I. SUMMARY

1. On July 14, 1998, the Inter-American Commission on Human Rights (hereinafter "the Commission") received a petition submitted by the Grupo Interdisciplinario por los Derechos Humanos (Inter-Disciplinary Group for Human Rights) and the Comisión Colombiana de Juristas (Colombian Commission of Jurists) (hereinafter "the petitioners"), alleging that on June 11, 1996, members of illegal groups, known as paramilitary groups, operating with the acquiescence of state agents, executed William Villa García, Graciela Arboleda viuda de García, Héctor Hernán Correa García, and Jairo Sepúlveda (hereinafter "the victims"), as the result of a pre-announced incursion in the district of La Granja, municipality of Ituango, department of Antioquia, in the Republic of Colombia (hereinafter "the State," "the Colombian State," or "Colombia").

2. The petitioners allege that the State is responsible for violating Articles 4(1) (the right to life), 5 (the right to humane treatment), 7 (the right to personal liberty), 17 (the obligation to protect the family), and 1(1) of the American Convention on Human Rights (hereinafter "the Convention" or the "American Convention"). In arguing the admissibility of this case, petitioners invoked the exceptions to the prior exhaustion of domestic remedies requirement provided for in Article 46(2) of the American Convention.

3. The State requested the Commission to declare the case inadmissible on the grounds of failure to first exhaust domestic remedies, as required by Article 46(1) of the American Convention.

4. After analyzing the positions of the parties and compliance with the requirements set forth at Articles 46 and 47 of the Convention, the Commission declared the case admissible.

II. PROCESSING BEFORE THE COMMISSION

5. On September 9, 1998, the Commission opened the case under number 12.050, and forwarded the pertinent parts of the complaint to the Colombian State, which was given 90 days to submit information. The State submitted its answer on December 30, 1998; which was duly transmitted to the petitioners. On February 1, 1999, the Commission requested information from the State on the situation of one of the relatives of the victims.

6. On March 1, 1999, during its 102nd session, the Commission held a hearing with the participation of the petitioners and the representatives of the State. On March 17, 1999, the Commission forwarded the petitioners' answer to the State, along with the additional information presented during the hearing. On June 10, 1999, the State presented its observations, which were forwarded to the petitioners.

7. On October 1, 1999, during the 104th regular session of the Commission, another hearing was held with the participation of the parties, during which factual and legal arguments were heard.

8. On March 2, 2000, during the Commission's 106th regular session, a hearing was held with the participation of the parties for the purpose of taking the testimony of a former member of what at the time was known as the Fiscalía Regional (Office of the Regional Prosecutor, a special jurisdiction for crimes involving terrorism or drug trafficking) of Medellín. The petitioners also submitted written arguments, which were duly transmitted to the State. On March 9, 2000, the State submitted its observations, which were sent to the petitioner.

9. On April 11, 2000, the Commission sent the parties a copy of the transcript of the testimony taken during the 106th session. On April 24, 2000, the petitioners submitted their observations thereto, which were duly transmitted to the State. On June 6, 2000, the State presented its answer.

III. POSITIONS OF THE PARTIES

A. Position of the Petitioner

10. As of 1995, the mounting incursion of dissident armed groups in the municipality of Ituango brought with it increased Army activity in the area, as well as increased activity by the CONVIVIR associations and the structures known as "paramilitary" or "self-defense" groups.

11. In this context, the petitioners argue that on June 11, 1996, approximately 20 men, outfitted with short-range and long-range firearms, went to the municipality of Ituango in two pick-up trucks for the purpose of carrying out an armed incursion. The group is said to have left from near the municipality of San Andrés de Cuerquia, where they passed just two meters by the Police Command, yet the Police took no action whatsoever. In addition, they were seen by

inhabitants of places such as El Filo de la Aurora and Chapineros, where checkpoints of the National Army are usually in place, yet they were not stopped.

