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REPORT No. 206/20

PETITION 963-10

REPORT ON INADMISSIBILITY

DANIEL GEOVANY NEIRA RIOS
COLOMBIA

Approved electronically by the Commission August 5, 2020.

Cite as: IACHR, Report No. 206/20, Petition 963-10. Inadmissibility. Daniel Geovany Neira Rios. Colombia. August 5, 2020.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Daniel Geovany Neira Rios
Alleged victim:	Daniel Geovany Neira Rios
Respondent State:	Colombia
Rights invoked:	Articles 4 (life), 5 (humane treatment), 7 (personal liberty), 8 (fair trial), 11 (privacy), 13 (freedom of thought and expression) and 25 (judicial protection) ¹ of the American Convention on Human rights ²

II. PROCEEDINGS BEFORE THE IACHR³

Date of receipt	July 1, 2010
Notification of the petition to the State:	December 7, 2016
State's first response:	October 4, 2018
Additional information received at the stage of initial review:	July 31, 2010; September 14, 2010; February 25, 2011; December 9, 2013; March 28, 2014; November 6, 2014; and February 5, 2015

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Convention (ratification instrument deposited on July 31, 1973)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and International <i>res judicata</i>:	No
Rights declared admissible	None
Exhaustion of domestic remedies or applicability of an exception to the rule:	No
Timeliness of the petition:	Not applicable

V. ALLEGED FACTS

1. The petitioner has submitted to the IACHR an initial petition and several subsequent briefs, in which he has denounced a significant number and diversity of violations of his human rights by different authorities of the Colombian State. Mr. Neira has successively self-identified himself before the IACHR, in the course of the last years, as a police agent, an educator, a journalist and communicator, a human rights defender, an activist, a lawyer, an initiator of criminal complaints about human rights violations and a witness thereto, a person

¹The petitioner does not expressly invoke these articles of the Convention, but the alleged violations can be deduced from a careful reading of the petition and the additional information presented to the IACHR.

²Hereinafter, "the American Convention" or "the Convention".

³The observations submitted by each party were duly transmitted to the opposing party.

forcibly displaced for security reasons, political leader, and aspiring candidate for regional and national elections. The alleged human rights violations he has brought to the attention of the IACHR, and which are described in detail below, are: (1) the interception of his email account and Facebook page by the judicial police, and the use of his information in a disciplinary process; (2) death threats allegedly made by the Commander of the Cartagena Metropolitan Police; (3) abuse and rape while he was incarcerated in the Ternera Prison in Cartagena, by other inmates; (4) his removal from the National Police as a disciplinary penalty; (5) numerous threats against his life and integrity, which he attributes to the State; (6) an attack with explosives against his family's house in Medellín; (7) the introduction of a false arrest warrant against him into the systems of the immigration and police authorities, and a subsequent arrest; (8) the violation of his presumption of innocence and good name by the publication of a summary of a judicial order on the official website of the judiciary; (9) a supposed scheme of witness manipulation during the criminal judicial procedure that is being conducted against him for murder; and (10) alleged acts of harassment while he was a student at the Police School aimed at making him enter a homosexual prostitution network.

(a) In the initial petition of July 1, 2010, which he presented in his capacity as Second Lieutenant of the National Police on active duty -in an official form of said public institution, with the letterhead and formal nomenclature of the Gabriel González Police School in Espinal (Tolima)-, Mr. Neira reported that due to certain reports that he had filed against high-ranking officers of the Police and the Public Force for acts of corruption and other crimes, he had been the victim of a pattern of retaliations by his superiors. The first of these actions, he pointed out, was the interception of his email and Facebook account by order of the Commander of the Cartagena Metropolitan Police, who -he claims- instructed the DIJIN (the Colombian judicial police) to extract information from such media. This was done, and it was detected that there were certain Facebook groups in which negative and insulting information was being disseminated against high-ranking police officers; the creation and administration of one of those groups, of a reserved nature, was attributed to Mr. Neira. This information was allegedly disseminated by the Commander, in the petitioner's view affecting his reputation and image. Petitioner also claims that the information was handed to the General Overseer of the National Police, and that based on that information an internal disciplinary procedure was initiated against him. This procedure was allegedly closed in his favor by the Delegate Police Inspection of Region Two, through a decision notified on January 19, 2010. The petitioner considers that these allegedly persecutory actions violated his right to privacy, and constituted different crimes under Colombian criminal law, including the unlawful violation of communications, the disclosure and use of reserved documents, abusive access to a computer system, and others. The petitioner reported that he had brought these facts to the attention of the Director of the National Police, without obtaining results. He attached to his petition a copy of a communication he addressed to said official on June 3, 2010, reporting on what had happened in the manner of a disciplinary complaint against the Cartagena Police Commander. He did not report any judicial action initiated in relation to these events.

(b) On July 31, 2010, using the electronic format for the presentation of petitions to the IACHR, Mr. Neira reported that by virtue of the criminal complaints he had filed against the Commander of the Cartagena Metropolitan Police, the latter had threatened to kill him. He did not report having filed a criminal complaint on account of this threat. He then reported that he had been transferred to Medellín, where he was arrested by the authorities on October 30, 2008 for the crime of homicide in the course of a police proceeding. He reports that he was detained in the Ternera Prison of Cartagena, in the common area despite having the status of Police agent, and that for said reason he was subjected to mistreatment, beatings, death threats and harassment by the other inmates, in addition to having been the victim of rape by three of them. He claims that the Fourth Criminal Judge of the Cartagena Circuit instructed the Cartagena Police Commander to change his place of detention and transfer him to the Police Headquarters of that city, but the Commander refused to comply with that judicial order. Due to this refusal, Mr. Neira filed a disciplinary complaint with the Office of the Attorney General of the Nation. Eventually, on November 19, 2008, at the hearing on the appeal against the arrest warrant against him, the judicial proceedings for homicide against him were voided, in light of the fact that Mr. Neira was subject to the military jurisdiction, and so he was freed while the case was transferred to the military criminal justice. He reports that once he was freed, he filed the corresponding criminal complaints for these irregularities; but it does not specify which authorities he filed the complaints with, on what date, or on account of what crimes.

