

**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS,
OF DECEMBER 21, 2010**

**CASE OF VALLE JARAMILLO V. COLOMBIA
MONITORING COMPLIANCE WITH JUDGMENT**

HAVING SEEN:

1. The Judgment on merits, reparations and costs (hereinafter "the Judgment") passed by the Inter-American Court of Human Rights (hereinafter "the Court," "the Inter-American Court" or "the Tribunal") on November 27, 2008, whereby it ordered that:

[...]

13. The State must pay the amounts set out in the [...] Judgment, as compensation for pecuniary and non-pecuniary damages and as reimbursement of costs and expenses, where and when appropriate, within one year following the notification of the [...] Judgment, in accordance with paragraphs 207, 210, 216, 224 to 226 and 244 thereto[;]

14. The State mus[t] investigate the facts that led to violations of the [...] case, in terms of paragraphs 231, 232 and 233 of the [...] Judgment[;]

15. The State mus[t] publish in the Official Gazette and another newspaper that is widely circulated nationally, on a sole occasion, paragraphs 2 to 4, 6, 29, 47, 70 to 78, 80 to 97, 104 to 107, 109, 110, 115, 122, 125 to 128, 130, 132, 140 to 144, 147, 160, 161, 165 to 170, 176 to 180, 184, 190, 191, 196, 197 and 200 of the [...] Judgment, without the corresponding footnotes and with the titles of the respective chapters, as well and the operative paragraphs of the Judgment, within one year following the date of notification of the [...] Judgment, in accordance with paragraphs 227, 231 and 234 thereof [;]

16. The State mus[t] perform a public act of recognition of international responsibility in the University of Antioquia in relation to the violations found in [the] case, within one year following the date of notification of the [...] Judgment, in accordance with paragraphs 227 and 231 thereof [;]

17. The State mu[st] install a plaque in memory of Jesús María Valle Jaramillo en the Palacio de Justicia of the Department of Antioquia, within one year following the notification of the [...] Judgment, in accordance with paragraphs 227 to 231 thereof[;]

18. The State must provide free and immediate psychological and psychiatric treatment, through its specialized health institutions, as requested by the victims, in accordance with paragraphs 227, 231 and 238 of the [...] Judgment[;]

19. The State must grant Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa, within one year from the date of notification of the [...] Judgment, a scholarship to study or learn a trade, in accordance with paragraphs 227 and 231 of [the] Judgment[, and]

20. The State must guarantee safety if Carlos Fernando Jaramillo Correa considers returning to Colombia, in accordance with paragraphs 227 and 231 of [the] Judgment.

2. The Interpreting Judgment on merits, reparations and costs (hereinafter "the Interpreting Judgment") of July 7, 2009, whereby, *inter alia* it ruled the following:

[...]

2. Determine the meaning and scope of the provisions of operative paragraphs 13, 15, 18, 19 and 20 and paragraph 230 of the Judgment on merits, reparations and costs issued on November 27, 2008, in accordance with paragraphs 13, 23, 27, 28, 32, 36, 37, 38, 39, 40, 44 and 50 of the [...] Judgment.

[...]

3. The Order of the President of the Court (hereinafter "the Order of the President") of April 29, 2010, whereby a joint private hearing on eight Colombian cases was convened in relation to monitoring compliance with the reparation measure on medical and psychological care so ordered therein.

4. The brief of May 5, 2009, whereby the representatives of victims (hereinafter "the representatives") reported that "on April 22, 2009 [...] paramilitary Francisco Enrique Villalba was assassinated," and the information in this regard provided by the Republic of Colombia (hereinafter "the State" or "Colombia") the May 22, 2009, and the comments made by the Commission on Human Rights (hereinafter "Commission" or "Commission") on June 3, 2009.

5. The brief of December 18, 2009, whereby the State reported on compliance with the Judgment (*supra* Have Seen 1).

6. The briefs of November 9, 2010, whereby the representatives of the victims presented their observations on the report submitted by the State (*supra* Having Seen 5).

7. The briefs of April 26, 2010, whereby the Commission presented its observations on the report submitted by the State (*supra* Having Seen 5).

