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Institution: Inter-American Court of Human Rights
Title/Style of Cause: Mapiripan Massacre v. Colombia
Doc. Type: Judgment (Preliminary Objections)
Decided by: President: Sergio Garcia Ramirez;
Vice President: Alirio Abreu Burelli;
Judges: Oliver Jackman; Antonio A. Cancado Trindade; Cecilia Medina Quiroga; Manuel E. Ventura Robles; Diego Garcia-Sayan; Gustavo Zafra Roldan
Dated: 7 March 2005
Citation: Mapiripan Massacre v. Colombia, Judgment (IACtHR, 7 Mar. 2005)
Represented by: APPLICANTS: Rafael Barrios Mendivil, Eduardo Carreno, Jomary Ortegon, Viviana Krsticevic and Roxana Altholz
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In the case of the “Mapiripán Massacre”,

the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “the Court”), Pursuant to Articles 37, 53(2), 55, 56 and 58 of the Rules of Procedure of the Court (hereinafter “the Rules of Procedure”) [FN1], issues the instant Judgment on the preliminary objections filed by the Colombian State (hereinafter “the State” or “Colombia”) and its acknowledgment of responsibility.

[FN1] The instant Judgment is issued pursuant to the Rules of Procedure adopted by the Inter-American Court of Human Rights during its XLIX Regular Session in its November 24, 2000 Ruling, which entered into force on June 1, 2001, and in accordance with the partial amendment adopted by the Court during its LXI Regular Session in its November 25, 2003 Ruling, in force since January 1, 2004.

I. INTRODUCTION OF THE CASE

1. On September 5, 2003, pursuant to the provisions of Articles 50 and 61 of the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”), the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”) filed before the Court an application against the State de Colombia (hereinafter “the State” or “Colombia”), originating in complaint No. 12,250, received by the Secretariat of the Commission on October 6, 1999.

2. The Commission filed the application in this case for the Court to decide whether the State breached Articles 4 (Right to Life), 5 (Right to Humane Treatment) and 7 (Right to Personal Liberty), to the detriment of the alleged victims of the massacre committed in Mapiripán, stated in the application. The Commission also asked the Court to decide whether the State abridged Articles 8(1) (Right to Fair Trial) and 25 (Right to Judicial Protection) of the Convention, in combination with Article 1(1) (Obligation to Respect Rights) of said treaty, to the detriment of the alleged victims of the massacre and their next of kin. When the application was filed, the Commission pointed out that “approximately 49 persons” were the alleged victims, of whom it identified the following ten and some of their next of kin, also listed below:

1. Sinaí Blanco Santamaría and his next of kin:
Nory Giraldo de Jaramillo (common-law spouse) and
Carmen Johana Jaramillo Giraldo (daughter).
Blanca Lilia Ardila Castañeda (wife),
Yudi Sirley Blanco Ardila (daughter),
Arbey Blanco Ardila (son),
María Isabel Blanco Ortiz (daughter).
2. Antonio María Barrera and his next of kin:
Viviana Barrera Cruz (daughter)
3. Enrique Pinzón López; 4. Jorge Pinzón López; 5. Luis Eduardo Pinzón López; and 6. José Alberto Pinzón López, and their next of kin:
Teresa López de Pinzón (mother),
Luz Mery Pinzón López (sister),
Esther Pinzón López (sister),
Sara Paola Pinzón López (sister) and
María Teresa Pinzón López (sister).
7. Diego Armando Martínez Contreras; 8. Hugo Fernando Martínez Contreras; and 9. Gustavo Caicedo Rodríguez, and their next of kin:
Mariela Contreras Cruz (mother and wife, respectively),
Maryuri Caicedo Contreras (sister),
Gustavo Caicedo Contreras (brother) and
Rusbel Asdrúbal Martínez Contreras (sister)
10. José Roland Valencia and his next of kin:
Marina San Miguel Duarte (wife),
Vinda Valencia Sanmiguel (daughter),
Johana Valencia Sanmiguel (daughter),
Roland Valencia Sanmiguel (son) and
Ronald Valencia Sanmiguel (son).

II. PROCEEDING BEFORE THE COMMISSION

3. On October 6, 1999 the Colectivo de Abogados “José Alvear Restrepo” and the Center for Justice and International Law (hereinafter “the petitioners”) filed a complaint before the Inter-American Commission.

