipality of Campamento, Department of Antioquia, pertaining to the alleged extrajudicial execution of six persons.

### III. POSITIONS OF THE PARTIES

#### A. Position of the petitioners

8. As background, the petitioners indicate that, at the time of the events, Olga Luz Echavarría Areiza was of minor age (17) and was around three months pregnant. Eliécer Pérez Morales was 29 years old. Eliécer Pérez Morales worked as a farmer and, at the time of the events, apparently was undergoing medical treatment for a heart problem. They state that both individuals were militants in the political movement *Unión Patriótica* (hereinafter “UP”), in the municipality of Yarumal, Department of Antioquia, and that their forced disappearance took place in a context of systematic extermination of the UP’s leaders, militants, sympathizers, and social and electoral grassroots<sup>4</sup>.

9. As for the local context in the municipality of Yarumal, they state that, between 1986 and 1988, the UP appeared in the region as a political party organization and met with support among the inhabitants and in the social and rural people’s movements. They state that, in parallel to the appearance of the UP, systematic massacres took place in various villages in the area, in which the UP had strong political influence. They allege that, since the 1980s, the presence and activities of paramilitary groups had been seen in the area in a series of violent acts<sup>5</sup>, and that, in the 1990s, a local paramilitary group called “The Twelve Apostles” appeared, with its base of operations in the urban area of Yarumal, from where it ordered extrajudicial executions of villagers. They state that this group consisted of government forces and former members of the “*Sección de orden ciudadano municipal*” (Citizens’ Municipal Order Section, or SOC), a “legal” paramilitary group, later disbanded<sup>6</sup>.

<sup>3</sup> As indicated in paragraph 18 of this report, in a communication dated July 23, 2015, the petitioners requested the Commission to dismiss an allegation to which the State never responded. The Commission received that communication during its 155th regular period of sessions, and the present report was approved prior to transmitting this last communication to the State, as it does not contain any information that might entail a violation of the State’s right to defense.

<sup>4</sup> The petitioners cite, *inter alia*, the Second Report on the Situation of Human Rights in Colombia, OEA/Ser.L/V/II.84. October 14, 1993; and the *Informe para el Gobierno, el Congreso y el Procurador General de la Nación: Estudio de caso de homicidio de miembros de la Unión Patriótica y Esperanza Paz y Libertad* (Report to the Government, Congress, and Attorney General of the Nation: Case Study of the Homicide of Members of the *Unión Patriótica* and *Esperanza Paz y Libertad*). Office of the People’s Defender of Colombia, 1992. Petitioners’ writ of June 5, 2012.

<sup>5</sup> National Social Ministry Secretariat and University of Antioquia, *Desplazamiento Forzado en Antioquia 1985-1998. Conflicto armado en la subregión norte de Antioquia entre 1985 y 1998* (Forced Displacement in Antioquia, 1985-1998. Armed Conflict in the Northern Subregion of Antioquia Between 1985 and 1998), pp. 31-32 of that document, and *Centro de Investigaciones y Educación Popular* (Center for Research and Popular Education, CINEP); *Banco de Datos, Noche y Niebla - Deuda con la Humanidad – Paramilitarismo de Estado en Colombia 1988-2003 – Banco de datos de violencia política* (Database, Night and Fog--Debt to Humanity--State Paramilitarism in Colombia, 1988-2003--Database on political violence), CINEP, Bogotá, 2004.

<sup>6</sup> The petitioners state in their writ that the Office of the Attorney General of the Nation is pursuing an investigation of Santiago Uribe Vélez, brother of former president-elect and senator of the Republic of Colombia Álvaro Uribe Vélez, for his alleged link to the

[continues ...]

10. The events described in this petition allegedly occurred on March 28, 1990. At approximately 11:00 a.m., Olga Luz Echavarría Areiza and Eliécer Pérez Morales were in the vicinity of the market square in the municipality of Yarumal (Antioquia) and the headquarters of the *Coonorte* public transportation company when they were detained by members of the National Police--in uniform and carrying long guns--and were taken in the direction of the area's Police Command Headquarters. Olga Luz Echavarría Areiza and Eliécer Pérez Morales are alleged to have been missing since that time and their fate and whereabouts are unknown.

