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**REPORT No. 16/14**  
**PETITION 1214-07**  
REPORT ON ADMISSIBILITY

CARLOS ANDRÉS GALESO MORALES AND OTHERS  
COLOMBIA

Approved by the Commission at its session No. 1979 held on April 3, 2014  
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ADMISSIBILITY

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**I. SUMMARY**

1. On September 18, 2007, the Inter-American Commission on Human Rights (hereinafter “the Commission”) received a petition lodged by Carlos Andrés Galeso Morales (hereinafter “the petitioner”), representing himself and various members of his family<sup>1</sup> (hereinafter “the alleged victims”), all of whom belong to the Kankuamo indigenous people. The petition claims that the Republic of Colombia (hereinafter “the State,” “the Colombian State,” or “Colombia”) is responsible for the failure to protect the Galeso Arias family and for their forced displacement in light of acts of violence and threats perpetrated by the United Self-Defense Forces of Colombia (“AUC”) since 1999 in the municipality of Valledupar and in later years in other regions of the country. In the initial petition, the petitioner requested that he be granted political asylum in another state and, in later submissions, he reported that he was living in the Bolivarian Republic of Venezuela, in order to protect his security.

2. The petitioner claimed that the State was responsible for violating the rights to life, to humane treatment, to honor, to freedom of expression, to equality before the law, and to judicial protection, enshrined in Articles 1.1, 4, 5, 8, 11, 13, 24, and 25 of the American Convention on Human Rights (hereinafter the “Convention” or the “American Convention”), and he requested that each member of the Galeso Arias family be paid compensation. For its part, the State claimed that the petition was inadmissible because the petitioner had not exhausted the remedies offered by domestic jurisdiction and because the allegations did not tend to establish violations of the American Convention.

3. After analyzing the positions of the parties and in compliance with the requirements set forth in Articles 46 and 47 of the American Convention, the Commission decided to declare the petition admissible in order to examine the alleged violation of Articles 5, 8.1, 11, 19, 22, 24, and 25 of the American Convention, in conjunction with Article 1.1 thereof, and inadmissible with respect to the claims related to Articles 4 and 13 of the American Convention, to notify the parties of this report, to order its publication, and to include it in its Annual Report to the OAS General Assembly.

**II. PROCEEDINGS BEFORE THE COMMISSION**

4. The Commission recorded the petition as No. 1214-07. On July 28 and September 22, 2010, the Commission asked the petitioner for additional information in order to complete the study referred to in Article 26 of the Rules of Procedure then in force. The requested information was received on September 7, 2010.

5. After a preliminary examination of the petition and the additional information sent by the petitioner, on August 29, 2011, the Commission proceeded to convey the relevant parts of the claim to the State, with a two-month deadline for returning its comments, pursuant to Article 30.3 of the Rules of Procedure in force at the time. On September 5, 2011, the petitioner submitted additional information, which was forwarded to the State for information purposes on October 17, 2011. On October 25, 2011, the State sent a communication referring to the deadline for returning its comments in light of the additional

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<sup>1</sup> The people identified by the petitioner as members of his family are the following: María Angélica Arias Picón (permanent companion), Carmen Raquel Morales de Galeso (mother), Olga Sofía Galeso Morales (sister), Heriberto Favian Arredondo Daza (brother-in-law), Samuel David Arredondo Galeso (nephew, 9 years of age when the petition was submitted), Ángela Sofía Arredondo Galeso (niece – 4 years of age when the petition was submitted), Astrid Rocío Galeso Morales (relationship not specified), Rodrigo José Cuello Mendoza (relationship not specified), and María Lucía Cuello Galeso (daughter of Astrid Rocío, 2 years of age when the petition was submitted).

information forwarded on October 20, 2011. The Commission duly replied to that communication by means of a note dated November 15, 2011, reiterating the expiration of the deadline provided for in Article 30.3 of the Rules of Procedure in force as the time, which was to run from August 31, 2011.

