

REPORT No. 49/10¹
PETITION 509-00
ADMISSIBILITY
CARLOS ARTURO UVA VELANDIA
COLOMBIA
March 18, 2010

I. SUMMARY

1. On October 5, 2000, the Inter-American Commission on Human Rights (hereinafter “the Commission”) received a petition presented by Horacio Perdomo Parada (hereinafter “the petitioner”) alleging the responsibility of the Republic of Colombia (hereinafter “the State,” “the Colombian State” or “Colombia”) for the death of Carlos Arturo Uva Velandia at the hands of a member of the Armed Forces, in the municipality of Hato Corozal, department of Casanare, on June 21, 1995, the failure to clarify the responsibility of the State in the facts, and the consequent lack of any compensation for damages to the parents and siblings of the alleged victim.

2. The petitioner alleged that the State was responsible for violation of the rights to life, humane treatment, the prohibition on slavery and servitude, personal liberty, judicial guarantees, and the protection of honor and dignity established in Articles 4, 5, 6, 7, 8, and 11 of the American Convention on Human Rights (hereinafter the “Convention” or the “American Convention”), in relation to the duty to ensure the rights set forth at Article 1(1) of the same treaty, and Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture. The petitioner argues that the requirement of prior exhaustion of domestic remedies is satisfied pursuant to Article 46(1)(a) of the American Convention. For its part, the State alleged that the petitioners’ claims were inadmissible considering that they had failed to comply with the requirement of prior exhaustion of domestic remedies established at Article 46(1)(a) of the American Convention, as well as the failure to state acts that tend to establish a violation of the American Convention.

3. After analyzing the parties’ positions and compliance with the requirements set out at Articles 46 and 47 of the American Convention, the Commission decided to declare the claim admissible for the purposes of examining the alleged violation of Articles 4(1), 5, 7, 8 and 25 in conjunction with Article 1(1) of the American Convention, and decided to declare as inadmissible the alleged violations of Articles 6 and 11 of the American Convention and Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture, to notify the parties of the report, to order its publication, and to include it in its Annual Report to the OAS General Assembly.

II. PROCESSING BEFORE THE COMMISSION

4. The IACHR registered the petition as number P509-00 and after making a preliminary analysis, on January 6, 2009, it proceeded to transmit a copy of the pertinent parts to the State, giving it two months to submit information in keeping with Article 30(3) of the Rules of Procedure. In response, the State asked for a 30-day delay to submit its observations, which was granted by the IACHR. The State submitted its observations on April 15, 2009, and these were transmitted to the petitioner for comment. The IACHR received the observations from the petitioner on May 22, 2009, which were passed on to the State, with one month to submit its observations. On June 29, 2009, the State submitted its final observations.

III. THE PARTIES’ POSITIONS

¹ In keeping with Article 17(2) of the Commission’s Rules of Procedure, Commissioner Rodrigo Escobar Gil, of Colombian nationality, did not participate in the debate or decision in the instant case.

A. The petitioner

5. The petitioner states that on June 20, 1992, soldier Juan Alexis Rodríguez Burgos had been sent from the Military Base in the municipality of Paz de Ariporo to the neighboring municipality of Hato Corozal, both in the department of Casanare, to verify the delivery of provisions for two counter-guerrilla commands stationed in Hato Corozal and to receive confidential information. It notes that Juan Alexis Rodríguez, who was dressed in civilian clothing, had presented himself in Hato Corozal to Lt. Erick Rodríguez, telling him of the purpose of his mission, and that he would return on the first bus the next day.²

6. According to the petitioner, that night Juan Alexis Rodríguez was consuming alcoholic beverages at an establishment in Hato Corozal where Carlos Arturo Uva Velandia was also socializing with some friends. He states that at that place, Juan Alexis Rodríguez and Carlos Arturo Uva had an altercation, after which Juan Alexis Rodríguez, accompanied by two private citizens, went to the place where one of the counter-guerrilla commands was quartered. He notes that at that place, he asked the sentinels at the guard post to let him in, and he asked Lt. Erick Rodríguez, who was in command, to send him with a patrol "because there was an individual looking for a fight."³ He indicates that in view of the request and the inebriated state of Juan Alexis Rodríguez, Lt. Erick Rodríguez had ordered him to turn in and go to sleep.