11. They indicate that the detention of Olga Luz Echavarría Areiza and Eliécer Pérez Morales was witnessed by numerous people, since it took place in broad daylight at a time and place at which many people were present. They state that Argiro Areiza Londoño, uncle of Olga Luz, and Franci Marín Orrego, neighbor and childhood friend of Olga Luz, witnessed the detention of Olga Luz Echavarría Areiza and Eliécer Pérez Morales and watched the four police officers and the two detainees head toward the Yarumal police station. They also allege that Libardo de Jesús Mazo Medina, a bus dispatcher for the *Coonorte* company, said in his statement that, on that same day, in the morning, he saw two police officers get off a *Coonorte* bus with a woman and a man and take them to the Yarumal Police Command.

12. They allege that, two days after the arrest, the mother of Olga Luz Echavarría, María Rosalba Areiza Londoño, went to the Yarumal police substation to ask about her daughter's whereabouts, but the police officials denied that her daughter was there because, according to them, she was not listed in the station's registry and log. They add that two of the National Police officers who had been seen participating in these events were Captain César Emilio Camargo Cuchía, the police commander, and officer Javier Alberto Patiño; and that during the investigations the petitioners reported on potential links between the Twelve Apostles paramilitary group and members of the District 7 Police Command in Yarumal<sup>7</sup>.

13. As for the criminal investigations conducted, the petitioners believe that, to a large degree, these have consisted of judicial inspections of case files previously processed by the officials who later heard the case. They also claim that the reasonable time period has been exceeded, because over 25 years have elapsed since the alleged victims disappeared. They state that, despite the existence of evidence that would point to the culpability of members of government forces, the investigations are still in a preliminary investigation stage or have been shelved provisionally without identification of the parties responsible. Therefore, as for compliance with the requirement of prior exhaustion of domestic remedies, they consider the exception set forth in Article 46(2)(c) to be applicable.

14. As for proceedings initiated at the domestic level, on April 16, 1990, the mother of Olga Luz allegedly submitted a criminal complaint to the Preliminary Investigations Unit of the Judicial Police Technical Corps in Medellín. On that basis, a criminal investigation was instituted under ordinary jurisdiction, in which a judicial inspection of the detainee entry logs of the Yarumal Police Command was conducted and no record was found of the detention of the two missing persons; and statements were taken from the three witnesses who claimed to have seen personally the arrest of the two alleged victims. They state that, after a drawn-out and labyrinthine proceeding, which was suspended a number of times, on August 11, 2008, the preliminary inquiry was reassigned to the 69th Prosecutor's Office of the National Human Rights and International Humanitarian Law Unit of the Office of the Attorney General of the Nation. To date, the criminal proceeding remains at the preliminary investigation stage.

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[... continuation]

paramilitary group known as "The Twelve Apostles," in response to a public complaint lodged by Major (Ret.) Juan Carlos Meneses Quintero of the Colombian National Police in 2010.

<sup>7</sup> Report No. 869-807, Appeal: 640, Submitted UDH 186 (P), July 3, 1997, addressed to the Chief of the National Human Rights Unit by the Regional Investigative Unit of the CTI (Luis Rafael Bravo B., Judicial Investigator, and Diego Mauricio Gutiérrez, Chief of the Investigative Unit), p. 2.

15. The petitioners also state that the Code of Criminal Procedure in effect at the time of the events provided that, while a case was in a preliminary stage, no civil claim could be admitted, and that such provision was amended only in 2002. They say that was the reason that, in the first 12 years of the criminal proceeding, the relatives of the alleged victims did not pursue an effective remedy under domestic law.

16. On the other hand, they state that a disciplinary proceeding was instituted in response to the complaint lodged by the mother of Olga Luz Echevarría with the Yarumal Municipal Ombudsman on April 3, 1990. On May 28, 1992, upon assessing the evidentiary merit of the proceedings conducted, the Office of the Delegate Prosecutor for the Defense of Human Rights, in a cryptic decision, declined to open a disciplinary inquiry and shelved the case. In April 1996, the petitioners allegedly requested that the investigation be reopened, but the Office of the Delegate Prosecutor would only state that the preliminary disciplinary investigation had been shelved.

