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## **REPORT No. 5/15**

### **CASE 11.883**

REPORT ON ADMISSIBILITY

JHON RICARDO UBATÉ Y GLORIA BOGOTÁ  
COLOMBIA

Approved by the Commission on January 29, 2015

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ADMISSIBILITY

JHON RICARDO UBATÉ Y GLORIA BOGOTÁ

COLOMBIA

JANUARY 29, 2015

**I. SUMMARY**

1. On July 27, 1995, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the IACHR”) received information about alleged responsibility of the Republic of Colombia (hereinafter “the State” or “Colombia”) for the illegal detention and forced disappearance of Jhon Ricardo Ubaté and Gloria Bogotá (hereinafter “the alleged victims”), which allegedly occurred on May 19, 1995. The petition also alleges failure to solve the crimes and denial of justice to the detriment of the next-of-kin of the alleged victims and infringements of their right to humane treatment. The petition was first lodged by the Inter-congregational Justice and Peace Commission and, later, by the José Alvear Restrepo Lawyer’s Collective Corporation. The petitioners claim that the State is responsible for violations of the rights provided for in Articles 3, 4, 5, 7, 8 and 25 of the American Convention on Human Rights (hereinafter the “Convention”) in connection with Articles 1.1 and 2 and Articles I.a and I.b, III and XI of the Inter-American Convention on the Forced Disappearance of Persons (hereinafter “Convention on Forced Disappearance”).

2. The State contends that it has complied with the due diligence to investigate, prosecute and punish those responsible for the crimes that are the subject of the petition. It also claims that the petitioners have not exhausted domestic remedies and, consequently, it believes that the instant petition should be found inadmissible.

3. After examining the positions of the parties and in keeping with the requirements set forth in Articles 46 and 27 of the American Convention, the Commission decided to find the petition admissible for the purposes of examining the alleged violation of Articles 3, 4, 5, 7, 8 and 25, in connection with Articles 1.1 and 2 of the American Convention, and Articles I, III and XI of the Convention on Forced Disappearance. It also decided to serve the parties notice of the report and order the publication thereof.

**II. PROCEEDINGS BEFORE THE COMMISSION**

4. On July 27, 1995, the Commission received information from the petitioners about the alleged forced disappearance of the alleged victims and on August 24 of the same year, decided to request information from the State. On December 24, 1996, the State replied and its response was forwarded to the petitioners on March 20, 1997. On May 27, 1997, a reply was received from the petitioners, which was forwarded to the State for its observations. On September 10, 1997, the State submitted its response, which was forwarded to the petitioners. In a communication of January 29, 1998, the petitioners submitted information and requested a petition against the State be considered as formally lodged.

5. On February 18, 1998, the IACHR advised the parties of its decision to proceed to process the matter, in accordance with Articles 44 and 51 of the Convention, and registered the claim under the number 11.883. It also forwarded to the State a communication of January 29, 1998 and asked it to provide a response and information regarding the facts of petition. The State submitted additional information on February 27, and September 1, 1998, June 30, 2000 and May 18, 2001, while the petitioners submitted information on April 8 and December 4, 1998, May 8, 2000 and March 12, 2001. All communications were forwarded to each party for their respective replies.

6. On November 12, 2001, the IACHR held a hearing of the parties and on May 1, 2002, the petitioners submitted additional information. In a communication of October 7, 2008, the IACHR requested the parties to submit updated information on the matter. The State’s response was received on December 8, 2008, which was forwarded to the petitioners for their comments. On February 3, 2009, the petitioners requested a one-month extension, which was granted.

7. In a communication of March 25, 2011, the IACHR requested updated information from the petitioners about the instant matter noting that, should this information not be received within a period of one month, the Commission could archive the case file in keeping with Article 48.1.b) of the Convention and Article 42 of the Commission's Rules of Procedure. In a submission of September 28, 2013, the petitioners filed their response, which was forwarded to the State for its observations. On April 14, 2014, the State submitted its response, which was forwarded to the petitioners. The petitioners submitted observations on October 7, 2014, which were forwarded to the State for its reference on December 10 of that year.

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

#### **A. Petitioners' Position**

8. By way of background, the petitioners assert that Jhon Ricardo Ubaté belonged to the People's Liberation Army (EPL), a guerrilla organization that demobilized in 1991. They note that he later became a member of the Human Rights Committee of Ward 20 (Comuna 20) of Siloé and that, prior to the forced disappearance, Ubaté had brought a complaint incriminating several members of the Fifth Police Station, pertaining to acts of violence against young people in Cali.