7. He indicates that Juan Alexis Rodríguez expressed acceptance of the order and had turned in. Nonetheless, he notes that Juan Alexis Rodríguez returned to the guard post, where Carlos Arturo Uva was, and had told the two civilians who were accompanying him to leave him alone with the alleged victim, who was allegedly tied up. He indicates that one of the sentinels asked Juan Alexis Rodríguez what he was going to do, and that he answered that he knew how to proceed in such cases, after which the sentinel immediately went to his superior to inform him of what had happened. He indicates that at that moment the sentinel heard the cries for help of Carlos Arturo Uva, after which his corpse was found in a sewer with 14 stab wounds. He indicates that afterwards, Juan Alexis Rodríguez went to the other counter-guerrilla command and reported that he had killed a guerrilla.

8. The petitioner indicates that because of these acts, by order of June 23, 1992, a criminal investigation was opened before the 120th Court of Military Criminal Investigation of Yopal, department of Casanare, and the pre-trial detention of Juan Alexis Rodríguez was ordered. By decision of February 10, 1993, the Commander of Cavalry Group No. 7, Guías de Casanare (Court of First Instance) issued an order, based on jurisdiction, to send the proceeding to the Office of Prosecutors of Paz de Ariporo, whose 18th Prosecutor took cognizance of the investigation. On October 19, 1993, a resolution of accusation was issued against Juan Alexis Rodríguez for the crime of aggravated homicide.

9. On May 10, 1994, the Court of Mixed Jurisdiction of the Circuit of Paz de Ariporo found Juan Alexis Rodríguez liable as perpetrator of the homicide of Carlos Arturo Uva and sentenced him to 16 years in prison, the accessory penalty of interdiction of rights and public functions for 10 years, and the payment of 500 grams of gold to the parents of Carlos Arturo Uva, for moral and material damages. The judgment was appealed by both the prosecutorial authorities and the defendant, and on December 19, 1994, the Superior District Court handed down a judgment on appeal affirming the trial court decision in every respect.

10. As for the contentious-administrative proceeding, the petitioner indicates that on March 11, 1993, the next-of-kin of Carlos Arturo Uva filed an action for reparation against the Ministry of Defense. He notes that by judgment of October 12, 1995, the Administrative Tribunal of Casanare denied the complainants' claims. That Tribunal recognized the commission of "an act that should be repudiated

² The petitioner makes reference to the Contentious-Administrative Court of Casanare, Judgment of October 12, 1995. Annex to the initial petition received at the IACHR on October 5, 2000.

³ The petitioner makes reference to the Contentious-Administrative Court of Casanare, Judgment of October 12, 1995. Annex to the initial petition received at the IACHR on October 5, 2000.

... that fortunately was punished by the regular courts, but that in no way compromises the responsibility of the State, because there is no relationship of causality with the service, because the officers and non-commissioned officers who took cognizance of the facts ... acted within the normal parameters, for them it was extremely difficult to intuit that the soldier Rodríguez Burgos was carrying a bladed weapon and that, going beyond the orders he had been given, had proceeded to arbitrarily detain a citizen...."⁴ He notes that a motion of appeal was filed against that judgment, which was denied by order of the Council of State of March 30, 2000.

11. He alleges that the Council of State grounded its denial of the appeal on the fact that "the criminal judgment on appeal was not attached to the administrative proceeding." He indicates that said judgment had not been attached on filing the action for direct reparation because the Superior Court of Santa Rosa de Viterbo had not yet issued it, and he alleges that the Council of State, in keeping with Articles 4, 37(4), and 180⁵ of the Code of Civil Procedure, had the authority and the obligation to order this evidence produced on its own initiative, and to add the judgment to the record in the contentious-administrative proceeding that was under way.

12. The petitioner alleges that the State is responsible for violating the rights to life, humane treatment, the prohibition on slavery and servitude, personal liberty, and the protection of honor and dignity, protected at Articles 4, 5, 6, 7, and 11 of the American Convention, in conjunction with Article 1(1) of the same treaty, and Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Carlos Arturo Uva Velandia. In addition, he alleges the failure to pay compensation for the material and moral injury caused to the next-of-kin of the alleged victim constitutes a violation of the right to judicial guarantees established in Article 8 of the American Convention in conjunction with the generic obligation to ensure respect for the rights enshrined in the Convention set forth at Article 1(1) of the Convention.

