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**REPORT No. 30/16**  
**PETITION 554-03**  
REPORT ON ADMISSIBILITY

COMMUNITIES OF THE LOWER AND UPPER ATRATO VALLEYS  
IN CHOCÓ AND ANTIOQUIA DEPARTMENTS  
COLOMBIA

Approved by the Inter-American Commission on Human Rights on July 22, 2016.

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**I. SUMMARY**

1. On July 28, 2003, the Inter-American Commission on Human Rights (hereinafter, the "Inter-American Commission," "Commission," or "IACHR") received a petition filed by *Corporación Jurídica Libertad*, the Diocese of Quibdó, and the Spanish non-governmental organization *Paz y Tercer Mundo* (hereinafter, "the petitioners") against the Republic of Colombia (hereinafter, "the Colombian State" or "the State"). The petition was lodged on behalf of the victims from the Middle Atrato Valley (*Medio Atrato*) region in Chocó and Antioquia Departments. The petition essentially argues that the State bears international responsibility for the forced displacement and systematic violations of the right to life, humane treatment, and personal liberty of the inhabitants of the Middle Atrato Valley region in Chocó and Antioquia Departments by paramilitary groups acting with the acquiescence and tolerance of the State authorities between 1997 and 2001.

2. The petitioners say that between May 1997 and 2001, the inhabitants of the Middle Atrato Valley region in Chocó and Antioquia Departments were the victims of arbitrary detentions, forced disappearance, extrajudicial executions, torture, intimidation, and forced displacement at the hands of paramilitary groups that acted according to the same *modus operandi* under the acquiescence of State agents. They also say that the State failed either adequately or effectively to investigate the alleged violations and that, therefore, the exception to the requirement to exhaust domestic remedies provided in Article 46(2)(c) of the American Convention on Human Rights (hereinafter, "American Convention" or "Convention") is applicable. For its part, the State argues that the petition is inadmissible for failure to exhaust domestic remedies.

3. Having examined the positions of the parties and compliance with the requirements set forth in Articles 46 and 47 of the American Convention, without prejudging the merits of the complaint, the Commission has decided to declare the petition admissible for the purpose of examining the alleged violation of rights enshrined in 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), 17 (rights of the family), 19 (rights of the child), 21 (right to property), 22 (freedom of movement and residence), and 25 (right to judicial protection) of the American Convention, taken in conjunction with Articles 1(1) and 2 of said treaty. In addition, the Commission has decided to declare the petition admissible in connection with the alleged violations of Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture and Article I of the Inter-American Convention on Forced Disappearance of Persons. Finally, the IACHR has decided to declare the petition admissible in relation to the alleged violation of Article 7 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, (hereinafter "Convention of Belém do Pará") to the detriment of Algarita Cansari Balarín and Marleni Balarín, both of whom were minors who belonged to an indigenous community. The Commission has further decided to notify the parties of this decision, to publish it, and to include it in its Annual Report to the OAS General Assembly.

**II. PROCEEDINGS BEFORE THE IACHR**

4. The IACHR received the petition on July 28, 2003, and forwarded the pertinent portions to the State on October 29, 2010, giving it two months in which to submit observations, in accordance with

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<sup>1</sup>Pursuant to Article 17(2)(a) of the Commission's Rules of Procedure, Enrique Gil Botero, a Colombian national, did not participate in the discussion or decision in this matter.

Article 30.3 of its Rules of Procedure then in force. On January 7, 2011, the State requested an extension in order to submit its response, which was granted. The commission received the response of the State on August 17, 2011, and forwarded it to the petitioners on August 26, 2011.

5. The petitioners submitted additional observations on October 13, 2011, and January 2, 2013. The State, for its part, submitted additional observations on November 14, 2012, and September 23, 2014. These communications were duly forwarded to the opposing party.

### III. POSITIONS OF THE PARTIES

#### A. The Petitioners

##### Context

6. The Department of Chocó in Colombia spans an area of 44,935 square kilometers and has a population of nearly half a million inhabitants. It is ringed by the Republic of Panama and the Caribbean Sea to the north, the Departments of Antioquia, Risaralda and Valle del Cauca to the east; Valle del Cauca to the south, and the Pacific Ocean to the west. The Chocó is strategically important because of its location at the meeting point of two oceans.

7. The petitioners say that the Chocó territory was originally inhabited by the Kuna, Emberá, and Katio indigenous peoples. Its population subsequently expanded with the arrival of slaves from Africa, who were mostly brought to the Chocó region to work in its rich gold mines. The population of Chocó today is comprised of nearly 80% Afro-descendants, 12% indigenous, and 8% *mestizo* (mixed race).

8. According to the petitioners, in 1982 the area's black smallholder communities began organizing to defend their land, economic, ethnic, cultural, political, and social rights in Chocó. That process led to the creation of groups such as the *Organización Campesina del Bajo Atrato* and *Organización Campesina Integral del Atrato*, whose main achievements are to have brought about the suspension of logging concessions since the 1980s, the adoption of Transitory Article 55 of the 1991 Constitution and, later, Law 70 of 1993, which recognized the black communities as a specific ethnicity with its own culture and land ownership rights.

9. However, the petitioners say that as result of the Cold War and the area's strategic location, the communities in the lower and middle reaches of the Atrato Valley in Chocó and Antioquia Departments have been forced to live with the presence of a variety of armed groups, including the Revolutionary Armed Forces of Colombia (FARC), the United Self-Defense Units of Colombia (*Autodefensas Unidas de Colombia* - AUC), and the Rural Self-Defense Units of Córdoba y Urabá (*Autodefensas Campesinas de Córdoba y Urabá* - ACCU). The state security forces' presence in the region comprises units of the National Police, the Army, and the 17th Army Brigade.

##### Submissions regarding incursions by paramilitary forces and violations in the Lower and Middle Atrato Valley

10. The petitioners say that the intervention of paramilitary groups in the Lower and Middle Atrato Valleys first began on December 20, 1996, and was consolidated on May 22, 1997 with the taking of the municipal districts of Vigía del Fuerte (Antioquia) and Bojayá (Chocó) after expanding their influence from the Urabá subregion of Antioquia and North Chocó. They say that they started in the north and extended southwards. Acting strategically, they took over the Middle Atrato Valley area, comprising the municipal districts of Murindó, Vigía del Fuerte, Bojayá, Beté, Quibdó, Loro and Yuto.

11. The petitioners claim that the paramilitaries exerted control in both the Lower and the Middle Atrato Valley using the same *modus operandi*: stigmatizing the civilian population as belonging to guerrilla groups; consolidating their presence in municipal districts by establishing control points and seizing food, vessels, harvests, and medical supplies; and committing systematic human rights violations, including

mass killings, forced disappearances, torture, illegal detentions, and intimidation, which evidently created a situation that led to the displacement of many Afro-Colombian communities.

12. They allege that following the violent incursion of the paramilitaries, police from Vigía del Fuerte and the Police District merely observed what was happening in the town without doing anything. Shortly after their arrival, the paramilitary groups reportedly called the local people to a meeting where they introduced themselves as the ACCU and explained why they were there. They said that they had a list of names of people suspected of links to the guerrillas and that they were giving them a chance to turn themselves in. The following day they detained some 22 people, including the teacher Francisco Romaña and Samuel Rengifo Mosquera, whom they took away from the town of Vigía del Fuerte; they have not been seen or heard from since. Throughout that night the local residents heard screams and machete blows.

13. On May 24, 1997, paramilitary groups are said to have forced Mr. Eligio Gonzalez Blandón on to boat where he was covered with a plastic bag; he subsequently disappeared. At 4:30 p.m. on May 26, a young man from the village of Tadia was reportedly detained and subsequently disappeared. Having gained control of the urban centers of the municipal districts of Vigía and Bojayá with the acquiescence of the police and without the Army, which was operating in the area, doing anything to stop them, the paramilitaries then reportedly proceeded to systematically commit a succession of human rights violations in the Middle Atrato Valley.

14. The petitioners say that between June and November 1997, the paramilitaries committed eight murders, most of them preceded by torture; seven disappearances, and the rape of two minor indigenous girls. They also denounced three subsequent incursions by paramilitary groups—in February and July 1998 and April 1999—in which they acted with the same *modus operandi*. With respect to the incursions in 1998, the petition alleges that a group of approximately 400 paramilitaries entered the village of Bartolo in the municipal district of Murindó, which they reached via the Murindó River, and burned 19 homes, the health center, the school and destroyed farm produce, which prompted around 93 people to flee into the forest where they stayed for several days without food in unhealthy conditions.

15. The Regional Emberá Wounaan Indigenous Organization (OREWA) and *Asociación Campesina Integral de Atrato* (ACIA) filed a complaint in response to those events, which resulted in the opening of a preliminary investigation by the 79th Military Preliminary Criminal Investigation Court of the Chocó Police Department. The Ombudsman's Commission, which was also set up, issued a report on September 10, 1998, concerning a series of crimes that had occurred in San Miguel, Bellavista, Murindo, Isla and Guagua Indigenous Reserve, Carmen de Atrato, Sabaleta Indigenous Reserve, and the village of Guadas, which was addressed to the Office of the Prosecutor General (*Fiscalía General de la Nación*) and the Office of the Inspector General (*Procurador General de la Nación*) on September 17, 1998. However, according to the petitioners, the Human Rights Unit of the Office of the Prosecutor General reportedly said that it had no record of any such report, for which reason no investigation was apparently opened.

