

**REPORT No. 105/13**  
PETITION 514-00  
ADMISSIBILITY  
OSCAR ALFONSO MORALES DIAZ AND FAMILY  
COLOMBIA<sup>1</sup>  
November 5, 2013

**I. SUMMARY**

1. On October 10, 2000, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the IACHR”) received a petition lodged by Oscar Alfonso Morales Díaz (hereinafter “the petitioner” or “the alleged victim”), alleging the responsibility of the Republic of Colombia (hereinafter “the State”) for its failure to ensure effective measures to protect his rights and those of his family to safety, humane treatment, life, and work following death threats and an attempt on his life on July 8, 2000, which were reported to the authorities. The petition alleges that those acts of violence were perpetrated as a result of corruption charges that he filed against state officials.

2. For its part, the State argues that the petitioner’s allegations are inadmissible as they do not amount to colorable claims of violations of the American Convention on Human Rights (hereinafter “the American Convention” or “the Convention”) as well as for failure to exhaust a contentious-administrative remedy at the domestic level.

3. Having analyzed the positions of the parties and the petition’s compliance with the requirements set forth in Articles 46 and 47 of the American Convention, the IACHR has decided to declare the case admissible for the purposes of examination of the alleged violations of Articles 4, 5, 8, 21, 22, and 25 of the American Convention, in connection with Article 1(1) thereof. It also decided to declare the petition inadmissible with respect to the alleged violation of Article 6 of the Protocol of El Salvador. In addition, the IACHR decided to notify the parties of this decision, to publish it, and to include it in its Annual Report to the General Assembly of the Organization of American States.

**II. PROCESSING BY THE COMMISSION**

4. The IACHR registered the petition as No. 514-00 and, after a preliminary analysis, proceeded on April 24, 2012, to transmit a copy of the pertinent portions to the State for comment.

5. On June 25, 2012, the State requested additional time to present its observations, which the IACHR granted. On October 11, 2012, the IACHR reiterated its request for information to the State, to which the State replied that it had submitted its response on October 10, 2012. The IACHR received the response on October 12, 2012, and forwarded it to the petitioner for comment. In that communication, the State drew attention to the time that it had taken the IACHR to forward the petition and asked it to justify the delay in the initial processing. On December 25, 2012, the petitioner presented his response, which was relayed to the State for comment. In his reply, the petitioner also presented a complaint and expressed the view that he felt that the delay infringed his due-process

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<sup>1</sup> Pursuant to Article 17(2) of the Commission’s Rules of Procedure, Commissioner Rodrigo Escobar Gil, a Colombian national, did not participate in the discussion or decision in this case.

guarantees. On March 8, 2013, the State presented its response, which was conveyed to the petitioner for his consideration.

6. In response to the considerations of the State and the petitioner on the time taken by the IACHR to conduct its preliminary analysis, it should be noted that after receiving the initial petition in October 2000, the petitioner presented additional information on October 24, 2000. On May 12, 2003, the IACHR requested additional information from the petitioner. On July 10, 2003, the petitioner provided additional information and his new address in Canada. On December 7, 2007, the IACHR asked the petitioner if the reasons for his complaint still subsisted; it also inquired about the status of the investigations. That letter was returned to the IACHR by the Canadian postal service as the address given did not exist. On December 14, 2010, the IACHR re-sent that communication to the petitioner by e-mail and asked him to provide a postal address. The petitioner confirmed receipt on January 20, 2011 and on February 7, 2011 supplied the information requested. On February 22, 2012, the petitioner requested information about his petition, and that information was forwarded to the State on April 23, 2012. On March 8, 2013, the State presented its response, which was conveyed to the petitioner for consideration.

### **III. POSITIONS OF THE PARTIES**

#### **A. The petitioner**

7. Oscar Alfonso Morales Díaz, a lawyer, claims that on May 19, 2000, he filed corruption charges against officials of the Urban Development Institute (*Instituto de Desarrollo Urbano*) (hereinafter "IDU") with the Office of the Attorney General and the Superior Court in and for Cundinamarca; as well as with the Presidential Anticorruption Program and the Office of the Prosecutor General. The latter reportedly gave rise to an investigation under Case No. 484569.

8. The petition claims that at the end of June 2000, the alleged victim received threatening telephone calls as a result of the charges presented telling him that "he was going to die because he was a snitch." The threats prompted the petitioner to file complaints with the Presidential Anticorruption Program and the Attorney General's Office on June 30, 2000, as well as with the Ombudsman on July 7, 2000. On July 6, 2000, the Presidential Anticorruption Program reportedly requested the Administrative Security Department (DAS) to carry out an evaluation as a matter of priority and to adopt such protection measures as the case warranted.