13. In terms of compliance with the requirement of prior exhaustion of domestic remedies set forth at Article 46(1)(a) of the American Convention, the petitioner argues that domestic remedies were exhausted with the order denying the appeal of March 30, 2000, and was notified by edict to the parties on April 6, 2000.⁶

14. As for the State's arguments on the reparation received by Carlos Arturo Uva's parents, the petitioner alleges that neither the parents nor the siblings of the alleged victim have received compensation from either Juan Alexis Rodríguez or the Colombian State. As for the action for tort liability (*responsabilidad civil extracontractual*) the petitioner alleges that the action for direct reparation referred as an action for tort liability (*de responsabilidad extracontractual*), which was filed and rejected by the contentious-administrative jurisdiction, accordingly it would not be admissible to file the same action before the civil jurisdiction.

B. The State

⁴ The petitioner makes reference to the Contentious-Administrative Court of Casanare, Judgment of October 12, 1995. Annex to the initial petition received at the IACHR on October 5, 2000.

⁵ Code of Civil Procedure, Article 4: "Interpretation of procedural provisions. On interpreting the procedural law, the judge shall take into account that the purpose of the procedures is to make effective the rights recognized by the substantive law. The doubts that arise in the interpretation of the provisions of this Code should be clarified by applying the general principles of procedural law so as to abide by the constitutional guarantee of due process, respect the right of defense, and maintain equality of the parties." Article 37(4): "The following are duties of the judge: ... 4. To use the powers that this Code vests in him or her in respect of evidence, so long as he or she considers it advisable for verifying the facts alleged by the parties and to avoid nullifications and disqualifying rulings." Article 180: "Decrees and the taking of evidence *sua sponte*. Production of evidence may be ordered *sua sponte* within the probative terms of the courts and motions, and subsequently before handing down the judgment. When it is not possible to take this evidence within the time frames available to the parties, the judge shall indicate, for that purpose, a hearing or a term that may not exceed that which is added, as the case may be."

⁶ Third Section of the Council of State, Edict, Case No. No. 11588. Attached to the initial petition received at the IACHR on October 5, 2000.

15. The State alleges that as regards the facts underlying the claim, two domestic proceedings went forward diligently: one before the regular criminal courts, in which the person responsible for the death of Carlos Arturo Uva Velandia was convicted, and another one before the contentious-administrative jurisdiction in which the Nation – National Army was absolved of administrative liability.

16. As for the criminal proceeding, the State confirms that it culminated with a judgment on appeal handed down by the Criminal Chamber of the Superior Court of Santa Rosa de Viterbo on December 19, 1994, which affirmed the judgment of first instance that convicted Juan Alexis Rodríguez Burgos and sentenced him to 16 years in prison for the homicide of Carlos Arturo Uva and ordered the payment of moral and material damages to his parents. The State argues that the regular justice system “reached a reasoned, diligent decision respectful of due process, including taking into consideration the material and moral injury that the next-of-kin of the alleged victim suffered.”

17. With respect to the contentious-administrative proceeding, the State argues that the petitioner expresses his inconformity with the judgment on appeal of the Council of State, since it took its decision “... based on the failure to attach to the administrative proceeding the final criminal judgment on appeal.” Specifically, the State alleges that the decision of the Council of State was not based exclusively on failure to attach the criminal judgment on appeal to the process, but was also adopted because “...the criminal judgment of conviction does not necessarily lead to a judgment of conviction due to a failure of the administration, for the criminal liability that stems from the punishable act of the agent, characterized by being personal, is ostensibly different from that arising from a failure of the service, which is generally anonymous.”

18. The State argues that the fact that a full copy of the criminal proceeding was not introduced into the administrative proceeding is not due to the negligence of the administrative judge, and reiterates that even had the criminal judgment on appeal been included in the record, that did not necessarily imply a finding of liability in the contentious-administrative jurisdiction, since the nature of the liability and the subject thereof in both jurisdictions is different, and moreover, no service-related nexus had been found in the actions of Juan Alexis Rodríguez.