4. On March 7, 2000 the Commission identified the complaint as N° 12,250, forwarded the pertinent parts of said complaint to the State, and asked it to provide such information as it deemed appropriate.

5. On February 22, 2001, during its 110th session, the Commission adopted Admissibility Report N° 34/01, in which it decided that “the case was admissible, in accordance with the requirements set forth in Articles 46 and 47 of the American Convention and in connection with the [alleged] abridgment of Articles 4, 5, 7, 8(1), 25 and 1(1) of [that Convention] to the detriment of 49 persons [allegedly] executed in Mapiripán [...]”. In said Admissibility Report the Commission decided to apply to the instant case the exception regarding exhaustion of domestic remedies set forth in Article 46(2)c) of the Convention, according to which “first it is necessary to establish whether the exceptions regarding the rule of exhaustion of domestic remedies set forth in said provision are applicable to the case in point, before and separately from analyzing the merits of the matter, as this depends on a standard of assessment that is different from the one used to decide on abridgment of Articles 8 and 25 of the Convention.”

6. On March 9, 2001 the Commission made itself available to the parties with the aim of attempting to reach a friendly settlement, in accordance with the American Convention and its own Rules of Procedure. The parties showed no interest in this regard.

7. On March 4, 2003 the Commission, pursuant to Article 50 of the Convention, adopted Report No. 38/03, in which it found that:

[...] Colombia is responsible for violating the rights to life, to humane treatment, and to personal liberty of the victims of the massacre committed in Mapiripán [...], enshrined in Articles 4, 5 and 7 of the American Convention. The State is also responsible for violation of the right to due process and to judicial protection of the [alleged] victims and their next of kin, set forth in Articles 8 and 25 of the American Convention, as well as for non-compliance with the obligation to ensure respect for the rights set forth in said Treaty, pursuant to Article 1(1).

In this regard, the Commission recommended that the State:

1. [c]onduct a complete, effective, and impartial investigation under regular venue, with the aim of trying and punishing all those responsible for the massacre committed against approximately 49 [alleged] victims in the municipality of Mapiripán, Department of Meta;

2. [t]ake such steps as may be necessary for the victims to receive adequate reparations for the violations committed by the State;

3. [t]ake such steps as may be necessary to avoid similar facts taking place in the future, in accordance with the duty to prevent and guarantee the basic rights set forth in the American convention, as well as such steps as may be necessary to fully comply with the doctrine developed by the Colombian Constitutional Court and by [t]he Commission in connection with the investigation and prosecution of similar cases under regular criminal justice.

[...]

8. On June 5, 2003 the Commission forwarded to the State Report No. 38/03 and granted it two months to report on “the steps taken to comply with the recommendations made.”

9. On August 22, 2003, after two extensions had been granted, the State submitted its reply regarding the steps taken to comply with the recommendations made in Report 38/03.

10. On September 5, 2003 the Inter-American Commission decided to bring the instant case before the jurisdiction of the Court.

III. PROCEEDING BEFORE THE COURT

11. On September 5, 2003 the Commission filed the application before the Court.

12. On February 2, 2004 the Center for Justice and International Law and the Colectivo de Abogados “José Alvear Restrepo” (hereinafter “the representatives”) filed their written brief containing pleadings, motions, and evidence (hereinafter “brief containing pleadings and motions”).

13. On April 2, 2004 the State filed its brief with preliminary objections and the reply to the application. The preliminary objections filed by the State referred to the following:

1. Inappropriate application of Articles 50 and 51 of the Convention. Decision to submit the case to the Court taken too far in advance.

2. The Commission disregarded the Colombian State’s Objection regarding non-exhaustion of domestic remedies.

14. On May 19, 2004 the Commission and the representatives filed their written pleadings with regard to the preliminary objections.

15. On January 28, 2005 the President of the Inter-American Court of Human Rights (hereinafter “the President” or “the President of the Court”) issued an Order to: [s]ummon the Inter-American Commission, the representatives, and the State to a public hearing that w[ould] take place at the seat of the Inter-American Court beginning on March 7, 2005 [...] hear their final oral pleadings on the preliminary objections and possible merits, reparations and costs in the instant case, as well as the statements of the [...] witnesses and expert witness [offered by the parties].

16. On February 18, 2005 the President issued an Order, in operative paragraph four of which he decided to:

[o]rder Gustavo Morales Marín to appear at a public hearing on preliminary objections and possible merits, reparations, and costs in the instant case to be held beginning on March 7, 2005 [...], at the seat of the Inter-American Court. Gustavo Morales Marín will testify on “the institutional policy of struggle against impunity and especially in cases of grave violations of human rights.”