16. Furthermore, the petitioners say that the Human Rights Committee of the Diocese of Quibdó denounced the forcible displacement of 155 families from villages in the municipal districts of Bojayá, Vigía del Fuerte, and Riosucio between September 1 and November 15, 1998, amounting to a total of 300 displaced families since 1997. On March 19, 1999, they also warned of an increase in the number of paramilitary troops in villages in the Middle Atrato Valley, as well as the installation of permanent checkpoints along the Atrato River at the communities of Las Mercedes, Beté, Puerto Conto and Tagachí by the ACCU, where they reportedly continued to detain and disappear people from those communities, as well as deprive them of liberty.

17. In addition, the petitioners say that Jorge Iván Castaña Rubio, Bishop of the Diocese of Quibdó, filed a complaint against personnel of the police stations in Vigía del Fuerte and Bojayá alleging links to paramilitaries, which led the Chocó police to open preliminary inquiry 227 on August 28, 1998. The inquiry was eventually closed on March 29, 1999, on the orders of the prosecutor in charge on the grounds that there was no basis to open a formal investigation against the police in Vigía del Fuerte and Bellavista.

18. Finally, the petitioners say that on April 4, 1999, members of the AUC entered the area via the Balsa River, executed three people, and advanced toward Arsenal and Villahermosa; and that on April 5, 1999, they dropped mines on those communities from a helicopter. Subsequently, on April 7, 1999, 80 members of the AUC reportedly entered the village of Villahermosa, where they threatened local people and detained several individuals, some of whom were executed. In response to this situation, a commission of inquiry would have been set up on November 3, 1999, to help the people of the villages of Pueblos Nuevo and Mesopotamia in the Municipal District of Bojayá to return to their communities.

19. The petitioners say that although the Chocó Police Command ordered its Office of Legal and Disciplinary Affairs to initiate disciplinary proceedings against the Vigía del Fuerte police in November 1999, those proceedings were set aside on March 12, 2001, by the Advisor on Human Rights of the Office of the Inspector General.

#### Submissions regarding the murder of Mr. Íñigo Eguiluz Tellería and Fr. Jorge Luis Mazo Palacio

20. The petitioners say that faced with the gross violations of human rights that were being committed black and indigenous communities in Chocó, the Diocese of Quibdó and the NGO *Paz y Tercer Mundo* adopted a number of prevention and protection measures on behalf of the communities and denounced human rights violations.

21. They say that on one of the humanitarian missions organized by those organizations, two of its members, Mr. Íñigo Eguiluz Tellería and Fr. Jorge Luis Mazo Palacio, a Catholic priest, were killed in an attack by a paramilitary group. According to the petitioners, on November 18, 1999, the boat in which a group of eight members of a humanitarian mission that was traveling from Murindóto to Quibdó to take food supplies to communities affected by the internal conflict was intentionally rammed at high speed by a speedboat carrying members of the AUC, causing it to capsize. The boats' occupants were swept away by the river current and Mr. Íñigo Eguiluz and Fr. Jorge Luis Mazo drowned.

22. The petitioners say that the incident was witnessed from a few meters away by military officers aboard a vessel belonging to the Alfonso Manosalva Flórez Battalion of the Fourth Army Brigade. However, the vessel reportedly took no steps to come to their aid, capture the perpetrators, or find the bodies, as a result of which the facts were denounced to the National Human Rights Unit of the Office of the Prosecutor General and the Quibdó Specialized Circuit Court.

23. According to the petitioners, on December 30, 2005, the Quibdó Specialized Circuit Court sentenced Jimmy Matute Palma to 30 years of imprisonment for the murder of Íñigo Eguiluz Tellería and Fr. Jorge Luis Mazo. Furthermore, on September 21, 2009, Carlos Andrés Molina Díaz and Miguel Enrique Vergara Salgado were sentenced to 40 years of imprisonment, a decision which was affirmed by the Quibdó District Superior Court on October 30, 2008. However, the Office of the Prosecutor General reportedly did not open a criminal investigation against the masterminds or against the state agents who facilitated the commission and cover-up of the crime and allowed the perpetrators to escape.

24. In addition, the petitioners claim that, although a preliminary disciplinary inquiry was initiated against the Chief of Arrests of the Criminal Investigation Unit (SIJIN) and the Chief of Judicial Police of the Administrative Security Department (DAS), it was set aside by the Chocó Regional Government Attorney on October 11, 2000, who considered that a disciplinary investigation was not warranted.

#### Submissions regarding the reinstallation of paramilitary groups in the Middle Atrato Valley

25. Regarding the reinstallation of paramilitary groups, the petitioners say that the terror continued in the Lower and Middle Atrato Valleys when the FARC took Vigía del Fuerte on March 25, 2000. The petitioners say that several members of armed groups died in those events, as did three civilians: Nubia Caicedo and her two sons, aged three and five years old. In connection with the above facts, the petitioners say that after the taking of the urban part of Vigía del Fuerte, where there were police and where there had been a paramilitary base since May 1997, the paramilitary forces reorganized themselves, resulting in an

expansion of their operation in the city of Quibdó. It was from then until September 2001 that activities described by the petitioners as "social cleansing" took place, consisting of targeted attacks against indigenous and Afro-Colombian communities.

26. Finally, the petitioners say that even though the violations committed by the paramilitaries were denounced at various times by diverse organizations, both domestic and international, the State authorities apparently failed adequately or effectively to investigate, punish, or provide reparations for them. More than 17 years on since the events occurred, around half of those violations have allegedly not been investigated, while those investigations that were opened remain at a preliminary stage.

27. Based on the foregoing, the petitioners argue that the State violated the rights recognized at Articles 4, 5, 7, 8, 21, 22, and 25 of the American Convention, taken in conjunction with Articles 1(1) and 2 thereof; as well as Articles 2 and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of the victims from the Lower and Upper Atrato Valleys in Chocó and Antioquia Departments.

## **B. The State**

28. The State acknowledges that it has been embroiled in an internal armed conflict for approximately 50 years and that during that time the various governments of the time and civil society organizations have attempted diverse peace initiatives to end the conflict. However, in a communication dated September 23, 2014, it said that the conflict remains a problem given the context of widespread and systematic violence caused by the internal armed strife.

29. Nevertheless, the State says that through a variety of legal policies, it has adopted and is pursuing different measures to eradicate human rights violations of the sort alleged by the petitioners. It says that the process of transitional justice has had two phases: the first came with the enactment of the Justice and Peace Law of 2005, which introduced provisions for the reincorporation of members of armed groups operating outside the law into civilian life in exchange for their effective contribution to attaining peace, in addition to the demobilization of approximately 32,000 men belonging to the AUC; the second came with the legislative act of 2012 known as the Legal Framework for Peace, which established legal instruments for transitional justice.

30. Regarding the latter, the state says that in 2012 the Office of the Prosecutor General issued a new directive with the aim of creating a new criminal investigation system focused on tackling organized crime. The National Analysis and Context Department (*Dirección Nacional de Análisis y Contextos* - DINAC), which comprises nine teams working on specific issues, includes a group to investigate the violence that occurred in the Urabá region. It has seemingly concentrated its efforts on investigating the violence in the region reported to the Commission.

31. In a communication dated September 23, 2014, the state said that the investigating group had three situations outlined, 51 assigned proceedings, 208 related victims, and 361 checked sources; it also said that it had reconstructed contexts of violence aimed at shedding light on the forcible displacements and land seizures, as well as on the armed structures of the paramilitary groups and the identities of their collaborators and financiers. However, the State says that efforts to establish the facts have been hampered, not only by the inaccessibility of the geographical area where the alleged events occurred, which can only be reached on foot or by river, but also by the difficulty in locating witnesses.

32. With respect to the facts alleged in the petition, the State says that there are 35 inquiries underway in connection with the events that occurred between 1997 and 2001 in the Middle Atrato Valley in Chocó and Antioquia Departments. With respect to the homicides of Mr. Iñigo Eguiluz Tellería and the Catholic priest Jorge Luiz Mazo Palacios, the State maintains that five persons were convicted for these offenses between 2002 and 2044 (see Annex 3).

33. As to the disciplinary proceedings initiated to investigate the allegations made by the petitioners, the State points to the fact that there are two investigations underway into the alleged forced

displacement and intimidation of the residents of Dabeida Antioquia and the community of Paz de San Francisco de Asís on June 18, 2000, and into the suspected involvement of agents of the security forces in the killing of Abel Sanapi Teuia and Arcelino Murrúy Sintua in Bagadó. The State clarified, in this regard, that even though disciplinary investigations do not constitute remedies that need to be exhausted in order to access the inter-American system, they serve as a complementary remedy in guaranteeing the rights recognized in the American Convention.