9. The petitioner claims that on July 8, 2000, he was the victim of an attempt on his life by two individuals on a motorcycle, who allegedly fired several shots at him as he was walking to his car, which "struck the front of the car and the windshield, and leaving pieces of the windshield inside the car." However, he was unhurt. He adds that on July 8, 2000 he reported the incident (recorded as case 8610) to the Immediate Response Unit (*Unidad de Reacción Inmediata*) (hereinafter "URI") of the Office of the Prosecutor General (hereinafter FGN) in the Kennedy district of Bogotá, "where the policemen on duty that night at the 12th precinct, which is next door to the URI, made fun of [him] saying that [he] was involved in shady dealings and did not even listen to [his] account." He then filed a report with the DAS officers, who told him to go home, asking him to return with his vehicle at 8:00 a.m. to examine it, which he did. The DAS apparently carried out the respective ballistics tests. He said that following the attack he received several letters of condolence at his death, which were addressed to him.

10. The DAS investigation reportedly concluded that the security of the alleged victim was in jeopardy and he was provided basic guidance on self-protection and security measures that he could adopt. The investigation for the crime of attempted homicide was assigned to the FGN's Second Homicide Unit and the case assigned No. 49417.

11. He says that the FGN accepted his request to be included in the program offered by its Victim and Witness Protection Office and he was sent a "self-protection letter" advising him to leave town regularly, a recommendation that he followed, at his own expense. He says that the FGN offered to relocate him to another city and to pay the travel costs. The petitioner says that on July 12, 2000, he turned down the offer because: (i) he had himself relocated to another city a few days after the attack; (ii) he was concluding his specialization studies in Bogotá; (iii) it was financially disadvantageous for him because his professional market was in that city, and he was not being offered any work-related assistance. On August 1, 2000, the FGN affirmed that the alleged victim was in danger of an attempt on his life and physical integrity as a result of his involvement in the corruption probe.

12. On September 12, 2000, the Metropolitan Police of Bogotá allegedly informed the Presidential Anticorruption Program that the security assessment carried out had concluded that the alleged victim was exposed to a mid-level risk and that orders had been given to "carry out periodic patrols to the residence of Mr. Morales [to whom] it was suggested that he implement the security measures recommended to him." The petitioner claims that Colombia did not adopt measures to ensure his right to life and that of his family or to ensure him "a normal life" in his country. Accordingly, he considers that he has exhausted all the procedures before the FGN, the Attorney General's Office, and Office of the President the Republic.

13. He claims that "as a last-ditch measure to protect [his] life and that of [his] loved ones, given that the Colombian state was unable to guarantee [their] safety," he had to leave the country because the State did not offer any viable solutions to the danger that he faced. He says that for fear that something might happen to him, on December 14, 2000, he emigrated to Canada with the support of that State. He says that Canada gave him a loan to pay his travel costs but that he did not know how he would repay it, or how he would pay off his bank debts. He wonders how he will make a living when "what little he has left" is gone, given that he is unable to work.

14. The petitioner says that the inquiry into the attack on his life was provisionally closed on July 25, 2001, demonstrating the lack of interest in investigating the facts. He claims that "the case files are currently gathering dust waiting for the proceeding to lapse as a result of being time-barred and because of the omission of the State to investigate the criminal acts of which [he] was a victim." He argues that the State's obligation to protect him is an obligation of ends, as the Colombian Constitutional Court has ruled.<sup>2</sup>

15. To the State's submission that the violations alleged by the petitioner were not committed by agents of the State (see section III.B below), the petitioner contends that his complaints at the domestic level were filed against State officials of the IDU.

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<sup>2</sup> The petitioner cites the Colombian Constitutional Court in support of his argument. Judgment T-524-05 and *Cfr.* T-19-03: "Anyone whose life is under serious threat and who has notified the State authorities of that fact is entitled to receive protection to the extent where the State's obligation to preserve their life becomes an obligation of ends for the purposes of administrative liability."

16. To the State's submission alleging failure to exhaust the direct reparations proceeding (see section III.B below), the petitioner replies that he was unable to institute any such proceeding because he was not in Colombia. He claims that the attempted homicide investigation was suspended and that an order to desist was issued in the corruption probe.