He then claims that on January 18, 2009, he was the victim of an attack, when an explosive device was thrown against his family's home in Medellín. Because of this attack, the Police Intelligence Section carried out a risk assessment study and concluded, in a communication dated January 30, 2009 -provided by the petitioner- that his level of risk was extraordinary, for which it recommended that he be allowed to reside on the premises of the Metropolitan Police Headquarters, and that measures were taken to protect his family. The Office of the Attorney General of the Nation - Immediate Reaction Unit of Medellín also sent a communication to the Directorate of the National Police in Antioquia on January 19, 2009, informing about the criminal complaint filed because of said attack, and requesting that the case be evaluated and the appropriate protection measures be taken. Mr. Neira reports that for these reasons he was transferred again to the Gabriel González Police School, as a protection measure, where he was later notified of his removal from the National Police as a disciplinary penalty. He reports that once he was notified of such removal, he was expelled with verbal abuse from that school on July 8, 2010. Mr. Neira reports that he also filed a criminal complaint against the Commander of the Cartagena Police for these events before the Military Criminal Judge of Cartagena, but holds that the latter has refrained from investigating the Commander because of his high rank, and that *"when he has done so, he exonerates him without delving into the case"*. Mr. Neira does not specify when he filed the criminal complaint, what investigative process it gave rise to, or what decision of the military criminal justice exonerated the Commander. Likewise, he declares that, at his request, an internal investigation was opened by the National Police with case number INSGE-2009-137 against the aforementioned Commander for his connection to the attack with an explosive device on January 18, 2009, but he was exonerated in March 2010 due to a lack of evidence regarding his participation in the attack. Petitioner also reports that with the complaints he has filed regarding these events, threats to his life have increased, but he has not received protection, among others from the Office of the Attorney General of the Nation. Mr. Neira does not specify what these threats consisted of, nor whether he filed criminal complaints in relation to them, nor why it would be within the Attorney General's competence to obtain and manage protection measures for him. Lastly, he reports that he has requested protective measures from the Director of the National Police, and that the Director has responded instructing him to adopt self-protection measures, which in his opinion are insufficient.

To this communication, Mr. Neira attached a copy of a communication that he addressed to the Director of Health of the National Police on May 31, 2010, requesting him access to psychological or psychiatric treatment due to the traumatic sequels of his 20 days of confinement in the Ternera prison, especially because of the rape of which he claimed to have been a victim. He also attached a copy of a request for protection that he submitted on July 9, 2010 to the Director of the National Police, reporting that his main protection measure, which was to reside in the police facilities of the Gabriel González Police School, had ceased with his removal and expulsion from the institution, but the risks persisted. In this request he informed that the same day of his expulsion he received an intimidating call threatening him with death. He also stated that his removal from the National Police was part of a persecution process in the course of which he had been disciplined three times - without providing further details in this regard. On July 9, Mr. Neira sent a communication to the Attorney General of the Nation denouncing the ill-treatment that had surrounded his departure from the institution.

Through a communication of February, 2015, Mr. Neira provided the IACHR with a copy of the decision of the Office of the Attorney General of the Nation of August 14, 2014, in which it was declared that the disciplinary action was time-barred in favor of the then-Commander of the Cartagena Police, in relation to the complaint that Mr. Neira had filed against him for having refused to receive him as an inmate in the Police Headquarters, despite the request made by a judge of the Republic to that effect.

(c) On February 25, 2011, Mr. Neira sent some copies of the book "La Doble Moral", written by him, in which different acts of corruption and human rights violations within the National Police are denounced. He stated in his brief to the IACHR that because of its publication he had received several phone calls threatening his life. He did not explain what these threats had consisted of, nor indicate whether he had filed criminal complaints in relation to them.

(d) On December 9, 2013, Mr. Neira filed a brief with the IACHR reporting two more events of alleged persecution against him by the Public Forces authorities. Firstly, he reported that on August 30, 2012, as he was leaving the country, he was detained based on an arrest warrant that was registered in the airport's emigration control system, for the crime of homicide. He reports that he was transferred to the Bogotá

Permanent Justice Unit where he was held in inhumane conditions for more than 35 hours, until he was released, when the police officer who arrested him confirmed by telephone with the Judicial Services Center that said arrest warrant "had never existed." However, he reports that the arrest warrant was still registered in the emigration system, as well as in the National Police database, despite being false; for which reason he requested the support of the Funza Municipal Ombudsman to file a human rights protection writ and request its elimination. He does not report the outcome of said writ, nor does he provide a copy of it. He attributes this false arrest warrant, and its registration in the Police system, to the animosity that existed at that time between himself and the Commander of the Cartagena Police -who then held the post of Inspector General of the National Police-, and accuses the commander of having set up the inclusion of said arrest warrant in the system. On these grounds, he claims to have filed a criminal complaint with the Prosecutor's Office, of which he was informed that it had been transferred to the office of the Vice-Prosecutor General of the Nation through a scant communication of May 27, 2013, of which he provided a copy -although he did not provide a copy of the corresponding criminal complaint-. Secondly, he reported that on June 13, 2013, while he was shopping in a supermarket, he took a photograph of some cleaning products with his cell phone, for which reason some police officers who were guarding the store confiscated his phone, expelled him from the establishment and retained him inside his own car for almost one hour. He does not report any action or complaint that has filed in relation to this incident.

(e) On March 28, 2014, Mr. Neira provided the IACHR with a copy of a lengthy criminal complaint that he filed with the Office of the General Prosecutor of the Nation for what he described as a "carousel of witnesses" aimed at blaming him for the murder of a citizen during a police operation in which he took part, on June 21, 2008 in Cartagena. From the detailed account of the facts and of Mr. Neira's defenses, as set forth in this document, it is deduced that it was for this very case that he was arrested and detained at the Ternera Prison in 2008. The petitioner also reports that following an order issued by the Superior Council of the Judiciary and published on November 22, 2013 on the website of the Judicial Branch, said criminal investigation for homicide, which until then had been conducted against him by the military criminal justice, was transferred again to the ordinary judiciary. Mr. Neira holds that the manner in which this information was drafted and published on the Superior Council of the Judiciary's procedural information website violates his right to the presumption of innocence, and he also disputes its legal grounding. On account of this, in his complaint to the General Prosecutor's Office he included a criminal complaint for abuse of authority against the Superior Council of the Judiciary justice who adopted the decision to transfer the case to the ordinary jurisdiction. This criminal complaint is long, and sets forth several factual and legal arguments in his defense, all of them alluding to the supposed "carousel of witnesses" established against him. On November 6, 2014, the petitioner reported that the criminal investigation initiated after this complaint was being conducted by the Office of the 4th Delegate Prosecutor before the Superior Tribunal of Cartagena. He does not provide additional information on its outcome.