34. On the other hand, the State alleges that the appropriate and effective remedy to obtain compensation for material and moral damages suffered by victims as a result of alleged violations of human rights attributable to the State is a direct reparation claim filed before contentious administrative courts. It indicates, however, that no such claims were filed with respect to the allegations made in the petition and requests that the Commission refrain from recommending remedies, at least of an economic nature, in the present case. Moreover, the State indicates that on August 31, 2006, the Administrative Tribunal of Chocó found the Ministry of National Defense and the National Police responsible for the death of Mr. Iñigo Euguiluz Telleria and Catholic priest Luiz Jorge Palacios and ordered them to compensate the relatives. In a communication dated September 23, 2014, the State indicated that the case was awaiting a decision in light of a consultation before the Third Section of the State Council, and therefore, for purposes of reparations, domestic remedies had not been exhausted with regard to these two persons.

35. Concerning reparations, the State says that the Victims and Land Restitution Law enacted in 2011 created a System of Assistance and Comprehensive Reparation for Victims (SNARIV) with the purpose of designing and executing specific plans, programs, projects, and actions aimed at providing assistance and comprehensive reparation to victims individually and collectively. It indicates that of the alleged victims mentioned in the instant petition before the IACHR, only 43 are in the Consolidated Roster of Victims, as a result of which only 20 have received financial assistance from the Victim Assistance and Comprehensive Reparation Unit. Of those, 16 have received bank drafts as humanitarian assistance on up to six occasions, while three other victims have received housing allowances and a financial compensation package as administrative reparation.

36. Finally, the State asserts that the lists of alleged victims presented by the petitioners do not contain their full names or personal identification numbers, such as citizen cards; information required in order to identify the alleged victims. Furthermore, in respect to the allegations of forced displacement, the State alleges that the petitioners do not precise the facts that's could characterize as a violation of Article 22 of the American Convention and do not individualize the alleged victims of displacement.

37. In conclusion, the State considers that, on account of the fact that adequate and effective remedies under domestic law have not been sought or are pending exhaustion, the petition is inadmissible under Article 46.1.a of the Convention and it requests, therefore, that the IACHR declare it as much.

#### **IV. ANALYSIS ON COMPETENCE AND ADMISSIBILITY**

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

38. The petitioners have standing under Articles 23 of the Rules of Procedure and 44 of the American Convention to lodge petitions with the Commission. The petition alleges the violation of rights enshrined in the American Convention to the detriment of individuals in respect of whom the Colombian State undertook to respect and ensure such rights on July 31, 1973, the date on which it deposited its instrument of ratification.

39. As to the submissions regarding torture, the Inter-American Convention to Prevent and Punish Torture is applicable in respect of acts occurring after January 19, 1999, the date on which the Mexican State deposited its instrument of ratification. The Commission is also competent to take up the petition by virtue of the provisions of the Inter-American Convention on Forced Disappearance of Persons, which the State of Colombia ratified on March 12, 2005, and which provides that the crime of forced

disappearance shall be deemed continuous or permanent as long as the fate or whereabouts of the victim has not been determined.<sup>2</sup>

40. Finally, the Commission is competent to examine the possible acts of sexual violence by virtue of the provisions contained in the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Para), which the Colombian State ratified on October 3, 1996, and duly deposited its instrument of ratification on November 15, 1996.

41. Based on the foregoing and taking into account that the alleged violations are said to have occurred within the territory of a state party to this treaty after it deposited its instrument of ratification, the IACHR concludes that it is competent *ratione personae*, *ratione loci*, *ratione temporis* y *ratione materia* to assess the petition.

## **B. Admissibility requirements**

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

42. Articles 31(1) of the Rules of Procedure of the IACHR and 46(1)(a) of the American Convention require prior exhaustion of remedies available under domestic law in accordance with generally recognized principles of international law, as a prerequisite for admitting claims regarding alleged violation of the American Convention. This rule is designed to allow national authorities to examine alleged violations of protected rights and, as appropriate, to resolve the situation before it is taken up in an international proceeding. For their part, Articles 31(2) of the Rules of Procedure of the IACHR and 46(2) of the Convention provide that the requirement of prior exhaustion of domestic remedies is not applicable when: (a) domestic law 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; and (c) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

43. The State argues that the requirement that domestic remedies be exhausted has not been met because, on one hand, several of the facts alleged by the petitioners are still being examined by the domestic courts and, on the other, the alleged victims have not invoked the appropriate remedy to obtain reparation for the injuries caused, namely an action for direct reparation. Accordingly, it requests that the Commission either declare the petition inadmissible, or, if it does take up the case, that it not pronounce on financial reparations. The petitioners, for their part, argue that the exceptions envisaged at Articles 46(2)(a) and 46(2)(c) of the American Convention are applicable in light of the absence of effective remedies, given the conspicuous delay in the investigation to uncover the facts, punish those responsible, and provide comprehensive reparation to the victims.

44. The precedents established by the Commission indicate that a State has the obligation to institute criminal proceedings and prosecute alleged offenses when the prosecution should be carried out *ex officio* and in such cases this is suitable means to clarify the facts, prosecute those responsible, and establish the suitable criminal penalties, in addition to providing for other forms of financial reparation.<sup>3</sup> Therefore, given that the facts alleged by the petitioners amount to criminal offenses that must be prosecuted *ex officio*, the procedure under domestic law to be exhausted in this case is a criminal investigation, which the State is required to initiate and take forward.

45. The IACHR finds, based on the positions of the parties and the contents of the record, that the alleged violations against the communities in the Lower and Middle Atrato Valleys in Chocó and Antioquia

<sup>2</sup>IACHR, Report No. 17/15, Petition 1139-04, Admissibility, Massacre of Los Josefinos, Guatemala, March 24, 2015, par. 18.

<sup>3</sup>IACHR, Report No. 34/15, Petition 191-07, Admissibility, Álvaro Enrique Rodríguez et al. Colombia, July 22, 2015, par. 244. IACHR, Report No. 5/13, Petition 273-05, Admissibility, Nam Qom Indigenous Community of the Toba People, Argentina, March 19, 2013, par. 33.

Departments by paramilitary groups were brought to the attention of the authorities at various junctures by the Apartado Office of the Ombudsman's Office, the Ombudsman's Office itself, the Regional Indigenous Organization of Chocó, the Indigenous Organization of Antioquia, the *Asociación Campesina Integral del Atrato*, the Middle Atrato Commission, the Life, Justice and Peace Commission of the Diocese of Quibdó, and the commission composed of the Office of the United Nations High Commissioner for Human Rights and the European Commission Humanitarian Aid Office.

46. According to the information available, the alleged acts of violence affected a total of 174 people, who are individually named in Annex 1 of this report, in addition to the 300 families alleged to be victims of forcible displacement. Furthermore, according to available information and as indicated in Annex 2, no investigation of any sort has been initiated in 81 cases, while in 82 cases the criminal proceedings apparently remain at the preliminary stage and of those, it is alleged that 56 have been suspended. In the case of nine alleged victims the investigations have allegedly been closed, in spite of the fact that the responsibility of all the material perpetrators and masterminds has not been determined.

47. Furthermore, the Commission notes that although criminal responsibility was determined for the deaths of Messrs. Íñigo Eguiluz Tellería and Jorge Luis Mazo Palacio, that responsibility was established with regard to three of the material culprits. Furthermore, the Commission notes that the preliminary disciplinary inquiry against the state agents for covering up the crime was closed by the Regional Government Attorney (*Procurador Regional*) of Chocó on October 11, 2000.

48. In that regard, the IACHR notes that, as a general rule, a criminal investigation must be conducted quickly in order to protect the interests of the victims, preserve the evidence, and safeguard the rights of anyone who is considered a suspect in the context of the investigation. As the Inter-American Court, for its part, has noted, while every criminal investigation must meet a series of legal requirements, the rule of prior exhaustion of domestic remedies should not lead international action on behalf of the victims to come to a halt or to be delayed to the point of being rendered ineffective.<sup>4</sup> In this case, the Commission observes that the investigations into the human rights violations against the communities of the Lower and Middle Atrato Valleys in Chocó and Antioquia Departments have dragged on without a conclusion for more than 17 years.

49. In light of the foregoing, the Commission concludes that the exception to the rule of prior exhaustion of domestic remedies envisaged at Article 46(2)(c) of the American Convention applies in this case. As regards the invocation of the exception contained in Article 46(2)(a) of the Convention, the Commission considers that, by its nature, it is subsumed in the exception related to unwarranted delay already applied.

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

50. Article 46(1)(b) of the American Convention provides that for a petition to be admissible, it must be presented within six months of the date on which the party alleging violation of rights was notified of the final judgment. In the complaint under review the IACHR has determined that the exception to the rule of exhaustion of domestic remedies pursuant to Article 46(2)(c) of the American Convention is applicable. In that regard, Article 32(2) of the Commission's Rules of Procedure establishes that in cases in which the exceptions to the prior exhaustion of domestic remedies are applicable, the petition must be submitted within a reasonable period of time, to be determined by the Commission. For this purpose, the Commission must consider the date on which the alleged violation of rights occurred and the circumstances of each case.