12. The petitioners allege that on reaching the district of La Granja, the "paramilitary" group "ordered" the closing of all public establishments, after which a series of selective executions ensued, which continued for five hours, without the intervention of the authorities.

13. The illegal armed group was said to have gone first to the place where Mr. William Villa García was working; at that time he worked as the driver of the vehicle that belonged to the local parish; he was immediately assassinated by machine-gun fire. The petitioners allege that Mr. Villa García had been accused by Army authorities of having transported, under threat, members of dissident armed groups.

14. Immediately thereafter, the illegal armed group went to the farm of Mr. Hugo Espinal Lopera, where they found Graciela Arboleda widow of García, who was home alone, with two children. After being questioned as to the whereabouts of Mr. Hugo Espinal Lopera, Mrs. Arboleda was assassinated. The petitioners claim that Mr. Espinal Lopera had asked the Army to withdraw from his property, since their presence caused it considerable damage.

15. The petitioners allege that the armed men next went to the residence of Mr. Adán Enrique Correa. Once there, they knocked down the front door, which led Mrs. María Libia (Elvia) García Roldán, Mr. Correa's wife, to hide, along with her disabled son, Héctor Hernán Correa García, and one of her grandchildren, in the kitchen. After discovering Héctor Hernán Correa García in the kitchen, one of the armed men took him by force to the living room where he allegedly was assassinated. Meanwhile, another member of the armed group demanded that Mrs. García Roldán show them where they kept the firearms in the house; she answered that they did not possess any firearms. Before leaving, the intruders are alleged to have taken the family's money and clothing and destroyed their furniture.

16. Before leaving the district of La Granja, the armed men are said to have threatened the local residents, saying: "Guerrilla sons of bitches, this town and Santa Rita are ours, we'll be back" ("Guerrilleros hijueputas, este pueblo y Santa Rita nos pertenecen, volveremos"), while firing their weapons into the air. They reportedly left the area immediately thereafter, on their way to the urban center of Ituango, passing through El Gadual, Rastrojitos, and El Líbano, where they were identified by local residents who had seen them earlier together with members of the National Army.

17. Once in the urban center of Ituango, they went to the secondary school "Politécnico Colombiano Jaime Isaza Cadavid" in search of its director, Mr. Jairo Sepúlveda. Once there, they took him away in the presence of staff of the Office of the Comptroller General of Antioquia. On receiving reports of the kidnapping, the members of the Police and Army posted in Ituango carried out an operation in the exact opposite direction, geographically, from where the armed men had gone, according to statements of witnesses. Mr. Sepúlveda's corpse was found the next day at El Líbano with signs of torture. Prior to his execution, Mr. Sepúlveda had been investigated by the Army for accusations of collaborating with dissident armed groups, and was reportedly harassed to get him to abandon his position and leave the region.

18. The petitioners allege that the State is responsible for the acts committed by the illegal armed group, first because it failed to take any preventive action to put a stop to the incursion, even though the paramilitary presence in the region was well-known to the civilian, military, and police authorities of Ituango.[FN1] The paramilitary presence was reportedly denounced on repeated occasions, among others, by the parish priest of the Catholic church in the district of Santa Rita, who had to flee the region due to threats, and by attorney Jesús María Valle Jaramillo, who was assassinated shortly thereafter.[FN2] They state that the paramilitary presence in the area was addressed in the course of the sessions of the Security Committees, which took place in Ituango in May and June 1996, and that therefore the authorities entrusted with maintaining public order were aware of the situation and even stated that they were prepared to address the problem. They add that the investigations of the Office of the Public Prosecutor confirm that the local and departmental authorities were informed on a timely basis of the presence and purpose of the paramilitary forces in Ituango.[FN3]

[FN1] The petitioners allege that the Ituango region includes the military presence of the Fourth Brigade, based in Medellín, in the form of Mobile Counter-guerrilla Units of the Granaderos and Girardot Battalions. The Counter-guerrilla Units of the 14th Brigade, based in Puerto Berrío, also maintained a presence at times. The urban center of Ituango has a police station with approximately 20 agents.