19. The State also alleges that even in the event that the contentious-administrative jurisdiction were to have found the State responsible and at the same time a criminal compensation was ordered – as in effect occurred, it would not have been possible to order any compensation in the contentious-administrative jurisdiction for the material and moral injury since double recovery goes against the principle according to which reparation must not enrich or impoverish the victim. It alleges that to that extent the criminal judge was diligent in ordering reparation to be paid by Juan Alexis Rodríguez.

20. The State argues that the petitioner’s claim is aimed at obtaining additional compensation from the State, and to do so he seeks to have the Commission sit as a fourth instance. It indicates that both the Commission and the Inter-American Court of Human Rights have affirmed that the fact that the petitioners, in the domestic jurisdiction, do not obtain decisions with results favorable to their interests, does not imply “(i) that there is an exception to the exhaustion of domestic remedies due to a denial of justice or (ii) that there is a violation of their right to judicial protection enshrined in Article 25 of the American Convention.”

21. It alleges that as has been indicated by the Inter-American Court, only if one makes a showing “(i) that the domestic courts did not examine the validity of the remedies, (ii) that the decisions were motivated by futile reasons, or (iii) that there is a practice or policy ordered or tolerated by the government authorities whose effect is to impede certain complainants from making use of domestic remedies, may one apply the exception to the exhaustion of domestic remedies,” otherwise the Commission would be acting as a fourth instance. It argues in addition that in this case, none of the three requirements indicated has been met, accordingly the claim must be declared inadmissible.

22. As for the reparation of the harm, the State argues that the parents of Carlos Arturo Uva are beneficiaries of compensation ordered by the criminal judge for the material and moral injury caused.

It argues that if the compensation were not admissible for the next-of-kin, they had the possibility of becoming a civilian party in the criminal proceeding or of bringing an action for tort liability.

23. As for the requirement of the prior exhaustion of domestic remedies, the State argues that adequate and effective remedies subsist if the petitioner considers that the right to reparation has not been satisfied. More specifically, the State makes reference to action for tort liability, which is different in nature from the action for direct reparation before the contentious-administrative jurisdiction⁷ and prescribes 20 years from the date of the underlying facts.

24. In its final considerations, the State asks that the petition be declared inadmissible because the facts do not tend to establish violations of the American Convention, that in issuing a pronouncement with regard to the alleged violations by the Commission would be sitting as a fourth instance, and that adequate and effective remedies are still available as per Article 46(1)(a), in the event that the petitioner wishes to accede to reparations additional to those obtained in the domestic legal system.

IV. ANALYSIS OF COMPETENCE AND ADMISSIBILITY

A. Competence

25. The petitioner is authorized, in principle, by Article 44 of the American Convention to submit petitions to the Commission. The petition indicates as the alleged victim an individual with respect to whom the Colombian State undertook to respect and ensure the rights enshrined in the American Convention. As regards the State, the Commission notes that Colombia has been a state party to the American Convention as of July 31, 1973, the date on which it deposited its instrument of ratification. Therefore, the Commission is competent *ratione personae* to examine the petition.

26. In addition, the Commission is competent *ratione loci* to take stock of the petition insofar as it alleges violations of rights protected in the American Convention said to have taken place in the territory of Colombia, a state party to that treaty. The Commission is competent *ratione temporis* insofar as the obligation to respect and ensure the rights protected in the American Convention was already in force for the State as of the date on which the facts described in the petition are alleged to have taken place.

27. As regards the arguments regarding possible violations of the Inter-American Convention to Prevent and Punish Torture, the Commission observes that Colombia deposited its instrument of ratification of that Convention on January 19, 1999, and that the facts alleged in the petition were said to have occurred in 1992, i.e. prior to Colombia's ratification of that international instrument. Without prejudice to the foregoing, the Commission would be competent *ratione temporis* to apply the Inter-American Convention to Prevent and Punish Torture in relation to the alleged denial of justice for events that occurred subsequent to ratification of the Convention by the State.

28. Finally, the Commission is competent *ratione materiae*, because the petition alleges possible violations of human rights protected by the American Convention.