51. In the case under review the IACHR has determined that the exception to the rule of prior exhaustion of domestic remedies contained in Article 46(2)(c) of the American Convention is applicable. The IACHR received the petition on July 28, 2003, while the facts with which the petition is concerned are said to have begun to occur on May 22, 1997, and their effects ostensibly continue at the present date. Therefore, in

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<sup>4</sup>1/A Court H.R., Velásquez Rodríguez Case. Preliminary Objections. Judgment of June 26, 1987. Series C No. 1, par. 93; IACHR, Report No. 27/13, Admissibility, Petition 164-01, Jorge Luis López Sosa, Paraguay, March 20, 2013, par. 28.

light of the context and characteristics of this case, the Commission considers that the petition was lodged within a reasonable time and that the admissibility requirement regarding the timeliness of its presentation must be deemed met.

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

52. In the instant matter, the State claimed duplication of proceedings in respect of Edilma Rivero Martínez, Rubén Rentería, Inés Blandón Borja, Eulalio Blandón Paz, Dona Tila Licona, Maris López, Ovidio Álvarez Licona, and five unidentified minors because they had apparently been mentioned in connection with the same factual context and legal basis in Petition 1555-09 “Association of Humanitarian Zones and Biodiversity Zones of Jiguamiandó and Curvaradó,” also being processed by the Commission. With respect to those submissions, the petitioners decided to withdraw them as victims in this petition.<sup>5</sup>

53. Bearing in mind the foregoing, the Commission finds that there is nothing in the record to suggest that the subject matter of the petition is pending in another international proceeding for settlement or that it is substantially the same as one previously studied by this or any other international organization. Therefore, the requirements set forth in Articles 46(1)(c) and 47(d) of the Convention and in Articles 33(1)(a) and (b) of the Rules of Procedure are considered to have been met with respect to the rest of the alleged victims.

### **4. Colorable Claim**

54. For the purposes of admissibility, the IACHR must decide, pursuant to Articles 47(b) of the American Convention and 34(a) of the Rules of Procedure, whether the facts alleged, if proven, could characterize a violation of rights, or whether the petition is “manifestly groundless” or “obviously out of order,” as envisaged at Articles 47(c) of the American Convention and 34(b) of the Rules of Procedure. The standard by which admissibility is assessed is different from the one needed to decide the merits of a petition since the Commission must perform a *prima facie* evaluation to determine whether the petition provides grounds for an apparent or potential violation of a right guaranteed by the American Convention. This examination is a summary analysis that does not imply a prejudgment or preliminary opinion on the merits of the matter.

55. Furthermore, neither the American Convention nor the Rules of Procedure of the IACHR require that the petition identify the specific rights allegedly violated by the State in a matter submitted to the Commission, though the petitioners may do so. It is up to the Commission, based on the case-law of the system, to determine in its admissibility reports which provision of the relevant inter-American instruments is applicable or could be established as having been violated, if the facts alleged are sufficiently proven.

56. In the instant petition, the petitioners refer to a group of 79 alleged victims of extrajudicial killings, 37 alleged victims of forced disappearances, 14 alleged victims of arbitrary detentions, 13 alleged victims of torture and cruel treatment, 19 alleged victims of bodily harm, and 12 alleged victims of threats (see Annex 1), in addition to 300 families allegedly subjected to forced displacement. The IACHR takes into account the information submitted at this preliminary stage and also of the difficulties associated with providing the names of all the alleged victims. Therefore, it will analyze the factual and legal arguments in light of the information presented and its determination as to the alleged victims in the stage on merits.

57. Bearing in mind the factual and legal arguments presented by the parties and the nature of the matter before it, the IACHR finds that, if proven, the alleged facts could characterize possible violations of Article 4 of the Convention with respect to the 79 alleged victims of extrajudicial killings; Articles 3, 4, and 7 of the Convention with respect to the 37 alleged victims of forced disappearances; Article 5 of the Convention with respect to the 37 alleged victims of forced disappearances, the 32 alleged victims of torture, cruel treatment, and bodily harm, and all the other alleged victims for whom submissions concerning their humane

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<sup>5</sup>Brief of October 13, 2011.

treatment have been presented; Article 7 of the Convention with respect to the 14 alleged victims of arbitrary detentions; and Articles 17, 21, and 22 of the Convention with respect to the alleged victims of forced displacement, all taken in conjunction with Articles 1(1) and 2 of said treaty. Furthermore, in relation to the alleged victims who were minors at the time of the alleged extrajudicial killings, forced disappearances, and forced displacements, if proven, those acts could also constitute a possible violation of Article 19 of the Convention.

58. In addition, in relation to all the alleged victims, the IACHR finds that if the submissions concerning violation of the rights to a fair trial and judicial protection, on account of lack of diligence in investigating the truth and the unwarranted delay in same, are proven, they could constitute possible violations of the rights enshrined in Articles 8 and 25 of the Convention in connection with articles 1(1) and 2 of said instrument.

59. Furthermore, if proven, the allegations could characterize possible violations of Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture to the detriment of the 17 alleged victims of torture and cruel treatment, as well as with respect to the other alleged victims in respect of whom submissions regarding this convention have been put forward. The allegations could also characterize a possible violation of Article I of the Inter-American Convention on Forced Disappearance of Persons with respect to the 37 alleged victims of forced disappearances. Finally, the IACHR finds that the submissions concerning the alleged rape of Algarita Cansari Balarín and Marleni Balarín could amount to a violation of Article 7 of the Convention of Belém do Pará.<sup>6</sup>

## V. CONCLUSIONS

60. Based on the arguments of fact and law set forth above, the Commission concludes that the petition meets the admissibility requirements set forth in Articles 46 and 47 of the American Convention and, and without prejudging the merits of the matter,

### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

#### DECIDES:

1. To declare the petition admissible as regards of Articles 3, 4, 5, 7, 8, 17, 19, 21, 22, and 25 of the American Convention, in conjunction with Articles 1(1) and 2 thereof;
2. To declare the petition admissible in relation to Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture to the detriment of the 17 alleged victims of torture and cruel treatment, as well as with respect to the other alleged victims in respect of whom submissions regarding this convention have been put forward.
3. To declare the petition admissible in relation to Article I of the Inter-American Convention on Forced Disappearance of Persons with respect to the 37 alleged victims of forced disappearances.
4. To declare the petition admissible in relation to the alleged violations of Article 7 of the Convention of Belém do Pará to the detriment of Algarita Cansari Balarín and Marleni Balarín.
5. To notify the parties of this decision.
6. To proceed with its analysis of merits in the matter.

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<sup>6</sup> This analysis of colorability is consistent with that made by the Commission in the cases of Mariano López et al. (Operation Genesis), the Mapiripán Massacre, and the Ituango Massacres, all against Colombia.

7. To publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Done and signed in the city of Washington, D.C., on the 22nd day of the month of July, 2016. (Signed): James L. Cavallaro, President; Francisco José Eguiguren, First Vice President; Margarette May Macaulay, Second Vice President; José de Jesús Orozco Henríquez, Paulo Vannuchi, and Esmeralda E. Arosemena Bernal de Troitiño, Commissioners.

**LIST OF ALLEGED VICTIMS  
(ANNEX 1)<sup>7</sup>**

**ALLEGED EXTRAJUDICIAL KILLINGS**

1. EUCLIDES ANTONIO CUESTA PEREA
2. DAVID OSORNO VALENCIA
3. CARMELO BAYTER SANCHEZ
4. FABIO PALOMEQUE
5. WILMAN MENA MENA
6. JOSE LUIS VIDALES
7. NEFTALÍ TORRES BEJARANO
8. JUAN GREGORIO GUERRERO ASPRILLA
9. VITALINO SERNA PALACIOS
10. JOSE LUIS RESTAN DÍAZ
11. YAMIRLEISA MARTÍNEZ MOSQUERA (6 years old)
12. MIGUEL ÁNGEL QUIROGA GAONA
13. EDUARDO CÓRDOBA
14. WILMER RAMOS CUESTA
15. IÑIGO EGUILUZ TELLERÍA
16. JORGE LUIS MAZO PALACIO
17. AGUSTÍN RENTARÍA
18. LUIS CARLOS DUAVE
19. ABEL SANAPI TEQUIA
20. ARCELIANO MURRY SINTUA
21. LEONIDAS MORENO PEREA
22. JOHN HEILER MURILLO CÓRDOBA
23. ADELAIDA MENA MORENO
24. FRANCISCO ROMAÑA
25. SAMUEL RENGIFO MOSQUERA
26. GUSTAVO PALENCIA
27. LUIS PATIÑO
28. PAOLA PÉREZ
29. ALFONSO PICÓN
30. WILTON RODRÍGUEZ
31. THREE NAMES
32. PEDRO
33. RAÚL
34. SANTANDER ACOSTA GAVIRA
35. CUSTODIO CORDOBA MORENO
36. VÍCTOR PADILLA
37. ANDRES DUMAZA PANESO
38. PARMENIO GAMBOA GAMBOA
39. AGUSTIN CAMPAÑA BORJA
40. MARLENE HOYOS
41. DIONISIO URRUETA
42. ELADIO MEDRANO
43. GUILLERMO ZAPATA GUZMÁN
44. OTONIEL JUMI BAILARÍN
45. AURELIO BORJA
46. REMBERTO TOVAR
47. YOMAR MORELO
48. WALTER MENDOZA
49. ANTONIO HEREDIA
50. FÉLIZ HERNÁNDEZ ANCIANO
51. HENRY BARÓN CORREA
52. ELVIA CORREA BLANQUICET

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<sup>7</sup>Aside from the alleged victims on this list, the petitioners say that a total of 300 families were affected by forced displacement.