(f) On November 6, 2014, Mr. Neira sent the IACHR, via a copy of an email addressed to multiple other recipients, an informal copy of a protection request that he filed on that same day with the Director of the National Protection Unit of Colombia, explaining the details of his case and stating that he was at risk, along with his family, of possible retaliations due to the reports on corruption and other allegations which he had made. In said protection request, Mr. Neira self-identified as a person displaced for security reasons, as a witness to human rights violations, and as a criminal complainant in cases involving high-ranking military officers, as well as a political activist and as the director of an educational institute. In addition to reiterating the above-summarized declarations, he added that when he was attending training courses to become Sub-lieutenant at the General Santander Police School in Bogotá, between 2005 and 2007, he had been the victim of harassment intended to make him form part of "a homosexual prostitution network" (sic) that operated in said institute; and he reported that it was as a retaliation for not participating in said prostitution network that he was transferred to Cartagena once he graduated as a Sub-lieutenant. He additionally reported that at the Cartagena Metropolitan Police he was imparted ill treatment, including having been pressured to undergo two plastic surgeries to improve his physical appearance, that he was attacked with firearms by gang members, and that his official weapon was stolen by another Police member. He also reported that by virtue of the sexual rape and ill-treatment of which he had been a victim inside the Ternera Prison, he had filed a judicial administrative complaint against the National Penitentiary and Prison Institute (INPEC) before the Superior Tribunal of Bolívar, *"an office which has verified the manner in which the INPEC and the Police practically disappeared all the*

records that incriminated them in relation to all of the mistreatments of which I was a victim during the 20 days that I was detained."

(g) On February 5, 2015, Mr. Neira submitted to the IACHR a request for precautionary measures "of a political nature", informing that because of the disciplinary penalty of removal from the National Police that had been imposed on him, he had been barred from exercising his political rights for 10 years. He argued that said disciplinary penalty was imposed on him after proceedings that were initiated with evidence that was illegally extracted from his Facebook account, as mentioned above; and he reported that although the initial investigation had been filed in his favor -as previously outlined- on May 4, 2011, it had been reopened for the same facts with a different filing number, a procedure that eventually resulted in the decision to remove him and prevent him from exercising his political rights, adopted on December 28, 2011 by the Regional Delegate Inspector No. 6 of the National Police; this decision was appealed, and it was confirmed on October 10, 2012 by the Inspector General of the Police. Mr. Neira requested that, as a precautionary measure, the IACHR ask the State to render his disciplinary penalties ineffective, so that he could be able to participate in the upcoming elections as a candidate for the Tolima Departmental Assembly. He also reported that he had filed a judicial request for annulment and reparations against said punitive administrative acts before the administrative jurisdiction, but he stated that it was a potentially very lengthy judicial procedure that would not be effective to protect his political rights. He also reported that the Office of the General Prosecutor of the Nation was criminally investigating the officials who had adopted said disciplinary decisions, and gave the file numbers of both criminal proceedings. Finally, he reported that the Colombian State, through the National Protection Unit, carried out a risk assessment which resulted in an extraordinary level of risk for him, for which reason he was given a protection scheme made up of two bodyguards, a vehicle, a cell phone and a bulletproof vest, starting on August 14, 2015.

2. The IACHR notes that the precautionary measures procedure continued its independent course, not linked to the events reported up to this procedural stage in petition P-963-10, and that in the course of said precautionary measures procedure, the petitioner submitted new briefs with abundant additional information on new events that allegedly threatened his life and integrity, without indicating that these should be linked to the petition under study. In view of the independent nature of both IACHR instruments of action, the many and diverse new subsequent events reported by the petitioner in that precautionary measures procedure -which include, inter alia, several new threats against his life, alleged police strategies against him, alleged infiltrations into the security scheme assigned to him, requests for treatment for emerging mental health problems, and an increase in his risk level due to having been mentioned in two books written by journalists as a key witness in a national scandal over an alleged prostitution ring in the National Police- will not be incorporated into the factual framework of this admissibility report. The IACHR decided not to grant the precautionary measures and to close the corresponding procedure by means of a decision notified to the parties on April 9, 2019.

3. The State, in its response, opposes the admissibility of the petition with detailed arguments. Firstly, it recounts the disciplinary, judicial and administrative procedures in which Mr. Neira has been involved, specifying the following relevant facts:

(a) Mr. Neira entered the Colombian National Police on April 14, 2005, and on November 15, 2007, he was appointed Sub-Lieutenant of the National Police and assigned to the Cartagena Metropolitan Police.

(b) On June 21, 2008, while serving as a police officer and commander of the San Francisco Immediate Reaction Center (CAI), he was assigned to address an armed fight between gangs in the San Francisco neighborhood. During the episode, civilian youth Gilberto Montalván died. On October 30, 2008, Mr. Neira was arrested by the Prosecutor's Office for the aggravated homicide of youth Gilberto Montalván. On October 31, the legality of his detention was verified, and the judge ordered that he be placed in preventive detention in the Ternera prison in Cartagena, which at that time did not have a special section for public officials. As stated in the petition, on November 10, 2008, the Fourth Criminal Judge of the Cartagena Circuit ordered that Mr. Neira be sent to the Metropolitan Police Headquarters of that city to be detained there, but the Commander of said body refused to receive him, for which reason on November 12, 2008, Mr. Neira was once again taken to the Ternera prison; he alleges that during those days he was sexually raped and subjected to other ill-treatment by the other inmates. On November 19, 2008, the Fourth Criminal Court of the Cartagena Circuit in the oral

arguments appeals hearing voided the proceedings -given that Mr. Neira was subject to the military criminal jurisdiction- and ordered his release; consequently by means of Resolution No. 05443 of December 11, 2008, he was reinstated as a Sub-Lieutenant in active duty.