6. The State returned its reply on December 9, 2011, and it was conveyed to the petitioner on December 13, 2011, with a deadline of one month for him to return his comments. The petitioner submitted his comments on the State's reply on December 21, 2011. Those comments were forwarded to the State on January 12, 2012, with a one-month deadline for it to reply. On February 17, 2012, the State requested a one-month extension, which was granted on February 27, 2012. On March 29, 2012, the State requested a second one-month extension, which was granted on April 13, 2012.

7. On April 18, 2012, the petitioner presented additional information. Given the content of that communication, in its acknowledgement of receipt of May 2, 2012, the Commission informed the petitioner that "if he deemed it necessary, he could lodge a request for precautionary measures with the Commission in accordance with the terms of Article 25 of its Rules of Procedure." Also on May 2, 2012, the Commission forwarded the petitioner's additional information to the State for its comments, and it requested that it return the comments still pending within a period of one month.

8. On June 4, 2012, the State requested an extension of one month for submitting its observations. The Commission granted that extension on June 8, 2012. On July 12, 2012, the State requested a second one-month extension for the return of its comments. On July 16, 2012, the Commission granted a one-month extension.

9. On July 20, 2012, the petitioner submitted additional information, which was forwarded to the State for information purposes on July 30, 2013. The State returned its reply on August 21, 2012, which was forwarded to the petitioner for information purposes on August 27, 2012. The petitioner submitted comments on the State's submission on September 16, 2012, which were forwarded to the State for information purposes on October 4, 2012.

10. In a communication dated December 20, 2012, the Colombian State presented information related to the petition. That information was forwarded to the petitioner for information purposes on January 28, 2013. On February 5, 2013, the petitioner submitted a communication stating that he would offer no further comments on the State's submission of December 20, 2013, on the grounds that it offered no new arguments not contained in the earlier official submissions. That information was conveyed to the State for information purposes on February 15, 2013.

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

#### **A. Position of the petitioner**

11. The petitioner claims that his situation is a part of the forced displacement of people caused by the armed conflict and violence perpetrated since 1999 by illegal armed groups – specifically, the United Self-Defense Forces of Colombia (AUC) – in the department of Cesar and other areas of Colombia's territory. He states that he and his family, as members of the Kankuamo indigenous people, have been the target of threats and acts of intimidation. He speaks of a situation of terror arising from a series of graves acts of violence perpetrated by the AUC, mostly in the municipality of Valledupar, that took the lives of people to whom he and his permanent companion María Angélica Árias Picón were related, including Luis Rafael Mendoza Arias (1999), Jaime Daza Molina (1999), María Arias Martínez (1999), Lisando Maestre Arias (1999), Edwin Galeso (1999), Freddy Arias Arias (2004), Laine Arias Martínez (2004), Andrés Talco Arias (2005), and Rubén Darío Arias (2006).

12. The petitioner claims that the alleged persecution of him and his family began in the year 1999, when "an armed group identifying itself as the United Self-Defense Forces of Colombia [...] burst into our home, with a list in their hands, and forcibly carried off my father-in-law [...] taking him by force with another five persons [...who were later] murdered at the Monterrey Estate." The petitioner claims that these

incidents took place in a context where “campesinos and indigenous Kankuamos were accused of collaborating with subversive groups” that allegedly operated in the Sierra Nevada de Santa Marta, according to information published in the media and also set down in reports of the Judicial Police. He contends that because of these acts of violence, in December 1999 there was an “exodus [by] many campesinos and indigenous Kankuamos from Corregimiento de la Mesa.” Specifically, he claims that following the killings, his family received direct threats from the alleged armed group, without “the competent authorities in the region [offering] either protection or assistance to the displaced persons.”