[FN2] The petitioners note that Jesús María Valle Jaramillo made a sworn statement to the Office of the Public Prosecutor in which he stated that "the Commander of the Fourth Brigade, General Manosalva, the secretary of government for Antioquia, and the Governor of Antioquia, Mr. Alvaro Uribe Vélez, were all advised personally in timely fashion. In the presence of Messrs. José Gabriel Restrepo and the Human Rights Ombudsman for Antioquia, I asked the Governor to protect the population in my municipality ... and I, who personally sent a petition to the Governor of Antioquia, have not received any response." Communication from the petitioners, March 2, 2000.

[FN3] Procuraduría Departamental de Antioquia, Permanent Office for the Defense and Promotion of Human Rights, Case 144, Evaluative Report 139, October 22, 1996.

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19. Second, they note that in that context, and despite that commitment, a series of grave omissions occurred, including the absence of the authorities at the checkpoints that the Police and Army maintain at the entrances and exits of the highways leading to the municipal seat. The state presence had been suspended, with no explanation, from June 9 to 11, 1996, and resumed only after the massacre; and the checkpoints were crossed freely and in the full light of day by 20 men who were visibly armed with F15 rifles.

20. The petitioners allege that the omissions by the public forces made it possible for a string of armed incursions to occur that resulted in numerous, brutal extrajudicial executions of persons using chain saws, with their remains cast into the Cauca river. In addition, the "Autodefensas de Colombia" convoked the mayor and municipal ombudsman (personero) of Ituango, and a number of ranchers and merchants, to a meeting on the situation in the municipality, yet the authorities took no action.

21. As a result of the facts alleged, the petitioners have called on the Commission to declare the State responsible for violations of Articles 4(1) (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 17 (obligation to protect the family), and 1(1) of the American Convention on Human Rights.

22. As regards compliance with the admissibility requirement of prior exhaustion of domestic remedies, provided for at Article 46(1) of the American Convention, the petitioners allege that the exception provided for at Article 46(2)(c) applies to this case.

23. In their initial arguments, they indicated that the Office of the Public Prosecutor opened preliminary investigations 582 and 641 in the Departmental Office of the Prosecutor of Ituango, after questionable official acts of removing the corpses, and that related investigations were under way in the Office of the Regional Prosecutor of Medellín (Fiscalía Regional, now Fiscalía Especializada), and the National Human Rights Unit. On that occasion, they argued that despite the time elapsed since the date of the massacre--almost three years--the case was still in the preliminary investigative stage. Accordingly, they argued that there was an warranted delay in the domestic remedies, as referred to in Article 46 of the American Convention.[FN4]

[FN4] Communication from petitioners, March 19, 1999.

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24. Later, they alleged that the State's arguments that the case is inadmissible for failure to exhaust domestic remedies (see position of the State, infra) find no support in the general principles of international human rights law. They recalled that the Inter-American Court has noted that it is not sufficient for domestic remedies to exist formally, but that they must also be effective in producing the result for which they were designed.[FN5]

[FN5] Communication from petitioners, March 2, 2000.

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25. In this regard, they indicated during the hearing held March 1, 1999, that in some cases members of the Jaramillo Correa family, who had given testimony to the Office of the Prosecutor, were forced to leave Colombia to protect their lives. They also argued that attorney and human rights defender Jesús María Valle was assassinated on February 27, 1998, because of the legal counsel he had provided to some family members of the victims in this case.[FN6]

[FN6] Hearing of October 1, 1999, and communication from petitioners of April 24, 2000.