Because of these facts, on December 9, 2010, Mr. Neira filed a direct reparation (damages) lawsuit before the administrative jurisdiction, which was assigned to the Second Administrative Judge (Decongestion) of the Cartagena Circuit, in which he requested that the Nation-INPEC be declared administratively and extra-contractually responsible for failures in the service consisting of the illegal confinement to which he was subjected in the Ternera Prison, during which he was the victim of rape, cruel treatment and other outrages. By a judgment of February 29, 2012, the Second Administrative Judge (Decongestion) of the Cartagena Circuit denied the lawsuit's claims, in considering that no evidence had been provided to sustain Mr. Neira's allegations. He filed an appeal, and the Bolívar Administrative Tribunal, by a judgment of October 30, 2015, confirmed the decision to deny the claims, for the same reason of lack of evidence. Against these judicial decisions, Mr. Neira filed a writ of protection of human rights (*acción de tutela*) on January 13, 2015 before the Council of State, arguing a violation of his right to due process. By a judgment of February 18, 2016, the Council of State - Administrative Litigation Chamber - Fifth Section denied the writ. This decision was appealed by the petitioner, and it was assigned to the First Section of the same judicial corporation, which by a decision of April 21, 2016 confirmed the appealed judgment. Subsequently, on April 21, 2016, the Constitutional Court decided to select the ruling issued by the First Section of the Council of State in order to review it. The Constitutional Court, in its judgment, considered that the decisions issued by the Council of State had incurred in an evidentiary appreciation defect for not having duly assessed the evidence on sexual violence that was in the file, having imposed an unduly strict standard to said assessment; therefore, recalling the State's duty of special protection vis-à-vis persons deprived of their liberty, the Court protected Mr. Neira's right to due process, reversed the first and second instance *tutela* rulings, and also voided the judgment delivered on October 30, 2015 by the Bolívar Administrative Tribunal after the direct reparation (damages) proceedings, ordering said Tribunal to adopt a new ruling within 30 days. In compliance with this decision, the Bolívar Administrative Tribunal issued a new ruling on May 5, 2017, declaring that Mr. Neira had proven to be the victim of rape and other ill-treatments while incarcerated in the Ternera prison, and holding the INPEC responsible for having failed to protect his integrity; consequently, it declared the INPEC responsible for the damages caused to Mr. Neira, and ordered said institute to pay in his favor a total of 300 legal minimum wages⁴ for moral damages and damage to health. It also ordered the INPEC to provide Mr. Ríos with psychological, psychiatric and pharmacological care services, and issued orders aimed at the non-repetition of the events.

(c) As for the disciplinary procedures that led to the removal of Mr. Neira, the State reports that, according to information provided by the Ministry of Defense and the National Police, 19 disciplinary actions have been initiated against him between 2008 and 2010, 6 of which have resulted in declarations of responsibility and 1 was assumed by the Office of the Attorney General of the Nation; 11 of such disciplinary actions were related to alleged violations of personal integrity, and were based on acts of physical assault, ill-treatment and abuse of authority attributed to Mr. Neira, who in two of these procedures was declared disciplinarily responsible and penalized with fines of 10 days or suspension for 50 days, in independent proceedings. The State provides information on seven relevant disciplinary procedures: (1) procedure REGI2-2011-12, motivated by Facebook posts that slandered and insulted a high officer made on April 4, 2009, was opened on May 4, 2011 and resulted in his removal from the institution; (2) procedure INSGE-2010-40, motivated by alleged injury, slander and procedural fraud that occurred on January 12, 2010, was opened on June 23, 2010 and resulted in a penalty of suspension for 120 days; (3) procedure P-REG8-2008-27, motivated by alleged physical attacks denounced by the newspaper El Universal of Cartagena in events of January 25, 2008, was opened on February 15, 2008 and eventually assumed by the Office of the Attorney General of the Nation; (4) procedure REGI2-2010-4, motivated by rude and improper treatment of a subordinate on September 27, 2009, was opened on January 29, 2010 and resulted in the imposition of a fine of 20 days' salary; (5) procedure REGI8-2008-19, motivated by mistreatment of a subordinate on February 24, 2008, was opened on May 30, 2008 and resulted in the imposition of a 10-day fine in a decision adopted on June 11, 2008; (6) procedure REGI8-2008-38, motivated by physical abuse of a citizen who was circulating with his son on January

⁴Taking into account that on average during the year 2017 the exchange rate of the Colombian peso to the dollar was ColP \$ 2951 pesos for US \$ 1.00, and that the legal monthly minimum wage for that year was \$ 737,000, the INPEC indemnity paid to Mr. Neira was close to US \$ 75,000.

4, 2008, was opened on August 6, 2008 and resulted in a penalty of suspension for 50 days, imposed by Decree No. 443 of February 16, 2009 of the Ministry of National Defense; and (7) procedure REGI8-2009-18, motivated by sleeping inside a patrol while on duty on August 12, 2008, was opened on April 13, 2009 and resulted in a fine of 60 days.

As for the disciplinary process that led to his removal, it is explained that through Decree No. 2367 of July 1, 2010, the Minister of National Defense removed Mr. Neira from active duty, in application of the legal provision that mandates the destitution of public officials who have accumulated three or more disciplinary penalties for deliberate conduct within a period of 5 years, established in article 38.2 of Law 734 of 2002 – Unified Disciplinary Code. Mr. Neira filed a judicial action for annulment and reparation against just one of the accumulated disciplinary penalties, namely, the one imposed in procedure REG12-210-4 for ill-treatment of a subordinate, and he requested the judge to invalidate that disciplinary investigation, and by consequence, also to void Decree No. 2367 of 2010 which removed him. On October 9, 2014, the Second Administrative Court (Decongestion) of the Ibagué Circuit dismissed the lawsuit, holding that the first and second instance decisions adopted in the disciplinary procedure were in accordance with the evidence that had been collected in a timely manner and assessed in accordance with good judgment, and that no violation of the rights to defense or due process had been proven. Mr. Neira appealed this ruling on December 15, 2014; however, the Tolima Administrative Tribunal in a judgment of September 23, 2015, confirmed the appealed decision. It also ratified that Mr. Neira's rights of defense and due process had been fully respected during the procedure. On November 5, 2015, Mr. Neira filed a writ of protection of human rights (*tutela* action) against the appeals judgment of September 23, 2015, alleging violations of his right to due process during the disciplinary proceedings. The Council of State - Administrative Litigation Chamber, Second Section - Subsection B refused to grant him protection in a judgment of December 14, 2015, in considering that the evidence included in the disciplinary casefile had been correctly assessed by the administrative judges in the process of annulment and reparation, since they clearly indicated that Mr. Neira had mistreated a work subordinate at the National Police. Mr. Neira appealed this decision, and the Fourth Section of the Administrative Litigation Chamber of the State Council confirmed it in a ruling of May 26, 2016, confirming that the evidentiary assessment made by the disciplinary and judicial authorities had been correct. This judgment was not selected for review by the Constitutional Court and therefore became final.