17. On March 4, 2005 the State submitted a brief in which it pointed out that:

[...] based on the decisions reached by the domestic judicial and disciplinary authorities and due to the facts that took place in the municipality of Mapiripán between July 15 and 20, 1997 [...] it publicly and explicitly states the following:

1. With regard to the Preliminary objections filed by the State:
 - It withdraws the first Preliminary Objection, regarding inappropriate application of Articles 50 and 51 of the American Convention, and
 - It ratifies and maintains the second Preliminary Objection regarding the non-exhaustion of domestic remedies, filed by the Colombian State.
2. It acknowledges its international responsibility for the abridgment of Articles 4(1), 5(1) and [5](2), and 7 (1) and [7](2) of the American Convention on Human Rights, in connection with the facts that took place in Mapiripán between July 15 and 20, 1997.
3. It reaffirms as its State policy that of promoting and protecting human rights and it expresses its deep respect and consideration for the victims of the facts that took place in Mapiripán between July 15 and 20, 1997, and remembering them expresses its regret and apologizes to their next of kin and to Colombian society.
4. It asks [...] the Court to consider the acknowledgment made and to ascribe full legal effect to it, and therefore to limit the hearings on the merits and subsequent proceedings to the study of reparations and costs, as well as to the pleadings on the merits regarding the State's compliance with its treaty obligations regarding Articles 8(1) and 25.

18. On March 7, 2005 the State submitted a brief in which it said:

[...] based on the rulings issued by domestic judicial and disciplinary authorities and on the facts stated in section B of Chapter VI "Los Hechos de Julio de 1997" of the application filed by the Inter-American Commission on Human Rights [...] it publicly and explicitly states the following:

1. With regard to the Preliminary objections filed by the State:
 - It withdraws the first Preliminary Objection, regarding inappropriate application of Articles 50 and 51 of the American Convention, and
 - It maintains the second Preliminary Objection regarding non-exhaustion of domestic remedies, filed by the Colombian State.
2. It acknowledges its international responsibility for the abridgment of Articles 4(1), 5(1) and [5](2), and 7 (1) and [7](2) of the American Convention on Human Rights, in connection with the facts that took place in Mapiripán in July 1997.
3. It reaffirms as its State policy that of promoting and protecting human rights and it expresses its deep respect and consideration for the victims of the facts that took place in Mapiripán in July 1997, and remembering them expresses its regret and apologizes to their next of kin and to Colombian society.
4. It asks the [...] Court to consider the acknowledgment made and to ascribe full legal effect to it, and therefore to limit the hearings on the merits and subsequent proceedings to the study of reparations and costs, as well as to the pleadings on the merits regarding the State's compliance with its treaty obligations regarding Articles 8(1) and 25.
5. It specifies that this declaration by the State does not involve assessment or consideration of individual criminal liabilities.

19. The public hearing on preliminary objections and on the acknowledgment of responsibility made by the State was held on March 7, 2005, and there appeared:

on behalf of the Inter-American Commission:

Verónica Gómez; Advisor;
Víctor H. Madrigal Borloz, Advisor; and
Juan Pablo Albán, Advisor;

On behalf of the representatives:

Rafael Barrios Mendivil, attorney for the Corporación Colectivo de Abogados “José Alvear Restrepo”;
Eduardo Carreño, attorney for the Corporación Colectivo de Abogados “José Alvear Restrepo”;
Jomary Ortegón, attorney for the Corporación Colectivo de Abogados “José Alvear Restrepo”;
Viviana Krsticevic, attorney for CEJIL; and
Roxana Altholz, attorney for CEJIL;

On behalf of the State:

Julio Aníbal Riaño, Colombian Ambassador to Costa Rica;
Luz Marina Gil García, Agent;
Dionisio Araujo, Deputy Agent;
Héctor Adolfo Sintura Varela, Advisor;
Sonia Pereira; Advisor; and
Margarita Manjarrez, Advisor.

20. While submitting its final oral pleadings on acknowledgment of responsibility and on the preliminary objections, at the public hearing held on March 7, 2004, the State pointed out that it “withdr[ew] the first Preliminary Objection, with regard to inappropriate application of Articles 50 and 51 of the American Convention” and that “it maintained the second Preliminary Objection, regarding non-exhaustion of domestic remedies, filed by the State [...] and it w[ould] await the [...] Court’s assessment regarding Articles 8 and 25 [of the Convention]”. It also reiterated the points stated in its March 7, 2005 brief (supra para. 18).