17. The petitioners state that, at the time of the disciplinary action by the prosecutor's office, the Antioquia Police Department also opened an internal disciplinary investigation of the police. They state that actions by the Office of the Attorney General take precedence and, therefore, the commander of the Antioquia Police Department should have legally disqualified himself or transferred the case to the Office of the Attorney General, rather than proceeding to render a decision. Nevertheless, in a decision of May 12, 1992, the commander of the Antioquia Police Department, acting as disciplinary judge, exonerated from "any disciplinary liability" the police officers who, at the time of the events, were members of the Yarumal police station. Captain César Emilio Camargo Cuchía was never subjected to a disciplinary inquiry.

18. Finally, in its communication of June 5, 2012, the petitioners alleged violation of Articles 4 and 19 of the American Convention to the detriment of Olga Luz Echavarría Areiza, as she was of minor age at the time of her forced disappearance, and of the "son or daughter she carried in her womb at the time of her forced disappearance." They state that the forced disappearance of a pregnant woman is "one of the most severe and reprehensible forms of violence against women"<sup>8</sup>. With communication of July 23, 2015, the petitioners requested the Commission to dismiss this wording as it did not accurately reflect their position, stating that the request is "determining the responsibility of Colombia for the violation of the right to life and integrity to the detriment of Olga Luz Echavarría, further aggravated by the fact that the victim was a child and was pregnant at the time of the facts."

## **B. Position of the State**

19. The State considers that the petitioners' observations concerning the context of this case pertain to substantive questions and therefore reserves the right to submit its observations in that phase. The State alleges, however, that the petitioners have not provided information that would establish the alleged membership of Olga Luz Echavarría and Eliécer Pérez Morales in the UP, and that their membership in that political group is evidenced only in the statement made by Maria Eugenia López to the Office of the Attorney General. It argues that, therefore, one cannot assume militancy in that party as a motive for their alleged disappearance, nor could the alleged State liability for such actions be examined on the basis of the supposed context described by the petitioners. In that sense, the State reiterates its demands for proof of the supposed militancy in the political party *Unión Patriótica*, demands which it has been expressing to the IACHR in case 11.227, *Unión Patriótica*, and extends those demands to the alleged membership in that party of the alleged victims in this case.

20. The State maintains that this petition should be found inadmissible for failure to meet the requirement of prior exhaustion of domestic remedies enshrined in Article 46(1)(a) of the Convention. It also believes that the exceptions to the exhaustion of domestic remedies set forth in Article 46(2)(b) and (c) would not apply.

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<sup>8</sup> The petitioners cite I-A Court HR, Case of Gelman v. Uruguay, Merits and Reparations. Judgment of February 24, 2011, Series C, No. 221, para. 98.

21. In that regard, the State indicates that a criminal proceeding exists at the domestic level and is in a processing phase, so that the petitioners have not exhausted criminal actions. It indicates that criminal investigation No. 186 DH has been heard by various authorities, both jurisdictional and investigative, and that numerous efforts have been made to clarify the facts, but this has proven impossible to date.

22. The State maintains that the investigations were conducted with due diligence and within a reasonable period of time, given the complexity of the case, and considering that no civil action was lodged by interested persons authorized to do so, which action certainly would have helped to propel the investigation of the events in this case. It claims that the circumstances under which the alleged victims disappeared hindered the investigation, because of issues of public order in the area where the events took place.

23. The State argues that, if the petitioners had believed that government agents bore responsibility, the petitioners should have lodged a petition for direct reparations with the contentious administrative jurisdiction; therefore, the State requests that the Commission not admit the petitioners' claims for reparations for material and non-material damages, since a direct action for reparations was not lodged at the domestic level.

24. As for the actions of judicial authorities, the State says that, both in the criminal proceeding and in the disciplinary proceeding, a large number of measures were taken to clarify the facts. It maintains that, despite the intensive investigation conducted--and it recites a long list of measures taken--it has proven impossible to obtain evidence that would identify the parties responsible for the disappearance of the alleged victims.

25. The State also maintains that the disappearance of the alleged victims would not constitute a violation of the Convention. It says that this action would not be attributable to the State since, to date, there exists no evidence to link members of the public authority of the Colombian State, whether by action or by omission, to the disappearance of Olga Luz Echavarría Areiza and Eliécer Pérez Morales. The State points out, consequently, that there is no link between the disappearance of the alleged victims and any international liability on the part of the State.

