

REPORT No. 55/10¹
DECISION TO ARCHIVE
PETITION 11.591
COLOMBIA
March 18, 2010

ALLEGED VICTIMS: Silvina Rosa Angelina González Mejía, María Trinidad Zambrano de Zambrano, Celio Alonso Zambrano Zambrano, Adriano Elías Zambrano Zambrano, and Luis Eduardo Romero Cárdenas

PETITIONER: Fernando Antonio Vargas Quemba

ALLEGED VIOLATIONS: Articles 1.1, 4, 5, 8, 24, and 25 of the American Convention on Human Rights

DATE PROCESSING BEGAN: March 8, 1996

I. POSITION OF THE PETITIONER

1. On February 24, 1996, the Inter-American Commission on Human Rights received a petition from Fernando Antonio Vargas Quemba (hereinafter “the petitioner”) regarding the disappearance of Celio Alonso Zambrano Zambrano and the deaths of Adriano Elías Zambrano Zambrano and Luis Eduardo Romero Cárdenas in the municipality of Mesetas, Department of Meta. By way of background information, the petitioner said that, beginning in 1990, a large number of attacks on the life and safety of the civilian population had been reported in the municipality of Mesetas, Department of Meta.

2. In that context, the petitioner alleged that on January 24, 1991, members of an armed group had tortured and killed Adriano Elías Zambrano Zambrano in the “La Florida” neighborhood of Mesetas. He also alleged that on December 5, 1991, Adriano Elías’s brother, Celio Alonso Zambrano Zambrano, had disappeared in the “La Unión” neighborhood of Mesetas. Finally, he claimed that on April 19, 1993, the president of the Municipal Liberal Board, Luis Eduardo Romero Cárdenas, who publicly denounced the alleged violence against the civilian population of Mesetas, had been shot to death in the inner city of that municipality.

3. The petitioner alleged that he had pursued and exhausted all existing judicial and political remedies, but that efforts to shed light on the crimes had been unsuccessful. In summary, he argued that the State was responsible for violating the rights to life and humane treatment protected in the American Convention, to the detriment of Adriano Elías Zambrano Zambrano, Celio Alonso Zambrano Zambrano, and Luis Eduardo Romero Cárdenas. Finally, he claimed that the State was responsible for violating the rights to a fair trial and judicial protection protected under the American Convention, as it had failed to comply with its obligation to investigate and punish those responsible and to make reparations for any damage caused, which allegedly constituted a denial of justice.

1. In accordance with Article 17.2 of the Rules of Procedure of the Commission, Commission member Rodrigo Escobar Gil, a Colombian national, did not participate in the deliberation or decision of the present case.

II. POSITION OF THE STATE

4. In its communications, the State reported on the status of criminal and disciplinary proceedings under way in response to the facts of the petition. The State said that the Sectional Prosecution Office of Villavicencio undertook two investigations, one of the death of Adriano Elías Zambrano Zambrano and the other of the disappearance of Celio Alonso Zambrano Zambrano. Those investigations had been archived on March 17, 1994, and September 4, 1995, respectively. It said that the Coordination Office of the Unit of Prosecutors Assigned to the Criminal Judges of the Specialized Circuit of Bogotá had conducted an investigation into the death of Luis Eduardo Romero Cárdenas, which was archived under a preclusion order dated February 13, 1995, and confirmed on July 9, 1995. As for the disciplinary proceedings, the State reported that the investigations had been archived.

III. PROCESSING BY THE IACHR

5. On February 24, 1996, the IACHR received the initial petition, registered it as number 11.591, and, after its preliminary analysis thereof, on March 8 1996 proceeded to transmit a copy of the pertinent parts to the State, giving it 90 days to furnish information in accordance with Article 34.3 of the Rules of Procedure in effect. The State requested a 60-day extension, which the IACHR granted. The State submitted its observations on November 25, 1996,² which was transmitted to the petitioner for its observations. On February 7, 1997, the Commission received a brief from the petitioner, which was transmitted to the State for observations.

6. The State presented its observations on March 31, 1997,³ which were transmitted to the petitioner for its observations. On July 1, 1997, the Commission received a brief from the petitioner, which was transmitted to the State for its observations. On both January 8 and July 15, the State was once again asked to provide information. On August 23, 2002, the State was requested to provide updated information on the matter. On September 23, 2002, the State requested a 30-day extension, which the IACHR granted. On November 7, 2002, the State presented a brief with updated information,⁴ which was transmitted to the petitioner for its observations. On April 9, 2009, a communication was sent to the petitioner, requesting updated information to ascertain whether the grounds for the petition subsisted and indicating that, if the information was not received within a one-month period, steps could be taken to archive the petition.

IV. BASIS FOR THE DECISION TO ARCHIVE

7. Both Article 48.1 (b) of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the Inter-American Commission on Human Rights provide that in the processing of a petition once the observations have been received or the period established has elapsed with no observations received, the IACHR shall ascertain whether the grounds for the petition or communication exist or subsist, and if they do not it shall order the case archived.

8. The present petition alleges violation of the rights enshrined in Articles 4, 5, 8, 24, and 25 of the American Convention, in conjunction with Article 1.1 thereof, in respect of the disappearance of Celio Alonso Zambrano Zambrano, the deaths of Adriano Elías Zambrano Zambrano and Luis Eduardo Romero Cárdenas, and the failure to investigate and punish those responsible for these crimes. For its part, the State reports on the proceedings in the ordinary criminal and disciplinary jurisdictions, which culminated in the archiving of the investigations. The Commission does not have any information or observations provided by the petitioners in response, and as a result does not have updated information

2. Note EE/DH from the Office of the Director General for Special Affairs of the Ministry of Foreign Relations of Colombia, November 25, 1996.

3. Note EE/DH from the Office of the Director General for Special Affairs of the Ministry of Foreign Relations of Colombia, March 31, 1997.

4. Note DDH. 40850 from the Office of Human Rights and International Humanitarian Law of the Ministry of Foreign Relations of Colombia, November 7, 2002.

on the investigation and the proceedings reported on by the State.

9. The last brief from the petitioner was received in 1997. Since then, the IACHR has sent the petitioner several communications, without receiving a reply. The petitioner did not contact the Commission again to inform it of his new address or contact information. Under such circumstances, it is impossible to ascertain whether the grounds for the initial petition subsist. Consequently, in accordance with Article 48.1 (b) of the Convention and Article 42 of the Rules of Procedure of the IACHR, the Commission decides to archive the present petition.

Done and signed in the city of Washington, D.C., on the 18th day of the month of March, 2010.
(Signed: Felipe González, President; Paulo Sérgio Pinheiro, First Vice-president; Dinah Shelton, Second Vice-president; María Silvia Guillén, and José de Jesús Orozco Henríquez, members of the Commission).