21. At that same public hearing, with regard to the State’s acknowledgment of responsibility and the preliminary objections filed, the Commission stated inter alia that, in addition to the written pleadings that are in the file regarding the latter:

- a) It wishes to highlight the willingness expressed by the State and the importance of its statement, as it constitutes a step toward fulfillment of its international obligations;
- b) It especially values the words said in remembrance of the alleged victims to express regret and apologize to their next of kin and to Colombian society, and it receives them as a

positive sign, in the process of recovery of historical remembrance of the alleged victims and of the satisfaction due to their next of kin;

c) it respected equality between the parties in the proceeding before it, regarding admissibility of the case. However, the State did not argue that said right had been diminished, but rather that the Commission did not decide in favor of the State;

d) the acknowledgment by the State is, nevertheless, partial, and does not refer to all the facts, persons and violations mentioned in the application and in the brief containing pleadings and motions;

e) the merits stage must remain open, to decide on all the legal and factual arguments, raised by the representatives and by the Commission, and on the responsibility of the State regarding all individuals, both identified and unidentified, who were mentioned as alleged victims in the application and in the brief containing pleadings and motions;

f) given the temporal and spatial sequence of the facts, it is not possible to separate the pleadings regarding abridgment of Articles 8(1) and 25 of the Convention from consideration of the acts that preceded and followed the massacre in Mapiripán, that is, the acts of context prior to July 1997, according to the factual and legal arguments of the parties regarding Articles 4, 5 and 7 of the American Convention. The State also excludes the pleadings by both parties, in combination with Article 1(1) of the Convention and by the representatives with regard to Articles 19 and 22 of that same Convention; and

g) the declaration by the State does not define the alleged victims, with regard to whom it has partially acknowledged responsibility. And it does not refer to the next of kin of the alleged victims, both identified and unidentified, or to the survivors of the massacre, as alleged victims, in accordance with the claims of the Commission and the representatives.

22. At said public hearing, with regard to the acknowledgment of responsibility made by the State and regarding the preliminary objections raised, in addition to the briefs included in the file with regard to the latter, the representatives stated, inter alia, that:

a) they appreciate the act of remembrance of the alleged victims and the apology to their next of kin and to Colombian society;

b) the explicit expression by the State of its willingness to move forward in elucidation of the case; however, it is “unsatisfactory” regarding the fundamental factual and legal issues that are significant to decide on the case. In this regard, the representatives pointed out that said declaration:

i. does not acknowledge the specifications regarding the facts made by the representatives in their brief containing pleadings and motions;

ii. it substantially limits the significant facts of the case, both those stated in the application and in the brief containing pleadings and motions;

iii. it disregards the arguments of the representatives with regard to finding certain facts to be violations of the obligation to ensure children’s rights and the right to residence and movement;

iv. it establishes limits regarding a number of State agents who, according to the State, acted individually and outside State policies;

c) there is a fundamental contradiction in acknowledging responsibility regarding certain rights and maintaining a preliminary objection, and therefore said contradiction should be

deemed a consequence of the tacit waiver by the State of its right to raise the preliminary objections;

- d) they asked that the proceedings stage continue in a broad manner addressing both the factual and legal issues and reparations;
- e) the stage regarding exhaustion of domestic remedies already ended before the Commission;
- f) if the Court considers said objection it would have to study the state of the investigation in February 2001;
- g) the Commission's decision on admissibility is in accordance with this purpose and with the jurisprudence of the Court;
- h) the investigations in the instant case have had shortcomings from the start. In this regard, during the preliminary investigation, no forensic evidence was gathered, no witnesses were interviewed, no victims were identified, and those responsible were not captured. Furthermore, some defense attorneys and witnesses have been threatened; and
- i) domestic remedies continue to be ineffective and partial. In this regard, during the eight years of investigation, the State has only punished six individuals among the hundreds involved in the crime, including military and civilians.