Taking the above into account, the State argues that the disciplinary decisions contested before the IACHR by Mr. Neira were all subjected to a legality check by the Colombian administrative jurisdiction through the annulment and reparation procedure, and that in addition, the *tutela* judges reviewed the degree of respect that granted to Mr. Neira's fundamental rights to due process and judicial guarantees, concluding that they had not been violated. Therefore, in the State's view, the petitioner intends to again pose before the Inter-American System the same factual circumstances already resolved judicially at the domestic level, and seeks that the IACHR reexamine the proceedings and final decisions of the Colombian judges, operating as a fourth instance.

4. After presenting this overview, the State argues that the petition must be declared inadmissible, as it incurs in the fourth-instance vice with respect to the complaints derived from the disciplinary penalty Mr. Neira received, and to the violations he suffered during his confinement at the Ternera penitentiary. The State explains that with regard to the petitioner's complaints about the disciplinary penalties imposed on him, there are already definitive administrative and disciplinary decisions, the legality of which had been examined in the administrative and constitutional jurisdictions, through judicial decisions that are duly motivated, were adopted by competent, independent and impartial bodies, and were respectful of due process, in relation to which the petitioner does not indicate any human rights violation, all of which prevents the Commission from re-studying them at the risk of incurring in the fourth-instance formula. As for the violations suffered by Mr. Neira in the Ternera prison, the State argues that the direct reparation judicial action was the adequate remedy to exhaust, since all the guarantees of due process are respected during those proceedings, and full reparations are granted in accordance with the criteria set by inter-American jurisprudence. The State also affirms that, although Mr. Neira has not alleged before the IACHR any due process violations during the aforementioned direct reparation proceedings, he did allege such violations during the domestic *tutela* proceedings, and his allegations were accepted by the Constitutional Court, which ordered amendments of the procedural violations it detected. To that extent, the State argues that the petitioner's due process guarantees have been respected

by the administrative and constitutional judges in Colombia, who acted with full respect for the applicable conventional and constitutional principles.

5. The State also holds that Mr. Neira's allegations of an alleged coercion to participate in a prostitution ring are manifestly unfounded in the terms of Article 47 (c) of the American Convention, since he does not present any evidence to support his allegation. Colombia maintains that the only evidence provided by the petitioner is a book published by a Colombian journalist that simply reproduces that claim, made by the petitioner, and his "self-classification" as a central witness to the events, which are linked to a well-publicized scandal of police corruption and possible human trafficking in the country.

6. On the other hand, the State argues that in relation to Mr. Neira's claims regarding the threats he has received, the petition is inadmissible for failure to exhaust the domestic criminal law remedies which are currently being conducted by the Colombian justice. It reports that, according to information forwarded by the Office of the General Prosecutor of the Nation, three hundred and twenty-one (321) criminal complaints filed by Mr. Neira Ríos were found in its database, out of which 4 are for the crime of threats against him, some of them for events that occurred in Bogotá. Among these complaints, the Prosecutor's Office described two: (1) complaint No. 730016000432201500116, filed by Mr. Neira for the crime of threats received in the Picalaña sector of Ibagué, on September 10, 2014, assigned to Prosecutor 8 of Ibagué and under active/inquiries status; and (2) procedure No. 730016000450201203390, opened ex officio based on reports, for damage to property that occurred on April 11, 2012, conducted by the Ibagué Prosecutor's Office and in active status with one detained person. On the other hand, the State reports that according to information sent by the National Police, based on the review of the Tolima Department's criminal complaints database, the following criminal proceedings were found, initiated by complaints filed by Mr. Neira Ríos due to threats: (3) procedure SPOA 736246000475200900077, corresponding to the complaint for threats against his life and physical integrity received between April 1 and 26, 2009 to his email and his Facebook page, which is in active/inquiries status before the Ibagué Fifth Prosecutor's Office - Personal Liberty Section; (4) procedure SPOA 736246000475200900083, corresponding to the complaint of qualified theft of which he allegedly was the victim on the road to the municipality of Rovira on April 18, 2009, which is active before the Ibagué First Local Prosecutor's Office; (5) procedure SPOA 732266000462200980083, corresponding to the complaint for threats that he received on December 4, 2009 at the Villarrica Police Station through a pamphlet, related to the criminal investigation for homicide in Cartagena that was being carried out against him, procedure which is at the inquiries stage and being conducted by the Twentieth Delegate Prosecutor's Office before the Specialized Criminal Judges of the Medellín Circuit; (6) procedure SPOA 736246000475201300003, corresponding to the complaint for threats that he received on June 1, 2013, conducted by the Sixth Prosecutor's Office - Individual Liberty and other Guarantees Sectional Unit of Ibagué; (7) procedure SPOA 730016000432201500116, corresponding to the alleged threats that he received on September 10, 2014 in the Picalaña sector by an alleged military officer, conducted by the the Eighth Prosecutor's Office - Individual Liberty and other Guarantees Sectional Unit of Ibagué; and (8) procedure SPOA 736246000475201500082, also corresponding to threats that he allegedly received on September 10, 2014, conducted by the same Eighth Prosecutor's Office - Individual Liberty and other Guarantees Sectional Unit of Ibagué. Based on this information, the State argues that the Colombian authorities are still making all efforts to clarify the facts denounced and prosecute those responsible, and therefore requests the IACHR to refrain from hearing this case and allow the domestic institutions to resolve the matter. It specifies that no unwarranted delay has been incurred the decision of these remedies, given that the criminal proceedings have been diligently conducted within a reasonable time in accordance with the complexities of the cases, they are all active, and the competent authorities are taking all the pertinent steps to achieve the objectives of imparting justice.

7. Finally, the State refers to Mr. Neira's request for precautionary measures for the alleged violation of his political rights by virtue of the disciplinary penalty imposed on him and the resulting -legally mandated-prohibition for him. However, since the allegations in the request for precautionary measures in reference do not form part of the factual framework of the present petition, the arguments timely presented by the State on this point are not relevant to the present report.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND COLORABLE CLAIM

8. The specific objects of the multiple presentations made by Mr. Daniel Geovany Neira before the IACHR within the framework of the procedure corresponding to petition P-963-10, are the following alleged violations of his human rights:

(a) The alleged interception of his email account and Facebook page by the DIJIN in compliance with an order of the Commander of the Cartagena Police, for the purposes of using that information in a disciplinary procedure initiated against him.