9. They allege that on May 19, 1995, Jhon Ricardo Ubaté and Gloria Bogotá were in the vicinity of the Tequendama Clinic in Cali, when six heavily armed gunmen arrived in the location and proceeded to beat them and then make them get into a vehicle. They contend that the police came to the location, stopped the vehicle and questioned the driver, who identified himself as Fernando Ramírez Treviño and stated that it was a police operation of the Anti-Abduction and Extortion Unit (hereinafter "UNASE" from its Spanish acronym), made up of state agents assigned to National Police, the DAS and the National Army. The incident was reported by the police agent to Major Arnulfo Castro Rincón, who ordered the suspension of the police operation. They affirm that as of that day, no information as to the whereabouts or the arrest of the alleged victims has come to light.

10. The petitioners contend that as of August 29, 1995, Astrid Liliana Gonzalez Jaramillo, Jhon Ricardo Ubaté's girlfriend, and Sandra Ubaté Monroy, Jhon Ubaté's sister, have been the victims of harassment by members of UNASE and the Metropolitan Police of Cali. They further claim that the Ubaté's family has been subjected to threats by gunman riding in vehicles, who belong to the National Police, which is an infringement of their right to humane treatment.

11. They also assert that a criminal investigation was opened and Major Manuel de Jesús Lozada Plazas, Commander of the UNASE Group of the City of Cali, Agent José José de Jesús León Bermúdez, an officer assigned to the UNASE Group of Cali, Dr. Amparo Ramírez Macías, Police Inspector, and Esperanza Hernández de Núñez, Agent León's sister-in-law, were all implicated. They claim that preventive detention measures were ordered for Agent León Bermúdez, Inspector Ramírez Macías and for Major Manuel de Jesús Lozada Plazas. However, on September 16, 1997 Lozada and León were granted conditional release, inasmuch as the Office of the Prosecuting Attorney allowed the statutory period of time to lapse without bringing formal charges.

12. They contend that, at first, the investigations and the trial proceedings were heard before the Seventh Criminal Court of the Circuit of Cali (hereinafter "Seventh Court"), but that because of a conflict of jurisdiction between the military criminal courts and the ordinary criminal courts, on August 14, 1997, the Superior Judicial Council (CSJ) settled the matter ruling in favor of the ordinary criminal court and, therefore, the trial continued before the First Special Criminal Court of Cali (hereinafter "First Court"), with the case proceedings file being forwarded in February 2002, for the judgment to be handed down.

13. They assert that on September 11, 1998, the Office of the Prosecuting Attorney filed an indictment against Major Lozada, Agent León and Inspector Ramírez and reissued arrest warrants for Lozada and León; however, León has not been located yet and, consequently, has not been arrested. They contend that an appeal was filed against this decision, on the grounds that the offense charged in the indictment

should have been “extortive abduction,” instead of “simple abduction;” nonetheless, the appeal was denied. They claim that at the time of the incidents, the offense of forced disappearance had not been codified as a criminal offense under the law and, therefore, the indictment should have charged the defendants with “extortive abduction,” inasmuch as the statutory description of this offense is more similar to the elements of forced disappearance. The petitioners note that individuals convicted of simple abduction can be sentenced to a punishment of 6 to 25 years in prison, while individuals found guilty of extortive abduction can be sentenced to a punishment of 25 to 40 years in prison. They further argue that even though forced disappearance was codified as a criminal offense under the law in 2000, this change has not yet been reflected in the investigation proceedings, even though the offense is of a continual and ongoing nature.

14. They contend that in December 1999, Major Lozada was conditionally released. They allege that on May 26, 2004, they exercised their right to petition requesting information regarding the processing of the case and that they were told that the First Court had issued an acquittal of the defendants on January 30, 2004. The petitioners argue that they were never notified of said ruling and that the statutory deadlines to appeal the judgment had lapsed, while they were never served notice of the judgment of acquittal. They claim that on September 7, 2004, they filed a motion to overturn judgment, which was denied and they instituted a special proceeding for constitutional relief via *tutela* from the Courts to seek immediate protection for due process of law and access to justice, which was also denied.

15. The petitioners claim that while a criminal investigation conducted by the Human Rights and International Humanitarian Law Unit remains open, it has been suspended since October 14, 2005, for alleged want of evidence. Consequently, the petitioners contend that the acquittal issued in violation of the standards of due process of law, the suspension of the investigation since 1995 without determining those responsible or punishing the perpetrators, and the denial of the appeals formally established under Colombian law, constitute violations of Articles 8 and 25 of the Convention.