8. The notes of the Secretariat of the Court (hereinafter "the Secretariat") of November 11, 2010, whereby the instructions of the President, requested the State of Colombia to submit, by no later than January 17, 2011, a new report on compliance with the Judgment (*supra* Having Seen 1).

CONSIDERING:

1. Monitoring compliance with its decisions is an inherent power to the jurisdictional functions of the Court.
2. Columbia is a State Party to the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") since July 31, 1973 and acknowledged the compulsory jurisdiction of the Court on June 21, 1985.
3. In accordance with the provisions of Article 67 of the American Convention, the State should fully comply with the Court's Judgments. Furthermore, Article 68(1) of the American Convention stipulates that "[t]he State Parties to the Convention undertake to comply with the decision of the Court in any case to which they are parties." To this end, States should ensure the domestic implementation of the provisions set forth in the Court's rulings¹.
4. The obligation to comply with the Tribunal's rulings conforms to a basic principle of international law, supported by international jurisprudence, under which States must abide by their international treaty obligations in good faith (*pacta sunt servanda*) and, as set forth by this Court and in Article 27 of the Vienna Convention on the Law of Treaties of 1969, States cannot, for domestic reasons, ignore their pre-established international responsibility.² The treaty obligations of State Parties are binding on all branches and bodies of the State³.
5. The States Parties to the Convention must guarantee compliance with the provisions thereof and their effectiveness (*effet utile*) within their domestic legal systems. This principle applies not only to the substantive provisions of human rights treaties (i.e., those addressing protected rights), but also to procedural provisions, such as those concerning compliance with the Court's decisions. These obligations should be interpreted and enforced in such a manner that the protected guarantee is truly practical and effective, bearing in mind the special nature of human rights treaties.⁴

a) *Regarding operative paragraph thirteen of the Judgment*

¹ Cf. *Case of Baena Ricardo et al. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 60; *Case of Vargas Areco v. Paraguay. Monitoring compliance with Judgment*. Order of the Inter-American Court of Human Rights of November 24, 2010, Considering Clause three, and *Case of Almonacid Arellano et al v. Chile. Monitoring compliance with Judgment*. Order of the Inter-American Court of Human Rights of November 18, 2010, Considering Clause three.

² Cf. *International responsibility for the issuance and application of laws that violate the Convention* (Art. 1 and 2 of the American Convention on Human Rights). Advisory Opinion AO-14/94 of December 9, 1994. Series A No. 14, para. 35; *Case of Vargas Areco v. Paraguay*, supra note 1, Considering Clause four, and *Case of Dismissed Congressional Workers (Aguado Alfaro et al) v. Peru. Monitoring compliance with Judgment*. Order of the Inter-American Court of Human Rights of November 24, 2010, Considering Clause three.

Cf. *Case Castillo Petruzzi et al. v. Peru. Monitoring Compliance with Judgment* Order of the Court of November 17, 1999, Considering Clause three; *Case of Vargas Areco v. Paraguay*, supra note 1, Considering Clause four, and *Case of Dismissed Congressional Workers (Aguado Alfaro et al) v. Peru*, supra note 2, Considering Clause five.

Cf. *Case of Ivcher Bronstein v. Peru. Competence*. Judgment of the Inter-American Court of Human Rights of September 24, 1999. Series C No. 54, para. 37; *Case of Vargas Areco v. Paraguay*, supra note 1, Considering Clause five, and *Case of Dismissed Congressional Workers (Aguado Alfaro et al) v. Peru*, supra note 2, Considering Clause six.