(b) The death threats allegedly made against him by the Commander of the Cartagena Metropolitan Police in retaliation for having filed complaints against him for acts of corruption.

(c) The mistreatment and rape of which he allegedly was victim during his time in the Ternera Prison in Cartagena, where he was detained after being subjected to a criminal investigation for the murder of a civilian in a police operation.

(d) His removal from the National Police as a disciplinary penalty imposed by the Minister of Defense, having incurred a legal ground for dismissal when he accumulated more than three disciplinary penalties over a period of 5 years. Mr. Neira highlights that on the day he was physically expelled from the Police, he was verbally mistreated by a superior of his, for which reason he filed a complaint with the Office of the Attorney General of the Nation.

(e) Diverse and multiple threats against his life and integrity that he allegedly received by telephone, electronic means and verbally over the years. Specifically during his confinement in the Ternera Prison in 2008; immediately after his expulsion from the National Police in 2010; after the publication of his book "La Doble Moral" in 2011; and since then, on numerous occasions, especially since 2015, when he submitted the request for precautionary measures to the IACHR. Mr. Neira attributes these constant threats to a persecution pattern launched against him by the National Police, in possible collusion with other state authorities, and based on the animosity that the Cartagena Police Commander allegedly felt towards him. This is deduced by Mr. Neira from the content of the threats, which in themselves do not indicate that they come from state agents, as well as from his own subjective perceptions.

(f) An attack with explosives carried out against his family residence in Medellín, on account of which he claims to have filed an internal administrative complaint with the Police that gave rise to an investigative procedure, after which the Commander of the Cartagena Police was exonerated because there was no evidence against him.

(g) The alleged introduction of a false arrest warrant against him in the information system of the Colombian immigration authorities and the Police, as a result of which he claims to have been prevented from leaving the country and subsequently detained in inhumane conditions for more than a day.

(h) The publication on the website of the Judicial Branch of a news item regarding the decision adopted by the Superior Council of the Judiciary to change the assignment of the criminal process for homicide that was conducted against Mr. Neira as defendant, from the military jurisdiction to the ordinary criminal jurisdiction.

(i) The alleged implementation of a system of witness manipulation and introduction of false testimonies into the criminal investigation conducted against him for homicide; and

(j) Alleged acts of harassment while he was a student at the General Santander Police School to make him enter a homosexual prostitution network.

9. In relation to each of these points, the IACHR considers it necessary to carry out separately the examination of exhaustion of domestic remedies and characterization of violations of the American Convention, as follows:

(a) Faced with the aforementioned interception of his email and Facebook account by the Commander of the Cartagena Police, Mr. Neira should have filed a judicial action to request the protection of his constitutional rights; that is to say, the *tutela* action which, corresponding to a modality of the *amparo* action, has been considered by the IACHR in the past as an adequate resource in the Colombian legal system to achieve that purpose of protecting violated fundamental rights⁵. A criminal complaint would also be at his disposal as an appropriate remedy, especially considering that in the petition to the IACHR Mr. Neira characterized these interceptions as possibly criminal acts. However, Mr. Neira has not proven before the Inter-American Commission that he has filed any *tutela* action or any criminal complaint in relation to these events; he only provided a copy of a communication that he addressed to the Director of the National Police informing him of these events, that is, an internal administrative complaint in disciplinary matters. The IACHR has clearly established that the domestic remedies that must be initiated and exhausted in cases of potential human rights violations are the judicial remedies⁶, with certain specificities relating to serious crimes such as torture or extrajudicial executions, in which such judicial remedies must be activated *ex officio*, which is not the case of the allegation under examination. Consequently, as regards the alleged interception of his private communications by the judicial police, Mr. Neira did not comply with the requirement of exhaustion of domestic remedies established in Article 46.1 (a) of the American Convention.

(b) In relation to the death threats that the Cartagena Police Commander allegedly made against him, this is a serious accusation that should have been brought to the attention of the judicial authorities for investigation by means of a criminal complaint, as an internal judicial remedy which is adequate in this type of case. However, Mr. Neira has not proven that he filed any criminal complaint against said Commander for having directed death threats at him, for which reason domestic remedies cannot be regarded as initiated nor exhausted in light of Article 46.1 (a) of the American Convention. In any case, this is an accusation of the utmost gravity, which is not accompanied in the petition by any evidentiary support, for which reason the IACHR cannot conclude, under the standard of *prima facie* assessment applied in the admissibility phase, that the allegation has the minimum support or justification for it to characterize a violation of the American Convention⁷.

(c) Regarding the sexual violation of which Mr. Neira was allegedly a victim inside the Ternera Prison, the appropriate domestic remedy, as the IACHR has pointed out in cases of sexual violence, is the criminal complaint of the facts so that prosecutors and judges can investigate, prosecute and punish those responsible.⁸ There is no information in the file about criminal complaints filed by Mr. Neira against his alleged violators, who according to his reports, were other persons who were deprived of liberty in the common section of the prison where he was held. The State has reported a direct reparation lawsuit that Mr. Neira brought and eventually won against the INPEC for these events, which resulted in a judgment ordering the State to pay him a substantial financial compensation. However, the direct reparation action, designed to obtain reparation for the civil damages derived from administrative actions by the State in Colombia, has not been regarded by the Inter-American Commission as an adequate judicial remedy in cases of violations of personal integrity, such as

⁵IACHR, Report No. 126/19. Admissibility. Eduardo Enrique Dávila Armenta. Colombia. August 2, 2019, para. 13; Report No. 108/19. Petition 81-09. Admissibility. Anael Fidel Sanjuanelo Polo and family. Colombia. July 28, 2019, paras. 11, 14; Report No. 121/17. Petition 70-07. Admissibility. José Fernando Montoro Alvarado. Peru. September 7, 2017, para. 10.

⁶IACHR, Report No. 150/17. Petition 123-08. Inadmissibility. Hernando de Jesús Ramírez Rodas. Colombia. October 26, 2017, para. 10; Report No. 36/05. Inadmissibility. Petition 12.170, Fernando A. Colmenares Castillo, Mexico, March 9, 2005, paras. 38 and 39; Report No. 44/19. Petition 1185-08. Admissibility. Gerson Mendonça de Freitas Filho. Brazil. April 24, 2019, paras. 7, 10.