16. With regard to the disciplinary proceeding, they note that the Office of the Delegate Prosecutor for Human Rights instituted a disciplinary proceeding against Major Lozada, Dr Ramirez and Agent Leon on November 26, 1997. They claim that on June 19, 2001, the two men were found responsible and were sentenced to dismissal and disqualification for five years from serving in official positions. They allege that on December 7, 2001, these persons appealed the judgment before the Disciplinary Chamber, which overturned it and found the claims time-barred. The petitioners argue that Sandra Ubaté filed a motion to directly reverse the judgment, which was denied on the grounds that Mrs. Ubaté was not a party to the case and, therefore, did not have standing to file that motion. They note that a motion for constitutional relief via *tutela*, a motion to vacate the ruling and an appeal were filed against the decision and were all denied, thereby denying them access to an effective remedy to appeal the decision.

17. With respect to the administrative claim, they assert that on December 28, 2001, the court ruled in their favor, proclaiming the Colombian nation responsible and convicting it to pay compensation of 1000 grams of gold, respectively, to each parent of Jhon Ubaté, and another 1000 grams of gold to each brother and sister of Mr. Ubaté. They claim that the judgment was appealed by the convicted institutions, but said appeal was denied.

18. They also claim that even though a long time has elapsed, the State has still failed to establish responsibility and punishment, has not investigated nor determined the whereabouts of the victims, and has made no diligent effort to cure the situation of human rights violations. The petitioners contend that they were precluded from properly exhausting domestic remedies in the criminal proceeding and that there has been an unwarranted delay. Therefore, the petitioners deem that the exceptions to the prior exhaustion of domestic remedies requirement are applicable, as provided under Article 46.b and 46.c of the Convention.

## B. State's Position

19. The State alleges that on September 2, 1997, the investigation of Major Lozada, Agent León, Inspector Ramírez, Esperanza Hernández, Adriana Escobar Holguín and Gonzalo Lloreda was closed; and on September 16, 1997, Major Lozada and Agent León were granted conditional release, inasmuch as the 180 day time period had lapsed because no decision had been issued on the merits of proceeding with the investigation. It argues, on this score, that the release was based on the lapsing of the statutory time periods, which is set by criminal law and that adherence to said provision is not grounds for human rights violations. It further asserts that on August 14, 1997, the conflict of jurisdictions dispute between the Regional Office of the Prosecutor's National Human Rights Unit and the Office of the Inspector General of the National Police of Cali was settled, with the Supreme Court of Justice (CSJ) determining that the trial would continue before the ordinary criminal jurisdiction. It notes that by February 2002, the proceeding was before the Fourth Special Circuit Court of Cali.

20. The State contends that the decision to close the investigation was overturned on October 31, 1997, and on November 26 of that year, the formal investigation of Major Lozada, Agent León and Inspector Ramírez was reopened. On that same date, a special commission was appointed to conduct the investigation. It claims that on July 31, 1998, the merits of the investigation were assessed and an indictment and an arrest warrant were issued once again against Major Lozada and Agent León. It asserts that on June 24, 1999, the Seventh Court took the case and, once again, released the defendants, as well as issuing an order to preclude further investigation of Sergeant Robinson Bolívar Gutiérrez and Lieutenant James Ocampo Barragán, both of them agents of UNASE, inasmuch as both men had died.

21. It notes that on November 23, 1999, Major Lozada was granted conditional release on bail, while the same benefit was denied for Agent León. The State also asserted that said denial of release was appealed before the Criminal Cassation Chamber and denied by that Chamber citing that the appellants could have pursued the remedy of the motion to overturn and to restore the right vis-à-vis this decision. Said ruling was appealed before the Supreme Court of Justice, which upheld the prior judgments. The State contends that, on January 30, 2004, an acquittal was handed down and the next-of-kin of Jhon Ubaté were served notice thereof. It claims that because the deadline to appeal the judgment lapsed, on February 18, 2004, the office of the clerk issued a notice of lapsing of the deadline to appeal. It further asserts that the National Human Rights and International Humanitarian Law Unit is continuing the investigations, even though they have been suspended since October 14, 2005, because it was unable to identify and single out those responsible.