13. He reports that consequently, at around that time he and his family relocated from Corregimiento de la Mesa to Valledupar, the capital of Department of Cesar. After threats began to arrive almost immediately, they left Valledupar for the municipality of Ocaña in January 2000. In August 2003, after receiving threats by telephone and in person, they left Ocaña municipality for Pailitas, where they remained for seven months. He states that in April 2004, given their precarious economic situation, he and his family returned to the city of Valledupar. Following the deaths of Freddy Arias Arias and Laine Arias Martínez and the disappearance of his cousin Jairo Galeso,<sup>2</sup> he and his family once again moved, this time to the city of Medellín. He also speaks of a time spent in Soacha municipality and a period when his family was in Cartagena.

14. He claims that in December 2005 he received threats on the telephone and was told that the paramilitary leader Rodrigo Tovar (aka Jorge 40) had given an order for his execution. As a consequence of those threats, in January 2006 he moved – with his mother, sister, and minor-aged children – to the city of Barranquilla. After receiving threats in Barranquilla, they relocated to Bogotá in August 2006.

15. He reports that on August 28, 2006, he filed a complaint regarding the continuous human rights violations committed against him with the Attorney General, the Ombudsman, the office of the People’s Defender, the Bogotá human rights office, the Ministry of the Interior and Justice, the Senate Peace Commission, the Presidential Agency for Social Action and International Cooperation, and the National Police. He states that on September 15, 2006, he was included in the Single Displaced Population Register. On that same date he was informed that his complaint had been referred to the Intelligence Division of the Bogotá Metropolitan Police and to the Protection Program of the Ministry of the Interior and Justice. However, in October 2006, the Ministry of the Interior and Justice told him that he did not qualify for inclusion in the target population of the Protection Program provided for by Law 782 of 2002.

16. He claims that around mid November 2006, he received a series of telephone threats and, as a result, he took refuge in the Facatativá municipal barracks in the municipality of Cundinamarca during December 2006 and January 2007. He states that in February 2007 he expanded his complaint regarding the threats at the office of the Attorney General. The telephone threats occurred again in April 2007. He claims that in January 2008 the “Águilas Negras” made an unsuccessful attempt on his life “because he was a human rights defender and a member of the Humanity Foundation Colombia NGO,”<sup>3</sup> following which he relocated to the city of Riohacha in La Guajira department. He contends that as a result of the repeated telephone threats and pamphlets containing threats against his life, together with the alleged disappearance of another member of his family – identified as Oscar Mindiola Romero – he decided to cross the border and temporarily settle in Venezuela.

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<sup>2</sup> Regarding the alleged disappearance of Mr. Jairo Galeso, the petitioner claims that he had previously been threatened by the paramilitaries “because they accused him” of being the person who helped him hide and who “told him of the armed group’s plans to kill [him].” He reports that he “disappeared on August 21, 2004, while on a work appointment in the municipality of San Ángel in Magdalena department [...]” Original petition, received on September 18, 2007.

<sup>3</sup> The petitioner states that the information on the plans for this alleged attack may be found in a document presented by Mr. Andrés Padilla Daza to the office of the OAS Mission to Support the Peace Process (MAPP/OAS), dated December 5, 2008, and in a complaint lodged with the office of the Attorney General in Barranquilla and recorded as No. CUI 08001600106720080215. Petitioner’s submission, dated September 7, 2010.

17. During the processing of this complaint the petitioner alleged violations of Articles 1.1, 4, 5, 8, 11, 13, 24, and 25 of the American Convention on Human Rights, without specifying the applicable considerations of law.

18. The petitioner holds that the State “has maintained an attitude of negligence toward the human rights violations” he and his family have suffered. He claims he has been ignored, with the exception of preventive monitoring visits by the Bogotá Metropolitan Police during two weeks in October 2006, and the humanitarian assistance extended by the Presidential Agency for Action Social for the space of three months during one of the different forced displacements he was forced to endure. He stated that “there is no evidence whatsoever of legal steps taken by the State of Colombia and its institutions to avoid (...) the continuous violations” that he and his family have allegedly suffered. The petitioner claims he met on several occasions with officials from the Attorney General’s office and “that in exchange for testimony against paramilitary leaders (they offered him) territorial asylum in the year 2008 ... which I was never given” in spite of “my presenting a formal complaint.” He states that on July 9, 2008, he filed a formal complaint with the Office of the Attorney General and the Ombudsman against the Commander of the Meta Bloc of the Águilas Negras and against the Presidential Agency for Action Social for alleged ties with that group.