#### **B. Position of the State**

17. In response to the petition, the State argues that as a result of the alleged threats in June 2000 and the alleged attack of July 8, 2000, which were reported to the FGN, the latter carried out a threat and risk assessment following the guidelines of the Attorney General's Office's Protection and Assistance Program and concluded on August 1, 2000, that the alleged victim was at risk of an attack on his life and physical integrity. The State points out that the alleged victim refused the FGN's offer of relocation.

18. It says that the Metropolitan Police of Bogotá also carried out a security study through its Intelligence Division, which assessed him as being at mid-level risk. Accordingly, the order was given for personnel attached to the Eighth Precinct, in Bogotá's Kennedy district, to periodically patrol his residence. In addition, it mentions that the DAS also carried out a technical risk and threat study and that the alleged victim was provided guidance on self-protection and security measures that he could adopt.

19. The State says that as a result of the attempted murder on July 8, 2000, an investigation was opened under case No. 494171, in which a series of investigative procedures were carried out, but that there was insufficient evidence to institute pre-trial proceedings. It says that the case was suspended on July 25, 2001, by Bogotá's 24th Sectional Prosecutor. The prosecutor's office reportedly decided that "[i]n spite of the efforts made ... to identify ... the perpetrators of the criminal act, ... there is no evidence to open an inquiry into a particular individual, much less ... of the IDU officials ... against whom the charges have been laid."

20. That investigation was reportedly combined with the investigations carried out by the FGN's Crimes against the Public Administration Unit under case No. 484569, in which the alleged victim was also a witness. In turn, an order to desist was issued in that case because the conduct under investigation did not constitute a criminal offense.

21. The State holds that the petition does not constitute a colorable claim of violation of the American Convention because the persons who allegedly threatened and attempted to murder the alleged victim in 2000 were not agents of the State or acting under its supervision or protection, or with its tolerance or acquiescence.

22. In addition, it argues that in order to impute the State's responsibility for the facts sub examine it would have to be shown that the State could at least be presumed to have had foreknowledge of the existence of the danger and failed to take effective steps to prevent it. The State argues that's once the facts had come to the attention of the authorities, they took the necessary steps to provide the alleged victim with appropriate protection measures, commensurate with the danger posed. Therefore, the petitioner's assertions that those measures were insufficient are inadmissible. In that connection, it considers that the obligations to investigate, prosecute, and punish violations under the American Convention are ones of means, not of ends. Therefore, the mere fact that the outcome

was contrary to the interests of the alleged victim cannot be interpreted to mean that the State ignored those obligations.

23. The State argues that the alleged victim failed to bring an action for direct reparations in the contentious-administrative jurisdiction, which is designed to repair injuries caused by omissions attributable to agents of the State and would have been the suitable remedy in this case. The State says that the time limit for bringing that action lapsed two years after the facts, in June 2002. In that regard, it holds that by omitting to seek that remedy, he implicitly waived compensation for material and non-pecuniary damages.

#### **IV. ANALYSIS OF COMPETENCE AND ADMISSIBILITY**

##### **A. Prior considerations**

24. The State argues that “[a]s a result of the quasi-judicial way in which the IACHR processes individual petitions, its proceedings must perforce ensure the guarantees of due process as a matter of general principle under the law enshrined in all the constitutional legal systems of the American states and implicitly guaranteed in the protection procedures envisaged in the American Convention.” In addition, it recalls that the principles of good faith and legal certainty apply to the interpretation of treaties as established in the Vienna Convention on the Law of Treaties, and it considers that those principles are violated by the failure to apply due-process guarantees in proceedings under the American Convention. It argues that, unless justified, any delay in forwarding the petition would violate the standards of due process. It says that the passage of time produces obstacles in terms of what measures a state may adopt at a given time to remedy situations that seemingly violate human rights, and impedes the collection of accurate and up-to-date information on the facts. It holds that it “almost goes without saying that, upon requiring the State to respond to a complaint within a reasonable time, the IACHR should have the obligation to forward it likewise within a reasonable time, on the understanding that the proceeding as a whole should be dealt within the shortest possible time in the interests of appropriately guaranteeing human rights.” The State contends that the IACHR “should act swiftly to process complaints, so as to be consistent with the demands imposed on the State,” as that could affect the due-process rights of the alleged victims.