22. With regard to the particular offense charged in the indictment, the State notes that the crime was charged as "aggravated simple abduction." It asserts that the offense of forced disappearance was added to the criminal code under Law 589 of 2000. Likewise, it argues that domestic measures have been taken to resolve the human rights violations connected with this offense, such as creating the National Standing Commission of Disappeared Persons, the National Registry of the Disappeared, the Registry of persons arrested and in custody, the Emergency Search Mechanism, and the National Plan for the Search of Disappeared Persons of 2007. Therefore, the State deems that it has adopted the necessary domestic measures to investigate, punish and redress the human rights violations, under Article 2 of the American Convention and Article II of the Convention on Forced Disappearance.

23. The State also contends that the obligation to investigate entails an obligation of means and not of results and, therefore, it believes that all necessary steps were taken under the law, inasmuch as the Office of the Prosecutor made its best efforts in the investigation; however, it argues, despite these efforts, it was unable to find those responsible and, therefore, it claims that it has not breached its obligation, as enshrined in Article 1.1 of the Convention. Moreover, it argues that at all times it provided for access to justice by means of adequate remedies. Based on the foregoing, the State believes it has fulfilled the duties it has undertaken to uphold under the American Convention.

24. As for the disciplinary proceeding, it asserts that on May 5, 2000, the Delegate Prosecutor for the Defense of Human Rights brought charges against Major Lozada, Agent León and Inspector Ramírez, as well as ordering that the investigations of Agents Herando Ramírez Treviño and Evert Mosquera Arco be closed with prejudice. The State notes that on June 19, 2001, a ruling was issued finding disciplinary responsibility of the persons linked to the proceeding and sentenced them to dismissal and disqualification from serving in official positions. It alleges that said ruling was appealed by the defendants and, consequently, the Disciplinary Chamber overturned the previous ruling of December 7, 2001, arguing that the disciplinary action was time-barred. The State contends that Sandra Ubaté filed a motion to directly reverse judgment, but the Office of the Procurator General of the Nation denied it, inasmuch as such a motion is only in order *ex officio* or at the request of individual subjected to the punishment. It argues that there was a second disciplinary proceeding for the alleged threats against the Ubaté Monrov family, but the investigation was archived for want of evidence. It alleges that as a result of said ruling, Sandra Ubaté filed a motion to overturn judgment, but the Council of State denied it.

25. Regarding the administrative claim proceeding, the State asserts that, in a ruling of December 28, 2000, the Administrative Claims Backlog-Clearing Court of Cali ordered compensation to be paid to the next-of-kin of Jhon Ricardo Ubaté for emotional and material damages and found the Colombian Nation administratively responsible. Said ruling awarded 1000 grams of gold to each parent of the alleged victim and 1000 grams of gold to each one of his brothers and sisters. Based on the foregoing, the State contends that the alleged victims do not have standing to request compensation before the Inter-American system, inasmuch as they have received reparation for the violation.

26. In addition to the above, it claims that it met with the family members of the alleged victims to take suitable measures for their protection and alleges that it has displayed due diligence to redress the damages caused to the alleged victims and their family members. Additionally, it asserts that three different proceedings have been instituted pertaining to the case and, therefore, it believes that it has fulfilled its duties to investigate and punish human rights violations.

27. Regarding exhaustion of domestic remedies, the State alleges that the petitioners did not file a petition for a writ of *habeas corpus* at the appropriate time in order to determine the whereabouts of the alleged victims. Additionally, it argues that the criminal, administrative and disciplinary proceedings have already been properly settled and, therefore, the Commission is not a fourth instance to review whether the rulings were mistaken or unfair, inasmuch as an adverse decision does not mean a violation of due process. It further contends that at all times the petitioners were allowed access to justice and to suitable remedies, and that the proceedings were settled within a reasonable period of time. Therefore, it believes that the petition should be found inadmissible.

#### **IV. LEGAL ANALYSIS**

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

28. The petitioners are entitled, in principle, under Article 44 of the American Convention to lodge petitions before the Commission. The petition identifies as the alleged victims individuals for whom the State undertook to ensure the rights enshrined in the American Convention and the Inter-American Convention on Forced Disappearance of Persons. As for the State, the Commission notes that Colombia has been a State Party to the American Convention as of July 31, 1973, and of the Inter-American Convention on Forced Disappearance since April 12, 2005, which are the dates when it deposited the respective instruments of ratification. Therefore, the IACHR is competent *ratione personae* to examine the petition.