19. Regarding the State’s arguments about the nonapplicability of responsibility for the acts of third parties (see section III.B below), he contends that “the State failed to mitigate the effects of the armed conflict and failed to protect the human rights of victims who were fully identified to such public authorities as ... the Attorney General of the Nation, the Ombudsman, the office of the People’s Defender ... who were aware of the threats and persecution (suffered by the petitioner).” He adds that selecting members of the civilian population as military targets was a strategy of the paramilitary groups and that the State can be held responsible for the continuous human rights violations committed by those groups, and by the Northern Bloc of the AUC in particular, against the Galeso Arias and Galeso Morales families, by reason of the negligence of the authorities.

20. Regarding the State’s arguments that the petition is inadmissible because domestic remedies have not been exhausted (see section III.B below), the petitioner claims that he did in fact file for protective action on two occasions in order to assert his basic rights as an internally displaced person and to secure decent treatment from the Presidential Agency for Action Social, as can be seen in the resolutions dated April 17, 2006, from the 51st Criminal Court of Bogotá, and May 12, 2008, from the First Criminal Court of the Valledupar Hearing Circuit. He contends that in spite of the situation of forced displacement and the threats received, they filed complaints and accusations with the competent authorities but those efforts were fruitless.

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

21. The State rejects the claims made in the petition and in the later submissions. It holds that the reported facts cannot be attributed to actions and omissions on the part of its agents. It questions the claim that the domestic legal system lacks appropriate remedies for protecting the rights that the petitioner believes to have been abridged. It contends that that claim fails to meet the admissibility requirements set by the American Convention.

22. Regarding the prior exhaustion of domestic remedies, it holds that the petitioner failed to exhaust the resources available under domestic law, as required by the American Convention and the general principles of law. Specifically, it states that the petitioner failed to pursue the protection action provided for in Article 86 of the Colombian Constitution “as a temporary mechanism for avoiding irreparable harm (...) in that decisions thereon are swift and effective for avoiding threats (...) and violations of basic rights.” It further contends that the petitioner could have filed the direct redress action provided for in Article 87 of the Code of Administrative Disputes of Colombia, which empowers any citizen to seek compensation for illegal harm inflicted, if he did actually believe that the Colombian State could be held responsible for the alleged harm suffered by him and his family.

23. Colombia adds that the petitioner has failed to demonstrate that these remedies – the protection action and the direct redress action – were not suitable for repairing the alleged harm and that, consequently, he seeks to involve the Commission without first exhausting the available domestic venues. Furthermore, the State attributes the failure to pursue those domestic remedies to the petitioner’s lack of diligence and, finally, it contends that there were no threats or other impediments keeping him from invoking the remedies in question; consequently, Article 31 of the Commission’s Rules of Procedure, on exceptions to the exhaustion of domestic remedies requirement, does not apply.

24. Regarding the petitioner’s contentions as colorable claims under the terms of the American Convention, in its initial reply the State held that “responsibility for the violations alleged by Carlos Andrés Galeso Morales cannot be attributed to the Colombian State, since they do not constitute actions or omissions by the State (but rather) the actions of a third party, (...) an act solely by paramilitary groups that the Colombian State could not foresee.” In later submissions it questions the veracity of the facts alleged by the petitioner, on the grounds that “they have not been established by any competent authority” and they include “reckless accusations” against public officials.