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26. Later, they alleged that the issuance of a series of arrest warrants (see arguments of the State, infra) after a preliminary investigative phase that lasted three years, despite the clarity of the evidence, resulted in three prosecutors who had been investigating the paramilitary groups in

Ituango and their ties to the National Army having to leave the country in September 1999 for their personal safety. They emphasized that these arrest warrants for paramilitary chiefs and members of the Army and Police had not yet been carried out.[FN7] In support of this argument, the petitioners point to the testimony of one of the prosecutors, who currently resides in Switzerland as a refugee, delivered on March 2, 2000 during hearing, during the 106th regular session of the Commission.

[FN7] Id. During the hearing held October 1, 1999, the petitioners note that for practical purposes the only ones of the accused who were in preventive detention were the Angulo Osorio brothers, who had been arrested for another crime: the murder of Jesús María Valle.

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27. The petitioners also called the Commission's attention to the assassination of Margarita María Pulgarín Trujillo, on April 3, 2000. She had worked as Prosecutor Delegate before the Specialized Criminal Courts of Medellín and Antioquia, and was part of the Anti-Paramilitary Unit of the Office of the Regional Prosecutor (Fiscalía Regional), and, according to the petitioners' version, worked alongside the prosecutors who had to go into exile in connection with their investigation into the paramilitary groups in Ituango. At the time of her death she was investigating the activities of these groups.

28. With respect to progress in the investigation after the issuance of the arrest warrants, the petitioners argued that the State had not adopted the measures necessary to make them effective. In this regard, they made reference to the official silence with respect to the enforcement of the arrest warrant issued for AUC chief Carlos Castaño, who has been formally accused in the investigation, even though his place of residence appears to be a matter of public knowledge.[FN8] In addition, they noted that the State had not carried out the arrest warrant issued against an officer of its own National Police, also accused in the investigation.

[FN8] Communication from petitioners, April 24, 2000.

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29. From their point of view, the remedies available in the domestic jurisdiction to clarify the case are incapable of attaining the objectives for which they were designed, and for the purposes of admissibility, they are a mere formality without any meaning.

B. The Position of the State

30. In its response to the initial petition, the State noted that the Human Rights Unit of the Office of the Public Prosecutor was undertaking an investigation into the violent events at Ituango, and that "therefore, in no way can one claim exhaustion of domestic remedies," as provided for in Article 46(1) of the American Convention.[FN9]

[FN9] Note from the General Bureau for Special Matters of the Ministry of Foreign Affairs of the Republic of Colombia, December 30, 1998.

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31. With respect to the merits, it noted that the authorities had determined the

presence of armed groups operating outside the law that have claimed to be directly responsible for the violent deaths in that municipality....

and stated that

one can in no way infer that there are State agents involved, by act or omission, in such atrocious acts, thus the statements by the claimant seeking to implicate members of the Police and Army in this case are no more than mere speculation, with no evidentiary basis whatsoever.

Accordingly, it requested that the Commission refrain from continuing to process this case.

32. During the hearing held March 1, 1999, the State answered the arguments of the petitioners regarding the application of the exception to the prior exhaustion of domestic remedies requirement in Article 46(2)(c) of the American Convention. The State alleged that the delay of almost three years in completing the preliminary investigation was justified in light of the parameters established by the Inter-American Court of Human Rights in the Genie Lacayo case, given the complexity of the matter and the scant cooperation of the victims.

33. Later, the State reported on the issuance of arrest warrants for a series of persons implicated as a result of the investigation, among them, paramilitary chiefs and state agents. Concretely, it indicated that

the prosecutor in the case issued an arrest warrant for Carlos Castaño Gil, for forming private justice groups as promoter of a criminal enterprise to carry out aggravated homicide for terrorist purposes; Hernando de Jesús Alvarez Gómez and Manuel Remigio Fonnegra Piedrahita for forming private justice groups and aggravated homicide for terrorist purposes; Second Lieutenant José Vicente Castro (commander of the police sub-station in Ituango) and Lieutenant Jorge Alexander Sánchez Castro (commander of the military base in the area) as perpetrators of the crime of forming private justice groups and aggravated homicide.[FN10]

[FN10] Note EE 1098 of the General Bureau for Special Matters of the Ministry of Foreign Affairs, June 6, 2000.