6. With regard to the obligation to pay the amounts set forth in the Judgment for pecuniary damage, non-pecuniary damage and reimbursement of costs and expenses (*operative paragraph thirteen of the Judgment*), the State reported that it has paid the compensation, costs and expenses that were ordered in Resolution 5108 of the Ministry of National Defense of November 25, 2009, whereby it ordered the payment of two hundred and sixteen million eight hundred and thirty-nine thousand seven hundred dollars (\$ 216,839,700.00) to the Grupo Interdisciplinario por los Derechos Humanos [Interdisciplinary Group for Human Rights], as representatives. Furthermore, through Resolution 5112 it provided for the payment of two-hundred and forty-six million four-hundred and eight thousand seven hundred and fifty pesos (\$ 246,408,750.00) as compensation to Mr. Darío Valle Jaramillo, Carlos Fernando Jaramillo Correa, Gloria Lucía Correa, Carlos Enrique Jaramillo Correa, María Lucía Jaramillo Correa, Ana Carolina Jaramillo Correa and Luis Eugenio Jaramillo Correa. It shall be deposited in a Colombian bank that offers the most favorable financial conditions, given that they did not come forward to request the payment.

7. The representatives reported that the State has complied with the payment of compensation ordered by the Court in favor of the victims. They stated that the victims Carlos Fernando Jaramillo Correa, his wife Gloria María Correa García and his children Carlos Enrique, María Lucía and Ana Carolina Jaramillo Correa, and Luis Eugenio Jaramillo Correa, filed their application for payment in January 2010 -amounts that were deposited in their favor and received. Finally, they stated the situation of Mr. Darío Valle Jaramillo's is unknown, who decided to process his payments separately.

8. The Commission valued the information provided by the State. However, it noted that the information only covers the resolution that orders the payment, but it does not attach documentation certifying that the payments were actually made. Also, it deemed necessary that the State refer to efforts made to contact Darío Valle Jaramillo in order to proceed to the payment awarded in his favor.

9. In virtue of the statements made by the parties, the President of the Court positively values the efforts of the State to pay the compensation ordered in operative paragraph thirteen of the Judgment (*supra* Having Seen 1). However, the Court considers it necessary to have updated information from the parties regarding the payment of the compensation awarded Mr. Darío Valle Jaramillo, in order to determine the compliance with this aspect of the Judgment.

a) Regarding operative paragraph fourteen of the Judgment

10. As for the obligation to investigate the facts that led to the violations of the case (*operative paragraph fourteen of the Judgment*), the State reported that it continues to do its all to investigate, prosecute and, if appropriate, punish those responsible for the violations of the case, which are the focus of this compliance monitoring. The Colombian Government said, regarding review proceeding No. 29075, that through an order of April 1, 2008, the application for review was accepted, filed by the Fifth Prosecutor of the National Human Rights and International Humanitarian Law Unit against the judgment of 25 July 2001, issued by the Superior Tribunal of Medellín, which confirmed the acquittal ordered on March 15, 2001, by the Third Criminal Court of the Specialized Circuit of Medellín, in favor of two alleged suspects of aggravated murder. It stated that in December 2008 the case was in the evidence phase. Regarding the Criminal Proceeding No. 2009-0184,

it stated that on November 17, 2009 the Fourth Criminal Court of Specialized Medellín Circuit declared that the criminal proceedings had terminated, and the whole procedure for one of the accused had been suspended after dying on October 7, 2009. Furthermore, it reported that the proceeding is before the High Court of Medellín, in the Criminal Chamber, in virtue of an appeal presented by the representatives of the victims against a nullity request proposed by the Office of the Public Prosecutor. Finally, it reported that the Fifth Specialized Prosecutor General of the Human Rights Unit and International Humanitarian Law was conducting Criminal Proceeding No. 2100 to identify other persons responsible for the murder of Jesús María Valle Jaramillo.

11. The representatives noted, regarding review proceeding No. 29075, that it was admitted more than two years ago without any outcome to date. Furthermore, it observed, with respect to the Criminal Procedure No. 2009-0184, that on September 17, 2010 one of the accused was sentenced to 300 months in prison for the aggravated murder of Jesús María Valle Jaramillo, a decision that was appealed by the defendant, as a result of which the decision is still not definitive. They stressed that more than 12 years after the murder of a human rights defender, justice has not prevailed, which facilitates that the possible perpetrators, prosecuted or not, die of natural causes without receiving the sentence that corresponds to the crime committed.