⁷ On the requirement of minimum evidentiary and argumentative basis of the petitioners' allegations to declare a claim admissible, see, among many others: IACHR, Report No. 76/19. Admissibility. Hugo Eduardo Ibarbuden. Argentina. May 21, 2019, para. 9; Report No. 70/19. Petition 858-09. Admissibility. Luiz José da Cunha "Crioulo" and family. Brazil. May 5, 2019, para. 14; Report No. 164/17. Admissibility. Santiago Adolfo Villegas Delgado. Venezuela. November 30, 2017, para. 14; Report No. 57/17. Petition 406-04. Admissibility. Washington David Espino Muñoz. Dominican Republic. June 5, 2017, para. 36; Report No. 149/17. Admissibility. Samuel Walter Romero Parking. Peru. October 26, 2017, para. 14.

⁸IACHR, Report No. 75/18. Petition 246-11. Admissibility. A.T.V. Argentina. May 21, 2019, para. 9.

sexual violence⁹, since in the face of these crimes it is necessary to resort to criminal prosecution. In connection with the above, Mr. Neira has not claimed that the judicial authorities failed to protect him in relation to any procedure related to this violation, nor has he argued violations of his right to due process or fair trial guarantees in the course of the direct reparation administrative judicial procedure, nor in the course of the *tutela* proceedings that he initiated against the initially unfavorable rulings that were adopted therein. Therefore, in relation to this point, domestic remedies are considered not to have been exhausted, in light of Article 46.1. (A) of the American Convention.

(d) Regarding the disciplinary penalty of removal from the National Police that was imposed on him, Mr. Neira did not exhaust any domestic judicial remedy. As reported by the State in its response, the petitioner filed an annulment and reparation lawsuit before the administrative jurisdiction against another prior administrative penalty that was levied on him, for having incurred in serious verbal abuse of his subordinates; and even though the State reported that one of Mr. Neira's claims in said administrative lawsuit was the merely consequential voiding of the disciplinary penalty of removal that was imposed on him -given that the dismissal was imposed because of the accumulation of more than three disciplinary penalties in the preceding five years-, this was not the central object of the lawsuit with which this annulment and reparation procedure was initiated, which was aimed exclusively at contesting the validity of the penalty that he received in the framework of procedure REG12-210-4. Nor was the validity of the removal resolution part of the subject-matter of the administrative judges' pronouncements; these judges limited themselves to verifying the legality of the disciplinary penalty for abusing subordinates. Therefore, the petitioner has not proven that he initiated or exhausted the adequate domestic judicial remedies in relation to the disciplinary penalty of removal that was imposed on him through Decree 2367 of 2010 of the Minister of Justice, the validity and legality of which are still presumed, in the absence of a domestic court decision annulling them. Consequently, the requirement of exhaustion of domestic remedies established in Article 46.1 (a) of the American Convention has not been met with regard to this aspect of the petition.

(e) The diverse and numerous threats against his life, which Mr. Neira has attributed to state agents, have not been judicially proven in their existence, nor has it been demonstrated by the petitioner, even with a minimum amount of evidence, that they came from members of the National Police or that they were orchestrated by the Cartagena Police Commander, as he repeatedly states. These are Mr. Neira's conclusions and deductions and, lacking a minimum supporting evidence, in themselves are insufficient to generate in the IACHR, at this admissibility stage and under a *prima facie* evaluation criterion, the certainty that the threats, in case they actually occurred, may be reasonably and logically attributable to agents of the Colombian State. The latter, in its response to the present petition, has informed about numerous criminal complaints filed by Mr. Neira on account of some of the aforementioned threats, but in all cases the investigations are still ongoing, for which reason there are no solid reasons to conclude that the Colombian State may have been behind the threats, a conclusion that would have a high degree of seriousness and could not be extracted from mere accusations that are totally lacking in supporting evidence. In this sense, the IACHR does not consider that these allegations adequately characterize, with the indispensable basic evidentiary or argumentative basis, possible violations of human rights protected in the American Convention by Colombia¹⁰.

(f) As regards the attack with explosives that was directed against his family's house in Medellín, Mr. Neira claims to have filed an internal disciplinary complaint against the Commander of the Cartagena Police, who, after an internal administrative process, was exonerated because there was no evidence against him. Mr. Neira requested that a risk study be carried out as a consequence of this attack, and both the National Protection Unit and the Office of the General Prosecutor of the Nation concluded that there existed a risk and protection measures were warranted, which were initially granted to the Mr. Neira, by locating him within the Police School of Rovira (Tolima). Despite these diagnoses and recommendations, neither Mr. Neira, nor the State, has

⁹IACHR, Report No. 44/18, Petition 840-07. Admissibility. Pijiguay Massacre. Colombia. May 4, 2018, para. eleven; Report No. 122/19. Petition 1442-09. Admissibility. Luis Fernando Hernández Carvajal and others. Colombia. July 14, 2019, para. 9.

¹⁰IACHR, Report No. 76/19. Admissibility. Hugo Eduardo Ibarbuden. Argentina. May 21, 2019, para. 9; Report No. 70/19. Petition 858-09. Admissibility. Luiz José da Cunha "Crioulo" and family. Brazil. May 5, 2019, para. 14; Report No. 164/17. Admissibility. Santiago Adolfo Villegas Delgado. Venezuela. November 30, 2017, para. 14; Report No. 57/17. Petition 406-04. Admissibility. Washington David Espino Muñoz. Dominican Republic. June 5, 2017, para. 36; Report No. 149/17. Admissibility. Samuel Walter Romero Parking. Peru. October 26, 2017, para. 14.

informed of any criminal investigation related to these events. The IACHR notes that in the communication directed by the General Prosecutor's Office to the National Police Directorate in Antioquia requesting the adoption of protection measures, the signing technical official referred to Mr. Neira's report as a "case", and addressed a copy of the communication to the Sectional Directorate of Prosecutors, but without characterizing said report as a criminal complaint or requesting the Sectional Directorate to open a criminal investigation for any crime. It is also noted that Mr. Neira claims to have filed a criminal complaint against the Commander of the Cartagena Police on account of the attack, before the Military Criminal Judge of Cartagena, but he immediately thereafter states that this Judge has refrained from investigating him because of his high rank and that "when he has done so, he exonerates him without delving into the case". The petitioner did not report the date at which he filed the criminal complaint, before which Military Criminal Court, or which decision or decisions of the military criminal justice exonerated the alleged defendant. For these reasons, the requirement of exhaustion of the appropriate domestic remedies enshrined in Article 46.1 (a) of the Convention in relation to this event cannot be regarded as met.