The State admitted, however, that the competent authorities had yet to execute all the arrest warrants, but indicated that the fact that no one had yet been found guilty as a result of the investigation was not for lack of commitment on its part.[FN11]

[FN11] Id.

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34. The State added that "the grave public order situation" in the zone hindered the investigative activity, and noted that

these obstacles implied that the criminal proceeding, in its initial stages, was sufficiently complex, and that, to ensure it would have the proper security conditions, it was remitted to the National Human Rights Unit of the Office of the Public Prosecutor, in Santafé de Bogotá, in which there have been undeniable advances in clarifying the facts, reflecting the seriousness with which the State has assumed the investigation and punishment of the acts in question.[FN12]

[FN12] Id.

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35. The State reiterated that the complexity of the investigation fit within the criteria identified by the Inter-American Court of Human Rights as determining factors of reasonableness in the length of a domestic judicial proceeding. It alleged that in this case there was no unwarranted delay on the basis of which one could invoke the exception set forth at Article 46(2)(c) of the American Convention.

36. The State also alleged, as on other occasions, that the exhaustion of domestic remedies turns not only on the determination of criminal liability of the individuals who perpetrated the acts alleged, but that in addition the petitioners must exhaust the disciplinary and contentious-administrative remedies available under domestic law, as "all of them, together, are aimed at clarifying the facts and ensuring justice is done ... in keeping with their distinct nature."[FN13]

[FN13] Id.

IV. ANALYSIS ON COMPETENCE AND ADMISSIBILITY

A. Competence

37. The Commission is competent prima facie to examine the petition in question. The facts alleged in the petition affected natural persons who were under the jurisdiction of the State when the obligation to respect and ensure the rights established in the Convention was already in force for the State.[FN14] The Commission proceeds, then, to analyze whether this case meets the requirements established in Articles 46 and 47 of the American Convention.

[FN14] Colombia ratified the American Convention on Human Rights on July 31, 1973.

B. Admissibility Requirements

a. Exhaustion of domestic remedies and time period for submitting the petition

38. The State alleges that the petitioners' claim should be declared inadmissible for failure to meet the requirement of prior exhaustion of domestic remedies set forth at Article 46(1) of the American Convention. The State considers that the notion of domestic remedy encompasses not only the criminal investigation into the facts alleged, but also the disciplinary and contentious-administrative remedies available under domestic law, which must be exhausted as well before it can be considered that the Commission's jurisdiction has been triggered.

39. The petitioners, for their part, allege that the investigation has gone on far too long, and that the events that led to the exile of some of the witnesses and prosecutors involved in the investigation and issuance of arrest warrants, as well as the assassination of prosecutor Pulgarín and attorney Jesús María Valle, together with the failure to execute those warrants, prove that the available remedies do not constitute an effective means for the prosecution and punishment of the persons responsible for the grave violations of the American Convention alleged to have been committed in this case. They request, therefore, that the case be declared admissible under Article 46(2)(c) of the American Convention.

40. First, a clarification is in order as to what remedies must be exhausted in this case. The Inter-American Court has indicated that only remedies adequate to cure the violations alleged must be exhausted. Adequate domestic remedies

are those which are suitable to address an infringement of a legal right. A number of remedies exist in the legal system of every country, but not all are applicable in every circumstance. If a remedy is not adequate in a specific case, it obviously need not be exhausted. A norm is meant to have an effect and should not be interpreted in such a way as to negate its effect or lead to a result that is manifestly absurd or unreasonable.[FN15]

[FN15] I/A Court HR, Case of Velásquez Rodríguez, Judgment of July 29, 1988, para. 64.