23. During said public hearing, when it exercised its right to a rejoinder and in response to questions by the Judges, the State expressed that:

- a) it appreciated and recognized the autonomy of the Court to assess the legal effects of the acknowledgment of responsibility by the State, and it ratified the request made in its statement, regarding those legal effects;
- b) there is no contradiction between ratification of the second Preliminary Objection and the acknowledgment of responsibility, as the Court has full competence to hear all matters pertaining to the case, including the process regarding admissibility that took place before the Commission;
- c) it ratified the factual and legal reasons stated in the reply to the application regarding the Preliminary Objection;
- d) at the time when the Commission decided to submit the case to the Court, pursuant to Article 44 of its rules of Procedure, all the proceedings were already being heard by regular justice and various interim acts had taken place regarding the facts, [which] the Commission "did not [...] take into account when it brought the case before the Court";
- e) the State fulfilled all the requirements and parameters established by the Court with regard to the procedural condition regarding exhaustion of domestic remedies. The Commission's response to this Preliminary Objection asserts that it is merely a disagreement regarding the way in which Article 46 of the Convention was interpreted;
- f) when the case was submitted to the Court there was already a June 18, 2003 judgment that sentenced the mastermind of the massacre to 40 years in prison and three members of the army to 30 to 40 years in prison; and on September 30, 2003 the main perpetrator of the massacre was sentenced to 40 years in prison;
- g) domestic remedies are comprehensive in nature and they satisfy the need for access to justice, not only regarding criminal matters, but also with regard to reparations;
- h) domestic justice has operated in this case within a reasonable term, bearing in mind the complexity of the case, the domestic remedies, actions by the next of kin, and the possibility of

the alleged victims resorting to administrative law jurisdiction to seek the respective compensation; and

i) if the Court deems that the Preliminary Objection is in order, the Court would lose competence to decide on the compensations, but the State would be able to make these reparations in accordance with its domestic legislation.

IV. COMPETENCE

24. The Court is competent, pursuant to Article 62(3) of the Convention, to hear the instant case, in view of the fact that Colombia has been a State Party to the American Convention since July 31, 1973, and it acknowledged the adjudicatory jurisdiction of the Court on June 21, 1985.

V. PRELIMINARY OBJECTIONS AND ACKNOWLEDGMENT OF RESPONSIBILITY

25. The State has withdrawn the first Preliminary Objection regarding “inappropriate application of Articles 50 and 51 of the American Convention” and has ratified its second Preliminary Objection regarding non-exhaustion of domestic remedies.

26. The State has, in turn, acknowledged its international responsibility for the abridgment of Articles 4(1), 5(1), 5(2), 7(1) and 7(2) of the American Convention on Human Rights, in connection with the facts mentioned in section B of Chapter VI of the application filed by the Commission.

27. With regard to acknowledgment of international responsibility in cases heard before by the Court, it has established that [FN2]:

[...] Article 5[3] of the Rules of Procedure refers to a situation in which a respondent State informs the Court of its acquiescence regarding the facts and the claims of the applicant party and, therefore, accepts its international responsibility for breaching the convention, in the terms set forth in the application, a situation that would give rise to early termination of the proceeding regarding the merits of the matter, as set forth in chapter V of the Rules of Procedure. The Court notes that with the provisions of the Rules of Procedure that entered into force on June 1, 2001, the application brief includes the considerations regarding the facts and the points of law as well as the claims regarding the merits of the matter and the requests for the respective reparations and costs. In this regard, when a State acquiesces to the application, it must clearly state whether it does so only regarding the merits of the matter, or whether it also includes reparations and costs. If the acquiescence refers only to the merits of the matter, the Court will consider whether it will continue with the procedural stage of determining reparations and costs.

[...] In light of the evolution of the system for the protection of human rights, where the alleged victims or their next of kin can today autonomously submit their brief with requests, pleadings, and evidence, and wield claims that may or may not coincide with those of the Commission, when there is an acquiescence it must clearly state whether the claims made by the alleged victims or their next of kin are also accepted.

[...] On the other hand, the Rules of Procedure of the Court do not establish any specific moment for the respondent party to state its acquiescence. Therefore, if a State resorts to this procedural

act at any stage of the proceeding, this Court, after hearing all the parties, must evaluate and decide its scope in each specific case.

[FN2] Cf. Case of Myrna Mack Chang. November 25, 2003 Judgment. Series C No. 101, paras. 106 to 108.