B. Admissibility requirements

1. Exhaustion of domestic remedies

⁷ The State argues that "there is a clear difference between civil negligence, criminal negligence, and state responsibility in the administrative are ... consequently the circumstance of having denied the claims of the direct reparation action in the administrative jurisdiction, which the petitioner describes as '*responsabilidad extracontractual*' (tort liability), in no way limits his possibility of going before the Civil Judge of the Circuit of the regular jurisdiction to obtain recognition and payment of a comprehensive reparation of the harm." Brief of observations of the State DDH.GOI No. 33801/1714 of June 26, 2009, paras. 32-33.

29. Article 46(1)(a) of the American Convention requires the prior exhaustion of the remedies available in the domestic jurisdiction in keeping with generally recognized principles of international law as a requirement for the admissibility of claims regarding the alleged violation of the American Convention. The purpose of this requirement is to allow the national authorities to take stock of the alleged violation of a protected right and, if approved, to resolve it before it comes before an international body. In the instant case, the petitioner alleges that the remedies provided for in the domestic jurisdiction have been exhausted, namely, the criminal proceeding and the action for direct reparation before the contentious-administrative jurisdiction.

30. In the instant case, the State alleges that the petition does not satisfy the requirement of prior exhaustion of domestic remedies, provided for at Article 46(1)(a) of the American Convention, given that if the petitioner considers that his right to reparation is not satisfied, he can file a tort action (*acción de responsabilidad civil extracontractual*), which prescribes 20 years after the date on which the facts occurred. As regards the contentious-administrative proceeding, the State indicates that it unfolded and concluded speedily even though the result was adverse to the petitioner's claims. For its part, the petitioner argues that domestic remedies were exhausted on April 6, 2000 with the notification of the order denying the appeal in the contentious-administrative jurisdiction.

31. In view of the parties' arguments, one must first clarify which domestic remedies need be exhausted in a case such as this, in light of the case-law of the inter-American system. The Commission observes that the petitioner's claims refer to mainly to the denial, by the State, of any responsibility for the conduct of one of its agents in a military area.

32. In this respect, the precedents established by the Commission indicate that every time a crime is committed that the law requires be prosecuted *sua sponte*, the State is under an obligation to promote and give impetus to the criminal proceeding⁸ and that in such cases this is the suitable means of clarifying the facts, prosecuting the persons responsible, and establishing the corresponding criminal sanctions, in addition to making possible other forms of pecuniary reparation. The Commission observes that the facts set forth by the petitioners in relation to the death of Carlos Arturo Uva translate in the domestic legislation into criminal conduct prosecutable *sua sponte* whose investigation and prosecution must be furthered by the State itself. In this respect, the Commission notes that by judgment of May 10, 1994, the regular criminal justice system convicted the person responsible for the death of Carlos Arturo Uva and sentenced him to 16 years in prison, and that ruling was affirmed on appeal on December 19, 1994.

33. In addition, the petitioner alleges having attempted to bring an action for direct reparation before the contentious-administrative jurisdiction, which was denied in the first instance and upheld by the Council of State on appeal, on March 30, 2000, by which "the criminal conviction on appeal was not attached to the administrative proceeding."⁹ He alleges that the Council of State had the authority and the obligation to order that evidence produced *sua sponte* and to attach the judgment to the contentious-administrative proceeding that was being carried out. For its part, the State argues that the decision of the Council of State was not based exclusively on the criminal judgment on appeal not having been attached to the proceeding but also considered that "... the criminal conviction does not necessarily lead to a finding of liability due to the fault the administration, accordingly there is an ostensible difference between the criminal liability deriving from the agent's punishable act, which is personal, and that stemming from a fault of the service, which is generally anonymous."¹⁰

34. As for the civil tort action, the Commission notes that Article 2341 of the Civil Code establishes: "One who has committed a delict or act of negligence, that has caused harm to another, is

⁸ IACHR, Report No. 52/97, Case 11,218, Arges Sequeira Mangas, Nicaragua, February 18, 1998, para. 96 and 97. See also IACHR, Report No. 55/97, Case 11,137, Juan Carlos Abella, Argentina, November 18, 1997, para. 392.

⁹ Initial petition received at the IACHR on October 5, 2000.