25. For his part, the petitioner also presented a complaint in this regard and expressed the view that he felt that the delay infringed his due-process guarantees. He said that “the complaint was lodged at the most critical juncture in terms of the violation of [his] fundamental rights. Therefore, any delay in the proceedings would not be as a result of [his] not presenting it.”

26. In this regard, the Commission reiterates that in the processing of individual petitions before IACHR, there is no statute of limitations *ipso iure* based on the passage of time. It also notes that all information furnished by the parties has been forwarded to the other party for comment, in accordance with the pertinent conventional and regulatory provisions. Accordingly, the due process rights of the parties in the Commission’s processing of the case have not been impaired.<sup>3</sup>

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<sup>3</sup> Cfr. IACHR, Report 138/11 *García Cruz and Sánchez Silvestre v. Mexico*, October 31, 2011, par. 40.

## **B. Competence**

27. The petitioner is entitled under Article 44 of the American Convention to lodge petitions with the Commission. The petition names as the alleged victim an individual in respect of whom the Colombian State undertook to respect and ensure the rights enshrined in the American Convention and the Protocol of San Salvador. As regards the State, the Commission notes that Colombia has been a party to the American Convention since July 31, 1973, when it deposited its instrument of ratification. Therefore, the Commission is competent *ratione personae* to examine the petition. The Commission is competent *ratione loci* to examine the petition because it alleges violations of rights protected in the American Convention that are purported to have occurred within the territory of Colombia, a state party to said treaty.

28. The Commission is competent *ratione temporis* because the obligation to observe and ensure the rights protected in the American Convention was already binding upon the State at the time the events described in the petition are alleged to have occurred.

29. Finally, the Commission has *ratione materiae* competence because the petition alleges violations of human rights protected by the American Convention. Concerning the alleged violations of the right to work and the right envisaged in Article 6 of the Protocol of San Salvador, the IACHR is only competent to examine alleged violations of Articles 8(a) and 13 of that instrument, in accordance with Article 19(6). Therefore, the Commission is not competent to evaluate compliance with Article 6 of the Protocol of San Salvador.<sup>4</sup>

## **C. Admissibility requirements**

### **1. Exhaustion of domestic remedies**

30. In order for a petition alleging a violation of the provisions of the American Convention to be admissible, it must comply with the requirements established in Article 46(1) of that international instrument. Article 46(1)(a) of the Convention states that to determine the admissibility of a petition or communication lodged in accordance with Articles 44 or 45 of the Convention, the remedies under domestic law must have been pursued and exhausted in accordance with generally recognized principles of international law.

31. For its part, Article 46(2) provides that the requirement of prior exhaustion of domestic remedies is not applicable when: (a) domestic law 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; and (c) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

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<sup>4</sup> Cfr. IACHR, Report No. 84/06 *Neusa Dos Santos Nascimento and Gisele Ana Ferreira v. Brazil*, October 21, 2006, par. 41.

32. As the Inter-American Court has found, the State claiming non-exhaustion of domestic remedies has an obligation to prove that the domestic remedies that remain to be exhausted are “adequate” for dealing with the violation alleged, in other words, that the function of those remedies in the legal system of the country is suitable to address an infringement of a legal right.<sup>5</sup>

33. In this case the State argues that the petition does not meet the requirement of prior exhaustion of domestic remedies provided at Article 46(1)(a) of the American Convention because a contentious-administrative proceeding for damages was not instituted. For his part, the petitioner asserts that he has exhausted all the procedures before the FGN, the Attorney General’s Office, and Office of the President the Republic.

34. In light of the positions of the parties and the circumstances surrounding this case, the IACHR also deems it pertinent to determine the purpose of the complaint submitted. Concretely, it alleges the failure to protect the alleged victim and his family from threats, an attempt on his life, and the letters of condolence received, presumably as a result of the corruption charges he presented—which facts were initially reported in June 2000; the failure to investigate those facts and to prosecute and punish those responsible; and his subsequent displacement.

35. In addition, the Commission must clarify, in light of the case-law of the inter-American system, which domestic remedies need to be exhausted in this case. Thus, the precedents established by the Commission indicate that when a publicly actionable offense is committed, the State has the obligation to institute criminal proceedings and pursue them.<sup>6</sup>

36. In such cases, an ordinary criminal proceeding is the best way to clarify the facts, try those responsible, and determine the appropriate criminal penalty, in addition to allowing for other forms of reparation, including financial reparation. The Commission finds that the facts described by the petitioner concerning the death threats and the attempt on his life are publicly actionable offenses under the country’s domestic laws that the State is required to investigate and prosecute.