12. The Commission noted that the information provided by the State does not make it possible to assess in detail whether investigations are being conducted with the necessary due diligence to identify and possibly punish those responsible. Accordingly, it requested the Court to request the State to submit more detailed information on investigations, so that concrete progress since the issuance of the Judgment can be assessed.

13. The President believes it is necessary to obtain complete and current information on all the actions taken in connection with the investigation of the facts, including the presentation of a copy of the steps taken and an explanation of existing investigations in the proceeding. The President also believes it necessary to receive up-to-date information on the outcome of the appeal filed by the person convicted on 17 September 2010 to 300 months in prison for the aggravated murder of Jesús María Valle Jaramillo.

c) Regarding operative paragraph fourteen of the Judgment

14. Regarding the State's obligation to publish in the Official Gazette and another newspaper that is widely circulated nationally, on a sole occasion, certain paragraphs of the Judgment, and the operative part thereof (*operative paragraph fifteen of the Judgment*), the State reported that the publication in the Official Gazette of the parts of the Sentence so ordered by the Court was completed on July 29, 2009 and it provided a copy of the publication. Regarding the publication in a widely circulated national newspaper, it indicated that on July 15, 2009 an alternative document to the paragraphs specified in the Judgment was sent to the representatives to arrange the publication of a document which can be more readily understood by the general public. It noted that, after receiving no response, it initiated the respective administrative processes to publish the paragraphs that were set forth by the Court in an offprint in a newspaper that is widely circulated nationally.

15. The representatives stated that the State effectively "made a proposal to cut down the content of the publication" ordered by the Court. They indicated that they were not obliged to accept this proposal because it reduced the obligations imposed upon the State. According to the representatives, the Colombian State "made a publication in the *El Espectador* newspaper on Sunday 26 September [2010] and they [were] informed via a written communication sent by fax on Friday the 24th [of the same month and year] at 5:34 pm [...], a time at which it is often virtually impossible that an official at the Directorate of Human Rights and IHL is available in an emergency. They deem[ed] this to be an unfair way to treat the victims and their representatives." As a result, they manifested that the family of Jesús María Valle Jaramillo, the other victims set forth in the Judgment, representatives and the human rights community did not find out about the aforementioned publication in a timely fashion. Finally, the representatives noted that the State has not published any domestic decision and thus fails to comply with the Judgment of the Court.

16. The Commission positively valued the publication made by the State in the Official Gazette and considered that the State has partially complied with this aspect of the Judgment. Moreover, the Commission asked the Court to request a copy of the publication made in a nationally circulated newspaper so as to fully comply with this point.

17. The President positively values the State's efforts aimed at implementing operative paragraph fifteen of the Judgment. Indeed, the available information indicates that the publication of the paragraphs of the Judgment in the Official Gazette had been complied with, as the parties agree with regard to partial compliance of this point. Therefore, this matter will be referred to the Court so that it can consider the compliance at an appropriate time.

18. As for the publication in a nationally circulated newspaper, it is imperative that the State submit a copy of the publication that the representatives referred to, and that the Commission submits its observations.

a) Regarding operative paragraph sixteen of the Judgment

19. Regarding the obligation to hold a public ceremony to acknowledge international responsibility, at the University of Antioquia, in relation to the violations found in the case (*sixteenth operative paragraph of the Judgment*), the State did not refer specifically to this point, but expressed its willingness to comply as soon as possible with all the measures ordered by this Court, hence it stated that it is currently taking the necessary steps to achieve this goal. Consequently, it manifested that it will inform this Court on all diligences taken relating to said measure.

20. The representatives stated that together with the family of Jesús María Valle Jaramillo, they have "considered that public [c]eremony held within the University of Antioquia must include the active and positive participation of all the university population." They also noted the existence of a "consensus among the student representatives, [from differing disciplines], who participated, with regard to the need to work [...] so that any event that is held be carried out without interference or hindrance of any kind." Consequently, they proposed several conceptual elements for the ceremony to the State, as well as possible mechanisms to ensure its success, and await the State response.

21. The Commission noted the willingness of the State to implement the measure and hoped that it would translate into the implementation of outstanding obligations in the short term.