(g) In relation to the alleged falsehood in an arrest warrant against him that was supposedly introduced with malice into the immigration authorities' system and the Police database, and that allegedly prevented him from leaving the country, leading him to be detained for more than one day by the police authorities, Mr. Neira reported that he had filed a criminal complaint, about which he says that they informed him that it was assigned to the office of the Deputy Attorney General of the Nation in May 2013. However, the petitioner has not reported any developments in this criminal procedure, nor has the State. Neither has the petitioner presented any documentation or even summary evidence that would prove the existence of that false arrest warrant in the official systems, the arrest he was subjected to, or the impediment to leave the country of which he claims to have been a victim; it is only a statement contained in a criminal complaint filed by Mr. Neira, without any additional evidentiary support. A copy of the criminal complaint as such was not provided, only copy of an official letter from the Prosecutor's Office informing him of the assignment of a criminal investigation to the office of the Deputy Attorney General of the Nation, but the letter does not specify to which criminal complaint such investigation corresponds, nor what its content is, for which reason the IACHR is not in a position to conclude that it relates to the specific criminal complaint related by Mr. Neira, regarding his alleged arrest at the Bogotá airport. All the more so if it is taken into account that (i) as reported by the State, Mr. Neira has filed more than three hundred criminal complaints in recent years, and (ii) it is not clear why a complaint for improper detention at the airport would have acquired the national significance that the Colombian criminal law requires to directly assign an investigation to the office of a high-ranking official such as the Deputy Attorney General of the Nation, a matter on which the petitioner has not provided clear information. Mr. Neira also states that with the help of the Municipal Ombudsman of Funza, he prepared a *tutela* lawsuit to request the elimination of the alleged false arrest warrant from the system, but he does not report whether he actually filed such judicial lawsuit, nor what its outcome was; he does not provide a copy of the lawsuit that the ombudsman helped him draft either. In this sense, from a *prima facie* evaluation perspective, the IACHR considers that the accusation that Mr. Neira is making against the National Police -of having planted this allegedly false arrest warrant against him in the systems of the immigration and police authorities- lacks a minimum of justification. He has not duly proven the exhaustion of domestic remedies either, in the terms of Article 46.1 (a) of the American Convention, regarding this point.

(h) As for the publication of certain information about a judicial decision by the Superior Council of the Judiciary in the website of the Judicial Branch, which dealt with the jurisdiction to conduct the criminal investigation for homicide that was being carried out against Mr. Neira, the IACHR considers it to be a merely procedural act that simply and objectively informs citizens and interested parties about the objective content of a judicial decision, in which it was decided to transfer a criminal case from the military criminal justice to the ordinary criminal justice. There is nothing in this procedural information, published in a website for consulting and notifying judicial procedures, that could *prima facie* indicate a violation of the presumption of innocence or of the reputation of the petitioner, as he has claimed in his petition. Consequently, this aspect of the claim does not even minimally characterize a possible violation of the American Convention by the State,

regardless of Mr. Neira's claim of having filed a criminal complaint for "abuse of power" against the judge who issued the decision¹¹.

(i) The alleged existence of a "witness carousel", or system of witnesses manipulation and false witness introduction, within the criminal proceedings conducted against Mr. Neira for the murder of a civilian in Cartagena, has only been proven with his statements in the criminal complaint that he filed in this regard before the Attorney General of the Nation. No additional support whatsoever is presented which could reasonably allow to infer the existence of procedural falsehoods or fraud in such homicide investigation, the procedural components and current status of which are unknown by the IACHR as they have not been provided either by the petitioner. To that extent, since it is a mere accusation made by the petitioner without any supporting evidence other than a declaration he himself made in a criminal complaint, it cannot be concluded from the standpoint of the *prima facie* assessment that corresponds to the admissibility phase that this assertion by Mr. Neira characterizes, or even sketches, a violation of the American Convention by the State¹².

(j) The IACHR agrees with the State regarding the total lack of evidentiary support for Mr. Neira's allegation regarding the alleged harassment that he suffered at the General Santander Police School to enter a network of homosexual prostitution. This accusation was not made in the petition submitted to the IACHR, but was made by Mr. Neira in a request for protection measures that he filed with the Director of the National Protection Unit of Colombia, a request of which he only sent a copy to the Inter-American Commission by means of an email addressed to multiple other recipients, and without accompanying it with any arguments or evidence that may provide it support or that may lead the IACHR to conclude that, based on such account, a possible violation of the American Convention has been characterized.

10. In light of these considerations and after examining the factual and legal elements presented by the parties, the Commission considers that the petitioner's allegations either demonstrate that the adequate domestic remedies that were available to him were not properly exhausted, or else are manifestly unfounded and insufficient to characterize possible violations of the American Convention. Therefore, the petition under review will be declared inadmissible.

VIII. DECISION

1. To declare the present petition inadmissible; and
2. To notify the parties of this decision; to publish this decision, and to include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 5th day of the month of August, 2020. (Signed): Joel Hernández, President; Antonia Urrejola, First Vice-President; Flávia Piovesan, Second Vice-President; and Esmeralda E. Arosemena Bernal de Troitiño, Commissioners.

¹¹IACHR, Report No. 76/19. Admissibility. Hugo Eduardo Ibarbuden. Argentina. May 21, 2019, para. 9; Report No. 70/19. Petition 858-09. Admissibility. Luiz José da Cunha "Crioulo" and family. Brazil. May 5, 2019, para. 14; Report No. 164/17. Admissibility. Santiago Adolfo Villegas Delgado. Venezuela. November 30, 2017, para. 14; Report No. 57/17. Petition 406-04. Admissibility. Washington David Espino Muñoz. Dominican Republic. June 5, 2017, para. 36; Report No. 149/17. Admissibility. Samuel Walter Romero Parking. Peru. October 26, 2017, para. 14.

¹²IACHR, Report No. 76/19. Admissibility. Hugo Eduardo Ibarbuden. Argentina. May 21, 2019, para. 9; Report No. 70/19. Petition 858-09. Admissibility. Luiz José da Cunha "Crioulo" and family. Brazil. May 5, 2019, para. 14; Report No. 164/17. Admissibility. Santiago Adolfo Villegas Delgado. Venezuela. November 30, 2017, para. 14; Report No. 57/17. Petition 406-04. Admissibility. Washington David Espino Muñoz. Dominican Republic. June 5, 2017, para. 36; Report No. 149/17. Admissibility. Samuel Walter Romero Parking. Peru. October 26, 2017, para. 14.