37. The Commission also notes that, as a general rule, criminal investigations must be conducted promptly, in order to protect the interests of the victims, preserve the evidence, and safeguard the rights of anyone considered a suspect in the context of the investigation.<sup>7</sup> In addition, as the Inter-American Court has held since its earliest judgments, while every criminal investigation must meet a series of legal requirements, the rule of prior exhaustion of domestic remedies should not lead international action on behalf of the victims to come to a halt or to be delayed to the point of being rendered ineffective.<sup>8</sup>

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<sup>5</sup> I/A Court H.R., *Velásquez Rodríguez Case*, Judgment of July 29, 1988, par. 64.

<sup>6</sup> IACHR, Report No. 52/97, *Arges Sequeira Mangas*, February 18, 1998, par. 96; and Report No. 2/10, *Fredy Marcelo Núñez Naranjo et al.*, March 15, 2010, par. 29.

<sup>7</sup> IACHR, Report No. 87/06, *Carlos Alberto Valbuena and Luis Alfonso Hamburger Diazgranados*, October 21, 2006, par. 25; Report No. 70/09, *José Rusbell Lara*, August 5, 2009, par. 31; and Report No. 15/09.

<sup>8</sup> I/A Court H.R., *Velásquez Rodríguez Case v. Honduras*. Preliminary Objections. Judgment of June 26, 1987. Series C No. 1, par. 93.

38. In this case, the threats received by the alleged victim in June 2000 were reported by the petitioner to the Presidential Anti-Corruption Program of the Office of the Vice President of the Republic; to the Attorney General's Office on June 30, 2000; and to the Ombudsman on July 7, 2000. The petitioner claims to have reported the alleged attack of July 8, 2000 to the FGN's Immediate Response Unit, the DAS, and the Presidential Anti-Corruption Program, the upshot of which was the arrangement of periodic patrols to the alleged victim's residence and guidance on self-protection and security measures that he could adopt. The FGN's Victim and Witness Protection Unit, reportedly opened an investigation for the crime of attempted homicide and offered to relocate the alleged victim, who turned down the offer. The alleged victim left Colombia on December 14, 2000, for fear that something might happen to him. The investigation for attempted homicide was provisionally closed on July 25, 2001.

39. Therefore, given that more than 13 years have elapsed since the facts that are the subject of the petition occurred, the Commission finds to be applicable the exceptions provided in Article 46(2)(c) of the American Convention with respect to an unwarranted delay in reaching a decision under domestic remedies. Accordingly, to that extent the rule on exhaustion of domestic remedies may be set aside in this petition. The Commission reiterates that, in keeping with its practice, the analysis to be done is of the situation existing at the time the admissibility of the case is decided, based on the present circumstances.<sup>9</sup>

40. As regards the contentious-administrative remedy to which the State refers, the Commission has consistently held that it is a mechanism aimed at supervising the administrative activity of the State that only allows compensation for damages.<sup>10</sup> In this petition, the claims of the petitioner have to do with the criminal investigation, prosecution, and punishment of the culprits, which are matters that do not pertain to that jurisdiction. Accordingly, in a case such as this, it is not necessary to exhaust those remedies before seeking recourse to the inter-American system.<sup>11</sup>

41. Invocation of the exceptions to the rule of exhaustion of domestic remedies provided in Article 46(2) of the Convention is closely linked to the determination of possible violations of certain rights set forth therein, such as guarantees of access to justice. However, Article 46(2), by its nature and purpose, is a self-contained provision vis á vis the substantive provisions contained in the Convention. Therefore, to determine whether or not the exceptions to the rule of exhaustion of domestic remedies are applicable to a particular case requires an examination carried out in advance of and separate from the analysis of the merits of the case, since it depends on a different standard of appreciation to that used to establish whether or not there has been a violation of Articles 8 and 25 of the Convention. It should be clarified that the causes and effects that have prevented exhaustion of domestic remedies in

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<sup>9</sup> In situations in which the facts as originally presented at the domestic level have evolved and that evolution entails a change in terms of compliance or non-compliance with the admissibility requirements, the Commission has held that its analysis must be based on the situation that exists at the time of pronouncing on admissibility. See IACHR, Report No. 20/05, Petition 714/00, *Rafael Correa Díaz* (Peru), February 25, 2005, par. 32; IACHR, Report No. 25/04, Case 12.361 *Ana Victoria Sánchez Villalobos et al.* (Costa Rica), March 11, 2004, par. 45; IACHR, Report No. 52/00, Cases 11.830 and 12.038, *Dismissed Congressional Workers* (Peru), June 15, 2001, par. 21.