#### **IV. LEGAL ANALYSIS**

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

26. The petitioners are entitled, in principle, by Article 44 of the American Convention, to submit petitions to the Commission. The alleged victims are natural persons with respect to whom the State pledged to guarantee the rights enshrined in the American Convention and the Inter-American Convention on Forced Disappearance of Persons. As regards the State, the Commission notes that Colombia has been a State party to the American Convention since July 31, 1973, and to the Inter-American Convention on Forced Disappearance of Persons since April 4, 2005, on which dates, respectively, Colombia deposited its instruments of ratification. Therefore, the Commission is competent *ratione personae* to examine the petition.

27. The Commission also is competent *ratione temporis*, because the obligation to respect and guarantee the rights protected in the American Convention was already in effect for the State on the date on which the events are alleged in the petition to have taken place. The Commission notes that the Convention on Forced Disappearance entered into effect for Colombia on April 4, 2005. Therefore, the IACHR is competent *ratione temporis* in matters regarding the obligations set forth in Articles I and III of that Convention, with respect to events after that date, as regards the alleged continuing nature and lack of clarification of the crime of forced disappearance<sup>9</sup>.

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<sup>9</sup> See IACHR, Report No. 65/09, Petition 616-06, Admissibility, Juan Carlos Flores Bedregal, Bolivia, August 4, 2009, para. 45; and Report No. 72/07, Petition 319-01, Admissibility, Edgar Quiroga and Gildardo Fuentes, Colombia, October 15, 2007, para. 44.

28. The Commission is competent *ratione loci* to hear the petition because it alleges violations of rights protected under the American Convention, occurring within the territory of Colombia, a State party to that instrument. Lastly, the Commission is competent *ratione materiae*, because the petition denounces potential violations of human rights protected by the American Convention and of the applicable provisions of the Inter-American Convention on Forced Disappearance of Persons.

## **B. Admissibility requirements**

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

29. Article 46(1)(a) of the American Convention provides that, in order for a complaint lodged with the Commission to be admissible, domestic remedies must have been pursued and exhausted according to generally recognized principles of international law. For its part, Article 46(2) of the Convention specifies that this requirement 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; or (c) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

30. The State claims that the requirement of prior exhaustion of domestic remedies has not been met because a proceeding remains open under ordinary criminal jurisdiction and that the relatives of the victim should pursue an action for direct reparations with the contentious administrative jurisdiction. It adds that, given the complexity of the matter and the actions taken by domestic authorities, the exceptions set forth in Article 46(2) of the Convention would not apply. For their part, the petitioners argue that the exception provided in Article 46(2)(c) of the Convention applies because, now over 25 years after the events and the initiation of the criminal investigation, no criminal responsibility has been established.

31. In view of the allegations of the parties, the Commission must first clarify which domestic remedies should be exhausted under the jurisprudence of the inter-American system. The Commission observes that the object of this petition pertains to events related to the alleged forced disappearance of Olga Luz Echavarría and Eliécer Pérez Morales and to the investigation of the circumstances under which those events took place. The precedents established by the Commission indicate that, when an offense that is actionable *ex officio* is alleged to have been committed, the State has the duty to institute and pursue the criminal proceeding<sup>10</sup>, and that, in such cases, a criminal proceeding is the appropriate means of clarifying the facts, prosecuting those responsible, and establishing the appropriate criminal penalties, as well as making other, monetary forms of reparation possible.

32. The Commission has stated as a general rule that a criminal investigation must be conducted promptly to protect the interests of the victims, preserve evidence, and even safeguard the rights of any person who may be considered suspicious in the context of the investigation<sup>11</sup>. The Commission observes that information provided by both parties shows that the investigation to clarify the facts remains open and the perpetrator(s) and instigator(s) of the events described in this petition have not been identified. Therefore, given the nature of the petition and the amount of time elapsed since the events to which the complaint pertains, the Commission finds applicable the exception set forth in Article 46(2)(c) of the Convention, considering the unwarranted delay in domestic judicial proceedings, and rejects the claim that domestic remedies must be exhausted.

33. The citing of exceptions to the rule of exhaustion of domestic remedies set forth in Article 46(2) of the Convention is closely linked to the determination of possible violations of certain rights

<sup>10</sup> IACHR, Report No. 52/97, Case 11.218, Merits, Arges Sequeira Mangas, Nicaragua, Annual Report Annual of the IACHR 1997, paras. 96 and 97. See also Report No. 55/97, Case 11.137, Merits, Abella et al., Argentina, para. 392.