22. In light of the statements made by the parties, the President believes that the Court does not have sufficient information on the state of progress with the effective implementation of operative paragraph sixteen of the Judgment. Consequently, the President deemed it necessary that the Court have more information at its disposal on the measures taken to effectively comply with this reparation measure.

a) Regarding operative paragraph seventeen of the Judgment

23. Regarding the obligation to install a plaque in memory of Jesús María Valle Jaramillo in the Palace of Justice, Department of Antioquia (*operative paragraph seventeen of the Judgment*), the State did not refer specifically to this point, but reiterated its willingness to comply as soon as possible with all the measures ordered by this Court, hence it is currently taking the necessary steps to achieve this goal. Consequently, it said that it will duly inform this Court on activities relating to the measure.

24. The representatives stated they are awaiting a response from the State regarding the proposed text for the plaque.⁵ The Commission noted the willingness of the State to implement this measure.

25. The President believes it is essential that the Court has specific information from the State concerning the installation of a plaque in memory of Jesús María Valle Jaramillo in the Palace of Justice, Department of Antioquia, in order to enable the Court to determine the state of compliance.

a) Regarding operative paragraph eighteen of the Judgment

26. As for the obligation to provide any psychological and psychiatric treatment required by the victims, free of charge and immediately (*eighteenth operative paragraph of the Judgment*), the State did not refer specifically to this point, but expressed its willingness to comply as soon as possible with all the measures ordered by this Court. Consequently, it stated that it will duly inform this Court on diligences relating to this measure.

27. The representatives stated that neither the family of Mr. Valle Jaramillo nor the family of Carlos Fernando Jaramillo Correa "has received any physical or [p]sychological medical attention." Furthermore, it clarified that the two families

⁵ Representatives proposed the following text:

JESÚS MARÍA VALLE JARAMILLO – IN MEMORIAM
1943-1998

Criminal lawyer, defender of the universal principles of due process and the right to a justice, true and courageous defender of human rights, murdered for his accurate reports on the coexistence of the National Army and the United Self-Defense Forces of Colombia (AUC in Spanish).

The Colombian State deeply regrets these facts, and apologizes to his family and society for the violation of human rights for which it was held responsible internationally by the Inter-American Court of Human Rights through a judgment issued on November 27, 2008. While admitting that nothing can heal the pain that his family has suffered, it hopes this plaque helps in the road to justice, to recognize, promote and protect the work of human rights defenders, with the hope that such acts never be repeated.

Let this be a place to remember and to renew our commitment to defending human rights with his proclamation: "Here we are and will always, in the heat of battle or in the stillness of death."

have not been included in the program that the State has been implementing in other Colombian cases. Finally, regarding the Jaramillo Correa family, which resides in Canada as refugees, it maintained that the State "should create the conditions to ensure that, through the relevant Embassy or Consulate of Colombia, said family form an integral part of Colombia, and receive free, comprehensive and appropriate health care, equivalent to that received by other beneficiaries."

28. The Commission, meanwhile, stressed the need for the State to take appropriate steps to ensure that victims receive psychological and psychiatric treatment as soon as possible, given the nature of this reparation measure and the severity of the human rights violations involved in this case.

29. The President states that through an order of April 29, 2010 (*supra* Having Seen 3) the parties from different cases were convened to a private hearing on monitoring compliance with reparation measures on medical and psychological care stipulated in eight Colombian cases. Because of this, the President believes that operative paragraph eighteen of the Judgment will be monitored through the aforementioned joint monitoring of compliance.

a) Regarding operative paragraph nineteen of the Judgment

30. With regard to the obligation to give Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa a scholarship to study or learn a trade (*operative paragraph nineteen of the Judgment*), the State expressed its willingness "to comply with this reparation measure and remedy, to some degree, the suffering and needs of Nelly María Valle Jaramillo and Carlos Fernando Jaramillo Correa." It stressed that through the Interpreting Judgment of July 7, 2009, the Court stated that "the fulfillment of this obligation [b]y the State implie[d], in part, that the beneficiaries [take] certain diligences to exercise their right [in] this reparation measure." Finally, it said it was alert and awaiting information from the beneficiaries on their desire to begin an academic program, so as to advance with the compliance of this measure.