<sup>10</sup> IACHR, Report No. 72/09 *Herson Javier Caro (Javier Apache) and family*, August 5, 2009, par. 28.

<sup>11</sup> IACHR, Report No. 74/07 *José Antonio Romero Cruz, Rolando Ordoñez Álvarez and Norberto Hernández*, October 15, 2007, par. 34; and Report No. 72/09 *Herson Javier Caro (Javier Apache) and family*, August 5, 2009, par. 28.

the instant case will be examined, where pertinent, in the report that the IACHR adopts on the merits of the dispute, in order to determine if they constitute violations of the American Convention.

## **2. Deadline for lodging the petition**

42. The American Convention provides that for a petition to be admissible, it must be presented within six months of the date on which the party alleging violation of rights was notified of the final judgment. In the complaint under review the IACHR has determined that the exceptions to the rule of exhaustion of domestic remedies pursuant to Article 46(2)(c) of the American Convention are applicable. In this regard, Article 32 of the Commission's Rules of Procedure states that when the exceptions to the rule requiring prior exhaustion of domestic remedies apply, the petition is to be presented within what the Commission deems to be a reasonable period. The Commission must therefore consider the date on which the alleged violation of rights occurred and the circumstances of each case.

43. In the instant case, the petition was received on October 11, 2000; the alleged facts with which the petition is concerned began with the alleged threats in June and the alleged attack on July 8, 2000; and their effects, in terms of the alleged failure in the administration of justice, continue at present. Therefore, in light of the context and characteristics of this petition, the Commission considers that the petition was lodged within a reasonable time and that the admissibility requirement regarding the timeliness of its presentation must be deemed met.

## **3. Duplication of international proceedings and *res judicata***

44. There is nothing in the record to suggest that the subject matter of the petition is pending in another international proceeding for settlement or that it is substantially the same as one previously studied by this or any other international organization. Therefore, the Commission finds that the requirements set forth in Articles 46(1)(c) and 47(d) of the Convention have been met.

## **4. Colorable claim**

45. In light of the arguments of fact and of law made by the parties and the nature of the matter before it, with respect to the alleged death threats and attack the Commission finds that the petitioner's submissions could characterize possible violations of the rights to life and humane treatment enshrined in Articles 4 and 5 of the American Convention, taken in conjunction with Article 1(1) thereof, to the detriment of Oscar Alfonso Morales Díaz and his family.

46. Neither the American Convention nor the Rules of Procedure of the IACHR require that the petition identify the specific rights allegedly violated by the State in a matter submitted to the Commission, though the petitioners may do so. It is up to the Commission, based on the case-law of the system, to determine in its admissibility reports which provision of the relevant inter-American instruments is applicable or could be established as having been violated, if the facts alleged are sufficiently proven.

47. The Commission finds that the purported forced displacement of the alleged victims and the alleged lack of response on the part of the judicial authorities could amount to violations of the right to a fair trial, the right to property, freedom of movement and residence, and the right to judicial protection. Accordingly, in the merits stage, the IACHR will also examine the possible violation of Articles 8, 21, 22, and 25 of the Convention, taken in conjunction with Article 1(1) thereof, to the detriment of the alleged victim and his family.

48. To the extent that these aspects of the complaint are clearly not baseless or out of order, the Commission finds the requirements set forth in Articles 47(b) and (c) of the American Convention to be met.

## **V. CONCLUSIONS**

49. The Commission concludes that it is competent to examine the petition with respect to the alleged violations of Articles 4, 5, 8, 21, 22, and 25 of the Convention, in conjunction with Article 1(1) thereof, but that the petition must be declared inadmissible in relation to Article 6 of the Protocol of San Salvador.

50. Based on the factual and legal arguments given above and without prejudging the merits of the matter,

### **THE INTER-AMERICAN COMMISSION OF HUMAN RIGHTS**

#### **DECIDES:**

1. To declare the instant case admissible with respect to Articles 4, 5, 8, 21, 22 and 25 of the American Convention, in connection with Article 1(1) of that instrument.
2. To notify the Colombian State and the petitioners of this decision.
3. To proceed with its analysis of merits in the matter.
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 5<sup>th</sup> day of November 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Felipe González, Dinah Shelton, Rose-Marie Antoine, Commissioners.