29. The Commission is also competent *ratione temporis* because the obligation to respect and ensure the rights protected in the American Convention was already in effect on the State when the facts alleged in the petition took place. The Commission notes that the Convention on Forced Disappearance came into force for Colombia on April 1, 2005. Therefore, the IACHR is competent *ratione temporis* with regard to the obligation set forth in Article I of said Convention as to events occurring subsequent to that date, by virtue

of the allegation that the crimes continued over time and the failure to solve the crime of forced disappearance.<sup>1</sup>

30. The Commission is also competent *ratione loci* to entertain the petition, inasmuch as violations of rights protected in the American Convention are alleged therein to have taken place within the territory of Colombia, a State Party to this instrument. Lastly, the Commission is competent *ratione materiae*, because the petition alleges potential human rights violations protected under the American Convention and applicable provisions of the Inter-American Convention on the Forced Disappearance of Persons.

## **B. Admissibility Requirements**

### **1. Exhaustion of Domestic Remedies**

31. In order for a claim to be admitted for an alleged violation of provisions of the American Convention, it must meet the requirements set forth in Article 46.1 of said international instrument. Article 46.1.a of the Convention provides that for a petition or communication lodged before the IACHR in accordance with Articles 44 or 45 of the Convention to be admissible, domestic remedies must be pursued and exhausted in keeping with generally accepted principles of international law.

32. Additionally, Article 46.2 of the Convention provides that the prior exhaustion of domestic remedies requirement shall not be applicable 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.

33. In the instant case, the State alleges that the petition does not meet the prior exhaustion of domestic remedies requirement, because the next-of-kin of the alleged victim did not file for *habeas corpus* relief, which would be the suitable remedy to establish the whereabouts of persons who have been detained; and it further contends that the appeal against the judgment in the criminal proceeding was not filed within the time limit. In contrast, the petitioners claim that they have been precluded from adequately pursuing the remedies and that such remedies were inadequate, inasmuch as in order to file for a writ of *habeas corpus*, you must know what authority ordered the detention and the location where the alleged victim is being held. In the instant case, they assert that they are not privy to that information and, therefore, deem that it would not be necessary to exhaust said remedy because it is ineffective. Additionally, they argue that because they were not served notice of the judgment, the deadlines lapsed for them to file an appeal and that there was unwarranted delay in the proceeding, inasmuch as more than 20 years elapsed without the crimes being solved. Consequently, they contend that the exceptions set forth in Articles 46.2.b and 46.2.c of the Convention are applicable.

34. The commission must clarify what domestic remedies must be exhausted in the instant case. The Inter-American Court has written that only remedies adequate to cure the violations alleged need be exhausted. Adequate remedies means those which:

Are suitable to address an infringement of a legal right. A number of remedies exist in the legal system of every country, but not all are applicable in every circumstance. If a remedy is not adequate in a specific case, it obviously need not be exhausted. A norm is meant to have an effect and should not be interpreted in such a way as to negate its effect or lead to a result that is manifestly absurd or unreasonable.

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<sup>1</sup> See: IACHR, Report No. 65/09, Petition 616-06, Admissibility, Juan Carlos Flores Bedregal, Bolivia, August 4, 2009, para.45; and Report No. 72/07, Petition 319-01, Admissibility, Edgar Quiroga and Gildardo Fuentes, Colombia, October 15, 2007, para. 44.

35. Generally speaking, when arbitrary deprivation of the right to freedom and to life are involved, the adequate remedy is an investigation and a criminal proceeding, which must be instituted and brought forward *ex officio* by the State in order to identify and punish those responsible. Additionally, the Commission has held that, as a general rule, a criminal investigation must be conducted promptly in order to protect the interests of the victims, preserve the evidence and safeguard the rights of every person, who in the context of the investigation may be regarded as a suspect.

36. The Commission also notes that the parties have addressed the requirements prescribed under Colombian law for pursuing relief via a writ of *habeas corpus*. The IACHR finds that, for purposes of admissibility, preclusion from meeting these domestic requirements in this specific case render said remedy ineffective to provide the protection, which it could otherwise very well offer. Therefore, the IACHR considers that it is a remedy, which need not be exhausted in the instant case, because it is inadequate.

37. Based on the information, the investigation to elucidate the crimes is still open before the Human Rights and International Humanitarian Law Unit, even though it has been temporarily suspended as of October 14, 2005. Likewise, the Commission notes that as of the present date more than 16 years have elapsed since the crimes allegedly took place, though the competent authorities have been unable to determine the whereabouts of the alleged victims nor the final resting place of their remains; much less clarify, who was responsible respectively. Consequently, in view of the particular circumstances of the instant petition and the length of time that has elapsed since the events that are the subject of the claim occurred, the Commission finds that the exception set forth in Article 46.2.c of the Convention with regard to unwarranted delay in conducting domestic judicial proceedings is applicable.