25. Based on the foregoing arguments, the State requests that the IACHR “restrict the factual assumptions of the (...) petition to those can be duly proven in proceedings (...) and consequently to dismiss any reference (...) to factual assumptions that are not related (...) and have not been duly established”; that it rule the petition inadmissible based on the groundlessness of its factual and substantive contents and because it does not tend to establish violations of the Convention pursuant to Article 47, sections (b) and (c); that the petition be ruled inadmissible for noncompliance with the prior exhaustion of domestic remedies requirement contained in Article 46.2.c of the American Convention; and that the claim be sent to the archive.

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

##### **A. Competence**

26. The petitioner is entitled, in principle, to lodge petitions with the Commission under Article 44 of the American Convention. The petition names, as its alleged victims, individual persons with respect to whom the Colombian State had assumed the commitment of respecting and ensuring the rights enshrined in the American Convention. With respect to 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. The Commission therefore has competence *ratione personae* to examine the petition.

27. The Commission has also competence *ratione loci* to deal with the petition since it alleges violations of rights protected by the American Convention occurring within the territory of Colombia, which is a state party to that treaty. The Commission has competence *ratione temporis* since the obligation of respecting and ensuring the rights protected by the American Convention was already in force for the State on the date on which the incidents described in the petition allegedly occurred. Finally, the Commission has competence *ratione materiae* since the petition describes possible violations of human rights that are protected by the American Convention.

##### **B. Admissibility Requirements**

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

28. Article 46.1.a of the American Convention requires the prior exhaustion of the resources available under domestic law, in accordance with generally recognized principles of international law, as a requirement for the admissibility of claims regarding alleged violations of the American Convention. Article 46.2 of the Convention states that the prior exhaustion of domestic remedies shall not be required 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.

As the Inter-American Court has established, whenever a State claims that a petitioner has not exhausted the relevant domestic remedies, it is required to demonstrate that the remedies that have not been exhausted are “suitable” for remedying the alleged violation and that the function of those resources within the domestic legal system is applicable to protecting the violated juridical situation.<sup>4</sup>

29. In the case at hand, the State claims that the petition does not satisfy the prior exhaustion of domestic remedies requirement set in Article 46.1.a of the American Convention because the petitioner, in the State’s understanding, did not file a constitutional protection suit or an administrative filing for direct redress to secure, respectively, protection from the situation of danger and compensation for the harm suffered.

30. The petitioner has stated that he did in fact seek protective action to assert his right of access to humanitarian assistance as an internally displaced person. However, he contends that the remedy had no impact on his security situation and, consequently, did not resolve his displaced status. Having seen the parties’ contentions and the nature of the claim, the first step is to clarify what domestic remedies must be exhausted in a case like this, in accordance with the jurisprudence of the inter-American system.

31. Thus, the precedents established by the Commission indicate that whenever a publicly prosecutable crime is committed, the State is obliged to institute and pursue criminal proceedings and that, in such cases, this is the suitable channel to clarify the facts, prosecute the responsible parties, establish appropriate criminal penalties, and make possible other means of financial reparation. Regarding administrative dispute venues and the pursuit of direct redress, the Commission has repeatedly said that such channels do not constitute suitable remedies for analyzing the admissibility of claims of this kind.

32. On this point, the Commission notes that the crime of forced displacement was incorporated into the Colombian Criminal Code by means of Law 589 of 2000 as a crime against the inviolability of residence or workplace (Articles 284A and 284B). Currently, criminal law defines this crime in two ways: the first, set out in Article 159, as a crime against persons protected by international humanitarian law; and the second, enshrined in Article 180, as a crime against personal autonomy, with aggravating factors in certain circumstances. These offenses correspond to the situation faced by numerous families in Colombia that are included on the Displaced Population Register, as the petitioner and his family have been since 2006.

