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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1690
Session:	Twenty-Ninth Ordinary Session (16 - 27 October 1972)
Title/Style of Cause:	Indians of Planas Region v. Colombia
Doc. Type:	Decision
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Prof. Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela); All members attended the twenty-ninth session.
Dated:	14 March 1973
Citation:	Indians of Planas Region v. Colom., Case 1690, Inter-Am. C.H.R., OEA/Ser.L/V/II/.29, doc. 41 rev. 2 (1972)
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[1] Case No. 1690, of August 26, 1960 pertains to denunciation of acts of persecution and torture allegedly committed against Indian population groups in the region of Planas, Department of El Meta, by forces of the Administrative Department of Security (DAS) and the armed forces.

[2] This communication has been under consideration since the Twenty-Fourth Session (October 1970), at which it was decided to request the corresponding information from the Government of Colombia, in conformity with Articles 42 and 44 of the Commission's Regulations. In this connection, the Commission addressed the Government of Colombia in a note dated November 23, 1970.

[3] In a communication of December 11, 1970, the Government of Colombia answered the aforesaid note, stating that the denunciation had been transmitted to the competent authorities of the administration.

[4] At its Twenty-Fifth Session (March 1971) the Commission appointed Dr. Mario Alzamora Valdez as Rapporteur of this case, and he presented a report (Doc. 15-25 res.). In accordance with the recommendation of the rapporteur, the Commission decided at that session to reiterate to the Government of Colombia its request for information to enable it to consider the complaint. To this end, it addressed that government in a note dated May 10, 1971.

[5] At its Twenty-Sixth Session (October-November 1971), as the Government of Colombia still had not supplied the information requested, in the absence of the rapporteur, Dr. Alzamora Valdez, the Commission decided to appoint Dr. Carlos A. Dunshee de Abranches in that capacity. He presented a report (Doc. 33-26) with recommendations on the basis of which, at that session, the Commission decided to again reiterate its request to the Colombian Government for the corresponding information, granting an extension of ninety days plus the period stipulated in Article 51 of the Regulations, and at the same time transmitting to that government the pertinent parts of additional information received regarding the case.

[6] In conformity with this decision, the Commission addressed the Government of Colombia in a note dated November 17, 1971.

[7] The Government of Colombia replied in a note of January 25, 1972, enclosing documentation regarding the measures adopted with the object of ensuring respect for human rights in the area in which the acts had been committed, as well as other areas of the national territory occupied by Indians. With reference to the attack denounced in Case No. 1690, it stated in conclusion that it rejected "the accusations addressed to the Inter-American Commission on Human Rights of the Organization of American States pertaining to events in the Planas region as false and malicious, and absolutely unfounded."

[8] At its Twenty-Seventh Session (February 28 - March 8, 1972) the Commission considered Case No. 1690, together with the information provided by the Government of Colombia.

Dr. Mario Alzamora Valdez, the rapporteur, presented a new report (Doc. 26-27, res.) in which he recommended that additional reports be requested "regarding the findings of the investigations carried out by the national authorities at the site of the acts, in order to enable the Commission to complete consideration of the case."

On the basis of this recommendation, the Commission decided at that session to request that the Government of Colombia supply the following informational material:

1. A copy of the report of the Attorney General of the Republic on the investigations carried out at the site of the acts; and
2. A copy of the report of the Inspector of the Seventh Brigade of the Armed Forces of Colombia.

[9] In accordance with this decision, the Commission addressed the Government of Colombia in a note dated March 29, 1972.

[10] At its Twenty-Ninth Session (October 1972), the Commission continued consideration of Case No. 1690, and requested that Dr. Carlos A. Dunshee de Abranches, acting as rapporteur, study the status of the case, taking into account the fact that the Government of Colombia had not yet supplied the supplementary reports requested in the note of March 29 and that, furthermore, the period of 130 days stipulated in Article 51 of the Regulations had already expired.

The rapporteur presented a report (Doc. 24-29), which was supplemented by an oral presentation regarding the background and status of the case, in which he recommended that Case No. 1690 be filed without prejudice to the Commission's again considering the appropriate documentation when it studies the general topic of "violations of human rights committed against Indian populations." He based this recommendation on the fact that sufficient information had not been provided to decide whether the violations of human rights to which the complaint referred had actually occurred.

This recommendation was the object of observations, as it was believed that the information provided by the Government of Colombia--although it constituted a useful explanation of the problems of the Indian population groups in that country and of appropriate solutions--merely indicated, in relation to the facts of the case, that they were the inevitable outcome of a "state of irregular war," a concept that could in no wise be considered adequate in the situation which gave rise to the problem.

Moreover, it was felt that as the period of 130 days established in Article 51 of the Regulations had expired without the Government of Colombia providing the supplementary information requested, in application of Article 51 the Commission could presume that the occurrence of the events denounced was

confirmed. Likewise, some members of the Commission voiced the opinion that, in this instance, internal legal procedures and remedies had been exhausted and that, consequently, as the facts had been confirmed, the Commission could address appropriate recommendations to the Colombian Government, in conformity with the provisions of paragraph b) of Article 9 (bis) of its Statute.

Following discussion of these points, at the aforesaid session, in connection with Case No. 1690 the Commission adopted the following decisions by majority vote of its members:

1. To again reiterate to the Government of Colombia its request for the supplementary information to which its note of March 29, 1972 referred, and to extend for an additional thirty days the period established in Article 51 of its Regulations;

2. To request of the Government of Colombia in addition, information on whether, in the case which is the object of the complaint, the judicial authorities of that country had initiated action; and
In application of Article 51 of the Regulations of the Commission, to presume that the occurrence of the events denounced was confirmed if the Government Colombia failed to provide the information requested within 30 days.

[11] In conformity with this decision, the Commission addressed the Government of Colombia in a note dated November 1, 1972.

[12] In a note dated November 27, 1972 (No. 752), the Government of Colombia answered the communication of November 1, enclosing a copy of a report dated September 2, 1970, submitted to the Attorney General of the Republic by the Attorney for Agrarian Affairs and the Legal Adviser of the Office of the Attorney General regarding the events that are the subject of the complaint. Likewise, in the above-mentioned note of November 27, in conformity with paragraph 2 of Article 51 of the Regulations, the Colombian Government requested extension of the period mentioned in the communication of November 1 mentioned previously, for supplying the remaining supplementary data on the case, consisting of the report of the Office of the Inspector of the Seventh Brigade of the Armed Forces of Colombia, with headquarters in the city of Villavicencio.

[13] In accordance with this request, the Commission addressed the Government of Colombia in a note dated December 4, 1972, and extended the period for sending the pertinent reports by ninety (90) days.