38. Invoking exceptions to the rule of prior exhaustion of domestic remedies provided for in Article 46.2 of the Convention is closely linked to the determination of potential violations of certain rights enshrined therein, such as the fair trial guarantees of access to justice. However, because of its very nature and purpose, Article 46.2 is a norm whose content is independent from the substantive rules of the Convention. Therefore, it must be determined in advance and separately from the analysis of the merits of the case whether or not exceptions to the prior exhaustion of domestic remedies requirement are applicable to the case in question, since it relies on a standard of evaluation different from the one used to determine a possible violation of Articles 8 and 25 of the Convention. It is important to clarify that the causes and the effects preventing exhaustion of domestic remedies will be analyzed in the report adopted by the Commission on the merits of the dispute, in order to ascertain whether or not they constitute violations of the Convention.

## **2. Timeliness of the Petition**

39. The American Convention establishes that in order for a petition to be admissible before the Commission, it must be lodged within six months of the date on which the alleged victim was notified of the final decision adopted by domestic courts. In the claim under consideration, the IACHR has established that the exceptions to the rule of prior exhaustion of domestic remedies, as provided under Article 46.2.c of the American Convention are applicable. In this regard, Article 32 of the Commission's Rules of Procedure establishes that when exceptions to prior exhaustion of domestic remedies are applicable, the petition must be lodged within a reasonable period of time, as determined by the Commission. For this purpose the Commission shall consider the date on which the alleged violation of rights occurred and the circumstances of each case.

40. In the instant case, the claim of the forced disappearance of the alleged victims was received on July 27, 1995; the facts alleged in the petition began to occur on May 19, 1995; and the effects thereof, in terms of the alleged lack of results from the administration of justice, have continued until the present time. Therefore, in view of the context and specific circumstances of the instant petition, as well as the fact that the criminal investigation is still pending completion, the Commission finds that the petition was lodged within a reasonable period of time and that the admissibility requirement pertaining to timeliness has been met.



### **3. Duplication of Procedures and International *res judicata***

41. There is no evidence in the case file that the subject of the petition is pending in another international proceeding for settlement, nor that it is substantially the same as one previously studied by this or any other international organization. Therefore, the requirements set forth in Articles 46.1.c and 47.1.d of the Convention must be deemed as fulfilled.

### **4. Colorable Claim**

42. In light of the elements of fact and law submitted by the parties and the nature of the matter before it, the IACHR finds that the allegations of the petitioners regarding the scope of the alleged State responsibility for the unwarranted delay in the criminal investigation, the failure to determine who is responsible and punish them accordingly, the alleged forced disappearance of the alleged victims, the lack of adequate remedies under criminal law and the lack of access to them, could tend to establish possible violations of the rights set forth in Articles 3, 4, 5, 7, 8 and 25, in connection with Articles 1.1 and 2 of the American Convention, to the detriment of Jhon Ubaté Monroy and Gloria Bogotá. Likewise, it finds that Articles I, III and XI of the Convention on Forced Disappearance could be applicable.

43. Inasmuch as these aspects of the claim do not appear to be groundlessness or out of order, the Commission deems the requirements set forth in Articles 47.b and 47.c of the American Convention to be satisfied.

### **V. CONCLUSIONS**

44. Based on the foregoing points of fact and law, and without prejudice to the merits of the matter, the Commission concludes that the instant case meets the admissibility requirements set forth in Articles 46 and 47 of the American Convention,

#### **THE INTER-AMERICAN CONVENTION ON HUMAN RIGHTS,**

#### **DECIDES:**

1. To find admissible the petition before us, as to Articles 3, 4, 5, 7, 8 and 25 of the American Convention, in connection with Articles 1.1 and 2 of the same instrument; and Articles I, III and XI of the Convention on Forced Disappearance.

2. To notify the State and petitioners of this decision.

3. To proceed to the examination of the merits of the matter.

4. To publish this decision and include it in the IACHR Annual Report to be submitted to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 29<sup>th</sup> day of the month of January, 2015. (Signed): Tracy Robinson, President; Felipe González, Second Vice President; José de Jesús Orozco Henríquez, Rosa María Ortiz, Paulo Vannuchi and James L. Cavallaro, Commissioners.