33. In the case at hand, according to the petitioner’s contentions, he lodged complaints with the competent agencies and, in spite of his insecure and precarious situation, gave testimony against members of illegal armed groups. At the same time, nothing in the record indicates any progress by the State in substantiating the proceedings or the opening of *ex officio* investigations into the crime of forced displacement. In addition, it should be noted that in cases of this kind, the alleged victims face challenges arising from the fear of reprisals and their impact on the continuation of forced displacement. The Commission cannot fail to note that the alleged threats against Carlos Andrés Galeso Morales and his family, which caused their forced displacement and ultimately their leaving the country, posed obstacles to the petitioner’s pursuit of additional proceedings in connection with his situation. That consideration is bolstered by the declaration of an “unconstitutional state of affairs” in connection with internal forced displacement issued by the Constitutional Court of Colombia, in which it addressed the absence of protection for certain sectors of the civilian population, indigenous peoples in particular.<sup>5</sup>

<sup>4</sup> Article 31.3 of the Commission’s Rules of Procedure. See also: I/A Court H. R., *Velásquez Rodríguez Case*, Judgment of July 29, 1988, para. 64.

<sup>5</sup> See: Constitutional Court, Judgment T-025 of 2004, issued by Third Review Chamber on the unconstitutional state of affairs regarding internal forced displacement, and its subsequent orders.

34. As the Inter-American Court has ruled, although all criminal investigations must meet a series of legal requirements, the ruling requiring the prior exhaustion of domestic remedies must not mean that international action in support of the victims is halted or delayed to the point of uselessness.<sup>6</sup> Consequently, in consideration of the characteristics of the case, the Commission believes that the exception provided for in Article 46.2.c of the American Convention is applicable, and so the prior exhaustion of domestic remedies is not required.

35. Invoking the exceptions to the exhaustion of domestic remedies rule contained in Article 46.2 of the Convention is closely tied in with determining possible violations of other rights set forth therein, such as guarantees of access to justice. However, by its very nature and purpose, Article 46.2 is a provision with autonomous content vis-à-vis the Convention's substantive precepts. So, the decision as to whether the exceptions to the exhaustion of domestic remedies rule are applicable in the case at hand must be taken before the merits of the case are examined and in isolation from that examination, since it depends on a different criterion from the one used to determine whether Articles 8 and 25 of the Convention were indeed violated. It should be noted that the causes and effects that prevented the exhaustion of domestic remedies in the case at hand will be analyzed in the Commission's future report on the merits of the controversy, in order to determine whether or not the American Convention was in fact violated.

## **2. Timeliness of the petition**

36. The American Convention requires that for the Commission to admit a petition, it must be lodged within a period of six months from the date on which the alleged victim of a rights violation was notified of the final judgment. In the instant case, the IACHR has admitted the exceptions to the exhaustion of domestic remedies in accordance with Article 46.2.c of the American Convention. In this regard, Article 32 of the Commission's Rules of Procedure states that in cases in which the exceptions to the requirement of prior exhaustion of domestic remedies are applicable, petitions must be presented within what the Commission considers a reasonable period of time. For that purpose, the Commission is to consider the date on which the alleged violation of rights occurred and the circumstances of each case.

37. In the case at hand, the petition was received on September 18, 2007, and the facts asserted in the claim began in 1999, with presumptive effects in terms of forced displacement that continue up to the present. Consequently, considering the context and characteristics of this case, the Commission believes that the petition was lodged within a reasonable time and that the admissibility requirement regarding the timeliness of the petition must be deemed met.

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

38. Nothing in the case file indicates that the substance of the petition is pending in any other international settlement proceeding or that it is substantially the same as any other petition already examined by this Commission or another international body. Hence, the requirements set forth in Articles 46.1.c and 47.d of the Convention have been met.

## **4. Colorable claim**

39. The Inter-American Commission must determine whether the facts described in the petition tend to establish violations of rights enshrined in the American Convention, as required by Article 47.b, or whether the petition, pursuant to Article 47.c, must be rejected because it is "manifestly groundless" or "obviously out of order." At this stage in the proceedings it falls to the IACHR to offer a *prima facie* evaluation: not to establish alleged violations of the American Convention, but to examine whether the petition describes facts that could tend to establish violations of rights protected by the American Convention. This examination in no way constitutes a prejudgment or preliminary opinion on the merits of the case.