The case-law of the Commission recognizes that whenever a crime is committed that can be prosecuted on the State's own initiative, the State has the obligation to promote and give impetus to the criminal process to its final consequences[FN16] and that, in those cases, this process is the suitable means for clarifying the facts, prosecuting the persons responsible, and establishing the corresponding criminal sanctions, in addition to making possible means of reparation other than monetary compensation. The Commission considers that the facts alleged by the petitioners in this case involve the alleged violation of non-derogable fundamental rights, such as the rights to life and humane treatment, which under domestic law are offenses that can be prosecuted by the State on its own initiative, and that therefore it is this process, pushed forward by the State, that should be considered for the purposes of determining the admissibility of the claim.

[FN16] Report N° 52/97, Case 11.218, Arges Sequeira Mangas, Annual Report of the IACHR 1997, paras. 96 and 97. See also Report N° 55/97, para. 392.
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41. The State considers that the disciplinary and contentious-administrative remedies available under domestic law must also be exhausted before the Commission should invoke its jurisdiction. Nonetheless, the IACHR has established, in similar cases, that disciplinary proceedings do not meet the obligations established by the Convention in the area of judicial protection, since they are not an effective and sufficient means for prosecuting, punishing, and making reparation for the consequences of the extrajudicial execution of persons protected by the Convention. Therefore, in the context of this case, the disciplinary measures cannot be considered remedies that must be exhausted under Article 46(1). As regards exhaustion of the contentious-administrative jurisdiction, the Commission has already indicated that this type of proceeding is exclusively a mechanism for supervising the administrative activity of the State aimed at obtaining compensation for damages caused by the abuse of authority.[FN17] In general, this process is not an adequate mechanism, on its own, to make reparation for human rights violations; consequently, it is not necessary for it to be exhausted when, as in this case, there is another means for securing both reparation for the harm done and the prosecution and punishment demanded.[FN18]

[FN17] Report No. 15/95, Annual Report of the IACHR 1995, para. 71; Report No. 61/99, Annual Report of the IACHR 1999, para. 51.
[FN18] Report Nº 5/98, Case 11.019, Alvaro Moreno Moreno, Annual Report of the IACHR 1997, para. 63.
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42. As regards the exception to the requirement of prior exhaustion of domestic remedies invoked by the petitioners, Article 46(2) of the Convention provides that this requirement does not apply when:

a. the domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated;
b. the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or
c. there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

43. In their initial communication, the petitioners invoked the application of the exception regarding unwarranted delay in justice, based on the duration of the preliminary investigative stage in the proceeding opened into the facts that are the subject matter of this case, which extended over more than three years. The State, for its part, alleged that the length of the preliminary stage was reasonable in light of the complexity of the investigation and the context in which it unfolded.

44. As appears from the information provided by both parties, the preliminary investigation culminated with the issuance of arrest warrants for a number of persons, including known leaders of paramilitary groups and state agents. Nonetheless, as petitioners have indicated and as the State has acknowledged, most of the arrest warrants have not been executed more than four years after the grave facts alleged occurred, which is evidence of delay. As a general rule, a criminal investigation should be carried out to protect the interests of the victims, preserve the evidence, and even safeguard the rights of all persons who may be considered suspects in the context of the investigation. As the Inter-American Court has indicated, while all criminal investigations must meet a series of legal requirements, the rule of prior exhaustion of domestic remedies should not lead international action on behalf of victims to come to a halt or to be drawn out to the point of being rendered ineffective.[FN19]

[FN19] Inter-American Court of Human Rights, Case of Velásquez Rodríguez, Preliminary Objections, Judgment of June 26, 1987, para. 93.

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45. In addition is the context of violence and intimidation in which the investigation unfolded which, presumably, had a negative effect on the investigation's effectiveness as a remedy for the judicial clarification of the facts. The threats to the victims' surviving family members and to the prosecutors in charge of the investigation, which forced them into exile, demonstrate that the judicial investigation is unlikely to provide an effective remedy that petitioners are required to exhaust prior to resorting to the international protection for human rights.