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

enshrined therein, such as the guarantee of access to justice. However, the rule in Article 46(2), by its nature and purpose, is independent of the Convention's substantive provisions. Therefore, the determination of whether the exceptions to the rule of exhaustion of domestic remedies apply in this case should be carried out previously and separately from the consideration of the merits, since it depends upon a standard of evaluation that is distinct from the standard used to determine possible violations of Articles 8 and 25 of the Convention. We should clarify that the causes and effects that hindered the exhaustion of domestic remedies will be examined in the report to be adopted by the Commission on the merits, so as to establish whether violations of the American Convention are involved.

## **2. Deadline for presentation of the petition**

34. Under the provisions of Article 46(1)(b) of the American Convention, a petition, in order to be admitted by the Commission, must have been submitted within the six months following the date on which the party whose rights have been allegedly violated was notified of the final decision. Article 32 of the IACHR Rules of Procedure provides that, in cases in which the exceptions to the prior exhaustion of domestic remedies apply, the petition must be submitted within a reasonable period of time in the judgment of the Commission. To that effect, the Commission must consider the date on which the alleged violation of rights occurred and the circumstances of each case.

35. In the complaint in question, the Commission has concluded that the exception to the requirement of exhaustion of domestic remedies is applicable and that, therefore, the IACHR should examine whether the petition was presented within a reasonable period of time according to the specific circumstances. In this matter, the petition was received on August 8, 1997, the events to which the complaint pertains began on March 28, 1990, and their effects, in terms of the alleged lack of results in the administration of justice, continue to date. Therefore, given the context and nature of this petition, and the fact that the criminal proceeding remains open, the Commission finds that the petition was submitted within a reasonable period of time and that the admissibility requirement pertaining to when it was presented should be considered to have been met.

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

36. The case file contains no indication that the matter in question is pending consideration under any other international proceeding, nor that it duplicates any petition already examined by this or any other international body. Therefore, the requirements established in Articles 46(1)(c) and 47(d) of the Convention should be deemed to have been met.

## **4. Nature of the alleged events**

37. In view of the arguments of fact and of law presented by the parties, and of the nature of the matter under its consideration, the IACHR finds that the facts alleged by the petitioners as to the scope of alleged State liability for the unwarranted delay in the criminal investigation, the failure to identify the parties responsible and to establish the corresponding penalties, and the alleged forced disappearance of the alleged victims could constitute potential violations of the rights set forth in Articles 3, 4, 5, 7, 8, and 25, under Article 1(1) of the American Convention, to the detriment of Olga Luz Echavarría Areiza and Eliécer Pérez Morales; and in Article 19 of the American Convention, with respect to Article 1(1) of the same instrument, to the detriment of Olga Luz Echavarría Areiza, who was of minor age.

38. On the other hand, the IACHR finds that the alleged violations of physical well-being, judicial guarantees, and the right to judicial protection described by the petitioners could constitute violations of Articles 5, 8, and 25 of the American Convention, to the detriment of the relatives of Olga Luz Echavarría and Eliécer Pérez Morales. Similarly, it finds that Articles I and III of the Convention on Forced Disappearance could apply.

39. In addition, the IACHR finds that the alleged potential link between the alleged disappearance of the alleged victims and their involvement with the political party *Unión Patriótica*, as well as

the lack of judicial clarification of the facts, if demonstrated, could constitute a violation of Article 16 of the American Convention.

40. On the other hand, the Commission finds inadmissible the claims regarding the alleged violation of Article 13 (freedom of thought and expression) of the American Convention, having found no evidence to establish, *prima facie*, its possible violation.

## V. CONCLUSIONS

41. On the basis of the considerations of fact and of law set forth, and without prejudging the merits of the matter, the Commission concludes that this case meets the admissibility requirements set forth in Articles 46 and 47 of the American Convention and, therefore,

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

#### DECIDES:

1. To declare this petition admissible with respect to Articles 3, 4, 5, 7, 8, 16, 19, and 25, under Article 1(1) of the American Convention; and to Articles I and III of the Inter-American Convention on Forced Disappearance of Persons.

2. To declare this petition inadmissible with respect to the alleged violation of Article 13 of the American Convention.

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

4. To continue to examine the merits of the matter.

5. To publish this decision and include it in the Commission's Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 28<sup>th</sup> day of the month of July, 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.