53. JORGE RAMOS
54. JOSE JORGE RAMOS CORCHO (3 YEARS OLD)
55. ODIEN MESA
56. JESÚS MARÍA ARIAS QUIROZ
57. FLORIBERTO HURTADO CÓRDOBA
58. JOSÉ ÁNGEL CÁRDENAS
59. JORGE ENRIQUE IBARGUEN RAMÍREZ
60. LUIS FELIPE LAMBARTINO
61. JORGE CORREA BABILONIA
62. DAGOBERTO GAVIRIA LANZ
63. MIGUEL MARTÍNEZ
64. HELIDA TORRES
65. ITALA CUEVA FLOREZ
66. FRANKLIN VALOYES ROMAÑA
67. OLFIDES FLOREZ MURILLO
68. JAIRO MANUEL DURANGO RIVEROS
69. RICARDO ESCOBAR ARROYO
70. JOSÉ DOLORES PALACIOS SERNA
71. EDUARDO AVILES NARVAES
72. CONCEPCIÓN PEREA PEREA
73. CARMELO BEITAR SANCHEZ
74. URREGO BENJUMEA
75. BELARMINO SALAS
76. VÍCTOR GIRÓN
77. MACARIO ASPRILLA
78. SEGUNDO SALINAS IBARRA
79. CÉSAR EMILIO CHAVERRA

#### **ALLEGED FORCED DISAPPEARANCES**

1. 22 PEOPLE
2. ELIGIO GONZÁLEZ BLANDÓN.
3. (NAME) YOUNG PERSON FROM THE COMMUNITY OF TADÍA
4. URBANO MARTÍNEZ MENA
5. ALCEDARIO CÓRDOBA PALACIOS
6. JOSÉ ELIÉCER PESCADO TABARES
7. DIMAS PALOMEQUE LÓPEZ (15 YEARS)
8. IGNACIO CHAVERRA ORTIZ
9. WILSON N.N
10. LUIS ENRIQUE AREIZA JOVEN
11. MARCELINO RAMOS LEMUS
12. OLMEDO CAICEDO OSPINA,
13. CARLOS MARIO BEJARANO CUESTA
14. EDINSON BEJARANO CUESTA
15. MARÍA ESPERANZA AYALA MORENO
16. PEDRO JOSÉ MARTÍNEZ CHALÁ

#### **ALLEGED ARBITRARY DETENTIONS**

1. CRECENCIO MENDOZA DÍAZ
2. EDGARDO GÓMEZ LEÓN
3. RAÚL DE JESUS POSADA
4. ULISER ROMAÑA PALACIOS
5. DAIRO ESCOBAR PEREA
6. ERLINDO ESCOBAR PEREA
7. MANUEL ROVIRA
8. ELEUTERIO MORENO
9. BENEDITO MORENO
10. JOSÉ ARNULFO CUESTA RENTERÍA

11. DARLENIS ROVIRA LEMUS
12. JOSÉ DE JESÚS GALLEGO TAMARA
13. GUATAQUÍ BATESA CAMPO
14. POLDO SINTUA CAMPO

#### **ALLEGED TORTURE AND CRUEL TREATMENT**

1. DOMINGO HINESTROZA PALACIO
2. JUAN EZEQUIEL MOSQUERA PALACIO
3. REGULO MOSQUERA MARTÍNEZ
4. FRANCISCO DANIEL MENA
5. JESÚS NELLY PEREA MARTÍNEZ
6. DAMAZO MOSQUERA HINESTROZA Y
7. TOMAS HINESTROZA PALACIOS (Community of Murruí)
8. FRANCISCO RENGIFO BUEAÑOS
9. AFRANIO JIMÉNEZ PALOMEQUE
10. ARGUMEDO BLADÓN
11. JOSÉ DEL CARMEN BUENAÑOS
12. ALGARITA CANSARI BAILARÍN (rape)
13. MARLENI BAILARÍN (rape)

#### **ALLEGED BODILY HARM**

1. VÍCTOR PADILLA
2. JHON JAIRO SANTOS MEJÍA (8 Months)
3. NAUDI JIMÉNEZ,
4. OIDEN MENA PALACIOS
5. EDUARDO RECUERO REYES
6. NELSON GÓMEZ MANCO
7. MANUEL FRANCISCO CANAVAL RAMOS (11 years old)
8. MANUEL ANTONIO CANAVAL RAMOS
9. LUIS FERNANDO CUESTA SERNA (alias “el Porocho”)
10. RAFAEL GÓMEZ DÍAZ
11. OSCAR ALBERTO CORREA SISQUIARCO
12. ONOFRE VALENCIA
13. MEDARDO RIVAS
14. MIRIAM GUZMAN DE RENGIFO
15. KEIMER GUZMÁN MARTÍNEZ,
16. CRISTIAN CAMILO CABALLERO GUZMÁN
17. ARLENY PIZARRO ROMAÑA
18. NEFTALÍ BORJA GUZMÁN
19. MINOR GIRL (Daughter of Luis Fernando Cuesta Serna)

#### **ALLEGED THREATS**

1. EUTIQUIO MURILLO VIVAS
2. RAINER HUHLE
3. ANTONIO DÍAZ
4. JORGE IVÁN CASTAÑO RUBIO
5. ULRICH KOLLWITZ
6. LUCIANO PATIÑO
7. ELKIN DE JESUS RAMÍREZ JARAMILLO
8. MARIELA GUERRERO
9. JOSÉ FERNANDO TOLEDO PERDOMO
10. MARÍA GIRLESA VILLEGAS MUÑOZ
11. A MEMBER OF THE INSTITUTO BÍBLICO
12. CASILDO ABADÍA LENIS

**SUBMISSIONS OF THE PETITIONERS WITH REGARD TO EXHAUSTION OF DOMESTIC REMEDIES<sup>8</sup>**  
**(ANNEX 2)**

**ALLEGATIONS OF DEPRIVATION OF THE RIGHT TO LIFE**

ALLEGED VICTIMS	DATE	LOCATION	STATUS OF THE INVESTIGATION
<b>EUCLIDES ANTONIO CUESTA PEREA</b>	May 22, 1997	Municipality of Murindó	The investigation is at a preliminary stage and has been suspended since May 8, 1998, at Turbo Municipal Prosecutor's Office.
<b>DAVID OSORNO VALENCIA</b>	June 1, 1997	Municipality of Vigía del Fuerte	The investigation, which is at a preliminary stage, has been suspended since July 16, 1998, and has been provisionally set aside at Turbo Municipal Prosecutor's Office.
<b>CARMELO BAYTER SÁNCHEZ</b>	June 9, 1997	Municipality of Bojayá	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, to which there has been no response.  On September 27, 2009, a request was again submitted to the Sectional Departments of Prosecution Units of Antioquia and Chocó.
<b>FABIO PALOMEQUE</b>	June 14, 1997	Municipality of Vigía del Fuerte	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, to which there has been no response.  On September 27, 2009, a request was again submitted to the Prosecution Departments of Antioquia and Chocó.
<b>WILMAN MENA MENA</b>	June 15, 1997	Bellavista - Bojayá	A preliminary investigation is underway at Ninth Specialized Prosecution Unit.
<b>JOSÉ LUIS VIDALES</b>	June 21, 1997	Municipality of Riosucio.	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, to which there has been no response.
<b>NEFTALÍ TORRES BEJARANO</b>	June 21, 1997	Municipality of Riosucio.	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, to which there has been no response.
<b>JUAN GREGORIO GUERRERO ASPRILLA</b>	July 9, 1997	Municipality of Bojayá	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, to which there has been no response.  On September 27, 2009, a request was again submitted to the Prosecution Departments of Antioquia and Chocó.
<b>VITALINO SERNA PALACIOS</b>	June 1997	Municipality of Bojayá	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department

<sup>8</sup> Annex submitted by the petitioners in the brief of March 22, 2010, updated based on information provided subsequently by them.