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<sup>6</sup> I/A Court H. R., *Velásquez Rodríguez Case*, Preliminary Objections, Judgment of June 26, 1987, Series C No. 1, para. 93.

40. Neither the American Convention nor the IACHR Rules of Procedure require a petitioner to identify the specific rights allegedly violated by the State in the matter brought before the Commission, although petitioners may do so. Instead, it falls to the Commission, based on the precedents set by the system, to determine in its admissibility reports what provisions of the relevant inter-American instruments are applicable, the violation of which could be established if the alleged facts are proven by means of adequate evidence.

41. The claim under examination alleges that Carlos Andrés Galeso Morales and his family, members of the Kankuamo indigenous ethnic group, suffered threats and acts of harassment in a context in which that group was purportedly identified as “subversive” for their alleged ties with illegal armed groups. That situation reportedly had a significant impact on the physical and mental integrity of the alleged victims, as well as on their dignity. It also contends that the alleged victims were forced to relocate because of the direct threats they received and the fear generated by the acts of violence committed against other members of the family. The Commission notes that according to the patterns of internal displacement in the context of the armed conflict in Colombia<sup>7</sup> and given the elements of fact in this petition, at the merits stage it will be necessary to analyze the possible responsibility of the State for the alleged violation of the right to freedom of movement and residence as established in Article 22.1 of the American Convention, and for the possible violation of the rights enshrined in Articles 5, 11, and 24 of the Convention, all in conjunction with Article 1.1 thereof.

42. In addition, given the possible differentiated impact of displacement of the minor-aged members of the petitioner’s family, the Commission notes that the claims require a detailed analysis under the standards set by Article 19 of the Convention. Regarding the alleged violation of Article 19, as indicated by the standards of interpretation set out in the American Convention on Human Rights, and by the criteria established by the Inter-American Court of Human Rights for the integration of the regional and universal systems and for the notion of a *corpus juris* for the protection of children, the Commission will interpret the scope and contents of the allegedly violated rights.

43. The Commission will also consider the State’s responsibility in terms of its obligations under Articles 8 and 25 of the American Convention, in conjunction with Article 1.1 thereof.

44. Regarding the invocation of Articles 4 and 13 of the American Convention, since the petitioner’s contentions fail to describe or provide grounds for those aspects of the claim that would give rise to the State’s responsibility, they cannot be ruled admissible.

## V. CONCLUSIONS

45. The Commission concludes that it is competent to hear the petitioners’ claims regarding the alleged violation of Articles 5, 8, 11, 19, 22, 24, and 25 of the American Convention, in conjunction with Article 1.1 thereof, and that those claims are admissible under the requirements established by Articles 46 and 47 of the American Convention.

46. Based on the foregoing considerations of fact and law, and without prejudging the merits of the case,

## THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

### DECIDES:

<sup>7</sup> See, *inter alia*: IACHR, Annual Report 2008, Chapter IV: Colombia, paras. 74-84; available at <http://www.cidh.oas.org/annualrep/2008sp/cap4.Colombia.sp.htm>. See also: IACHR, Report No. 112/09, Petition 1265-06, Milene Pérez Lozano and others, November 10, 2009, para. 41; and Report No. 50/10, Petition 2779-02, Admissibility, Aranzazu Meneses de Jiménez, Colombia, March 18, 2010.

1. To rule this petition admissible as regards Articles 5, 8, 11, 19, 22, 24, and 25 of the Convention, in conjunction with Article 1.1 thereof.
2. To rule the claims inadmissible as regards Articles 4 and 13 of the Convention.
3. To give notice of this decision to the Colombian and to the petitioner.
4. To continue with its analysis of the merits of the complaint.
5. To publish this decision and to include it in its Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 3<sup>rd</sup> day of the month of April, 2014. (Signed): Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice President; Felipe González, Second Vice President; José de Jesús Orozco, Rosa María Ortiz, Paulo Vannuchi and James Cavallaro, Commissioners.