¹⁰ Brief of observations of the State DDH.GOI No. 22500/0932 of April 13, 2009, para. 17.

obligated to pay compensation, without prejudice to the principal penalty imposed by law on the act of negligence or delict committed.” In addition, Article 103 of the Criminal Code in force at the time of the facts established: “The punishable act gives rise to the obligation to make reparation for the material and moral injuries that result from it.”¹¹ And Article 108 established a limitations period of 20 years when the action is brought independent from the criminal proceeding. In this respect, the Commission observes that this action has not yet prescribed, nonetheless, nor does it appear that the alleged victim’s next-of-kin attempted to pursue this remedy. Even so, that action is exclusively for obtaining compensation for damages caused by the individual delict or negligent act. Therefore, it is not necessary for this type of remedy to be exhausted in relation to the claim alleging responsibility of the State in the death of Carlos Arturo Uva.

35. Therefore, given the characteristics of the claim that is the subject matter of this case, the Commission considers that the petitioner’s claim satisfies the requirement of prior exhaustion of domestic remedies set out at Article 46(1)(a) of the American Convention.

2. Deadline for submission

36. The American Convention establishes that in order for a petition to be admissible by the Commission, it must be presented within six months from the date the alleged victim has been notified of the final decision. Article 32 of the Commission’s Rules of Procedure establishes that in those cases in which exceptions to the prior exhaustion rule apply, the petition should be submitted within a time which, in the view of the Commission, is reasonable. To that end, the Commission should consider the date of the alleged violation of rights and the circumstances of each case.

37. The Commission observes that the petition was received on October 5, 2000, and the resolution denying the appeal in the contentious-administrative jurisdiction was handed down by the Council of State on March 30, 2000, and notified by edict to the parties on April 6, 2000, thus the requirement stipulated in Article 46(1)(b) of the American Convention was satisfied.

3. Duplication of procedures and international res judicata

38. It does not appear from the record that the subject matter of the petition is pending before any other international procedure for settlement, or that it reproduces a petition already examined by this or another international organization. Therefore, one must consider the requirements established in Articles 46(1)(c) and 47(d) of the Convention to be satisfied.

4. Characterization of the facts alleged

39. The petitioners allege that the authorities did not investigate or establish to what extent the State may have incurred responsibility for the conduct of its agents and for not having duly responded to the death of Carlos Arturo Uva Velandia. On its part, the State alleges that the petitioner’s claim is aimed at obtaining additional compensation from the State and in doing so is pretending that the Commission acts as a fourth instance. In this regard, the allegation of the petitioners with respect to the possible State responsibility for the conduct of its agents, does not constitute an activity outside the competence of the Commission and that could establish violations of the rights of life, personal liberty, judicial guarantees, and judicial protection, protected at Articles 4(1) and 7, in conjunction with Article 1(1) of the American Convention..

40. The Commission will also consider, in the merits stage, the alleged violation of Articles 5, 8(1), and 25 of the American Convention to the detriment of the next-of-kin of the alleged victim and considers that the alleged failure to clarify the responsibility of the State for the conduct of one of its agents in a military area requires an analysis of the merits in light of the standards of the American Convention.

¹¹ Criminal Code, Decree 100 of 1980.

41. As for the petitioner's claim regarding the alleged violation of Articles 6 and 11 of the American Convention and Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture, the Commission observes that the petitioners did not offer arguments or support for their alleged violation, accordingly those claims are not found to be admissible.

V. CONCLUSIONS

42. The Commission concludes that it is competent to examine the claims presented by the petitioners regarding the alleged violation of Articles 4(1), 5, 7, 8, and 25 in conjunction with Article 1(1) of the American Convention and that these are admissible, in keeping with the requirements established at Articles 46 and 47 of the American Convention. In addition, it concludes that the claims regarding the alleged violation of Articles 6 and 11 of the American Convention and Articles 1, 6, and 8 of the Inter-American Convention to Prevent and Punish Torture are inadmissible.

43. Based on the arguments of fact and law set forth above, and without this being tantamount to prejudging on the merits,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECIDES:

1. To find the instant case admissible with respect to Articles 4(1), 5, 7, 8, and 25 in conjunction with Article 1(1) of the Convention.
2. To notify the Colombian State and the petitioner of this decision.
3. To continue with the analysis on the merits.
4. To publish this decision and include it in its Annual Report to the OAS General Assembly.

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).