			of Antioquia, to which there has been no response.  On September 27, 2009, a request was again submitted to the Prosecution Departments of Antioquia and Chocó.
<b>JOSÉ LUIS RESTÁN DÍAZ</b>	August 2, 1998	Municipality of Bojayá	A preliminary investigation is underway at Turbo Municipal Prosecutor's Office.
<b>YAMIRLEISA MARTÍNEZ MOSQUERA (6 years old)</b>	August 5, 1998	Municipality of Bojayá	There is no information available about the complaint in the ordinary jurisdiction. A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, to which there has been no response. On September 27, 2009, a request was again submitted to the Sectional Departments of Prosecution Units of Antioquia and Chocó.  <b>Military criminal jurisdiction:</b> a preliminary inquiry was opened by the 79th Military Preliminary Criminal Investigation Court of Chocó Police Department, as was another by the 42nd Military Prosecutor of the Chocó Police against the agents at the police stations in Vigía del Fuerte and Bojayá for their links to paramilitary groups.  On March 29, 1999, the prosecutor requested that the preliminary inquiry into the police of Vigía del Fuerte and Bellavista be closed.
<b>MIGUEL ÁNGEL QUIROGA GAONA</b>	September 18, 1998	Municipality of Lloró	The investigation is at a preliminary stage at the National Human Rights Unit.
<b>EDUARDO CÓRDOBA</b>	April 23, 1999	Municipality of Vigía del Fuerte	<b>Criminal jurisdiction:</b> A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, to which there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.  <b>Disciplinary action:</b> Disciplinary proceedings were instituted against the policeman Miguel Jaramillo Monsalve and personnel attached to Vigía del Fuerte police station because of their links to paramilitary groups.  The investigation was handed over to the Adviser on Human Rights of the Office of the Inspector General of the Nation.
<b>WILMER RAMOS CUESTA</b>	November 6, 1999	Municipality of Vigía del Fuerte	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia. However, there has been non response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.

<p><b>ÍÑIGO EGUILUZ TELLERÍA</b></p>	<p>November 18, 1999</p>	<p>Chocó</p>	<p><b>Criminal jurisdiction:</b> Quibdó Specialized Circuit Court convicted Jimmy Matute Palma for the homicide of Íñigo Eguiluz Tellería and Jorge Luis Mazo and sentenced him to 31 years and six months in prison.</p>
<p><b>JORGE LUIS MAZO PALACIO</b></p>			<p>It was ordered that a preliminary investigation be opened into the other material perpetrators and masterminds of the crime. An indictment was presented on December 30, 2005, and on September 21, 2009, Carlos Andrés Molina Díaz and Miguel Enrique Vergara Salgado were sentenced to 40 years of imprisonment, a decision affirmed by the Quibdó District Superior Court on October 30, 2008.</p> <p>The Supreme Court of Justice did not annul the conviction and, therefore, confirmed the imprisonment sentence and criminal responsibility of the accused Carlos Andrés Molina Díaz.</p> <p>The Office of the Prosecutor General did not open a criminal investigation into the masterminds and the two other material perpetrators of the homicide of Íñigo Eguiluz and Fr. Jorge Luis Mazo Palacio and the attempted homicide of the other persons aboard the vessel, neither was the responsibility investigated of the state agents who abetted the commission and cover-up of the crime and allowed the perpetrators to escape.</p> <p><b>Disciplinary proceedings:</b> A preliminary disciplinary inquiry was initiated against the Chief of Arrests of the Criminal Investigation Unit (SIJIN), Evaristo Legarejo Romaña, and the Chief of Judicial Police of the Administrative Security Department (DAS), Luciano Rivas Vivas. However, it was set aside by the Chocó Regional Government Attorney, Vicente Noguera Paz, on October 11, 2000, who considered that a disciplinary investigation was not warranted.</p> <p>After receiving a request for urgent action in connection with the deeds of which Íñigo Eguiluz and Jorge Luis Mazo Palacio were victims, on November 22, 1999, the Office of the Attorney for the Defense of Human Rights abstained from any further investigation and ordered that the proceedings be referred to the Quibdó Municipal Prosecutor's Office for reasons of jurisdiction.</p>
<p><b>AGUSTÍN RENTARÍA</b></p>	<p>March 19, 2000,</p>	<p>Canchidó</p>	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p>
<p><b>LUIS CARLOS DUAVE</b> <b>ABEL SANAPI TEQUIA</b> <b>ARCELIANO MURRY SINTUA</b></p>	<p>April 2000</p>	<p>Municipality of Bagadó</p>	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27,</p>

			2009.
<b>LEONIDAS MORENO PEREA</b>	June 18, 2000	Municipality of Quibdó	A preliminary investigation is underway at the Office of the Second Prosecutor of the Unit for Crimes against the Life and the Person.
<b>JOHN HEILER MURILLO CÓRDOBA</b>	June 28, 2000	Municipality of Quibdó	In an interlocutory decision on June 12, 2007, the 101st Specialized Prosecution Unit of Quibdó dismissed the preliminary investigation for lack of jurisdiction.
<b>ADELAIDA MENA MORENO</b>	August 19, 2000	Municipality of Lloró	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>FRANCISCO ROMAÑA</b>	May 23, 1997	Municipality of Vigía del Fuerte	The investigation, which is at a preliminary stage, has been suspended since July 16, 1998, and has been provisionally set aside at Turbo Municipal Prosecutor's Office. The 41st Specialized Prosecution Unit in Urabá is conducting an investigation into the same facts.
<b>SAMUEL RENGIFO MOSQUERA</b>	May 23, 1997	Municipality of Vigía del Fuerte	The investigation, which is at a preliminary stage, has been suspended since November 30, 1999, and has been provisionally set aside at Turbo Municipal Prosecutor's Office. The 41st Specialized Prosecution Unit in Urabá is conducting an investigation into the same facts.
<b>GUSTAVO PALENCIA</b>			
<b>LUIS PATIÑO</b>			
<b>PAOLA PÉREZ</b>			
<b>ALFONSO PICÓN</b>			
<b>WILITON RODRÍGUEZ</b>			
<b>RAÚL AND THREE NAMES</b>			
<b>PEDRO</b>			
<b>SANTANDER ACOSTA GAVIRA</b>			
<b>CUSTODIO CÓRDOBA MORENO</b>			
<b>VÍCTOR PADILLA</b>	February 23, 1998	Río de Jiguamiando	No information available
<b>ANDRÉS DUMAZA PANESO</b>	September 7, 2000.	Municipality of Quibdó	The 100th Specialized Prosecution Unit terminated the preliminary investigation into the demobilized combatant for conspiracy to commit crime.  An investigation is also underway at the 100th Specialized Prosecution Unit in Quibdó.
<b>PARMENIO GAMBOA GAMBOA</b>	September 9, 2000.	Municipality of Quibdó	The Office of the First Prosecutor of the Crimes against Life Unit suspended the preliminary investigation on June 17, 2002.
<b>AGUSTIN CAMPAÑA BORJA</b>	June 12, 2001	Municipality of Bagadó	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.

<b>MARLENE HOYOS</b>	February 24, 1998	Municipality of Riosucio	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p>
<b>DIONISIO URRUETA</b>			
<b>ELADIO MEDRANO</b>	February 26, 1998	Municipality of Riosucio	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p>
<b>GUILLERMO ZAPATA GUZMÁN</b>	February 27, 1998	Municipality of Riosucio	A preliminary investigation is underway at the 100th Specialized Prosecution Unit in Quibdó.
<b>OTONIEL JUMI BAILARÍN</b>	May 28, 1998	Municipality of Murindó	<p><b>The Ordinary Courts:</b> The National Human Rights Unit of the Office of the Prosecutor General has no record of the complaint.</p> <p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>The preliminary inquiry underway in the military jurisdiction found no agent responsible.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p> <p><b>Military criminal jurisdiction:</b> Preliminary inquiry No. 321 was initiated by the 79th Military Preliminary Criminal Investigation Court of Chocó Police Department.</p> <p>On March 29, 1999, the prosecutor requested that the preliminary inquiry be closed, arguing that there were no grounds to open a formal investigation into the police of Vigía del Fuerte and Bellavista for their links to paramilitary groups.</p>
<b>AURELIO BORJA</b>			
<b>REMBERTO TOVAR</b>			
<b>YOMAR MORELO</b>			
<b>WALTER MENDOZA</b>			
<b>ANTONIO HEREDIA</b>	July 8, 1998.	Municipality of Riosucio	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p>
<b>FÉLIZ HERNÁNDEZ ANCIANO</b>	August 4, 1998.	Municipality of Riosucio	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia but there has been no response.</p> <p>Another request was submitted to the Prosecution</p>

			Departments of Antioquia and Chocó on September 27, 2009.
<b>HENRY BARÓN CORREA</b>	November 23, 2000	Municipality of Riosucio	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>ELVIA CORREA BLANQUICET</b>			
<b>JORGE RAMOS AND HIS SON JOSE JORGE RAMOS CORCHO (3 years old)</b> <b>ODIEN MESA</b>	April 5, 1999	Municipality of Riosucio	A preliminary investigation is underway at the 100th Specialized Prosecution Unit in Quibdó.
<b>JESÚS MARÍA ARIAS QUIROZ</b>	April 7, 1999	Municipality of Riosucio	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>FLORIBERTO HURTADO CÓRDOBA</b>			
<b>JOSÉ ÁNGEL CÁRDENAS</b>			
<b>JORGE ENRIQUE IBARGUEN RAMÍREZ</b>			
<b>LUIS FELIPE LAMBARTINO</b>			
<b>JORGE CORREA BABILONIA</b>	April 7, 1999	Municipality of Riosucio	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>DAGOBERTO GAVIRIA LANZ</b> <b>MIGUEL MARTÍNEZ</b> <b>HELIDA TORRES</b>	January 15, 2001	Municipality of Riosucio	In an interlocutory decision on August 27, 2004, the 101st Specialized Prosecution Unit of Quibdó terminated the preliminary investigation for lack of jurisdiction.
<b>ITALA CUEVA FLOREZ</b>			
<b>FRANKLIN VALOYES ROMAÑA</b> <b>OLFIDES FLOREZ MURILLO</b>	August 4, 2001	Municipality of Quibdó	In an interlocutory decision on September 15, 2004, the 101st Specialized Prosecution Unit of Quibdó terminated the preliminary investigation for lack of jurisdiction.
<b>JAIRO MANUEL DURANGO RIVEROS</b>			
	September 27, 2001	Community of Santa Fe de Churima	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.