28. Likewise, with regard to the possibility of alleging other facts or rights not included in the application, the Court has established that [FN3]:

[...] With regard to the facts addressed in the proceeding, this Court deems, as it has previously, that it is not admissible to allege new facts that are different from those stated in the application, while it is possible to state those that may explain, clarify or dismiss those that have been mentioned in the application, or to respond to the claims of the applicant. Furthermore, facts that are deemed supervening may be submitted to the Court at any state of the proceeding before the judgment is issued. [...] Likewise, with regard to inclusion of other rights different from those already included in the application by the Commission, this Court has established that the petitioners may invoke said rights. It is they who are entitled to all the rights embodied in the American Convention, and not admitting this would constitute an undue restriction of their condition of subjects of International Human rights Law. It should be understood that the above, regarding other rights, is in connection with facts already included in the application.

[...] This Court also has the authority to analyze possible violation of articles of the Convention that were not included in the application brief and in the reply to the application, as well as in the representatives' brief containing pleadings and motions, based on the principle of *iura novit curia*, firmly supported by international jurisprudence, "in the sense that the judge has the authority and even the duty to apply pertinent legal provisions in a case, even when the parties do not explicitly invoke them," in the understanding that the parties will always be allowed to submit the pleadings and evidence that they deem pertinent to support their position regarding all the legal provisions examined.

[FN3] Cf. Case of the "Juvenile Reeducation Institute". September 2, 2004 Judgment. Series C No. 112, paras. 124 to 126; Case of the Gómez Paquiyauri Brothers. July 8, 2004 Judgment. Series C No. 110, para. 178; Case of Herrera Ulloa. July 2, 2004 Judgment. Series C No. 107, para. 142; Case of Maritza Urrutia. November 27, 2003 Judgment. Series C No. 103, para. 134; Case of Myrna Mack Chang, *supra* nota 2, para. 128; and Case of the "Five Pensioners". February 28, 2003 Judgment. Series C No. 98, para. 153.

29. In the terms that the parties have expressed, the Court notes that there continues to be a dispute amongst them regarding the Preliminary Objection on non-exhaustion of domestic remedies; the scope of the State's acknowledgment of responsibility regarding facts in the instant case not included in the acknowledgment of responsibility made by the State; the alleged violations of Articles 1(1), 8(1) and 25 of the American Convention; the alleged violations of

Articles 19 and 22 of said convention argued by the representatives, as well as the matter of reparations and costs.

30. On the other hand, having made an acknowledgment of responsibility in the instant case, the State has implicitly accepted the full competence of the Court to hear the instant case, for which reason the second objection filed by the State has lost its preliminary nature. Furthermore, the content of said objection is closely tied to the merits of the instant matter, especially with regard to the alleged abridgment of Articles 8 and 25 of the Convention. Therefore, said Preliminary Objection must be dismissed and the Court must continue hearing the merits and reparations and costs in the instant case.

31. Therefore, while said recognition by the State does not interrupt the process of receiving the testimony and expert opinions ordered, the object of the testimony and expert opinions established in the President's Order must be restricted as appropriate, regarding the parts of the merits, the reparations and costs with regard to which there continues to be a dispute amongst the parties.

VI. OPERATIVE PARAGRAPHS

32. Now therefore,

THE COURT,

Unanimously,

DECLARES:

1. That there is no longer a dispute regarding the Preliminary Objection on the "inappropriate application of Articles 50 and 51 of the American Convention".

AND DECIDES:

2. To accept, for all effects, the withdrawal by the State of the first Preliminary Objection regarding "inappropriate application of Articles 50 and 51 of the American Convention".

3. To accept, for all effects, the acknowledgment of international responsibility made by the State, in the terms set forth in paragraphs 29 and 30 of the instant Judgment.

4. To dismiss the second Preliminary Objection regarding exhaustion of domestic remedies and to continue hearing the instant case on the scope of the acknowledgment of responsibility by the State regarding the facts in the instant case not included in the State's acknowledgment of responsibility; the alleged violations of Articles 1(1), 8(1) and 25 of the American Convention; the alleged violations of Articles 19 and 22 of said convention argued by the representatives, as well as reparations and costs.

5. To continue holding the public hearing summoned by the January 28, 2005 Order of the President of the Court, as well as the other procedural acts pertaining to the merits and reparations and costs in the instant case. The object of the testimony and expert opinions must be

restricted as appropriate, with regard to the parts of the merits, the reparations and costs regarding which there continues to be a dispute amongst the parties.

6. To notify the instant Decision to the State of Colombia, to the Inter-American Commission on Human Rights and to the representatives of the alleged victims and their next of kin.