46. Therefore, given the characteristics and context of this case, the Commission considers that the exception at Article 46(2)(c) of the American Convention applies, in addition to certain considerations with respect to the effectiveness of available remedies. Thus, the requirements set forth in the American Convention with respect to exhaustion of domestic remedies, and consequently the six-month rule for submission of the petition, are not applicable.

47. It only remains to note that invoking the exceptions to the prior exhaustion rule provided for in Article 46(2) of the Convention is closely bound up with the determination of possible violations of certain rights set forth therein, such as the guarantees of access to justice. Nonetheless, Article 46(2), by its nature and purpose, has an autonomous content vis-a-vis the substantive provisions of the Convention. Therefore, the determination as to whether the exceptions to the prior exhaustion rule provided for in sections (a), (b), and (c) of that provision are applicable to the case in question must be done prior to and separate from the analysis on the merits, since it turns on a different standard of appreciation than that used to determine the violation of Articles 8 and 25 of the Convention. It should be noted that the causes and effects that impeded the exhaustion of domestic remedies will be analyzed in the Report adopted by the IACHR on the merits in order to determine whether there have been violations of the American Convention.

b. Duplication of procedures and res judicata

48. It does not appear from the record that the subject matter of the petition is pending before any other international procedure for settlement, nor that it reproduces a petition already examined by this or any other international body. Therefore, the requirements set forth at Articles 46(1)(c) and 47(d) of the Convention have been met.

c. Characterization of the facts alleged

49. The Commission considers that the petitioners' arguments regarding the alleged violations of the rights to life, humane treatment, and personal liberty, and the delay in the investigation and failure to effectively prosecute and punish the persons responsible tend to establish a violation of the rights guaranteed at Articles 4, 5, 7, 8, and 25, in conjunction with Article 1(1), of the American Convention. As these aspects of the claim are not clearly without foundation or out of order, the Commission considers the requirements established at Articles 47(b) and (c) of the Convention to have been met.

50. With respect to the alleged violation of Article 17 of the Convention, which establishes, inter alia, that "The family is the natural and fundamental group unit of society and is entitled to protection by society and the state," the Commission finds that this allegation has not been given specific foundation by petitioners. In any event, the effects that the facts alleged may have had on the family of the alleged victims, in particular the Correa family, appear to derive from the alleged violations of Articles 4 and 5 of the Convention, and will be analyzed by the Commission in that context.[FN20]

[FN20] See Inter-American Court of Human Rights, Case of Suárez Rosero, Judgment of November 17, 1997, para. 102, where the Inter-American Court stated that the effects the violations of Article 5(2) and 7(6) could have had on the family life of the victim must be analyzed in the context of reparations for the violations in question, and not as a violation of Article 17.

V. CONCLUSIONS

51. The Commission concludes that it is competent to examine the claims submitted by the petitioners on the alleged violation of Articles 4, 5, 7, 8, and 25, in conjunction with Article 1(1) of the American Convention, and that these claims are admissible under the requirements set forth at Articles 46 and 47 of the American Convention.

52. Based on the arguments of fact and law set forth above, and without prejudging on the merits,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECIDES:

1. To declare this case admissible with respect to Articles 4, 5, 7, 8, and 25 of the American Convention.
2. To give notice of this decision to the Colombian State and to the petitioner.
3. To continue to analyze the merits.
4. To publish this decision and include it in its Annual Report to the OAS General Assembly.

Done and signed at the IACHR headquarters in the city of Washington, D.C., October 2, 2000. (Signed:) Hélio Bicudo, Chairman; Claudio Grossman, First Vice-Chairman; Juan Méndez, Second Vice-Chairman; Marta Altolaguirre, Robert K. Goldman, Peter Laurie and Julio Prado Vallejo Commissioners.