<b>RICARDO ESCOBAR ARROYO</b>	June 26, 1997	Municipality of Vigía del Fuerte	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p>
<b>JOSÉ DOLORES PALACIOS SERNA</b>	July 1, 1997	Municipality of Vigía del Fuerte	The investigation is at a preliminary stage at Quibdó Specialized Prosecution Unit.
<b>EDUARDO AVILÉS NARVAES</b>	August 28, 1997	Bojayá	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p>
<b>CONCEPCIÓN PEREA PEREA</b>	July 23, 1997	Municipality of Quibdó	The investigation is at a preliminary stage and has been suspended since August 8, 2000, at Turbo Municipal Prosecutor's Office.
<b>CARMELO BEITAR SÁNCHEZ</b>	June 8, 1997	Municipality of Vigía del Fuerte	The preliminary investigation has been suspended since July 16, 1998.
<b>URREGO BENJUMEA</b>	July 1, 1997	Municipality of Vigía del Fuerte	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>The Division for Registration, Control, and Correspondence of the Office of the Inspector General of the Nation says that it has no record of receipt of the aforementioned official letters sent by the Ombudsman's Office notifying the findings of the the Middle Atrato Valley Commission.</p> <p><b>Military jurisdiction:</b> On March 29, 1999, the prosecutor Betsy Janeth Sánchez Asprilla requested that the preliminary inquiry be closed.</p>
<b>BELARMINO SALAS</b>	April 5, 1999	Municipality of Riosucio	A criminal investigation was opened under Case No. 152924 by the 100th Specialized Prosecution Unit of Quibdó and was terminated in an interlocutory decision on October 13, 2006, in favor of Guillermo Mosquera Palacios
<b>VÍCTOR GIRÓN</b>			
<b>MACARIO ASPRILLA</b>			
<b>SEGUNDO SALINAS IBARRA</b>	September 12, 2001	River Jiguamiandó	The investigation is at a preliminary stage at the 91st Specialized Prosecution Unit.
<b>CESAR EMILIO CHAVERRA</b>			

## ALLEGED FORCED DISAPPEARANCES

ALLEGED VICTIMS	Date	Location	Status of the Investigation
22 PEOPLE	May 23, 1997	Puerto Caribe, Puerto Conto, and Fátima	<p><b>Criminal investigation:</b> An investigation was opened before the Medellín Regional Prosecutor's Office under Case No. 23675 and was referred to the National Human Rights Unit of the Office of the Prosecutor General on October 1997. The preliminary investigation has been suspended and closed.</p> <p><b>Disciplinary investigation:</b> The Office of the Government Attorney for Protection of Human Rights opened the investigation, which, in an order dated September 12, 2001, was set aside at the preliminary stage for lack of evidence. No disciplinary inquiry was opened into the police who were on duty at Bellavista Police Station on May 22, 1997.</p>
ELIGIO GONZALEZ BLANDON.	May 24, 1997	Bojayá	The investigation, which is at a preliminary stage, has been suspended since May 8, 1998, and has been provisionally set aside at Turbo Municipal Prosecutor's Office.
(NAME) YOUNG PERSON FROM THE COMMUNITY OF TADÍA	May 26, 1997	Municipality of Vigía del Fuerte	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p>
URBANO MARTÍNEZ MENA	July 8, 1997	Bojayá	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p>
ALCEDARIO CÓRDOBA PALACIOS	October 24, 1997	Municipality of Quibdó	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p>
ELIÉCER PESCADO TABARES	October 4, 1997	Municipality of Vigía del Fuerte	<p>A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.</p> <p>Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.</p>
DIMAS PALOMEQUE LÓPEZ (15 years old)	November 17, 1997	Montaño tributary of the Atrato River	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.
IGNACIO CHAVERRA ORTIZ			Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
WILSON (NAME)			
LUIS ENRIQUE AREIZA	August 2, 1998	Bojayá	The investigation is at a preliminary stage at Turbo Municipal Prosecutor's Office.

<b>MARCELINO RAMOS LEMUS</b>	August 19, 1999	Municipality of Quibdó	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>OLMEDO CAICEDO OSPINA</b>	June 8, 1997	Municipality of Murindó	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>CARLOS MARIO BEJARANO CUESTA</b>	September 10, 1999	Municipality of Quibdó	In an interlocutory decision on June 12, 2007, the 100th Specialized Prosecution Unit of Quibdó dismissed the preliminary investigation for lack of jurisdiction.
<b>EDINSON BEJARANO CUESTA</b>	September 10, 1999	Municipality of Quibdó	On June 1, 2007, the Specialized Prosecution Unit of Quibdó dismissed the preliminary investigation for lack of jurisdiction.
<b>MARÍA ESPERANZA AYALA MORENO</b>	May 28, 1998	Municipality of Murindó	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  The preliminary inquiry underway in the military jurisdiction found no agent responsible.
<b>PEDRO JOSÉ MARTÍNEZ CHALÁ</b>	June 8, 1997	Municipality of Vigía del Fuerte	The Delegated Prosecution Unit for Apartadó Specialized Criminal Circuit is conducting the preliminary investigation.

**ALLEGED ARBITRARY DETENTION**

<b>ALLEGED VICTIMS</b>	<b>DATE</b>	<b>LOCATION</b>	<b>STATUS OF THE INVESTIGATION</b>
<b>CRECENCIO MENDOZA DÍAZ</b>	April 7, 1999	Municipality of Riosucio	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.
<b>EDGARDO GÓMEZ LEON</b>			Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>RAÚL DE JESÚS POSADA</b>			
<b>ULISER ROMAÑA PALACIOS</b>	March 25, 1999,	Municipality of Vigía del Fuerte	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, to which there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>DAIRO ESCOBAR PEREA</b>	August 3, 2000	Municipality of Quibdó	A preliminary investigation under case No. 145.593 is being conducted at the 100th Specialized Prosecution Unit in Quibdó.
<b>ERLINDO ESCOBAR PEREA</b>			
<b>MANUEL ROVIRA</b>	April 5, 1999	Municipality of Riosucio	A criminal investigation was opened under Case No. 152924 by the 100th Specialized Prosecution Unit of Quibdó and terminated in an interlocutory decision on October 13, 2006, in
<b>ELEUTERIO</b>			

<b>MORENO</b>			favor of Guillermo Mosquera Palacios
<b>BENEDITO MORENO</b>			
<b>JOSÉ ARNULFO CUESTA RENTERÍA</b>		Municipality of Quibdó	The preliminary investigation was dismissed for lack of jurisdiction on June 1, 2007.
<b>DARLENIS ROVIRA LEMUS</b>	April 5, 1999	Municipality of Riosucio	A criminal investigation was opened under Case No. 152924 by the 100th Specialized Prosecution Unit of Quibdó and terminated in an interlocutory decision on October 13, 2006, in favor of Guillermo Mosquera Palacios
<b>JOSÉ DE JESUS GALLEGO TAMARA</b>	April 7, 1999	Municipality of Riosucio	Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.

## ALLEGED TORTURE AND CRUEL TREATMENT

ALLEGED VICTIMS	DATE	LOCATION	STATUS OF THE INVESTIGATION
<b>DOMINGO HINESTROZA PALACIO</b>	July 1, 1997	Municipality of Vigía del Fuerte	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>JUAN EZEQUIEL MOSQUERA PALACIO</b>			
<b>RÍGULO MOSQUERA MARTÍNEZ</b>			
<b>FRANCISCO DANIEL MENA</b>			
<b>JESÚS NELLY PEREA MARTÍNEZ</b>	August 6, 1998	Municipality of Vigía del Fuerte	There is no record of the complaint lodged by the Middle Atrato Valley Commission on September 10, 1998.  A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  <b>Military criminal jurisdiction:</b> Preliminary inquiry No. 321 was initiated by the 79th Military Preliminary Criminal Investigation Court of Chocó Police Department, as was another by the 42nd Military Prosecutor of the Chocó Police against the agents at the police stations in Vigía del Fuerte and Bojayá for their links to paramilitary groups.  On March 29, 1999, the prosecutor Betsy Janeth Sánchez Asprilla requested that the preliminary inquiry into the police of Vigía del Fuerte and Bellavista be closed.
<b>DAMAZO MOSQUERA HINESTROZA AND TOMÁS HINESTROZA PALACIOS (COMMUNITY OF MURRUÍ)</b>	August 1998	River Murrí to the River Atrato	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.

<b>FRANCISCO RENGIFO BUEAÑOS</b>	August 10, 2000	Community of Guadalupe, District of Tutunendo.	No information available.
<b>AFRANIO JIMÉNEZ PALOMEQUE</b>			
<b>ALGARITA CANSARI BAILARÍN</b>	July 12, 1997 (rape)	Municipality of Vigía del Fuerte	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.
<b>MARLENI BAILARÍN</b>			Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>ARGUMEDO BLANDÓN</b>	July 1, 1997	Municipality of Vigía del Fuerte	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  The Division for Registration, Control, and Correspondence of the Office of the Inspector General of the Nation says that it has no record of receipt of the aforementioned official letters sent by the Ombudsman's Office notifying the findings of the the Middle Atrato Valley Commission. Military jurisdiction: On March 29, 1999, the prosecutor Betsy Janeth Sánchez Asprilla requested that the preliminary inquiry be closed.
<b>JOSÉ DEL CARMEN BUENAÑOS</b>	August 10, 2000	District of Tutunendo	No information available

**ALLEGED BODILY HARM**

<b>ALLEGED VICTIMS</b>	<b>DATE</b>	<b>LOCATION</b>	<b>STATUS OF THE INVESTIGATION</b>
<b>VÍCTOR PADILLA</b>	February 23, 1998	Municipality of Riosucio	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>JHON JAIRO SANTOS MEJÍA (8 Months)</b>	February 23, 1998	Municipality of Riosucio	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>NAUDI JIMÉNEZ</b>	May 24, 1998.	Municipality of Riosucio	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no

			response. Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>OIDEN MENA PALACIOS</b>	April 5, 1999	Municipality of Riosucio	Investigation No. 137.691 is being conducted by the 100th Specialized Prosecution Unit in Quibdó and is at the preliminary stage
<b>EDUARDO RECUERO REYES</b>	September 27, 2001	Community of Santa Fe de Churima	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.
<b>NELSON GÓMEZ MANCO</b>			
<b>MANUEL FRANCISCO CANAVAL RAMOS (11 years old)</b>			
<b>MANUEL ANTONIO CANAVAL RAMOS</b>			
<b>LUIS FERNANDO CUESTA SERNA</b>			
<b>RAFAEL GÓMEZ DÍAZ</b>	November 18, 1999	Quibdó	Quibdó Specialized Circuit Court convicted Jimmy Matute Palma for the intentional homicide of Íñigo Eguiluz Tellería and Jorge Luis Mazo and sentenced him to 31 years and six months in prison; it also sentenced Carlos Andrés Molina Díaz and Miguel Enrique Vergara Salgado to 40 years of imprisonment.  The Office of the Prosecutor General is not conducting a criminal investigation into the masterminds and other material perpetrators of the homicide of Íñigo Eguiluz and Fr. Jorge Luis Mazo Palacio and the attempted homicide of the other persons aboard the vessel.  The Office of the Prosecutor General has also not opened a criminal investigation against the masterminds or against the state agents who facilitated and abetted the commission of the crime and allowed the perpetrators to escape.
<b>OSCAR ALBERTO CORREA SISQUIARCO</b>			
<b>ONOFRE VALENCIA, MEDARDO RIVAS</b>			
<b>MIRIAM GUZMÁN DE RENGIFO Y SUS SOBRINOS KEIMER GUZMAN MARTÍNEZ, CRISTIAN CAMILO CABALERO GUZMÁN Y ARLENY PIZARRO ROMAÑA</b>			
<b>NEFTALI BORJA GUZMÁN</b>	May 28, 1998	Municipality of Murindó	A request for information by right of petition was submitted on March 27, 2008, to the Prosecution Department of Chocó and the Prosecution Department of Antioquia, but there has been no response.
<b>MINOR GIRL, DAUGHTER OF LUIS DÍAZ</b>	September 27, 2001	Community of Santa Fe de Churima	The preliminary inquiry underway in the military jurisdiction found no agent responsible.  Another request was submitted to the Prosecution Departments of Antioquia and Chocó on September 27, 2009.

**ALLEGED THREATS**

<b>ALLEGED VICTIMS</b>	<b>DATE</b>	<b>LOCATION</b>	<b>STATUS OF THE INVESTIGATION</b>
<b>EUTIQUIO MURILLO VIVAS</b>	May 27, 1997	Municipality of Vigía del Fuerte	Turbo Muncipal Prosecutor's Office opened investigation No. 4003 and ordered the proceedings to be referred to the Medellín Specialized Prosecution Unit on March 20, 1998.  Medellín Specialized Prosecution Unit registered the investigation as Case No. 1034620, which has been suspended since November 7, 2006.
<b>Verification commission for the paramilitary incursion in Vigía del Fuerte and Bojayá</b>  <b>RAINER HUHLE, ANTONIO DÍAZ, JORGE IVÁN CASTAÑO RUBIO, ULRICH KOLLWITZ, LUCIANO PATIÑO, ELKIN DE JESÚS RAMÍREZ JARAMILLO, MARIELA GUERRERO, JOSÉ FERNANDO TOLEDO PERDOMO, MARÍA GIRLESA VILLEGAS MUÑOZ AND A MEMBER OF INSTITUTO BÍBLICO</b>	June 27, 1997	Municipality of Vigía del Fuerte	A preliminary investigation is underway at the National Human Rights Unit of the Office of the Prosecutor General.
<b>CASILDO ABADÍA LENIS</b>	May 27, 1997	Municipality of Vigía del Fuerte	A preliminary investigation is under way.

**STATE'S SUBMISSIONS CONCERNING THE LACK OF EXHAUSTION OF DOMESTIC REMEDIES<sup>9</sup>**  
**(ANNEX 3)**

	<b>Case of Iñigo Eguiluz Tellería, Jorge Luis Mazo Palacio, Onofre Valencia Padilla, Rafael Gómez Díaz, Oscar Alberto Correo Sisquiarco and Bardomeo Rivas</b>	<b>Other cases</b>
<b>Criminal investigations before ordinary jurisdictions</b>	<p>On March 6, 2002, the Criminal Court of the Specialized Circuit of Quibdó sentenced Yimmy Matute Palma for the homicide of Mr. Iñigo Eguiluz Tellería and the Catholic priest Jorge Luis Mazo Palace, and attempted murder of the other alleged victims. That decision was affirmed by the Criminal Chamber of the Superior Court of Bogotá on August 31, 2004.</p> <p>On September 21, 2007, the same court sentenced Carlos Andres Molina Diaz for the crimes of aggravated homicide, attempted aggravated homicide and attempted criminal conspiracy concerning the deaths of Mr. Iñigo Eguiluz Tellería and the Catholic priest Jorge Luis Mazo Palace. That judgment was upheld by the Superior Court of the Judicial District of Quibdó on October 30, 2008. The Appeal Chamber of the Supreme Court rejected an appeal filed by the defense on July 1, 2009.</p>	<p>In a communication dated August 17, 2011, the State reported that there were 14 investigations, all at the preliminary stage, initiated by various Prosecutors' Offices regarding 34 of the alleged victims (duly identified).</p> <p>In a communication dated September 23, 2014, the State indicated that they were conducting a total of 35 investigations related to events between 1997 and 2001 in the Middle Atrato Choco and Antioquia, on which the State would subsequently forwarded additional information. However, at the date of adoption of this report the IACHR has not received additional information from the State.</p>
<b>Direct reparations claims filed before contentious administrative courts</b>	<p>On August 31, 2006, the Supreme Administrative Court of Chocó determined that the Ministry of National Defense and the National Police were responsible for the death of the alleged victims and ordered compensation to their families, as well as Peace and Third World Organization, for material damages. According to the State's communication dated September 23, 2014, the process of consultation before the Third Section of the State Council was still pending.</p>	<p>The State alleges that there have been no direct reparation claims filed regarding the other alleged victims</p>
<b>Disciplinary proceedings</b>	<p>The State recognizes that disciplinary investigations are not a remedy to be exhausted in order to access the inter-American system, however it informs the IACHR of the existence of two investigations into the alleged forced displacement and threats against residents of Dabeida Antioquia and the community peace of St. Francis of Assisi which took place on June 18, 2000; and the alleged involvement of agents of the security forces in the death of Abel Sanapi Teuia Arcelino Murrúy Sintua of Bagadó.</p>	

<sup>9</sup> Annex prepared by the Executive Secretariat of the IACHR on the basis of information provided by the State.