31. Representatives noted that "neither [Mrs] Nelly Valle Jaramillo nor [Mr.] Carlos Fernando Jaramillo Correa, are in the physical or emotional conditions to initiate an academic training process." Also, they stated that they proposed to the State, after consultation with the beneficiaries, the one-time payment of a subsidy whose amount would be agreed upon, and whose base would be the sum of the average cost of tuition for 10 semesters of an undergraduate career at a private university in Bogota.

32. The Commission noted the willingness expressed by the State and said that it was awaiting observations from representatives of the victims.

33. In virtue of the decisions provided for in the Interpreting Judgment⁶ (*supra* Having Seen 2) and given the agreement that the State would reach with the

⁶ Under Title IX of the Interpreting Judgment, the Court ruled that:

35. Regarding the consultation about scholarships, [and] regarding the term in which the reparation measure must be met, [...] this Court notes that in paragraph 227(f) of the Judgment, the Court noted that the State pledged to "manage, after consultation with victims [Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa], a scholarship to be offered in Colombia for a course and study in the branch, profession and subject that the victims wish to study." Also, in paragraph 231 of the Judgment the Court accepted the aforementioned measure expressly offered by the State and in Operative Paragraph 19 it ordered that "a scholarship be awarded to Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa [...]"

victims, the President considers it necessary to have updated information in this regard so that the Court has the elements needed to evaluate the compliance of this reparation measure.

a) Regarding operative paragraph twenty

34. With regard to the obligation to ensure security in the eventuality that Carlos Fernando Jaramillo Correa considers his return to Colombia (*operative paragraph twenty of the Judgment*), the State reiterated its willingness to comply with this reparation measure, hence it indicated that it is currently waiting for Mr. Carlos Fernando Jaramillo Correa to state his intention to return to the country in order to agree with him all that be necessary to ensure fulfillment of the rulings of this Court.

35. Representatives noted that the State has always insisted that Mr. Carlos Fernando and his family must first inform whether they wish to return to Colombia to then guarantee the appropriate security measures. They stated that the reasons to fear for the lives of victims still exist, and that the State has not taken effective measures to truly transform the difficult conditions in the municipality of Ituango. Consequently, they requested the Court to not limit the time that Mr. Jaramillo Correa and other refugee relatives in Canada can request security from the State to return to their places of origin.

36. The Commission noted the willingness expressed by the State to comply with this reparation measure and was awaiting information from the representatives of the victims.

to study or learn a trade." Thus, although the Court took into account the State's commitment to "manage" a scholarship, in the Judgment it ordered the State to "grant" - not just manage - a scholarship for Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa to study or learn a trade. Therefore, the obligation of the State is not merely means based, but results based. Consequently, the interpretation request lodged by the State is inadmissible as it fails to meet the requirements of the American Convention and the Rules of the Court.

37. As for consulting the State as to whether it would be possible to give beneficiaries a financial subsidy to comply with this measure, it is clear that what the Court ordered in Operative Paragraph 19 was "to award Nelly Valle Jaramillo and Carlos Fernando Jaramillo Correa [...] a scholarship to study or learn a trade. " However, the Court observes that Article 227 of the Judgment states that the State undertook to carry out this measure of reparation "after consultation with the victims." Therefore, the Court considers that the consultation relates to matters that are best treated by the State directly with the victims and, in turn, by the Court in the monitoring compliance process of the Judgment.

38. With respect to consultation with the State over the time from which to start counting the time period to fulfill this obligation, the Court finds that the Judgment is clear when setting forth in Operative Paragraph 19 that the State must comply with this obligation "within one year following notification of the Judgment." However, the Court notes that this obligation by the State implies, in part, that the beneficiaries take certain actions aimed at exercising their right to this reparation measure. Therefore, the Court considers it appropriate to clarify that the term stipulated in Operative Paragraph 19 of the Judgment applies to the adoption of measures or actions by both the State and the beneficiaries to finalize compliance with the provisions.

39. As for the consultation of representatives as to whether the scholarship for Carlos Fernando Jaramillo Correa may be granted in Canada, his current place of residence, the Court notes that Operative Paragraph 19 the Court referred to paragraph 227 of the Judgment, which states that the State offered to undertake to manage "a scholarship offered in Colombia." Therefore, as can be seen from reading the Judgment, and considering that the State is obliged to abide by the decisions of the Tribunal, it is clear that the granting of this scholarship must be done through educational institutions in Colombia.

40. With regard to the consultation of representatives on whether the respective scholarships for Carlos Fernando Jaramillo Correa and Nelly Valle Jaramillo can be transferred to their children, the Court deems that Operative Paragraph 19 is clear when ruling that the scholarship is granted to Mr. Jaramillo Correa and Mrs. Valle Jaramillo.

37. The President warns that this reparation measure must be implemented in accordance with the provisions of Title X of the Interpreting Judgment (*supra* Having Seen 2), and resolved that:

44. In paragraph 227 (g) of the Judgment, the Court noted that the State undertook to "ensure security in the eventuality that Carlos Fernando Jaramillo contemplates his return to Colombia on a permanent basis [and] facilitate the returning process to places of origin of the victims." In light of these commitments by the State, in paragraph 231 of the Judgment the Court accepted the State's proposal and ordered the aforementioned measures as it considered that they are a means to adequately repair the consequences of the violations set forth in the Judgment, they are in accordance with the jurisprudence of this Court and represent a positive contribution by Colombia towards meeting its obligation to repair the damage caused. Therefore, Operative Paragraph 20, the Court ordered the State to "ensure security if Carlos Fernando Jaramillo Correa were to contemplate his return to Colombia" and in paragraph 231 set a deadline of one year following notification of the Judgment to fulfill the measure. Although the term provided for in the Judgment to comply with this measure is clear, the Court recognizes that compliance by the State implies, in part, that the beneficiary indicates their willingness to return or not so to Colombia. Therefore, the Court considers it appropriate to clarify that the State and the beneficiary must agree within the time stipulated in Operative Paragraph 20 of the Judgment all that is necessary to ensure compliance with the provisions, if Mr. Jaramillo Correa were to consider his return to Colombia. The Court notes the uncertainty regarding the date, if applicable, of return of Carlos Fernando Jaramillo Correa to Colombia could lead to complications in compliance with this measure. However, the Court considers that, if problems related to compliance with this requirement within the deadline arise, they must be resolved within the proceeding to monitor compliance with the Judgment.

38. Consequently, in accordance with information submitted by the State and the comments of representatives and the Commission, the President finds it necessary to have updated information regarding compliance with operative paragraph twenty of the Judgment.

i) Convening a private audience

39. In monitoring compliance with the Judgment, the Presidency considers that further information is required regarding the State's actions to comply with the operative paragraphs provided for by the Court in its Judgment.

40. In this case it is appropriate to convene a closed hearing in order for the Court to receive, in accordance with the provisions of Article 69 of its Rules of Procedure,⁷ complete and updated information on the implementation of the reparation measures provided for in the Judgment and listen to the respective observations of the Inter-American Commission and the representatives.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercising its authority to monitor compliance with its decisions in accordance with Articles 33, 67, and 68(1) of the American Convention on Human Rights, Article 24(1), 25(1) and 25(2) of the Statue of the Court, and Article 4, 15(1), 31 and 69 of its Rules of Procedure,

⁷ Rules of Court passed at its LXXXV Ordinary Session, held from 16 to 28 November, 2009.

AND RESOLVES:

1. To convene the Inter-American Commission on Human Rights, representatives of victims and the State of Colombia to a private hearing to be held at the headquarters of the Court on Saturday, February 26, 2011, between 9:00 and 10:30 hours, as part of the XC Regular Session of the Tribunal, so that it obtains information from the State on the implementation of reparation measures provided for in the Judgment on reparations and costs issued in this case, and to listen to the respective observations of the Inter-American Commission and the representatives of the victims.
2. To request the Secretariat to notify this Order to the State, the Inter-American Commission on Human Rights and the representatives of the victims.

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary